HOUSE OF ASSEMBLY

Thursday 7 March 1991

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

RAILWAYS

Mr VENNING (Custance): I move:

That this House supports an immediate moratorium on the removal of any further railway infrastructure in South Australia and calls upon the Minister of Transport to exercise his powers under the Railways Transfer Agreement to take to arbitration any decision by Australian National Railways to diminish the value and efficiency of the rail system.

I thank members for allowing me to move this very important motion. This is a very serious and urgent matter as far as the rural community of this State is concerned, as well as the total community. South Australia has had a very extensive rail system for over a century. Today it is not used as extensively as it has been in years gone by, but that is no reason for the continuing and systematic dismantling of this still vital service, without regard to long-term consequences. I hear and acknowledge the cries of people who say that farmers and the South Australian Bulk Handling Authority and so on are not using the system as much as they could. In private discussions with the Minister this week that point has been referred to time and time again.

An honourable member: Do you use the rail system?

Mr VENNING: At the moment I do not. It is a fact that some of these lines have not been used for the past two or three years. But does this mean that they will never be used again? Certainly not.

Members interjecting:

Mr VENNING: If honourable members will listen, I will explain quite fully. My intentions are completely honourable. I get quite emotional about this subject, because I feel that we are being stripped absolutely bare of our assets. At the moment it is more convenient to move freight by road transport. This situation could change very quickly. There could be increases in fuel prices, a deterioration of roads or changes in market trends, work practices, the rural economy or in industry needs. Lastly, what would happen if the State Government were ever to implement a properly integrated transport system linking ports to rail to road depots?

So, it is a grave mistake after two to three years of non-use to totally do away with the entire rail infrastructure. This is short-sighted in the extreme. Not only are the rails and sleepers being removed but also the bridges, the signals and the ramps are being taken away. Why? It is purely a short-term measure—two to three years. This action will ensure that the rail service is gone forever. I feel this action is contemptible, particularly when at this very moment there is a select committee on country rail services investigating this very question. However, Australian National is blatantly pushing ahead before the select committee has had the opportunity to carry out its investigations and make recommendations.

In another place, a select committee on country rail services has been established specifically to inquire into Australian National's conduct of the South Australian country rail services, to investigate future plans for passenger and freight services within this State and to make recommendations on improving rail passenger and freight services to the South Australian people.

A month ago Australian National called for tenders for the purchase and removal of the complete line and infrastructure from Balaklava to Gulnare. This includes dismantling many major bridges, particularly at Yacka, where there is, indeed, a fine example of a long span pylon rail bridge. A fortnight ago, hidden behind the Gulf War and the State Bank fiasco, a further tender was called for the purchase and removal of the infrastructure between Brinkworth and Snowtown.

These are key link network lines, with many major grain silos on each. Over 60 000 tonnes of grain is housed in the two silos on the Brinkworth to Gulnare section. The Snowtown line has been critical in linking this network to the main line (Adelaide to Perth to Alice Springs). To take that line away would be to take away a vital link. Ripping it up would render the entire rail system behind it useless. Prior to this, Australian National let a tender for the line from Gulnare up to Wilmington. This line would be in the process of being dismantled now were it not for a ban on the use of oxy-acetylene equipment because of fire bans. However, we can rest assured that once it rains we will see that line and bridges removed in a matter of weeks.

It is shortsighted in the extreme—or is it? Maybe Australian National has a hidden agenda. Does it fear that these lines may fall into private hands, competing, therefore, against Australian National? If it meant that these rail services would be viable in the hands of private enterprise, I would support that move. Perhaps that is the answer: give someone else the opportunity to make a go of it, but do not destroy all that is now in existence just for the sake of it. Is it the case that road transport is able to exist today simply because largely it is in the hands of private enterprise? Has rail been trading unfairly against the system?

I urge all members to support this important proposal. It is not a political issue; it does not just involve political point scoring—not at all. We want an immediate moratorium on the removal of any further rail infrastructure in this State.

Members interjecting:

Mr VENNING: As I said to the Minister, I will be the first to admit that I have been guilty of not using the rail infrastructure in preference to the road, but I am not so shortsighted as to say that that will always be the case. It is senseless for this infrastructure to be ripped up, with a replacement value of millions of dollars, to be sold off as salvage for paltry figures. Not only are the lines perfectly serviceable but also extremely expensive bridges will go. It costs nothing to leave the lines in place, yet thousands of dollars would be needed to replace them.

The cost of replacing even one bridge is far greater than any amount of funds returned to Government from salvage. The Wilmington line put only $350 000 into the Treasury coffers, and I presume that the line from Gulnare to Balaklava will return about $500 000 which, members would agree, would not build even half a bridge at Yacka, for instance. This vandalism of the State rail network must cease right now, and very wide support for that proposition comes from the rural community, passengers, rail freighters, rail unions, farmers and the local councils involved—and the list goes on.

Only last week I was honoured to join a delegation to the select committee, a delegation that put a very professional case. John Crossing of the Australian Railways Union indicated how resolute the union is in opposing the further dismantling of these services. Throughout the world it is commonly agreed that rail transport is the only solution to transportation problems caused by a lack of funds for the upkeep and building of good roads. The United States, Britain and West Germany are all revamping their rail systems.

Mr Groom: What is your policy?

Mr VENNING: My policy is obvious: I am stating it to you now, if you listen, sir. I want the *status quo* to remain, so that I may have the option to go back to the rail system. As I say, the United States, Britain and West Germany are all revamping their rail systems and, closer to home, the Queensland Government is refurbishing its, buying up cheap stock from shortsighted Governments in other States that cannot see that rail is part of the future. It flies in the face of global experience and sells the South Australian community short. As I said, there is strong feeling in the community about this matter.

People in my electorate are planning on petitioning the Government, posting signs on bridges marked for demolition, and so on. I am outraged on behalf of my constituents at the underhanded conspiracy between the Federal Government and Australian National. Services and rolling stock are allowed to fall into disrepair in order to make a case for their closure. If Australian National ran its trains on time instead of ahead of scheduled times, and if it delivered passengers to the central railway station in Adelaide and not out at Keswick, it would actually be servicing the demand that exists in the travelling public. The current situation is disgraceful.

An honourable member: When were you last on a train?

Mr VENNING: I was on the last passenger train. Ever since my maiden speech in this House on 8 August 1990 I have been calling on this Government to halt the destruction of our rail system and to develop and implement an integrated, sensible transport policy for our State. As time goes by, this becomes more and more imperative. I urge the Government to expedite a full investigation into the immediate future of transport needs in South Australia. I will assist, on an impartial basis, to develop an integrated and comprehensive transport policy that will enable us to plan our transport needs for the future. I would be most willing to take part in such an investigation.

I believe that this moratorium should be implemented forthwith, and should remain for some time. Let us think seriously about the future. I hope that the Government will treat this as urgent and not just adjourn the matter and leave it on the Notice Paper. I urge members to support this vitally important motion.

Mrs HUTCHISON secured the adjournment of the debate.

SPECIAL PREMIERS CONFERENCE

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

That this House note the contents and conclusions of the communique of the special Premiers Conference held in Brisbane in October 1990 and, in particular:

(a) agreement on the needs for a fundamental review of Commonwealth-State financial arrangements;

(b) an assessment of the distribution of Commonwealth and State Government taxation powers and the need for reduction in tied grants;

(c) the need for reform in the structure and ownership of Government trading enterprises;

(d) rationalisation of regulatory activities undertaken by the different levels of Government so as to remove inefficiencies; and

(e) a review of existing services to achieve more integrated and effective delivery of programs and reduction of duplication,

and note the potential benefits to South Australia of such proposals.

It was only the night before last, when I was speaking on the Road Traffic Act Amendment Bill (No. 4), that I remarked upon the corruption of the intent of the Australian Constitution as a result of the continuing centralisation of Commonwealth power exercised through Commonwealth fiscal power to determine what should be the constitutional priorities and responsibilities of the States.

The Hon. E.R. Goldsworthy: Hear, hear! And with a High Court that shakes down 4 to 3, politically.

The Hon. JENNIFER CASHMORE: Yes. As my colleague, the member for Kavel says, the fiscal power of the Commonwealth is reinforced by the judicial power of the High Court, with its Commonwealth-appointed judges, who have tended over the decades to bring down judgments that reinforce the power of the Commonwealth over the States. For the people of the States that has become increasingly bad news; bad news politically, bad news socially and very bad news economically, because, every time a constitutional responsibility of the States is reduced, that inevitably leads either to greater Commonwealth power, which in turn reduces our own democratic rights and freedoms or, equally importantly, to an increase in costs, which again, through reduction of our economic freedom, further reduces our political freedom.

It seems that the Premiers of the States and the Commonwealth have at last recognised that the matter must be addressed. I believe what has forced them to recognise this is the sheer weight of debt that is burdening this country and the realisation that, unless we address questions and organise ourselves more efficiently and effectively, we will never shake this burden of debt off our shoulders. One of the first ways in which this can be done is to examine the respective roles of Governments, and see how those roles, which have been inextricably intermingled in ways that were never envisaged by the founders of our Constitution, can be sorted out for the benefit of every citizen and for the Commonwealth and the States.

In October last year the heads of Government of the Commonwealth, States and Territories, and representatives of local government, held the first of a series of far-reaching discussions with the aim of reforming intergovernmental relations. I might say that intergovernmental relations in this country have reached such Byzantine proportions that a decade ago the Advisory Council for Intergovernmental Relations referred to no fewer than 200 councils and committees, which met regularly in order to try to coordinate the relationships between the three spheres of government. When we bear in mind the size of this country and the distance needing to be travelled by people who represent those spheres of government and multiply it 200 times, for no doubt multiple meetings each year, we can see one tiny aspect of the cost of the problem that is besetting this nation.

In October last year, the Premiers of the States and the Prime Minister acknowledged that past inefficiencies can no longer be tolerated and that changes are needed to make the Australian economy more flexible, competitive and efficient. They recognised that an important part of such efficiency is reform of the public sector. The political leaders of the country agreed that there was a need for a fundamental review of Commonwealth-State financial arrangements by a committee of senior expert officials.

This communique makes reference to a trilogy of words which would send the minds of most citizens numb—'vertical fiscal imbalance'. If we went out into North Terrace and asked anyone to define 'vertical fiscal imbalance' we would be met by blank looks. In effect, this means that there is a huge disparity between the amount of money raised by the Commonwealth and the States and the respective amounts of money spent by the Commonwealth and the States. The sums raised by the Commonwealth are vastly disproportionate to the expenditure by the Common-

wealth, and the determination by the Commonwealth of how the money it raises is to be spent by the States amounts, in effect, to political and economic blackmail of the States. We saw classic evidence of this two nights ago when we debated the Road Traffic Act Amendment Bill.

It is a fundamental principle of responsibility that those who raise the funds must be responsible for spending the funds. In the 1950s and the 1960s under the Menzies Government, when the concept of tied grants became more and more acceptable, the States—particularly, the State of South Australia—resented what they called Commonwealth control, but in all honesty I must admit that that resentment was used as a political weapon to exploit to South Australia's political and economic advantage (as my former Federal colleague the Hon. Bert Kelly put it) everything that could be milked from the Commonwealth cow. It was all care and no responsibility as far as the States were concerned, and that abdication of taxation responsibility, which took place at the time of the Second World War, has never really been recaptured.

This means that we are hostage to the Commonwealth in determining our priorities and that we are becoming increasingly the victims of Commonwealth dictatorship, not only as to how we should spend money but as to how we should account for that spending. Later, when I refer to the terms of reference, which include provision for a review of existing services to achieve a more integrated and effective delivery of programs and reduction of duplication, I will come to the ways in which the Commonwealth requires the States to account for the expenditure of funds. An increasing percentage of our resources is dedicated not to service delivery but to the bureaucratic effort that is required to account for the funds in the delivery of those services.

The second decision taken at the Premiers Conference was to ensure that there will be an assessment of the distribution of Commonwealth and State Government taxation powers and an examination of the efficiency of the present allocation of such powers. The Premiers and the Prime Minister agreed that all options for reform of the distribution of taxation powers would be considered in the course of this review, including the place of local government in the structure of taxation. It defies belief to suggest that South Australia can continue to assume full financial responsibility for Commonwealth programs that have been established at the behest of the Commonwealth and as a result of identification of need—some of our pre-school programs would be classic examples of this, as would many of our domiciliary care programs—and then, having become hooked, so to speak, or addicted to the program, to be told by the Commonwealth, 'Right, that is now yours.'

That is no way to run a country; it is no way to conduct the affairs of six sovereign States. It leads to a distortion of State priorities as a result of seduction, shall we say, by the Commonwealth through the use of its financial powers. The leaders of the States have decided that this trend must be reversed and that the goal should be a substantial reduction of tied grants as a proportion of total Commonweath grants. If we could achieve this it would represent a major shift in political and economic power in this country, a shift that would be very much to the good of the nation.

Mr Atkinson: Quite true. I agree.

The SPEAKER: Order!

The Hon. JENNIFER CASHMORE: I am glad that the honourable member agrees. This subject has occupied my mind for a very long while; in fact it was the subject of my maiden speech to the Parliament. It was on the subject of Commonwealth-State financial relations that I first spoke in this Parliament from the seat directly behind me now where my colleague the member for Newland sits.

If that—and I am bound to use the horrible words—vertical fiscal imbalance could be removed, State Governments would have much greater flexibility in the management of their budgets. I am bound to add, in relation to that flexibility in the management of budgets, that a degree of inflexibility has crept into State Governments themselves again in response to what is seen to be the short-term political goals of the moment. I am referring now to the specific purpose funds that are set up by Governments in the belief that they will achieve political popularity. A classic example is Foundation South Australia, with an admirable goal—to use taxation from tobacco in order to promote health.

But the Minister at the bench knows, and we all know, that, if a Government is really to be able to determine priorities in the light of current needs, Treasury requires total flexibility. If it can take certain sums out of certain baskets and not have access to the whole body of taxation, that flexibility is denied.

Mr Ferguson: It is the only way we can get it through the House. It is the only way we can get agreement from your side.

The SPEAKER: Order!

The Hon. JENNIFER CASHMORE: The member for Henley Beach is reinforcing the point I have made: the short-term political goal is invariably seen as more important than the long-term political priorities of this State, or indeed of any other State. I am pleased to have the honourable member's endorsement. The central elements of the agreement reached at the Premiers Conference are that there will be much greater interchange in the months leading to the conference between the Commonwealth and the States on the financial situation, and prospects of the Commonwealth and the States including the borrowing requirements at both levels, and on overall Commonwealth and State fiscal strategies.

The next substantial point of agreement is the reform of Government trading enterprises. It is clear that the losses sustained by State Government, and indeed Federal Government, trading enterprises over the past 20 years have represented the most massive burden on Australian taxpayers. If we look at trading enterprises in the South Australian context alone and refer to the areas in which the State Government has got itself involved—everything ranging from timber projects, clothing factories, and way back more than 10 years ago the Government owned a hardware store in Mount Gambier, hotels, and, dare I say it, real estate and executor trustee companies operated by the State Bank, insurance companies and a whole range of other trading enterprises—we see that, when they sustain losses, those losses have to be borne by the electorate, by the taxpayer.

I have not been able to aggregate the losses of all Government trading enterprises over the past decade in this State alone, but they would certainly run into hundreds of millions of dollars. Every one of us knows that, if those sums had been retained in the pockets of taxpayers to be spent at the discretion of taxpayers, this economy could now be booming. Of course, the alternative would have been for those sums to be spent in the constructive provision of capital works and services, both of which are needed. My preference would be for the discretionary spending by individuals, balanced with the constructive use of much of that money for capital works.

A classic case that comes to mind is the provision of water storage in the Adelaide Hills, and that would enable the harvesting of water from the Murray River in flood

years and the reduction of the need for pumping and water treatment. The reform of Government trading enterprises which, in many cases, would mean and is meaning the sale of those enterprises, is central to the success of this project adopted by the Premiers Conference for a reform of the Australian taxation and economic system.

The other points that were raised included regulatory reform and a rationalisation of the regulatory activities undertaken by the States. The need for uniform legislation in certain areas is or should be acknowledged, but it is painfully slow in coming. My recollection of the struggles in the early 1980s to get uniform food laws in this country that would enable the manufacturers of what to Australia are very important products, namely, value added food products, both for domestic consumption and export, is that it was difficult indeed. We simply could not get the States to agree. In the years that have elapsed since then, sheer economic necessity and the force of argument from national and multinational companies have brought the States to the position where they can see that, if they do not adopt uniform legislation, their State's economy will suffer as a result.

Regulatory reform in the categories of national standards and regulations is now identified as being important. The areas that are expected to be covered in the report to the May 1991 Premiers Conference are packaging and labelling, registration and labelling of agricultural and veterinary chemicals, industrial chemical labelling requirements, planning and building approvals, and food inspection. Constraints of time do not permit me to go into more detail, except to conclude by referring to a review of existing services to achieve more integrated and effective delivery of programs and reduction of duplication.

The health services of this country probably represent the prime example of both duplication, which is costly, and bureaucratic requirements for accountability, which is not only costly but also so time consuming and distorting of the efficiency of the service that it reinforces ill-health in many cases, I believe, particularly mental health because of stress. It also denies many people access to services to which they should have relatively free access. Home and Community Care is a classic example. By the time service providers have filled out the multitude of forms required to justify meeting a patient's needs, a good percentage of the funds required to provide the service have been eaten up.

That is no way to run a country, and it is certainly no way to ensure that the needs of an increasingly ageing population are met. This is a vast subject and one that, whilst possibly of academic and professional interest to politicians, is of critical interest to every citizen of our country if we want to get the burden of taxation off our backs and if we want to be provided with the services we want and need rather than those that some distant Government says we should have. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

LOTTERY AND GAMING ACT

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

That the regulations under the Subordinate Legislation Act 1978 relating to exemptions expiration, made on 20 December 1990 and laid on the table of this House on 12 February 1991, be disallowed.

I move this motion more in sorrow than in anger (to paraphrase the position) because it is not the principal regulations that I seek to disallow but rather just one small aspect of them. Unfortunately, the way in which they are constructed means that I am constrained to move a disallowance in this House in respect of the whole of the regulations involved.

Of course, I am speaking principally of regulations under the Lottery and Gaming Act which have been continued indefinitely by the regulations under the Subordinate Legislation Act. In the normal process of the Subordinate Legislation Act the regulations under the Lottery and Gaming Act would have expired on 31 December 1990. By including an exemption for those regulations in this regulation, the Government has effectively extended indefinitely the life of the Lottery and Gaming Act regulations, and that is contrary to the spirit of the Subordinate Legislation Act, which requires a frequent review of the regulations—every seven years—in order to ensure that they are kept up to date.

I understand that a detailed review of the Lottery and Gaming Act regulations is under way and that a report will be available for the Government on which new regulations can be based later this year. However, as the matter now stands, there is absolutely no legislative requirement for those regulations ever to be replaced, and I believe that their present parlous state makes it essential that those regulations are replaced in the near future.

The Government officers involved were aware that the provisions of the Subordinate Legislation Act automatically brought the lottery regulations to a close on 31 December 1990. They have been aware of that for years, and their failure to have a revised set of regulations available to be gazetted is, I think, most unfortunate. It is now suggested that at least six, seven or eight months will need to elapse before those new regulations will be available, making the period over which those regulations have been reviewed very extensive indeed and far more than I would have thought necessary.

However, unless some action is taken in this House to impose a legislative constraint, that period could drift indefinitely. I have no reason to believe that the Government's undertaking that this will be done in the near future will not be followed but, if this motion is not moved, my right to move it will lapse and therefore the constraints on developing new regulations will be much less. With that understanding, and in the hope that this motion will never need to be put to this House in a formal way—because events will hopefully supersede it—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

WHEAT PRICE

Mr BLACKER (Flinders): I move:

That this House calls on the Federal Government to immediately provide a system of guaranteed minimum price to wheat growers to ensure that the acreages of wheat are sown in the coming season; and further, this House also notes with concern the severe consequences of not planting a crop of economic viability and the effects this will have on—

(a) the farmers' equity in land ownership;
(b) the rollover of funds within the banking infrastructure;
(c) the effects of declining balance of trade figures and export earnings; and
(d) the effects of Federal, State and Local Governments' taxing ability.

I raise this issue at this time because we are all aware that the Federal Government is to make an economic statement within a week or so. It is important that this State conveys to the Prime Minister and his colleagues a clear message that we are facing a very grave situation in the cereal belt areas of this State, and no doubt the whole of Australia.

The problem facing the Government is that, if the wheatgrowers do not plant a crop, the rollover of funds within our community will have dire consequences not just for the farmer and all the other industries which are dependent upon the handling and processing of grain, but for the general economic status of the community. The financial institutions are now reaching the point of saying to some farmers that they can no longer plant a crop because it will cost money and they will not advance them further money. Unless those crops are planted and the money is turned over, the financial institutions will lose. Going a step further, if we do not have that money coming into Australia, our balance of trade figures will be even worse than they are now. There will be a snowballing effect on the general economy. Going yet one step further, if we do not have the money circulating in the community, the taxing abilities of Federal, State and local government will be severely curtailed.

People have already approached me, saying that they cannot even pay their council rates. I have a letter from the owner of land in Port Lincoln which is leased to a business person and that business person has pleaded with the owner to reduce his rental by 50 per cent, and he is also pleading with the council and the valuation department to put a realistic value on the land so that it is affordable and achievable. This is flowing through the whole system. Incidentally, that business relies heavily on the rural areas, because this person sells vehicles and so forth to that community. Therefore, we have this snowballing effect.

Farmers must be encouraged to plant grain. Looking at the cost structure, the estimated returns on the year just gone and the estimates that were given by the Australian Wheat Board and Government advisers at that time, we see that the figures that have been achieved have not nearly reached the estimated figures. Therefore, even on last year, when yield returns were average or above, negative incomes have been the returns for most people.

Many people in discussions with their banks are trying to determine whether they can afford to take the chance of planting a crop. Planting a crop is like having a ticket in the lottery: you cannot win unless you buy a ticket. But at least there is some hope. If there are indicators on the horizon that wheat prices may be bottoming out and may be tending to be on the increase, there is some opportunity for the farmer to create a cash flow which in turn goes to the financial institutions, which in turn goes to the various businesses and which in turn helps Governments down the track.

I am aware of the situation that confronts us, but I am more acutely aware of the timing of this debate and the need for this House to send a message—if possible today—to the Federal Government in the hope that it may add to the pressure on the Federal Government to ensure that recognition is given to this issue.

The term 'guaranteed minimum price' was the terminology used until two or three years ago within the wheat industry. I used that term and deliberately did not state a figure. Many of the figures suggested as a guaranteed minimum price range around the $150 per tonne mark. I will not argue that, because the cost of production varies depending on the location of the individual farmer. Obviously a farmer who lives closer to a port has lower costs in terms of freight but, in the main, has higher costs—and I am referring to Eyre Peninsula—because the land is heavier and therefore it costs more to plant that crop.

Somewhere along the line we need recognition of what is the cost of production, plus a small margin. Some people have estimated that to be $150. The member for Eyre has circulated many people and he estimates $160, which is a reasonable figure. I applaud what the member for Eyre has done. In his absence, I place on record his effort, in addition to the efforts of many other people, to try to lobby the Government along that similar track. At a recent meeting of the UF&S, a motion was moved that people be invited to sign a statutory declaration that they would not sow a crop unless there was a guaranteed minimum price of $150. There are considerable impracticalities in that procedure. I am pleased that when it reached a zone level, it was voted against, not because of the principle of it but because of the practicalities of carrying out its intention. The underlying view throughout that conference was that given an average year—and that is always the unknown—the farmers needed a reasonable expectation of a return on the cost of production being achieved.

I will leave it at that. I understand that one or two other members want to speak to this motion and that the Minister wishes to respond. For that reason, I will curtail my remarks. Hopefully, the House can send this message away today.

Mr FERGUSON (Henley Beach): Members may find it curious that a member from an industrial suburb, with an industrial background, is supporting this proposition and, in fact, is supporting an area that generally does not support the Labor movement. However, I have thought long and hard about the problems confronting the rural area. Anyone who considers logically this proposition would have to support it. I can see no reason why we should denude the country of its skills. There seems to be no logical reason why we should have farmers coming off their farms, this country therefore losing those decades of experience and skills that have been accumulated over the years.

Further, I can see no point in the farmers leaving their farms, joining the unemployment queues in the city and receiving unemployment benefits. That just adds to the numbers down here in the city. There does not seem to be any logic in that.

Mr Ingerson interjecting:

Mr FERGUSON: I would ask the member for Bragg to contain himself. If members read the motion currently before the Chair, I am sure very few would not agree with it. From time to time we, as taxpayers, have provided taxes to maintain and uphold the infrastructure in country towns. There is no doubt that city taxpayers' money has gone into the infrastructure of country towns and, whatever happens in this rural crisis, the wheel will turn and we will overcome it in the fullness of time. That infrastructure will continue to be needed, so we must support and maintain the investment that we as city people have made in the country. This is the way we ought to do it.

I have been in politics for a long time, as have a lot of people in this Chamber, and many of us recall that in the late 1960s and early 1970s there was a cry for decentralisation. Indeed, as a nation we invested millions of dollars in projects like the Ord River scheme, the Humpty Doo rice fields in the Northern Territory and many other projects. We spent millions of dollars at the time, and we knew that that expenditure was not economic, but we said that as a nation we ought to be decentralising. It seems to me illogical, therefore, that at this point in our history we should now be prepared to contract our population back to the city rather than the reverse; indeed, I believe it is time to reinvest some of that money in decentralisation.

I am a protectionist from way back. I believe in protection; I believe in protection for our industrial organisations; I believe that the motor car industry in South Australia ought to be protected; and I believe that the manufacturing

industry in this State ought to be protected. Now, it would be absolutely illogical of me to accept that proposition, on the one hand, for the industrial side of affairs and then, on the other hand, say that people in the rural industry should not receive some measure of protection. If it is logical to provide protection for our manufacturing industry to employ people within that industry, it is logical to provide protection for our people in the rural industries in order to keep them working in those industries.

I do not accept the logic evident in Treasury that we must have absolutely no protection whatsoever in order to compete with overseas companies. There are very logical reasons why we should be providing protection, and we should look at the whole structure of what is happening in other countries, including Japan. People talk about Japan as being the bastion of private enterprise and say that we should be looking at the way that country does things. If we look at the way Japan protects its rural industries we see that that is something of which we ought to be taking cognisance.

I do hope that the economic statement that is coming out from Canberra provides some protection for the farming community. After all, it was a Chifley Labor Government that brought in the wheat stabilisation scheme. Some of us can remember that the Labor Party in South Australia even won seats like Barker when the wheat stabilisation—

Mr De Laine interjecting:

Mr FERGUSON: Right—Wakefield and similar country seats. So our friends in Canberra who are on my side of politics ought to remember what we did when there was a similar sort of problem in the country conserving our rural products, and they should closely examine the statement that will be made next week. I fully support the member for Flinders and I hope that all members of this House will do likewise.

Mr MEIER (Goyder): The Opposition is pleased to support this motion moved by the member for Flinders. Certainly, the member for Flinders has summed up the arguments very succinctly, and we can only agree with his comments. I think it goes without saying that the Liberal Party in this State has always, so far as I can remember, advocated orderly marketing. We have sought minimum pricing in a variety of areas and there is no problem in our seeking minimum pricing for the wheat industry. In fact, the question will be: to what extent does it need to be extended into other commodities, be it barley or other areas, as the rural crisis worsens? The rural sector is the foundation of this State and it is imperative for this Parliament and for this Government to do everything in their power to help the rural sector. It is a shame that the Federal Government is not taking the same attitude.

The Hon. LYNN ARNOLD (Minister of Agriculture): Being very conscious of the time constraints, I shall be as brief and as quick as possible in indicating support for the motion moved by the member for Flinders. In doing so, I might say, in the hope that it will be voted on today so that it can be communicated to the Federal Government, that I think it would be important that the other members of this House also indicated their capacity, their willingness or at least their view of what they are prepared to do to support other industries in this State.

The deafening silence in relation to the automotive industry and its needs at the moment has been of great concern to the Government. We have felt badly let down by the fact that the Opposition has not seen fit to indicate its positive support for the maintenance of the automotive industry in this country. This Party does not hold to a view that just because the rural community may not be seen as part of the traditional base of the Government, we should not indicate our concern. We do; and we therefore support this motion and hope that it is picked up.

This is not a long-term protection argument being supported here: rather, it is an emergency situation created not by the inefficiency of Australian wheat farmers, not by the lack of willingness of Australian wheat farmers to change over time and restructure their industry. It is, in fact, the opposite. Australian wheat farmers would be the most efficient wheat farmers in the world. Evidence of that is the bounty of wheat that we gain from this country, especially in this State—the driest State on the driest continent in the world. Further, the very fact that there are so many fewer wheat farmers producing so much more wheat from roughly the same area today as it has been in decades gone by indicates their capacity to acknowledge the need to restructure and to adjust their farming practices over time.

What they are suffering now is, in fact nothing other than an outrage that is a travesty of every principle of fair trade in the world, namely, the subsidised pressure they are under from European Governments and from the United States. It is of great concern that the subsidies being paid in those countries are knocking such a hole in the rural sector in this State—and in this country. The fact that the European taxpayers are paying as much in subsidies per tonne of wheat as Australian farmers earn for each tonne of their wheat on the open market indicates just how serious is the problem. They are so far behind the eight ball and that, of course, drives down the price of wheat on the international market. That is the problem being faced at the moment.

I have no doubt that European taxpayers ultimately will rebel against the total distortions that the use of their tax funds is causing and, likewise, that American taxpayers will do the same. That may well happen in two, three, four or five years from now—I do not know when—but the tragic irony that faces this country is that when that happens it may well be that the world then says, 'Let's get back to proper, efficient wheat producers; Australia, how about you?' and we may then find that we have had such a hole knocked in the wheat industry in this country that we are not there ready to supply crops in the longer term.

Even in the shorter term situation, this year it is quite clear that the cost of production will be greater than any possible return and, therefore, any farmer with any sense would be well teased with the prospect of not planting at all, because it would cost money to plant that they will not get back. We may find the situation at the end of the year or next year where there are markets for our wheat and we will go to our traditional customers and say, 'Sorry, we don't actually have any wheat to sell you,' and we will damage long-term trading relationships that we have spent so much effort in trying to build up. Again, that would be a major problem for Australia.

However, the issue is: who is to take the risk? Who is to bear the risk? If there is no GMP, farmers would bear 100 per cent of that risk when, in fact, it is in the national interest that that risk be shared. I am pleased that the member for Flinders did not mention an actual figure in the motion, because I think a lot of debate can still take place about that. It does not have to be a premium on cost of production, or even exact cost of production. That is a hard figure to work out, as the member for Flinders himself rightly acknowledges. I do not think that there is anything wrong with still applying pressure to achieve efficiency in the way one sets that price. However, certainly, if we leave it to the open marketplace—which is a grossly distorted

marketplace thanks to the subsidies of Europe and the United States of America—the figures they will receive will be much less than the cost of production. As I have said, farmers will then simply not plant crops in many cases. With those brief comments, the Government supports the motion.

Mr BLACKER (Flinders): I thank those members who have spoken for their support, and I invite members of the House to support this motion so we can get the message through to the Prime Minister.

Motion carried.

REGIONAL RAIL SERVICES

Adjourned debate on motion of Hon. H. Allison:

That this House:

(a) deplores the decision by the Commonwealth Minister for Land Transport to close South Australia's regional rail passenger services by the end of 1990;

(b) believes the decision to be in breach of clauses 7 and 9 of the Railways Transfer Agreement 1975;

(c) seeks clarification from the Commonwealth Government about the fate of our regional rail freight services;

and

(d) calls on the State Government—

(i) to employ all possible legal avenues to ensure that South Australia is not reduced to being the only mainland State without regional rail services;

and

(ii) to investigate and confirm long-term options for ensuring that regional and rural areas of South Australia have access to efficient and effective passenger and freight transportation services in the future.

(Continued from 14 February. Page 2940.)

The Hon. H. ALLISON (Mount Gambier): I rise in some anger to resume remarks commenced a couple of weeks ago on my motion. I say anger if only because of the manner in which the member for Custance was treated only an hour or so ago in this Chamber by members on the Government benches. Here he is, a rural member speaking out on behalf of his community, asking that the railway lines be retained while arbitration is still in process in accordance with the statutes of 1975, to which I will refer shortly, and what does he receive from members on the Government side of the House? Hoots of derision! I suggest that they emerge from an attitude of abject ignorance of and antipathy towards the problems associated with country members.

The member for Henley Beach had the grace to stand up a few minutes ago—he was not one of those who derided the member for Custance—and support the farming community, and I applaud and recognise that. But I was appalled to hear members ridiculing not only the member for Custance but also the member for Stuart—their own backbencher who, I assume, is going to stand up and support this motion and speak out on this subject that both I and the member for Custance have so much at heart. Members opposite have obviously not done their homework, or they have very little consideration for their own backbencher who is in a similar plight—and I say to them 'Bad luck!'

I am wondering just how far or how safely one can travel and arrive on the mouthed platitudes of Ministers who believe that we can travel on the magic carpet of their words when, in fact, they are hoist with their own petard. I have here a succession of statements and letters from the State Minister of Transport. I mentioned the former member for Stuart, who said that we should pay the Federal Government to get rid of the railways. An article from the *Advertiser* headed 'Transport '90', written by Stuart Innes, stated that Mr Blevins had announced a $143 million order for 50 new diesel-electric railcars for STA suburban services. They will be air-conditioned and they will allow the old 'red hens' to be phased out. The average fleet age will be as low as six years by 1998. The Bluebirds in the country areas are 30 to 35 years old, but the Governments at both Federal and State levels are too ikey to spend a penny on replacement. These are the very points that make country people believe that there is one law for the country and one law for the city—and that they are on the wrong end of the stick.

The Minister of Transport also said that he wanted the emotion taken out of the debate over closing rail lines—a move that is in the hands of the Federal Government and the Australian National Railways Commission. Further, he said that he would be disappointed to see the services to Broken Hill, Whyalla (in his electorate) and Mount Gambier closed but that arguments should be based on passenger numbers, and not just on the fact that people like trains. So, one can guess where the Minister's sympathies lie. The Minister was quoted as saying that if the train services are not working profitably phasing them out should be considered.

This is the Minister who is going to put South Australia's point of view. In a letter to the Mayor of Mount Gambier only a few days ago, the Premier said that the Hon. Frank Blevins will put South Australia's point of view. I ask the Minister not to introduce those ideas but to push for South Australia for all his worth, and to put the ideas as stipulated by members of the House—the backbenchers, the country people who are in the know and who know how adversely affected we are. I ask the Minister to change his attitude and to fight to the last. The Minister also said not long ago that the Crown Law opinions which he had received said that we were not able to contest the closure of the Broken Hill and Whyalla lines, but we could contest the closure of the Mount Gambier line. Interestingly enough, I would suggest that there is blatant defiance on the part of the Federal Minister, Bob Brown, of clause 9 of the Railways Transfer Agreement 1975.

If members will listen, they will hear the precise statement:

Clause 9—'Line closures and reductions in services'.

The Minister will obtain the prior agreement of the State Minister to—

(a) any proposal for the closure of a railway line of the non-metropolitan railways, or

(b) The reduction in the level of effectively demanded services on the non-metropolitan railways.

The significance of that is that Prime Minister Bob Hawke has corresponded with me and with the Premier independently, and said that there are no moves for closure or any consideration on his plate. I have an article dated 1 November 1990 about a Federal Senator gaining an admission from Senator Bob Collins, the Minister for Shipping and Aviation Support, confirming that the Minister for Land Transport (Bob Brown) had received submissions from AN on 19 September and 21 December 1989 and 2 January 1990—at a time when, towards the end of 1990 and the beginning of this year they were still denying that there is any submission before them. That is arrant hypocrisy and deceit. Did Minister Brown know or was he being deceived by AN? It does not really matter. He should be in charge of his portfolio. This matter has been on his plate for years, and he should have been much better informed than that. Even as late as 4 January 1991 the Premier wrote to me, saying:

Dear Harold,

I have only now received a reply from the Hon. Bob Brown.

His letter was received only after the services affected had actually ceased to operate, and the Mount Gambier service ceased to operate in August of last year. I ask members to listen to this pearl of wisdom from Minister Brown's letter of 21 December 1990:

I have not authorised closure of the Blue Lake service at this stage—

It had been closed for five months: there's a laugh on the Minister—

and will consider its future again.

What future? He is going to decide where to bury it! He continued:

When I have received the report of the arbitrator—

who had not yet been appointed:

. . . in accordance with legal requirements . . .

Those legal requirements are the very ones he seems to be in defiance of. Clause 9 is totally ignored. He is thumbing his nose not only at the members for Mount Gambier, Custance and Stuart but at the Premier of South Australia, who has had the good grace to join in the argument—relatively belatedly but, at least, on our side—to make representation to the Federal Minister. What a joke!

We are still receiving denials that anything took place. I alerted the Federal Minister to the fact that he had had some representation on 15 August 1988. I quote from a document that I released to the State and Federal Ministers and to the Prime Minister, which was a copy of a Corporate Plan Development Review, meeting No. 345 on Monday 15 August 1988, minute number 345/6: Passenger Business Corporate Plan, and which stated:

EC was informed that a draft passenger business corporate plan had gone to the commission for consideration and, as a result, more work is required on the plan, particularly in the area of cost reduction. In the meantime, the Passenger Business Manager is completing a submission on the separation of passenger business from AN's other commercial operations. It was suggested that the submission should include details of cost reductions expected through the separation, and it seemed appropriate—

and here is the rub—

that closure of the Blue Lake passenger service should now be progressed.

Action: Passenger Business Manager to progress.

That was 2½ years ago, yet we were still receiving denials about the closure as recently as a couple of weeks ago. That is gross hypocrisy. It shows absolute disdain for the Premier of South Australia and for country South Australians, and I simply ask members to bear that in mind when they think about the plight of country people, rather than howling derision when one of our members says 'Please leave our railway lines down, at least until the arbitration procedure is over.'

I remind members that we in the country provide a very substantial part of this State's gross product. It supports many people in the city, and I believe that we are deserving of better consideration. Each year $130 million is lost to the STA. We cannot pay $1.5 million for a new car—that is one new car; I am not asking for eight or more—to experiment on those lines to see whether new services would attract new business. That is all we are looking for.

The Hon. D.C. Wotton: Exactly the same for the Bridgewater line.

The Hon. H. ALLISON: The Bridgewater line, of course.

Members interjecting:

The SPEAKER: Order!

The Hon. H. ALLISON: Of greater significance is that not only do we have that $100 million-odd being spent on new STA cars—a $130 million loss—but the Federal Minister, Mr Brown, said that he would contribute $21 million towards upgrading the Adelaide to Melbourne line from Coonalpyn to the border. However, he made no mention of the line from the border down to Mount Gambier which is also a freight line and which is supported very strongly by the K&S group of companies, which has the rail freight system operating at a cost of $2 million for the equipment, whereby it sends freight by rail and then off rail on trucks to a distant destination. This is working profitably, both for AN and for the country transport services. In fact, K&S was one of the few transport services anywhere in Australia that actually increased its profits this year, however slightly, which is a sign that the management skills within the company and the cooperation between the company and AN have contributed in part towards the company's success.

These are not objects of derision but should be things with which members can identify and which they can support. I call on Government members to give strong support to their own backbencher, the member for Stuart, who will stand, if not this week, then later, in support of what I am saying, and the member for Custance, who is simply defending a rural community. We should all work together in this State; we are all part of South Australia—SA Great. We contribute from the country towards the well-being of the city people and, if they cannot support the country passenger services and freight as we support their STA deficit, there is something radically wrong, and I do not want to hear any more of that silly nonsense with members opposite hooting when one of our members gets up to defend his corner.

I had intended to read into *Hansard* sections 6, 7, 8 and 9, which are very relevant to the argument, but members can read them. They are in the Railways (Transfer Agreement) Act 1975. If members are interested they will read them and find that the Minister probably capitulated too soon when he said he had legal opinion saying we could not defend. I maintain that he could defend, as he will see if he re-reads those clauses, and that he should be defending. Rather than capitulate and say, 'Sorry, Federal Government, we are out of the race,' he should re-think and say, 'We have had a second opinion—the member for Mount Gambier has given it,' and get to work to defend the status of the country rail services in South Australia. I ask members for their support.

Mr HAMILTON secured the adjournment of the debate.

FREE STUDENT TRAVEL

Adjourned debate on motion of Mr Oswald:

That this House calls on the Government to restrict the hours of student free STA travel to those hours which cover legitimate school activities of an educational, sporting and cultural nature.

(Continued from 6 December. Page 2451.)

Mr OSWALD (Morphett): Last year I moved this motion, which was directed to the Government of the day to say that the people of South Australia were unhappy with the policy that allowed schoolchildren to have free use of STA travel by day and by night in an unrestricted mode. As a result of that resolution and a lot of public discussion that followed, I was pleased to see that the Government cut out free travel after 6 p.m. but maintained it for weekends and during school holidays. That proceeded to get the community discussing only one aspect, namely, whether free travel should be allowed during school holidays.

The matter was discussed with me by several members in the corridors of this House, and I agreed to leave the motion on the Notice Paper, just to see how things would go over the course of the school holidays and into 1991.

We decided that about this time of the year we would have another look at it and make a final decision on whether we would move to urge the Government to cut out free travel during school holidays and weekends.

I was prepared to take that step, but I read in the media that the Government now has a committee operating within the STA that will bring down a status report on this whole question of student travel. If the Government has apppointed a committee to look at the question of students and student travel generally this far down the track, it must have some concern or certainly it must want to assess where it is going in relation to this subject. Therefore, it may be inappropriate to remove the motion from the Notice Paper at this time.

I have decided, with the indulgence of members, to leave this motion on the Notice Paper until such time as the STA brings down and publishes its report so that we can all gain an assessment from the STA of what its officers think about the status of this scheme. So, when the committee reports in a few weeks members will have an opportunity to make a final assessment of all the available information before they vote on this subject. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PRAWN COLOURING

Adjourned debate on motion of Mr M.J. Evans:

That the regulations under the Food Act 1985 relating to prawn colouring, made on 20 September and laid on the table of this House on 10 October 1990, be disallowed.

(Continued from 14 February. Page 2942.)

Mr S.J. BAKER (Deputy Leader of the Opposition): At the outset, I wish to record my congratulations for the member for Elizabeth for bringing this matter to the attention of the House in the way that he has and for moving to disallow the regulations. This is an important matter that must be considered by Parliament. Whilst the Liberal Opposition does not support the rejection of the regulations that have been sent to us by the Subordinate Legislation Committee, I wish to refer to some matters that need to be debated very seriously.

As the member for Elizabeth has pointed out, we are legalising a practice that has taken place for the past 15 years. However, in that process we may be doing something in contravention of standards that we now apply to ourselves and to the way we live and the way we label the food that we eat. So, we should be careful of endorsing anything that appears to fly in the face of modern medical science, which has revealed some interesting aspects associated with artificial colourings and additives.

It is important to note that the majority of the population suffer from some form of allergy and, therefore, we should not do anything to assist the process of allergenic reaction. A small percentage of the population is hyperactive, particularly young children. It has been found conclusively that hyperactivity is very much affected by the taking of substances containing artificial colouring. It has been proven by medical science that artificial colourings and additives have a diabolical effect on hyperactive children and also that, if hyperactive children are put on strict diets containing no artificial additives, their condition improves immeasurably. So, on two bases we can say that we should look at artificial colouring seriously because it could be a health hazard.

Whilst there is agreement about the retention of the process of artificial colouring, that may well be more as a result of the needs of industry today than of the need to determine whether this is the most appropriate decision. We are all aware of the difficulties facing the prawn industry today, of the fact that prawn catches and returns are down and that the industry itself, under the buy-back scheme, is running into terrible difficulties. There is a realisation that the balance is very delicate and that we should not do anything more to upset it.

On the other side, we as a Parliament must look to the future and perhaps place on record our objectives, and I believe that we should do that in consideration of the regulations governing the artificial colouring of prawns. Whilst we may believe that there should be nothing done to upset the prawn industry today, perhaps as a Parliament we should say that this matter should remain under review because it is a matter of principle.

We realise that in some countries substances such as tartrazine and ponceau 4R are banned for a variety of reasons, and these substances have been used to colour prawns for the past 15 or so years. We also should recognise that the proposal to artificially colour prawns was rejected by the Food, Science and Technology Subcommittee of the National Health and Medical Research Council, because it had found a further substance that was hard to analyse.

We should re-examine in principle whether or not we should be artificially colouring prime food. If we said, 'This is a South Australian prawn; it does not have any red colouring and it is different like red apples are different from green apples,' it may well be marketable in its own right as a prawn superior to many other prawns that are taken around Australia. Why should it depend on artificial colouring? It should really relate to the quality of the product, not to the colour it is given.

It may well be—and this is the only reason I currently support the regulation—that there is a consumer demand which relates to that red colouring that is so important and which would affect the future viability of the industry when it may need one, two or three years to change people's habits as far as the consumption of prawns is concerned. The principle of whether food should be artificially coloured must be thought through by this Parliament. There is the argument that if we do not reject the regulations today—and I suggest that that is not what we are here for—we should think about a sunset clause for the regulations to allow everybody time to reassess their position, particularly the fishing industry. I imagine that the fishing industry across Australia would be upset that one element of the industry is artificially colouring prawns. That is all I wish to say on this subject. It is important in its own right in terms of what we as a Parliament should be doing.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 14 February. Page 2948.)

Mr QUIRKE (Playford): The last time I spoke I commented on the historical perspective of how we came to be debating this matter; I said that in fact history has repeated this farce. It may well be the case that some people believe that this farce has more substance to it than what is obviously there. A number of speakers have debated various parts of it and have taken it seriously, and they are probably much smarter than I. So, I will address some of those issues in a

moment. If it is not farce, it has to be seen as an incredible coincidence that an honourable member was placed in an invidious position on a matter of conscience. I might add that it is on this side of the Chamber that conscience was exercised and not on the other side where conscience is rarely exercised, except when they all come in here together and exercise it in the same way. In that episode, one of our members indicated that it would have been a much smarter strategy to have proceeded to amend the Criminal Law Consolidation Act as it then stood, and that probably would have resulted in gaining his support.

Instead, the net was thrown out again, we are told by pure coincidence, and this time it was brought in here simply as a measure to facilitate the debate. Maybe I am not as smart as many other members in this place, but I was not born yesterday. This farce has gone on long enough, but I have a few remarks to add. After that, I do not care whether or not it goes to a vote.

A number of members have declared their position with respect to abortion. I will do that in a moment. However, I do not think that this Bill has a lot to do with abortion. It seems to me that this proposal seeks to prevent abortions taking place at the Mareeba site. As I understand it, from a number of letters that I have received from different groups, because of bad and deficient drafting, the Bill contains a number of unintended consequences.

The Hon. T.H. Hemmings: You are being too kind.

Mr QUIRKE: I am noted for my generosity. This proposal seeks to keep abortions within public hospitals. From that perspective, the question is whether this is about abortion. We are told that it is not. Letters have come to me saying that it is about abortion and that I should support it. Other letters have come in and said that it is not, and that I should not support it. I have also received letters telling me that it is both things. If the intention of this Bill is to defeat the Mareeba proposition, it will not stop abortions in South Australia. If the Bill's intention, rather than an unintended consequence, is to make sure that all abortions are carried out in public hospitals, it will not stop abortions.

Some of the speakers who have debated this issue suggest that the Mareeba facility will assist with later period abortions. I understand that some of those abortions are now conducted in various facilities and interstate and, should this measure get up, that will continue to be the case. I will go down the road taken by other speakers in this debate and declare my position on this issue. There are two extremities of this debate. As the member for Spence clearly elaborated, the first concerns those people who believe that it is a woman's right to do what she wants with her body until the point of birth. Others believe that abortion is not conscionable under any circumstances. There are others who call abortion at any stage murder.

I have a great deal of difficulty with the abortion issue. I also have a great deal of difficulty with those two propositions and I reject them both out of hand. Like many other members of the community, I am somewhere in the middle. I cannot deny abortion for many women who seek it and, under South Australian law, I am not in a position and I never will be in a position to deny them that by Act of Parliament. I also reject out of hand the argument that, until the point of birth, any and all abortions are simply a matter for the woman. Many members here may disagree with that, and I do not know that it will make me all that popular with some members of my own Party.

I prefer to be honest on the whole question and say that late period abortions obviously are distressing for the staff who must conduct them, and that raises a whole range of other issues. It must be brought out that many of the community groups involved in the debate have been around for a few other debates as well. I have always believed that an ounce of prevention is better than five pounds of cure.

As a former schoolteacher, I can tell the House that, although I was never involved, I remember when the Hon. Lynn Arnold, Minister of Industry, Trade and Technology, and a former Minister of Education, came out to the school in which I was teaching piloting a health and sex education program in the early 1970s. All the people who are on the barricades on the abortion question were out there trying to stop any kind of sex education programs getting into the public or private schools.

I must lament that, when I was last a teacher in a school in 1985, the Festival of Light was conducting a campaign to stop sex education being taught in the private school at which I was teaching and, if members want it, I can go into the sordid details of that campaign and the character assassination that was used on individual teachers who supported those programs.

At the end of the day the issue is that sex education has a correct and rightful place in our schools. In many respects, the need for abortions would never have taken place if sex education and various other matters had been brought into our community over the past 20 years. So, I find the bleatings of a number of community groups to be both hypocritical and hiding their real and twisted agendas.

Looking at this issue and all the rest of it, on the one hand it looks inane and on the other hand it simply confirms the situation we have had for the past 22 years. This Bill is really about a great deal of mischief, as it tries to create a situation and bring an issue back to the forefront. In many respects it is fraudulently trying to say that the Bill is about abortion. It is not: it is about politics and about netting a couple of members and causing a bit of embarrassment. It is about self-promotion and a few other things like that. In other words, it is not about abortion but about sinning. However, it is not about the sort of sinning that we have been led to believe: it is about political sinning.

The object of the Bill is to try to use conscience and other matters to cause individual members embarrassment, particularly those on this side of the House. However, it will not work at all. No amount of pressure will work now that the matter has been properly put under the spotlight. It will not succeed in putting this agenda back on to pro or anti-abortion lines. The House needs to see the Bill for what it is.

A moment ago the member for Hartley interjected that the Bill was unfortunate. I know that I should not recognise interjections, but the member for Hartley is much more eloquent than I in putting points, and in this instance he made a telling point in claiming that this measure was just a grubby effort to try to embarrass people. I must say that—

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE: I must say that the word he used was 'stunt', but he is a much more elaborate speaker than I. 'Grubby' will do me.

Mr Brindal interjecting:

Mr QUIRKE: I think that the member for Hayward, who now interjects, should have been here for the last speech about the effects of having too much of the coloured dyes. I think that is more appropriate where this is concerned. It speeds up the aggression in these debates, and he must take the consequences of what I am saying.

The reality is that this item was put in to embarrass our people. It may be that it is a conscionable thing that it just happened to appear out of the blue, but I doubt that. I

think everyone else around here doubts that, too. I think that his own people, although they swallow a lot of other things, will have trouble swallowing that.

Without going any further on the thing, because I see that my time is running out, I suggest that the issue before us is not about abortion. At the very least, on a generous level, it is about the administration of abortion in South Australia. But it is really about politics; it is really about embarrassment. I suppose the most embarrassed people are all those community groups out there who have spent all their time and postage writing to us and telling us that we ought to go this way or that way. I am still waiting for somebody in my electorate to tell me to go one way or the other. They do not seem to be doing that. Really, this is about trying to net a couple of members to vote against a Government measure. At the end of the day that is all it is: no more, no less.

I will conclude on the point by saying that this debate (which according to the Notice Paper has already been on for about six days, and I understand this is the seventh day) has been taken much more seriously than it should have been. I think that the word 'farce' is very appropriate.

The Hon. T.H. Hemmings interjecting:

The SPEAKER: Order! The member for Napier was constantly interjecting.

The Hon. T.H. Hemmings: I am sorry, Sir.

Mrs HUTCHISON (Stuart): I stress my complete opposition to the Bill. As the first woman speaker in this House today—I do not know whether the members for Coles and Newland will be taking part—I stress my opposition to the Bill because of my care and concern about the overall provision of health services for women in South Australia. By 'overall provision of health services', I mean services which cover the medical and physical health and well-being of women, and that covers a wide range of services which I believe this Bill jeopardises.

One of the services is abortion, which can be required for a wide variety of reasons, but it certainly includes the physical and mental health and well-being of women. I will not support any Bill which has the potential to downgrade health services for women in South Australia. I stress that I will not support any Bill that does that. The health and well-being of women, and ultimately that of the children that they bear and rear, is very important to me and, I am sure, to others in this House. It is also very important to people involved in the provision of health services in South Australia. A number of those have written to me, and to other members of this House, I am sure, and indicated their grave concern about the implications of this Bill for the services which are provided to women in this State. The Adelaide Medical Centre for Women and Children wrote in the following terms:

I am writing to express to you the great concerns of my Board of Directors regarding the likely effects of the Brindal amendments to section 82 of the Criminal Law Consolidation Act should the amendments be carried.

Support of these amendments will not only effectively disallow the establishment of the Woodville Pregnancy Advisory Centre, which is a much needed improvement to termination of pregnancy services in this State, but will at least jeopardise or at worst close down the existing services provided in hospitals at the present time.

With regard to the definition of standards for emergency treatment, the letter continues:

Definition of standards for 'emergency treatment' facilities could prevent some hospitals which currently undertake termination of pregnancy services (and other major surgery) from continuing to do so. The implications for country hospitals which comprise a large proportion of the presently approved hospitals may be very real.

That concerns me very much. The letter continues:

The effect of the proposed amendments may be to make termination of pregnancy services unavailable to South Australian women altogether. The Queen Victoria Hospital has provided a termination of pregnancy service for many years now and my board is most concerned about the likely effects on this service if the amendments are successful.

I also received correspondence from the Flinders University. In similar terminology, this letter states:

Such amendments at the very least would appear to restrict the provision of abortion services in this State where they have already been found to be inadequate.

Reference is made to the Furler report of 1986. The letter continues:

They would also significantly delay the approval of appropriate facilities and even provide the opportunity for such serious delays as to make the approval process unworkable.

The letter continues:

The process of approval seems different from the normal process of enacting regulations. To propose that such regulations must lie before both Houses of Parliament for 14 sitting days and allow for disallowance must be interpreted as obviously intended to introduce inordinate delay in the approval of new services. Surely this is unworkable and represents a deliberate attempt to disrupt the efficient and adequate provision of services. This will be particularly the case if all existing services have to apply for reapproval in this way.

It further states:

Furthermore, there is no historical evidence to support the notion that prohibitive legislation will prevent abortions, it merely makes them unsafe and dangerous. The legislation as proposed will be obstructive in its administration, adding unnecessary difficulties and costs to the provision of services. This hardly serves the best interests of many of the members of the community you represent, both as consumers and as providers of health services.

The present South Australian Criminal Law Consolidation Act is regarded as enlightened by Australian legislative standards. Please do not support these amendments as they are surely retrograde and unwise legislation.

Members interjecting:

Mrs HUTCHISON: I am sure that the honourable member opposite will get her chance to speak if she takes the opportunity to do so. I also received a letter from the Queen Elizabeth Hospital that expresses grave concerns. It states:

If you vote in favour of these amendments, you will not only effectively disallow the establishment of the Woodville Pregnancy Advisory Centre . . . the . . . amendment [is also] clumsy and medically meaningless [in its] definitions, which will mean that hospital services will actually be able to be defined as abortion clinics in existing hospitals, for example, country hospitals may not qualify as hospitals.

It further states:

Not including any mention of existing hospital services will mean that existing hospitals on the section 82 schedule may require approval again, which means of course that they can be disallowed. The change to the regulation enactment process means that there will be very lengthy delays in the approval process, especially during the times of the year when Parliament is not sitting. The effect of this Bill may be to make termination of pregnancy services unavailable to South Australian women altogether. If this is not your intention, I urge you to vote against the Bill.

The letter continues:

Whilst I appreciate any moral objections you may have to the issue of abortion, I would urge you not to support this very clumsy and unworkable legislation which will jeopardise the health of South Australian women.

The health of South Australian women is my real concern, and I wonder whether it is the concern of members opposite. I will quote a section of a letter from the Family Planning Association that mentions problems associated with this Bill. It states:

I am writing on behalf of the staff, clients and members of the Family Planning Association to express our grave concerns about the implications of the Brindal amendments to section 82 of the Criminal Law Consolidation Act. Principally, any change to the legislation which would make legal termination of pregnancy

more difficult to obtain would see a return to unsafe, illegal, often self-induced abortion.

If I were the member for Hayward I would not be smiling about that, because it is a serious matter indeed. This will have a significant impact on the health status of South Australian women and, ultimately, on the health of the community.

In a society that reveres motherhood we must entrust women with the final decision whether or not to proceed with a pregnancy. Abortion is only one option in a range of choices and it must be seen as such. The abortion debate will serve only to further polarise opinion on this issue. It would be more constructive if our energies were focused on strategies that supported planned parenthood in our society, and I would totally agree with that. I think it is the correct way to go, and the attitude of the member for Hayward makes mention that perhaps the member for Playford may have been correct in saying that this is a political stunt. I certainly hope it is not because, to me, it is something that is very important and very real, and I might inform the member for Hayward that I am taking it extremely seriously.

In conclusion, I would say that I urge all members to look very critically at this Bill and to ask themselves: does it really look at the overall health and mental well-being of women in this State? I do not believe so. Can we afford to jeopardise the provision of current services for women in this State that have been proven to be quality services? Again, I believe not. For all of those reasons and many more I therefore indicate my intention to vote against this Bill.

The Hon. JENNIFER CASHMORE (Coles): I listened with great interest to the speech of the member for Stuart whose views I respect and whose sincerity on this and other matters relating to the health of women I certainly respect. My own views on the question of abortion were recorded in this House within a month or two of my election in 1977. At that time I said that I supported the present law. I do not believe that we can tolerate a position where there is never a case for abortion. I believe that when human beings are placed in impossible situations they must be given the legal room to move without committing criminal acts. That is why the law provides for a whole range of measures which may not be considered morally ideal, let alone defensible, but which, in the practical world in which we live, must be provided for in order to prevent intolerable suffering of human beings. Of course, that is why the divorce law was established and it was why, in the early 1970s, this abortion law was established.

I want to make clear that, having put my position on the record in respect of the present law, I support this Bill. I do not see this Bill in any way diminishing the provision of services under the existing law. It is simply designed to retain what was intended in the very first place and that was Parliamentary authority over the prescription of proposed abortion clinics. In this sense we are not talking about abortion itself, we are talking about the right and responsibility of Parliament to maintain the closest possible supervision over a procedure which is unique insofar as it is the only procedure permitted by law in this State which, in effect, takes human life. There may be many arguments about the period of commencement of human life and I do not propose to become involved in those arguments.

Suffice to say that we cannot treat abortion in the same way as we treat other medical procedures, because in abortion procedures is involved a massive decision—a profoundly important decision—by society that we are permitting a procedure that takes human life. That alone should indicate to all of us that the Parliament should maintain the closest possible scrutiny and authority over the manner in which that procedure is performed. It is on the basis of the belief that that authority should be maintained that I support this Bill. I propose to go into some greater detail on the specific reasons for it but, having put my broad position on the record, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

VIDEO MACHINES

Adjourned debate on motion of Mr S.G. Evans:

That in the opinion of this House the State Lotteries Act 1966 must be amended to allow for hotels and clubs to operate video machines as described in the regulations under the Casino Act 1983 as from 1 July 1991.

(Continued from 15 November. Page 1929.)

Mr HOLLOWAY (Mitchell): This motion seeks to permit video machines in clubs and hotels, and I guess that would involve a classic conscience vote debate but for the fact that the member for Davenport has also argued in this House that video machines should not be allowed in casinos. The attitude of the member for Davenport really is rather curious, if not contradictory. On the one hand he is arguing that we should have no video machines in the casino, where similar games are played on the tables and where the use of those machines can be properly regulated, but at the same time he is saying that those machines should be introduced in clubs and hotels.

Mr S.G. Evans: You obviously didn't read my fascinating speech.

Mr HOLLOWAY: Indeed, I did read the member for Davenport's second reading speech, and his whole case for this motion was based strongly on the argument that there should be parity of treatment between casinos and hotels and clubs. The point I am making to the member for Davenport is that if we are to argue this question let us do it the right way around. Let us consider, first, the question of whether or not video machines should be in the casino and then, when that matter is resolved, we can look at the question of extending their use to clubs and hotels.

In fact, on 11 October the member for Davenport moved a disallowance motion in relation to the regulations that would permit videos to be introduced into the casino. That regulation is the very regulation to which he refers in this motion, providing the definition for video machines to be introduced into hotels and clubs. Had the matter been decided in favour of video machines in the casino, I think we could make a reasonable judgment on the matter before us. I would like to put on the record that I would favour an extension of video machines to clubs and hotels, subject to appropriate regulatory mechanisms being established, and provided a demand from the public was demonstrated following their introduction into the casino.

However, another question needs to be addressed, and that is the question of how these machines would be linked: would they be introduced individually, or would they need to be extended through terminals? I think that these questions need to be looked at if we are considering any extension into hotels and clubs but, again, I make the point that that needs to be looked at after the question of their introduction into the casino is resolved.

If we introduce these machines in the casino we have the opportunity to observe their operation in a controlled environment. The Government has made its position known to the hotel and clubs industry as to the extension of these

machines. A letter sent by the Minister to the Hotels Association and Licensed Clubs Association states:

I understand your position and the needs of your members to ensure the viability of your industry. As you are aware, the Government's current focus is with the introduction of these machines into the casino. There are a number of reasons why this is appropriate at this stage. There are established regulatory and surveillance mechanisms through which the use of machines can be adequately monitored. It also provides an opportunity for the Government and the community to assess the implications of video gaming machines. It is not the Government's intention that the casino should have exclusive rights in this area for a particular period. The Government will continue to assess the effects of video gaming machines on clubs and hotels. We remain prepared to consider appropriate changes in future should the community demonstrate a desire to have video gaming machines permitted in clubs and hotels.

I would argue that that is a logical approach by the Government, and I believe it is the way we should be proceeding in this matter. I gave my reasons, on 8 November, as to why video machines should be introduced in the casino, when the disallowance motion was being debated. Unfortunately, I did not have enough time on that occasion to complete my remarks but I hope to have that opportunity shortly. I do not wish to cover those grounds again.

Established regulatory and surveillance mechanisms exist adequately to monitor the initial introduction of gaming machines into the casino. It provides an opportunity for the Government and the community to assess the implications of video gaming machines. The position of the casino compared with its interstate and overseas competitors is also a consideration. In relation to that latter point, I will refer to an article in the Sydney *Daily Telegraph Mirror* of Wednesday 2 January. Members would probably be aware that the New South Wales Premier has announced that two casinos will be introduced in that State, one of them to be housed in an historic Lands Department building in Bridge Street. In the article, John Beagle, a gaming consultant, likened it to the Adelaide Casino, which he said was internationally acclaimed as Australia's premier casino.

That was from a gaming consultant in New South Wales. Obviously, the Adelaide Casino is the pacesetter for casinos in this country. It is important for the casino, if it is to maintain that reputation, to have the full range of gambling facilities. That is why I believe it is important that we should resolve first the question of introducing video machines into the casino. Provided their introduction is satisfactory, provided we can develop appropriate regulatory mechansims to ensure that the machines can be introduced into clubs and hotels satisfactorily, and provided public support is demonstrated for that move, I would support such a move at that time. However, I am not prepared to put the cart before the horse. I believe the member for Davenport should not proceed with this motion until the question of video machines in the casino is first resolved.

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

QUESTION TIME

STATE BANK

Mr D.S. BAKER (Leader of the Opposition): My question is to the Treasurer. How many off balance sheet entities does the State Bank Group have in New Zealand?

The Hon. J.C. BANNON: I will seek to obtain that information for the honourable member.

EMPLOYMENT AND TRAINING

The Hon. T.H. HEMMINGS (Napier): This is the first time I have been first for ages.

The SPEAKER: Order! The honourable member is out of order, and he will ask his question.

The Hon. T.H. HEMMINGS: I direct my question to the Minister of Employment and Further Education. Will the Minister detail how the potentially adverse impacts of the current recession on South Australia's existing and future skills base can be addressed by next week's industry statement by the Prime Minister, Mr Hawke? I understand that the Prime Minister's industry statement will deal with employment and training issues as part of an overall economic package. It has been put to me that, during previous periods of economic difficulty in South Australia and nationally, unfortunately industry's commitment to training has been reduced. I have been informed that this resulted in a serious shortage of skills at a time when the economy was recovering. Many of my constituents who are concerned about the impact of the current recession on apprenticeship training have argued that in South Australia we must maintain our commitment to training to assist local economic recovery.

The Hon. M.D. RANN: I thank the honourable member for his interest in this area. Obviously, overcoming the adverse impact of the recession on South Australia's skills base and training commitment will require the combined efforts of both Commonwealth and State Governments and industry. For this reason, I am asking the Commonwealth to come to the party and further advance its policies for making Australia the 'clever country'. We are asking the Commonwealth to subsidise the employment of those apprentices whose continued employment is genuinely threatened; to provide support for an expansion of pre-vocational training; and to provide other subsidies and support to enable apprentices whose indentures have been suspended to complete their training, whether in TAFE colleges or elsewhere. I will certainly be looking for initiatives such as these in the industry statement next Tuesday.

Members will be interested to learn that pre-vocational and pre-apprenticeship training has always been an important transition path for young people joining the labour force and a valuable supplement to apprenticeship training. It has been particularly important as a counter to the fall-off in skills training at times of recession. Back in 1988, half the 1 250 young people involved in pre-vocational training had places funded by the State, and half were funded by the Commonwealth. Unfortunately, at the end of 1989, the Federal Government withdrew all its support in that area for pre-vocational training.

Unlike other States, the South Australian Government had the wisdom to continue its pre-vocational program at its previous level. This meant taking responsibility for the Commonwealth funded places. So, by 1990 the South Australian Government had funded all 1 250 pre-vocational places at a cost in excess of $6 million; it had also funded an additional 300 special entry traineeship places. The Commonwealth Government now needs at least to match the State's effort and, given the falling costs in CRAFT rebates (a Commonwealth tax-free rebate for apprentice training), it should be able to provide a variety of additional assistance in next Tuesday's statement. South Australian industry, unions and Government must maintain the strongest commitment to training, despite current economic difficulties.

It is vital for the long haul that we do not drop the ball in our training effort, as has happened in the past during economic downturns. Of course, when the economy

rebounds, as it inevitably will, industry says that we do not have the skills to fill the gap during a time of economic expansion. This may be a time of recession, but it is also an opportunity to ensure that as a State South Australia comes out of the recession stronger than before it went into it. Governments alone cannot do that—it will require a tripartite effort.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): Will the Treasurer advise what proportion of the State Bank Group's non-accrual loans, currently estimated at $2.5 billion, are due to the exposures in New Zealand?

The Hon. J.C. BANNON: I will endeavour to obtain that information for the honourable member.

WHOLESALE PETROL PRICING

Mrs HUTCHISON (Stuart): Will the Minister of Education, representing the Minister of Consumer Affairs in another place, advise whether he is aware of a 'radically different' system of wholesale petrol pricing as recommended by Mr Richard Flashman of the Motor Traders Association? If so, will the Minister report on its possible effects to the consumer and indeed on the viability of the proposal? It was reported in the *News* of 14 February 1991 that Mr Flashman had recommended such a system, which would radically alter the wholesale petrol pricing system, service station liability and retail competition in order to safeguard operators and satisfy the marketing needs of individual oil companies. Under the system it is anticipated that consumers would still get discount benefits.

The Hon. G.J. CRAFTER: I thank the honourable member for her question and her interest in this matter. Obviously, it is a matter of considerable concern to her constituents, living far away from a capital city. I will undertake to get a detailed report from the Minister of Consumer Affairs with respect to the statement attributed to Mr Flashman. I am not sure whether they are fully developed proposals or simply a matter on which he was commenting in passing. Obviously, his comments are of interest to us all.

STATE BANK

The Hon. D.C. WOTTON (Heysen): Does the Treasurer still believe that his approval of the State Bank's acquisition of the United Building Society and Beneficial's investment in Southstate Corporate Finance were to the benefit of the taxpayers of South Australia? On the Conlan ABC radio program today, consulting economist and Director of the Bank of New Zealand, Mr Len Bayliss, roundly criticised the State Bank's investments in New Zealand, particularly in United and through merchant banker Fay Richwhite in the Bank of New Zealand. In a written reply to the Leader of the Opposition on 6 December 1990, the Treasurer confirmed that he had formerly approved the State Bank's acquisition of United on 9 May 1990, and the Treasurer said, both in respect of that acquisition and Beneficial's investment in Southstate:

> I am comfortable that both investments in New Zealand were appropriate decisions by the State Bank Group.

The Hon. J.C. BANNON: That is certainly correct on the information and in the climate in which the acquisitions were made. On the information provided to me it appeared that it was an appropriate matter on which I could give approval. No doubt, that is something that will be explored before the commission. I imagine that the honourable member is influenced in his questions not only by the interview he quoted but also by the article in this morning's *Advertiser* about various New Zealand transactions. I am told that there are a number of inaccuracies in that article. Let me say in relation to the United Building Society that that was acquired in June 1990 and subsequently converted to a registered bank.

The United Bank is, as was reported in, I think, the final paragraph of the article, exclusively retail based, and for the six months to 31 December 1990 reported a net profit after tax of $NZ13.9 million. The non-bank activities of the former United Building Society have been transferred to SBSA New Zealand Holdings Limited. The article also refers to the acquisition of Security Pacific, which it describes as a merchant bank.

In fact, it is not a merchant bank: it was a licensed New Zealand bank. It provided SBSA a wholesale banking operation based in Auckland with receivables of approximately $500 million, about 50 staff and an appropriate information system, including Treasury operation systems. It is claimed that Security Pacific—

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. J.C. BANNON: —that the State Bank was involved in exposure to a certain Mr Ray Smith, I am advised that at no time had it had any involvement with Ray Smith or with his company, and these receivables were excluded from the purchase of Security Pacific. Various other allegations are made. For instance, the SBSA does not, and never has, owned shares in the Bank of New Zealand. That bank is a competitor of the State Bank in the financial field, as perhaps the interview quoted by the honourable member this morning would indicate.

It is true that in one area a security is held against another form of indebtedness in the form of shares, which greatly exceed the value, incidentally, but it does not hold shares in the Bank of New Zealand. There are various other aspects to the New Zealand operation which, no doubt, the appropriate inquiry will reveal.

To get back to the honourable member's question, the New Zealand economy is going through a dreadful period at the moment, and the election of the new conservative Government does not seem to have arrested or changed those trends: indeed, it has made things worse. I can only repeat that the acquisition of certain assets in New Zealand at the time, on the information provided, was an appropriate matter as far as I could judge.

WEST LAKES REVETMENT WORKS

Mr HAMILTON (Albert Park): Will the Minister of Marine advise the House what progress has been made with a pilot project of replacing revetment works at Nareeda Way, West Lakes; what is the likely completion date for the pilot project; and whether there will be a period of assessment of this pilot project? Will the Minister undertake to obtain a comprehensive report on the likely completion of all the damaged revetment work? An article in the Messenger Press *Portside* of Wednesday 11 July last year in part states:

> Marine and Harbors Department (DMH) engineer Malcolm Bagnall said original concrete blocks or stepped banks around the lake's edge had deteriorated from salt water seepage.

The water was washing away sand behind the banks, allowing them to rotate out of position . . .

Some repair work, such as replacing several sections with new concrete blocks had been carried out by the DMH in past years. But this method would probably be too expensive for the 8 km of bank that is believed to need repairs . . .

Marine Minister Bob Gregory said the Government had allocated funds for the most urgent work in Nareeda Way and that the DMH would 'do the work as needed'.

I understand that this pilot project has commenced, hence my question.

The Hon. R.J. GREGORY: The problems of deterioration of the revetment at West Lakes have been a continuing concern to the department, which has been investigating numerous methods of overcoming the problems associated with it. One of the reasons for the delays is that none of those alternative methods has proved suitable. However, a new type of revetment has been developed that is designed to replace the damaged section, and it will be trialled over the next couple of weeks. The department is experimenting with the handling and placing of the stepped revetment at Snowdens Beach from early March. The new revetment will be made of glass reinforced cement sheet piling and steps, backed with concrete.

The move to replace part of the revetment is necessary because of deterioration of sections of the original lake wall at Nareeda Way. The original wall was constructed by the West Lakes developer using concrete masonry blocks, a considerable number of which have deteriorated quite badly over time. An early estimate has placed the cost of replacement work at in excess of $200 000.

I pay tribute to the member for Albert Park who has spent a lot of time in discussions regarding the deteriorated state of the lake wall at Nareeda Way, and his efforts in liaison with residents of West Lakes, the Department of Marine and Harbors and my office have been very valuable. If the trials prove successful, the department advises that site work for the placement of new revetment should begin before July. Unlike the original work, this can be done without lowering the level of the lake.

STATE BANK

Mr INGERSON (Bragg): Will the Minister of Employment and Further Education confirm his involvement in discussions that led to the State Bank expanding its business in New Zealand? The Minister demonstrated a close interest in the affairs of the State Bank when he moved a motion in this House on 13 April 1989 condemning Opposition questions about the State Bank and lauding the 'brilliance' of Mr Marcus Clark. In November 1987, the Minister was also responsible for inviting the then New Zealand Prime Minister, Mr Lange, to Adelaide, and I have been told that during this visit discussions led to the State Bank significantly increasing its activities in New Zealand, particularly during 1988 when the bank moved to prop up a number of ailing New Zealand companies.

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! The member for Kavel is out of order. The honourable Minister.

The Hon. M.D. RANN: Thank you, Mr Speaker. I am delighted to receive this question, because it is only the second question I have been asked since I became a Minister well over a year ago, and that is quite extraordinary. I had hoped that it would come from either 'Baker Bitter' or 'Baker Light', but I will have to do with the member for Bragg. I know that he is concerned to raise his profile because of the intentions of the mother of disunity, the member for Coles, seeking his position on the front bench.

I confirm that I did invite David Lange to participate in the celebrity race of the Australian Grand Prix, and in New Zealand that boosted publicity for the event. However, I cannot delight the member for Bragg who wants to get up to the top spot over there; I have had no involvement with discussions about New Zealand banking, or any other such balderdash.

Members interjecting:

The SPEAKER: Order! The member for Walsh.

CRYPTO SPORIDIUM

The Hon. J.P. TRAINER (Walsh): Is the Minister of Health able to advise the House what public health measures are available to contain the spread of the condition crypto sporidium which, if page 3 of this morning's *Advertiser* is to be believed, has assumed the proportions of a mild epidemic?

The Hon. D.J. HOPGOOD: I thank the honourable member for his care and concern in this matter, because it appears that I have got it.

Members interjecting:

The Hon. D.J. HOPGOOD: I might be sorry I said that, because no doubt any absence of mine from the Chamber this afternoon will be misinterpreted. About three weeks ago several laboratories contacted the public health authorities and indicated a very high level of reportage of this disease, or complaint, I should say, because the good news is that the body is able to deal with it fairly effectively. The symptoms are reasonably mild but the bad news is that it goes on for about three weeks.

The Hon. E.R. Goldsworthy interjecting:

The Hon. D.J. HOPGOOD: Just making it, for the information of the member for Kavel. The problem is to identify the vector for the complaint. I reassure the Premier and the Minister of Industry, Trade and Technology who have both been shuffling away from me on the front bench, that it is not infectious in the normal sense of the word. A lot of work is being done to identify a vector, and I think that contact has been made with the Victorian authorities, because it is not unknown over there.

It tends to be spread from children to adults because there has been a considerably high reportage from child care centres. There is some evidence that it may spread from animals to children, but there is no great evidence that household pets are a factor in the overall equation. So, we are looking at it fairly closely. The other good news is that it is almost unknown in the winter months and, as the daily temperatures drop, one can expect that this mild epidemic will abate.

EAST END DEVELOPMENT

Dr ARMITAGE (Adelaide): What advice can the Treasurer give the House about delays in the proposed East End development? I am advised that this project has been long delayed for the following reasons. Originally, it was proposed by Beneficial Finance after a detailed management study which indicated there were good prospects for a development, particularly in the retail area. Initially, Beneficial wished to develop the project in conjunction with a large construction company. However, the State Bank Board deemed that this should not be done because that construc-

tion company would be a prospective builder of the project and there was a conflict of interest.

Subsequently, however, the Managing Director of the construction company made representations to Mr Marcus Clark and Beneficial Finance and was then told to proceed in conjunction with the company. However, I am advised that later the State Bank developed the view that the East End development should not proceed because it would be in conflict in the retail letting market with the Remm development for which the bank had incurred significant exposures. As a result, and following a consultant's report arranged by State Bank, Beneficial Finance was directed to drop the East End project. I am further advised that this sequence of events is symptomatic of a breakdown between the management of State Bank and Beneficial which produced significant tension between the two and caused Beneficial management to believe that it was being made a scapegoat for unwise decisions by State Bank.

The Hon. J.C. BANNON: In the current state of the market, there are not too many projects Australia-wide that are proceeding while assessment is made as to value, finance and possible uptake. The East End Market project, of course, falls into that category as well. It is a very exciting and visionary project. It has been taken to a certain point but the final commitment has not been made. The honourable member is correct to refer to the Remm development, which is one of the largest projects in Australia currently under construction. I believe, as with a number of other projects, that the successful completion of that project will signal a renewed confidence which will result in a number of these investment plans being taken off the shelf and developed.

If, on the other hand, the Remm project does not meet its targets, the outlook is pretty dismal for the early resumption of any projects of this kind. It just makes sense that—and it is worth placing again on the public record the point I made last January—if a landmark project of the size and scale of Remm can be successfully accomplished, it is a terrific example of what we can do in South Australia and it will act as a positive encouragement. However, if it cannot, then I agree that the effect on confidence will be quite considerable. At present the development approval for the southern extent of the East End Market site over which Beneficial has control involves a retail sector, two residential towers, three office towers and extensive underground parking. That approval was granted in May 1990.

Kinhill is involved with Beneficial and have identified one of the areas as an office building that they could locate in but currently, with the state of the property market generally, no other tenants are specifically identified. What is being considered is a reduction in the amount of retail and commercial space, an increase in the residential component—which I think would be welcomed greatly—and the replacement of the underground car park with a separate car park arrangement. That would require a revamping of the project in some way within the basic approvals given and also, of course, the ability to look at each of those components in their own right.

I think that with any of these major projects, in the current economic climate, their segmentation into stages is the only real way they will be accomplished. It is impossible now to marshal the total finances to do a blockbuster, instantaneous project, so it is better to be done in these staged segments. That is what is under consideration at the moment and there is no particular timetable placed on when a decision might be made because, quite frankly, in the current circumstances that would be impossible.

AUSTRALIAN AIRLINES FOODSTUFFS

Mr QUIRKE (Playford): My question is directed to the Minister of Agriculture. Has Australian Airlines had anything to say to the Minister about the use of imported fruits on their flights? The House may recall that I raised this matter in the last sitting week, and it is of great concern to South Australian fruit producers.

The Hon. LYNN ARNOLD: I do, in fact, have some advice from Australian Airlines and, in presenting this information to the House, I thank the member for Playford for raising this matter in the first place. I get the impression that Australian Airlines would also wish to indicate their appreciation. I think the best way I could indicate it is simply to read into *Hansard* the letter we have received from the Manager, Inflight Services, of Australian Airlines who wrote following contact by an officer of my department (Mr I. Lewis, the Senior Horticultural Marketing Officer). The letter states:

> Thank you for the opportunity to comment on the question raised in the South Australian Parliament. Australian Airlines' policy for inflight catering is to provide light, fresh, interesting food of high quality, utilising Australian raw materials. We have adopted this policy and enforce its implementation from our own catering centres and suppliers for two main reasons, viz.:
>
> 1. to take advantage of the array and quality of available fresh Australian produce;
> 2. to support Australian industries whose support we, in turn, seek.
>
> The policy has been most successful for Australian Airlines, earning expressions of support from several primary production organisations and groups while enhancing our reputation for high quality on-board meals and refreshments. Our 'Australia-first' policy has benefited South Australian companies by encouraging local manufacture of items previously imported from overseas or interstate. Beerenburg jams and Berri fruit juices are two such examples. Therefore, the report of a customer receiving fruit clearly not produced in Australia is of great concern. Accordingly, checking and control procedures at all Australian catering centres have been increased to prevent inadvertent acceptance of non-Australian produce from suppliers.

That clearly indicates, by having this matter drawn to their attention, that they were able to identify a flaw in their systems, so that in future such episodes should not be repeated. But I think the other point raised by the honourable member involved the more general principal issue, namely, that service industries in Australia should receive greater encouragement to use Australian food. That includes other airlines, for example, as well as restaurants and hotels, etc.

I will ask the Horticulture Development Committee of the Department of Agriculture to work out ways in which it can make proposals to such organisations to see whether or not they have such policies in place, as I believe some of them might well have. I think, for example, Ansett Airlines might already have such a policy in place but I think we need to check that that is the case and then check whether their own internal procedures make their policies effective so that, in line with the point I made previously in answer to the honourable member's question, the quality and price competitiveness of Australian fruit and vegetables will legitimately be able to find their place on the plates of airline passengers, hotel guests, residents and patrons of restaurants.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. P.B. ARNOLD (Chaffey): When was the Treasurer made aware of the property dealings between SGIC and companies in which the Chairman of SGIC has a

substantial interest, and why did he allow these substantial dealings to go unreported in successive SGIC annual reports?

The Hon. J.C. BANNON: I have to say that at all times Mr Kean, the Chairman of SGIC, has acted properly in terms of his declarations of interest. This goes back to the period of his appointment to the commission when, in fact, he raised the very question of whether a number of companies in which he was involved could, in the normal course of business, be expected to do business with SGIC as a major property investor in the city and whether this would disqualify him from taking the position. The answer was 'No'.

In fact, if that test was applied we may as well exclude just about anybody in Adelaide from serving in these positions, which I think would be a matter of considerable regret, because we need their skills and expertise. I am grateful that they are prepared to volunteer. However, it could become very difficult if they have the finger pointed at them and aspersions cast at every single opportunity. In those circumstances it would be very difficult indeed to induce them to do that public service.

Having said that, in that case the Premier of the day (Hon. Des Corcoran) said, 'No. Providing the declarations are properly made, Mr Kean can very adequately discharge the job as Chairman.' Under Premier Tonkin, a Liberal Premier, I understand there was one transaction where it was a case of the transaction having gone through, or compulsory acquisition orders having been issued, which puts Mr Kean in a pretty rough position if he is then accused of a conflict of interest, I would have thought. So, one can trace them through. One of his business partners, Mr Bill Hayes, a man of high reputation and respect in this community, placed on record the other day—and this is probably the basis of the honourable member's question—a series of properties with which Mr Kean had some connection and which conducted business with SGIC. To the best of my knowledge, there is nothing improper in any of those dealings.

Mr Kean himself has requested that an assessment be made of any possible conflict of interest in his dealings, and whether or not there had been proper recording and decision-making in those cases. I have referred that issue for inquiry. Of course, the Auditor-General would have looked at each of these when auditing SGIC's accounts each year and, if there was some doubt or problem, a note would have been made accordingly. No such advice or notation has been made. I have already mentioned the general investigation into SGIC's overall operations, which a high level committee is undertaking.

I have arranged for a Government investigation officer to look at Mr Kean's alleged conflict of personal and commission interest at, as I say, his request. The Crown Solicitor has also been asked to advise on whether the practice and procedure of SGIC regarding these conflicts of interest involving board members and senior management is appropriate and, if not, to recommend appropriate alterations. When I have that report, obviously I will be able to provide further information.

EXPIATION NOTICE PHOTOGRAPHS

Mr ATKINSON (Spence): Will the Minister of Emergency Services advise what is the cost of enclosing a photograph with each expiation notice sent to drivers alleged to have been caught by speed cameras?

The Hon. J.H.C. KLUNDER: Obviously, I will be able to give only a fairly rough estimate in relation to this matter because it would depend on, first, the number of expiation notices sent out and, secondly, the cost and type of equipment that would need to be purchased for the production of such photographs. I have been advised that, on the basis of amortising the capital expenditure of such equipment over three years, the estimated cost for each photograph would lie in the range of $2.50 to $3. I would also like to point out that, as members may recall, a recent amendment to the Road Traffic Act was passed in this Parliament to allow for a photo of an alleged offending vehicle to be sent to the registered owner in the case of an owner requesting such a photograph.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. B.C. EASTICK (Light): I direct my question to the Treasurer. What formal investment guidelines has the Treasurer approved for SGIC, and do they include reducing holdings of blue chip shares in South Australian companies in response to media criticism? On 12 December the member for Davenport asked the Treasurer whether he had had any discussions with SGIC concerning changes in the commission's investment strategy, but the Treasurer provided no answer. Since then SGIC has reportedly sold two million Argo shares and 36 million SA Brewing shares worth around $100 million in response to what SGIC's Chief Executive, Mr Gerschwitz, told the *Advertiser* last Friday was 'criticism by journalists that our portfolio was too heavily weighted in South Australian companies'. On Tuesday this week the Treasurer told the House that the sell down was in response to SGIC's review of its share portfolio. Under section 16 of the SGIC Act, the commission may invest moneys 'in any investments from time to time approved of by the Treasurer'.

The Hon. J.C. BANNON: I think the remark on which the honourable member is hanging his question was actually made somewhat tongue in cheek by the General Manager of SGIC. However, such is the fevered atmosphere surrounding these matters at the moment that these things are reported as if they are some kind of holy writ. That is most unfortunate.

Members interjecting:

The SPEAKER: Order! The Chair is having great difficulty hearing the response.

The Hon. J.C. BANNON: As I have advised the House, SGIC holds a considerable number of securities in South Australian companies. It was on the basis of a security portfolio developed and approved by the then Liberal Treasurer (Hon. David Tonkin) initially that SGIC has been a very valuable contributor to the stability and value of South Australian business in its holdings of those securities. However, the guideline there is one of commercial return. Obviously, it has to conform to SGIC ensuring that it has balance in its portfolio and that it is a profitable allocation for its money. In that respect, advice is taken by consultants, and recent consultations occurred which resulted, as I outlined to the House, in the South Australian Brewing Holdings transaction, for instance, on Tuesday.

HORWOOD BAGSHAW SITE

Mr HERON (Peake): Will the Minister for Environment and Planning advise the House what progress has been made on plans for the development of the Horwood Bagshaw site at Mile End and, in particular, will provision be made to include an open space area as part of the devel-

opment? I have received representations from the Mile End East Residents Group regarding its concern that adequate provision of accessible open space should be reserved as part of any future development of the former Horwood Bagshaw site.

The Hon. S.M. LENEHAN: I thank the honourable member for his question and his continued interest and involvement in this issue. As members would be aware, the Horwood Bagshaw site and its future development will form part of the Government's urban consolidation program for the western suburbs. Departmental officers have conducted a preliminary feasibility study of the site which has suggested that indeed an open space reserve could be established as part of a financially viable residential project on this site.

This requirement for open space has been identified by the Mile End East Residents Group, which has made representations to me, as it has to its local member, Mr Heron. I can also inform the House that recently the Planning Education Foundation of South Australia conducted a summer school in landscape and urban design. The Horwood Bagshaw site was selected as its focus and participants prepared design solutions involving medium density housing and community open space.

It is anticipated that by the end of May this year a consultant will be engaged to prepare an urban design study for the Horwood Bagshaw site and the adjacent area. The consultant will prepare urban design guidelines and a concept for medium density housing, consistent with the Government's urban consolidation policy and the green street joint venture principles for residential development. The Thebarton Development Committee has also undertaken to ensure adequate public consultation during this design process. In conclusion, I believe we will see a most appropriate, innovative medium density housing complex, along with the provision of very much needed open space for the residents of the area.

STATE BANK

The Hon. E.R. GOLDSWORTHY (Kavel): Will the Treasurer, as Minister responsible for the State Bank, give an immediate instruction to the State Bank of South Australia and the SGIC to cease the practice of intimidating journalists who are reporting on the institutions? This morning a person holding a senior position in the State Bank advised a journalist that he was 'under investigation' by the State Bank. The Opposition is also aware that a public relations firm working for SGIC has taken action to investigate the background of another journalist who has been reporting on that institution.

The Hon. J.C. BANNON: I think that that question is pathetic.

Members interjecting:

The SPEAKER: Order!

ANTI-THEFT LOCKS

Mr HOLLOWAY (Mitchell): Will the Minister of Transport ask the Australian Transport Advisory Council (ATAC) to investigate whether motor vehicle manufacturers should be required to install better and stronger anti-theft locks on all new motor vehicles? In the March/April issue of the RAA magazine *SA Motor* the Director of the Crime Prevention and Criminology Unit in the Attorney-General's Department (Dr Sutton) is reported as saying:

> The main thing car manufacturers can do to prevent car theft is to install better steering locks when the car is being made in the factory. The locks that are fitted now are not strong enough. Thieves can snap them easily.
>
> It is estimated that a car is stolen in Australia every six minutes.

The Hon. FRANK BLEVINS: An Australian design rule currently applies to anti-theft locks for passenger vehicles and was introduced in January 1972. The rule has been amended a number of times since then with respect to the design of the lock. It is quite clear from the information provided by the member for Mitchell, and everybody knows, that locks are totally inadequate given that vehicles are stolen at the rate outlined. Clearly, something is wrong.

ATAC is in the process of investigating the problem. Its preliminary finding is being pursued by all Ministers of Transport and relates to the question of vehicle identification numbers being stamped on numerous components of a vehicle, not just on the engine. It shows a lot of promise and such a system should make it less worthwhile for organised car theft and for the people who steal cars purely to strip them and sell the parts. Each substantial part will be stamped with the vehicle identification number so that it will be much more difficult for organised car thieves to make any money out of that sort of operation. We should not kid ourselves that car thieves will not find some way around it. The number of young people who steal cars for fun is quite alarming.

They do not steal them for profit; they just steal them for fun. They take them for a joyride up to the electorate of the member for Light and set them on fire. They seem to get a great deal of pleasure out of that, which I find quite remarkable. Nevertheless, I understand that the Federal Government will be bringing out a new design rule for vehicle locks which will come into force on, I think, 1 July 1992.

An international standard will be applied to Australian vehicles, and it is expected that the strength required to break these locks will be beyond most people. It will have the effect—again, that is our expectation—of reducing the incidence of theft.

Dr Armitage: They'll just burn them where they find them.

The Hon. FRANK BLEVINS: The member for Adelaide, quite chillingly I thought, said 'They'll just burn them where they find them.' Unfortunately, apparently when young people cannot steal a motor vehicle now, occasionally they slash its tyres. It is just wanton destruction. I am not quite sure—

Mr Brindal: Increase the penalties.

The Hon. FRANK BLEVINS: The penalties are very extensive now. I am not quite sure what we can do about it, other than to give the police all the powers they need and also, particularly, to make parents bear a greater responsibility for what their children do when they are supposed to be under their control. I know that that is a rather controversial suggestion, but it seems to me to be eminently sensible.

Everyone on this side thought it eminently sensible, and when such an issue is before the Parliament again I expect the member for Hayward to support the Government in that proposal. I can assure the member for Mitchell and the House that the Australian Ministers do take this issue very seriously, and we will do all that is reasonable to alleviate the problem.

We are advised by the police that, if we take out of the statistics the number of thefts of cars, whether for illegal use or straight-out theft for profit, we will see that we can make significant inroads into the rate of crime in Australia,

because this is one area in which crime has really blown out. Any real analysis of the statistics of the increasing crime rate will show that it is in the motor vehicle area where the figures have increased considerably.

I thank the member for Mitchell for his question and assure the House that the matter is being taken very seriously. When legislation is brought before this House, if necessary, to make people more responsible for their actions and for the actions of those over whom they are supposed to have control, I look forward to the support of the entire House.

MOORING GANGS DISPUTE

Mr MEIER (Goyder): My question is directed to the Minister of Marine. What progress has been made to resolve the dispute between the Department of Marine and Harbors and the mooring gangs at Outer Harbor?

Members interjecting:

Mr MEIER: Why don't you listen in?

The SPEAKER: Order!

Mr MEIER: How many vessels are currently affected by the dispute, and what action is the Minister taking to ensure that at least the live sheep carrier, *Mawashi Tabuk*, is allowed to load the 75 000 sheep currently awaiting shipment, the loading of which is critical to the devastated rural economy of South Australia?

The Hon. R.J. GREGORY: The problems that the department is having at the moment stem from the reorganisation of that department to ensure that the people who ship from our ports can ship their goods at the least possible cost. Just over a week ago I detailed to the House the extremely cheap cost of exporting grain from the ports of South Australia.

Mr Meier interjecting:

The SPEAKER: Order!

The Hon. T.H. Hemmings: Listen to the answer, John.

The SPEAKER: Order! The member for Napier is out of order.

The Hon. R.J. GREGORY: We have been negotiating with the unions since 14 December 1990 regarding a suitable rearrangement of work practices in the port of Adelaide. We have had numerous discussions with the workers and their union representatives and a considerable number of conferences have been held in the State Industrial Commission. I have had two discussions with representatives of the workers and I am hopeful that the bans will be lifted this afternoon.

I make the point that the actions of the department are to ensure that the port of Adelaide remains very competitive and that the Department of Marine and Harbors is a viable economic proposition that returns funds to the Government instead of being a drain on it. I can assure you, Mr Speaker, that we are doing that.

Mr D.S. Baker: We should make you Treasurer, then!

The Hon. R.J. GREGORY: I point out to the member for Victoria that last financial year the department had a cash surplus of $3 million; the year before it had a cash surplus of $1.8 million; and the year before that it had a cash deficit of $1.8 million. I notice that he is nodding his head and I hope that it is screwed on properly so that it will not fall off. That indicates that there has been a significant turnaround in the operations of the department, and it is the aim of this Government to ensure that the department is a net contributor to the funds of the State rather than a drain on it. What we are undertaking at the port of Adelaide aims to do exactly that. To ensure that the member for Goyder is happy, I advise that, if the workers take the recommendations from their officers this afternoon, there will be a return to normal work and negotiations will continue with the department.

MATHEMATICS FOR GIRLS

Mrs HUTCHISON (Stuart): Will the Minister of Employment and Further Education outline to the House the steps the State Government is taking to ensure that girls are more prepared to enter the work force with skills in mathematics? I understand that studies have shown that girls tend to drop mathematics at senior high school levels when it is no longer compulsory and that this seriously affects their employment prospects because so many new jobs in this era of rapid technological change require clear mathematical skills.

The Hon. M.D. RANN: I thank the honourable member for her continued interest in this area. The Minister of Education and I, as Minister of Employment and Further Education, recently initiated a campaign to encourage more girls to study mathematics at senior high school to ensure greater career options. It must be a joint effort because it has clear implications for jobs and further education as well as schooling. The honourable member is right: girls do tend to drop mathematics when it is not compulsory. For example, statistics supplied by the Minister of Education's department indicate that, while it can be assumed that at year 10 about 98 per cent of girls study mathematics of some description, by the time these girls have reached year 12, their participation has dropped significantly.

In 1990, the percentage of male and female students studying mathematics at year 12 was: females, 61 per cent; and males, 90.9 per cent. Most girls today find that they will spend many years in the work force, indeed a far greater proportion of their life in the work force than their mothers or grandmothers. Therefore, it is critical that they consider the wide opportunities available to them if they continue with mathematics at school. By dropping maths, girls wipe out more than 80 per cent of their future employment, education and training options. That has been raised with me by the universities as well as by industry.

I have launched the 'Maths Means More Choices for Girls' campaign to give girls more confidence in their mathematics abilities and to encourage them to choose maths. The basis of the campaign is a resource kit that schools will be able to use for periods of up to one term. Included in the kits are a series of posters, class sets of material for use by students, teacher resource materials, videos, information leaflets for parents, and set squares, pencils, badges and stickers. The information leaflets for parents are important because parents, friends and peer groups have a critical influence on people's education and career choices. All schools that have female students will be sent this material.

The Mathematical Association of South Australia, IBM, BHP, the Office of Tertiary Education and the South Australian Education Department have all worked with the Department of Employment and TAFE to contribute to the development of this resource kit.

Members interjecting:

The Hon. M.D. RANN: I am surprised at the lack of interest by members opposite and the rather inane interjection of the Deputy Leader of the Opposition. I advise him to beware the Ides of March because there are at least three members on the other side who are after his job.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: I warn the member for Goyder.

The Hon. H. Allison interjecting:

The SPEAKER: Order! I warn the member for Mount Gambier.

EYRE PENINSULA RURAL CRISIS

Mr BLACKER (Flinders): I desire to ask a question of the Minister of Agriculture, although the Premier may wish to take it. In view of the dire economic circumstances in the rural areas, particularly on Eyre Peninsula, can the Minister indicate when he and the Premier will be able to visit Eyre Peninsula and acquaint themselves first hand with the impact of the rural crisis? Late last year the Premier undertook to visit a number of rural areas and indicated at that time that he would visit Eyre Peninsula early in the new year. The Minister of Agriculture has also indicated a preparedness to visit. Many of my constituents are under pressure of finance and are wondering whether they can sow a crop and continue farming, hence the motion this morning for which I am grateful. My constituents are anxious to meet with the Minister of Agriculture and the Premier at the earliest opportunity to discuss their future and that of the industry.

The Hon. LYNN ARNOLD: I can advise the honourable member that arrangements have been made for the Premier and me to visit Eyre Peninsula on Wednesday 27 March. We will be doing that as part of a two day visit which includes visiting Yorke Peninsula on the Tuesday, flying over to Eyre Peninsula Tuesday evening to meet with various people on Eyre Peninsula and, on the Wednesday, having a day of activities at various parts of Eyre Peninsula. I have seen a proposed program and have made some comments on it, but it is still being worked through. I am not yet in a position to provide a final program, but the actual dates are fixed.

Other matters are being further investigated by me in the intervening period as a result of approaches from not only the member for Flinders but also other members in this place, including the member for Alexandra, with respect to rural assistance and the very serious economic circumstances looming in the rural sector. I have previously indicated that I have been involved in considerable discussion with the Federal Government about these matters and have indicated that the Federal Government needs to examine new ways in which to meet the problems that we will be facing this year. The initial results indicate that the Federal Minister for Agriculture was looking to have a meeting of Ministers in April. I have indicated that we need to have discussions before then. Indeed, I hope to be meeting with John Kerin either next week or the week after to have further discussions on the matter. I will also be talking to him on the telephone earlier than that to discuss how we see the ramifications of the problem.

As to the matter of the motion this morning, that will be conveyed to the Prime Minister either today or tomorrow by the Premier, so that our attitude will be known in that regard and can be taken into account in any Federal Government decisions next week. The Government is well aware of the seriousness of the problems. The Premier's undertaking that there be visits to rural areas has already been proceeding. Indeed, a number of visits have already taken place. A number of other visits will take place after the visit on 26 and 27 March, including a visit to the South-East and one to Kangaroo Island at some other stage.

TREE PROTECTION LEGISLATION

Mr FERGUSON (Henley Beach): Can the Minister for Environment and Planning provide details to the House on work that has been done towards enacting legislation to protect significant trees in the urban environment? At the moment the only action available to save a tree is to have a conservation order placed on it when it is in danger of being removed. In recent years urgent conservation orders have been placed on a number of large eucalyptus trees. These orders are emergency measures only and are inappropriate for long-term protection.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. This is an issue which, I think, relates to nearly every member of this House in terms of their own particular electorate. As some members of the House would be aware, I have already released a discussion paper which canvasses various options for the planning policies regarding single tree preservation. I believe that it is widely acknowledged throughout the community—and, indeed, throughout this Parliament—that we need to develop a much more appropriate mechanism to allow local government authorities to protect trees within their own areas which they regard as significant.

Through the establishment of well-defined guidelines, I believe that we can avoid conflict and we can promote a sensible balance between tree preservation and urban development. I would stress that we need this balance; that there are times when trees in urban areas need to be cleared for proper and planned urban development. The discussion paper which I have released has been sent to all local councils, conservation groups and other interested groups and individuals.

In addition to legislation, we also need to have a public education program to explain to the community why it is important to retain trees and to outline how this can best be achieved within an urban environment. We must take steps to preserve and protect remnants of native vegetation which still remain in our suburbs and to protect significant trees and shrubs which have been planted in our suburbs and in South Australia in the past 150 years.

LEAVE OF ABSENCE: Mr GUNN

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

That three weeks leave of absence be granted to the member for Eyre (Mr G.M. Gunn) on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

SUPPLY BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act for the appropriation of moneys from the Consolidated Account for the financial year ending 30 June 1992. Read a first time.

The Hon. J.C. BANNON: 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 Bill provides for the appropriation of $850 million to enable the Government to continue to provide public services during the early months of 1991-92. In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. It is customary for the Government to present two Supply Bills each year, the first covering the estimated expenditure during July and August and the second covering the remainder of the period prior to the Appropriation Bill becoming law. This practice will be followed again this year. Members will note that the expenditure authority sought this year is approximately 6 per cent more than the $800 million sought for the first two months of 1990-91. This is broadly in line with increases in costs faced by the Government and should be adequate for the two months in question.

Clause 1 is formal.

Clause 2 provides for the appropriation of up to $850 million and imposes limitations on the issue and application of this amount.

Mr S.J. BAKER secured the adjournment of the debate.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE (MISCELLANEOUS POWERS) AMENDMENT BILL

The Hon. J.H.C. KLUNDER (Minister of Emergency Services) obtained leave and introduced a Bill for an Act to amend the South Australian Metropolitan Fire Service Act 1936; and to make consequential amendments to the Expiation of Offences Act 1987. Read a first time.

The Hon. J.H.C. KLUNDER: 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 Government wishes to amend the South Australian Metropolitan Fire Service Act. The amendments relate to three main areas of the Act:

(1) The power to enter and inspect a public building to determine the adequacy of fire and emergency safeguards.

(2) Powers in relation to places at which danger of fire may exist.

(3) Payment of costs and expenses where a vessel or property is uninsured.

In relation to the first main area, the principal amendment is the insertion of an additional division dealing with fire and emergency safeguards. In its present form the Act merely gives the Chief Officer powers to enter and inspect any building and to report to the corporation any contravention or non-compliance with the Act. In the event of the presence of a life-threatening risk, the current powers of the Chief Officer are totally inadequate. Circumstances have occurred in the past where immediate measures to rectify a dangerous situation should have been taken but the Chief Officer did not have the necessary powers.

The new division broadens the powers of the Chief Officer or an authorised officer to inspect a public building to determine whether there are adequate safeguards against or in the event of fire or other emergency. Provision is made for rectification where safeguards are deemed inadequate or, in certain circumstances, temporary closure of the public building. A court order may be obtained in the most serious circumstances for extended closure of the building. By amending the Act in the manner proposed, the risk of fatalities in the future will be considerably reduced.

In relation to the second main area, the principal amendment relates to section 51b of the Act which deals with powers in relation to places where danger of fire may exist. Currently, this section does not provide sufficient powers to the Chief Officer to ensure that immediate action is taken to rectify a source of danger to life or property. The amendment provides for similar powers to the rectification order outlined in the previous amendment. It is essential that provision be made for immediate response to the more serious exposures to explosives or other dangerous materials.

In relation to the third main area, the principal amendment relates to section 69 of the Act which deals with payment of costs and expenses where a vessel or property is uninsured. The amendment clarifies the powers of the Chief Officer in this area and introduces new subsections dealing with the financial accountability of ship owners for the provision of emergency services. These subsections provide the power to distrain a vessel or associated goods in respect of which any costs and expenses are owed. This amendment is necessary due to the huge costs of fighting a ship fire. As there are currently no powers to provide security for the costs incurred, there is a real risk of substantial financial loss to the State.

An example of such circumstances occurred with the incident involving the *Mukairish Alsades* in November 1989. In this case, considerable difficulty was experienced in obtaining security for costs in excess of $1 million. It was only the threat of taking proceedings under the Admiralty Act and the subsequent arrest of the ship under that Act which moved the owners to provide the necessary security. In order to deal more effectively with such problems in the future, it is more appropriate to make a charge upon the ship for the provision of emergency services for which the ship may be detained until those costs are paid or secured to the satisfaction of the State. The other amendments are of a minor, general nature to bring the Act into line with Statutory Law Revision principles. I commend the Bill to members.

Clauses 1 and 2 are formal.

Clause 3 substitutes section 4 of the principal Act, the section that set out the arrangement of the Act that is now obsolete. The substituted clause provides that the Crown is bound by this Act.

Clause 4 amends section 20 of the principal Act, dealing with the powers of the South Australian Metropolitan Fire Service Appeals Tribunal, in a statute law revision manner, and by upgrading the penalty for an offence under subsection (3) from a fine not exceeding $5 000 or imprisonment for three months, to a division 5 fine ($8 000).

Clauses 5 to 11 make extensive amendments to Part V (headed 'Officers and Firefighters') of the principal Act and divide this Part into three Divisions.

Clause 5 inserts, after the heading to Part V, the heading 'Division I—Appointment and Responsibilities of Officers and Employees'.

Clause 6 inserts, before section 45 of the principal Act, the heading 'Division II—Powers and Duties at Scene of Fire or Other Emergency'.

Clause 7 amends section 45 of the principal Act which deals with the powers of a commanding officer at the scene of a fire or other emergency. The substituted subsection (1) sets out more clearly than was previously provided the occasions on which a commanding officer may assume control.

The substituted subsection (4) provides that where, at the scene of a fire or other emergency, a commanding officer engages a contractor to demolish, contain, neutralise, dispose of or remove a dangerous structure, object or substance, the costs of engaging the contractor are recoverable from the owner of the dangerous structure, object or substance, as a debt owed to the corporation.

Subclause (5) is an evidentiary provision and provides that a certificate apparently signed by the Chief Officer as to the costs of engaging the contractor is, in the absence of any proof to the contrary, proof of those costs.

Clause 8 substitutes sections 48 to 52 of the principal Act. To avoid unworkable numbering in this part of the Act, section 52 and part of sections 51 and 51a are re-enacted with statute law revision changes. The new section 46 is a re-enactment of section 51 of the principal Act, with some very minor changes. This section allows the corporation to recover from the owner of property on which or in which a fire or other emergency occurs, the costs and expenses incurred by a fire brigade or salvage corps in attending the fire or other emergency where that property is outside a fire district. The only substantive change to this section is in the inclusion of an evidentiary aid (see new subsection (4)).

The new section 47 is a re-enactment of section 51a of the principal Act with changes made so that it accurately reflects the Country Fire Services legislation. The new section 48 is a re-enactment of section 52 of the principal Act. This provides that the authority of the Chief Officer and commanding officers must be recognised by all members of the Police Force as well as by other persons. The only changes made by this re-enactment are of a statute law revision nature.

The next six sections come under the new heading 'Division III—Fire and Emergency Safeguards'. The new section 49 defines words and expressions used in this Division. In particular, 'public building' is defined very widely.

The new section 50 provides that, for the purposes of determining whether there are adequate safeguards against, or in the event of, a fire or other emergency, the Chief Officer or an officer authorised by the Chief Officer may enter and inspect a public building at any reasonable time. If there is reason to believe that urgent action is required, he or she may use such force as is reasonable in the circumstances. This section replaces the repealed section 48.

The new section 51 provides that, if after inspecting a public building safeguards against or in the event of a fire or other emergency are found to be inadequate in certain respects, the officer may take whatever action is necessary to rectify the situation or order the occupier to take specific action. This rectification order may be given orally or in writing, but, if given orally, a written order must then be served on the occupier.

The new section 51a provides that, if after inspecting a public building the Chief Officer or authorised officer is satisfied that the safety of persons in the building cannot reasonably be ensured by other means, he or she may order the occupier to close the building for a specified period not exceeding 48 hours. If the order cannot be given to the occupier or if the occupier does not immediately obey the closure order, the officer may close the building himself or herself for a specified period not exceeding 48 hours.

This new section provides further that a closure order may be given orally or in writing, but, if given orally, a written order must then be served on the occupier or if for any reason the occupier is not served with the order, then a notice containing the order must be affixed to the building near the main entrance. Where the danger is such that it is unlikely to be alleviated within the time specified in the closure order, the officer may apply to a local court for a longer period of closure. Until such an application is determined, the closure of the building continues. An application to have a closure order rescinded may be made to the court at any time.

The new section 51b provides, in subsection (1), that the Chief Officer or an authorised officer may, at any time using such force as is necessary in the circumstances, enter and inspect any building, vehicle, vessel or place at which there is reason to believe that explosives or dangerous combustible or inflammable materials or substances are being kept, or that conditions exist that are a likely source of danger in the event of a fire or likely to cause an outbreak of fire.

The new subsection (2) sets out the action the officer may take upon finding a dangerous or potentially dangerous situation following an inspection, while the two remaining new subsections provide that an order under this section may be given orally or in writing, but, if given orally, a written order must then be served on the occupier or person apparently in charge of the building, vessel, vehicle or place. (This new section contains the essence of what was contained in the repealed section 49, but has broadened that section to include situations where conditions exist that are likely to be a source of danger to life or property in the event of a fire or that are likely to cause an outbreak of fire.)

The new section 52 provides that the Chief Officer or an authorised officer may, when exercising the powers conferred by this division, be accompanied by one or more officers of the corporation or members of the Police Force.

Clause 9 amends section 58 of the principal Act that deals with annual returns by an insurance company that is a contributor to the corporation. Subsections (3) and (4) are struck out (general provisions have been enacted in this Bill which replace these subsections—see sections 68b and 68c contained in clause 13). Subsection (3) has been substituted and the new subsection allows the corporation to treat the latest return of a contributory company as the return for the purposes of the corporation until the due return is provided to the corporation.

Clause 10 amends section 59 of the principal Act by upgrading the penalty for failure by a company secretary or officer to allow an authorised person to have access to or to obtain extracts from the company books from a fine of $10 to a division 7 fine ($2 000).

Clause 11 repeals subsections (2) and (3) of section 60 of the principal Act.

Clause 12 repeals subsections (6) and (7) of section 60a of the principal Act.

Clause 13 repeals sections 66 to 68 of the principal Act (the general offence provisions) and substitutes sections 66 to 68e. These substituted sections also deal with general offences. Clause 13 also replaces those parts of the principal Act repealed by clauses 11 and 12 with provisions of more general application (see new sections 68b and 68c).

The new section 66 provides that it is an offence to hinder or obstruct an officer or employee of the corporation, a person accompanying or assisting an officer or employee of the corporation or any person acting under the authority of, or in compliance with, the orders of the corporation pursuant to this Act. The penalty for an offence against this

section is a division 6 fine ($4 000). The penalty under the repealed section 66 was a fine of more than $4 but less than $100 or imprisonment for up to six months.

The new section 67 makes it an offence for a person to fail to comply with an order given by a local court or an officer pursuant to this Act. The penalty for an offence against this section is a division 6 fine ($4 000).

The new section 68 makes it an offence for a person, without reasonable excuse, to conceal, remove or interfere with a fireplug, hydrant, mark or sign indicating the presence of a fireplug or hydrant, fire alarm or signalling device, or to give a false alarm of a fire or other emergency. The penalty for an offence against this section is a division 6 fine ($4 000). This section replaces the repealed sections 67 and 68 and upgrades the penalties.

The new section 68a provides that where a person has been convicted of an offence against this Act but does nothing after conviction to remedy the situation which gave rise to the conviction, that person is guilty of a further offence and is liable to an additional penalty of not more than one-tenth of the maximum penalty for the offence of which the person was originally convicted for each day on which the situation continues. An obligation to do something remains until the obligation has been carried out.

The new section 68b makes it an offence for a person to make a statement that is false or misleading in a material particular when providing information under this Act. The penalty is a division 6 fine ($4 000). The new section 68c makes it an offence for a person to fail to furnish a return or statement required under this Act. The penalty is a division 7 fine ($2 000). The new section 68d makes it an offence for a person to fail to pay a contribution required under this Act. The penalty is a division 7 fine ($2 000).

The new section 68e provides that where a body corporate is guilty of an offence against this Act, then each member of the governing body of the body corporate is guilty of an offence and liable to the same penalty as that provided for the principal offence. It is a defence to a charge under this section if the member can prove that he or she exercised reasonable care in carrying out his or her responsibilities and that the offence was in no way attributable to any intentional act or omission on his or her part. The offences enacted in sections 67, 68a, 68d and 68e are new.

Clause 14 repeals section 69 of the principal Act. The substituted section 69 deals with the payment of costs and expenses incurred by a fire brigade or salvage corps attending at the scene of a fire or other emergency occurring on a vessel (whether at sea or elsewhere) when that vessel is not insured with a contributory company. The costs and expenses incurred are recoverable as a debt from the owner of the vessel and the owner of any property not insured with a contributory company that is in the vessel at the time of the fire or other emergency.

The corporation must serve on the owners of the vessel and property a written notice apportioning the costs and expenses between them. This notice is final and binding. The Crown is not, under any circumstances, liable to pay any of the costs and expenses referred to in this section. A certificate of the Chief Officer of the costs of the attendance is, in the absence of any proof to the contrary, to be accepted as proof of the costs incurred.

The Chief Officer or an officer authorised by the Chief Officer may, with the approval of the corporation, distrain a vessel or the tackle or goods of a vessel in respect of which any costs or expenses are owed to the corporation pursuant to this section. The corporation may cause the distrained property to be sold if the costs and expenses are not paid within seven days of the distress and may take from the proceeds the costs and expenses owed to the corporation as well as the costs and expenses of the distress, keeping and sale.

It is an offence for the owner of a vessel or personal property to evade or attempt to evade the payment of costs and expenses owed to the corporation. The penalty for this offence is a division 6 fine ($4 000).

Clause 15 amends section 70 of the principal Act by striking out subsection (2) and substituting a new subsection (2) that upgrades the penalty for an offence of a person failing to comply with a request of an officer of the corporation made under this section from a fine not exceeding $40 to a division 7 fine ($2 000).

Clause 16 amends section 73 of the principal Act by striking out subsection (2). This section deals with the power of an officer or employee of the corporation to enter, search and remove objects from. (Subsection is no longer required as there is now a general offence of hindering provided in clause 13—see the new section 66.)

Clause 17 amends the regulation making provision of the principal Act (section 77). A new paragraph *(e)* is inserted into subsection (1a) enabling the regulations to prescribe fines not exceeding a division 6 fine ($4 000) for contravention of or non-compliance with a regulation. The enactment of this new paragraph makes the current subsection (2) (which provides for a penalty not exceeding $40 for a breach of a regulation) obsolete and it is struck out.

The schedule to the Bill contains consequential amendments to the Expiation of Offences Act 1987.

Mr S.G. EVANS secured the adjournment of the debate.

COOPER BASIN (RATIFICATION) (ROYALTY) AMENDMENT BILL

The Hon. J.H.C. KLUNDER (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Cooper Basin (Ratification) Act 1975. Read a first time.

The Hon. J.H.C. KLUNDER: 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

Following a series of complex negotiations which were initiated by me on 15 August 1989, agreement has been reached between the State and 10 of the 11 Cooper Basin indenture area producers to a new royalty regime to apply throughout their licence areas for 10 years from 1 January 1991. The dissenting producer is Delhi Petroleum Pty Limited, owned 100 per cent by Esso which is in turn owned 100 per cent by Exxon Corporation. The central thrust of the State's position during negotiations has been that South Australia should not receive less royalty than would apply under equivalent interstate regimes.

Forecasts prepared by the Department of Mines and Energy of future royalties payable under the existing regime have shown that from a basic 10 per cent royalty rate the State would receive less than 5 per cent of the net present value of future Cooper Basin petroleum sales revenues compared to 6.5 to 7 per cent which would be received if equivalent interstate royalty regimes applied. This is clearly an unsatisfactory situation. The agreement now reached with the 10 Cooper Basin producers will ensure that South Australia achieves parity with other States. The agreement maintains

a wellhead royalty rate of 10 per cent, but involves a significant reduction in certain allowable deductions for both capital and operating expenses used to calculate the wellhead value.

The principal concession by the 10 consenting producers is the reduction in their entitlement to undeducted capital as at 1 January 1991 from approximately $1 200 million to $800 million and for no interest component to apply to the deduction of this capital in future. Other concessions include a reduction in deductible overheads, monthly instead of six monthly royalty payments and an interest component on future capital expenditure of 50 per cent of the long-term bond rate, compared to the 120 per cent which previously applied. The State conceded the deductibility of downstream restoration costs and drilling costs for non petroleum producing wells. These concessions will facilitate rehabilitation of the sites of abandoned production facilities and help encourage enhanced oil recovery schemes.

It is forecast that implementation of the new royalty regime will result in $18 million additional royalty collections in 1990-91, comprising $8 million due to the agreed decrease in allowable royalty deductions, $1 million from royalty owing on gas paid for but not taken by AGL in the 1970s and $9 million as a 'one off' benefit due to the agreed change from six monthly to monthly payments. Royalty collections in 1990-91 have also exceeded budget expectations by approximately $12 million due to increased oil prices and production rates ($11 million) and $1 million arising from adjustments to pre 1990-91 royalty returns.

Under the terms of the gas sales contracts, that portion of any increase in royalties applicable to PASA gas flows on to the South Australian gas price. As a result, the price of gas will increase from $1.99376 per gigajoule to $2.03762 per gigajoule, a rise of 4.386 cents per gigajoule or 2.2 per cent. This increase will apply from 1 January 1991 as agreed with the producers and result in additional gas costs to Sagasco and ETSA of about $3.5 million in 1991.

If this price increase were to be fully passed on, the impact on final consumers of gas will range from less than 0.5 per cent increase for domestic consumers to approximately 1.5 per cent increase for the largest industrial consumers. However, some improvements in efficiency may cause a lesser increase than these figures. The impact on electricity consumers will be less than that for gas consumers. The royalty increase will have no impact on petrol, diesel or LPG prices. Implementation of the new royalty regime requires legislation to amend the Cooper Basin (Ratification) Act 1975 and clause 12 of the indenture and this approach has been agreed with 10 of the 11 indenture area producers.

It has been similarly agreed that the new arrangements shall apply throughout the Cooper Basin licences. Guidelines, the effect of which will be similar to the agreed indenture area provisions, will be established for payment of royalty outside of the indenture area, where three small fields are in production.

Clause 1 is formal.

Clause 2 provides that the measure will be taken to have come into operation on 1 January 1991.

Clause 3 revises section 10 of the Act to delete a reference to section 35 (3) of the Petroleum Act 1940. The application of section 35 (3) in relation to the indenture is now to be dealt with under the terms of the indenture.

Clause 4 provides for the amendment of the indenture under the Act. The amendments will be taken to have had effect, and to have been notified, on and from 1 January 1991.

The schedule sets out the proposed amendments to the indenture. The principal amendment is to replace clause 12 of the indenture with a new clause relating to the calculation and payment of royalties.

Mr LEWIS secured the adjournment of the debate.

MARINE ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Marine) obtained leave and introduced a Bill for an Act to amend the Marine Act 1936. Read a first time.

The Hon. R.J. GREGORY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This short Bill has two objectives. One is to alter the composition of the 'State Manning Committee', the other being the removal of sexist language in this Part of the Act. At present the State Manning Committee consists of two qualified master mariners and one qualified marine engineer who are appointed by the Governor, and a maximum of two people nominated by the owner or the agent of the owner.

This Bill proposes equal representation on the committee by employers and employees by allowing the Governor to appoint one person nominated by the Seamen's Union of Australia and one person jointly nominated by the Merchant Service Guild of Australia and the Australian Institute of Marine and Power Engineers. In eliminating sexist language the Bill changes the 'Manning Committee' to 'Crewing Committee' and 'Chairman' to 'presiding member'.

Clauses 1 and 2 are formal.

Clause 3 amends section 26a which sets out the membership of the State Manning Committee. (The name of this committee is changed to the State Crewing Committee in the schedule to the Bill.) The committee currently consists of three members appointed on the nomination of the Minister and one or two members nominated by the owner of a ship in respect of which the committee is to make or review a determination under the Act. The amendment adds two new members to the committee—one appointed on the nomination of the Seamen's Union of Australia and the other on the joint nomination of the Merchant Service Guild of Australia and the Australian Institute of Marine and Power Engineers—and requires those members to have relevant qualifications and expertise.

Clause 4 amends section 26c which relates to quorum and other administrative matters. The quorum of the committee is to remain at three. The only substantive change is a requirement that the quorum include the presiding member or deputy presiding member of the committee.

The schedule makes amendments to Part IIIA of a statute law revision nature.

Mr MEIER secured the adjournment of the debate.

NATIVE VEGETATION BILL

Adjourned debate on second reading.

(Continued from 6 March. Page 3342.)

The Hon. S.M. LENEHAN (Minister for Environment and Planning): Last night I sought leave to continue my

remarks today. In doing so, I made clear that I wanted to thank all members for their participation in what I believe is a very important piece of legislation. Indeed, I think that South Australia's native vegetation management program is one of the most important nature conservation programs this State has seen. Indeed, I was heartened to hear last night the extent of support from members opposite for the program and the way in which the Government is moving to a management phase within this program.

Opposition members made some comments in relation to the progress and the administration of the program, some of which I would now like to refer to. The member for Heysen and, indeed, the member for Murray-Mallee, made suggestions about lack of consultation. I must admit that I was very surprised to hear these suggestions, given the fact that initial discussions on changing this program commenced in November 1988 with the Native Vegetation Authority. Of course, the authority has members from both the conservation movement through the Native Conservation Society and, indeed, the farming community through the United Farmers and Stockowners Association.

The first in-house discussion paper on changes to the program was produced in July 1989. Whilst the discussion paper was not released publicly, its contents were discussed with both the UF&S and the Native Conservation Society. The reason for that approach was to gain a reaction from those two principal groups that the Government was indeed on track with respect to the way in which it wished to change the direction of the program. Following considerable negotiations between the Government and those two principal groups, the first discussion paper was made available in May 1990.

Over the next successive five months, exhaustive discussions and negotiations continued with both groups, with a final discussion paper becoming available in October of last year. It is this final discussion paper which forms the basis of this Bill. At no stage during the discussions did the Government attempt at any point to hide the fact that it was intending to change the nature of the program. Indeed, it had been suggested on a number of occasions that the existing system of applications for clearance and payment of financial assistance would be coming to an end in the near future. Those members who read the rural media—and I would imagine that would be nearly every member opposite—would recall that there were a number of articles outlining my intention to wind up the initial phase of the program. Indeed, the member for Heysen did refer to that in his reply.

At this stage I draw the attention of the House to the comments made by members opposite on the significance of the scheme. The member for Heysen and the member for Coles made considerable reference to the vital importance of a scheme of this type and the extent of success that we have had in South Australia in ensuring protection of areas of biological importance for conservation of their biological diversity. I suggest that the theme of general support ran through the discussion in the House last night.

The fact that we are approaching a Bill of this type with joint support from both the farming organisation and the nature conservation organisation is a reflection of the extent of general support for our strategy. The member for Heysen expressed concern for people who had native vegetation on their properties and who had not availed themselves of the heritage agreement scheme. While I accept that there are a number of cases where this situation applies, I point out to the House that landowners have had at least five years in which to make applications for clearance and either to receive approval for those applications or refusal with the consequential financial assistance package. There has been absolutely no coercion on the part of the Government to force people to apply for heritage agreements. Indeed, it has been their decision as to whether they do so or whether they do not.

I have also noted that the member for Heysen referred to the likely reduction of funds available for land-holders voluntarily placing native vegetation under the heritage agreement system in terms of the provisions of this Bill. I have noted his general support for that approach. As has been stated in this debate, and indeed by me publicly on a number of occasions, over $40 million has been injected into the rural community through this program, which has been described in some circles as a type of rural restructuring scheme.

The member for Flinders and the member for Alexandra expressed their concern about what they see as a bias which has been built into the program, mitigating against those areas of the State which still have significant sections of native vegetation. In particular, they referred to two regions: Eyre Peninsula and Kangaroo Island. However, I point out to the House that they did not make clear how they would have dealt with the problem of differing levels of vegetation in the State. I guess I would have to ask the honourable members: are they suggesting that there should have been a certain set of rules applying for Kangaroo Island and Eyre Peninsula and a certain set of rules applying for the rest of South Australia? It seems to me that such an arrangement would not only cause enormous problems and resentment but also create considerable difficulties in the administration of such a scheme.

Indeed, in the final analysis (and I think this is probably the most salient point and one which must be recognised), given the many things that we are now finding out through research and indeed just through practical experience about the causes of land degradation, those areas of the State to which the two members referred may be in a much more fortunate position, certainly from the point of view of economic viability which is starting to emerge—and I think the member for Coles highlighted this point in her contribution last night—than other parts of the State which have, for all intents and purposes, been over-cleared. So, in a sense, it might well be at the end of the day that the constituents within the two areas to which I have referred will have a great advantage over those parts of the State that could be considered to be over-cleared.

The member for Murray-Mallee made his usual contribution to this debate. I must admit that he left me wondering where he has been for the past three or four years. I have already given considerable time to the consultative process that has been developed as part of the preparation for the Bill, as I have just outlined. I suspect the member for Murray-Mallee is finding it hard to believe that such a consultative process could produce such a positive outcome. The member for Murray-Mallee used such phrases in his contribution as 'no forewarning being given by the Government' and maintained that the Government's approach to the program is 'unjust'.

It is very interesting that nobody has suggested to me or to members of the Opposition that there has been no forewarning or, indeed, that the program is unjust. Why then would the United Farmers and Stockowners have agreed both to the cut-off date and to the general thrust and philosophical principles contained in this Bill? The facts will speak for themselves and posterity will judge us accordingly. I cannot understand how a program which has injected such a considerable amount of money into the rural community over such a long period could be accused of being unjust

and of being undertaken with lack of consultation. What a nonsense!

The member for Murray-Mallee went into considerable detail to describe his perception of the problems associated with the woodcutting application in the Robertstown council area. Whilst I accept that legislation of this type can, and in certain circumstances does, cause difficulties for people, I believe that the particular issue he referred to is again an example of his lack of understanding as to the basis of the legislation and how it has worked. The Robertstown District Council had no right to issue any woodcutting permits in its area in the first place. I am sorry that the member for Murray-Mallee's constituent had been so confused by the lack of information which was provided to him. I would have to ask whether the member for Murray-Mallee played a role in the provision of that information.

The member for Murray-Mallee suggested that I, as Minister, 'had used my discretion to make life difficult' for his constituent. I even recall that the honourble member suggested in his contribution last night that I might well have had some indirect responsibility for his constituent's death.

Mr Lewis interjecting:

The Hon. S. M. LENEHAN: I would like to point out—

An honourable member interjecting:

The Hon. S.M. LENEHAN: It will be interesting to see whether the member for Murray-Malle pays me the courtesy of listening to the answer, having made such a grave accusation and allegation. I point out that, as Minister for Environment and Planning, I have no discretion under the provisions of the Native Vegetation Management Act. That discretion is vested with the Native Vegetation Authority. The authority, in dealing with this woodcutting application, even went to the extent of offering alternative areas within close proximity of that area which was being sought for cutting, but these offers were not taken up. I suspect that the member for Murray-Mallee has been naive enough to use information supplied to him by a certain solicitor, who has been very good in the past at taking up the time of my departmental officers.

I now refer to the amendments that have been foreshadowed, particularly by the member for Heysen. The Opposition may wish the Government to pick up a number of points raised by the member for Heysen. I have seen the amendments proposed by the honourable member, and a large number of those will be agreed to. I am sure that the honourable member has seen the amendments that I have had circulated.

Particular reference was made to the penalty levels to apply under this Bill, and I am certainly prepared to discuss the way in which these penalties will be imposed and the need for the penalties to reflect the gravity of the offence. The member for Murray-Mallee referred to the delegation powers under the Bill, suggesting that it is the intention of the Government to somehow delegate some of the distasteful decision-making to local government. Again, I find this a most curious proposition. This has never been suggested in any discussion with any group, including local government.

The intention is to give the local community more opportunity in the decision-making which can be delegated to local soil conservation boards. Such boards have a considerable interest in land resource management, and it is appropriate that they be given the opportunity to be part of the process. There has been a suggestion by both the member for Murray-Mallee and the member for Mitcham that the legislation applies to the metropolitan area. I assure the House that this is not the case. Regulations to be promulgated under this legislation and indeed the regulations which currently exist under the Act specifically exclude the metropolitan area.

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: I will get to that point, if the member for Murray-Mallee—

The SPEAKER: Order! The member for Murray-Mallee is becoming disorderly.

Mr Lewis: If she was speaking the truth—

The Hon. S.M. LENEHAN: I take a point of order, Mr Speaker.

The SPEAKER: Order! The Chair is very close to taking that interjection as flouting the authority of the Chair. I have spoken directly to the honourable member. I am not sure whether he was speaking to the Chair, but on this occasion I am prepared to let it go. However, I advise him to be very careful of his actions in dealing with the Chair.

The Hon. S.M. LENEHAN: I ask that the member for Murray-Mallee withdraw his comment that I am dishonest.

The SPEAKER: Order! Did the honourable member allege that the Minister was dishonest? The Chair did not hear.

Mr LEWIS: My words were, 'If she was speaking the truth—'.

The SPEAKER: I do not uphold the point of order. It is not unparliamentary to use those words.

The Hon. S.M. LENEHAN: Regarding the various council areas, I made clear that, as in the current legislation, the metropolitan area will not be covered. The regulations, however, identify some councils which fringe the Adelaide Hills. In these council areas there is important and beautiful native vegetation that this Government believes should be protected. Much of it is in the form of large individual and indigenous trees of great age. The Government believes that protection of this native vegetation is for the community's benefit.

There has also been a suggestion that there is no provision in the Bill for dealing with limbs and branches of native vegetation that may be unsafe. Again, provision is made in the existing regulations under the current Act and under regulations to be promulgated under this Bill to deal with this particular issue by exemption. The member for Davenport expressed concern about the provisions of this Bill in relation to bushfire prevention. It is in the nature of legislation of this type that potential exists for conflict between its provisions and provisions for bushfire control under the Country Fires Act and associated legislation.

I agree that this is a difficult issue, but the community must make a decision as to whether it wishes to adopt a scorched earth type fuel reduction policy or to have a commonsense approach to the protection of community assets whilst at the same time keeping intact its native vegetation. The exemption provisions of the existing regulations and the regulations to be promulgated under this Bill make specific reference to clearance by burning for purposes of reducing combustible fuel. There have been a number of situations in the past where fuel reduction programs have been used as a means of *de facto* clearance of native vegetation. As such, any person who wishes to undertake such fuel reduction programs is being asked to prepare a management plan for their burning program, which is to be approved by the Native Vegetation Council. I do not see such a management planning process being an onerous one; indeed, it could be a simple document which could stand for use over a number of years.

Mr S.G. Evans interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: I understand that controlled burning to ensure that we remove the combustible fuel available for eventual destruction by fire takes place very

infrequently and generally not every year. However, I will be very pleased for members to correct me in Committee if I am wrong. Such approval for this type of management plan could indeed be delegated to an appropriate local body.

Exemption provisions also exist for the clearance of firebreaks. Whilst the current regulations suggest that four metres is an appropriate width, I am prepared to accept an increase of that size to five metres. The exemption provisions also state that a greater width can be fixed in relation to firebreaks through the provisions of the bushfire prevention plan prepared under the Country Fires Act.

I wish to emphasise that officers of the Department of Environment and Planning have a close and continual working relationship with officers of the CFS and, over the administration of the program until now, there has been no difficulty in the way in which these exemption provisions have been used.

I was intending to make some final comments but, as the member for Coles has left the Chamber, I will keep them brief so that we can move into Committee. The honourable member suggested last night in her contribution that, on the one hand, the Government was seeking to protect native vegetation throughout the State yet, on the other hand, was supporting the removal of trees for the development at Wilpena. She referred to approximately 1 000 pine trees being removed for that development. I wonder whether or not the honourable member is aware that the Native Vegetation Authority has in one sitting in the past approved the clearance of some 10 million trees in one day.

It is important, in highlighting this point, to emphasise that these proportions put the whole question of Wilpena into some sort of perspective. Any suggestion that the clearance of trees at Wilpena is contrary to legislation is not supported by the facts. Exemption provisions under the Native Vegetation Management Act make quite clear that clearance can take place pursuant to another Act or regulation. Given the fact that the Wilpena Station Resort is part of a reserve under the National Parks and Wildlife Act, I believe that the Government stance in relation to the clearance of the trees at Wilpena can be entirely supported. In seeking the support of the House for the second reading, I again thank members for their contributions and I commend this historic piece of legislation.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. D.C. WOTTON: I understand that a recommendation was made to the Minister or her department that the short title be changed to avoid confusion with the 1985 legislation. I realise that the 1985 legislation was titled the Native Vegetation Management Act and this Bill is the Native Vegetation Act, and those pieces of legislation differ considerably.

The Hon. S.M. LENEHAN: I cannot recall serious suggestions about a change of title. We had some discussion on the title and it seemed that it was appropriate to have the name the other way around. Given the existence of the Native Vegetation Management Act, we believed that the words 'native vegetation' should appear in the title of this Bill so that people understood what it was about. I am prepared to listen to any suggestions, although I believe that the name is clear, simple, concise and appropriate.

Clause passed.

Clause 2—'Commencement.'

Mr BLACKER: I move:

Page 1, lines 16 and 17—Leave out clause 2 and insert new clause as follows:

2. This Act will come into operation on 1 January 1992.

By moving this amendment I am adding to what I said last night about what I believe is the unfairness of this legislation, inasmuch as it discriminates against those persons who have not yet been able to avail themselves of the heritage agreements. In summing up her second reading explanation, the Minister made quite a play of the fact that $40 million has been paid out under heritage agreements and various other forms of compensation over that period.

The real question is: so what? The legislation was set up in 1985 for the express purpose of providing a compensation scheme for all persons with native vegetation on their property who were denied the right to clear, and providing that they would be compensated if they chose to enter into a heritage agreement. Persons who thus far have not chosen to go ahead and clear further parts of their property and, therefore, have not applied for either a clearance application or a heritage agreement have, consequently, not been able to avail themselves of that provision.

Perhaps the original legislation was designed to have everyone throw their hat in the ring, to apply and, therefore, to expect compensation if refusal to clear were not given. We are creating two different classes of the community in this measure and quite specifically singling out the people in question to pay the cost of vegetation retention for and on behalf of the wider community. That is discrimination: there is no question about that.

It is unfair and contradicts all the Government's views about equality. They just do not apply. It throws into question social justice and equality. The Government through this legislation is creating a precedent that would discredit any of its previous arguments when it comes to fairness, equality and social justice. My proposed amendment further extends that time. This legislation is now creating a lively debate within the community. By its very announcement it has created a cut-off time. Yesterday in this Chamber we were given examples of applications which were posted as late as 7 February and which are claimed now not to have been received, so we will have all sorts of problems. My preference is for no time limit on the application for clearance and, therefore, for heritage agreements.

If the proponents of the legislation of 1985 were genuine—and they claimed in the House at that time that they were—surely their objectives and calculations and the whole business of the argument was to take into the account the overall native vegetation of South Australia, and the legislation that was put before the House was to ensure that adequate compensation be provided.

This is reneging on that undertaking given at that time. We could go back through all the speeches. At the time this matter was debated, I expressed very grave concerns and came in for much public criticism from certain quarters, but I have been proved to be right. We are now suffering the consequences of that, and I therefore ask whether the Government's previous legislation was genuine.

Either the Government had not done its homework properly or it was endeavouring to encourage the legislation to pass on the premise that people would be compensated, but then had a plan further down the track to see that they would not be compensated. Will the Government indicate what percentage of people have received compensation, as opposed to those who would be entitled under the previous Act to apply for permission to clear and, if refused, permission to apply for a heritage agreement?

If we are well down that track and the majority of people have been compensated, obviously the amount we are talking about is much smaller than that which has been paid. If we have only started the heritage agreement in terms of the overall scheme, it looks as though the Government is

pulling the plug early in the scheme to save money (it is becoming quite obvious now that this is a money Bill, not a conservation Bill as such) and making a minority of people responsible for this.

I feel very strongly about this, because the remarks I made in this Chamber five years ago have come home to roost, and there is no doubt that one section of the community will be asked to pay for conservation. During her second reading explanation the Minister asked whether we should have a special piece of legislation for Eyre Peninsula and a special piece of legislation for Kangaroo Island. That could apply to every piece of legislation we consider.

In the past the Government has prided itself on fairness and equality for everyone. Surely the retention of native vegetation is in the interests of the wider community and of every citizen of the State. If a cost is to be borne, therefore, it should be borne equally by every citizen of South Australia. I do not believe that my amendment really goes far enough. It allows a further 10 month extension of time before the commencement of the Act, therefore, to allow people, during the remainder of this current calendar year, to be able to put in applications for heritage agreements.

The Hon. D.C. WOTTON: The Opposition supports this amendment. I want to say at the outset that, personally, I do not support the honourable member's seeking to have no time limit at all, but I support the time of the commencement of the Act being extended until 1 January 1992. Last night on a number of occasions I referred to statements that have been made publicly by the President of the UF&S and by some senior officers of that organisation.

Even since last evening I have received representations from a number of people who indicate that as members (in some cases, of long standing) of the UF&S they are concerned about the cut-off time for applications to be put forward being 13 February. During the second reading debate last night, examples were given by members on this side of people who had applied prior to 13 February, who had had it indicated to them that their applications would be treated differently from those of people who had applied and received a direction through the authority prior to that date. I believe that this issue needs to be considered, and extending the date of commencement of the Act until 1 January 1992 will provide that opportunity. I support the amendment.

The Hon. TED CHAPMAN: I rise to indicate my support for this amendment, and I want to pick up a couple of points made by the lead speaker for the Liberal Party on this subject. One in particular was the—

The Hon. S.M. Lenehan interjecting:

The Hon. TED CHAPMAN: I will keep going today, too, for as long as you like: it doesn't make any difference to me. On a subject as sensitive to some of us as this one, we ought not to be subjected to attempts at intimidation by anyone, let alone the Minister.

The Hon. S.M. Lenehan: Oh, Ted!

The Hon. TED CHAPMAN: Mr Chairman, may I proceed?

The CHAIRMAN: The honourable member has the floor.

The Hon. TED CHAPMAN: The member for Heysen indicated that he had received calls from longstanding UF&S members, and I can understand that: I, too, would expect to receive calls from such members following the recent commitment made by the President of that organisation to the Government in relation to this Bill. It is all right for Don Pfitzner to hop into bed with the Minister or anyone else he wants to on issues of this kind, but he will have to wear what he gets. As far as I am concerned, he and his organisation have yet again sold the Liberal Party and, more importantly, the broad acre rural community of South Australia down the drain on this issue. However, be that as it may, his return for that behaviour will come in due course.

The member for Flinders has put his finger on the pulse as far as this legislation is concerned. We were sold a pup in 1985. We were misled in Parliament into believing that those who had valuable, sensitive stands of native vegetation should be urged and encouraged to retain as much as possible of that native vegetation for the welfare of South Australia's longer-term future. I agreed with that principle, but there are ways of achieving that goal, and it was a case of being sold a pup.

We were told at that time, albeit with tongue in cheek by the Minister, that there would be appropriate compensation for those who were not able to recover income from their own land, that they need not fear that the Government was not genuine in its attempts to do the right thing by those who had to date preserved their native vegetation in the way that some people within the State of South Australia have done so, including people on Kangaroo Island who in many cases have occupied their land for longer than anyone else in the State. Indeed, that region of South Australia was occupied before any other lands in the State were occupied. Those people have cared for their land in such a sensitive and environmentally conscious way that its condition as we see it today is one of which I and many others are very proud.

At the moment, we are having the rug pulled from under our feet. We are being told that that native vegetated land is just as valuable as it was five years ago and it is just as important to preserve it wherever possible as it was five years ago, but in order to do so as landowners we are asked to hold that land for posterity, for the environmental vocalists on this subject and for no return whatsoever. At least the amendment of the member for Flinders is a very reasonable compromise and is put forward to enable the community to rethink its position.

Whatever the Minister might say today, or whatever the Minister might have said last time this legislation was before Parliament, there was a public perception that the Government was fair dinkum. There was a public perception that the community would be able to develop some of their native vegetated land on application and, if development was denied, it would be subject to compensation. Now, as admitted and supported by the President of the UF&S, to name but one, broad acre clearance is all over, finished. This legislation effectively wipes out any more broad acre clearance of native vegetation in South Australia, whether it be by application or otherwise. It is gone, finished and, in that climate at the same time, the Minister is saying that there will not be any more compensation.

In the opinion of the member for Flinders, that decision has been based on a sheer monetary grounds. In effect, this is a money Bill. We are being guided in this direction as a result of the costs incurred. Whether or not that is the truth, I am not sure. Whatever the reasoning for doing away with compensation for those denied the use of their own land, it is crook. It is so totally unfair and unjustified.

It is like other situations that we have seen time and again in South Australia in recent years, where the eccentric greenie element and the environmentalist preserver element of the community scream their heads off about redevelopment of existing premises, damage, burning or destruction of native vegetation, and the pulling down, stripping or logging of rainforests. They make a hell of a lot of noise about it and they gain a hell of a lot of emotional support in the community and media coverage, but they do not come up with the money. They do not go to the sale and

bid for the article, the paddock or the forest. They want someone else to pay the bill, and that is precisely what this piece of legislation is all about.

The Minister is saying that the Government recognises that there is not a lot of native vegetation left. There are only 400, 500, 600 or 700 farmers in the whole State who own significant areas of broad acre native vegetation that is worth preserving at all, and those relatively few people are being asked by the Minister to give that land to the rest of the State, to lock it up, to hold it. They are being asked not to graze it, prune it, destroy it, mark it, blemish it or burn it unless they ask first of some so-called tossed up council of nominees from around the district whether they can or cannot or whether they should or should not. In other words, those particular landowners cannot touch it but must keep it for the rest of the 1.5 million South Australians, keep it for the future of South Australia at their respective personal expense.

However, the Government does not intend to pay anything for it. These land-holders are being asked to continue to pay the rates on their untouchable land, to fence it and to keep the weeds, vermin and undesirable native wildlife out of it. I mention that deliberately because we feed the native wildlife in those stands of native vegetation and, in turn, they feed off us when they move out into the paddock. As the sun goes down each day the wildlife eat us out of house and home. We do not get any compensation for that, either.

Almost a year ago, I personally asked our next-door neighbours on Kangaroo Island—the Department of Environment and Planning—which is involved in a parcel of heritage land, to fence the land and keep the blasted wallabies in their own paddock. They have not managed to communicate with me about that. In fact, I was called this day by one of the officers in Parliament to be told some excuses that the department had tried four, five or six times to get me on the telephone about the subject. When I looked at their notes I realised they were ringing the wrong number. For God's sake, that is how loose this situation is; that is how loose this piece of legislation is with respect to regard for others.

The Government could not care less about the welfare of freehold land-holders in this State. All it wants to do is say what is desirable and what is delightful for us all to see—what is aesthetically pleasing, what is at our disposal and what should be kept for South Australia and our children. The Government wants us to keep the land for the State with no return because it cannot afford to buy it any more.

The CHAIRMAN: Order!

The Hon. TED CHAPMAN: That is what it is all about, Mr Chairman.

The CHAIRMAN: The Chair draws the attention of the honourable member to the fact that the Committee is debating the amendment by the member for Flinders that this Act will come into operation on 1 January 1992. While the Chair has shown considerable leniency in relation to the debate so far, at some point the honourable member will have to relate his remarks to the amendment.

The Hon. TED CHAPMAN: I agree with you, Sir, that it is important to tie my remarks to the amendment. I did initially, I will now and I can at any stage do so, because I support what the honourable member is endeavouring to do. It is a compromise. It is not the long-term answer as he has already indicated, but at least it is a start to show some regard for those people who have held their land, particularly those who have been environmentally sensitive enough to hold their land in the condition that is now so desired by the Government and the people of this State. It is only those people who are being injured in this instance. It is not those who have cleared their paddocks from fence to fence, and not those who no longer have a tree left in their paddock for a crow to nest in—

The Hon. S.M. Lenehan interjecting:

The Hon. TED CHAPMAN: And the build-up of salinity, as the Minister interjects. There is also the devastation of the land surface and the soil erosion, the blowing away into sandhill conditions—

Mr Ferguson: Rabbits!

The Hon. TED CHAPMAN: Yes, for all sorts of reasons, including the failure to maintain properly the rabbit population, and this and that and everything else that you can poke a stick at. We are not talking about those people on their damaged lands. We are talking about the good managers, those who have some sensitive environmental regard for their land. They are the ones being hit in the hip pocket. They are the ones from whom the Government is stealing in this legislation. The Government is setting up a law to license it to give the valuable properties of a few, or at least the aesthetic benefits of them, to the rest. It is not fair, and I support the amendment.

The Hon. S.M. LENEHAN: I reject the amendment. I do not think in the time I have been in the Parliament I have seen such hypocrisy. I remind the Committee, and particularly some members who have spoken in support of this amendment, that this principle and policy is not something that was just introduced into the South Australian community. I have already explained that the discussion on this dates back to 1988. I remind the member for Alexandra that we are now in the year 1991. I also remind members that the program to which we are referring has given the opportunity over seven years for farmers in this State to apply for clearance, and for five of those seven years to be able to apply for some form of financial compensation in terms of loss of their economic production.

I remind the member for Alexandra, who wishes to talk about bullying and standover tactics, that in threatening the President of the United Farmers and Stockowners and suggesting that he had sold out his members and that he had better watch out because he would lose his job—

The Hon. Ted Chapman interjecting:

The Hon. S.M. LENEHAN: I want to say on the public record that nothing could be further from the truth. The decision to conclude the program on 13 February in terms of this same amount of financial compensation—and I will deal with the other side of that in a minute—was discussed with the UF&S. It was agreed to by the Natural Resources Division of the UF&S which has 12 farmers on it. It was subsequently agreed to by the Governing Council of the UF&S which has 40 members.

I find it unbelievable that the member for Alexandra, who is so out of touch with his own constituency, can seriously stand here and berate the organisation which has been working on behalf of the farming community in this State. His hypocrisy knows no bounds. I inform the Committee that the spirit of consultation and cooperation, which has been demonstrated by a huge section of this community and, sadly, is no longer able to be demonstrated by the Opposition, goes back over a long period.

When I received Cabinet approval to move forward with a Bill based on the discussion paper of last year, the first thing I did was pick up the telephone and contact the Leader of the Opposition and, subsequently, both the shadow Minister of Agriculture and the shadow Minister for Environment and Planning. Not one of those three members at any time indicated to me that they had grave concerns about this legislation—quite the opposite. When I told the Leader

of the Opposition, 'When we come into Parliament, we will be bringing this part of the program to a close,' what were his words? He said—

The Hon. Ted Chapman: Who?

The Hon. S.M. LENEHAN: Your Leader, the Leader of the Opposition. His words were, 'If people haven't made application by now, they can't be fair dinkum.' I agreed with him. If the member for Heysen is prepared to be honest about this, he would acknowledge that I sent him a copy of the draft Bill. When we had determined the date on which this would come into effect, I sent him a copy of the press release. I think I may have even personally telephoned him. At no point did anyone from the Opposition indicate that they would not be happy with that, so I assumed that they were. I have just checked with my officer and we have not received representations from the UF&S or any farmers complaining about the cut-off date. Quite the contrary. I have been—

The Hon. Ted Chapman interjecting:

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

The Hon. S.M. LENEHAN: The member for Alexandra has made quite a number of erroneous allegations. He does not like it when I refute them because he does not like being shown up to his constituents, and that is a fact.

Members interjecting:

The CHAIRMAN: Order! The member for Napier and the member for Alexandra are out of order.

The Hon. S.M. LENEHAN: I have not received correspondence from members of the farming community suggesting they were not happy with the close-off date, and I will tell the Committee why. For months we have been indicating that this would take place. In every single rural paper—and I have personally viewed those papers—there have been articles about the closure of the program and the date that it would occur. I made a public press statement about that. Not only has no-one contacted the office saying that they wanted the time extended but people have been contacting my office and asking me to tell them when I would be bringing this program to a close because they needed a date to work from.

After we announced the date I acknowledge freely that, for that time of the year, there was certainly an increase in the number of applications made by the rural community for permission to clear—that was perfectly reasonable. They had asked for the date, we gave them the date and they submitted their application. Now, we suddenly find that the Opposition, in what I must describe as one of the most incredibly blatant acts of hypocrisy in my time in this Parliament, says that it now wants to change the rules. The fact that the UF&S was privy to this and that the decision went through its council, and the fact that it has not complained, is quite amazing.

I ask the Committee to come to its senses and recognise that, in any form of good government, we must have a situation where people know the rules. I was prepared to do that, and members of the Opposition know what was the downside of that. They know there could have been a huge rush on the program which, in effect, would have meant that there was no money left for the proper management and control of rabbits, fires, weeds and vermin.

I wish to refute the point made by the member for Alexandra that there is no incentive at all. There are two incentives. There are incentives for management, for people entering heritage agreements, and there is a form of financial incentive for people to place their property under voluntary agreement. Again, the member for Alexandra has not done his homework. It saddens me that a man who has been in this Parliament for such a long time and has contributed to this State has now shown that he is not prepared to be straight about an issue and is not prepared to do his homework on this matter. Therefore, I will not accept the amendment moved by the member for Flinders.

The Hon. TED CHAPMAN: I wish to clarify one point. It has been alluded to, implied or directly accused this afternoon that I have not done my homework, that I do not know what I am talking about and, in particular, that the rural community have had at least five years to apply for the clearance of their land and/or to obtain compensation. Let me remind the Minister and the Committee that there are some of us, as land-holders in this State, who did not inherit our properties. We had to buy them and we had to develop them from tree one. After I acquired my land it was 15 years before I could afford to clear one acre. So seven years is a very short period in which to put someone in a position where they shall proceed within a limited period to develop (or apply to develop) in order to qualify for compensation when, in fact, the legislation was totally open-ended when it came into the House.

When the 1985 legislation came before us there was never any suggestion that it was to have a ceiling on it—that it was to expire in five, seven or 10 years. In fact, it was a promise to the community of South Australia and to the land-holders of vegetated land, in particular, that it was there to stay. Yet a short time later in terms of land ownership and land occupation the Minister wants to introduce this cut-off point retrospectively to the date of tabling of the Bill. Her accusations are quite ill-founded in that regard. I remind the Minister that five, seven, or 10 years in the life of a development program for anyone who has to develop it out of their own personal resources and not by inheritance is a very short period. In my view, to introduce legislation and then kill this as quickly afterwards is, indeed, too short, and I support the amendment.

Mr BLACKER: I want to make it quite clear that this measure does not relate to vegetation conservation—it is a money Bill and has nothing to do with my perception of conservation or anything like that. That is not the issue. The issue is whether we should compensate those people who have not been able to avail themselves of the right to apply to clear and, if that was refused, the right to apply for a heritage agreement.

The Minister has made great play of the fact that there has been a lot of talk. There has been a lot of talk for two years about the State Bank, too; and there has been a lot of talk about a lot of other issues. However, we are told not to go talking about it or take any notice of rumours—it is a case of trust. Looking back, every member who was here in 1985 accepted this legislation on the basis that it was open-ended and it was to give those persons who were denied the right to clear the opportunity to undertake a heritage agreement and therefore be compensated.

An honourable member: At any time they chose.

Mr BLACKER: At any time they chose. In 1985 there was nothing in this legislation at all which said, 'Look, you had better get in quick.' The whole thing is quite deliberate in that it cuts off those who have not done it while, in many cases, richly rewarding those who have accepted heritage agreement and been compensated.

That is where the inequality lies. This is a money amendment which, hopefully, is specifically designed to look after those who have been a victim of circumstances. Let us face it—that is what they are. The Government has always prided itself on equality, social justice, fairness—you name it—but this provision quite distinctly creates unfairness. It is an offence against social justice, if you like, and to illustrate

that I refer to the example of two neighbours living side by side with one fence between them. One neighbour has been richly compensated because he got in quickly and applied to clear but was refused so he entered into a heritage agreement and received considerable compensation. Under this legislation he will be able to receive ongoing funding for the management of that land.

However, the person on the other side of the fence will be denied those opportunities. That is unfair and this Parliament is creating a precedent that it must wear in subsequent legislation from now on. Members must be conscious of what they are doing: they are creating two sets of standards for two different sets of people in the community who might well be side by side.

Again, I draw to the attention of the Committee that in this amendment we are talking not about a conservation issue but the right of those persons who are placed in perhaps what we would now call an unfortunate position to avail themselves of an opportunity that every member of this House provided in 1985. I urge the Committee to think very seriously about the position of all members.

Mr LEWIS: How many applications has the Minister received in the past three weeks prior to 13 February?

The Hon. S.M. LENEHAN: I will obtain that information for the honourable member. As I have indicated there were more applications than in the normal period of January and early February, and I think that was quite reasonable and to be expected. I want to point out two facts: first, all South Australians have had seven years in which to apply for an agreement under the Native Vegetation Authority, five years to be compensated for that and a further 10 years. So, in terms of the member for Alexandra's point that people cannot possibly be expected to have management plans and financial plans that extend beyond seven years, in the case we are talking about I would say that they have had 17 years, or 15 years, to receive financial compensation. I believe that is a perfectly reasonable time.

Secondly, if we were to accept the premise that was put forward by the member for Flinders that once a piece of legislation is brought into any Parliament nothing ever changes, we would belie the fact that we live in a dynamic and fluent society where, in fact, many things change. We amend legislation every day in this Parliament. Are members opposite seriously suggesting that Bills that were passed in the 1920s, 1930s, 1940s, and so on, will never be amended and that economic, social and environmental circumstances never change? I think it is a sad day when in a Parliament in this country members suggest that, once something is introduced, that is it—it is set in concrete.

Widespread consultation with the farming community has occurred. The farmers whom I have met when travelling in the country areas, particularly in the Murray-Mallee, have indicated to me that they wanted to move to the next phase, a management phase, where there would be money available for the proper management, control and preservation of native vegetation. I am very proud of this legislation. I reject the amendment, and I urge the Committee to do the same.

Mr LEWIS: Comments about moving to the next phase were not made in the belief that there was of necessity a requirement to close off the ability to apply, be refused and obtain a heritage agreement with reasonable compensation for land that is alienated forever in the public interest under native vegetation: the intention was to provide for those things canvassed under clause 21, and we will talk about that later. The reason for the request to which the Minister has referred was so that we could get on with more effective management.

As the member for Flinders has pointed out, this matter is about money. As the Minister stated, there were indeed a large number of suddenly arising applications to clear vegetation before the cut-off date. What the Minister has not told the Committee—and I do not know whether her officers have told her (and she can please herself whether she cops it on their behalf or admits to knowing about it herself because, after all, this is a Westminster system and the Minister is accountable, and if she does not have honest officers there is something wrong)—is that a number of applications were not only mailed but received by the department before 13 February. A reply has been sent to those applicants, and I will not name the member of the Public Service who has signed this letter. It states:

> We acknowledge receipt of your application to clear vegetation under the Native Vegetation Management Act 1985-1988. It was, unfortunately, received after the closing date for eligibility for financial assistance following refusal of applications by the Native Vegetation Authority. The closing date for applications was set at Wednesday 13 February 1991 by State Cabinet.

There is no authority in law for State Cabinet to make such a decision. So, the Minister, and/or in collusion with a public servant, is guilty of what I consider to be a culpable offence to the sense of fair play and social justice by saying there was such a law: there was not. The letter continues:

> If you do not wish us to proceed, please let us know and your $20 application fee will be refunded. In either case, we will contact you shortly about vegetation management and assistance options under the new Native Vegetation Act currently under consideration by Parliament.

In my opinion, that is just not good enough. It is unfair to say that, before the second phase can be instigated, the first phase must be closed down and that people who have not applied the opportunity of obtaining a heritage agreement must be denied reasonable and just compensation for what they are forgoing, in the public interest in the process. To leave the cut-off point for that process until January next year is little enough time, God knows! During January and February landowners in rural South Australia take their families away for holidays. They do not get access to the *Stock Journal* or the local press; they do not listen to the *Country Hour*. For the Minister to say that it is okay and to whisper quietly to 40 or 50 people who happen to be in elected positions that there will be a cut-off date and not explain what that cut-off date implies is just ridiculous.

Mr Chairman, I remind you and other members of the Committee that this Minister chose before the last election to write a personal letter to every shackowner in South Australia and misrepresent the policy that the Government was then purveying. She could afford to do that just to get votes, but she cannot afford to write to the hapless landowners who still have large areas of native vegetation on their land. Other Government Ministers have written to every person who is to be affected by a proposed piece of legislation where it threatens their electoral survival, and they have done it at the taxpayers' expense and in greater numbers in each instance than would be involved in this.

Why is it that in this instance the Minister did not spend the necessary postage on the 400 or 500 land-holders who still had large areas of vegetation left on their property and tell them that, if they wished to apply under the legislation that then existed for clearance so that they could then go on through the heritage agreement process and obtain just compensation, they should do so before a given date? Why did she not? I will tell you, Mr Chairman, and I will tell other members in this place, too: it was because she did not have the guts to do it, she cannot afford to do it and the Premier of the day has told her that. The Government needs every darn cent it can save to jack up the State Bank and save its political skin. There is nothing about this

legislation and this proposal before us under this clause that is in any way equitable, nothing that is socially just and nothing that is fair.

Mr BLACKER: The Minister implied that I was inferring that one should never change. That is not the issue at all. I have supported many pieces of amending legislation. I cannot recall a piece of legislation under which, by making a change, two different communities have been created within our State. This Bill does that: it distinguishes between the haves and the have nots. It is for that reason that I have at least looked for this compromise and some breathing space to enable the have nots the opportunity to get on the queue, if people want to be uncharitable in that way.

So, what I am trying to say is that people should have that opportunity. As the member for Murray-Mallee said, land-holders have not been circulated in that way and, to that end, this amendment is different from the other amendments with which this place has dealt over the past 20 years, that I know of.

The Committee divided on the amendment:

Ayes—(21) Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Blacker (teller) and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes—(21) Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Peterson, Quirke and Rann.

Pairs—Ayes—Messrs Becker and Gunn. Noes—Messrs Mayes and Trainer.

The CHAIRMAN: There being 21 Ayes and 21 Noes, I give my casting vote for the Noes.

Amendment thus negatived; clause passed.

Clause 3—'Interpretation.'

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

Page 2—

Lines 10 to 17—Leave out the definition of 'native vegetation' and insert the following definition:

'native vegetation' means a plant or plants of a species indigenous to South Australia but does not include—

(a) —

(i) a plant or plants growing in or under waters of the sea below the low water mark;

or

(ii) a plant or part of a plant that is dead, unless the plant, or part of the plant, is of a class declared by regulation to be included in this definition;

or

(b) a plant intentionally sown or planted by a person unless the person was acting in compliance with a condition imposed by the council under this Act or by the Native Vegetation Authority under the repealed Act, or with the order of a court under this Act or the repealed Act:

After line 32—Insert definition as follows:

'the repealed Act' means the Native Vegetation Management Act 1985 repealed by this Act:

This amendment is very clear. The main aim is to ensure that vegetation that is planted does not come under the auspices of the legislation. It is very important that that should be the case. A number of people are now planting vegetation for commercial purposes: for windbreaks and to alleviate salinity in the Riverland and in a number of other areas. I hope that we will continue to provide incentives to those people so that they continue to plant vegetation. That being the case, it should not be included under this legislation.

Regarding the burning of native vegetation, there are many members who believe that it is necessary for burning to be retained as an important management tool. I know of a large number of properties where prescribed burning occurs on a regular basis, and it is important that that should be able to continue.

Mr FERGUSON: Paragraph *(a)* (i) in this amendment refers to a plant or plants growing in or under waters of the sea below the low water mark. Does that exclude mangroves, for example? I would have thought they were a very important aspect.

The Hon. D.C. Wotton: That is covered in the Bill.

Amendments carried.

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

Page 2, after line 35—Insert subsection as follows:

(2) The burning of native vegetation in the normal course of managing land does not constitute clearance for the purposes of this Act.

I am aware that at various times there has been prescribed burning as a tool in national parks. The Act binds the Crown, so we should be taking that into account as well. I again remind the Committee that prescribed burning is a valuable management tool in regard to a number of properties. I urge the Committee to support the amendment.

The Hon. S.M. LENEHAN: I oppose this part of the amendment as I do not believe it is possible to define the normal course of managing. As I stated in my second reading reply, we will be looking at developing management plans in terms of controlled burning and that will be something that the new council will approve. That is the way to go rather than the way suggested by the honourable member.

The Hon. D.C. WOTTON: Does that mean that every time people want to carry out a prescribed burning program they need to seek information and apply to the council? Will that involve them in cost?

The Hon. S.M. LENEHAN: No, that will not happen. The power can be delegated to a local bushfire committee and, as long as the burning is in line with the overall plan of reduction of fuel, obviously that will be facilitated easily and quickly. It is important that we have at least some form of management and control.

The Hon. D.C. WOTTON: That is not good enough. It is terribly important that the opportunity for prescribed burning continue. It is not good enough for the Minister simply to say that permission will have to be sought through the CFS, a bushfire committee or anyone else. To whom do these people go and how will they know to whom to go? I have just received an important paper on prescribed burning within national parks in Western Australia where the practice has gone on for a long time and is recommended. We need some more certainty on the part of the Minister on this clause and more information as to where people interested in prescribed burning can seek permission to proceed.

The Hon. S.M. LENEHAN: Currently there is no prescribed burning. That is exactly what we are seeking to do in this legislation: ensure that there is some form of prescribed burning. The honourable member refers to the Western Australian situation. In Western Australia prescribed burning takes place in conjunction with the overall management plan, which is exactly what I am suggesting should happen here. Of course we will be communicating once this is in place. Once a delegation of authority is set up, we will be able to communicate that to rural landowners requiring such information. That is appropriate with any new system. Obviously the honourable member does not fully understand the situation in Western Australia.

The Hon. D.C. WOTTON: What is the Minister saying? Is controlled burning possible under this legislation and, if so, how? Will the Minister cite a clause that permits it? We are being told under the interpretation clauses that it is

clearance in relation to native vegetation, which means the burning of native vegetation. We are being told it might occur under management plans. This matter needs to be clarified by the Minister.

The Hon. S.M. LENEHAN: The reference is contained in regulation 4h.

The Hon. TED CHAPMAN: Let us accept that the areas of land which are environmentally important and sought to be preserved for public use and posterity in the longer term are those lands currently occupied by private landowners. They are lands which they or their precedessors have carefully nurtured and are now deemed to be so important that they should be kept in that condition, irrespective of whether or not they are paid for it. Under the Bill they will not be paid for keeping such land. Be that as it may, it is acknowledged that they are valuable parcels of land. They are in an environmentally sensitive and aesthetically attractive condition because the landowners have kept them that way and have managed the land accordingly. Now the Minister has the gall to suggest under this clause that someone else will tell those landowners how to manage their own land. How blasted ridiculous!

We have a situation, on the one hand, where the Minister acknowledges that the Bill embraces parcels of land which ought to be preserved because they are aesthetically desirable. They are on privately held lands and in that condition because the land-holder has managed them, in many areas using various tools of management, one of which is fire. Firing that land periodically and strategically does not mean the same as happens in the parks under bureaucratic management, or in respect of joint venture arrangements, or necessarily the same as happens in Western Australia. The way it is done in South Australia has in some cases been carried on for generations. In the District of Alexandra or other areas of South Australia we do not need the Minister, her officers, bureaucrats from any other departmental level, the UF&S or anyone else telling us how to manage our land in relation to firing it strategically for the purposes of using a good tool in the practice of good management.

I support the member for Heysen in his attempts to have the matter not only clarified but cleaned up so that the best managers of the land—those who have proved to be so for generation after generation—can be allowed to continue to manage it. If they want advice, let them seek it voluntarily and not be dictated to by yet another bureaucratic monster. It is rude and ridiculous and serves no useful purpose to introduce legislation that will not work effectively on the ground. Indeed, it encourages animosity towards the Government, the department and officers who albeit try to do the right thing in their respective roles. It causes deceit and dissent within the community and encourages deceitful practices among people who have gone about their business in a proper and reasonable way.

The Hon. H. Allison interjecting:

The Hon. TED CHAPMAN: Yes, there will be a lot more lightning strikes, fires by accident or fires started allegedly as a result of tourists not putting out their campfires or for other concocted reasons. People will say that there must have been a bottle in the grass that exploded on that hot day or a fisherman who went past and set the cliff alight, causing a bushfire. 'It was not me,' they will be saying because somehow or other they cannot get over this piece of legislation and have to get around it.

The Minister ought to report progress on this subject, do her homework properly and recognise that there are good land managers in this State. She and her departmental officers or nominees on authorities around the State are not the be all in land management and there are a few farmers in this country who know what they are doing.

The Hon. S.M. LENEHAN: I shall not resort to the tactic of personal denigration. Under the current Act dating from 1985 this provision has been in existence, so all the huffing and puffing by the member for Alexandra demonstrates that he has no idea of what is in the current Act or in existence.

The Hon. Ted Chapman interjecting:

The Hon. S.M. LENEHAN: That is most interesting. For members opposite who may be interested in a successful resolution to some of these matters, I will spare a moment to explain how the system has worked. Whilst there has been a provision in the regulations for management plans for burning to be put in place, they are not mandatory. What we have done is to require them where we considered appropriate. The Bill contains defence clauses, so I do not think that that is a monumental issue. It has not been raised with me by any member of the rural community or by the UF&S.

Amendment negatived.

Mr S.G. EVANS: During the second reading debate I raised the matter of legal liability. I know that the Minister cannot give a legal opinion, but I am concerned that, depending upon the amount of native vegetation a person may own, there will be a problem regarding the size of firebreak required. In her second reading explanation the Minister says:

> These exemptions deal with clearance related to safety, fence building, fire prevention works, etc.

I have taken that to mean firebreaks for fire control, rather than fire prevention, but I understand that that is covered. First, we are trusting a Government with regulations, but we do not know what the final document will state. A draft does not mean the final thing. If a person applies to put in a firebreak, I take it that permission will be granted.

I have a one-third share in two pieces of land alongside each other. The council now says that there needs to be a firebreak or some form of fire control around those blocks. What is a safe firebreak? If a person applies to put a 20 metre firebreak around a block and that is inadequate, I believe that that person is liable. If the land-holder asks for 50 or 100 metres and the council refuses, is that land-holder still liable, even though the fire may have come into his property from another and then gone out of that property?

The fire has not been deliberately lit by the land-holder but, as the law found in the case of the 1980 bushfire, the person who owns a scrub block is negligent if he does not take the proper fire prevention measures. Each land-holder (including Government departments) is negligent if that is taken on in future. One area of grave concern to all of us, including the Government, is something of which the Minister needs to be conscious. I am concerned that this legislation covers areas such as Happy Valley, Stirling and Mitcham councils as well as others that are really suburban councils, but it does not cover the hills face zone: that is excluded. When we speak of trimming a tree, I discussed this with people who have been involved, and they say that it is pretty trivial.

The people with whom I have discussed this matter may have that view and the Minister may also have that view, but the Minister is only a bird of passage: she is here today and gone tomorrow. Public servants are the same: they are not here for ever. We are debating a law that says that taking a branch off a tree, other than one that has been planted by a human being (and if this amendment goes through, you will have to prove that you planted the tree),

means that you commit an offence. It might be a minor offence, but the legislation is draconian.

It does not matter what the Minister tells us now is her opinion: what matters is what is written into the document. In my case, with the 15 acres containing native trees, some of which I have planted and some of which I have not, if a neighbour complains because I cut limbs from a tree that is on the boundary of his or her property and takes up the challenge with me, let not anyone here tell me that the court will say that the Minister or a public servant said that you will not be liable. I will be liable, and that concerns me. We will have all sorts of petty arguments, especially in areas such as that, and it takes in all the Mitcham council bar the hills face zone. It is a very interesting exercise.

The Hon. S.M. LENEHAN: It is probably appropriate for me to read into *Hansard* the proposed regulation 4k, which might clarify the matter for members opposite. The regulation provides:

> Where the clearance is for a firebreak of not more than 5 metres in width or some greater width fixed in relation to that firebreak by a bushfire prevention plan prepared under the Country Fires Act 1989 and approved by the Country Fire Service board . . .

It goes on to talk about local councils and so on. In terms of the firebreak, that is fairly clear. With my own amendments I propose to introduce another clause, under a general defence clause, which answers the question about the defence to a charge. I will not deal with that now, as it will be apparent when we reach clause 33 *(c)*. Notwithstanding some of the emotive comments that have been made, this Bill has a commonsense approach, and in the regulations there is complete exemption for the clearance of any piece of vegetation within 20 metres of any building. Of course, any branch or limb of a tree can be removed for public safety. I ask members to consider that it will be a commonsense approach.

Mr S.J. Baker: It's not in the Act.

The Hon. S.M. LENEHAN: That is in the regulations; it will be covered.

Mr S.J. Baker: Not good enough.

The Hon. S.M. LENEHAN: It is good enough, because commonsense will apply. I can assure members that subsequent Ministers for Environment and Planning will not want to waste the resources of this community by having tree inspectors marching around this State, examining whether a branch was cut off a tree. I know that it is Thursday afternoon, but surely we could apply commonsense principles to some of these questions.

The Hon. D.C. WOTTON: During the second reading debate last night I mentioned the matter of severing branches, limbs, stems or trunks of native vegetation. I have looked through the regulations and think that I understand, but will the Minister explain the situation regarding councils or ETSA, for example, who are required to trim branches and vegetation?

Will the Minister also explain to the Committee whether she has received representations from brushcutters and whether they are satisfied with this legislation, particularly in regard to the interpretation of 'clearance' as it relates to the severing of branches, limbs, stems or trunks of native vegetation?

The Hon. S.M. LENEHAN: I have not received any representation from brushcutters. However, the officer who is in charge of this matter received one telephone call from a brushcutter and, on explaining the way in which the legislation will operate, the brushcutter believed that there would not be any problems. That is the most up-to-date information that I have. The brushcutter who contacted my officer did not think that the legislation would impinge on his commercial viability in terms of the cutting of brush. I understand that ETSA will be exempt from the provisions of this legislation, and my officers are looking for the relevant section in the regulations with respect to local councils. I will provide that information to the honourable member at a later date.

Clause passed.

Clause 4—'Application of Act.'

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

Page 2, lines 37 to 40—Leave out clause 4 and insert new clause as follows:

Application of Act

4. (1) Subject to this section, this Act applies to the whole of the State.

(2) This Act does not apply within those parts of the State that—

(a) are within the area shown as Metropolitan Adelaide in the development plan;

and

(b) are also within the area of a local council (excluding the cities of Happy Valley, Mitcham, Munno Para and Noarlunga and the district council of East Torrens, Stirling and Willunga);

but

(c) are not within the zone shown as the hills face zone in the development plan.

(3) The Governor may, by regulation, exclude any other part or parts of the State from the operation of this Act.

It is vitally important that the parts of the State that this legislation covers are spelt out in the Bill. I am very much aware that they are contained in the regulations and that it is proposed that these areas will be detailed in the regulations attached to the Bill with which the Committee is dealing. However, I believe that it should be in the legislation. Regulations can be changed very easily and there is no opportunity for their debate. If at any time the Government wanted to change the areas referred to in my amendment, the matter would have to be brought before Parliament. I seek the support of the Committee for this amendment.

The Hon. S.M. LENEHAN: I am happy to accept the amendment of the member for Heysen.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—'Objects.'

The CHAIRMAN: There are two circulated amendments to this clause. I propose to take the Minister's amendment, and then the member for Heysen may wish to move an amendment to that amendment.

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

Page 3, lines 3 to 10—Leave out clause 6 and insert the following clause in its place:

Objects

6. The objects of this Act are—

(a) to provide incentives and assistance to landowners in relation to the preservation, enhancement and management of native vegetation;

(b) to conserve the native vegetation of the State in order to prevent further reduction of biological diversity and further degradation of the land and its soil;

and

(c) to limit the clearance of native vegetation to clearance in particular circumstances including circumstances in which the clearance will facilitate the management of other native vegetation or will facilitate the efficient use of land for primary production.

My amendments were circulated yesterday so members have had the opportunity to peruse them and, as I have made available officers to discuss the matters with interested members, I am sure that they will have availed themselves of that opportunity. This amendment clarifies the objects of the Bill.

The Hon. D.C. WOTTON: The Opposition supports the amendment. The Minister would be aware that I had on file a very similar amendment to that moved by the Min-

ister, so I will seek to amend the Minister's amendment. I move:

After subclause *(c)* insert subclauses as follows:

(d) to encourage research into the preservation, enhancement and management of native vegetation;

and

(e) to encourage the re-establishment of native vegetation in those parts of the State that have been cleared of native vegetation.

The Hon. S.M. LENEHAN: I am very happy to accept that amendment to my amendment.

Amendment to amendment carried; amendment as amended carried; clause as amended passed.

Clause 7 passed.

Clause 8—'Membership of the council.'

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

Page 3, after line 36—Insert subclause as follows:

(2a) The members nominated by the United Farmers and Stockowners of S.A. Inc. and the Local Government Associatioon must be persons who—

(a) carry on a business of primary production (whether as owner or manager of the business);

(b) live on, or in close proximity to, the land on which the business is carried on;

and

(c) manage the business on a daily basis.

This amendment has been discussed informally and it seems to me that this is an appropriate amendment to ensure that we get the quality of membership of the council that will be agreed to by all parties.

The Hon. D.C. WOTTON: The Opposition had a similar amendment on file, so it supports the Minister's amendment.

Amendment carried; clause as amended passed.

Clause 9—'Conditions of office.'

The Hon. D.C. WOTTON: I seek clarification from the Minister regarding subclause (2) *(a)*, which provides that a member may be removed from office by the Governor for misconduct. That is extremely broad. It may be in the provisions of the Act, but I would like to know what it means. Does it mean that someone can be kicked off the council because he determines that he wants to speak out against the Minister's policy or the Minister's decision? What does it mean?

The Hon. S.M. LENEHAN: This is a standard clause that exists in most pieces of legislation. It relates to misconduct with respect to a person's role and function on the council. I imagine that it relates to such things as blatant conflict of interest or a total breach of a confidentiality provision with which the council was dealing. I do not want to be prescriptive about this, but it seems to me that there are fairly clear guidelines for misconduct.

Clause passed.

Clauses 10 to 13 passed.

Clause 14—'Functions of the council.'

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

Page 5, after line 19—Insert subclauses as follows:

(da) to encourage research into the preservation, enhancement and management of native vegetation;

(db) to encourage the re-establishment of native vegetation on land from which native vegetation has been cleared;

(dc) to administer the fund pursuant to Division II;.

This follows on from the objects that have already been amended, and I ask for the Committee's support.

The Hon. S.M. LENEHAN: I accept the honourable member's amendment.

Amendment carried; clause as amended passed.

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.

Clause 15—'Delegation of powers and functions.'

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

Page 5, after line 35—Insert subclause as follows:

(2a) A delegation and the revocation of a delegation under this section must be in writing.

This clause goes into some detail in respect of the forms of delegation. We suggest that, when a delegation is determined by the Minister or by the council, the delegation and revocation be in writing.

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

Amendment carried; clause as amended passed.

Clause 16 passed.

Clause 17—'Annual report.'

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

Page 6, line 22—After '30 June' insert 'and must as part of that report, report upon the work of the council in carrying out its functions and achieving the objects of this Act'.

This clause deals with the annual report. This is not a matter of great import but I believe it is necessary to spell out in the legislation that this would be a requirement within the report. I ask the Committee to support the amendment.

The Hon. S.M. LENEHAN: I accept the amendment, although it seems unnecessary because it will happen anyway.

Amendment carried.

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

Page 6, line 23—Leave out 'as soon as practicable' and insert 'within six sitting days'.

I do not doubt that the Minister would bring a report to Parliament when she receives it. However, there have been occasions when the annual reports of other authorities have been brought down and then left on a Minister's desk and have not found their way into Parliament. It is important that Parliament and the people of South Australia be provided with this information as soon as it becomes available. That is the reason for the amendment.

The Hon. S.M. LENEHAN: I could ask the honourable member how he would actually ascertain whether a report had been on the Minister's desk for five, six or seven sitting days. This is a little pedantic but I will not go to the wall on it. I will accept the amendment.

Amendment carried; clause as amended passed.

Clause 18—'The fund.'

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

Page 6, after line 37—Insert new subclause as follows:

(6) At least 25 per cent of the amount paid from the fund in any financial year must be applied in connection with research into the preservation, enhancement and management of native vegetation and at least 25 per cent of the amount paid from the fund in any financial year must be made available to a body or organisation that has as its principal object the re-establishment of native vegetation.

The native vegetation fund consists of the following:

(a) money appropriated by Parliament for the purposes of the fund;

(b) fees payable in respect of applications to the council to clear native vegetation;

(c) penalties payable in respect of offences against this Act; and

(d) interest and discretions arising from investment of the fund.

Subclause (4) provides:

The fund may, with the approval of the Minister, be invested in a manner determined by the council.

We believe that some guidelines should be set down in the legislation. Therefore, we suggest that at least 25 per cent of the amount in the fund be made available for research into the preservation, enhancement and management of native vegetation, and I do not think that anyone could

disagree with that. Further, that another 25 per cent be made available to the organisations within this State who do such an excellent job in encouraging and providing incentives for people in the community to plant trees, etc., and have a responsibility in revegetation. I seek the support of the Committee for this amendment.

The Hon. S.M. LENEHAN: I am afraid I will not be giving that support because a number of questions have not been answered. Such a provision would make the whole situation unworkable. I refer to some of the points raised by the Opposition in terms of people who have not put a property under a heritage agreement until now. The Bill seeks to encourage people voluntarily to put some of their areas under a heritage agreement. Therefore, it is important that we have the resources to be able to help those people properly and thoroughly manage those heritage agreements.

It seems to me important, particularly in the first five years of the operation of such a program, that the council itself should have the ability to make the decision whether it channels that money in the first few years into ensuring the management of properties under heritage agreement. To be totally prescriptive, as this amendment provides from day one, would create a problem for the Native Vegetation Council. I do not believe that it is appropriate to be so prescriptive. That is not to say that money should not be made available for research and preservation, etc., as that is in the objects, and I acknowledge that.

I believe that the amendment is too prescriptive. It does not allow any flexibility or decision-making by the council over the way in which it might be more appropriate to spend the money in the first few years and maybe move more into research and preservation enhancement, etc., specifically in subsequent years. This would be more appropriate some distance down the track. If it looks like not enough money is going into research, at that stage it might be more appropriate to reassess the situation.

Mr MEIER: The Minister would recall that, in my second reading contribution last night, I highlighted examples from the United States and indicated that to some extent we had the cart before the horse in this State with respect to the way we are going about things. I pointed out that, in the United States, monetary incentives are given to people to preserve vegetation. Here, we take fees from people and impose fines: the Government seeks to get money from the land-holders. That certainly takes away the incentive to do the voluntary work that is looked for.

Therefore, I support the amendment that has been moved by the shadow Minister. It goes only a short way towards what I would like to see in the sense that at least 25 per cent of the amount paid must be applied to research into the preservation, enhancement and management of native vegetation. Let us at least get some of the money going in the right direction. I believe it is a positive step forward to do it this way. I will not deviate onto how we should be going into things in other areas; I alluded to that last night. I recognise we have limited time in the debate because of the guillotine. I urge the Minister to reconsider her stance and to accept this amendment.

The Hon. S.M. LENEHAN: I take the philosophical point that has been made by the member for Goyder and, indeed, I have actually extended that. That was the reason I led a delegation of the United Farmers and Stockowners and the representatives of the conservation movement of South Australia to Canberra to meet with my counterpart, the Federal Minister for Environment, to put very clearly on the Federal table, if you like, the importance and the need for Federal money in these areas. I was putting a case for South Australia, but it seems to me that Federal money must be put into research in this whole area right across the country. I believe that is a much more positive and effective way of dealing with the issues that have been raised by the honourable member based on the American experience—and I am aware of that experience—rather than to say we have a pool of money and we have a farming community that has literally almost begged for some form of assistance in the management of areas that are now under heritage agreement.

I really think that the honourable member would be working against the best interests of his own constituents to channel off money in the first few years. I know that is not his intention. Rather, I think that initially we should be channelling some of the money into research. However, let us target the area of greatest need, which I believe is management, in terms of the control of fire, vermin and other pests, and fencing, and then let us build up the research situation. But in the meantime it is my intention again, if and when this legislation passes in this Parliament, to go back to Canberra and make a very strong case for some Federal support in terms of some of the programs the honourable member has mentioned.

Mr MEIER: I recognise the Minister's good intentions, but we do not know how long she will be Minister. It is important that this be incorporated into the legislation so that it is there. It is a positive step forward and I still implore the Minister to reconsider her opposition to this amendment.

Mr BRINDAL: I strongly support my two colleagues and I acknowledge what the Minister has said in this matter. We have heard on the radio that the Minister, in an Australian sense, often leads the debate in conservation issues. I put to the Minister quite seriously that, if we wait for Canberra to give us funds, we might be waiting for a very long time. If we are to show leadership in this State, as I believe we have done, can and should do, I seriously put to the Minister that this is a good amendment. I also add that in this debate last night many rural members, including the member for Flinders, pointed out that there was also a disproportionate burden in some country areas: some have not been cleared very much at all and others have been almost denuded of trees. I think all members in this House, both country and city members, would agree that it is those areas that are completely denuded of trees which now need to be replanted and reafforested, and this amendment seeks to move in that direction. It seeks to allow this Minister and this Government to show the leadership and vision which is an aspect at least of part of this Bill. I seriously commend the initiative to the Minister and ask her to reconsider.

The Hon. S.M. LENEHAN: I have no problem with the concept; in fact, I totally support it. However, I am concerned about the timing. To take a hypothetical figure, let us say that the Government was able to make available $2 million for the management phase each year. If we put up a $2 million program to assist farmers in the management of native vegetation and then said from day one that we would take out $500 000 for research, I suspect many constituents of members opposite would have a problem with that. I am not opposing the concept: rather, I am opposing the timing.

The Committee divided on the amendment:

Ayes (21)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton (teller).

Noes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Peterson, Quirke, Rann and Trainer.

Pairs—Ayes—Messrs Becker and Gunn. Noes—Messrs Blevins and Mayes.

The CHAIRMAN: There are 21 Ayes and 21 Noes. I give my casting vote to the Noes.

Amendment thus negatived; clause passed.

Clauses 19 and 20 passed.

Clause 21—'Assistance to landowners.'

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

Page 8, after line 4—Insert subclause as follows:

(6a) Where the relevant land is in a soil conservation district, the council must not serve a notice under subsection (6) without first consulting the soil conservation board for that district and having regard to the board's views.

On a number of occasions the Minister has referred to the importance of local input into this legislation. She has indicated that it should be encouraged for decisions of this nature to ensure that a practical stance is adopted by the council. So, I seek the support of the Government and the Committee.

The Hon. S.M. LENEHAN: I will not support this amendment because what worries me about the amendment is that it is placing another level in the whole process; instead of councils being able to negotiate directly with the landowner, as I read this amendment, there is a mandatory requirement to have to go through the individual soil conservation boards. I do not think that is appropriate. It will create an elongation of the time period, etc. Now, there is a problem in terms of the time taken to deal with applications. One of the things I think we need to address is the fact that that should be facilitated so that landowners know as quickly as possible what the situation is. So I am not prepared to accept the amendment.

The Hon. D.C. WOTTON: I am disappointed in the Minister's reply—

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: Well, I repeat what I said earlier. If the Minister is genuine about wanting to involve local people, I have enough confidence in the people who are on these boards for them to be consulted in such matters. It is as simple as that. I do not believe that, in the majority of cases, there is any urgency in such matters. It is a matter of seeking advice from the board to determine whether they know of the practices of the applicant; whether they are able to give support; and whether they believe any financial assistance would be appropriate. It makes a lot of sense to involve the board in such a decision.

Mr LEWIS: Maybe the Minister does not understand. She has indicated that that is probably the reason for her deciding not to agree with the amendment. If the Minister reads the amendment she will realise what the Opposition is asking for: where the relevant land is in a soil conservation district, the council must not serve a notice under subclause (6) without first consulting the Soil Conservation Board for that district and having regard to the board's view. Subclause (6) provides:

Where . . . a person to whom the council has granted financial assistance under this section—

(a) contravenes or fails to comply with a condition attached to the grant of the assistance;

(b) fails, within a reasonable time to apply the amount granted for the purpose for which it was granted . . .

It is not about a process of approval—

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: Well, the Minister did not seem to indicate that when she was on her feet. She said that it is going to take longer; and that it is already a long process. To my mind, that is a pity, because the council sits in the city. Some of these folk who are in soil conservation board areas are several hundred kilometres from the city and, if they suffer illness in the family or run into some adversity, and run out of time in which to do the things that they have applied to do, that can be left to the local folk on the soil conservation board because what we are asking is relevant to the board's responsibilities. Leave them to make an assessment of the situation and say, 'Well, look, this fellow really is pulling our leg,' or alternatively, and more likely, 'Be reasonable and give an extension of time.' We are not saying that the board should be able to override; we are simply saying, 'Go and talk to the board (and that will take another two or three weeks) before you act peremptorily.'

The Hon. S.M. LENEHAN: I fully understand the clause to which the amendment relates—

An honourable member: You do now.

The Hon. S.M. LENEHAN: If the honourable member wants to continue with his personal comments, that is fine. It seems to me that I have not had any evidence presented to me that soil conservation boards actually want to be involved in something that is directly between the council and the landowner, that is, the failure of a person who fails to comply with the conditions attached to the grant or assistance. It seems to me that this is one matter that should be directly between the council and the landowner.

To pick up the point made by the honourable member, the council does not necessarily sit in Adelaide; the council can sit where it likes, in any part of the State. We have already amended the legislation to ensure that there are practising farmers on the council so that, in fact, the council membership is totally relevant and appreciative of the particular situation of landowners.

I think that here we are writing something into an Act without full and thorough consultation with the soil conservation boards, and it would be my understanding that they would not want to get involved in such a specific issue which involves directly a landowner and the council. So, I am afraid I have not been convinced by the logic and reasoning of the member for Murray-Mallee.

The Hon. D.C. WOTTON: I would make the point to the Minister that my information is that the boards would be agreeable to becoming involved in this matter and, in fact, it is one of the amendments that was put forward by the UF&S.

The Hon. S.M. Lenehan: The soil conservation—

The Hon. D.C. WOTTON: Yes, they have put forward an amendment which is very similar to the one that we have put forward:

Where, in the opinion of the council, and upon the advice of the local soil conservation board, a person to whom the council has granted financial assistance under this section . . .

So, it is a matter that the UF&S has supported. Apparently, it has made representations through some of the soil conservation boards. We could perhaps describe it as another filter in these unfortunate situations that I hope will not occur very often. But, if they do occur, it will be good to be able to get some local input, and that is why I ask the Minister to reconsider her view on this matter.

Amendment negatived; clause passed.

Clause 22—'Guidelines for the application of assistance.'

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

Page 8, line 15—After 'council' insert 'and must also prepare draft guidelines in relation to the management of native vegetation'.

The existence of management guidelines is implied in other sections of the legislation now being considered. I believe

they are a very desirable feature and that it is therefore appropriate to ensure that it is clearly the council's responsibility to establish them and to provide for a process of public review, which this amendment does. I urge the Minister and the Committee to support this amendment, which has strong community support.

The Hon. S.M. LENEHAN: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 23—'Offence of clearing native vegetation contrary to this Part.'

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

Page 8, line 45—Leave out 'Division 1 fine' and insert 'Division 2 fine'.

Page 9, line 3—Leave out 'Division 1 fine' and insert 'Division 2 fine'.

This amendment changes the maximum fine from $60 000 to $40 000.

The Hon. D.C. WOTTON: I do not necessarily oppose the amendment, but I find this whole clause very confusing indeed, and we will have to rely on the Minister's explaining it in more detail. The majority of the people to whom I have spoken about this clause do not have a clue as to what it is about. Originally, there was a Division 1 fine of $60 000. At the outset let me say—and I know some of my colleagues do not agree with me—that it is important to have such a fine for specific offences. If corporate ventures become involved, on a number of occasions situations have occurred where large companies have come in and been quite prepared to bulldoze a significant amount of vegetation if they knew the maximum fine would be $30 000. For that reason I believe there should be a larger disincentive for them to do so. This is where I and other members on this side are confused. I would prefer to see some form of sliding scale so that, if a company or an individual bulldozed many hectares of vegetation, they would have to pay a substantial penalty. Under clause 23 (3) *(a)*, 'prescribed rate' means:

> *(a)* the amount (if any) per hectare by which the land in relation to which the offence was committed has increased in value as a direct result of the commission of the offence;
>
> or
>
> *(b)* the amount of a Division 7 fine,
>
> whichever is the greater.

Does that mean, for example, that if one cuts off a branch the minimum fine will be $2 000? Is that what we are saying? The whole clause is very confusing and, unless the Minister explains it better than is the case in the legislation, the Opposition would seriously have to consider what moves would need to be made between the legislation leaving this place and being later considered in another place. This matter is important to members on this side and to all people who have vegetation on their properties, and it is important that this matter be clarified.

The Hon. S.M. LENEHAN: It has been put to me that it is not clear what this provision actually means. In relation to clause 27 (4) (and I could refer the honourable member to a particular case at the moment but because it is before the High Court I do not feel it is appropriate), the crux of this matter is that nobody in the future can factor in to any kind of bottom line where we clear this, we pay the fine and we factor that in and, at the end of the day, it is still worthwhile to illegally clear. Clause 27 (4) provides:

> Where the respondent has cleared native vegetation in contravention of this Act, the court must order the respondent under subsection 3 *(d)* to establish vegetation on the land from which the vegetation was cleared.

In other words, that is the fundamental disincentive—that, notwithstanding any level of fine, if land is cleared illegally, it must be revegetated. In fact, the legislation clearly says that the court 'must': it does not even have a discretion in that matter. I have personally ensured that that clause is in the Act, because it is fundamental to the ongoing proper management of native vegetation in this State.

Under this clause, we consider the increase in value. If someone clears 10 acres of land and by doing so manages to increase the value by, say, $2 000 per hectare, that is multiplied by the number of hectares, which would result in $20 000. The legislation is giving some direction to the courts. The fine would then either be $20 000 or a Division 7 fine, and I understand that that fine is per hectare, so that we may then have to add a small amendment in the Upper House to clarify what that means.

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: I have just indicated that it does not say it, but that is what is intended.

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: I am actually answering the question raised by the member for Heysen, and I will continue to do that. It is whichever of those two is the larger. I really cannot imagine someone taking a chainsaw and just chopping down a branch of a tree for no good reason, but if, in the most extreme, bizarre circumstances someone chopped a branch down and there just happened to be an officer from my department present who saw and reported that and that person was subsequently prosecuted under this Act, he or she would not be fined $2 000 if it was per hectare: obviously the court would be required to make an assessment of an appropriate amount. Again, commonsense is surely the underpinning of this legislation and we would be looking at a commonsense approach. No amendments have been put up by the members of the Opposition. If it is—

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: I clearly understand what this matter is about. It is clear to me that, if members of the Opposition wish to seek further clarification, perhaps we could consider some form of simple amendment in another place, and I would be prepared to take that on board.

Mr S.J. BAKER: This is incompetent drafting. It is fundamentally wrong to have an indeterminate fine, which is somewhere between zero and $60 000, and then have an alternative providing whichever is the greater—it is a *non sequitur*. They cannot exist alongside each other. You do not have one fine larger than the other.

The Minister does not understand, but $0 to $60 000 is $0 to $60 000. How can you have 'greater than' when you have this range? One presumes, therefore, that the fine relates to $60 000. I have never seen anything like this in terms of a penalty in any legislation we have had to deal with. We have had much bizarre legislation to deal with from the Government, but this takes the cake. Will someone have a think about this legislation? To my knowledge, you cannot have the sort of relationship described in this piece of legislation.

Mr MEIER: As members would be aware, much of the vegetation on Yorke Peninsula needs cutting back and is dying because it has not received a cut back. Currently, that means that for roadsides you need council permission. On private properties, it is up to the owner. Does the Minister see the division 1 fine applying to people who, in endeavouring to regenerate their vegetation, cut down, say, 50 trees? When I say cut them down, I mean cut them down to within a couple of feet of the ground so that they shoot again and become very healthy.

There is a classic example between Kulpara and Paskeville where a whole section of vegetation was cut down about five or six years ago as it was all dying and covered

with mistletoe. It now looks magnificent, and everyone comments on how great that vegetation looks. Under this legislation I see the possibility of someone in good faith and with the spirit of seeking to establish vegetation for a much longer period being caught.

The Hon. S.M. LENEHAN: I presume the honourable member is referring to pollarding. Again, a commonsense approach would be applied. If someone is causing the regeneration of vegetation and not destroying or removing it in a wilful or wanton manner, we do not have the resources for departmental officers to go marching around the State trying to trick farmers. This legislation has been developed after extensive consultation with the farming community.

It is not in any way meant to trick farmers carrying out appropriate management practices or to fine them or haul them off to the courts. I really do not think that the case the honourable member has highlighted will cause any concern. What the honourable member is describing is the responsible thing to do if trees are dying. Why else would a farmer waste his time doing something like that if there were no reasonable outcome?

If they were going to uproot the lot and burn them or use them for another purpose, that is different. I think that the case the honourable member has highlighted to the Committee is one that the officers of my department would view with a degree of commonsense. Discussion will be taking place. People will actually talk about this. We are not just going to march on to a property and ride roughshod over the landowner.

Mr LEWIS: That is really surprising. If we look at the definitions, we see what 'clearance' means; if we look at the rest of the Bill, we see what is permissible and what is not. But now the Minister says, 'It doesn't matter what's written there: we'll do what we think is commonsense.' How you decide what commonsense is, I do not know. The member for Goyder and local people believe that it is appropriate to cut down vegetation if it is dying. The Minister and other people interested in native zoology and ornithology would know the important consequence of what the member for Goyder is saying is that it will look okay as far as the locals are concerned for the preservation of green trees, but what about the skinks? They need some dead limbs around the place. The *Cacatua*, whether they are parrots or cockies, like to have a few dead limbs to sit on as outlook posts. They are an important part of the whole scene, as are the hollow limbs that result from the action of termites when the stems have died and been either burned or eaten.

The Minister cannot have it both ways. She is crackers if she thinks she can. The law is what the law says. This clause is as bad as some of the rest of the Bill. It is ambiguous; the Minister admits that. The whole Bill should have been withdrawn and redrafted when people finally realised what it was going to do.

The Hon. D.C. WOTTON: The Opposition cannot support this clause in its present form, and will look at having further consultation so that an improved clause may be introduced in another place.

Amendment carried; clause as amended passed.

Clause 24—'Clearance of native vegetation.'

Mr LEWIS: The Act binds the Crown. Clearly, if the Crown is bound we know that the provision means that vegetation above the low tide mark is to be included. How the Minister will get around the dilemma that will now confront the Government when it comes to the clearing of mangroves on the multifunction polis site is beyond me. I do not think that the double standards that will inherently need to be applied to enable that to occur are something that people who are otherwise adversely affected in their opinion of this legislation will applaud.

The Government brings itself into contempt by doing such things as it will have to do under this clause. I point out to the Minister that much of the very important tidal vegetation will be wiped out for the convenience of the Government. I also make the point that the Minister can exclude that district council area. It is in the metropolitan area and, in due course, the Minister can simply exclude it and get around the problem that way. It will still not detract from the odium that should and will be properly directed at her and at the Government.

The Hon. S.M. LENEHAN: The honourable member is making a statement rather than asking a question.

Clause passed.

Clause 25 passed.

Clause 26—'Provisions relating to consent.'

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

Page 10—After line 7—Insert subclauses as follows:

(1a) When determining an application to clear native vegetation in order to facilitate the management of other native vegetation, the council must, in exercising its limited discretion under subsection (1), have regard to the applicant's desire to facilitate the management of that other vegetation.

(1b) When determining an application to clear native vegetation that is growing or is situated on land that forms part of a property that is used for the business of primary production, the council must, in exercising its limited discretion under subsection (1), have regard to the applicant's desire to operate the business as efficiently as possible.

As I said earlier, I circulated these amendments yesterday so that members would have an opportunity to assess them.

The Hon. D.C. WOTTON: The Opposition has an amendment that I believe clarifies this clause. While we support the amendment that the Minister has moved, we will be looking at strengthening it by amendments I will be moving at a later stage.

Amendment carried.

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

Page 10, lines 8 to 15—Leave out subclause (2) and insert new subclause as follows:

(2) The council may give its consent to clearance of native vegetation that is seriously at variance with the principles if—

(a) the vegetation comprises an isolated plant or isolated plants;

(b) the applicant is engaged in the business of primary production;

and

(c) in the opinion of the council, the retention of that plant or those plants would put the applicant to unreasonable expense in carrying on that business or would result in an unreasonable deduction of potential income from that business or would otherwise interfere with the management of the land on which the business is conducted.

I urge the concurrence of the Committee with this amendment.

The Hon. S.M. LENEHAN: I do not accept the amendment because of problems with the definition of 'isolated plants'. I do not believe that it is possible to define that term. I received these amendments only at lunchtime, so I have not had an opportunity to work through a definition of that term. Because I feel that it could create a legal problem, I will not accept the amendment at this point. It may well be that this can be resolved as the Bill passes from this Chamber to the other place. As I said, I oppose the amendment at the moment, but I am prepared to look at the definition with the honourable member before the Bill is debated in the other place.

The Hon. D.C. WOTTON: The Opposition accepts the Minister's assurance.

Amendment negatived.

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

Line 37—Leave out 'No' and insert 'Subject to subsection (10a), no'.

The Hon. D.C. WOTTON: The Opposition does not support the Minister's amendment. The amendment that I will move is much broader and, if the Minister is not prepared to accept it, the Opposition will seek to move a similar amendment when the matter is debated in the other place.

Amendment carried.

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

Lines 37 and 38—Leave out subclause (8).

As I said, if the Minister is not prepared to accept this, the Opposition will move in the same way in another place.

Amendment negatived.

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

Line 43—After 'application' insert 'and the council must observe the rules of natural justice when considering and determining the application'.

Amendment carried.

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

After line 43—Insert new subclause as follows:

(10a) Where an applicant satisfies a District Court that the council has failed to observe the rules of natural justice the court may quash the council's decision and direct it to reconsider the application.

Amendment carried.

The Hon. D.C. WOTTON: Is the Minister prepared to give consideration to the setting up of conferences as recommended in the amendment that I have circulated?

The Hon. S.M. LENEHAN: As I understand it, the honourable member wants an appeal mechanism. There is no appeal mechanism under the Act, and to implement such a mechanism with access to the Supreme Court will impose another layer of judicial expense, as it were, for applicants. If the system has worked thus far without an appeal mechanism, I see no reason to impose an appeal mechanism upon the existing structure. As I said, I did not receive these amendments, through no-one's fault, until this afternoon, and we went straight into this debate after Question Time. For that reason, I am not prepared to accept the amendment circulated by the honourable member. I believe that the system in place, as amended by me today, is totally adequate. I have not received representation from any other party to change that view.

Clause as amended passed.

The CHAIRMAN: The member for Heysen has circulated amendments to insert new clauses 26a and 26b. In light of the Committee's decision on clause 26 (8), I do not see how the honourable member can proceed with them.

Clause 27—'Jurisdiction of the court.'

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

Page 11, line 45—Leave out 'Division 1 fine' and insert 'Division 2 fine'.

This changes the penalty from a Division 1 fine to a Division 2 fine.

Amendment carried; clause as amended passed.

Clause 28—'Appeals.'

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

Page 12, line 13—Leave out '30 days' and insert '60 days'.

Amendment carried; clause as amended passed.

Clause 29—'Commencement of proceedings.'

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

Page 12, line 19—Leave out '10' and insert 'three'.

I do not know any other piece of legislation that requires 10 years, or even six years. I think that three years is adequate, and I will not support the amendment that the Minister proposes to move at a later stage.

Amendment negatived.

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

Page 12, line 19—Leave out '10 years' and insert 'six years'.

Amendment carried; clause as amended passed.

Clause 30—'Evidentiary provision, etc.'

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

Page 12, after line 34—Insert subclause as follows—

(3) It must be presumed in civil enforcement proceedings under this Act and in proceedings for an offence against this Act, in the absence of proof to the contrary, that vegetation to which the proceedings relate was not intentionally sown or planted by a person.

Amendment carried; clause as amended passed.

Clause 31—'Proceedings for an offence.'

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

Page 12, line 39—Leave out '10 years' and insert 'six years'.

Amendment carried; clause as amended passed.

Clause 32—'Powers of entry, etc.'

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

Page 13—

Line 2—Leave out 'a member of the council or'.
Line 4—Leave out 'member or'.
Line 9—Leave out 'a member of the council or'.
Line 10—Leave out 'member or'.
Lines 13 and 14—Leave out 'a member of the council or'.
Line 14—Leave out 'member or'.
Line 18—Leave out 'A member of the council or an' and insert 'An'.
Line 19—Leave out 'member or'.
Lines 20 and 21—Leave out 'member or'.
Line 22—Leave out 'a member of the council'.

I do not believe it is appropriate for a member of the council.

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

Amendments carried.

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

Page 13, after line 25—Insert subclause as follows:

(7) An authorised officer, or a person assisting an authorised officer, who, in relation to the exercise of powers under this Act—

(a) addresses offensive language to any other person; or

(b) without lawful authority or a reasonable belief as to lawful authority, hinders or obstructs, or uses or threatens to use force in relation to, any other person,

is guilty of an offence.

Penalty: Division 6 fine.

The Hon. S.M. LENEHAN: That is acceptable to the Government.

Amendment carried; clause as amended passed.

Clause 33 passed.

New clause 33a—'Vicarious liability.'

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

Page 13, after line 35—Insert new clause as follows:

33a. For the purposes of this Act, an act or omission of an employee or agent will be taken to be the act or omission of the employer or principal unless it is proved that the act or omission did not occur in the course of the employment or agency.

The Hon. D.C. WOTTON: I have some concern with this amendment. I do not believe that new clause 33a covers what we are intending. However, we do not have the time to deal with it now. The matter will be raised in the other place.

New clause inserted.

New clauses 33b and 33c.

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

After new clause 33a—Insert new clauses as follows:

Offences by bodies corporate

33b. Where a body corporate is guilty of an offence against this Act, each member of the governing body, and the manager, of the body corporate are guilty of an offence and liable to the same penalty as is prescribed for the principal offence.

General defence

33c. It is a defence to a charge of an offence against this Act if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

New clauses inserted.

Clause 34 passed.

Schedule 1.

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

Page 15, clause 1 *(b)*—Leave out 'wildlife' and insert 'rare, vulnerable or endangered wildlife'.

The Hon. S.M. LENEHAN: I oppose the amendment.

Amendment negatived.

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

Page 15, clause 1 *(g)*—Leave out paragraph *(g)*.

These are matters about which we feel very strongly. However, we have only 1½ minutes before the guillotine is brought down in this place. I can assure the Committee that these matters will be raised again in another place.

The Hon. S.M. LENEHAN: I oppose the amendment, because of such situations as Gumeracha.

Amendment negatived; schedule passed.

Schedule 2.

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

Page 16—Leave out clause 4.

I seek the support of the Committee for this amendment.

The Hon. S.M. LENEHAN: I believe that we support this.

Amendment carried; schedule as amended passed.

Schedule 3 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): Mr Deputy Speaker—

The DEPUTY SPEAKER: Order! No debate can take place, because it is now 6 o'clock. The question must be put. The question is that the Bill be now read a third time.

Bill read a third time and passed.

EDUCATION ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment to the Legislative Council's amendment No. 2.

ADJOURNMENT

At 6.2 p.m. the House adjourned until Tuesday 12 March at 2 p.m.