## HOUSE OF ASSEMBLY

Wednesday 30 October 1991

**The SPEAKER (Hon. N.T. Peterson)** took the Chair at 2 p.m. and read prayers.

## QUESTION

**The SPEAKER:** I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

### FOREST VALUATIONS

In reply to **Hon. H. ALLISON (Mount Gambier)** 17 October.

**The Hon. J.H.C. KLUNDER:** In reply to the Hon. H. Allison's question asked on 17 October 1991 concerning forest valuations, I offer the following information. SAFA requested Ayres Finniss Limited to value the assets and undertakings of the Woods and Forests Department for the purpose of allowing SAFA to re-value its equity investment in the department. The department was valued on an after tax basis as any dividends received by SAFA are after income tax (payment in lieu of income tax) has been paid to the South Australian Government Consolidated Account. The value to the South Australian Government is much higher than the value to SAFA, as the Government is in receipt of the income tax payments.

The valuation methodology adopted by Ayres Finniss was a risk adjusted net present value analysis of future cash flows for forestry operations and realisable assets for sawmilling operations. Valuation was net of the cost of corporate support functions. The valuation of Woods and Forests in its annual accounts is in accordance with the accounting conventions of historical cost and the going concern. Growing timber, livestock and land are valued at market value. Ayres Finniss' valuation is concerned with future returns to the recipient of dividends whereas the balance sheet valuation is an entity approach which reflects a mix of historical costs and realisable values. Both valuation methods are appropriate for their purpose. Ayres Finniss estimated that, on the same circumstances and assumptions used to value Woods and Forests Department for SAFA, the value to the South Australian Government as a whole department would be similar to the value of the net assets shown in the department's balance sheet.

### MINISTERIAL STATEMENT: COURIER SERVICE

**The Hon. J.C. BANNON (Premier and Treasurer):** I seek leave to make a statement.

Leave granted.

**The Hon. J.C. BANNON:** Yesterday the member for Bragg asked me to seek a report on 'why the State Supply Department went to the expense of using an express courier to send a pencil worth 20c to my electorate office on Friday'. The honourable member asked why State Supply had allegedly gone to the expense of using 'a $10 courier service' for the delivery of a pencil. I have sought that information for the honourable member and can report back to the House that State Supply delivered the parcel to the honourable member's office for $1.45 and not the $10 alleged by the honourable member.

The honourable member's figure of $10 arises from an inquiry he made personally with the General Manager of Tailgate Courier Services. I have been informed that he asked how much it would cost to deliver a parcel from the Grange Golf Course to his electorate office. Tailgate Courier Services, in good faith, quoted a figure of $10.30 which, as the honourable member should know, was for a courier service. This price was for a one-off courier delivery. The honourable member, both yesterday and today in his front-page fantasy, has based his claim on that telephone conversation. Once again, the member for Bragg has made an accusation before checking the facts, and they are—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** —that the courier company used by State Supply—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** —Skyroad Express, charges a set standard charge for the delivery of small parcels, and that charge is $1.45 per item. This was the price offered at tender, and it is the price State Supply accepted for the contract. State Supply estimates the cost of sending the item to the honourable member's electorate office by Australia Post would have been at least $1.80.

In addition, yesterday, the member for Bragg also said, 'My office had not placed an order for the pencil.' I have been informed that State Supply received a customer order from the honourable member's office on Thursday, 17 October. The order consisted of 15 lines of items, 13 of which were delivered the following Monday, 21 October by State Supply's parcel contractor, Skyroad Express. There were a number of items including pencils. Two items, including the 2H pencil, referred to, were not in stock, and therefore it was sent later. I would ask the honourable member once again to check the facts before making accusations in the future.

*Members interjecting:*

**The SPEAKER:** Order! The Leader and the Deputy Leader are out of order.

*The Hon. T.H. Hemmings interjecting:*

**The SPEAKER:** The member for Napier is out of order.

### MINISTERIAL STATEMENT: HIV/AIDS

**The Hon. D.J. HOPGOOD (Deputy Premier):** I seek leave to make a statement.

*Members interjecting:*

**The SPEAKER:** Order!

Leave granted.

**The Hon. D.J. HOPGOOD:** South Australia has nine cases of medically-acquired HIV. All of these cases were contracted in the early to mid-1980s. The Government is mindful of the considerable community sympathy that exists for those who have medically-acquired HIV/AIDS. Although only one case is currently before the courts, that is, one South Australian case, it is clear that a right for legal action may exist in the other cases.

The Government has examined these cases and following legal advice provided by the Crown it decided that it would be more appropriate to negotiate with the other potential litigants. While, ultimately, it would have been up to a court to determine whether or not negligence did occur and an appropriate level of compensation, if this were warranted, the State Government determined to negotiate with lawyers representing individuals with medically-acquired HIV over an appropriate level of financial assistance. Instead of scarce

resources being wasted in litigation, I believe it has been preferable to have resolved this matter through this process of direct negotiation. I believe that the community generally would support this view. Those negotiations have now been completed.

I can inform the House that the total amount that will be provided by way of compensation is $2.45 million, although not all of this money will come from South Australia as negotations are currently proceeding with both the Commonwealth and other States over their potential liabilities. Because of reasons of legal and client confidentiality, however, it is not possible to provide the House with the details of each individual case. While the Government shares the community's compassion for those who have medically-acquired HIV/AIDS, I must emphasise that this move in no way seeks to create a dichotomy between so-called 'innocent' AIDS sufferers and others.

AIDS is a virus. All its sufferers are innocent and they deserve our community's support and compassion. However, it is clear that, in the case of those individuals with medically-acquired HIV, a potential legal cause of action for negligence was possible and, indeed, legal proceedings had been instituted. All of these proceedings are taking place in the Victorian Supreme Court and from the non-South Australian cases that have already been completed many millions of dollars have been expended on legal fees, let alone compensation awards. For example, to run even one such case could easily have cost, in legal fees alone, as much as if not more than the total amount of compensation we are providing. Again I believe that the community would support moves to ensure that scarce funds are directed to those in need rather than ending up in expensive litigation fees. I believe that the Government has acted with a proper balance of responsibility and compassion in dealing with this difficult matter, and I would hope for the support of both this House and our community.

## QUESTION TIME

### EDUCATION DEPARTMENT POLICY

**Mr D.S. BAKER (Leader of the Opposition):** How does the Minister of Education justify the actions of the Education Department in reprimanding teachers for consoling distressed five year old children in the classroom, and will he take action to ensure a review of departmental policy? The Liberal Party has been approached by two female teachers expressing concern about current departmental practice. In one case a five year old child, in her first weeks at a new school, was very distressed about being at school. A kindly teacher then consoled the child by allowing her to sit on her lap whilst she settled down. This teacher was then called in to see the principal who advised her that she was required, by departmental guidelines on the protection of children, to officially warn the teacher against 'inappropriate behaviour' and ordered her not to repeat such behaviour. These teachers have expressed concern that, whilst they support policy to prevent child abuse, the policy should be implemented with commonsense and the guidelines must be reviewed.

**The Hon. G.J. CRAFTER:** I thank the honourable member for his question. There is no black and white answer that I can give with respect to each of these situations that are raised by the Opposition, because the response is very much determined by the circumstances of each case. Whilst the honourable member might want to generalise and say that all of our regulations are inappropriate and need to be reviewed or that the directions that are given by those people with supervisory responsibility in the department are incorrect, I do not believe that one can draw that conclusion. As the honourable member has said, there are many situations that do require the application of commonsense and sound judgment based on a knowledge of all the facts, and that is a difficult task that both teachers and their supervisors have to undertake.

The regulations that cover the discipline of teachers who do contravene regulations and whose behaviour is inappropriate are being reviewed. That is currently under way. Just yesterday, the Attorney-General was asked a question by a member in another place about that investigation. I am awaiting the results of it, to determine what is the most appropriate course of action to take. It may be that we will have to bring down fresh legislation in this area, or regulations, to cover any inadequacies that might be in existence in our current laws in this area of education. I have an open mind on that. I most certainly will want to see legislative action followed if there are inadequacies in our current regulations and in the current provisions of the Education Act.

Certainly, a lot of attention is being paid to this whole area of professional development, and I very much appreciate the time and effort that the overwhelming majority of our principals and those in leadership positions in our schools have put into this area, and indeed this includes the overwhelming majority of our teachers, in terms of their professional approach in dealing with these very difficult situations that arise from time to time. I think there is little more that I can add.

### TRAFFIC INFRINGEMENT NOTICES

**Mr HAMILTON (Albert Park):** Will the Minister of Emergency Services clear up a confusion concerning the statement that has been made that 'motorists reporting road accidents in which they have been involved may end up with an on-the-spot fine'? Monday afternoon's newspaper carried an article which stated:

> Motorists reporting road accidents in which they have been involved may end up with an on-the-spot fine.

A police spokesman confirmed that if someone reported an accident and admitted an offence, such as disobeying a traffic light or failing to give way, they were being booked, on their own testimony. The article went on to say that Opposition legal affairs spokesman, Mr Griffin, had been reported as saying that people were often under stress and that being fined while filling out a police report was the height of insensitivity. On 3 July last year I wrote to the Minister in relation to this matter. He responded to me on 18 October last year, indicating that effective from 24 August 1990 that would no longer be the case. On Monday last, I received a telephone call from the constituent involved in previous correspondence, who wanted to know what the correct situation is, and hence my question to the Minister.

**The Hon. J.H.C. KLUNDER:** I thank the member for Albert Park for his question. Certainly, when the article appeared the day before yesterday in the newspapers I wanted to check my recollection of what had happened, because I remembered that I had replied to a letter from the member for Albert Park some time last year on this very matter. The police confirmed that as from 24 August last year no further traffic infringement notices were to be issued to drivers at the time of reporting an accident. The advice that I received from the police is that this policy has not changed. For some time the accident reporting system has been subject to review, and this process is continuing.

However, since 1 September, interim measures have been in force for the issuing of expiation notices for traffic accidents. In cases where the alleged traffic offender is identified and after proper inquiries by the police, either at the accident scene or at the time the accident is being reported at the police station, a traffic infringement notice may be executed. However, such notices are not issued until the adjudication of circumstances has subsequently been carried out by a supervising sergeant. If a decision is then made to proceed after adjudication, the notice is forwarded by post. All members of the Police Department have been advised of these procedures, and the Commissioner has invited anyone with information that the procedures are not being followed to provide him with the details of that.

## UNEMPLOYMENT

**Mr S.J. BAKER (Deputy Leader of the Opposition):** Is the Premier aware of unemployment figures just published by the Australian Bureau of Statistics that show that unemployment in South Australia for September 1991 now stands at 77 300, that is, 10.8 per cent of the workforce and the highest level of any mainland State? If so, will he announce to this House what he proposes to do in terms of job creation schemes to assist the employment of young people in South Australia?

This question is in identical terms to that asked by the Premier when he was Leader of the Opposition on 7 October 1982. The only difference is that the South Australian unemployment rate is now higher than it was nine years ago and that an additional 26 100 people are on unemployment queues.

According to Federal Treasurer Kerin, Australia is in its worst recession for 60 years, yet now the Premier is attempting to handball all the problems to his Federal colleagues when nine years ago, when the problem was less serious in relative terms, he repeatedly advocated State spending on schemes for the unemployed.

**The Hon. J.C. BANNON:** I am not sure which figures the honourable member refers to; the unemployment figures are issued usually in the second week following the end of the month and, certainly, the figures for last month (that is, September) have already been issued and commented on in relation to South Australia's performance. Whether these figures represent a revision or whether they are another set of figures with no particular relevance, I cannot judge from that. So that is something I would obviously have to look at.

In relation to what is being done about it, I invite the honourable member to read the newspapers, watch television or listen to my statements; he will understand that indeed I am part of a concerted move to have this employment issue dealt with as a matter of urgency at the national level, and in that—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** —I have indicated South Australia's willingness to play its part. In the budget that I brought down this year, we pay particular regard to this aspect. The Leader of the Opposition is the one who is saying that he will cut public sector employment by 9 per cent across the board. That is his solution: he would have an immediate, across the board cut of thousands of jobs. As far as the Government is concerned, that will be his contribution—another 1 or 2 per cent on the unemployment list. As to the private sector, he will impose a consumption tax and a State income tax on it. So, that is a nice way of fixing the unemployment problem. Our policy reduced the tax on employment—reduced payroll tax—in this budget and, by so doing, indicated what action we were prepared to take within the State.

Back in May, when I suggested a national approach to unemployment, when I said that we needed to look at these issues, there was no support from the Opposition; there was, incidentally, no support at the Federal level, nor from my interstate colleagues. It has been very interesting that in the past few weeks the mood has changed.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** I am in the forefront of having been right. We have lost six months we can ill afford, but the Commonwealth will be forced to consider this matter at the next conference. I note today that the ACTU has met with the Federal Government regarding its job schemes. The Federal Government in turn is establishing a special committee to look at job revival, and I would hope it will be reporting to the November conference. We certainly will be.

Secondly, I note that the Federal Government, also against everything it was saying months ago when it derided the proposition I was putting forward, in next week's Cabinet is looking at fast tracking major developmental projects. It is about time. It should have happened earlier. It might have happened earlier if I had got support from members opposite or, indeed, from the Federal Opposition. You are right, Mr Speaker. They laugh today. Their support would have added no weight whatsoever, because they are pretty irrelevant to the process. I guess I am being charitable in saying I want their support.

That is the answer to the honourable member's question. I am taking action at all levels and in all ways. I am not doing what the Opposition is suggesting, that is, to destroy public sector employment, to tax the private sector and, indeed, by its policies, to ensure that the situation is made even worse.

## ARID LANDS BOTANIC PARK

**Mrs HUTCHISON (Stuart):** Can the Minister for Environment and Planning inform members on the progress of proposals for the establishment of an Australian arid lands botanic garden near Port Augusta, which would provide many benefits to the community, including an improved understanding of the ecological processes and plant species that exist in arid Australia?

*Members interjecting:*

**The Hon. S.M. LENEHAN:** I will not respond to the interjection. I thank the honourable member for her continuing interest in and support for this most important proposal. The Federal Minister for the Environment, the Hon. Ros Kelly, has been considering a proposal supporting a national system of regional botanic gardens because of their importance in helping to implement the Federal Government's conservation of plant biodiversity program through the Australian National Parks and Wildlife Service.

The Australian arid lands botanic garden proposal for Port Augusta—I have had the opportunity of looking at the area that has been put aside for the establishment of this significant botanic garden, and I compliment the local community and, indeed, the local member who has asked the question for their support for this proposal—would provide a significant and educational base for regional regeneration programs and community plantings. It would also enhance visitor and tourist enjoyment in the region.

On Monday of this week I had a meeting with the Hon. Ros Kelly about a number of environmental issues, and I raised this one with her and put forward a very strong case on behalf of the local member and, indeed, the Government for the commitment of funds. I went so far as to suggest to the Federal Minister that perhaps funding could be found from some of the existing programs: the endangered species program, the program relating to biodiversity and the program relating to revegetation. As well as that, I think it is important that we look at funds from the Federal tourism budget. This will enhance the whole concept of providing an interpretation as well as a very wealthy storehouse of plant species and stock in terms of arid land species. I highlighted to the Federal Minister the significant scientific, educational and recreational benefits from such a proposal.

Unfortunately, I cannot tell the honourable member that I have secured considerable funds, but the Federal Minister indicated to me that on her next visit to South Australia she would like to visit the botanic garden. I shall be asking the member for Stuart whether she will be prepared to host the visit of the Federal Minister and me and to show us the gardens and, indeed, ensure that we can get ongoing financial commitment from the Federal Government for this worthwhile program.

## EMERGENCY CALL-OUT FEE

**Dr ARMITAGE (Adelaide):** Has the Minister of Health approved an increase in the emergency call-out fee for country ambulances for non-road accidents—by which I mean asthma attacks, appendicitis and so on—from $300 to $450 in two stages by July 1993 when, in the country, volunteer labour is used to staff the ambulances? Further, does this mean that country areas are being required to subsidise escalating ambulance costs caused by the Government's abandonment of volunteers in the metropolitan area?

**The Hon. D.J. HOPGOOD:** First, let me make one thing absolutely clear: the decision to go to a fully professional service was made by the State Council of St John. I am not a member of the State Council of St John and no Government member is a member of that council, so far as I am aware; nor was there any request or any transmission of any policy to St John from the Government in relation to this matter. It is true that there had been a period of industrial disputation during the period leading up to that decision, but the decision was entirely that of the St John Council. Indeed, it was one which I understand was negotiated between St John in this State and the priory and, so far as I am aware, it may have represented a compromise position between that which had been put to the local people by the priory itself.

Having said that, I understand that all of this is very much in the public domain. I have before me, as part of the notes normally provided to me in the event of any sort of question being asked, a briefing paper which quite clearly was prepared either for this budget Estimates Committee or previous budget Estimates Committees setting out all the schedules in relation to these matters. It has long been known that, although there is an arrangement for the call-out fees, for example, to increase in relation to emergency and urgent carries, the rate per patient per kilometre will not change. That is also true for the elective carries as well, and the call-out fee will remain, on the figures I have in front of me, at $110 for the elective call-outs. It is certainly true that the emergency call-outs are to be staged along the lines that the honourable member has indicated.

It is also true that an amount is allocated in the budget to hospitals to cover these charges. I could give those figures but, as I do not wish to delay the House unduly, I am happy to make that information available to the honourable member or to anyone else who wants it. In the statement I made on 2 November 1990, when the changed charging regime was first announced, I made perfectly clear that holders of a pensioner health benefits card or a State concession card would continue to receive the 50 per cent discount, and that remains in place. Those people in the community who are concerned about the possibility of having to meet unbudgeted costs of this nature—and who knows when any of us at some stage might have to be transported by ambulance—should consider carefully the subscription scheme which is run by the ambulance service at quite a reasonable cost and which probably represents a not unreasonable insurance premium, if I can use that term. I commend it to the people of South Australia.

## NATIONAL KERB-SIDE RECYCLING SCHEME

**Mr HOLLOWAY (Mitchell):** Will the Minister for Environment and Planning say what progress has been made in introducing a national kerb-side recycling scheme? In July last, the Australian and New Zealand Environment Council (ANZEC) endorsed the development of an Australian national recycling and resource recovery scheme and resolved to establish a national task force for Australia to proceed with the development and implementation of the scheme.

**The Hon. S.M. LENEHAN:** I am delighted to provide an update to the honourable member with respect to this important issue. Of course, the task force has been established by the ANZEC Ministers and consists of representatives of all the States and Territories, the Commonwealth and, indeed, the Australian Local Government Association. The task force met on 26 and 27 September this year and received reports from various sections of industry.

I think it is important that I spell out clearly to the House what took place at this meeting over these two days. They received and discussed industry recycling plans, which included: projected targets, buy-back prices, industry data, promotion and education proposals, collection systems and market opportunities. I am informed by my representatives on this task force that most of the plans were very close to the guidelines provided in the agreement with the proposed national targets. I am also informed that further negotiations will be required with some industry sectors before the task force can submit its final report to the next meeting of ANZEC Ministers.

I think it is important to highlight the fact that the recycling of used products, including newsprint, cans, cardboard and plastic, is accelerating at a great rate as industries develop new techniques and products. However, part of the story that we need to address in South Australia is that we now have a shortfall in the supply of newsprint for some of these recycling projects. Therefore, I think it is important that every member of Parliament ask their local council authority what it is doing to ensure that we have adequate and efficient kerb-side collection schemes so that we can provide the resource materials, not just newsprint but in all other forms, for these new and developing industries. We must break this cycle by which used materials are put to landfill rather than being seen as a resource and reused in the manufacture of new products and materials.

## MULTIFUNCTION POLIS

**Mr INGERSON (Bragg):** Will the Premier investigate why the Adelaide MFP team placed an advertisement in

the *Financial Review's* annual survey section on Japan which had incorrect telephone and fax numbers? As recently as yesterday, the Premier rejected the Foreign Affairs description of MFP project management as being 'shoddy', 'Mickey Mouse' and potentially jeopardising our relations with Japan, and said that it related to past history. However, in Monday's major *Financial Review* feature on Japan, the MFP-Adelaide management placed a $2 000 advertisement appealing for corporate interest in the international project, which had incorrect telephone numbers. Not only were there surplus zeroes in the State telephone codes which followed the Australian country code, but the purported MFP fax number is actually—and I checked this this morning—the direct telephone number for Ms Carol Treloar in the Premier's Department and is not a fax number as advertised. Given the MFP's focus on international technology and telecommunications, does not the Premier regard this error as unacceptably shoddy?

**The Hon. J.C. BANNON:** As with the pencil allegation, I would be very cautious and check the facts carefully before responding to the honourable member. I do not know what members are meant to think about the honourable member in regard to this matter. Does he have the best interests of the project at heart? If he did—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** Granted, the honourable member has picked up this matter—and full credit to him for doing so—but I would have thought the best thing he could do would be to approach me about it and say, 'What's going on here? Let's get some sort of report.' His only motive in raising the matter in the House in this way is to get publicity for himself and for the Opposition—and, of course, what is worse, to try to get a headline which says, 'MFP bid incompetent' or 'MFP makes a blunder'. Who benefits from that?

*Members interjecting:*

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

**The Hon. J.C. BANNON:** Does the MFP project benefit? Would it help it to improve or develop? No!

*Members interjecting:*

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

**The Hon. J.C. BANNON:** It will do only what members of the Opposition are interested in doing, which is to denigrate anything that happens in South Australia, nitpicking away as much as they can—

*Members interjecting:*

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

**The Hon. J.C. BANNON:** —because they hope that things will get very much worse so they can fall into office. It is a pretty deplorable exercise.

*Mr Ingerson interjecting:*

**The Hon. J.C. BANNON:** The honourable member keeps interjecting. I ask again: what can his motive be in raising this matter? I cannot see how it can be in the best interests of the project. I just cannot see that.

*Mr Ingerson interjecting:*

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

**The Hon. J.C. BANNON:** In an effort to get some sort of a headline or publicity—

*Members interjecting:*

**The SPEAKER:** Order! The Premier will resume his seat. On several occasions I have had to speak to the member for Bragg. I draw his attention to the consequences of continuing to flaunt Standing Orders. The honourable Premier.

**The Hon. J.C. BANNON:** It is on a par with the gross misrepresentation of bankruptcy figures the other day which was quite deplorable and against the interests of South Australian business because it suggested a situation very much worse in South Australia than is the case. It is on a par with the statement made today by the Leader of the Opposition. Sorry, the Deputy—the Leader would probably be too ashamed to put his name to it because at least he might have some intellectual integrity left. Today a deplorable statement was made by the Deputy Leader on the consumer price index which also misrepresents the situation completely. That is what it is all about. I really do regret that such a trivial matter should be raised in such a way. By all means let us get it corrected, but let us try to do it without damaging the project. Wouldn't that be reasonable?

*Mr D.S. Baker interjecting:*

**The SPEAKER:** Order! The Leader is out of order. The honourable member for Price.

## SCHOOL SECURITY PATROLS

**Mr De LAINE (Price):** Will the Minister of Public Works inform the House of the effectiveness of SACON's school security patrols? I understand that the Education Department has contracted SACON security to patrol schools in an effort to prevent school vandalism.

**The Hon. M.K. MAYES:** I am delighted to respond to the honourable member's question because it is a good story that SACON can report in regard to the patrol system that has been instituted following discussions involving the Education Department, the Police Department and SACON. SACON security started school patrols on 21 January this year. The concept is for 18 security guards to be rostered 24 hours a day, seven days a week covering both the northern and southern suburbs of the City of Adelaide. Up to 30 June 1991 the security guards had attended 527 alarms, 113 break-ins, removed 145 persons from school premises during curfew hours and attended 16 fires of which 15 were discovered in the early stages of being lit. I believe that so far the results have been very encouraging, and that, I think, understates the benefit that these security guards have offered the education system in protecting public property.

Education Department figures indicate that there has been a 22 per cent reduction in incidents in the patrol areas, that is, in the northern and southern suburbs that are being covered, and that in some areas—and I cite particularly Munno Para—the patrols combined with the School Watch program have reduced incidents by more than 40 per cent. I am pleased to say that following discussions there will be a continuation of the program as these patrols have reduced the number of incidents and attacks on schools and, I believe, have saved the taxpayer and the community as a whole considerable sums of money. I hope that we can see them continue so that there will be a further reduction in the number of incidents and attacks on our schools which will be of benefit to the whole community.

## SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

**Mr MATTHEW (Bright):** Will the Treasurer provide details of the remaining two of the three major financial transactions which SAFA has undertaken with Coles/Myer, whether the reasons for any of the arrangements include

reducing Commonwealth tax paid by Coles/Myer, and whether he believes this is an appropriate role for a State Government central borrowing authority? During the Estimates Committees I asked the Premier about a SAFA deal with Coles/Myer just before the Remm project was agreed which seemed to indicate that Coles/Myer had borrowed $70 million from SAFA. The Premier has now replied that the deal actually involved SAFA paying Coles/Myer's interest payment obligations to Euronote holders. The Premier's answer also said that 'this is one of only three major financial transactions which SAFA has undertaken with Coles/Myer', which is why I am asking about the other two.

**The Hon. J.C. BANNON:** I will take the question on notice.

## LAKE BONNEY

**Mr FERGUSON (Henley Beach):** Will the Minister of Fisheries give consideration to extending commercial backwater fishing arrangements to the waters of Lake Bonney?

**An honourable member:** Which Lake Bonney?

**The Hon. LYNN ARNOLD:** Lake Bonney on the Murray. I can advise that I am prepared to give consideration to this matter. Indeed, it is a very timely question, because the matter was put before me yesterday, and that is when I determined that I was prepared to do that. As a result of that, I have written to the District Council of Barmera, the South Australian Recreational Fishing Advisory Council and the Riverland Fishermen's Association. The issue involved here is that there has been some discussion for some time as to access to backwaters for commercial fishing vis-a-vis recreational fishing. Indeed, the matter of access to Lake Bonney was discussed in November 1990, between the department, the Riverland Fishermen's Association and the District Council of Barmera, when the backwater arrangements were then in the process of being resolved.

As a result of various things, there was not any further pursuing by the various parties of the Lake Bonney question and, consequently, when some final proposals came to me about what backwater access there should be, the final decisions that I agreed to excluded access to Lake Bonney. However, the matter has now been raised again, by letter of 25 September from the District Council of Barmera, asking that the matter be looked at. I have advised the council in the following terms:

> . . . the arrangements for commercial backwater fishing access apply to all licence holders in the fishery. Whilst interest had been expressed by one individual, it is suggested that any commercial access be made available to licence holders interested in fishing the lake under agreed conditions. It is envisaged that this would not amount to more than a few licence holders and would provide a very useful trial exercise.
>
> I have written to the Riverland Fishermen's Association and the South Australian Recreational Fishing Advisory Council advising them of the council's attitude and that I am prepared to approve limited commercial access to Lake Bonney for the taking of carp. I trust that the arrangement will be satisfactory to you on the basis of the matter being reviewed after the first 12 months . . .
>
> I will leave it to council, the RFA and SARFAC to resolve any details relating to the areas and seasons for commercial fishing with regard to reducing possible interaction between the commercial and recreational fishing activities.

## NORTHERN DISTRICTS EMERGENCY SERVICE

**Mrs KOTZ (Newland):** I direct my question to the Minister of Emergency Services.

*Members interjecting:*

**The SPEAKER:** Order!

**Mrs KOTZ:** Will the Minister of Emergency Services, with the possible assistance of his colleague, the member for Briggs, make some effort to help the Northern Districts State Emergency Service find accommodation, within one of those honourable members' electorates before the end of the year, by which time the service is required to vacate its present premises. The Northern Districts State Emergency Service has until 31 December to leave its present location in Ann Street, Salisbury, because the police need the premises. The service comprises 50 volunteers and is in danger of being disbanded unless alternative accommodation can be found. I have been informed that, despite letters from the service controller, Mr Andrew Tennant, to the Police Commissioner, the member for Napier, the member for Elizabeth, the Minister of Agriculture, the member for Briggs and the Minister of Emergency Services himself, no productive action has been taken to ensure the continuation of this vital community service.

**The Hon. J.H.C. KLUNDER:** I thank the honourable member for her question. It is an appropriate one, as the State Emergency Service needs to be housed wherever possible, and I will be quite happy to take up this matter.

## EFFECTIVE SCHOOLING

**Mrs HUTCHISON (Stuart):** Will the Minister of Education advise the House how it is possible for parents to further have their say about what makes an effective school? News reports last week described a phone-in to give members of the community a chance to have a say about what they think makes an effective school. I have received inquiries from parents who have asked how they and others in the community who missed out on that phone-in can make their views known.

**The Hon. G.J. CRAFTER:** I am able to provide the honourable member, and indeed all honourable members, with the details of how parents and any other members of the community can contribute their views towards this very important national project which has been undertaken at the request of Australia's Ministers of Education. The telephone survey that was conducted in South Australia two week-ends ago saw about 400 callers calling in and helping to complete a questionnaire, and indeed providing additional information. The average time taken on the telephone for those callers was 20 minutes. So, a good deal of information was obtained that will be of great assistance to the Australian Council for Education Research, which has the responsibility for conducting this survey around Australia.

Booklets have been distributed, not only through the *Advertiser* in this State but also through all Government and non-government schools. Any person who is interested in participating in this study should contact their local school or the Education Department at any of its offices to obtain a copy of the booklet, which outlines the purpose of the effective schools project, and they will also be advised on how they might forward their comments to participate in the scheme. This is part of a project that was instigated by Australian Ministers of Education through the Australian Council for Education Research, but the project is funded by the Commonwealth Government; in fact, $10.5 million is to be made available over the next three years for this project, the first phase of which is this study. Perhaps that is the appropriate place to begin, but it is probably also the smallest of the phases proposed under this strategy. Once that information is collected and analysed and advice is obtained from the Australian Council for Education Research, we anticipate that projects will receive funding

and sponsorship around the nation, so we can more properly determine what it is that makes for an effective school.

## MILK PRICING

**Mr MEIER (Goyder):** What plans does the Minister of Agriculture have in hand in relation to the pricing structure for milk in the metropolitan area, and is the Minister aware that unless he acts soon it is the opinion of the South Australian Master Retail Milk Vendors Association that many of our local milk vendors will go broke?

**The Hon. LYNN ARNOLD:** I have just written to the Master Retail Milk Vendors Association thanking it for a supplementary submission its members made on the pricing of white milk. I indicate in the letter that I note the point that they have made, namely, that the original proposals would have been for a narrowing of the gap between the maximum and the minimum price and that, if that is not a sustainable proposal, which I accept it does not appear to be, the next step would be to move away from any firm price setting and, instead, go for a recommended retail price with no minimum price.

I think that has a lot going for it, and it certainly has been taken into account in the review process that is currently under way. There are some other issues that must not be overlooked. For example, what do we do for the other tiers that exist in the present price setting mechanism for the metropolitan area, and do we do anything with respect to the maximum price only that is set by the Prices Commissioner for the non-metropolitan area? So, it is a matter that cannot just be taken in isolation; it must be considered in the context of these other issues. For example, what happens to the question of a farm-gate price for household milk? Is there to be a farm-gate price or, in the concept of a recommended retail price, is it being proposed—for example, by the honourable member—that perhaps that should go? Those decisions cannot be taken very lightly at all.

Following considerable discussions, and having received submissions from various sectors in the community, we now have documentation which forms the framework for a white paper. I have indicated that I want to sit down and talk through those issues with the industry and obtain its response to the kinds of proposals I want to take to Cabinet. I will then present to Cabinet the views of the industry, the proposals and any amendments to the proposals after discussing the matter with it. Hopefully, the white paper will then come out and policy decisions will be made. On the one hand, I understand the point made by the honourable member that there is an urgency in this matter but, on the other hand, a decision made too quickly could be a wrong decision and, therefore, it could affect so many sectors. It is not just the retail vendors who are concerned; the wholesale vendors, other retail outlets, processors and dairy farmers are also involved. Each one of those has an important part to play and will be impacted upon by the decisions we make, so it will not be appropriate to make a one-off decision and hope that the rest will fix itself up.

## MAY STREET LEVEL CROSSING

**Mr HAMILTON (Albert Park):** Will the Minister of Transport obtain an urgent report and bring it back to the House on when the area in which the May Street level crossing in Albert Park is located will be upgraded? Following the closure of the May Street level crossing last August, I have received a number of requests from constituents that the upgrading of this area be given priority. This morning I received a request from a Mr Lawrence, who has put forward seven points that he has asked me to read into *Hansard.*

Referring to this matter, he said: the crossing has been closed since August last year but it has still not been finished off; it is an eyesore and the 44-gallon drums are being used as rubbish bins; people are breaking through the wire safety fence to cross over; children playing ball in the street often go onto the tracks to retrieve balls; he is also having trouble getting out of his driveway; he has tried to get some action from the council and the Department of Road Transport; everyone promises to do something but nothing ever happens; it is about time someone did something about it and that is why he is seeking my assistance; and the council, Department of Road Transport and the STA all dispute whose jurisdiction it is and who is going to pay for it. Hence my question to the Minister and the seriousness of it.

**The Hon. FRANK BLEVINS:** I thank the member for Albert Park for his very good and appropriate question. The reputation of the member for Albert Park for looking after his constituents is second to none. I do not know of the particular problem in that location, but I will certainly—

*Mr Becker interjecting:*

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

**The Hon. FRANK BLEVINS:** That is an extraordinary outburst by the member for Hanson. From time to time he just behaves like a hooligan.

*Members interjecting:*

**The SPEAKER:** Order! The Minister.

**The Hon. FRANK BLEVINS:** I will certainly have it investigated very quickly and get back to the member for Albert Park.

## RABBIT PLAGUE

**Mr VENNING (Custance):** Will the Minister for Environment and Planning report to the House on the rabbit plague which is causing massive environmental damage in the less populated and vast pastoral areas of inland South Australia and say what is the estimated cost of this damage to the State, both environmentally and in lost production in the rural sector? I have had numerous complaints from constituents about the escalating numbers of rabbits in South Australia, particularly in the Central Flinders Ranges. As a result of the species' growing immunity to myxomatosis and the failure of other efforts to stem rabbit breeding, there is clearly a need once again to up the ante in the war against this feral pest.

**The Hon. S.M. LENEHAN:** I thank the member for Custance for his question, because I believe that all members of this Parliament share his concern about the enormous destruction and degradation that is caused and the fact it is not only a major environmental problem but has an adverse effect, as my colleague has pointed out to members on this side on a number of occasions, and consequences for agricultural economics.

The control of rabbits must be attacked from a national perspective, because rabbits have no respect for State borders or boundaries. In settled areas manual control is undertaken to complement nearby landholder programs. As the honourable member would know, procedures such as ripping are common, with some poisoning being undertaken. As Minister for Environment and Planning, I have had the

opportunity of seeing at first hand the various forms of rabbit control in the inner settled areas.

However, I understand that the honourable member is asking me what kinds of programs are being undertaken nationally to combat the problem of rabbits in the arid lands. In the State's arid areas, both pastoral and national parklands are seriously infested with rabbits. Because of the vastness of the landscape in these areas, physical control programs cannot be contemplated because the costs would be prohibitive. Therefore, biological control is the only viable solution for the arid zone problem. The Government has taken a national lead in supporting the research programs for rabbit control from a nature conservation perspective, as well as from the perspective of agricultural economics.

The biological programs that are showing promise are as follows. The South Australian program of myxoma disease vectors, and Dr Brian Cook's flea studies are in an advanced stage and are ready for implementation. The very promising viral haemorrhagic disease is now in national quarantine for pre-releasing and testing, and that may well take some two to three years. However, it certainly is in a reasonably advanced stage of development. One of the programs that is important is the CSIRO viral contraceptive program which is based on genetic engineering and which is considered to be very promising. It will be used to control foxes as well as rabbits. The CSIRO work on genetic manipulation of the myxoma virus is also considered to be of considerable potential importance.

The above programs hold possible and, indeed, probable solutions. In the near future a series of major breakthroughs in biological control of rabbits could well be achieved. This will have profound implications for both nature conservation and agriculture not only in this State but right across this country. I take the opportunity to thank the honourable member for highlighting a problem of which all members of this House would be aware. We are all working to find common solutions and, in the next couple of months, I intend to try to organise briefings to which I will invite all members of Parliament to get an update on these specific programs, how they operate, the possible timeframes and, indeed, the probable costs. In relation to the other parts of the honourable member's question, in consultation with my colleague the Minister for Agriculture, I would be pleased to provide those figures.

## NATIONAL FOOTBALL LEAGUE DRAFT SYSTEM

**The Hon. J.P. TRAINER (Walsh):** Will the Minister of Recreation and Sport outline the likely impact on football in this State that will result from the continuation in its present form of the AFL draft system, in particular its impact on young players whose lives can be seriously disrupted by this system? I cite the cases of many young players who sacrifice their professional careers and some of the best years of their life in the process of being traded in what some journalists have called a 'meat market'. In today's *Advertiser*, one aspect of that trade was described by a temporarily discarded draftee writing for a Melbourne newspaper as resembling 'players waiting like puppies in a pet shop window for 6 November and the draft'.

**The Hon. M.K. MAYES:** I know that most members are concerned about the impact of this draft, particularly on those in the younger age group because, although it has not yet been implemented in this State, it comes into force after the next season, that is, November 1992. It has been of concern to the Government, and I know to the SANFL, particularly to the SANFL clubs. The impact of this draft will be unsettling and may destabilise the whole structure of football in this State.

The likely structure, if implemented along the lines that are outlined—and I believe that is the way it will go, unless there are legal challenges—will be that younger players are taken out of their club structure and drafted to a club which, more than likely, will be in Victoria. The Victorian club may call upon their services or it may not. It will probably force the younger player to sit on the bench whilst the other players and the league club to which they are drafted will decide what the team structure will be for that season. If not required, they will be on the bench for the whole of that season, not being able to pursue their football career or their personal life or to be in a safe and secure domestic environment. I had the privilege of being the Chair of a working group of Ministers that met in Melbourne about three months ago. With me was the General Manager of the South Australian league—and I might add that he made a pointed and relevant contribution to that discussion. The AFL executive officers were present, as were other Ministers from around Australia whose States have been affected by the AFL draft.

My colleague in Western Australia supports my view as do many of the clubs in this State. Although I have not spoken to all of them, there would probably be unanimous support for criticism of the age group factor in particular. What the AFL is perpetrating on other States, including the structure of football in this State and in Western Australia in particular, is an outrage. This structured draft is designed to prop up three clubs in Victoria that are struggling. I would suggest that the AFL look at rationalising its structure in Victoria so that football becomes a national game and not a game focused from Victoria on the rest of Australia.

**Mr Hamilton:** Put money into junior football.

**The Hon. M.K. MAYES:** Indeed. They are disguising this as a program to put money into junior football, but if one looks a little past the surface one will see that the money is directed at those clubs that are struggling in Victoria. This is a very serious topic because I think it will impact on the very foundation of football in South Australia—the local club. Young kids of about 17 will be drafted out of their local environment. Clubs that have contributed thousands of dollars to train them support them and provide them with a secure environment so that they can learn and improve their skills, will suddenly have those players ripped out of their clutches. They will be ripped out of their domestic environment. Most of them will be studying or doing an apprenticeship or some sort of trade, and they will be ripped out and relocated.

I believe that this program must be publicly tested, and I think it is appropriate for someone within the league to do that. If it is proceeded with it will have some very serious consequences for those young players, 17 and 18 year olds. The league in South Australia, as has been stated publicly, would prefer a cut-off point of 20 years plus, so that there is more opportunity for students or those undertaking a trade to complete the majority of their training. They would be more mature and better able to be moved in accordance with what is proposed in the draft. Also, if one looks at this situation from the point of view of clubs, the loss of investment whether it be to league or local clubs would be horrendous. I have spoken with several club presidents who have asked why on earth they would want to pursue the development of junior players in their local clubs when they know the draft could fall and their players could be ripped out of that program with all those funds invested.

So, it is a very serious issue that the AFL must contemplate. This is actually the tip of the iceberg, and the matter must be dealt with seriously by the AFL. It must draw itself away from focusing on these three clubs that are struggling and look at the whole picture of Australian football. The AFL has used this State, Western Australia and Tasmania as nurseries. In our case, it has not provided a development program of its own but has used our very successful program, which has been developed in South Australia and which is probably the best junior program in Australia, and taken our players. I think about 65 South Australian players are playing in the AFL apart from the Crows. The AFL has nurtured and developed its clubs from our efforts and investment in South Australia. This program has to be reviewed urgently for the sake of football in this State, Western Australia and Tasmania and also for the sake and success of football throughout Australia.

## WOMEN'S ADVISER TO THE PREMIER

**The Hon. E.R. GOLDSWORTHY (Kavel):** When, if ever, will a new appointment be made to fill the position of Women's Adviser to the Premier?

*Members interjecting:*

**The SPEAKER:** Order! The member for Kavel.

**The Hon. E.R. GOLDSWORTHY:** I do not know what the Premier's mirth is all about, as this is a very important position. It is now 12 months since the job of Women's Adviser to the Premier was first advertised within the Public Service, and 10 months since the job has been vacant following the resignation of the former incumbent, Ms Treloar. It is also five months since the job was readvertised nationally. I understand that the second committee has made two recommendations of women suitable to fill the position.

**The Hon. J.C. BANNON:** I am delighted at the honourable member's interest in the position of Women's Adviser to the Premier. Remembering some of his attitudes to equal opportunity, women's advisers and so on, this is a marvellous sign of perhaps the broadening that international experience has brought to him. I would really like to encourage that. An appointment is imminent, and I hope to be able to announce it very shortly.

## NEW PRIVATE HOSPITAL

**Mrs HUTCHISON (Stuart):** Can the Minister of Health advise the House whether any proposal has yet been received by the South Australian Health Commission for a private hospital to be located in Port Augusta? Some months ago I was informed that no proposal had at that time been received by the Health Commission, although I had received information that one was imminent. I now wish to ascertain, on behalf of my constituents, whether any proposal has yet been received.

**The Hon. D.J. HOPGOOD:** I am not personally aware of one, but I would be delighted to consult both the Health Commission and its Port Augusta officers and get the information for the honourable member and the House.

## SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

**Mr SUCH (Fisher):** Will the Treasurer honour the commitment he made in the Estimates Committee and release the full text of the Auditor-General's audit review covering the lack of documentation on the formal agreements between SAFA and the State Bank in respect of $538.9 million of SAFA capital, and will he say whether that capital has been accepted as tier one capital by the Reserve Bank?

When the Treasurer was asked by the Leader of the Opposition in the Estimates Committee to provide a copy of the full audit review he said, 'There is no problem with that.' However, the Treasurer's subsequent written answer merely cited the page reference from the Auditor-General's Report which was the basis of the original question. I have been informed that for the future of the bank it is important to establish whether the Reserve Bank, under its new formal supervision arrangements, has ruled that the SAFA conditions attached to this capital satisfy the Reserve Bank's definition for tier one capital.

**The Hon. J.C. BANNON:** I think that that question was adequately covered in the response I gave to the Leader.

**Mr D.S. Baker:** It was not.

**The Hon. J.C. BANNON:** The Deputy Leader says that it was not. The question was asked by the Leader. I am delighted that the member for Fisher thinks that he needs to take up the cudgels in this matter. I am delighted at his detailed interest on behalf of his constituents in this capital arrangement. If indeed it is a matter of major import to the member for Fisher, then, fine; I am delighted that it is. However, I believe the answer is quite adequate.

## RURAL ASSISTANCE

**The Hon. T.H. HEMMINGS (Napier):** Can the Minister of Agriculture say what South Australia will receive from the changes to rural assistance approved by Federal Cabinet on Monday?

**The Hon. LYNN ARNOLD:** The changes approved by Federal Cabinet on Monday I think do bring some good news to South Australia. They follow on a meeting held in Melbourne last week of Ministers responsible for rural assistance when the Federal Minister, Simon Crean, went through the various proposals he was wanting to put. He discussed the matter with us, and I commend him for the very constructive and productive session we had. As a result of our meeting he modified some of the things that he was going to take to Federal Cabinet, including some of the proposed arrangements in terms of cost sharing between the Commonwealth and State Governments. It was the sort of meeting that represents the best spirit of a Ministerial Council whereby there is a genuine advancing of the issues.

At the time I was not able to say very much, because clearly it was contingent upon his obtaining the concurrence of Federal Cabinet, and that happened last Monday. As a result, there has been some increase in the total funds made available to South Australia by the Commonwealth. There is no change in part A continuing funding, which remains at $6.81 million, but part A new funding—that is the support that we give for lending under part A—has increased by $400 000 to $1.96 million.

The key to remember here is that that helps finance the difference in interest costs on a much larger lending program, so in fact it does provide for substantial lending capacity. The debt reconstruction interest subsidy (known as the DRIS scheme) had an extra $1.030 million made available to it. I believe that that is a very important extra source of funds at a time when many farmers are looking to reconstruct their debt and will need the support of interest subsidy to arrange for that to happen.

The part B component—and it should be remembered that South Australia was the very first State to activate part

B, and there are still some States that have not done that—has seen an increase in funding to the State of some $600 000. More pertinently, the Commonwealth has at last accepted the arguments put by myself and the Premier that there should be a better split on what is happening with the responsibilities between the States and the Commonwealth. Previously the situation was one for one. The situation approved on Monday by the Federal Cabinet is two Commonwealth dollars for every one State dollar. That now means that that money does offer the opportunity to free up what is happening with rural assistance, and I am very pleased with that particular initiative.

I might say that as to the commitment that I have given before about the funds that we have allocated for this program, we still want to see those funds from the State level used. I believe that this now may be a good opportunity for us to consider the point that has been made with respect to financial counselling services that some States are funding under part A, which is Commonwealth funded. We may look to fund some of that from the money that we might now be able to save under part B—in other words, State funded. That is one of the issues that we are looking at, and I hope to be able to make announcements about the financial counselling support at the earliest opportunity, because I know that a number of concerns have been raised, particularly by the Federal member for Barker, Mr Ian McLachlan.

The other very exciting area—and it is uncertain how much will come to South Australia because it will depend on who is eligible—concerns the proposal to amend the Social Security Act, which will see farmers who have the long-term capacity to remain in the industry being given access to unemployment benefits, or various Jobstart benefits. The situation is that at the moment if a farmer is not viable it is recommended that he or she go to household support, which provides a benefit equivalent to the unemployment benefit, but those who do have long-term viability do not get any support at all. This proposal now opens the possibility that up to 2 000 farmers in Australia will get access to that. It amounts to about 200 to 250 farmers in South Australia, in all probability, and, given the break-up of figures this year, that would have been a very useful support indeed in the past year. I am equally convinced that it will become a very useful support in the 1992 season.

## GRIEVANCE DEBATE

**The SPEAKER:** I pose the question that the House note grievances.

**The Hon. T.H. HEMMINGS (Napier):** Yesterday, the member for Bragg asked a question regarding the delivery of a 2H pencil to his electorate office, and told us that he had not ordered it and that it cost $10 for the courier service to deliver it. Today the Premier put the record straight, and in his reply he noted that a pencil had been ordered. I have been reliably informed that a 2H pencil, item 7510-0328 was ordered under order number 146613. The Premier further put the record straight: it did not cost $10. That was the cost of a fictitious item.

**The SPEAKER:** Order! The member for Napier will resume his seat. The member for Murray-Mallee.

**Mr LEWIS:** I rise on a point of order, Mr Speaker. I believe that we have just witnessed in this place a breach of parliamentary privilege. The member for Bragg has had the records contained in a departmental file provided to the member for Napier in the past few hours. That information I believed was to be confidential between the department and the member's office or the member ordering the materials.

**The SPEAKER:** Order! I am not aware of what the honourable member is quoting from—

**Mr Lewis:** It is most serious.

**The SPEAKER:** Order! It is also very serious when a member interjects when the Speaker is on his feet. I am not aware of the material that has been quoted here. I will peruse it and if there is a breach of Standing Orders I will take action on the matter.

**The Hon. T.H. HEMMINGS:** As I say, the Premier said that the $10 cost was for a fictitious item from the Grange golf course to be delivered to the member for Bragg's electorate office. I just wonder what that was. However, let us look at what the member for Bragg ordered. From what I understood the Premier to say in his ministerial statement, let us say that one pencil is back-ordered. But before going into that, let me remind the House how I do it.

Every three months under the new ordering system I order sufficient stationery supplies to last my office for three months. I do not order one pencil, I order a box of pencils; I do not, for example, order one packet of Reflex copy paper, I order 25 packets. Why do I do that? Because the new ordering system exists to provide greater efficiency not only to the individual members of Parliament but also to State Supply. That is what I think everyone does. I should imagine that no-one goes around ordering one 2H pencil—no-one would do that in their right mind.

Let me ask the member for Bragg whether, when he owned those multiple chemist shops before he came into this place, he went around ordering one Elastoplast or one Bandaid? No, he did not; he ordered a complete box. Did he order one bottle of cough medicine? Of course he did not; he ordered a complete carton. Did he order one soft textured toothbrush? No, of course he did not; he ordered a selection of toothbrushes to offer to the customers of those multiple chemist shops which he inherited from his father and which made him a millionaire. Did he order one condom? No, of course he did not order one condom; he ordered a whole box of condoms, because he knows that, because of the problems of the AIDS virus, people are using condoms more than they have ever used them before.

**Mr S.J. BAKER:** On a point of order, Mr Speaker: we talk about relevance, and Standing Order 127 deals with that. The member has abused Parliament. He has abused privilege by using confidential information.

**The SPEAKER:** Order! If there has been an abuse of privilege by using confidential information, I have undertaken to the House that I will investigate that. The other point the honourable member raised was relevance. This is a grievance debate and relevance is in the hands of the member making the grievance speech and the House.

*Members interjecting:*

**The SPEAKER:** Order! The member for Murray-Mallee once again interjects—and he is out of his seat—when the Speaker is on his feet. The member for Napier.

**The Hon. T.H. HEMMINGS:** I would have thought—

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

**The Hon. T.H. Hemmings:** The point I am trying to make is that my time has expired.

**The SPEAKER:** Order! The member for Napier is out of order when he continues to speak when his time has expired.

**Mr S.J. BAKER (Deputy Leader of the Opposition):** Today in this House, in response to a question raised by me on

the issue of unemployment, the Premier said he was taking action and doing something in relation to problems South Australia faces in relation to its extraordinarily high unemployment figures. I remind the House that nine years and 23 days ago, the Premier (then Leader of the Opposition) asked a question in this House of the then Premier, Mr Tonkin, and it was along the lines that unemployment stood at 51 200 and when was the Premier going to announce what job creation schemes he would institute to reduce the levels of unemployment. That was the question. When the present Premier was asked to respond to the same question today, he said he was taking action; he was doing something. Words come very cheap, and that is what we have seen today—a Premier who is quite willing to spend a lot of time talking about the issue but who is not doing anything about it.

Let us look at the issues that are encompassed in this question. Let us be quite clear; the Premier could have lived by his own words and said, 'We will boost employment by boosting capital expenditure.' That has been the cry; that is what he has taken to Canberra; that has been the sole idea of what to do to improve the current situation. His record shows that departmental capital expenditure was slashed by 29 per cent this financial year. So, the Premier does not live up to his own expectations and does not live up to his own words. He has misled the people of South Australia, because how could he on the one hand urge people to increase capital expenditure to create jobs but, on the other hand, slash his own capital expenditure? Indeed, if we go back to 1982-83 and look at the levels of capital expenditure by departments at that time, we find the level today is half what it was then. So, again, the Premier has had the capacity to create short-term jobs if he liked, if he believes that is the right way to do things, yet he has not done this.

What has the Premier done on so many other fronts in South Australia to improve the employment situation? It is absolute hypocrisy on behalf of the Premier to put forward a job creation scheme via capital expenditure while at the same time he does nothing to keep his own house in order. Let us look at what the Premier has done to assist this State and to assist employment in this State. For example, he said he has decreased payroll tax. That is a blatant untruth. In the 1989-90 budget, the Premier of this State increased payroll tax from 4.5 per cent to 6.25 per cent. In fact, what he did this financial year was to drop it back by a mere .15 per cent, so that the real increase over these two financial years is from 4.5 per cent to 6.1 per cent. That is the real increase; there is no relief for employees, employers or the South Australian economy. So, that is what the Premier has done for employment in this State.

What else has the Premier done? He has put up financial institutions duty from .04 per cent to .1 per cent. That does not assist employment in this State, because we know there is a flight of capital interstate, because people do not want to bank here, as we have the highest FID in the country. That is what he has done for employment. With regard to land tax, he actually put a cap on land tax increases because they were three times the rate of inflation. Then, he suddenly found that his revenue base was deteriorating because of the property market crash, so he increased land tax at the top end, paid by a large number of small tenants (11 000 or more of them), increasing the rate from 1.9c per $100 to 2.3c per $100. As the Hon. Legh Davis in another place has pointed out, we will see increases in land tax paid by tenants of somewhere between 20 per cent and 36 per cent. So, the Premier has had the opportunity to do something about unemployment in this State, but all he has done is talk about it. He has taken a half-baked scheme to Canberra and said, 'What you have to do is increase capital expenditure.'

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

**Mr HOLLOWAY (Mitchell):** The topic I would like to address today is the need I see for the Federal Government to improve the supervision of the superannuation and life assurance industries. First, I would like to recognise the achievements of the Federal Government in relation to the retirement income sector, often, I might say, in the face of hostile, cynical, short-sighted, politically expedient opposition from the Liberal Party. What the Hawke Government has achieved over the years is a number of measures, including the pension assets test, changes to the pharmaceutical benefits scheme, deeming provisions and the introduction of award superannuation and, subsequently, an extension of that superannuation scheme. Of course, all these measures are to make the taxpayer contributions to retirement income sustainable in the longer term and to encourage self-provision for retirement. They are thoroughly desirable objectives and, as I say, each one of those achievements was the subject of strong opposition from members of the Party opposite.

If we look at the statistics of the ageing population, we can see the serious problem that is facing us. By the year 2031, Australia's population will be 26 million and the average age then will be 42, which is 10 years older than it is today, and the percentage of Australians aged over 60 will have risen from 15.5 per cent of our population to 27 per cent. Statisticians believe that our health and welfare systems will be at crisis point when the baby-boomers begin to turn 60 in a few years. As I say, the Federal Government has made some considerable achievements in that area.

One of those successes is superannuation. We now see about $370 million a week going into superannuation funds—a total of $19 billion each year. At the moment there is about $130 billion in assets in superannuation funds, and this is expected to rise to between $350 billion and $600 billion by the year 2000. We should compare that with the assets in the banks. According to the latest *Reserve Bank Bulletin*, there is about $357.6 billion in total assets within our banking system, which includes nearly $200 billion of total deposits in Australia. We shall soon reach a situation where our superannuation funds will outstrip the banks.

The problem is that the prudential supervision of the insurance and superannuation sectors is inadequate. It is based on totally outdated Federal legislation. One of the things that we saw in the aftermath of the stock market crash was cross-subsidisation. The reserves that had been built up over many years in life insurance funds were brought over to subsidise other products which insurance and superannuation companies are now selling. The traditional life insurance scheme is almost extinct now. It represents less than 10 per cent of the total investment dollar as consumers move into new forms of investment. This is one of the great problems in the system. Unless the supervision of insurance companies is improved, we could see in that area the new financial disaster of the 1990s to match that of the banks in the 1980s.

The Life Insurance Act—the principal Act covering life companies—is now 46 years old and it has many deficiencies. One is a lack of statutory power for Federal regulators to set mandatory reserves in most types of business. Another deficiency is that the Act lays down only solvency standards for the whole of life and endowment policies—practically

the only types of policy that were available in the 1940s when this Act was drawn up.

Another big problem, which I have discussed in this House before, is that life company financial accounts give policy holders only a minimal chance of assessing the true strength of the institution to which they entrust their savings. The reporting in company reports is totally inadequate and should be addressed urgently by the Federal Government. Unless the Federal Government takes steps to improve the supervision of these industries, we could see some big problems in the future. Nevertheless, I congratulate the Commonwealth Government on what it has achieved in trying to make Australians more self-sufficient in providing for their retirement incomes.

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

**The Hon. TED CHAPMAN (Alexandra):** On page 3 of the *Advertiser* this morning a report by an anonymous journalist revealed that a huge fire was still raging throughout a Kangaroo Island park, and some other detail was incorporated in that article to indicate the magnitude of the fire. This is the fourth time in the past 10 days that I have raised this subject in this place. The situation is that the same fire as we are talking about today actually occurred in Flinders Chase last Saturday week as a result of a lightning strike. At that time the natural fire caused by natural kind in that natural bushland at the west end of Kangaroo Island was no different from many other fires that have occurred over the years and no different from the sort of fire that will occur as a result of lightning strike in years to come.

I have outlined to the House the strategies that I believe should be adopted in cases like this; that is, to surround the fire with safe firebreaks and to let them burn themselves out. National Parks and Wildlife Service officers in the region, with the support of the department on the mainland, have chosen to take another course of action. A senior fire officer from the island—a respected citizen of several generations in my community—spoke to me on the telephone this morning. He indicated that his estimate and that of his CFS officers of the expenditure incurred so far was approaching $1 million. He explained that fixed-wing aircraft, at $1 500 per hour for hire, helicopters, trucks, tractors, manpower transported by ferry and by aircraft charter to Kangaroo Island from the mainland and all the other associated facilities that go with attempting to fight a fire in such a situation have incurred this sort of cost.

My community is outraged as a result of what has occurred. There is absolutely no excuse for this sort of public funding wastage in any community, let alone in one where the local people understand how to handle such fires, have offered to do so year in, year out, but have found themselves not at arm's length but in very distant circumstances from those officers who are stationed there to care for the parks. We have a division in that community which is unprecedented and certainly well beyond anything that I can recall amongst local people. I refer to the local people in this instance as being local residents of the community and people who are residing in the area but who are employed by the National Parks and Wildlife Service. A disgraceful situation has developed.

I wrote a note to the Minister today, via the Premier, drawing to her attention the sort of difficulties that are being experienced at local level in this regard and pointing to the expenses that have been incurred and the wastage as a result. I have spoken to the Premier since. In fact, he was kind enough to invite me to offer some opinion on what should occur now. There are some campers in the region. It is a delightful place for campers and for visitors. The first important responsibility of those National Parks and Wildlife Service officers is to get those campers out of the region where the fire is still burning to safe sites within or without the national park so that they can continue to enjoy their holiday stay on Kangaroo Island.

The second and immediately following step that ought to be taken is to hire some local equipment and put firebreaks around the structural improvements on Flinders Chase—that is, the homestead area and the Cape du Couedic region—to burn back from those firebreaks, to let the fire take its natural course and to clean up that heavily laden underburden of dry growth and fuel in that park. Otherwise, when a fire starts in the heat of the season—not now, when all the grass around the properties and the park is still green—the whole damn lot will cook, including the people. Through the avenues of this Parliament, I warned the Government a year ago that if such steps were not taken as a matter of urgency someone—if not a number of people—would get cooked in Flinders Chase.

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

**Mrs HUTCHISON (Stuart):** I should like to raise a matter which is of concern to some of my constituents and which has been highlighted by the recent legislation for the compulsory wearing of bicycle helmets. One of my constituents, who is a wheelchair user in Port Pirie, recently drew my attention to a letter to the Editor in the *Advertiser* which raised a number of concerns about which he was worried. The gist of the letter was about 'dangerous practices exercised by cyclists'. To give an idea of what is happening, I should read part of the letter:

> It is puzzling that the Government already has declared an automatic fine for those who disobey and ride without a helmet, yet there are potentially many more dangerous practices exercised by cyclists which are apparently condoned or ignored by the law makers and enforcers. Riding or driving any vehicle without lights after dark is illegal and dangerous, yet the great majority of cyclists do so with impunity.
>
> Riding against the traffic is an offence, yet a growing number of cyclists see this as acceptable and obviously are not deterred by penalties. Riding on a footpath is not only illegal but dangerous to pedestrians, yet it is blatantly practised by many cyclists who possibly are quite oblivious to the fact that they are breaking the law. All cycles are legally required to have a warning device and a red rear reflector fitted at all times but their presence on the lightweight pseudo-racer and mountain bike is a rarity.
>
> Riders or drivers of all vehicles are obliged to signal their intention to change direction but the cyclists who know or bother to observe this rule are conspicuous by their absence.

The letter goes on to say that we should attempt to reduce injuries to cyclists; we should not only positively address the infringements of the existing commonsense rules but also legislate to rescind the outdated law permitting cyclists to ride abreast on a road where no other vehicle has similar rights. The letter also states:

> It is ludicrous that it is illegal for two motor cyclists to ride side by side in a single lane travelling at the stipulated speed limit yet two cyclists dawdling along at 15 km/h or slower are legally entitled to block a full lane should they wish.

The writer of the letter goes on to say that, as a sometimes cyclist, he does not object to the wearing of a helmet but, as a good pedestrian, car driver and sometime motor cyclist, he is aware of his obligations, and he looks to those administering the laws of the country to ensure others, particularly cyclists, are persuaded to help him to enjoy his rights as a tax-paying member of the public.

My Port Pirie constituent was also most concerned about those aspects of the laws regarding cyclists. It was asked why it was not necessary for children to wear helmets while riding racing tricycles, as that can be quite dangerous. My

constituent who raised the question with me pointed out that, in the area in which he lives, accidents have occurred involving bicycles. He said there had been some very near misses involving bicycles. For example, about 12 months ago a cyclist was killed. This happened because the cyclist's bicycle did not have a reflector light and the driver of the car was unable to see him. It is important that we look at some of these issues to see whether we cannot ensure that these laws are being enforced on the roads, because it is important not only for the cyclists themselves but also for all the other road users and pedestrians, as bicycles that are ridden on footpaths may endanger people who are walking on those footpaths. I urge the Minister to a look at this matter to see what can be done to try to right some of these obvious faults.

**Mr BLACKER (Flinders):** One of the most serious concerns in my area is the need for adequate aged care or accommodation for persons reaching the stage where they require some form of assistance outside their own home. The various levels of care available range from day care in a person's own family home, so that they can stay in their own home for as long as possible. We would all applaud that. I think everyone is of the view that, as long as a person can stay in their own home, is comfortable within their own surroundings and are able to look after themselves, with a little assistance, that is the way to go. However, not everyone is in a position to be able to go through life in that way. Therefore, there is a need for accommodation at various levels.

The Eyre Peninsula old folks home has been established for about 30 years. It was established primarily with local funding. I can recall vividly the buy-a-brick campaigns and the other public campaigns that were run to raise money for the building of that complex 30 years ago. In more recent times, the Matthew Flinders Nursing Home has been established—and I cannot recall the actual opening date. The then Premier, Mr Donald Dunstan, gave an undertaking that, subject to a Federal funding commitment, the State Government would provide bridging finance to allow the construction of that home. Of course, that took place and the State Government provided funds for some furnishings.

In recent times, there has been a change of plans regarding the abolition of geriatric services at the Port Lincoln Hospital. As a result, there would be no long-term geriatric hospitalisation at Port Lincoln. It is said that the Matthew Flinders Nursing Home caters for that need. However, there is a gap between care of persons in their own home and geriatric-type accommodation presently provided by the Matthew Flinders Nursing Home. I refer to hostel care.

My attention was drawn to an advertisement that appeared in the *Advertiser* just 10 days ago calling for registrations of interest from organisations and private enterprise to construct hostel and nursing home accommodation for 1991-92 and future years. My concern is that Lower Eyre Peninsula is not mentioned in that listing. That is the reason I raise this matter in this House at this time. The need is amply demonstrated. The hospital is already relocating patients from Port Lincoln to Elliston, to Cummins and, I believe, to Tumby Bay. One of the important aspects of any aged care facility is the ability for people's relatives or friends to call on them regularly. However, if a person is relocated 160 kilometres away and if there is no public transport, it will be impossible for his or her relatives to visit. All the good intent is nullified by the inability of that person's relatives to attend.

I sought from the Department of Health, Housing and Community Services, a Federal body, statistics relating to the residential aged care needs for base planning. I would like to incorporate those figures into *Hansard* without my reading them. The information is purely statistical.

Leave granted.

RESIDENTIAL AGED CARE, SOUTH AUSTRALIA—NEEDS BASED PLANNING (2006 ACAC PLAN)

18 October 1991

| Local Government area / Planning region | Hostel | 1991 proj pop. 70+ | 1996 proj pop. 70+ | 2006 proj pop. 70+ | No. places 55:1000 Hostel 1991 | No. places 55:1000 Hostel 1996 | No. places 55:1000 Hostel 2006 | Un-met need Hostel 1991 | Un-met need Hostel 1996 | Un-met need Hostel 2006 | Prop. H Places per 1000 70+1991 | Prop. H Places per 1000 70+1996 | Prop. H Places per 1000 70+2006 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Far North | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kimba | 6 | 93 | 100 | 119 | 5 | 6 | 7 | −1 | −1 | 1 | 65 | 60 | 50 |
| Whyalla | 56 | 1 267 | 1 586 | 2 031 | 70 | 87 | 112 | 14 | 31 | 56 | 44 | 35 | 28 |
| Lake Giles | | | | | | | | | | | | | |
| Uninc SLA | | | | | | | | | | | | | |
| Whyalla | 62 | 1 360 | 1 686 | 2 150 | 75 | 93 | 118 | 13 | 31 | 56 | 46 | 37 | 29 |
| Cleve | 16 | 171 | 193 | 232 | 9 | 11 | 13 | −7 | −5 | −3 | 94 | 83 | 69 |
| Elliston | 0 | 48 | 58 | 75 | 3 | 3 | 4 | 3 | 3 | 4 | 0 | 0 | 0 |
| Franklin Harbour | 6 | 126 | 153 | 160 | 7 | 8 | 9 | 1 | 2 | 3 | 48 | 39 | 38 |
| Le Hunte | 4 | 69 | 109 | 142 | 4 | 6 | 8 | 0 | 2 | 4 | 58 | 37 | 28 |
| Lower Eyre Peninsula | 10 | 256 | 305 | 371 | 14 | 17 | 20 | 4 | 7 | 10 | 39 | 33 | 27 |
| Port Lincoln | 40 | 1 024 | 1 172 | 1 380 | 56 | 64 | 76 | 16 | 24 | 36 | 39 | 34 | 29 |
| Tumby Bay | 10 | 275 | 323 | 344 | 15 | 18 | 19 | 5 | 8 | 9 | 36 | 31 | 29 |
| Eyre Peninsula | 86 | 1 969 | 2 313 | 2 704 | 108 | 127 | 149 | 22 | 41 | 63 | 44 | 37 | 32 |
| Murat Bay | 29 | 183 | 204 | 274 | 10 | 11 | 15 | −19 | −18 | −14 | 158 | 142 | 106 |
| Streaky Bay | 15 | 136 | 162 | 168 | 7 | 9 | 9 | −8 | −6 | −6 | 110 | 93 | 89 |
| Uninc W/C SLA | | | | | | | | | | | | | |
| West Coast | 44 | 319 | 366 | 442 | 18 | 20 | 24 | −26 | −24 | −20 | 138 | 120 | 100 |

**Mr BLACKER:** The Eyre Peninsula old folks home has announced that it is looking for dementia units. In addition to that, on 1 October, the Matthew Flinders Nursing Home expressed interest in building hostel accommodation. I understand that a private developer would similarly like to build hostel accommodation. The need has been demonstrated. I understand that the Department of Health, Housing and Community Services has consulted with those persons.

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

## APPROPRIATION BILL

Returned from the Legislative Council without amendment.

## MOTOR VEHICLES (INSURANCE) AMENDMENT BILL

**The Hon. FRANK BLEVINS (Minister of Transport)** obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959; and to make consequential amendments to the State Government Insurance Commission Act 1970. Read a first time.

**The Hon. FRANK BLEVINS:** 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 purpose of this Bill is to amend the Motor Vehicles Act 1959 to permit SGIC to become the sole insurer of compulsory third party (bodily injury) insurance.

At present the Motor Vehicles Act provides that the Minister has complete discretion as to whether to grant or refuse an application for approval as an insurer, it does not set down any criteria with respect to which the application must be determined. The Minister is not required to give reasons for granting or refusing an application.

During the early 1970s the compulsory third party (bodily injury) insurance providers withdrew from the scheme as a consequence of the inadequacy of premiums as a result of high court awards and inflation.

This was despite the fact that premiums even then were determined, as continues to be the practice now, by the Third Party Premiums Committee and on which three insurance representatives from the private sector sat.

Since 1976 the State Government Insurance Commission has been the sole compulsory third party insurer in South Australia. A similar sole insurer situation has prevailed in other States over recent years.

For the past 15 years or more, South Australia has had a single insurer providing third party insurance and a very satisfactory service to the South Australian community.

In the time since then no application to join the system was received except in the past two years. Now that there appears to be some profit to be made, the ones who would not share the burden of losses appear to want to be involved once again now that the evidence has shown the business may be profitable.

In the deregulated New South Wales CTP market where presently 14 insurers are transacting business, a price cutting war has erupted. Although there may be a very short-term advantage to be gained by the motorist, it is inevitable that as a company's market share is significantly reduced, it is more likely to voluntarily withdraw from CTP business. In an article in the insurance publication 'Cover Note' dated 23 August 1991 under the heading 'CTP Warfare in NSW' it was stated:

> Five of the 14 New South Wales CTP underwriters are writing 80 per cent of new business, according to Wayne Richards, CIC General Manager Marketing. He predicted that in 12-18 months, seven writers would have 90 per cent of the market share and the other seven would share the remaining 10 per cent. Richards said underwriters slashed the CTP premium pool by $200 million (20 per cent) when privatisation occurred. Some were using price as the only weapon to gain market share. 'Some companies can only think in terms of buying business.' Richards said price warfare undermined a brand's image and exposed it to increased competition. He predicted that some underwriters, particularly those offering a flat rate, would see declines in market share unless they changed their strategies. Richards said there had been a low loyalty factor in renewals with people 'changing for the sake of it'.

The average standard premium in New South Wales is $277—$91 more than in South Australia. The motorist in New South Wales is faced with the confusing range of options available. The inducements offered to the proponent for CTP insurance such as free entry in raffles make a mockery of the system, and does nothing to create a stable and responsible market.

The CTP premium for private motor cars in the metropolitan area of Adelaide is $186. This is to be compared with the premiums available in New South Wales. The cheapest premium in that State is $45 more (but the insured driver must be over 25, the car must be less than 10 years old and travel less than 12 000 km/year to obtain this premium level!).

If injured, a person bringing a claim in New South Wales will receive no damages for non-economic loss if the assessment for non-economic loss is less than $16 500. An excess applies for higher awards. Such limitations do not apply in South Australia. An entitlement to damages exists in this State where a person's ability to lead a normal life has been significantly impaired for a period of at least seven days. The vast majority of CTP claims in South Australia are settled below $16 500. A road accident victim in New South Wales would receive nothing for non-economic loss in these circumstances.

One of the principal arguments presented in favour of multiple insurers is the theoretical one of increased competition leading to increased efficiency, in spite of new marketing costs which would be incurred. To achieve this, however, Government control of third party premiums would have to be released, if not abandoned.

Under the existing South Australian Compulsory Third Party Scheme, there is no significant obstacle to an injured person seeking rehabilitation services, as SGIC acknowledges from the event of an accident, that it will bear all related costs. There is no company-to-company contest of responsibility.

Under a multiple-insurer system, particularly in the case of serious injury accidents, the incentive for separate insurers of the various vehicles or drivers involved in an accident to contest degrees of relative responsibility will be increased. Each insurer will have the objective of minimising their own costs. The result will be increased legal costs and delay to settlements.

The introduction of multiple insurers in the CTP field would not simplify, and would probably complicate to a significant extent, the interface between CTP and WorkCover. The mere presence of multiple insurers would of its own right complicate the interface and the potential for contest between different insurers involved in a single accident could further complicate WorkCover's dealings with the CTP insurers.

SGIC substantially invests in South Australian property, business and projects. Private insurers, owned and controlled by either overseas or interstate interests, would channel investment out of the State.

In fact, when SGIC was established in 1970, the investment by the private insurers in this State was only 19 per cent of the premium income derived from it.

SGIC pays the equivalent of Federal income tax to the State. If the CTP market were deregulated, private insurers would be obliged to pay tax to the Commonwealth Government, which is money directly lost to the State and for the benefit of South Australians.

Since SGIC opened its doors to the public in 1972, it has voluntarily been involved in road safety matters. In New South Wales and Victoria, this is only so because of legislation. In fact, for the year ended 30 June 1991 alone it

contributed $1.233 million to road safety and related matters, including the total funding of the Police Driver Education Unit. Since inception the contribution has been significant.

In the so-called free States, that is, ACT and Queensland, no such voluntary funding has occurred.

In addition, SGIC paid the Motor Registration Department $1.713 million as collection charges and paid $12.566 million as stamp duty to the State Taxation Office.

All ambulance carry costs associated with motor vehicle accidents and hospitalisation costs of patients who are entitled to protection are met by the SGIC in terms of existing legislation.

This has been the case since SGIC first commenced in 1972.

As sole CTP insurer and a State Government instrumentality, SGIC is subject to scrutiny by the Ombudsman. The Ombudsman Act provides that investigation may be conducted into complaints made against SGIC. Similarly, MPs may direct constituents' complaints through the Minister, or approach SGIC for an explanation. Such avenues are not available to members of the public in the case of private insurers, nor are their activities subject to scrutiny by the Government and the public.

The Government views favourably the existing sole compulsory third party insurer system which now operates in South Australia, rather than the introduction of multiple insurers.

Clause 1 is formal.

Clause 2 amends the definition of 'premium' in section 5 so as to refer to possible notification to the Registrar of Motor Vehicles of the premium for a third party personal injury policy of insurance by SGIC rather than by the appropriate approved insurer.

Clause 3 amends section 99—the interpretation provision for Part IV—THIRD PARTY INSURANCE. The definition of 'approved insurer' is deleted and SGIC is defined as the 'insurer'. Subsection (1a) contains a reference to related corporations which is relevant to the selection of an approved insurer under section 99a (3). Both provisions are deleted by the measure.

Clause 4 amends section 99a by removing the requirement that an applicant for registration of a motor vehicle select an approved insurer to provide third party insurance and by removing other references to approved insurers.

Clause 5 amends section 100 which is a provision that puts the Crown in the position of an approved insurer (the SGIC under the amendment) in relation to motor vehicles owned by the Crown.

Clause 6 repeals section 101 which provides for ministerial approval of third party insurers.

Clause 7 amends section 110 which provides for the payment of expenses of emergency treatment. Subsection (2) which provides for the sharing of payments between approved insurers where more than one motor vehicle is involved and subsection (9) which requires the user of a motor vehicle to provide information as to the approved insurer are deleted. A further reference to insurance provided by approved insurers is also removed.

Clause 8 amends section 111 which provides for liability of insurers to pay for hospital treatment by removing a reference to approved insurers.

Clause 9 amends section 115 by substituting subsection (2) which provides for the payment of judgments against and costs of the nominal defendant by the insurers (SGIC under the amendment). Reference to a scheme of contributions from approved insurers is removed.

Clause 10 amends section 116 which provides for claims against the nominal defendant in relation to uninsured vehicles. A reference to a scheme of contributions from approved insurers is removed, as is a reference to payments to be made by the nominal defendant to approved insurers.

Clause 11 repeals sections 118a, 119 and 120. Section 118a contains provisions relating to an approved insurer going into liquidation. Section 119 provides for a scheme of contributions from approved insurers to indemnify liabilities incurred by the nominal defendant. Section 120 makes provision for satisfaction of judgments against the nominal defendant where no such scheme is in force. All liabilities of the nominal defendant are to be met by SGIC.

Clauses 12 to 17 amend sections 122, 124, 125, 125a, 126 and 128 by removing references applicable only to approved insurers.

Clause 18 amends section 129 which empowers the Governor, on the recommendation of the Minister, to appoint a committee to inquire into and determine from time to time premiums for third party insurance. The committee consists of a Supreme Court judge, magistrate or legal practitioner of 10 years standing, the Public Actuary, three persons appointed to represent owners of motor vehicles and three persons appointed to represent approved insurers. Representation on the committee remains the same, with the three members representing the insurer being appointed after consultation with SGIC.

Clause 19 repeals section 129a which prohibits rebates and commissions being paid in respect of third party personal injury insurance. The issue does not arise with a single insurer.

Clauses 20 to 22 amend sections 132 and 134 and the fourth schedule (the policy of insurance) by removing references applicable only to approved insurers.

The schedule contains a consequential amendment to the State Government Insurance Commission Act 1970. Section 12 (3) which refers to SGIC acting as an approved insurer is deleted. Section 12 (2) of the SGIC Act recognises that SGIC may have functions under other Acts.

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

## SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

**The Hon. FRANK BLEVINS (Minister of Finance)** obtained leave and introduced a Bill for an Act to amend the Superannuation Act 1988. Read a first time.

**The Hon. FRANK BLEVINS:** 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 purpose of this Bill is to make four minor benefit improvements, and to make a series of technical modifications to existing provisions of the Act. The technical modifications will clarify certain provisions and, in other cases, overcome technical deficiencies that have become apparent in the administration of the two schemes covered by the Act.

The four benefit improvements being proposed for the scheme are in the area of benefits paid in the event of the death of a contributor.

The Government believes that where a contributor to either the old pension scheme or the new lump sum scheme dies, and the contributor is not survived by a spouse as defined under the Act, nor survived by eligible children as defined under the Act, the contributor has an entitlement as part of their remuneration package, to the superannuation benefits accrued to the date of death. The existing provisions of the Act do not provide for the accrued benefits to be paid to the estate of single persons. Accordingly, this Bill seeks to remedy the current situation through two proposed amendments to the provisions relating to benefits payable to members of the scheme who die without a spouse and eligible children.

The other two benefit improvements are in relation to the situation where a contributor dies and is not survived by a spouse as defined under the Act, but is survived by an eligible child or eligible children. The amendments will prevent the unfair application of the existing provisions in those circumstances where orphans' pensions are paid for only an extremely short period of time. Under the current benefit structure, orphan children can be treated unfairly by the scheme. For example, a situation could arise under the existing provisions where a young person who has just started work at 17 years of age would receive nothing from the parent's superannuation while the brother or sister age 16 and still at school would receive an attractive orphan's pension. The revised arrangements will provide the estate with an immediate refund of the member's contribution account, and the accrued employer benefit will be used to meet the cost of income support for all dependent orphans. Under this revised arrangement all of a member's children would receive some benefit from the parent's superannuation, particularly where the member dies before retirement.

The four benefit modifications to the scheme are expected to cost the Government about $50 000 per year. I would like to emphasise to the House that these changes are not being made to provide assistance to any particular individual or beneficiary. The benefit enhancements contained in this Bill are part of the Government's desire to ensure that the scheme operates efficiently and fairly in respect of members and their families.

The technical modifications contained in the Bill will improve the operation and understanding of the scheme. Some of the technical modifications will also overcome legal difficulties or deficiencies in the existing provisions.

A much improved understanding of how benefits are calculated, particulariy in those circumstances where a contributor elects to cease contributing to the scheme, will result from the modifications to the death, invalidity and benefit retrenchment benefit provisions of the Act. Apart from the minor improvements referred to earlier, existing levels of benefit entitlement under the scheme are not being altered by the more extensive provisions being introduced in this Bill. The revised provisions will provide improved clarity to the position that where invalidity, death, or retrenchment occurs and the member was not actively contributing to the scheme, entitlements will be based on the benefits accrued to the date of ceasing service. The revised provisions will make it clearer that only members actively contributing to the scheme will have benefits based on prospective service to the age of retirement.

The existing provision relating to the suspension of pension payments and the delay in commutation rights where a retiring member takes his or her outstanding recreation leave as a lump sum has also been revised in the Bill. The revised provision will provide a clearer understanding that in such circumstances, for the purposes of the Superannuation Act, the member will be deemed to be still employed for the period of the recreation leave entitlement.

The Bill also revises the existing provision which is designed to prevent employees from ceasing their entitlement to workers compensation, by the conversion of the weekly payments to a lump sum, and then using the superannuation pension scheme as a means of replacing the loss of their income stream. The revised provisions will overcome some difficulties in legal interpretation of the existing provision.

An expansion of the regulation making provision is also proposed to enable special provisions to be promulgated in relation to lump sums transferred to the state scheme from some other Government scheme. In future many of the lump sums transferred will, in accordance with Commonwealth law, be required to be preserved until retirement. The amendment to the regulation making provision of the Superannuation Act will enable appropriate conditions to be prescribed.

The other amendments proposed in the Bill are for the purpose of overcoming technical deficiencies in the existing provisions.

Clause 1 is formal.

Clause 2 provides that section 15 will be taken to have come into operation on 1 July 1988. The reason for this is explained in the notes to clause 15.

Clause 3 amends section 28 of the principal Act. The amendment will improve the benefit payable to the spouse or the estate of a contributor who has resigned and preserved his or her benefits but has died before the age of 55 years.

Clause 4 amends section 31 of the principal Act to ensure that benefits in respect of a non-active contributor are based on accrued and non-extrapolated contribution points.

Clause 5 amends section 32 of the principal Act. Paragraph *(a)* provides for a lump sum benefit to the contributor's estate where he or she is not survived by a spouse but is survived by eligible children. Paragraphs *(b)* and *(c)* adopt accrued contribution points as the basis on which benefits in relation to a non-active contributor will be determined. Paragraph *(d)* provides for the amount of the lump sum to be paid to the estate of a contributor who is survived by an eligible child but not by a spouse.

Clause 6 amends section 35 to base benefits on accrued contribution points for non-active contributors.

Clause 7 makes a similar amendment to section 37 of the principal Act.

Clause 8 amends section 38 of the principal Act. Paragraph *(a)* provides for a lump sum benefit to the estate of a deceased contributor. Paragraphs *(b)* and *(c)* make amendments in relation to non-active contributions. Paragraph *(d)* inserts provisions that set out the amount of the lump sum to be paid to the contributor's estate.

Clause 9 amends section 39 of the principal Act to provide for a lump sum to be paid to the estate of a contributor.

Clause 10 amends section 40 of the principal Act. A contributor to whom section 38 (4) *(a)* or 47 (3) relates loses the benefit given by those provisions if he or she commutes part of his or her pension. The purpose of this amendment is to ensure that commutation factors may reflect this loss.

Clause 11 replaces section 43 of the principal Act with a provision that makes it clear that where a lump sum is paid in lieu of recreation leave the period of employment will be notionally extended for the period of the leave.

Clause 12 replaces section 45 (4) to make it clear that where a contributor receives a lump sum in lieu of workers compensation payments a pension will be reduced as if payments had continued.

Clause 13 provides a regulation making power to enable the transfer of an employee from another scheme into the State scheme where the other scheme imposes conditions in relation to the transfer.

Clause 14 makes a minor amendment to schedule 1 of the principal Act.

Clause 15 amends schedule la of the principal Act. Paragraph *(a)* is required because the STA, the Commissioner of Highways and the South Australian Health Commission are employers under this Act by virtue of the definition of 'employee' in section 4 and therefore do not have to enter into an arrangement under section 5. Paragraph *(b)* replaces the flrst lines of clause 2 for the purposes of clarity. Paragraph *(c)* adds subclause 2 to clause 2. The purpose of clause 2 is to enable benefits under superannuation schemes that are subject to Commonwealth tax to be reduced to offset the tax. The tax was payable from 1 July 1988 and therefore regulations reducing benefits must be capable of having effect from that date if necessary.

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

## STAMP DUTIES (ASSESSMENTS AND FORMS) AMENDMENT BILL

**The Hon. FRANK BLEVINS (Minister of Finance)** obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

**The Hon. FRANK BLEVINS:** I move:

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

This Bill contains a number of amendments to the Stamp Duties Act 1923 which counter tax avoidance and evasion, improve the collection and recovery powers and exempt certain instruments.

The Stamp Duties Act imposes duty on a range of instruments including applications to register and applications to transfer the registration of a motor vehicle. However, there are currently no penalty provisions under the motor vehicle head of duty to ensure compliance. Under the other tax heads penalties are payable if duty is not paid on time or instruments are not lodged for assessment.

The lack of penalty provisions relating to motor vehicles has contributed to a reluctance by some taxpayers to comply with the Act which in turn has led to an erosion of the tax base. It is proposed to include appropriate penalty provisions to apply to those persons who avoid or evade duty on applications to register or transfer registration of a motor vehicle.

The opportunity has also been taken to provide a default assessment provision in relation to the motor vehicle head of duty.

The Stamp Duties Act imposes duty on the rental receipts of businesses engaged in the hiring out of goods. Servicing cost deductions are provided and an exemption (currently $24 000 per annum) is given below which no duty is payable. Duty is collected through a scheme of self-assessment with a registered person required to lodge monthly returns.

The Commissioner of Stamps through ongoing compliance programs has identified a recent practice of netting down rental charges. Business operators artificially assign disproportionate amounts to ancillary or exempt charges and only declare a nominal and incorrect amount on their returns to the State Taxation Office.

It is proposed to amend the definitional clause of the Act to make it completely clear that the total amount charged in relation to the hire of goods is dutiable.

Additionally the default assessment provision for rental duty has been redrawn in a manner more consistent with recent State taxation provisions.

The Government had proposed to include reassessment provisions for all instrument based duties in this Bill. However, discussions are still being held with relevant industry bodies and these reassessment provisions will be included at a later time.

In 1988 the Act was amended to close a blatant tax avoidance device whereby written offers were accepted by performance rather than in writing. At that time the amendment required a dutiable statement to be lodged whenever there were changes in legal or beneficial ownership of property not effected or evidenced by an otherwise dutiable instrument.

A further amendment is now proposed which will ensure that if the dutiable statement is not lodged at the time the change in legal or beneficial ownership took place, then penalties will be imposed on the statement in accordance with the existing penalty provisions applicable to instruments.

A company which carries on general insurance business in South Australia is required to register and lodge returns of insurance premiums received relating to such policies and pay stamp duty. Duty is calculated on the premium received less certain specifically listed exclusions.

Compliance programs conducted throughout the insurance industry, while generally showing a high level of compliance, have identified an isolated incident in which not all premium received was included in the return.

It is proposed that the definitional clause of premium be amended to put it beyond doubt that all amounts paid to the insurer with the exception of the specifically listed exclusions are liable.

The above proposals are further steps designed to minimise avoidance and evasion practices and to enhance fairness, equity and a level playing field to the Stamp Duties Act. Consultation has occurred as appropriate with industry bodies and submissions have been received. The Government is very appreciative of the contribution of these bodies.

The final matter dealt with in this Bill is to provide an exemption from duty for Declarations of Trust by the Public Trustee (as trustee) as a result of compensation payments made to infants under the provisions of the Criminal Injuries Compensation Act 1978.

The Government considers it inappropriate for stamp duty costs to be met from the Criminal Injuries Compensation Fund in these circumstances and therefore proposes to exempt from duty the relevant Declarations of Trust.

Clause 1 is formal.

Clause 2 provides for commencement of the measure.

Clause 3 amends section 31e of the Act so as to provide that forms used for the purposes of the provision must be furnished in a manner and form approved by the Commissioner.

Clause 4 amends section 31f to also provide for the use of forms that are approved by the Commissioner. Furthermore, a statement lodged with the Commissioner will be required to set out the total amount received by a registered person in respect of his or her rental business during the relevant month (and not just any amount received as rent).

Clause 5 amends section 31g of the Act in a manner consistent with the amendment to section 31f to ensure that a statement lodged with the Commissioner includes all amounts that are received by a registered person in respect of his or her rental business.

Clause 6 substitutes section 31m of the Act with a new section relating to default assessments. The provision will entitle the Commissioner to make an assessment of duty on the basis of estimates if the Commissioner has reason to believe or suspect that a person has failed to lodge a statement as required by the Act, or is in default in the payment of duty. It will be an offence to fail to pay the assessed duty within a period determined by the Commissioner in a notice sent to the taxpayer. Furthermore, the Commissioner will be able to impose penalty duty of an amount equal to twice the amount of the duty assessed under the provision.

Clause 7 amends section 31n of the Act to delete reference to 'rent' and to include any amount received by a person under an agreement that relates to the use of goods.

Clause 8 amends section 32 of the Act to insert a definition of 'premium' into the annual licence provisions to ensure that the term 'premium' encompasses all payments made in respect of a policy of assurance or insurance (including any levy charged to a policy holder and any instalment of premium).

Clause 9 amends section 41 of the Act so that penalty duty imposed under that section is an amount equal to twice the amount of duty assessed in a case of default. The amendment is consistent with the amendment effected by clause 6.

Clause 10 relates to the use of forms approved by the Commissioner, rather than prescribed forms, under section 42aa of the Act.

Clause 11 relates to section 42b of the Act. This provision allows the Commissioner to make a special assessment as to the value of a motor vehicle if he or she is not satisfied that the amount stated in the relevant application is the true value. The amendment will allow for the imposition of penalty duty if the Commissioner determines that additional duty should be paid.

Clause 12 is another default provision, inserted in that part of the Act that relates to the imposition of stamp duty on the registration, or transfer of registration, of a motor vehicle. The amendment is consistent with the amendment effected by clause 6.

Clause 13 relates to section 71e of the Act. A new subsection will ensure that the Commissioner can impose a penalty if a statement required under section 71e is not lodged within the time required under the Act.

Clauses 14 and 15 replace references to prescribed forms with references to forms approved by the Commissioner.

Clause 16 relates to the regulations that can be made under the Act. In particular, the penalty that can be imposed for a breach of the regulations is to be increased to $2 000. Another amendment will ensure that the regulations can be of general or limited application, allow the use of forms approved by the Commissioner, confer other forms of discretionary power, and make different presumptions according to prescribed circumstances.

Clause 17 amends the second schedule of the Act to exempt from stamp duty any declaration of trust by the Public Trustee that is made for the benefit of a child under the age of 18 years who has received a payment under the Criminal Injuries Compensation Act 1978.

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

## AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (NMRB) BILL

**The Hon. FRANK BLEVINS (Minister of Finance)** obtained leave and introduced a Bill for an Act to supplement the Australia and New Zealand Banking Group Limited (NMRB) Act 1991 of Victoria and to provide for the transfer in South Australia of the undertaking of National Mutual Royal Bank Limited and part of the undertaking of National Mutual Royal Savings Bank Limited to Australia and New Zealand Banking Group Limited and for the transfer in South Australia of the other part of the undertaking of National Mutual Royal Savings Bank Limited to Australia and New Zealand Savings Bank Limited, and for related purposes. Read a first time.

**The Hon. FRANK BLEVINS:** I move:

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

In 1990, the National Mutual Royal Trading Bank and the National Mutual Royal Savings Bank became wholly owned subsidiaries of the ANZ following the acquisition by ANZ of the whole of the issued share capital of the National Mutual Royal Trading Bank from the Australian subsidiary of the Royal Bank of Canada (RBC Australia Holdings Ltd) and the National Mutual Life Association of Australasia Limited.

The Reserve Bank of Australia has required that steps be taken as soon as possible to integrate the operations of the two groups and for the National Mutual Royal Trading Bank and the National Mutual Royal Savings Bank then to cease carrying on banking business and surrender their banking authorities under the Banking Act 1959. It has been agreed between the ANZ and the Reserve Bank that these banking authorities will be surrendered on 15 November 1991. It is therefore necessary to integrate at least some of the businesses, assets and liabilities of the National Mutual Royal Trading Bank and the National Mutual Royal Savings Bank into the ANZ and the ANZ Savings Bank by that date.

The merger could be effected without legislation by means of separate transactions with each customer or other person with whom the National Mutual Royal Trading Bank and the National Mutual Royal Savings Bank have contractual or other business relationships. The time and effort involved in carrying out the transfer by means of separate transactions would be very onerous.

In the absence of legislation it would be necessary to contact every customer of the National Mutual Royal Trading Bank and the National Mutual Royal Savings Bank to obtain an authority to transfer accounts from one bank to the other, new mandates for the operation of a variety of types of accounts, new authorities for periodical payments and new indemnities for various purposes connected with the accounts.

In addition, mortgage securities held from customers and guarantors would have to be transferred from the National Mutual Royal Trading Bank to the ANZ and from the National Mutual Royal Savings Bank to the ANZ or the ANZ Savings Bank. In some cases it would be necessary to obtain fresh security documents from the customers and their sureties.

This would necessitate a great deal of unproductive work by individual customers, businesses, the banks and the Gov-

ernment. The proposed legislation will minimise the volume of paperwork required and the time, cost and effort expended in achieving integration, while ensuring the protection of the interests of customers and other persons with whom the banks have dealings.

Although slightly different in form, the proposed legislation is similar in concept to previous merger Acts passed by the South Australian Parliament. The Bill contains provisions dealing with the vesting of assets and liabilities in ANZ and ANZ Savings Bank, the transfer of bank and customer relationships, contracts and other instruments, the continuity of legal proceedings and causes of action and other matters.

The legislation differs in one important respect from the previous comparable legislation. In the past, the contracts of employment of bank staff have been transferred from one bank to another pursuant to the merger legislation and Parliament and the banks themselves have been careful to ensure that all accrued rights of employees were fully protected by the legislation. In this case, however, all employees of the National Mutual Royal Trading Bank transferred to ANZ in April 1991. Entitlements to superannuation and other accrued rights such as long service leave and holiday leave have been fully protected by private arrangements between ANZ and the employees. Accordingly, the Bill contains no provisions dealing with employment.

In another respect the Bill is more complicated than previous comparable legislation to the extent that there is not a transfer of all the undertakings of one savings bank to another as usually occurs in this situation. It is proposed instead that specified assets and liabilities of the National Mutual Royal Savings Bank are to be transferred to the ANZ Savings Bank with all the remaining assets and liabilities of the National Mutual Savings Bank to be transferred to the ANZ. The transfer of all the assets and liabilities of the National Mutual Royal Trading Bank to ANZ will occur in the usual manner. This variation in approach is considered necessary by the ANZ because the National Mutual Royal Savings Bank offers many trading bank-type products which are similar to those offered by the ANZ trading bank.

The Bill provides that no taxes, duties or fees are payable upon any documents or transactions arising out of the Act. In the past similar provisions have been included in merger Acts and the banks have agreed to make payments to the Government in lieu of the stamp duty which would otherwise be unavoidable. A similar approach will be followed in this case.

Clause 1 is formal.

Clause 2 is the interpretation clause and contains definitions of terms used in the Bill. Included in these terms are:

'category A undertaking of NMR Savings Bank' comprising all of the property and liabilities of NMR Savings Bank described in the schedule to the Bill.

'category B undertaking of NMR Savings Bank' comprising the business and all of the property of NMR Savings Bank (except any category A property and any excluded asset and any related right or power) and all liabilities of NMR Savings Bank (except category A liabilities).

'excluded assets' being the assets (primarily land held otherwise than by way of security and shares) which are to be excluded from the transfer of assets to be effected under the proposed Act.

'undertaking of NMRB' including all of the business, property and liabilities of NMRB with the exception of excluded assets and rights or powers relating to the excluded assets.

Clause 3 declares that the Act binds the Crown.

Part II deals with the vesting of the undertaking of NMRB in ANZ.

Clause 4 provides for the vesting of the undertaking of NMRB in ANZ on an appointed day, that the Act provides evidence of such vesting and obliges NMRB to take steps to secure the transfer of any portion of its undertaking not vested under the Act.

Clause 5 provides that contracts and other legal arrangements with NMRB (not relating to excluded assets or superannuation or similar funds) are to be binding on or are enforceable by or against ANZ.

Clause 6 provides for the continuation after the appointed day of the relationships between NMRB and its customers as relationships between ANZ and those customers, the transfer of securities and bailment arrangements from NMRB to ANZ and for negotiable and other instruments to be effective as if relating to ANZ.

Clause 7 provides for the preservation of legal proceedings commenced by or against NMRB before the appointed day or which relate to contracts entered or matters done or omitted to be done by or before the appointed day except in relation to excluded assets and provides for the continuation of such proceedings by or against the ANZ.

Clause 8 enables the amendment, without cost, of references in documents in proceedings relating to excluded assets from ANZ to NMRB and for the continuation of such proceedings against NMRB.

Clause 9 provides that evidence which could have been used for or against NMRB can be used for or against ANZ.

Clause 10 provides, from the appointed day, for references to NMRB in Acts (other than the Act), registers or documents to be construed as references to ANZ except in relation to excluded assets or where the context otherwise requires.

Part III deals with vesting of the undertaking of NMR Savings Bank in ANZ Savings Bank and ANZ.

Clause 11 provides for the respective vesting of categories A and B of the undertakings of NMR Savings Bank in ANZ Savings Bank and ANZ, that the Act provides evidence of such vesting, and obliges NMR Savings Bank to take steps to secure the transfer of any portion of the categories A and B undertakings not vested under the Act.

Clause 12 provides that contracts and other legal arrangements with NMR Savings Bank relating to categories A and B undertakings (and not relating to excluded assets) are to be binding on and enforceable by or against ANZ Savings Bank and ANZ respectively.

Clause 13 provides for the continuation in respect of categories A and B undertakings, after the appointed day, of the relationships between NMR Savings Bank and its customers as relationships between ANZ Savings Bank and ANZ respectively and those customers, the transfer of securities and bailment arrangements to those banks respectively and for negotiable or other instruments relating to categories A and B undertakings to be effective as if relating to ANZ Savings Bank or ANZ respectively. There are also specific provisions enabling ANZ and ANZ Savings Bank to share securities in certain circumstances.

Clause 14 provides, in respect of the category A undertaking, for the preservation of legal proceedings commenced by or against NMR Savings Bank before the appointed day or which relate to contracts entered or matters done or omitted to be done before the appointed day (except in relation to excluded assets) and for the continuation of such proceedings by or against ANZ Savings Bank.

Clause 15 provides, in respect of the category B undertaking, for the preservation of legal proceedings commenced by or against NMR Savings Bank before the appointed day

or which relate to contracts entered or matters done or omitted to be done before the appointed day (except in relation to excluded assets) and for the continuation of such proceedings by or against ANZ.

Clause 16 enables the amendment, without cost, of references in documents in proceedings relating to excluded assets from ANZ or ANZ Savings Bank to NMR Savings Bank.

Clause 17 provides, in respect of the category A undertaking, that evidence that could have been used for or against NMR Savings Bank can be used for or against ANZ Savings Bank.

Clause 18 provides, in respect of the category B undertaking, that evidence that could have been used for or against NMR Savings Bank can be used for or against ANZ.

Clause 19 provides, from the appointed day, for references to NMR Savings Bank in Acts (other than the Act), registers or documents to be construed as references to ANZ Savings Bank (to the extent they relate to the category A undertaking) or to ANZ (in all other cases), except in relation to excluded assets or where the context otherwise requires.

Part IV contains general provisions.

Clause 20 provides that nothing effected by the proposed Act or done or suffered by NMRB, NMR Savings Bank, ANZ or ANZ Savings Bank under the proposed Act is to be regarded as placing them in breach, making them guilty of a wrong, or enabling termination or release of any agreement with them.

Clause 21 provides that service of a document within the meaning of section 109X of the Corporations Law on one bank may be deemed, in specified instances, to be service on another and that the clause ceases to have any effect on NMRB or NMR Savings Bank (as the case may be) ceasing to be a subsidiary of ANZ within the meaning of section 9 of the Corporations Law.

Clause 22 provides protection for persons who deal with ANZ and ANZ Savings Bank in relation to excluded assets.

Clause 23 provides that the Chief Executive Officer of ANZ may certify whether specified property or liabilities formed or did not form part of the category A undertaking of NMR Savings Bank or the category B undertaking of NMR Savings Bank.

Clause 24 provides that where any land of which NMRB or NMR Savings Bank is the registered proprietor is by virtue of the proposed Act vested in ANZ or ANZ Savings Bank that bank is deemed to be the registered proprietor of the land for the purposes of the Real Property Act 1886 and the land may be dealt with accordingly.

Clause 25 requires the Registrar-General on request to make amendments to the register book and title documents to reflect the operation of the proposed Act.

Clause 26 is designed to avoid the need for a form to be lodged under the Corporations Law in relation to each registered charge which, by virtue of the Act, is vested in ANZ or ANZ Savings Bank.

Clause 27 has a similar effect to clause 26 (except that it relates to property other than that to which clauses 24, 25 or 26 apply) in that it avoids the need for certificates or forms to be lodged in relation to each asset transferred. This clause would have effect, for example, in relation to the Goods Securities Act 1986.

Clause 28 provides that certificates given or purported to be given under the Act are to be conclusive unless the contrary is established.

Clause 29 provides that nothing in the Act exempts ANZ or ANZ Savings Bank from the provisions of any Act relating to companies carrying on the business of banking.

Clause 30 exempts all transactions arising out of the Act from stamp duty and other levies.

Part 1 of the schedule contains a list of those liabilities of NMR Savings Bank which constitute the category A liabilities of NMR Savings Bank and which by virtue of the Act will be vested in ANZ Savings Bank.

Part 2 of the schedule contains a list of those assets of NMR Savings Bank which constitute the category A property of NMR Savings Bank and which by virtue of the Act will be vested in ANZ Savings Bank.

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

## FISHERIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 315.)

**Mr MEIER (Goyder):** As the Minister indicated when he introduced this Bill on 20 August, it provides for a number of amendments to the Fisheries Act 1982 which will, in the Minister's words, 'enable both the Government and the Department of Fisheries to more effectively meet the objectives of the Act as set out in section 20'. As members would be aware, many amendments are proposed in this Bill, some of which are of concern. I am concerned that the Minister in his second reading explanation said (page 290 of *Hansard* of 20 August 1991):

> In providing the above explanation of proposed amendments to the Fisheries Act 1982, I would inform the House that the South Australian Fishing Industry Council, representing the interests of commercial fishers, and the South Australian Recreational Fishing Advisory Council, representing the interests of amateur fishers, have been consulted and support the proposed amendments to the Act.

I refer the Minister to a letter from the President of SAFIC, Mr Graham Gribble, of 26 July this year in which he said:

> Accordingly, we consider that the proposed powers as set out in the section 37 amendment, changes the nature of the Act in that it is no longer directed at facilitating fisheries management but rather could be used to constrain or even eliminate fisheries.

The President of SAFIC is indicating that he is not happy with the legislation. In a letter to me of 29 July 1991, the Executive Director of SAFIC, Mr Peter Peterson, said:

> Please find attached our most recent advice to the Minister of Fisheries. As you can see, we can no longer support amendment to section 37.

I am not quite sure what the Minister meant when he said that SAFIC supports the proposed amendments to the Act, when it is quite clear from that letter that it does not support the proposed amendment to section 37. Therefore, I think it is important that this House consider in detail not only that amendment but all the amendments put forward. Members will be aware that I have presented petitions to the Parliament expressing opposition to the amendment of section 37 of the Fisheries Act. Amongst other things, that petition states:

> The said amendment is seen as providing unreasonable high powers to the Director of Fisheries, which has the potential to interfere with a fisherman's reasonable expectation to maintain his livelihood free of the 'sword of Damacles' hanging over his head. The proposal may further erode the principle of consultation between Government and the industry. The proposed amendment as set out below and is totally rejected by all the undersigned.

So, there is no doubt that there is great disquiet in the fishing community about this amendment, that is, clause 12 of the Bill. The Director of Fisheries (Mr Rob Lewis) addressed the problems put forward by the fishermen in a letter of 22 July 1991 to the President of SAFIC, Mr Gribble.

He says that the background to the matter originated from litigation between licence holders and the Director of Fisheries. In particular, it followed the decision in *Lukin Enterprises v Director of Fisheries (1986)*. As a result of that action, the Crown Solicitor advised that section 37 should be amended to provide that a condition may be imposed on a licence notwithstanding that the condition would prevent a licensee from taking one or more species of fish that could otherwise lawfully be taken pursuant to the licence. I will refer to that court case a little later. The Director details what he can and cannot do in regard to fisheries, and further in his letter states:

> The purpose of the proposed amendment to section 37 is to ensure that a condition could lawfully be applied as was intended by the section.

Further, he says:

> I am advised that, notwithstanding section 37 (1a), a court would not and could not construe section 37 (1) so as to enable the Director to make the licence useless by imposing conditions. It must be stressed that the Director has no (and will not have) power to take away a licence—only a court acting under section 56 or the Minister of Fisheries acting under section 57 can suspend or cancel a licence. Furthermore, the powers in these sections can only be exercised in specified circumstances. Parliament would not give the Director greater powers than a court of summary jurisdiction—the proposed amendment in no way would give the Director such arbitrary power.

The Director goes on with a few other points, and in general terms seeks to placate any fears that the South Australian Fishing Industries Council or fishers generally have regarding this amendment. However, I still have fears.

Let us consider some of the facts and issues that have occurred in the past. I start with the issue of leatherjacket trapping. Prior to 1989, access to the commercial taking of leatherjackets was admitted by the Director to be open to general marine scale access arrangements and was part of the diversified multi-species fishery. Because of a perceived risk that the stocks might be over-exploited by sudden burgeoning interests, the Director chose to limit leatherjacket activity, and the way he did that was by imposing licence conditions not equitably across the board but through restrictions which maintained the *status quo* of some licences but which in a sense destroyed the leatherjacket status of the remainder. There is no doubt that his method was questionable.

Parliament in its wisdom provided for the issue of licences to take fish, including leatherjackets, in South Australian coastal waters, and to impose a condition abrogating the rights inherent in such a licence was never contemplated by Parliament. I believe that that is confirmed by Parliament not choosing to make leatherjackets a distinctly separate fishery. However, we find that a *quasi* fishery was created by licence condition, and the conditions imposed on the bulk of licensees were as follows: first, fish traps were not to be used in waters exceeding 60 metres in depth; and, secondly, fish were not to be taken using more than 15 fish traps at any one time.

By imposing those conditions we immediately find that the 60 metre depth distinguishes between those who now are or are not able to catch leatherjackets commercially. It is a well-known fact that commercial quantities of leatherjackets occur in waters more than 60 metres in depth and non-commercial quantitites occur in waters less than 60 metres in depth. The right to take leatherjackets in all depths of waters formed an integral and, I suppose, indivisible part of the licence. Fishers who had licences to take leatherjackets therefore had a property, and the changes that were made immediately saw a diminution in value of that property. In fact, one could say that a licence to take leatherjackets is of questionable value when the licence restricts a person to take leatherjackets in barren grounds or, in this case, in waters that would not enable a commercial catch.

The licence may not be valueless, but it certainly could be equated to a car that normally has four wheels running only on three wheels—it loses a lot of value. The Minister would be aware, as I am, that people who have leatherjacket or marine scale fishing licences are still seeking to get their full endorsement; in other words, they believe that they have been hard done by as a result of the Director's move to limit the taking of leatherjackets. I can understand that fishers generally would be concerned that the same conditions could be imposed on their licence restricting what they can or cannot take.

I would now like to look at a second example—the one cited earlier involving *Lukin Enterprises Pty Ltd v Director of Fisheries* in 1986. Lukin Enterprises had the right to take both salmon and tuna and the Director sought to impose on that licence a restriction so that only tuna could be taken. Justice White voided the Director's use of section 37 to deny the corporation's exploitation of its salmon rights, and that decision was affirmed by the Full Court of the Supreme Court in a judgment reported in 1986. In that case the plaintiff licence holder held a licence under the Fisheries Act 1982 which was valid for a specified fishery, which included salmon. As indicated earlier, after the licence had been granted, the Director sought to add the following condition: fish of the species salmon shall not be taken.

The Full Court decided that the conditions sought to be imposed by the Director were repugnant to the tenor of the licence granted to the plaintiff and the statutory provision under which it was granted and, therefore, was not authorised by section 37. The repugnance arose from the fact that the relevant regulations as construed created an indivisible fishery or one indivisible conglomerate of fishing activities. The regulations contained no provision expressly permitting a licence which limited the authority given by it to fishing activities directed to tuna and live bait of the permitted kinds to the exclusion of salmon, and could not be construed, it was held, so as to permit the separation of fishing activities directed to tuna from fishing activities directed to salmon. A licence holder, for the purposes of the regulations, was entitled, by his licence, to engage in all facets of the declared fishing activities.

The court held that the condition relied upon by the Director was void because it attempted absolutely to prohibit one of those authorised fishing activities, and it was thus in direct conflict of the authority conferred on the licence holder by the Act and the regulations. We have before us today a Bill seeking to give credence to what the Director can do in respect of fishing licences, such as would have affected Lukin Enterprises. Undoubtedly, there are other examples that could be cited here. Section 37, in a sense, seeks to replace bluff by rule of law.

In other words, as that court case indicated, the Director has not had the power to take away the rights of fishermen. Of course, the vast majority of fishermen have not had the resources to test the matter in a court of law. Lukin Enterprises had those resources and tested it accordingly. Whether replacing bluff with the rule of law is a good or bad thing is another question that we have to consider. Indeed, we have to consider it in relation to our fish resources and our fish stocks. I acknowledge straightaway that we have a limited resource and that we cannot allow people to willy-nilly take fish resources without some proper controls. I think I speak on this matter with some authority, having just served on two select committees dealing with fish resources over the past few months.

At the same time, I recognise that we are playing with fire if we believe that we can give a director the power literally to take away property, to determine at his whim whether a person should or should not have certain conditions on their licence. He could halve the value of a licence overnight by his authority—it is a power that is enormous. It is a power that I believe no-one else in this State would have, in a similar position, and therefore it needs to be looked at very carefully. In fact, we see here a further proposed amendment, relating to resources, in that the Director will have an added objective, namely, preservation. Certainly, if this House agrees to the amendment to section 20, the concept of preservation will become binding.

I think, then, that the Director is mistaken in considering that section 37 conditions will be bound by natural justice considerations or a need to take into account relevant considerations—because section 37, in combination with section 20, will impose statutory obligations on the Director. The statutory obligations override absolutely natural justice considerations. In fact, we would find that the State of South Australia would be virtually supreme and could make any legislation it chose on the same subject matter, provided it was not repugnant to the Commonwealth law.

The Director would be bound by the changed objectives of section 20 and the statutes generally. I think it is interesting to reflect back on the debate that occurred when this legislation first came before Parliament, back in 1980 and to see what the Labor Opposition spokesman on fisheries had to say. This was the Hon. Brian Chatterton, and in relation to the so-called appeals mechanisms, he stated:

> Such a person can merely say that he believes that the condition imposed on his licence is not justified by the proper management of the fishery. When a person says that in the appeal procedure he is arguing with the Director of Fisheries, who says that it is the proper management of the fishery? It is the Director's responsibility, and almost automatically the Director's word will be taken against that of the individual fisherman. How will an individual fisherman prove in an appeal situation that the Director's interpretation of the proper management of the fishery is incorrect?
>
> I suggest that that is virtually an impossible situation for an individual fisherman to actually prove. A fisherman is given the power under the Government's Bill to appeal, but I suggest that that power has only a nominal effect because he is unable to muster the necessary evidence. The fisherman virtually has to have an alternative fisheries department to prove that there is an alternative and different management that can be put forward.

So, this is what Mr Brian Chatterton, the Labor Opposition spokesman for fisheries, had to say back in 1980 about his concerns over the Director's powers. He was able to identify at that stage that fishermen—or, as we are now starting to call them, fishers—had very little chance of winning any appeal. As Mr Chatterton noted, this is because a fisherman would virtually need something akin to a fisheries department backing him or her to prove that a different and alternative management could be put forward. This was a very relevant point that Mr Chatterton made. I am very surprised that we now have a Labor Government seeking to extend the Director's powers. It was a Labor shadow Minister who said that the powers being given to the Director at that stage were too wide and that the consequences could be very great. Later, I shall highlight what I think should be done in this area.

I now want to continue further in relation to the Director's letter and the comments that he made, and I refer particularly to the Director's claim that his powers would be no greater than those of a court. There is little doubt that the section 37 amendment creates just such a situation. Provided that the Director imposes conditions targeting proper management, conservation, and the new added objective of preservation, conditions may be imposed, notwithstanding that they might completely destroy the status of the prior licence and diminish its value, nature, transferability status and so forth.

A court would have to accept that Parliament intended to provide such an all-embracing power to the Executive. I think that the Lukin judgment, to which I referred a little earlier, shows that very clearly. It shows that the reason for the Bill that we currently have before us is because of Crown Law advice that there was too much flexibility, that it was an item of bluff that the Director had to use. Parliament is therefore now considering this amendment to tighten up the conditions as they relate to the Director's powers and to ensure that what he says goes. Not only that, but now with the added condition of preservation, it will ensure that he actually has wider powers.

**The Hon. B.C. Eastick:** What legal status does bluff have?

**Mr MEIER:** I am not a solicitor so I am not in the best position to answer that, but I would say that on numerous occasions we would find that bluff has won out. Unfortunately, whether we like it or not, in our legal system things depend very much on whether a person has the financial resources or otherwise to challenge bluff. In fact, I believe that some of the conditions that the Director has imposed up until now could well have been challenged—but people have not had the resources to do so. As I said a little earlier, there is no doubt that we have to have some provisions for regulating the fishing industry. There is not an unlimited abundance of stock. It is a finite resource. It is one that needs to be carefully managed. If time permitted, I could go into examples of how the fishery has been mismanaged over the years.

I guess I would have to be realistic and say that it may not have applied only to this Government, although I believe that countless examples would have ocurred over the past nine years. It is quite clear that the Minister has one course of action here, and that is to endeavour to give the force of law to the Director's powers.

I had the opportunity to hear the Minister address the annual general meeting of SAFIC some weeks ago, and at that meeting I was heartened to hear a member indicate that he believed that there would be some amendment to section 37 and that there was (in my interpretation of his words) a definite consideration that the Director would not have those powers; rather, they would be vested in the Minister. That is a step in the right direction, certainly, because unquestionably the Minister is responsible to Parliament. However, I guess we could argue, 'But hang on; the Director is responsible to the Minister so, really, it is not changing anything because, if the Director is responsible to the Minister and the Minister is responsible to Parliament, does it matter which way it goes through?'

If we took that tack, we would have to say that, whilst the Minister is responsible to Parliament, that does not give the fishers any more rights or avenues of challenge than they have currently, because it is unusual that the Government does not have the numbers. The Government will support the Minister 99.9 if not 100 per cent of the time. I suppose we are in an unusual situation for this four-year term in that with you, Mr Deputy Speaker, and your colleague, the Speaker, as two Independents, we are an evenly balanced House, and there is every chance that a Minister could be brought to account—much more so at present than would have been the case in the past few years and probably will be the case in coming years.

Bearing that in mind, the next question is how the fishers can have a greater say and a greater chance for the right of appeal when the conditions of their licence are varied. The Opposition has therefore considered options in this area.

Whilst I recognise that the debate will not go through the full Committee stage today—and I will be addressing this matter further when we get into Committee—the Opposition considers that there will be times and situations where the taking away of property is such that those changes should be gazetted and therefore promulgated in the form of regulations. We can perhaps take Lukin Enterprises as one example, where half the fishery was gone. Instead of having tuna and salmon fishing, the licence to fish salmon was taken away entirely, so that literally halved its value at that time.

In other words, if the Director or, as has been hinted, the Minister seeks to change the terms and conditions of a licence, that would have to be gazetted and Lukin Enterprises and anyone else could appeal to the Standing Committee on Subordinate Legislation in the first instance but, more importantly, they could appeal to Parliament through any elected member, who would move for a disallowance of the appropriate regulations. The whole matter could therefore be debated in Parliament. In fact, the Subordinate Legislation Committee may make a recommendation to disallow a particular change to a condition of a licence.

I well recognise that the problems with such an amendment are that we would see the same situation occurring where minor amendments are made to fishing licences. Perhaps this would relate to the tonnage that can be caught in any one season, and the amendments can change from year to year. The Opposition is quite happy for the Minister and anyone else to provide further information on just how much additional paperwork that would require, because I do not want to create unnecessary legislative work at a time when we are trying to get rid of legislation but, at the same time, I cannot see any other option to preserve the property rights of licence holders from having the Director or the Minister change them out of all proportion and without any due regard to the livelihood of the fisher.

So, in that respect, the Opposition also has to consider the option of the Minister first notifying the South Australian Fishing Industry Council (SAFIC) some 14 days prior to any alteration to the conditions of the licence; not only advising SAFIC but also, obviously, advising the licence holder. In that way, we would have the licence holder and the industry body representing that person (it may not be SAFIC; if it were a variation of an abalone diver's licence, it could be the abalone industry representative, which of course is a subgroup of SAFIC), in other words, the appropriate body, being notified that changes are contemplated. I believe that that would also give a little more guarantee that there would be the chance for debate and counter argument before an actual condition was imposed. It is important that, whatever the case, the power currently contemplated to be given to the Director must not proceed. Giving it to the Minister is a step in the right direction, but it is insufficient; it needs to go further than that. Given that it is a key clause in this Bill, the Opposition will be interested to hear what the Minister has to say on this matter before we go into Committee.

I think I have said enough on the amendments to section 37, and I would now like to look at some of the other areas that are highlighted in the Bill. I will endeavour to deal with the Bill in chronological order from now on, recognising that the amendments to section 37 are provided by clause 7. An amendment is suggested to section 5 of the Act to clear up a legal argument that the taking of fish includes the taking of dead fish. The Opposition has no problems with this. It is obvious that people who have taken in excess of their quota or who have been illegal fishers—they may well have been shamateurs—have used the excuse: if the fish are dead, they did not take them and, therefore, how can they be prosecuted? In fact, under the Fisheries Act definition, it would appear that fish must be live fish and, therefore, the advice is that we should clear up this matter and make sure that, be they live or dead, they are still fish. That is commonsense to the Opposition, simply because so many fish that are brought up in nets today are dead before they reach the surface.

A further amendment amends section 5 (5) of the Act so that fish cannot be taken for the purpose of trade or business from inland bodies of water surrounded by land unless they are taken by licensed fishermen or registered fish farmers. It does not prevent persons from taking fish from private waters for their own use. I have some sympathy for this, because I recognise what the Minister is endeavouring to do here. For example, it appears that, when the Murray River level drops, stocks of fish are left in lagoons which may well be on private property. Therefore, it has been difficult to police people who have fish for sale that they say were taken from private property. From that point of view, I will be the first to endorse any moves to limit the sale of illegally taken fish. It is recognised that there is a means of avoiding the present legislation which would enable a person to sell fish taken illegally and claim that they were taken from 'private' waters. It is disturbing to read in the Minister's second reading explanation that this matter is becoming more widely known. In that respect I would say that we have no problems there. I just want to check with the Minister further and ensure that people have no problems in being able to take fish on their own private land if and when that opportunity exists.

A further amendment to section 5 (5) ensures that the Fisheries Act applies to water surrounded by Crown land and that people will not be allowed to introduce exotic fish into private waters without a permit from the Director of Fisheries. The argument there is similar to the one that I have just cited. If people are using a technical point to try to escape from being prosecuted, the Opposition fully supports tightening up that section. Likewise as it relates to exotic fish, this amendment ensures that people cannot put exotic fish into private waters without a permit. Many of our exotic fish have been introduced into other waters because people have disregarded what those exotic fish may or may not do and are unaware how the waters from that particular catchment could flow to other waters at flood time and allow those exotic fish to escape. Therefore, the Opposition supports that amendment.

An amendment to section 25 of the Act allows fisheries officers from other States or territories to be appointed as fisheries officers in South Australia, although no remuneration would come from South Australia. It is pointed out that South Australia already has this right in Victoria and New South Wales and that we are merely reciprocating. That is an excellent suggestion. We need to reciprocate further interstate. Again, as I mentioned in the abalone select committee debate, the vast majority of our abalone goes out of the State—certainly some goes to Victoria—and we have no control over what happens to it. That is probably not a problem. Our big concern is how much illegally taken abalone goes to Victoria or any other place.

A move such as this will surely help to ensure that our officers can operate interstate and that we can have officers from other States here to help us to police various areas in the management of fisheries. It is recognised that we will not be responsible for remuneration if other officers come into South Australia. That is particularly appropriate at this time. I hope that it is a step in the right direction to help

stamp out illegal fishing operations where fish taken from one State are sent to another State for sale.

An amendment to section 28 allows a fisheries officer to request and pay compensation for the use of any vehicle voluntarily offered to assist with enforcement operations. I can see the intent of this amendment. The Minister, in his second reading explanation, indicated that there will be no compulsion on people to allow their vehicles to be used. But I wonder what the situation would be if a fisheries officer in a desperate situation requests a driver to allow his or her vehicle to be used. We need to spell out clearly to officers that, if this power is to be given to them, in no circumstances will they be allowed to use undue pressure. Such pressure might be verbal, which can often be in the form of threats, such as, 'If you do not provide the vehicle we will take action against you.'

A person under duress can be forced to do something with which he or she would not wish to comply. For example, a person may have a vehicle in very good condition, but it may not be insured and damage may occur to that vehicle. One could still have insurance, but driving it over rough terrain or abusing the motor can cause permanent damage. It might be necessary for appropriate recompense to be made if a person can show that the use of a vehicle by fisheries officers caused damage that was previously not there. Again, I seek further information from the Minister on that. I believe that the concept is appropriate. Fisheries officers and all our enforcement officers need the option to be able to commandeer vehicles, with an owner's agreement, when necessary.

I turn now to the use of fisheries licences as security for loans. Several sections of the Act are amended to allow an arrangement which recognises that licences and endorsements can be used as security for loans. At the same time, it maintains management prerogative to vary legislative, policy, administrative or procedural matters to meet the responsibilities of properly managing the fisheries resources of South Australia. The Bill also seeks to identify a lender who has a financial interest in a licence; that the Director obtain the consent of the lender in the case of a transfer; and that a public register be maintained identifying licences subject to financial arrangements.

There is no doubt that this is a step in the right direction towards recognising property in a fishing licence. There has been a problem about the security that a fishing licence gives when it comes to negotiating a loan. That provision has also to be weighed against the amendments to section 37 where the Director is given additional power to be able to vary the conditions of a licence.

I would like to know how the banks are supposed to work out the rights they have over a licence and the length of security they have—in other words, the strength of their security. What if they lent money and the Director of Fisheries came in six months later and perhaps cut the licence in half by taking away one of the stocks of fish that could be fished? All these matters come into the whole concept of security for loans. However, at least the amendment seeks to put into legislation a greater level of security for fishers and, therefore, hopefully it will help the industry as a whole.

Further, the Bill seeks to amend section 43 of the Act so that fishery closure notices issued with respect to protecting the living resources of the State or in the interest of safeguarding public health take effect immediately, rather than having to be gazetted. Certainly, if something can be introduced that assists in immediate action as it relates to public safety, the Opposition is fully supportive of it. The Minister in his second reading explanation indicated that he felt the amendment was needed, particularly with respect to the commercial prawn fishery and in response to chemical or toxic spills and algal blooms so that precautionary measures could be taken straight away.

How does the current arrangement limit the immediate action being taken? In other words, it is recognised that it must be gazetted—and that is fine—but as you, Mr Speaker, would be aware, a gazettal notice can come in from the moment it is gazetted. Perhaps the answer is that, if an algal bloom was noticed at only 5 or 5.30 p.m., the Minister would have to wait until the following morning until the appropriate Government office is open. I am not quite sure about that. Certainly, if that is the arrangement, I have no problem with that. As I said earlier, the Opposition would welcome anything that speeds up public safety.

A further amendment deals with the question of retrospectivity, which relates to the possession of protected fish. Certainly, under existing provisions of the Act, it is an offence for a person to take protected fish. The Minister cited the following examples in his second reading explanation: seals, dolphins, whales, leafy sea dragons, and I dare say many others. However, it appears that under the current Act people are able to get away with this practice by using one argument or another. The legislation needs to make absolutely clear that not only is the taking of protected fish an offence but also being in possession of such fish is an offence. The only thing I would hope is that people who have taken a protected species in the past and who might have it mounted on their desk will be exempt from the retrospectivity of the legislation—and I am sure that the Minister will have taken that into account.

There are also amendments relating to the possession of under-sized fish. The Opposition has no problems with these amendments. There is no question that, to help look after and protect our fish resources, we need to ensure that the laws and conditions that currently operate have as much power as possible. Another area of concern to the Opposition is that of marine parks. Again, this matter will need to be examined further in the Committee stage. Section 48 of the Act will be amended so that marine parks, rather than aquatic reserves, will be proclaimed and managed by regulations to give a higher degree of security of tenure. I note also that the word 'preservation' is added to 'conservation'. The argument put forward by the Minister in his second reading explanation is:

> Since the current legislation was formulated, it has become apparent that there is a need to have a legislative framework within the Fisheries Act which is compatible with the requirements of other Government managers of (terrestrial) parks and wildlife. This is particularly so where an area of water has considerable conservation and preservation significance, both within the Australian context and internationally (for example, world heritage listing) such as the proposed Great Australian Bight marine park. Other areas may also be identified for such recognition.

I recognise what the Minister is saying, but I would like to know why adequate powers cannot be provided under the legislation as it applies to aquatic reserves that exist today. The one fear I have is that maybe marine parks will put restrictions on aquatic areas that aquatic reserves would not put on. In other words, will fishermen still be given the right to fish in marine parks or will we find that, if an area is declared a marine park, new terms and conditions will apply? It might be that that is the whole reason for a marine park coming in.

In travelling to Wardang Island, which is part of my electorate and on which some my constitutents may reside on a temporary basis, I pass over an aquatic reserve. It is recognised that that is a special area. I am talking not about the existing areas where the regulations are quite clear but about the future and what extra conditions will apply when

these aquatic reserves become marine parks. Is it the beginning of the end for fishermen who wish to fish in areas that have traditionally been good areas when there may be little or no argument that those areas should be excluded? Certainly, I will look for more answers in relation to that, perhaps not in the Minister's response to this debate but during the Committee stage. I referred to the inclusion of the word 'preservation' and I will seek further information as to the exact meaning of that word and whether it will restrict the activities of fishermen.

Section 51 will also be amended to make it an offence to conduct a fish farming operation without an appropriate authority; and powers will be given for the making of regulations. Fish farming is a very topical area, and it is something that this State should promote to the greatest possible extent. I have highlighted, both inside and outside this House, my concerns relating to some aspects of fish farming. I now want to reiterate my concerns in relation to oyster farming. What is the Government doing about oyster farming? It is seeking to impose licence fees and fees in general to such an extent that some oyster farmers have said it is not worth it. In fact, if my memory serves me correctly, five Government departments are trying to get their cut out of oyster farming. That is completely the wrong way to go; we have to give every incentive to oyster farming and fish farming in general.

I had the opportunity to look at some aquaculture and fish farming activities in the States of Louisiana and Mississippi in the United States. When I asked what sort of fees were imposed by the Government, I was asked, 'What do you mean?' I said, 'The Government must make charges for licences and such things.' The answer was, 'No, definitely not.' The Government stays well out of the way and lets the industry get on—

*The Hon. Lynn Arnold interjecting:*

**Mr MEIER:** The Minister interjects and says that the Government contributes $10 million.

*The Hon. Lynn Arnold interjecting:*

**Mr MEIER:** I have the floor now. The Minister seeks to misrepresent a remark that I made, if my memory serves me correctly, at the UF&S State conference when I cited an example (it could have been one of many examples) that I related to the processing of catfish. In fact, it could have applied to the processing of crawfish or to any aquaculture industry. The situation in the United States was very different from the one I am talking about now but, as the Minister has raised it, I will highlight it again. The State of Louisiana did not have a processing plant for that industry, and the Government said that it would like to have one set up. The people who could have done this were not interested because they could export their products interstate to have them processed. The Government provided a low interest loan of up to $500 000—

*The Hon. Lynn Arnold interjecting:*

**Mr MEIER:** Yes—and a taxpayer guaranteed amount of $10 million. In other words, the Government would guarantee the company $10 million if it would agree to set up business. The Government bought stocks and shares in that farm, and quite a few companies wanted to set up business in that State.

*The Hon. Lynn Arnold interjecting:*

**Mr MEIER:** I will finish what I am saying first. The net result was that a factory was established which provided hundreds of jobs and a spin-off effect of thousands of jobs throughout that community. After a few years, the low interest loan was paid off. There was no need for a capital guarantee of $10 million, because the company was making a profit, so that amount was written off.

*The Hon. Lynn Arnold interjecting:*

**The SPEAKER:** Order!

**Mr MEIER:** What an amazing interjection. I should ignore it, but I cannot, because the Minister said, 'If it had gone wrong'. Surely the Minister would be aware that we would have to look into any enterprise such as that very carefully to ascertain future markets and the scope for production and continued growth. Obviously, the Government did that and was convinced that it was needed. However, the private sector said, 'We don't want to come in, because we can send it interstate.' The State Government in Louisiana said 'We need you here, and it will be for the betterment of our State.' History has shown that it has done just that, not only in that area but in others.

I have been sidetracked from the point, but I got onto this matter because of the whole issue of aquaculture and fish farming. The main point I want to make is that this Bill provides that the Department of Fisheries can charge a fee for the registration of a fish farm. If we do that, let us make sure that any such fees are not an imposition on the industry. If there is a requirement to know who will be going into it and to what extent, that is fine; we might have to have a small administration fee to cover that. But if it becomes a revenue raising matter, we are going about it in the wrong way, and we will not encourage aquaculture enterprise into this State, as we should.

Further amendments provide for a shark processing and certification program to ensure that South Australian shark is acceptable in Victoria. The Opposition supports that proposal. This has been an ongoing issue and, hopefully, the amendments will help to overcome that problem between the two States. Similarly, amendments to section 56 allow licence suspension penalty periods to be served over non-consecutive days, therefore ensuring that transgressors miss fishing days as part of the sentence. Again, the Opposition supports that proposal. It is quite clear that, if a ten day suspension was handed down to be applied forthwith and consecutively if the fishery was operating for only three or four of those days until the next season, that penalty would be laughable. It is very important that anyone who is restrained from fishing be restrained on the actual days that the fishery is operating.

Furthermore, section 66 will be amended to remove any uncertainty about whether undersized fish have a monetary value. Again, the same arguments apply. Certainly, undersized fish are being taken. If a person is charged with an offence, that undersized fish are of no value should not be put forward as a defence. There are amendments to the catch and effort data. The Bill seeks to ensure that fishermen's statistics remain confidential by inserting a new provision to ensure that the Minister or the Director of Fisheries is not required to subpoena or otherwise to produce catch and effort information that identifies an individual licensee to any court or to any other person unless that information is made available with the prior consent in writing of the person to whose activities the information relates.

The Opposition has no problem with that. I believe that fishers would want to see their privacy ensured. In most cases, they would voluntarily associate with the Department of Fisheries for the benefit and the future of the fishery; they would not want to see those statistics misused against their wishes or to have their name raised unless permission was given.

This is a very comprehensive Bill, which makes many amendments to the Fisheries Act. I agree with the Minister that it appears that the amendments will, hopefully, ensure that the objectives of the Fisheries Act are met. I hope that I have made clear that we have major concerns about the

amendment to section 37 and that we will ask questions in Committee about some of the other minor amendments. Generally, the Opposition supports the Bill. We look forward to further debate in Committee.

**The Hon. T.H. HEMMINGS (Napier):** I support the Bill. The second reading explanation was one of the most comprehensive I have seen for many a year. I congratulate the Minister for spelling out so explicitly what the amendments to the Fisheries Act will mean for the people out there in the community. I do not wish to be unkind, but it is a pity that I cannot say the same for the member for Goyder, who was on his feet for something like 1½ hours and, to be honest—and I know that some members opposite say I am a bit slow on the uptake—I cannot work out why it took him so long to repeat what the Minister had already outlined in the second reading explanation. But, I suppose, he has to justify a position on the front bench. We on this side know the murmuring and trembling that is occurring opposite, because the member for Coles will soon be making a phoenix-like appearance.

Sometimes I have been disbelieved by members opposite when I have talked about matters agricultural and have referred to farmers in my electorate. I take exception to that, but I have broad shoulders. I know that one of my duties here as an elected member of this 47th Parliament is to represent in this House all differing opinions and all professions, and I will continue to do so until either you, Sir, or the electorate send me packing.

Whilst my electorate has no shoreline—but the redistribution might provide me with one, when I will be able to speak with some degree of expertise in this area—some professional fishers live there and, hopefully, they vote for me, although I do not know for sure. Sir, I have yet to work out a way to get into the ballot box without breaching the Electoral Act.

**The SPEAKER:** I remind the honourable member that his comments must be relevant to the debate.

**The Hon. T.H. HEMMINGS:** I am leading into it, Sir. The member for Goyder will be aware that I count as friends many professional fishers who live at Edithburgh. Hence my interest in this Bill. The clarity with which the Minister spelt out the various amendments really impressed me. As lay people—we are not experts at everything—we would not know the difference between fish, but the definition of 'to take' has created a problem for Department of Fisheries inspectors. The member for Goyder, in his second reading contribution, actually quoted word for word some of the Minister's second reading explanation and, Sir, I will refer to it too.

You, Sir, will be aware that someone was taken to court for having under-size fish and that the matter was thrown out because the fish were deemed to be dead when the fisher took them. Mr Speaker, you may well recall the case in which fisheries inspectors boarded a vessel and said, 'These fish are under size,' the fishermen threw them overboard and, in doing so, those fish died; fishers—some of these people are pretty astute—scooped them up and were then prosecuted for having under-size fish. When the matter got to court, the argument was put that it was not an offence to pick up dead fish, and the stipendiary magistrate upheld that argument, ruling that the provisions of the Fisheries Act and regulations refer to live fish only.

We know that a fish, whether it is alive or dead, is a fish. We might say that that is very simple, but at least it stops the lawyers—and there are none from this side in the Chamber at the moment, so I can say what I like because my colleagues are most likely outside and not listening—from making a mockery of the rules, which provide that undersize fish cannot be taken whether they be alive or dead. Perhaps the amendments will do a few lawyers out of a few dollars, but I will not cry on their behalf.

One other matter which I think is very important and which struck me as being very simple (and I congratulate the Minister for raising it) concerns the sale of fish taken from inland waters surrounded by land. In the case of a high water flow in the Murray River, as the Minister said, fish are carried into many backwaters and lagoons and, when the water level drops, those fish are there for the taking. The principal Act did not cover that situation, and when the amendments are in place it will mean that anyone who takes fish out of such lagoons will be covered.

I again cite the Minister's second reading explanation, which outlined the clearing of obnoxious carp and the stocking of native fish in some of the dams at Leigh Creek. This occurred at your expense, Sir, my expense and the expense of every taxpayer in this State. There is nothing in the Act to bring those dams under the control of the Department of Fisheries. In fact, the Electricity Trust of South Australia had requested the Department of Fisheries to take action in that regard.

All in all, I think that the fishers in my electorate will be very pleased with the amendments. I dare say that on my next trip to Edithburgh—and I daren't tell you when, Sir, because that might be advertising and some of my enemies might be on the road to ambush me—some of my professional fisher friends might have a few garfish for me in recognition of my support of this legislation. I support the Bill.

**Mr BLACKER (Flinders):** This is a Committee Bill and we will no doubt go through it clause by clause. It provides a means of addressing and further finetuning the management of our fisheries, something I think we would all applaud. The basic principle of fisheries management requires the cooperation of individual fishers, an accurate recording system and compliance by those in the industry to ensure that a true and accurate assessment of it is known so that responsible management decisions can be taken.

I think we could look to some of our own industries at the present moment and say that they have performed very well in their management regimes. Most of this has been as a result of the direct and active involvement of the individual fishermen. Referring to the Spencer Gulf fishery, in particular, many of the fishermen have requested and lobbied heavily successive Governments over a long period of time in order to get the fishery management program that they have now. I think everyone would agree that that fishery has become a model, recognised worldwide as being one of the best managed fisheries.

This fishery has some advantages inasmuch as it is relatively small and is in a well-defined area. This helps in monitoring of the amount of fish that are caught. There has been a responsible attitude taken on the part of almost all the fishermen involved. They have known that, if they did not do the right thing and their fishery collapsed, in turn, they would be the primary losers. On the other hand, other fisheries have not been so well-monitored and managed by the respective participants. We can see within our own State borders the good, the bad—

**Mr Heron:** And the ugly!

**Mr BLACKER:** —yes, and the ugly, in relation to those fisheries. I think it behoves us all to look at our respective fisheries and to identify the areas where good management has been the order of the day and where they have been successful. After all, if the resource is not protected, through

responsible and controlled catching effort, it will diminish, become depleted and go by the wayside. One can consider what happened to our tuna fishery. It had some very good times and some very bad times. When the good times were here some 16 500 tonnes of tuna were landed in Port Lincoln, and everything seemed rosy.

However, tuna is a migratory fish, something over which we do not have control within State borders. The catch relied heavily on the fishing stock that was coming through from the west and the north-west. The fishery depleted to the extent where 16 500 tonnes soon became 6 000 tonnes, and many of our fishermen suffered heavy financial losses because they were unable to maintain a viable unit in such a reduced fishery. Since then, quotas have come in, as well as a whole series of different management regimes, in an attempt to address the problem. To their credit, those people in the tuna fishery are starting to show some response to that fishery's management program. With a little bit of good management I think that in future the fishery will respond and, hopefully, become much more viable than has been the case in the immediate past.

As a result of the adversity suffered by some of these fisheries we have seen sections within these industries looking at value-adding and upgrading the product that they have been selling. Initially the tuna fishery attempted to cater for the sashimi market. We all know that, if the fish are of sufficient quality to meet the sashimi market and the demands of that market, the value-adding is quite extensive. A recent example, to which the Minister referred in the House last week, is the tuna farm that is presently being conducted on a trial basis, between the State Government, sections of the Japanese Government and the industry. The initial response to this has been very positive and the value-adding of this product has been excellent. I am sure we will see more of it.

I now refer to the matter of aquaculture and fish farming. I must declare an interest in this matter, because I would like to be an aquaculturist at some future time. In fact, I hold a fish farming licence. So, having declared my interest here and now, I want to say that I am an active proponent of aquaculture. I believe it has enormous potential within South Australia in its various forms. No-one could say in exactly which direction the industry will go, but I see it as being a multi-faceted one. Many different forms of farming can be undertaken and we see just about every species of fish, mollusc, crustacean and seaweed farmed somewhere throughout the world. We need only look at our own shores, our own bays, to see the potential for very large areas of aquaculture.

What is not provided in the Bill at present is an accurate differentiation between aquaculture and mariculture. I have tried to ascertain the actual definitions of these two terms, but my farming instinct tells me that mariculture would be a form of farming within the sea while aquaculture may well apply to land-based undertakings or coastal enclosures in which fish are farmed. I might be totally wrong in that, but I think the Government needs to identify the difference. There are two different and distinct sets of rules that apply, having regard to, say, land-based aquaculture as opposed to sea-based mariculture, as I interpret it, in terms of sea pens or booms with floating nets that are used to farm within the sea.

There are differences in ecology, fish species and the types of laws to be complied with. These all vary tremendously. To this end, I would see an evolution of rules and regulations—not that I want too many rules and regulations. Certainly, though, responsible controls must be placed on these respective fisheries as and when they develop. I hope that the Government and successive Governments will recognise that these industries have an enormous potential. They must be encouraged to develop in a responsible way.

Aquaculture and mariculture regimes can by their very nature become environmental controllers. In the main, aquaculture is totally averse to any form of pollution, any form of chemical or agricultural pollution. So, a mixture of normal farming enterprises with aquaculture enterprises within those farms promotes a self-balancing ecology. There is great merit in doing this. I certainly hope that respective Government departments that have interests in other areas—environment and planning, and so on—will look upon aquaculture as being a viable alternative form of business and will take a rational approach and ensure that over-zealous planners do not unduly prohibit the further expansion of aquaculture in the future.

In relation to mariculture specifically, in June I was very fortunate to attend the world aquaculture conference in Puerto Rico. Much of my enthusiasm for aquaculture stems from attending that conference, and I could talk for many hours, but I know that Standing Orders will not allow that. I quite deliberately undertook this exercise, because I could see the potential for aquaculture in the Eyre Peninsula coastal waters, as well as other places in South Australia. No doubt, there are many areas along the River Murray where the availability to water lends itself to aquaculture. It also depends, of course, on soil type, cost effectiveness and so on.

One of the issues that I encountered at this world aquaculture conference (and I am referring to mariculture now) was that one firm there has developed a penning system for large fish to be penned offshore. Three of these large pens are now operating successfully, one of which is 180 miles offshore in the Gulf of Mexico. So, the very nature of fish farming, which this piece of legislation is starting to address, has already developed in other parts of the world into a very large industry, the proportions of which many of us would not believe could become possible. I for one was trying to envisage a pen system of fish 180 miles off our shores; we are talking about an area way down off the continental shelf, opening up a completely new concept of fish farming, fisheries management and the fisheries regime.

This complex 180 miles offshore was designed on a vertical pylon principle. It did not have floating booms, but the pylons were buoyant and guyed back, giving less resistance to swell and waves and able to withstand storms and other sea movements that would have destroyed any other form of farming. That issue is one that I would like to address in more detail at another time. However, this set of amendments does have the general acceptance of most people. The amendment to section 37 is a matter that I understand is being addressed, and we look forward to dealing with that in Committee, when any amendments will come forward.

Clause 28 of the Bill deals with the value of fish taken unlawfully, to which both the member for Goyder and the member for Napier referred. They did not say anything about the aspect of the legal implications, namely, that the setting of the penalty for taking undersized fish was judged on the basis that, as the fish were undersized, they had no commercial value and that, therefore, the value of the fish, multiplied by two, five or 10, was insignificant. This Bill provides that those fish shall be deemed to be of commercial value and that, therefore, the penalty shall be set on a ratio according to their commercial value, had they been caught legally or of a legal size. That adds another dimension to the whole question of prosecution and, more particularly, the penalties that apply.

Clause 26, which is the last clause in the Bill, refers to confidentiality. I was a little concerned about that. In his summing up of the second reading debate perhaps the Minister will refer to the implications or say why this came about. The clause simply provides that, notwithstanding any other law to the contrary, the Minister or Director cannot be required by subpoena or otherwise to produce to a court any information contained in a return furnished by a licensee to the Director under this Act. I understand why information contained in the forms supplied to the Director of Fisheries should remain confidential, but I should have thought that, where a point of law was concerned and a person had to be subpoenaed, there must be a very good reason why that should not be the case. I will look forward to hearing those explanations for this at some future time.

I now turn to the question of marine parks, and I refer to Coffin Bay, where the bay itself is almost totally enclosed by national parks. If the area became a marine park, to what extent would that restrict the access of commercial and recreational fishermen within those areas? That is what I am questioning at this point because, if the marine park and the national parks extend to the high water mark, local government, which hitherto has had all the say in relation to the bays and the adjacent land with the exception of the area designated for the township, will have all those areas taken from it. I am not sure whether that is the net result of the proposal for a marine park. It certainly would not be the case in all areas, but I raise the question in relation to Coffin Bay because, if the Coffin Bay national park and the Kellidie Bay national park extend to the high water mark, and if a marine park is established to the high water mark, local government has no further say in the management of that area. I do not know whether that would be a desirable thing because, surely, it would be advantageous that local government have a say in the management of that area.

This matter was brought up in a determination under the native vegetation legislation at some time, and I hope it has been rectified, to the extent that the seagrasses contained within the district council area (which, in this instance, comprises Coffin Bay, Kellidie Bay, Dutton Bay and those associated bays within that complex of Yangie), were considered to be native vegetation. We had rather diverse interpretations from people who believed that the seagrasses in those bays came under the native vegetation legislation, and not one of us in this House would have contemplated this issue arising when that measure was being debated. All this has happened because the area of those bays was considered to be under the control of the Local Government Act and the local council, being the Lower Eyre Peninsula District Council at that time. I am suggesting to the Minister that there could be an anomaly within the marine parks section of this Fisheries Act that needs to be addressed because, if local government lost any control over that area, a ridiculous situation could result. Surely, that is not the intention; we must make sure that we do not head down that track.

I would like to make one last point about those bays and what I have said about aquaculture. My father has often mentioned to me that he can recall 40 sail dredges across Kellidie Bay dredging for oysters. I myself can recall six power dredges dredging for oysters on Coffin Bay and Kellidie Bay. Since oysters were effectively wiped out by commercial harvesting, there has been no such harvesting of oysters for two or three decades. We all know that oysters are filter feeders and I believe that the net result is that, because the filter feeders were taken out of the system, there has been a change in the seagrasses in that area, and that matter has not been addressed by anyone.

In fact, because applications have now been made for oyster leases in the area, there has been objection because the oysters might pollute the area. I believe that the reverse is true, because the removal of the countless millions of oysters that were there 40 years ago has totally changed the sea ecology of the area and has meant that the seagrasses have changed so that, instead of healthy seaweeds, there is now blanket weed; much of the weed is dying off and drifting, and the total pattern of the fishing spots in those areas has changed. That issue needs to be monitored.

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

**Mrs HUTCHISON (Stuart):** It gives me great pleasure to support this Bill. Certain sections of this legislation are of particular interest to me. Section 5, which has already been mentioned, refers, among other things, to the taking of dead fish. For some time that has been a grey area, even though the department has been administering the Act on the basis that it applies to all fish, whether alive or dead. However, in order to ensure that effective management controls can be put into place, it is necessary to amend the Act to formalise this arrangement. That became obvious when the results of the court case mentioned by the member for Napier were given. This will clarify the situation for all those involved in fisheries. The matter has not been clear in the past and has been a bone of contention. I am aware of this from comments made to me from time to time by constituents involved in both the professional and recreational sides of the fishing industry.

The amendment to section 5 (5) relates to the sale of fish taken from inland waters surrounded by land. I believe that a lot of work has been done on this matter. The present legislation would enable people who have taken fish illegally to claim that they took those fish from private waters. In that way they can evade any responsibility for illegal fishing. According to the Minister's second reading explanation, this has become more widely known. If it is becoming more widely known, there will be more breaches of the law in that regard. It is important that we close that loophole now so that we can protect the fisheries and be more consistent in the application of the Act.

It was considered that the distinction between commercial and recreational fishing could not be maintained if this section were not amended for unlicensed persons because they were able to sell their fish taken from private waters and claim that they were dead. It was necessary, in the interests of consistency between commercial and recreational fishing licences, that this be clarified in the legislation. Because it could cause conflict, increased fishing effort and difficulties for enforcement officers, it was again an important aspect of the amendment. The amendment is to ensure that fish cannot be taken for the purpose of trade or business from inland waters which are surrounded by land which is possessed or owned or controlled by the same person, unless the person taking the fish has obtained authority to do so.

Section 5, the one which really interests me, concerns the appointment of fisheries officers. I congratulate the Minister and the department on the cooperative arrangements which have been established between the South Australian Department of Fisheries and its counterparts in New South Wales and Victoria. Such a cooperative arrangement can obviously give more strength to the enforcement capabilities of all those agencies, with all the States benefiting from that cooperative arrangement. Presently 15 South Australian fisheries officers are authorised as fisheries officers in Victoria and eight are authorised as fisheries officers in New South Wales. The proposal is that South Australia should reciprocate and

appoint Victorian and New South Wales officers as fisheries officers in this State. Because of the problems in the past of policing across State borders when fish are taken from one State to another, this has important implications.

It has been pointed out to me from time to time by fishermen in my electorate that there is an anomaly. Because of the different size requirements of different States, fishermen can take fish from one State across the border for sale in another State where they are legal. There is no way at the moment that our enforcement officers can do anything about it. This happens often, and I have been given instances of where it has occurred. This cooperative arrangement between the States will make it more difficult for those who fish illegally. It will give all those officers power to prosecute or to follow enforcement across State borders.

I was recently made aware of concern regarding enforcement on the select committee on the abalone industry. It causes a lot of concern in all fisheries in South Australia. It is obvious that we must work hard to stop illegally taken fish from crossing State borders and to stop illegal poaching of fish from our very important fisheries resource. That goes across all the fisheries: marine scale, rock lobster, shark and all fisheries in which we have an interest in this State.

In view of the importance of all fisheries to this State, there is a real need to ensure the continued survival of those fisheries around the world. Some countries which are involved in fisheries have not, until too late, decided to do anything about the survival of their fisheries. They have been over-fished, they do not have those fisheries any more, and they cannot reactivate them. We in South Australia have a chance to ensure that our fisheries survive. In order to do that, these amendments are very important. The section 37 amendment is directed towards ensuring that different species which are considered to be at risk can be looked at with a view to ensuring their survival. In order to do this, conditions may sometimes be imposed on licences and other methods may need to be introduced to ensure that there is no over-fishing in special areas which may be considered to be at risk.

I feel sure that all who are interested in conserving this vital resource must agree with this amendment. Members will probably be aware that this resource is very important in my electorate, which is at the head of Spencer Gulf and which has a flourishing professional and recreational fishing community, mainly in the marine scale fishery and, to some degree, in the prawn fishery. Therefore, it is important to me, as the member representing such a constituency, that this legislation is supported to ensure the continued viability of this important resource in my electorate. I am pleased to support the Bill.

**Mr S.J. BAKER (Deputy Leader of the Opposition):** This is an important Bill because it attempts to place further controls on our fish resources and also to put greater elements of management into those resources. From that point of view, it should be commended. I do have some concerns. I suppose that I reflect the views of most people throughout the metropolitan area who, perhaps 20 years ago, could have gone to the local beach, dangled a line and caught a fish. Today, that capacity is no longer there. That is a situation brought about by a number of causes. One is the management of our fish resources and another may be the seagrasses, the breeding grounds, and so on. It is a very complex matter to deal with the way that we have utilised and managed our fish resource. I should like to see the return of those days when an amateur fisherman, a person who enjoys the sun and the sea, can have a reasonable chance of catching a fish. That means that there are conflicts between professional and amateur fishermen. I hate the term 'fishers'. Unless one pronounces the 'r', it sounds silly, especially to those involved in professional fishing.

The key is to have resources that we can all utilise: it is no good if they can be utilised by some and not others. It is unreasonable to go to the extent that they have in some other nations of the world where one has to obtain a licence before one can dangle a line. One of my fears in respect of this legislation is that it takes us one step further along that line to a situation where a future Government may be inclined to demand a licence for the privilege of fishing. With the additional controls being placed upon people within the industry, that scenario could occur. I do realise that it is a quantum leap from restricting people from selling their catches for profit to the point where they will have to have a licence to be able to fish in our inland and other waters.

One of the great joys of being in Australia is that we have the capacity to at least attempt to catch fish. If we happen to have a boat or if we can get hold of a boat, we are part of the privileged set because the chance of catching fish is far greater than if we have to rely on the rocks and the wharves. A number of items in the Bill will be debated in a more concerted fashion during the Committee stage, which will occur within the next two or three weeks. On that occasion I may rise to debate some of the issues about which I have some questions. However, I am sure that my colleague the shadow Minister of Fisheries will more than adequately cover my areas of concern. We should really look at what the end product should be. Whatever we do, we must be able to enhance our fishing stock, and we must be able to guarantee our fishermen a living.

**The Hon. Lynn Arnold:** Fishers.

**Mr S.J. BAKER:** I do resent the term 'fishers'. It sounds fishy. We might have fishing people—

*The Hon. Lynn Arnold interjecting:*

**The SPEAKER:** Order! We are not debating the Bible.

**Mr S.J. BAKER:** I have seen no reference to 'fishers' in the Bible. I have heard of loaves and fishes, but that has no 'r'.

**An honourable member:** What about the fishers of men?

**Mr S.J. BAKER:** I have heard about the fishermen.

**Mr Ferguson:** You don't know your Bible very well.

**The SPEAKER:** Order! The member for Henley Beach does not know his Standing Orders very well.

**Mr S.J. BAKER:** The final outcome that we all crave—and I know the Minister of Fisheries is no different from any other member in this House—is a fair deal for everyone. That may mean in certain areas that we do have to shut down fisheries; for example, we may have to shut down areas used for breeding purposes. In fact, we may have to restrict licences and look at the way in which nets are used, because I have some reservations about some of the netting practices in our inland waters and oceans—and that extends to international as well as Australian fishermen. We will have to think about how we can enhance our fishery to provide an adequate living for those who depend on it, a good quality fish for those who like eating it and a fair chance for those who like fishing for it. With those few words, I commend the Bill.

**Mr FERGUSON (Henley Beach):** I enter this debate as a member who represents a coastal electorate. From time to time, I receive representations from both professional and amateur fishermen. I do have an opportunity to speak to those fishers who fish particularly between the Henley and Grange jetties in the gulf. I greet these people every morning in the early hours, at about 6 a.m. I also have an interest in those people who fish from the Henley and

Grange jetties at about 4 o'clock in the morning. By about 8 a.m. they have done a day's work, and I have not started.

The greatest criticism I have heard about this legislation has come from people who object to the regulation in relation to inland waters. I refer to those who have dams, those who are adjacent to rivers, which form part and parcel of their property, and those who use lagoons and so forth for the stocking of fish, which they use for their own purposes. From time to time these fish find their way onto the market. Part of the problem that the Government faces is that, unless a regulation is introduced to cover these areas, when the fish is retailed it would be difficult for Government officials to know whether or not the fish was retailed from these inland sources. If no regulation covered inland sources, there would be a problem regulating the whole fishing industry.

Although it is regrettable that we are now regulating the industry, which will create paperwork, bureaucracy and everything else that goes with it, we in this Parliament must have a look at the whole industry. I support the regulation in relation to inland waters because of the need to regulate the whole industry. This is only fair to everybody. It is fair that the professional fishermen who provide fish for the retail market—and their fish do not come from the inland waters—must be subject to regulation. I have not yet come across a person who thinks that there ought to be no regulation. It is regrettable that we have now reached a point where inland waters must be regulated.

The other point I should make is that inland waters are often overtaken by flooding. The member for Napier mentioned in his speech that the backwaters of, for example, the Murray River quite often are overtaken by flooding, and whatever fish stocks are in those inland waters are then carried into the main stream. Therefore, it is necessary for the Government to be able to regulate to cover whatever stock might be within those inland waters. Who would know what exotic species or diseases of fish might be encountered so, from time to time, it will be necessary to look after what is happening in respect of these inland waters.

I join with the member for Stuart in praising the regulations with respect to being able to appoint interstate officers to conduct affairs in South Australia and vice versa. I have just been involved in two interesting select committees inquiring into the fishing industry. The one that stands out like a neon light related to abalone. In that select committee evidence was given about abalone poaching in South Australia to the extent of at least $2.5 million a year.

Reference was made to an inspection of some Chinese restaurants in Little Burke Street in Melbourne where over two tonnes of abalone were collected. When asked, the owners of those shops were unable to produce evidence of where the abalone came from. I understand that poaching is more prevalent near the Victorian border and that it is very difficult to control. So, the legislation before us that not only suggests but allows interstate officers to assist in South Australian waters can only be deemed as sensible.

I will now refer briefly to the proposition that fishery licences be used as security for loans. I think this is a move in the right direction. From time to time, we have heard about the difficulty experienced by fishers in financing their operations. They seek loans from financiers that might be described as fringe financial organisations, and consequently they pay higher interest rates. As this legislation recognises that licences may be used as security for loans, banks will be able to be involved and provide finance for fishers at reasonable interest rates (although in some people's eyes interest rates are never reasonable). However, the banks will be able to provide better interest rates than those that fishers now have to pay because they have to go to fringe financial operations. Beyond the fringe they go to people who are prepared to lend money at fairly exorbitant interest rates, because until now a licence has not been recognised as security for a loan. I believe that this provision will go a long way towards assisting fishers, particularly those who are just breaking into the industry.

I would now like to mention briefly the move towards marine parks. While on a study tour of New Zealand I had the opportunity to look at marine parks in the Bay of Islands. After seeing the way in which the New Zealand Government provides for marine parks as far as the conservation and looking after of fish species is concerned, I can only say that I believe that the introduction of marine parks in South Australia is a move in the right direction. New Zealand has an advantage in that it has one central Government that controls everything, but I believe that this legislation will enable us to take advantage of marine parks in the same way New Zealand has. I certainly hope that South Australia is able to produce marine parks as good as the excellent ones in the Bay of Islands.

I also visited the interpretive centre established by the New Zealand Government for marine parks in the Bay of Islands. Schoolchildren from the surrounding areas are able to look at marine life as a form of conservation. I fancy that not many children look at conservation of fish in the same way as they look at the conservation of other native animals, and I hope that the introduction of this legislation will assist in producing marine parks in the same way New Zealand has.

Finally, I point to the legislation that will assist, regulate and control fish farming. With you, Sir, I visited Port Lincoln where we had the opportunity to discuss fish farming in New Zealand. I was quite interested in what is happening in New Zealand, and the thought crossed my mind that it would be easy for an irresponsible individual to wipe out that industry by introducing a wrong species of fish or poisoning or in some way upsetting the ecology of the area. I believe that this legislation will go a long way towards preventing that from happening in South Australia. I support the proposition.

**Mr LEWIS (Murray-Mallee):** I wish to place on the record a few things about the law which we propose to amend and which will control this industry and the people who participate in it, whether it be for commercial gain or recreational purposes but for personal benefit one way or another. In the first instance, I think we are headed in the right direction. I find it quite fascinating to see Parliament operating as it was intended by the people who established it centuries ago: views are being expressed by members according to their understanding of the subject matter without the prejudice of concern for their organisational endorsement in this place. Political Parties have the power to coerce members to do their bidding once they have been endorsed and elected to this place.

If that happens to compel such members, in all conscience or otherwise, to say and do things in here which are more or less a part of theatre than a part of reason, we suffer not only in this institution but also as a society. That all too often happens where debates are about subjects closer to the bone of the reason for those organisations called political Parties existing than is this subject. This is, therefore, a subject upon which we have had more reasoned contribution from a range of people elected here to debate such legislation than we have been able to achieve on other matters.

That pleases me, because it also enables me to enter the debate on that basis and to talk about those things which do, as they should, cross partisan lines of argument. Perhaps the first of those I will mention is my concern about licences and the way in which we use them these days as things that can be traded. The Government creates the licence and thereby regulates the entry into an industry of an individual or a corporation, and that gives the licence a notional and nebulous value. It is traded in the marketplace, albeit in the first instance only in a *quasi* legal fashion but, ultimately, because the trading occurs, regulation is introduced to control that trading in the licence itself. We see that with taxi plates as much as we do with prawn fishing licences. I well remember before I came into this place having one or two clients who owned taxi plates and one or two more who wanted to own prawn fishing licences in Gulf St Vincent.

To procure such a licence in either case is fraught with risk if people do not know the future of it. With a stroke of a pen, a Government can wipe out a taxi plate licence or, at least, detract from its value by changing the restriction on the number of licences that can operate in the total marketplace. At the same time, if the Government does not extend and expand the number of such plates as the market may grow, each plate becomes worth more, because the price for which the service that plate allows the individual to sell can rise to reduce the number of people who have access to it. So, there is a monopoly in fact, but it is called a cartel because there is a restricted number of people in the enterprise; and it is a statutorial cartel, not one which can arise out of commercial collusion.

I say that the notion of issuing a piece of paper that permits people to engage in activities that enable them to earn a living where they do not contribute to the management of the resource they are exploiting is something we should examine more carefully in the future than we have in the past. It is my judgment that to encourage banks to lend money against licences in a formal fashion is to invite a couple of hazardous consequences. The most obvious one is that banks, in the event of a failure of a licensee as a consequence of poor management of the resource the licensee was allowed to exploit—in this case a fishery—could sue the Government for having issued the licence or allowed it to remain in force irresponsibly, in the opinion of the court, in that once the licence is issued it is presumed it is worth something.

If the statute says it is worth something against which people can borrow money, anyone who borrows that money is entitled to believe that the party—the Crown—that issues the licence should, by some repsonsible action, ensure it is not destroyed in its value. My view is that the better course of action is to issue term licences and allow the cost of them to be written off in a straight line against the income—that is, term licences for a short number of years, say, five or eight years. In a straight line, that would be 20 per cent or 12.5 per cent respectively on an annual basis.

Depreciating the licence itself is the way in which one is able to repay the loan. That means, too, that the Crown does not have to guarantee that the fish stock will always be there because, very often, the fish stock may disappear not because of anything the Crown or anyone else has or has not done but simply because the environment changed and it was no longer appropriate. The life form that was being exploited by the licensee—the fishers, whether individuals or bodies corporate—would no longer be there. The shorter the run, the better within some sense of reason.

There also needs to be a sufficient length of time for one to depreciate capital equipment and technology in the development of that equipment that is invested in it. That is why it needs to be more than a day, a year, or three or four years, but something of the order of five to 10 years. It is not coincidental but in fact it is quite obviously a function of the rate of interest on borrowed money that determines the life of capital assets so invested. I believe, too, that the licence ought not to be the be all and end all as a right to participate in the fishery and, in addition, it need not cost a lot. A certain quantity of any given species should be allowed for harvest at given seasonal periods, and we could use our wit to employ modern technology to regulate that without the need to pay large salary bills in the process. We could indeed use modern technology in the form of bar charts in silicone chips miniaturised in tags, which tags are attached to individual fish or a quantity of fish packaged for wholesale.

Debate adjourned.

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

## PARLIAMENT (JOINT SERVICES—PROHIBITION ON SMOKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1371.)

**The Hon. T.H. HEMMINGS (Napier):** I am in a rather vexed position at the moment in relation to this Bill. When this matter was last debated in this House I had, as perhaps the member for Hayward would say, the traditional two-bob each way, inasmuch as I basically supported the thrust of the motion that was then being debated but I then tried to put the point of view of those people who were slaves to the nicotine weed. Some of my colleagues on this side of the House will recall that at that time I had still officially given up smoking, but was prone to having cigarettes away from my wife and family. It was also very easy for me at that time because my wife was 12 000 miles away in the United Kingdom and I could cheat, knowing full well that no-one on this side of the House would dob me in, and that those on the Liberal side, whilst they would have been very quick to dob me in, were too much of cheapskates to pay for the cost of a telephone call or a letter to my wife. Therefore, I was on pretty safe ground.

On reading my contribution at that time, one sees that, on the one hand, I supported the thrust of what was being put while, on the other hand, I was supporting the likes of the member for Peake, who had strong views against the motion. However, I did indicate that I would vote in favour of adopting the decision that had been made by the Joint Parliamentary Service Committee. Now I am in the situation where this matter is going to go into legislation. I have spoken to the member for Elizabeth about the matter and have expressed a view, and it is that the matter should never have come to the stage where it has to be put into legislation. As adults we should be doing this in the first place. As to my previous cheating, I have confessed because my wife now does know that I do smoke. She has a poor regard for my willpower, but she understands that I am a slave to nicotine. However, I do hope that eventually I will be able to curb the habit.

So, it is with some degree of sadness that I have had to stand up and take part in a debate precipitated by the fact that certain members of this Parliament—and I am including both members of this place and the other place—have been unable to abide by the rules, whereby the member for Elizabeth has been forced to introduce legislation to, in

effect, make this law. I have no problem with this, except for the fact that, as I say, we have had to enshrine in legislation what we had agreed on before. This had been agreed in the Joint Parliamentary Service Committee, it had been agreed in Caucus and it had been agreed in the Liberal Party room—and yet there are still some people who have transgressed. My conscience is clear. I have never transgressed. I must admit that the member for Elizabeth caught me with a cigarette in my mouth on one of the Estimates nights—which I did not ever light; however, he understood the strain that I had gone through on that particular day. I have restricted my smoking to the members' lounge and to my own room. I have always extended the courtesy to any smokers to come down to my room and share a cigarette with me.

Whilst I have been somewhat flippant in regard to the Bill presently before us, I do think it is a sad day when the members in this place, who have been charged by the voters of South Australia to pass legislation for the good of the community, could not even get their own act together in the first place. As I say, we went through a series of decision making processes which, in effect, provided that we should only smoke in certain parts of the building. Only a very few have ignored that.

**The Hon. J.P. Trainer:** Flouted it!

**The Hon. T.H. HEMMINGS:** Yes, flouted it, as my colleague the member for Walsh says, and now we have to go through this exercise of putting it into legislation. It is a sad day for this Parliament and for the people of South Australia. I know that members of the Liberal Party are very prone to quoting the words of a former Premier of this State, who said that if it is a bad law break it. I have heard that many times; if I was paid for every time I have heard it, I would leave this place a wealthy man. However, we should not have been reduced to this situation. I know that you, Mr Speaker, enjoy a cigar, the same as I do, but we always have them in your room or in my own room, and that is how it should be.

I did not want to be the first speaker up tonight, but I do indicate that I will vote for the Bill. I have made it perfectly clear that I am a smoker, but we did make the rules amongst ourselves and we should have been men and women enough to stick to those rules. We should not have had to resort to this legislation. I would like to think that when I do eventually kick the habit and become a wowser I will be the first to stand up and draw to your attention, Sir, anyone who flouts this piece of historic legislation that we are now considering.

**Mr LEWIS (Murray-Mallee):** Let us make it plain: I am a member of the committee that resolved to provide adequate areas within the precincts of this building in which we work for the purpose of smoking. That has not worked. An Act that compels people to obey the law or suffer the consequences is a legitimate recourse. The member for Elizabeth is to be commended for that. If honourable members do not know that it is no good for their health, then other honourable members amongst the ranks need to let them know that it is no good for our health. I can say that both objectively and subjectively.

I have had a very serious cancer removed from my lip, which grew there in rapid time in consequence of the habit I had of smoking Log Cabin fine cut roll your own while I was shearing. I never removed the cigarette from my mouth from the time that I lit it to the time that I had pushed the third sheep out of the chute and then I spat the butt behind it. That was a bad practice, and it was in exactly the same spot every time, the very spot in which the cancer grew. Some of us are probably more prone and predisposed to developing those cancers than others. That is beside the point. The fact is that passive smoking can cause some people not only the risk of exposure of getting cancer themselves but, more particularly, continuing discomfort in their soft tissues, in the mucus membranes of their nose, throat and chest, having more wide reaching physiological consequences for those people.

However few they may be in number, the fact remains that we owe it to them, whoever they may be, to respect their rights to fresh, clean air and to enable them to live reasonably comfortable lives in the course of doing their work, whether it be in this building or anywhere else. If we cannot set an example here, how on earth can we as a Parliament, which produces the Government of this State, expect that to be respected anywhere else? I commend the Bill to members.

**Mr HAMILTON (Albert Park):** I support the Bill. As my colleague, the member for Napier so eloquently put it, when he gives away smoking, he will join the clique of the wowsers. If that means I have to be called a wowser, I am quite happy to be called one. Many years ago when I was about 14 years of age and took up smoking, I thought it was a really macho thing to do but, later on in life, particularly in 1985 when I got bronchitis three or four times in quick succession and I found it very difficult to walk from the Grand Prix track up to Parliament House, I soon realised the problems associated with cigarette smoking.

As I said with respect to the Foundation South Australia Bill, I condemn those purveyors of death, because that is all they are. They are the ones who put people onto this filthy, disgusting, rotten habit. I know that offends some people, and it is not directed at you, Sir, but there is an enormous cost to the community. Anyone who has seen someone dying from emphysema or who has seen the vivid films shown in the 1950s and 1960s at the Savoy Newsreel in Rundle Street would not disagree. I well recall the first time I saw a coloured film with a black, cancerous lung being pulled out of a patient's body; people were carted out of the theatre after flaking out because they could not stand the sight of the blood. I believe the message should be shown in all schools in South Australia.

*The Hon. J.P. Trainer interjecting:*

**Mr HAMILTON:** My colleague the Government Whip (the member for Walsh) says that I will not get an invitation from the tobacco industry. If members of that industry were stupid enough to send me one, I know what I would do with it, as I do with most of the correspondence from that institute: I would screw it up and put it where it belongs—in the rubbish bin. I remember when the industry wrote to me on the Foundation South Australia legislation. I wrote back and condemned it as a purveyor of death. I said that smoking is a dirty, disgusting habit, and that I believed that that institute contributed to my ill health in 1985. I asked the institute not to waste its time and mine in the future by writing to me again, because I would not give any support to the rights of that institute. I believe that it mishandles the truth dramatically in terms of what it says about cigarette smoking.

Only today I received a booklet from the tobacco industry, because it is really feeling the pressure. There is no doubt in my mind that it wants to encourage young women in particular (that is where it is directing its attention) to take up this filthy, disgusting habit. I will do whatever I can as a reformed smoker (and probably the worst type) to discourage young people from taking up this disgusting habit. Only recently I attended a function, albeit for a very

short time (I dropped in to see some people) and, on the way home, my driver said to me, 'Kevin, you've been with someone who has been smoking.' He does not smoke either, and the smell of cigarettes on one's clothes, particularly for those people who do not smoke (smokers themselves do not notice it) pervades just about everything. The stench—

**The Hon. J.P. Trainer:** Kissing a smoker is like licking an ashtray.

**Mr HAMILTON:** It is like licking more than that at times, but I will not delve into that. It is an absolutely disgusting habit. I congratulate the member for Elizabeth, because it does take some intestinal fortitude, I would suggest, to introduce a Bill into this Parliament, when there are those who would send him to Coventry for so doing. I am deadly serious in what I am saying. I congratulate him on his doing that.

I enjoy a meal more now than I did in the past, when people were blowing cigarette smoke all over my guests and me. Anyone who believes that tobacco is not harmful (and I do not want to offend anyone), I believe, lives in cloud cuckoo land. One only has to see the impact on one's lung, particularly if one has had open heart surgery. I can recall that, after having a major operation in 1965, black tar and nicotine oozed out of the bronchial tubes from my lungs.

*Members interjecting:*

**Mr HAMILTON:** If members are squeamish, perhaps they can be excused from the Chamber. It comes down to the fact that there is an enormous cost to the community and, when I talk to doctors and surgeons, who see people who suffer from all types of diseases, and when they tell me that people have their legs amputated and suffer from so many other ailments as a result of cigarette smoking, it amazes me that grown adults, including me in the past, ever decide to take up cigarette smoking. All I can suggest to those people who currently smoke is to go into a hospital and talk to a surgeon. I suggest they would welcome those people who believe that cigarette smoking does not do any harm going in to see a black, cancerous lung and the damage that is done. Unfortunately, I think my children followed some of the leads to which I have referred in the community: three of my children smoke, and one of the reasons is that their father did. I actively encourage them to try to give it up. One of them has given it up, but it is not easy for those addicted to this very dangerous substance.

I have no difficulty in supporting this Bill. I believe that Parliament will make the right decision. As members of Parliament, we should set an example to the rest of the community to give up cigarette smoking and not to invade someone else's privacy via second-hand smoke. That is what happens, and young children, who come into this Parliament and see members of Parliament wandering around smoking cigarettes are set a very bad example indeed. Last but not least, the cost to the community is enormous in terms of medical benefits and all those ailments that result from cigarette smoking, such as amputations and premature death.

As I indicated earlier, it cannot be pleasant to watch someone who has smoked for so many years end up with emphysema, becoming so addicted to cigarettes that he has to carry around an oxygen bottle with a mask and, because of that addiction, smoke a cigarette every now and again, having to turn off the oxygen while he smokes the cigarette and then going back on the oxygen bottle. If anyone tells me that is sensible, I'll go he. I strongly support the Bill and congratulate the member for Elizabeth on his courage in bringing it before the Parliament.

**The Hon. JENNIFER CASHMORE (Coles):** I support the Bill and I also commend the member for Elizabeth on his initiative in introducing it. It is a very simple Bill, the purpose of which is to prohibit smoking within the precincts of Parliament House which are under the control and management of the Joint Parliamentary Service Committee.

Strictly speaking, the Bill should not be necessary in so far as the requirements and rules of that committee already prohibit smoking in those areas of Parliament House which are under the committee's control. However, to put the matter beyond doubt, this Bill has been introduced and I understand that it has the majority support of members on both sides.

It is worth recalling for those of us who were elected a decade or more ago—in the case of the member for Kavel, two decades ago—that when we first came into this place, for non-smokers to endure the Party meetings—I believe this was the case on both sides—was an endurance test indeed. It was unpleasant beyond description to have to sit for two to three hours in literally a smoke-filled room. I think that members on both sides will recall the quite fierce debates that preceded the decisions by the majority of members in both the major Parties voluntarily to forgo smoking in the Party rooms. Of course, smoking has never been permitted in the Chamber.

**The Hon. E.R. Goldsworthy:** I feel lucky to have survived.

**The Hon. JENNIFER CASHMORE:** The member for Kavel says that he feels lucky to have survived—an expression of optimism which simply reinforces—

*The Hon. E.R. Goldsworthy interjecting:*

**The ACTING SPEAKER (Mr Gunn):** Order! The member for Kavel has interjected sufficiently.

**The Hon. JENNIFER CASHMORE:** I am patient with my colleagues, because I know that on both sides there is support for this Bill. Indeed, the member for Mount Gambier is right behind me. The member for Kavel's point is well made. Passive smoking has been identified as being as dangerous, if not more dangerous, to the health of those who are affected than smoking itself. That brings to the forefront of this debate the occupational health and safety not only of the members of this Parliament but of the staff of Parliament House who are the innocent victims of members who choose to smoke in their presence while their own working requirements have forbidden smoking, particularly in places where food and refreshments are being served. It behoves us as members of Parliament not only to observe the rules, which are increasingly being applied in workplaces throughout this State and country, but to set an example and to give a lead by enacting similar rules for ourselves.

The effects of smoking have been so well documented that they do not need to be recast here. I can only say that since the early 1980s, when I was active in trying to highlight the dangers of smoking in the community, until now there has been a quite remarkable change of heart and mind among the general public, led by the scientific opinion of health professionals. I hope that this Bill will ensure that from here on in there is no smoking whatsoever by any member within those precincts of the House which are under the control of the Joint Parliamentary Service Committee.

**The Hon. D.J. HOPGOOD (Deputy Premier):** I guess it would seem rather unusual if the Minister of Health were not to enter a debate such as this. If someone were to say to me, as Minister of Health, 'What is the one single thing which would have the greatest impact on the health of South Australians, save your budget money in public hospitals and save a great deal of human misery in our community?' it would be just somehow, in a puff of smoke, if I may say it, doing away with tobacco and smoking altogether.

**The Hon. E.R. Goldsworthy:** What about booze?

**The Hon. D.J. HOPGOOD:** Booze rates pretty high. I accept what the member for Kavel is saying, but tobacco before alcohol. There are those who drink alcohol in moderation. As the honourable member knows, I do not drink at all. There are those who drink in moderation, but it is suggested that there is no such thing as smoking in moderation.

I am a non-smoker. I have broken out only twice in my life. The first was at the age of nine, behind the local Dudley Park dump after footy practice when I was too much of a whimp to inhale, so there was not much chance of my getting the habit as a result of that. The second was at the age of 18 in a stage production when I had to smoke a cigar. The dress rehearsal made me so ill that at the performance itself I just chewed on an unlit cigar and said, 'Never again'.

I am not any great evangelist in this area. It may partly be the force of example that my children do not smoke or it may be the force of my wife's example, but I do count one conversion—the Deputy Leader of the Opposition. The Deputy Leader of the Opposition was a smoker until a little over 12 months ago, and I should like to think that I played some small part in his seeing the light. Out at the front here, before a number of schoolchildren, he indicated that he was going to give up the noxious weed. I thought that he needed a bit of an incentive to ensure that would be the case, and we entered into a very public bet. I lost the bet, I was very happy to lose the bet, and I paid up in kind.

**The ACTING SPEAKER (Mr Gunn):** Order! The honourable Minister will know that wagers are not permitted in the Chamber.

**The Hon. D.J. HOPGOOD:** I understand that, Sir, but it was a very strange wager indeed because I finished up washing and drying dishes at the Festival Theatre.

There has been a development of consciousness in this place, as the member for Coles said. I can remember the late 1970s when we boasted in the Cabinet of the day—in those days cigarettes were put out on the Cabinet table and people just took them off the table—that we were down to three still smoking and only two buying. We thought that was a pretty good effort. Of course, by the late 1980s there were no smokers at all in the Cabinet. At present, there is only one.

There has been an enormous turnaround in people's consciousness, but there is one very important factor why we need to take it that step further and why the member for Elizabeth is to be congratulated on this matter. It has nothing to do with saving people from themselves. My friend and colleague the member for Napier has indicated that one of these days he may be induced to give it up altogether. That is his business; it is not for me to force him to give it up or to make any decisions on his behalf.

The fact of the matter has been touched on by members. The new factor in the situation is the effects of sidestream smoking. I had not quite appreciated the whole effect of that until I became Minister of Health and had the opportunity perhaps to educate myself effectively. I thought it was a matter of people blowing smoke in one's face. In fact, people who do that have already had the stuff filtered twice: first, within the cigarette (if there is some filter there); and, secondly, in their lungs, so they themselves have filtered most of the nasties out in that process. It is what drifts off the end of the lighted cigarette, which is totally unfiltered and cannot be filtered, that can have that deleterious effect.

I would put it as high as this: people who smoke in another person's presence are, in effect, committing assault on that other individual. If they ask the other individual, 'Do you mind if I smoke?' and the other person says, 'No, I don't mind; go ahead'—and I have responded to people in that way from time to time—that is quite another matter. However, I think that where people uninvited smoke in other people's presence that is, in effect, an assault. As I said earlier, we understand the reasons why the member for Elizabeth has put this Bill before the House. We regret that the situation has come to this but, given that the Bill is before us, I can do no more than support it.

**Mrs HUTCHISON (Stuart):** I would like to congratulate the other speakers in this debate, as well as the member for Elizabeth on bringing this Bill before the House. I realise that we should not have had to do that, but I support the measure and add my agreement with the remarks of other members. The second reading explanation states:

> This measure goes beyond that because it also serves to set an example in the area of occupational health and safety and also in public health in general to the wider community.

Given the fact that most workplaces are moving towards smoke-free environments, Parliament House, too, should be smoke-free. As the member for Coles pointed out, staff members here must abide by those rules, and this legislation should apply to all of us across the board.

The health risks are well documented. Nevertheless, some of those issues that have been touched on bear repeating, for example, the effects of passive smoking, which can cause untold damage to people who do not agree with smoking but who do not have a choice in the matter. I have sometimes heard smokers ask, 'What about our rights?' but non-smokers also have rights, which do not seem to have been addressed in the past. I am glad to say that they are now being addressed.

The member for Murray-Mallee commented on his personal experiences involving cancer from smoking. I can also relate the case of a person very close to me who had lung cancer as a result of lighting up one cigarette after another—making his own—for years. Having become addicted to smoking, he eventually suffered from lung cancer. Unfortunately, he was a man who had a great contribution to make but who died early in life from lung cancer caused by smoking.

On the grounds of occupational health and safety alone, every member in this place should support this Bill. It is important for us to show a lead, and we must do so. The member for Elizabeth has been responsible in his attitude in bringing this Bill before the House. I will not relate at length the detrimental effects of smoking because, as I have said, that matter has been well documented, and other speakers mentioned this. I indicate my total support for the Bill.

**Mr BLACKER (Flinders):** I support the Bill. Mention was made earlier about persons having to suffer amputation as a result of a smoking-induced condition. I am the only amputee in this House, but smoking is not the reason for that. However, during my hospitalisation lasting some six months or so, during which I received 13 quite significant and major operations, it was made patently clear to me by the doctors that I was able to stand those operations under the condition I was in at that time basically because of my good health and my not having been a smoker. It was made perfectly clear that, had I been a smoker, my ability to recover would have been reduced considerably.

I did not rise here to speak about my personal affairs. I know from my own personal experience, though, that my being a non-smoker is valued not only in monetary but also in health terms. Let us face it, anyone of us could be involved tomorrow in an accident, and our ability to recover

from that is an important issue that we should all take into account. I commend the member for Elizabeth on introducing this Bill. We would all like to see a smoke-free working environment, and I trust that that will be the ultimate outcome. I am sure we all recognise that most industries and businesses are improving their work environment. Should we go into an environment where smoking is an everyday occurrence, most of us would be quite taken back by that experience. I add my support for the Bill.

**The Hon. J.P. TRAINER (Walsh):** I would like to express my support for this legislation as one who no longer smokes and who holds those who do in some degree of contempt.

**The Hon. T.H. HEMMINGS:** I rise on a point of order, Mr Acting Speaker. The member for Walsh was reflecting on me as an individual. Only 15 to 20 minutes ago I stood up publicly and declared that I am a smoker. The member for Walsh says that he now holds me in contempt.

**The ACTING SPEAKER:** Order! The honourable member is not raising a point of order.

**The Hon. J.P. TRAINER:** I thank you for your protection, Mr Acting Speaker. I am one of those who can be looked on as being in the category of poacher turned gamekeeper. I can well remember the last time I had a cigarette: it was around 20 January 1981 at approximately 2.10 in the afternoon, at which time I realised what a self-destructive habit it was and decided that I would cease to wreak that sort of destruction on my body any more. Of course, nowadays it is not only one's own health but also the health of those around us that has to be considered with this habit, and for that reason I support this legislation.

Normally, workplace conditions in relation to passive smoking are covered by legislation and by Government regulations, such as by the Occupational Health and Safety Act, which spells out what requirements can be laid down by way of regulation. Regulations of that nature do apply throughout the Public Service for the protection of workers. However, those laws, Acts or regulations do not cover the Parliament. Unless an Act actually spells out that the Parliament is covered by an Act, that particular Act does not cover the Parliament. There are quite good reasons for this, because Parliament is supposed to be the supreme authoritative body and should not be subject to any other body, unless it chooses to be so directed.

I believe there may be good reasons for us to choose that more often than is the case at the moment. Normally, with regard to matters such as discrimination Acts, occupational health and safety and so on, we, as a Parliament, either as two Houses or as the Joint Parliamentary Service Committee, which administers much of the infrastructure of the Parliament, do agree to adhere to the spirit of those Acts and regulations but we do not agree that we are bound by them. However, with the spirit of a piece of legislation that seeks to create better working conditions for workers in relation to passive smoking, it obviously has not worked. A Joint Parliamentary Service Committee resolution circulated through the building in a document signed by the Speaker and the President has been blatantly flouted.

Our Party policy regarding smoking is quite clear, and it is rather strange that some of those who are apparently not agreeing to be bound by decisions of the Joint Parliamentary Service Committee on this matter happen to be members of our Party as well as of other Parties in here. It is many years now since the State Executive of the Labor Party banned smoking at its meetings. I am sure that most Labor Party sub-branches ban smoking at their meetings. Our Parliamentary Labor Party Caucus has banned smoking at its meetings for several years, and the Joint Parliamentary Service Committee, by way of resolution, has placed a ban on smoking in most areas of the building. Those requirements of the Joint Parliamentary Service Committee, acting on behalf of the majority of all 69 members of this Parliament—the overwhelming majority of the 69 members of this Parliament, the majority who believe in giving some sort of protection to those around them, protecting them from passive smoking—are being flouted.

I remember on one occasion last year going into the refreshment room and seeing at one end of the bar a Labor Party person smoking, another one in the middle and a third at the other end. One of those was a centre left heavyweight, another was a left wing heavyweight and another was a right wing heavyweight. So it could be said that the requirement was being flouted left, right and centre. The days of this filthy habit are numbered as are the days of those who are habituated to it, and I hope the amount of damage they do to others will diminish.

The spirit behind this Bill is to express some sort of compassion and concern for our fellow workers in this building. We cannot have a double standard: we cannot have regulations for public servants while members of the two Houses flout the rules. This amendment to the Joint Parliamentary Service legislation carries much more weight than merely a resolution of the Joint Parliamentary Service Committee. My understanding of the legislation is that, if the Bill is put into effect, those who flout the resolution will, in effect, be flouting the law of the land. For that offence I assume there will be some sort of penalty, but the Bill does not spell it out. If this Bill reaches the Committee stage in a few minutes, we may have an opportunity to ask the mover what penalty is envisaged.

If the member for Elizabeth has to deal with the Bill in the Committee stage, that will be the first time that we will have applied the last part of Standing Order 20, which provides for another member to take the Chair as Chairman of Committees while the member who would normally occupy that position remains in his normal place in the Chamber to deal with the Bill.

**The ACTING SPEAKER (Mr Gunn):** Order! I do not think that is relevant to the debate.

**The Hon. J.P. TRAINER:** It may not be relevant, but it is my concluding remark.

**Mr S.G. EVANS (Davenport):** I will be very brief. I support the Bill, although I have some difficulty at times understanding what goes on in the area of health. I have no doubt that the effects of cigarette smoking cost the community and the health budget a lot of money, but I am convinced that alcohol abuse costs society more. However, I have also been told that it is unhealthy to overcook vegetables. Recently I attended the funeral of a gentleman with whom I worked for a long time before I entered Parliament. I suppose that one of those things killed him, because he liked his vegetables well cooked, he drank quite a bit of alcohol and he loved to smoke. Unfortunately, he died three years before reaching a century. So, I assume that if he had not done those things he would have lived a lot longer. I support the Bill.

**Mr FERGUSON (Henley Beach):** I support the Bill, and I commend the member for Elizabeth for bringing forth this legislation. I think it is probably significant that the member for Coles spoke in this debate because, during all the time I have been here, she has had the courage of her convictions and has been prepared to put her name down as an anti-smoker. Members will remember that she was the only member of the Opposition who crossed the floor

to vote with the Government when Foundation South Australia was set up. She indicated to Parliament and to the public that she was prepared to stand up for what she had to say about cigarettes—and I commend her for that.

*Members interjecting:*

**Mr FERGUSON:** I know that I am not allowed to answer interjections, but I must put on the record that I have not received an invitation to the Grand Prix from the Tobacco Institute. As a matter of fact, I have not received an invitation to the Grand Prix from anyone. I know that certain people in this House have, but the Tobacco Institute was not prepared to provide me with the invitation that it has extended to other people in this House. I say good luck to those members for receiving an invitation to the Grand Prix, but I must point out that many people on this side of the House have not received an invitation.

*Members interjecting:*

**The ACTING SPEAKER:** Order!

**Mr FERGUSON:** The reference by the member for Coles to what used to happen in our Caucus and Party rooms as far as cigarette smoking is concerned points to how far we have come since my early days in politics. When I was first elected as a delegate to the ALP convention in 1954, meetings were held in the old Trades Hall, I did not attend one meeting when we did not have to sit in a smoke filled atmosphere. I have always been a non-smoker. I am a bit of a wowser and I could not see any sense in spending money on cigarettes. I suppose that is because of my ancestry, which goes back to Scotland. For that reason, I was never prepared to take on—

*The Hon. E.R. Goldsworthy interjecting:*

**The ACTING SPEAKER:** Order! The member for Kavel has persistently interjected. The member for Henley Beach.

**Mr FERGUSON:** The member for Kavel has not looked very well since he came back from his overseas trip, so perhaps he is not quite on the ball. Everyone else has referred to nearly every aspect of this proposition, so I will finish by saying that one of the reasons I support it is that the current situation is unfair to parliamentary staff. Parliamentary staff have accepted the fact that they are not allowed to smoke in prohibited areas. For members of Parliament to flout the rules by smoking in those prohibited areas in front of the staff is, I believe, completely unfair. We, as members of Parliament, should set an example both to the general public and to everyone else. For that reason, I have great privilege in supporting the Bill.

## DISTINGUISHED VISITOR

**The ACTING SPEAKER:** I have been advised by the Minister of Education that sitting in the gallery is a member of Parliament and Chairman of the Social Democratic Party of the Republic of Lithuania, Professor Sakalas. I welcome him to the Parliament, as I am sure do all members.

**Honourable members:** Hear, hear!

## PARLIAMENT (JOINT SERVICES—PROHIBITION ON SMOKING) AMENDMENT BILL

Second reading debate resumed.

**Mr BECKER (Hanson):** I oppose the legislation.

*Members interjecting:*

**Mr BECKER:** This is typical of the idiotic mentality that exists within the anti-smoking lobby in this country, and it has gone on now for about 40 years. When are you going to give up? The manufacture of tobacco is legal in this country. Therefore, I believe we should be free to advertise the product and to consume it as well. This Bill is another typical piece of legislation that we have witnessed from the independent member who wants to change everything within the establishment of Parliament. If we are not careful, he will abolish the whole show. The member for Elizabeth proposes nothing but change for the sake of change. Recently an eminent Professor from the United Kingdom visited this country. An article in the *News* of 23 August 1991 states:

> 'The evidence linking smoking to lung cancer and heart disease had no factual basis whatsoever', a visiting psychologist said. Professor Hans Eysenck, of the Institute of Psychiatry in London, said—

*Members interjecting:*

**Mr BECKER:** No worries about him at all. The article continues:

> . . . many studies of smoking were based on worthless statistics, erroneous conclusions and suspect methodologies. Professor Eysenck, author of a recently published book, *Personality, Smoking and Cancer* said: 'All the evidence linking smoking to lung cancer and heart disease is circumstantial.' He said links between smoking, lung cancer and heart disease were based on evidence from death certificates, and about 50 per cent of the diagnoses given on death certificates were inaccurate.

Nobody has yet conclusively proved that cigarette smoking causes heart disease or cancer. Why is it that some people 95 years of age still smoke?

The idiotic mentality that has existed in this country comes from a few people who have been able to continuously hammer away at this issue and whose only claim to fame has been the continual denigration of Rothmans because they thought it was a South African company. I happened to be in Sydney when this campaign started, and in those days it was fashionable to kick South African companies. However, the actual fact of the matter is that Rothmans is an Australian company.

That idiotic mentality still exists today, because the State Government has banned from display in South Australia the national press photo awards exhibition; from 1992 the display of the national cartoon awards will be banned; and, recently, it banned from appearing in South Australia the Philip Morris jazz band, which has travelled the world and which is performing in every other State of Australia bar South Australia. Here we are—this little isolated State right in the middle of Australia that wants to be first in everything, that wants to prove to the world that it is a great place, a great State and a great God only knows what—still living with the old myth, none of which is backed up by any conclusive scientific evidence to prove that cigarette smoking is harmful.

If it is legal to manufacture cigarettes, it should be legal to advertise them and, if you wish to consume the product, you should be able to do so. To turn around and ban smoking in this establishment is ludicrous. There is a lot more behind it than just banning smoking in Parliament House for the sake of the independent member for Elizabeth. This will give a dangerous lead to private enterprise and the work force. No-one will ever stamp out cigarette smoking among the working class in this country. Workers must be given the opportunity to smoke. If we discriminate against them in employment, the Commissioner for Equal Opportunity will come down on us like a ton of bricks.

Workers who smoke should have access to a smoking area. Members should remember that the productivity of those workers who smoke cigarettes has been a hell of a lot better than those who do not. Smokers are being forced out into the street like lepers. Those who treat people who want to have a cigarette like that are being schizophrenic. Here we have this Government, the very political Party that says

it represents the worker, doing things like that. There are only three benefits the worker has been able to enjoy in this country—cigarettes, a beer and a drive in a motor car—and members opposite have taxed the blooming daylights out of all of them.

**The Hon. E.R. GOLDSWORTHY (Kavel):** I was not going to speak to this Bill, but will do so briefly having been forced to my feet by my colleague, the member for Hanson, for whom I have a lot of respect. However, on this occasion I must disagree with him. I do not think that his evidence is soundly based. Two sorts of people in this world worry me—lawyers and psychiatrists. I will not expand on my experience and views of lawyers. The member for Hanson quoted an eminent psychiatrist from London to give credence to his argument that smoking did not do any harm.

Psychiatrists are supposed to treat that part of the body above the neck, but I have grave doubts about their ability to do so. I will recount to the House an anecdote which involves a psychiatrist I went to school with some 40 years ago. Because I would hate to identify him, I will use a fictitious name—John B. Smith. I attended a family reunion in the Botanic Gardens when I ran into the only psychiatrist I know although, as I said, I had not seen him for 40 years. I said, 'Blow me down, it's John B. Smith.' He said, 'It's Eric Roger Goldsworthy. Are you well?' I said, 'Yes, very well John.' He said, 'Are you sure?' I said, 'Yes, I am well.' He said, 'Are you sure?' He had me on the 'head shrinker' couch—

**The SPEAKER:** Order! This debate has been very wide-ranging. I have not been able to be in the Chair for all of it, but I have listened to it on the speaker. It is a very simple Bill with only two clauses. There is absolutely nothing in it about John B. Smith or about diseased lungs. It is a very simple Bill to prohibit smoking in Parliament House in certain areas. I would ask all contributors to the debate—

*The Hon. T.H. Hemmings interjecting:*

**The SPEAKER:** Order! The member for Napier is out of order. I would ask all members to bear in mind the Standing Order relating to relevance. The honourable member for Kavel.

**The Hon. E.R. GOLDSWORTHY:** I am debating the argument of the member for Hanson who suggested that this eminent psychiatrist knew something about the effects of smoking on the human body. The point I was making was that they do not know much about the human mind, let alone the human lungs. My only experience with psychiatrists—

**The SPEAKER:** Order! The member for Kavel is very close to flouting the Chair. He continued directly on with the line he was debating previously, immediately after the Chair had asked him to bear in mind the need for relevance in the debate. The honourable member for Kavel.

*Mr Brindal interjecting:*

**The SPEAKER:** Order! I do not think the member for Hayward needs to join in.

**The Hon. E.R. GOLDSWORTHY:** I reject the evidence of the member for Hanson that the person he quoted was an expert. That person obviously knew nothing at all about those parts of the human body that smoking affects. To be entirely relevant, I support the Bill.

**Mr HERON (Peake):** Prior to the dinner break we spent about two hours debating the Fisheries (Miscellaneous) Amendment Bill. Sitting here, listening to this debate, I thought I was a fish out of water. Then I heard the words of the member for Hanson, and that gave me a little more impetus to join in. Going back a few years I was involved in the building of a large establishment which employed some 30 people, and the very same problem that is being debated here tonight was discussed then. When completed this building had a special room with exhaust fans where smokers could smoke. That smoke was expelled from the building and did not affect the air-conditioning or other staff who did not want to go into that room. That room with the exhaust fans solved the problem that we are debating now, and it provided an area where smokers could eat and smoke.

After that building was opened it was surprising to find that the non-smokers who had complained to me about having to eat their sandwiches with smokers eventually finished up eating their meals in the smoking room with the smokers because they missed their company. As a smoker I set the example of not going into that room trying to assist those people. I have moved motions in relation to smoking, advocating that it be looked at very carefully in relation to workers. However, special areas must be provided so that smokers can have a cigarette and not affect those who do not smoke.

The problem in this House could have been solved by providing a smoking room with exhaust fans to expel the smoke without interfering with other members or staff. However, that did not occur. Tonight I have heard members talk about other people's welfare. I point out that the individual who smokes also plays a part in looking after their own welfare.

I also find it a bit hypocritical when we sit in this House and make legislation in relation to smoking: are we going far enough in this regard if this is the way the House feels? Should we be banning cigarettes altogether right across the board? If we go ahead and ban cigarettes right across the board, I would like to see every member in this House going into every hotel in their electorates and telling the people in the front bar that there is to be no smoking.

**The SPEAKER:** Order! The time for debate has expired.

## MARALINGA TJARUTJA LAND RIGHTS (ADDITIONAL LANDS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

## FISHERIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1570.)

**Mr LEWIS (Murray-Mallee):** Before the dinner adjournment I had made the point that I believed that there was a means by which we could more effectively control the exploitation of a stock in any fishery in the wild than by simply licensing people to take it, whether for commercial purposes or for amateur purposes. This would involve the use of modern technology in the form of coded chips, miniaturised in tags, in much the same way as we use bar codes on goods that we find on the supermarket shelf. We could not only identify the species, with the colours available, suited to the purpose, but also the month, given a month's grace either side, in which the tag could be applied as regards the quantity of any of the fish stocks that we are talking about.

We already do that with animals that we send to the abattoir for commercial purposes. They wear tags on their

tails, and we already do it for other animals that we take from the wild, for instance, kangaroos. There is no reason why we cannot use even smarter technology, already available, to monitor and manage the stocks of fish available to us in the wild. I have made my point to the House about the desirability of having licences that are not forever, but rather that simply provide for a given period of time over which they apply. I do not need to reiterate that.

I wish to draw the attention of members to the nature of tenure that is required for fish farming to become successful, in my judgment. Fluids are liquids or gases. As a matter of fact, then, fluids cover the earth, regardless of where the solid surface of the earth may be, whether it is dry land or wetland, that is, whether it is free of inundation or covered in fresh or salt water. Australia has claimed legal jurisdiction and constitutional control for the purposes of human occupation of that part of the world that we know as the Australian Continental Shelf, again, whether that is in the form of water or the atmosphere. There is no reason at all why we cannot establish title to land, regardless of whether it is beneath the waves or above them.

Surely it is within the capacity of our wit to see the wisdom of doing that. It would provide us with the means by which, as individual citizens, we could choose to own land in circumstances suited to the farming of fish. I hear some people immediately cry that that would be inappropriate because we could not control the movement of animals in the fluid of the water where those fish live, that they swim free. That is piffle. Oysters, for example, do not swim away. They stay where they are kept. There is no necessity whatever for us to contemplate the futility of putting a fence around other fish that can swim and move—in the same way as we put a fence around animals. Just because they move three-dimensionally in the fluid, in the water, it does not mean that they cannot be restrained. They can be. We see sheep that walk on the surface of the earth and gravity plays a part in enabling us to easily fence them in. It is no less difficult for us to fence fish in nets that are suitable for farming in the open ocean.

The other thing that people who oppose the idea that I have just put on the record for members to consider might say is that disease is more easily carried in water, amongst animals that occupy it, than is the case with terrestrial animals, those on the land. Again, that is not true. Disease and other pests can spread just as easily in the atmosphere, from animal to animal or from lot to lot—and witness the movement of weeds or insect pests from one property to another, in fact, probably more easily—than they can in the sea. Therefore, I do not find any difficulty whatever with the notion of providing freehold title to areas of Australia that are covered by water, whether this be freshwater wetland or saltwater wetland, where that land is to be used for the purpose for which a relevant part of planning law establishes it.

The other point in favour of my proposal is that local government would then be able to collect rates, and let me make no bones about it. The people who own those fish farming enterprises have to use resources provided by local government as much as State Government. They need access to roads to get to and from their properties and such things. They have to live somewhere, and clearly they do not have gills so cannot live beneath the water and, regardless, their rubbish and so on has to be removed. So, at present we find it is not popular for local government to collect rates from a population of people involved in fish farming, in what could become a substantial area of some of the coastal bays of South Australia, or other coves, depending on the species that were being farmed in those restricted situations.

Therefore, I am very much in favour of establishing the notion of freehold title. It is underlined, of course, by our proposal in this legislation to acknowledge that it is possible to establish marine parks. For goodness sake, if we can identify the boundaries of a marine park by survey techniques, with mooring buoys and so on, there is no reason at all why we cannot identify the boundaries of privately held land beneath the waves. It is not the land *per se*, but the space from where the boundaries are located on the solid surface of the earth, the bed of the sea, through the fluid above, whether it is just atmosphere or atmosphere and water. In the first instance, of course, above the land we would have the water and the atmosphere above that. That is what we have defined in law as being the rights of freehold owners of the land, and their peaceful enjoyment of it, for the purposes for which the development plan for that locality indicates it has been established.

So much for that notion. I want to say something further now about marine parks, in the very limited time that I have left to me. Landforms above the waves, that is, terrestrial landforms, and our subjective appraisal of them, tends to indicate at present where we put marine parks, and that is wrong. We ought to make a thorough examination of the environment beneath the waves before determining where to place a marine park, and it ought not to be only for aesthetic reasons that they are so placed. Also, the area that we dedicate as marine park should not simply be so great as we choose, by looking at it from above the waves. We ought to be sensible about that and keep whatever is necessary to sustain the diversity of the species in the ecosystem that is below the waves and not alienate more of it for the marine park than is necessary, recognising that the balance can be used for the production of protein for human beings, and so on, whether animal or vegetable.

The last thing I wish to address is clause 18, which amends section 51 of the principal Act. There are three parts of 51a, and I do not think we really need those changes. I am not in favour of them: given the framework in which I have already said this legislation can operate, there is no necessity to include paragraphs *(h)* and *(p)*. It is a pity that such a measure of control is applied here to people involved in fish farming. New section 51a provides that the Governor may make regulations for the regulation of fish farming and the control of exotic fish and disease in fish, and the regulations may require the holder of a fish farming licence to furnish the Director with returns in a form determined by the Minister, setting out such information as the Director may, with the approval of the Minister, require relating to the fish farmed and operations carried on by the holder of the licence. We do not require that of somebody raising beef, raising chickens or milking cows, so why on earth do we require the fish farmer to do that sort of thing?

Paragraph *(p)* provides that the regulations may prescribe and provide for the measures to be taken and the powers of the Director and other fisheries officers for the recovery, eradication or containment of exotic fish or other fish—and that is the bit I am talking about—that have been released or have escaped into any waters, or for the treatment of waters contaminated by water in which such fish have been kept. I do not know that that is altogether necessary. I have just about used the time available to me. I would have chosen to address the definition of 'aquatic'.

**The SPEAKER:** Order! The honourable member's time has expired. The member for Mount Gambier.

**The Hon. H. ALLISON (Mount Gambier):** I do not intend to be very long in addressing this matter, but I would

like to speak on behalf of the fishermen in the South-East of South Australia in particular, and I believe also on behalf of fishermen across the wider coastline of this State. Over the past few months, particularly while the Parliament was in recess, quite frequently opposition has been expressed to me to at least one clause, namely, clause 12. In case members think that there is something of *deja vu* in our considering this legislation, I would like to read a few comments that have been made with regard to the powers that the Director of Fisheries possesses. For example, regarding an amendment to the original Act in 1980, it was stated:

> There would be no purpose in moving these amendments and introducing the management plan if it were not for the powers that have been given to the Director. That is the sole reason for the amendments. Clause 3 gives wide powers, and that is why we have introduced the amendment. It is not a new concept.

Further, the comment was made:

> Normally, those powers would be given by regulation or proclamation but I have agreed with the Minister that the management of the marine scale fishery is too complex for that to be done, so it is necessary to have other guidelines.

Later during that debate, it was stated:

> This is the most important clause in this short Bill, because it gives the Bill all its teeth in relation to the Director's powers to apply conditions to fishing licences. In my second reading speech I outlined the very wide ranging powers that the Director now enjoys. The Director can also impose any other restrictions or prohibitions similar or dissimilar to those referred to in this clause. The Director will be given a completely all embracing power that he can apply to any particular licence—not a group of licences—but to an individual licence.

So it went on, page after page, and those comments were made by a Labor Party member opposing very strong powers given to a Director of Fisheries back in 1980, quite a long time ago. Now, in 1991, we are giving even stronger powers to a South Australian Director of Fisheries—and they may be strengthened even further in the future.

The fishermen in the South-East are extremely worried that there is no indication from the Minister sitting in this House at the moment that he intends to amend clause 12, despite the fact that he has had very strong representation from the fishing industry. There is every possibility that the Director could put a fisherman completely out of business when a fisherman has used his licence as collateral, something which took us many years to arrange by careful negotiation with banks, which were very suspicious that a fishing licence was a somewhat ephemeral, impermanent thing. Fishermen have won the right to use their licence as collateral and now, with the introduction of this Bill before us, we have the strong possibility that a Director of Fisheries could introduce conditions which would destroy that collateral and the livelihood of a fisherman.

These powers really are additional, awsome powers for a Minister, and I think members should realise that the fishermen need not even have broken the law when the Director of Fisheries exercises his right to change conditions on a licence: the Director could change those conditions for a perfectly legitimate purpose in the Director's eyes, such as better management of a depleted fishery. That would still not help the fishermen, whose ability to use the licence as collateral would be destroyed. In the second reading explanation under the heading 'Licence conditions' the Minister said that section 37 enables the Director to impose conditions on licences. Conditions must be directed towards conserving, enhancing or managing fishery resources, or related to matters prescribed in the scheme of management regulations for the fishery. Further on, at the very foot of the page, he said:

> The Crown Solicitor has advised that in order to overcome such a situation—

which is described in the paragraph—

> it is necessary to amend the legislation.

I believe that this clause is more necessary to save the face of the Government, the Minister and, in particular, the Director of Fisheries, who might have made some injudicious decisions affecting the livelihood of a number of fishermen, which decisions date back not just one or two years but several years, and include the Lukin case which, I believe, the Opposition spokesman on fisheries adverted to in his second reading contribution. That was the case in which the Director of Fisheries sought to prevent the family from fishing for salmon on their licence. The courts ruled against the Government, and that was an embarrassment. That embarrassment has been extended into Victoria, where Victorian Minister Crabbe sought to impose regulations, I believe, on the mussel fisheries in Port Phillip Bay.

There again, the courts ruled against the Government and said that the Minister did not have the right to impinge upon the proper fishing conducted by a legitimate licence holder. Yet, here we are introducing legislation which enables the Director not only to impose conditions but also to do more than that; he can impose conditions in absolute defiance of any decision made by the courts of Australia. What sorts of powers are those for a Director of Fisheries? I simply cannot understand how the Minister can allow that situation to arise and to create such fear in the minds of fishermen in South Australia.

The fishermen in Port MacDonnell in the South-East have been reasonable; they have corresponded between one another and held meetings rationally and calmly, and at a meeting in August the President said that the first thing to address at the meeting was the proposed change to section 37 of the Fisheries Act. He said:

> This proposed change allows the Director to override any decision of the courts (where he is now restrained) to impose a condition on a licence—even to the extent of rendering the licence useless.

Hence my own fears about the licence being used as collateral and, therefore, security against what could be a substantial loan to a fisherman for two reasons: first, to enter the industry and, secondly, to fund his participation in the Government imposed buy-back schemes.

The Government really has the fisherman by the throat. It has got him in the buy-back scheme, forcing the fishermen who remain in the scheme to subscribe towards the buying out of those who have left the industry and, furthermore, it has got control over the licence by having the absolute power to decide whether to leave the licence as it is or whether to impose stringent conditions upon it to reduce the fishing rights of fishermen.

**The Hon. Ted Chapman:** Are you saying that the Director of Fisheries has not demonstrated his—

**The SPEAKER:** Order! The member for Alexandra will get an opportunity later.

**The Hon. H. ALLISON:** The member for Alexandra knows my feelings on that subject. I should not answer his interjection, so I will introduce the issue into my second reading speech. He has reminded me of a major concern: that the Director of Fisheries does not have the absolute confidence—I say that euphemistically—of fishermen in the Lower South East, because in his business intercourse with them they have found him to be a person somewhat in search of power and more than a little resentful of suggestions or actions by fishermen which represent not even opposition but simply the seeking of answers to legitimate questions. To have a Director of Fisheries who has not given answers to questions which I have heard put to him to my satisfaction is somewhat distressing. I will not enlarge upon that. I have volumes of correspondence on the subject.

**The Hon. Ted Chapman:** The select committee report tabled yesterday said that he was aggressive.

**The Hon. H. ALLISON:** I did not want to refer to that, because, as Tom Playford said to me many years ago, 'If you tackle the issue and the man is wrong, the man will fall.' In this case we will stick to the issue, and that is that the Director should not be given more draconian powers than he already possesses. That report would be well worth every member reading. It certainly has some enlightening information. That is just one aspect of the Bill. I know that the member for Alexandra wishes to expound on another aspect. As I would only be duplicating the content of the debate, I will conclude my remarks and defer to the member for Alexandra. I intend to take up this matter in more detail in Committee.

**The Hon. TED CHAPMAN (Alexandra):** A number of members on this side of the House have addressed this Bill and far be it for me to seek to duplicate any of their remarks. I draw the attention of members to page 10 of the Bill: clause 18, 'Substitution of section 51', provides:

Section 51 of the principal Act is repealed and the following sections are substituted:

I quote from that new section to remind members of precisely what it provides:

51. A person must not engage in fish farming unless—
*(a)* the person holds a licence issued by the Director in accordance with the regulations;
or
*(b)* the person is acting as an agent of a person holding such a licence.
Penalty: Division 6 fine.

I made a few inquiries over the past few weeks about this pending amendment, and this provision in particular. My first inquiries were of the Minister of Fisheries during the Estimates Committee. At that time I asked the Minister whether he had in mind in his pending amendments to the Fisheries Act the licensing of fish farming in South Australia, whether or not fish farmers were marketing their product. He has not yet given me an answer to those questions that I raised during the Estimates Committee following the tabling of the 1991-92 State budget.

In the absence of official replies, I raised the subject privately with the Minister this evening. I shall be careful not to quote the Minister on any matters discussed outside this Chamber. However, a few minutes ago I brought the subject to the Minister's attention privately in this Chamber and this is what he told me. On his reading of his own Bill, people may indulge in fish farming without a licence unless they market the fish; in other words, for their own private use and production they can do what they like.

That is not what the Bill says. The Bill, in the portion to which I referred on page 10, under 'Substitution of section 51', provides:

A person must not engage in fish farming unless—
*(a)* the person holds a licence . . .

There is nothing about whether he markets the product. He can do it for a hobby, and under the terms of the Bill he must still have a licence. It is bad enough to suggest in legislation that a person indulging in a diversified practice on a farm should be licensed to do so where it is the intention of the farmer to market the product, but it is worse to have a Bill that is so loose as to say, in effect, that, even if a person indulges in the practice, whether he eats the fish, feeds the fish produced back onto the land for fertiliser, or provides it for the shags, the ducks, the frogs, the sheep or whatever to eat, he is subject to having a licence.

The whole thing has gone from the sublime to the ridiculous. We have gone overboard in this regard. As I indicated to the Minister—he was talking to someone else a few minutes ago, no doubt busy on parliamentary matters—I have not yet had a reply to the questions that I raised during the Estimates Committee. I remind the Minister that an undertaking was given. I am just a little concerned now to be faced with the second reading debate of the Bill and we do not know what the position is. I suppose that, like other members, I shall have to wait until the Committee stage, the eleventh hour, just before the bell goes, to get the answers and, if I do not like them, it is too late to prepare any amendments or to do anything else about it. Quite clearly and sincerely I draw the Minister's attention to the looseness of those words in particular.

My concern about the principle of licensing goes deeper than the matters to which I have just referred. I want to deal specifically with the situation of primary producers in this State. Not all of them are in a bad way, but many of them are struggling to know where their next feed is coming from. They have got their backs to the wall and they are in great financial trouble. I commend those in our rural sector—the primary regions of the State, whether on the farms, in the villages, in the service industries in those villages, or whatever—for their attempts to do a bit of extra work, their attempts to diversify, their attempts not only to maintain their activities in livestock, for example, but to have a few ducks and emus or whatever—anything at all. They may set up a little motel on the farm, have a restaurant, indulge in other activities, and even go out and catch a few fish for a feed. I include the opportunity to diversify and to go into fish farming if that is what they want to do. They may scratch up a paddock and put in a few lupins, barley, oats, peas, beans, or whatever.

To dampen, inhibit, encumber or burden those people on the farm who have that sort of initiative with yet another licence is, in my view, totally unacceptable. I say that after having discussed the subject broadly with the primary producers whom I represent and those who reside in the State beyond. There is outrage in the community at large about the number of licences, registration fees and other like encumbrances that small businesses have to face in this State. We have heard members representing delicatessen operators and such small businesses in this place before. I recall one member on this side of the House identifying 17 separate licences of one form or another that were required of a service station operator who indulged in some deli-type activities as part and parcel of the business.

The same sort of disease appears to be spreading into the rural sector as well. The real representative of the Government, the Minister of Agriculture-cum-Minister of Fisheries—in this case both—should heed the plight of those people and back off a bit. The Bill as I read it, particularly clause 15, which proposes that section 51 of the principal Act be so far amended as to include licensing for fish farming, is a demonstration of the Government's having gone overboard in an attempt to get more revenue into the coffers. We all know what a tight corner the Government is in. We all know what a tight corner the State at large is in; it involves all of us. The Government must get money from somewhere. I agree but not from those who are genuinely trying to diversify farming practices on their privately owned farmlands.

The Minister has gone overboard. No-one likes to be embarrassed; no-one likes to be shown up as having made a mistake if it can possibly be avoided—we are all human in that respect. I do not want to put the Minister in an embarrassing position, but I plead with him, through you,

Mr Speaker, to back off in this instance. When the Minister is good and ready, I would like him to bring down an answer to the specific questions I asked on behalf of my constituents in the Estimates Committee. I would like him to heed what I am saying in this instance on behalf of not just those primary producers but all the other people who depend on primary production in this State to survive—and that goes for virtually all of us.

I know that from time to time members on the other side of the House—and maybe even a few on this side as well—see the primary producers as being one-eyed, biased, cockey supporters who are not prepared to see the viewpoint of the other side of the community, that is, the arty, obviously unproductive side. However, the bottom line is that we all rely on the income we receive from our production of what we ourselves do not eat or, by way of fibre production, use. We ought to remind ourselves from time to time that we are all in this together. If we further encumber—or go so far as to destroy—our primary industry sector we will all pay the piper.

I am not embarrassed, I do not feel that I am so parochial, one-eyed and one-sided as to be uncomfortable about singing a song on behalf of my primary producers. I do not feel at all out of place supporting their right and their opportunity to diversify in their respective practices, because there are hallmarks to indicate that what they do not diversify in now they will have to diversify in tomorrow. They have a long, hard road to hoe. I do not want to get into the economic situation of this State in any great depth in this debate—far be it from me to get away from the actual Bill—but things are pretty serious out there in the big paddock.

In this situation the opportunity lends itself for me in a pleading—certainly not dominating or dictating—way to remind every member in this House how bad it is out there, and how we ought to have at least some regard for those people's opportunity to diversify without licence, fee, charge or inspectors breathing down their neck in regard to ordinary commonsense practices. If such practices were to lead to disease of the water, the sheep, cabbages, camels, emus, cattle or whatever else might be run on the farm, one can see there would need to be a little bit of careful management and control.

*Mr Lewis interjecting:*

**The Hon. TED CHAPMAN:** There are plenty of those rules already, as the member for Murray-Mallee says, by way of quiet, logical and sensible interjection. There is plenty of that there now: we do not need to duplicate the licensing system in this Bill just to achieve a bit of careful control over our practices in relation to disease. We do not need it. Yet again, the Government has reached into another area to get revenue—unnecessarily, unjustifiably and (I can say quite confidently on behalf of my rural constituents) in a most unwelcome way.

I will seek to obtain from my colleague, the handler of this legislation on behalf of the Liberal Party, the member for Goyder, permission to prepare an amendment to this clause of the Bill so as to take away the Minister's proposal to give the Director in this instance the powers to introduce licensing and licence fees for the purposes of diversification on the farm into fish breeding or cultivation of fish practices, and to take away licensing under the Fisheries Act in terms of any form of licence encumbrance associated with such practices on the farm.

I accept that, from a general public health point of view, if and when such products are marketed to the public, there are adequate provisions to cover the ingredients of health food distribution in this State. There are already plenty of rules to require the marketer of food products to the public to ensure that those food products have a clean bill of health. I do not argue about that sort of requirement.

However, as for the actual practice of farming being licensed, it is abhorent and unacceptable. As far as I know, only one production practice on the farm requires a licence, that is, the licensing of a dairy bull. Such licensing dates back to the very early days of livestock farming in this State. By arrangement with the industry—in fact, as I understand it, by request of the dairy industry itself—the Government of the day agreed to introduce a licensing system for dairy bulls.

The keeping and farming of beef breeds, rams, ewes, wethers and all other forms of livestock, whether they also include goats, deer, camels, horses, emus and so on, do not require licensing stock. Farmers in this State do not require a licence to grow wheat, barley, oats or any other of the hard grains. They do not have to have a licence, to grow—or to market, for that matter—other farm produce. If we try to market meat to the consumer, of course we will need a licence, because we are then sending to market a processed product.

But the other commodities to which I referred are the choice of the individual. They are an ingredient or, at least, a flow-on ingredient, of the Torrens title system in this State that enables the holder of a land title to undertake activities on that land and to take from it, within the proper practices of land management, whatever produce they choose to cultivate. A breach of that principle is, I believe, unacceptable and ought to be seen to be unacceptable by the Government. Accordingly, I urge the Minister to reconsider the section to which I have referred and to take into account the relevant matters that I have drawn to his attention this evening.

**The Hon. LYNN ARNOLD (Minister of Fisheries):** I thank members for their contributions this evening. They have raised a number of points, some of which I will have to take on notice and report back to them before this matter is considered in Committee. It is my intention, subject to the acceptance of the House, that this matter be further considered in Committee in about the third week of November. I make that proposal at the request of the fishing industry, which wants the opportunity to further consult with its members. It put this proposal to me some time ago, and I gave an undertaking that we would not proceed with the matter until towards the end of November. I intend to honour that commitment subject to the will of the House. It will give us a chance to examine further a number of issues raised by members in debate this afternoon and this evening, and I will report back on those issues.

A number of viewpoints expressed by members and by representatives of the fishing industry have been examined. I acknowledge that you, Mr Speaker, have also raised with me a number of concerns, some of which relate to section 37 of the legislation, and I have been pleased to have those discussions with you. Clearly, we will be able to consider the amendments in Committee, but at this stage it is inappropriate to canvass amendments that will be put on file at that time. However, I will canvass a few other points that are important to note.

I believe that a number of people have taken exception to the ways in which the legislation might be applied. I do not object to the right of anyone to impede motives, even in this place, to other people or to infer all sorts of implications of the legislation, but the important thing at the end of the day, with which no-one in this House would disagree, is the need to maintain the fishery resources of this State, not just for present day exploitation by the commercial and

recreational sectors but for future generations. We need to determine the most effective ways of doing that. We can argue about the particular ways that this can best be done, but we would not disagree on the fact that we want to have fish in our marine resources that can be exploited 100 years from now.

We need to examine the best way to define that in law. This State has a history of fisheries legislation dating back about 140 years. The first legislation in South Australia affected oysters in the wild—not aquaculture oysters—and was put in place in an effort to preserve that particular resource. It was a bold initiative of the Parliament at that time but it failed because natural oysters in South Australia were fished out. So, the legislation passed by legislators of the day to try to get it right, to preserve something for generations ahead, did not work. That leads one to perhaps err on the side of extra caution to make sure—

**The Hon. Ted Chapman:** Or no legislation.

**The Hon. LYNN ARNOLD:** No legislation will very quickly result in the over-exploitation of the fisheries, as experience in a number of other parts of the world will show. One only has to look at abalone fisheries to discover that few places in the world still have a commercial abalone fishery, and South Australia is one of them. It is one of them because we have had the interaction of industry and Government and the application of appropriate legislation. In the absence of that legislation, we would have joined the many other areas previously rich in abalone that have now been over-exploited.

The point I am trying to make is that we can impute motives to the Minister of Fisheries of the day, to Ministers of Fisheries to come or to the Director of Fisheries of the day or Directors of Fisheries to come, but the whole issue we are debating at the end of it all is whether we have in place the proper legal mechanism to ensure that something is there 100 years from now just as legislators 140 years ago tried and failed to do, with the result that one fishery was literally raked out even though there was legislation in place to protect it. I understand a lot of the points that have been made, the department and I are listening very sensitively to some of those issues, particularly in relation to section 37, and we will take those viewpoints into further account in Committee.

With reference to the matter raised by the member for Alexandra, I apologise if I have not supplied him with an answer, because I understood that almost all of the answers had been provided to questions asked in the Estimates Committee. I normally ride my office pretty hard on that matter, as I am very keen to get the answers through as quickly as possible, but obviously we have overlooked some and I apologise for that.

**The Hon. Ted Chapman:** You do recall it?

**The Hon. LYNN ARNOLD:** Yes, but in the plethora of answers that came across my desk for my signature, I have to say that obviously I overlooked the fact that we still had a gap, and we will rectify that position as soon as possible. However, I believe that we have answered the bulk of the questions asked in the Estimates Committee, and I think members will agree with that. My bush lawyer feeling—and I would not want to put it any higher than that, because I might come back and say that the detailed answers we have provided after consulting with Crown law and various other worthy advisers suggest something different—is that the definition of fish farming under the Fisheries Act 1982, which was amended in 1988 and is proposed to be amended now, at no stage, from my cursory reading, seems to have taken away the essence of the issue at hand: that is, that fish farming means propagating or keeping stocks of fish for the purpose of trade or business.

If one wants to keep fish for one's own purposes but does not want to sell them, that is not keeping fish for the purpose of trade or business. That is a bush lawyer's interpretation, but I will have that matter confirmed. I acknowledge that there is an issue that may have caused further concern, but there is a justifiable reason for that. The second reading explanation refers to fish kept in private waters surrounded by private land. It refers to the fact that people will not be affected unless they keep exotic fish. The relevant passage states:

> The placement of exotic fish in 'private' waters is not covered by the Act if the individual does not engage in fish farming—that is, simply introduces exotic fish (without regard to disease control) and takes no action to nurture or cultivate those fish.

That seems to imply that, if they are not doing it for commercial purposes, there is no problem; however, if they are doing it for the purpose of cultivating those fish—again, even if not for trade or commercial benefit—nevertheless there would be a risk that that could take place. Members of this place would know that private waters are not always surrounded by land. In other words, there are times when floods or other conditions can change water linkages and suddenly a previously separate body of water, such as in a reservoir or a dam of some kind, can become part of a wider watercourse, and if exotic species have been cultivated to large numbers in those private waters they could escape and affect the wider watercourse. That clearly is something that could be a problem.

I know there was an example of a dam, I think at Leigh Creek, which was separate from watercourses and which had introduced to it exotic species, mainly goldfish I think, purely for the purposes of the aesthetics of the body of water and perhaps for the cleaning of the water. At some later stage they had to drain that body of water, and I believe something like one or two million goldfish were found to then be living in that body of water. In other words, there had been an enormous proliferation of them. If that dam had been connected to another watercourse by flooding or something, those goldfish could have escaped into the wider watercourse and caused damage that would not have been wanted by anybody. As I say, I will get more definitive answers on those issues for the honourable member.

**The Hon. Ted Chapman:** Can you tell us what the problem is with goldfish proliferation?

**The Hon. LYNN ARNOLD:** There are a couple of potential problems with goldfish proliferation, and one is if the goldfish are diseased.

*The Hon. Ted Chapman interjecting:*

**The Hon. LYNN ARNOLD:** Yes. In fact, at two recent conferences of Ministers of Fisheries we have had to deal with the problem of the introduction into this country of diseased goldfish. So, there is a potential problem there: it is not always certain—and I speak not only as a bush lawyer but also an amateur piscatologist—that some conditions of fish will not spread to other species. For example, the redfin virus can put at risk other species of fish, not just redfin; and it may well be the same for goldfish.

The second issue is that the marine environment is an environment where various species of fish feed on plants, and suddenly introducing a new group to feed on the plant vegetation may suddenly unbalance things and result in the native species being forced out. That is precisely what happened with European carp reducing the numbers of native species in the river system.

**The Hon. Ted Chapman:** Other than registering and monitoring, what is licensing going to do?

**The Hon. LYNN ARNOLD:** I believe that essentially the purpose is for registering and monitoring. The honourable member is impugning motives that the Government is seeing this as a cash register for wealth. It is not the intention to do that.

**The Hon. Ted Chapman:** Why not just register?

**The Hon. LYNN ARNOLD:** The fact is that any activity like that still costs the time of the officers and at some point somebody has to pay for that time. If that is not to be the person who causes the activity to take place, it has to be the taxpayer at large, and I think there is a valid point that says that that cost should be borne by the person who is involved in the registering. A number of other matters have arisen, and I will first deal with access to bodies of water. Quite recently we have had the issue of the Cooper's Creek system before us. The proposition was raised that people should be able to access the proliferation of species of fish in the Cooper's Creek as a result of the floodings that have taken place in the past two years. On the face of it that seems very reasonable, because when the Cooper's Creek system suddenly loses a lot of its water these fish will die, and the proposition was that, therefore, we should allow these fish to be exploited.

However, a series of quite genuine environmental questions need to be addressed. For example, those fish represent, until their final demise, a foodstock for pelicans and other varieties of birds which will move to other areas when they have exhausted that foodstock. There is also a need for there to be residual fish stock left so that when there is later flooding there is a viable biomass of fish that can breed itself up again to take advantage of the water resources there. I think we have far too little information available about the marine ecosystems that exist in places like the Cooper's Creek system to allow open fishing of the resource at times of flooding.

Secondly, we have the issue of who is to do the fishing—in other words, how would the licence system be arranged? Should it be available to the surrounding landholders or to other commercial fishers from other parts of the State? If this second point is chosen as being the applicable case—and there is a lot of argument why it should be—there is then the question of the equipment that they use. I come back to the redfin virus question. One of the issues we would have to face is whether we would allow them to take the equipment they are presently using in other waters into those waters and perhaps introduce a virus that is not presently there.

Putting all those questions aside, one other matter has arisen about which I have recently written to one of the land leaseholders in the area suggesting that, while we are not prepared to allow access to the broad Cooper's Creek system, we are prepared to allow access to waters within and surrounded by the leasehold that are not now part of that broader system; in other words, the waters have dried up sufficiently that they are separate from it. However, there is still one caveat, and that is that the leaseholders would have to obtain permission from the Pastoral Board because the Pastoral Board is the technical owner of the lease on behalf of the community. Subject to that, I think it would be quite reasonable for those waters to be so exploited by the leaseholder rather than other fishers.

A number of other issues have been raised. It certainly concerns me that we have not been able to get this legislation before and through this House quicker than this, and I accept and agree with the reasons why we will defer the Committee stage further. What that means is that the issue, which I think is a very promising issue—that is, the way in which we have dealt very creatively with the collateral for loans for licences—has not been put in place as quickly as I know SAFIC, I and a number of others would have liked to be the case. We would have liked that to have been in place last year, but unfortunately it was not and will not be for some time.

I also take issue with a point raised by the member for Goyder, the shadow Minister, on what to my mind was a fairly loose way of talking about licences as property. The reality is that at this stage the situation is unclear. What we have is a court judgment that says that licences have characteristics of property, and it says nothing further than that. In fact, I think we are at a stage of going further than that. Earlier this year I addressed the SAFIC annual general meeting and made the point that I felt that, subject to its being able to define in law and guarantee conditions that would not undermine or erode the capacity of the community to manage the fisheries for future generations, we ought to be moving towards defining fishing licences more properly as property. However, that is not the stage we are at now. I have given a trend line, but I am prepared to move along. I think the member for Goyder is being a little premature in some of the statements he has made.

I will have to take a lot of the points raised by members on notice and address them, hopefully before the Committee stage. In relation to fishers in enclosed waters, why should it be of any matter? We do not have to register sheep, goats and so on. The member for Alexandra raised the issue of dairy bulls, but I do not think we have to do that any more.

*An honourable member interjecting:*

**The Hon. LYNN ARNOLD:** I think that has ceased but, as Minister of Agriculture, I will double check. Certainly if we are still requiring people to register dairy bulls we are not getting fees for it because the substantial revenue of the dairy industry fund, as I said, comes from the dairy processing places and not, as it used to, from registration fees for dairy bulls. In any event, that is a different situation from fish because with dairy bulls or any other livestock you do not have livestock in a domestic situation versus livestock in the wild.

One of the major problems with people fishing in controlled situations and in requiring them to be licenced is that if they are not licenced and they then go and sell their fish who is to know that the fish they sell in fact come from a *bona fide* fish farming activity or whether in fact it is not poached from the wild? If we have a limited resource in the wild, surely we have to accept that we must control that and therefore tie up any loopholes that could apply. Although it may seem overly bureaucratic and overly regulatory, the way to to do that, in the situation where you have some of the biomass—to use the jargon—in the wild and some in fish farming situations, is to see that a controlled monitoring situation applies over both.

On the point about aquaculture and mariculture, I appreciate the points raised by both the member for Flinders and the member for Murray-Mallee, and I will take on notice both the issues raised in respect of definitions. I think we will have to look at that in future, because of the range of activity that is involved in aquaculture, for example. At present the definition relates to the aquaculture being undertaken in the fish pens for tuna off Port Lincoln, right through to the oyster beds off Coffin Bay, and then through to a created pond on a farm, which is vastly different. Some of the issues, then, are vastly different in terms of water management, of dealing with waste and of harvesting—and all sorts of things. It may be that we need to be more specific in our definition. I accept that and it is something that we have to take on notice for the longer term.

Some questions have been raised about the interpreted desire of Governments to exploit the oyster industry, in particular, into the ground. I want to say that I do not believe that that is the case. I think there were situations where perhaps an unreasonable range of things were being required of oyster growers. I believe that the moves that we have taken this year to try to address those issues have moved a long way towards providing a much better environment for those who want to move into the oyster industry. We are trying to rationalise what is required of oyster growers. We are trying to rationalise the fee structure. We recognise that there are research requirements that will be there, that there will be water quality measurements costs involved, and we are actually trying to shift the cost burden of that from the industry on to a future time, so that we do not unnecessarily over-burden the industry in these early days.

I might say that that is not necessarily accepted by other people in the commercial fisheries but, nevertheless, it is something that we think is a proper way to go at this point in time. Given the number of applications we have, or the number of people that are actually starting to come into the industry, I do not believe that the regulatory regime that is in place is proving unnecessarily burdensome to those within the oyster industry or in other areas of aquaculture. There are a great many other things I could comment on, but I do not intend to do that at this stage. I thank honourable members for their comments. Obviously, we have a detailed Committee stage to go through, and I think that is the appropriate time to answer the specific questions. I hope by that stage to have answers to some of the questions, in order to promote a more enlightened and exhilarating debate at that time.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

## SELECT COMMITTEE ON THE GULF ST VINCENT PRAWN FISHERY

**Mr QUIRKE (Playford):** I move:

That the report be noted.

I want to canvass a number of issues in this debate tonight, although the hour is late. The committee's deliberations of the past six months are indeed well worthy of comment. First, I want to thank the other members of the committee, namely, the members for Alexandra, Goyder, Stuart and Henley Beach. Each of them brought to the committee an insight into many different aspects which, when woven together, made a fabric and in fact a report that I think we can all be proud of. I want to comment briefly on some of the great things that each of those members contributed to this inquiry.

The member for Henley Beach brought to the committee an absolutely erudite sense of commercial reality, and he made a number of contributions in relation to the report that were invaluable, and I thank him for that. The member for Stuart, again on this side of the House, I think brought to the committee a number of talents that we sorely needed. The member for Goyder, on the other side of the House, frightened me somewhat when, in moving the original motion to set up the select committee, he spoke to it for an hour and a half, and I wondered what I was letting myself in for. In fact, I thought it could be the case that we would not be reporting for some considerable time. However, I want to thank the member for Goyder. He played an invaluable part on the committee and with many of the deliberations he took the meat of the issue and came up with some innovative ideas, which the rest of us ran with and picked up and, eventually, they were incorporated into the report.

The member for Alexandra, who I think is well known around here for his wordsmithing on many issues, brought his skills to the report, and I thank him for that. I must say further that the member for Alexandra was absent due to illness for some three or four weeks during the period of the select committee's work and late one night he telephoned to find out how the whole process was going, and he did that at a time when none of his relatives knew that he was making inquiries, because, I suspect, that he was under doctor's orders not to make inquiries about the progress of this committee, or for that matter about other things around this House. I thank the member for Alexandra. Not only did he bring a lot of clarity to the issues concerned but indeed he took a keen and lively interest in all angles of the debate. I must say that the report certainly shows the clarity with which he saw those issues.

I thank the two staff members who assisted us with this inquiry. Mr Gordon Thomson, the Secretary to the committee, was tireless in his work and in fact took on much more than could reasonably be expected of any Secretary in a similar select committee situation. He took to the issues, he researched them, and he went through the *Hansards*. He went well beyond the call of duty and well beyond the line in which he had to go. We are very thankful for the talents that Mr Thomson brought to the committee, and again they showed through in the report.

The research officer, Ms Ena Mai Oks, who, I understand, works for the Department of Environment and Planning, was also invaluable. She was originally an employee of the Department of Fisheries, and she brought to the committee a number of perspectives which, quite frankly, we sorely needed. She gave us a number of inklings as to the internal workings of that department and, in fact, she provided a great deal of information, which the committee found extremely useful, around this topic, on other issues in fisheries and in the whole way in which the department has come to grips with a range of different issues. I must thank Ena Mai where this is concerned for bringing her particular talents to the committee and for helping to put a great deal of this report together, and in dealing particularly with those matters that related to the Department of Fisheries.

I could spend more than the 20 minutes I have allocated tonight on this report. I will not be doing that; I will canvass what I consider to be the main issues. The evidence that was presented to us during the course of the inquiry ranged from professional evidence of lawyers, accountants and the fishers themselves, and I too, like the member for Mitcham, find that a very difficult word to come to grips with. In fact, in this industry I think I can use the word 'fishermen' because I never saw a fisherwoman, nor had I any doubt about the gender of the people presenting evidence to us. A number of things need to be said about this evidence. It was not an easy task, I think all members agreed on that point. When we pored over the transcript and the submissions and, when the report was presented here, members would have seen that the material itself was three folders thick.

In many respects that material contained a number of inconsistencies and had a number of different angles to it. In many respects, some of the fishermen were hedging their bets. I think there is no doubt that much of the evidence we received skirted some of the main and hard issues on which we as a committee had to make findings. The terms

of reference gave the committee the task of solving a very difficult problem, and much of the evidence we got was very selective. The evidence we were given was intended to solve those problems that some people felt we should solve, and it was strangely silent on other matters.

In essence, the background to the whole situation was something like this. The original buy-back proposal in 1987 involved the amount of $2.96 million. In fact, several months afterwards, the sale of some of the boats gave a true capital figure, which we reflect in our report, of $2.921 million—a great deal of money—and, since that time in 1987, the amount of accumulated interest, both that paid by the fishermen and that which was not paid, has amounted to nearly $2 million in addition to that. At the beginning of the select committee we were faced with the fact that there had been several reports into the gulf; that Professor Copes, who had come here and recommended the original buy-back in 1987, had been back again; and that KPMG, Peat Marwick, had made recommendations to both the association of the seven of the 11 fishers and to the Government about a surcharge option for payments. All of these seemed to be rejected, and at that time the matter was in the hands of the Supreme Court.

It was a very difficult issue, in the sense that the select committee had to deal with the various terms of reference and, in its first month, was advised that the court had ruled against the surcharge administrative options, which had been put in place by the Minister the preceding November. Where this was concerned, the committee then had to deal with almost every aspect of the Gulf St Vincent prawn fishery. We did so by dealing with all the evidence and, as a committee, deliberating and coming down with a series of findings and a series of recommendations in the report. As I will say later, there are still a number of issues upon which the Government has yet to make some determinations and, hopefully, it will do so in the very near future.

In essence, some of those findings range through the following sorts of issues. The first was to do with management. It was quite clear to the committee that the current management of the gulf was inadequate in the sense that there was very little confidence on the part of the fishermen in the role that the Department of Fisheries was playing at that point. The Department of Fisheries had responsibility for the managerial parameters in that gulf and had done so for a number of years. The reality was that, by the time the committee sat, the industry was deeply divided. It was internally divided amongst the fishers to the point where any cohesive strategy which required a unified voice from the fishermen was obviously doomed to failure.

In the report we go on at great length about what we found about the management structure at that point, and we make a number of positive suggestions with respect to how that management needs to be dealt with in the future. From our point of view the obvious thing was that the more responsibility the fishermen had themselves for the management in the gulf, the better. Whilst there was every reason to assume that 11 fishers in this particular fishery would not have the resources or the money or any of the other things to deal with their own research and many of the other things that may be possible in a larger fishery, there was also no doubt in the committee's mind that they had to take responsibility for a great many of the decisions that were being made there.

As a consequence, in the findings and recommendations, the committee has put forward a model where an independent Chair will convene a meeting between a representative of the fishers, elected by a ballot of all the fishers and a Department of Fisheries representative selected by the Minister of Fisheries. That three person committee will be charged with the responsibility of determining such important issues as the target size of the prawns, about which I will have more to say in just a moment; the total available catch; the quota for the year; the lines of demarcation of the fishery itself, which is very important, so that fishing in the juvenile breeding grounds does not take place; and many other issues. The management committee will also have the power, with recourse to the Minister, of course, to suspend the licence of one of the licence holders for a period of time. I believe that the management committee is a serious option to give effect to self-management for the Gulf St Vincent prawn fishery.

A number of other findings and recommendations are made in the report. It was quite clear that the stock decline which has been present and which has shown up quite clearly in the total available catch over the past eight years has reached the point where the committee had no option but to recommend closure for two seasons. That was an extremely difficult decision, but it was one that had to be made. Had we not made that decision, the decline in the catch may well have approached the critical point where the breeding stock itself could well have put the future of this fishery in doubt.

We realised as a committee that a determination to close the two seasons has a number of financial ramifications. In the light of that, we followed it through to other recommendations: that during the period of closure licence fees and other charges associated with the 1987 buy-back debt would be frozen. We further recommended in that part that the debt burden on the fishery had to be reassessed, that the total debt of about $4.2 million at this point needed to be re-evaluated, reassessed and rescheduled. A further recommendation was that we would take the original capital debt, which would attract interest on the day of opening after this two-season closure, and that the rate of interest would be at the SAFA bond rate. At that point it would fall on all licence holders to pay the necessary charges to the Government, which would be tied to licence fees to ensure that the payment was made.

We made a number of other recommendations. One was to lift completely the criteria for the boat size which many of the fishers felt needed to be reassessed. In doing so we were aware that it may be unfair for one section of the industry or one particular fisher to have the ability to have a larger boat. Therefore, we went down the road of setting for this fishery a total available catch and a quota system which would be determined by the new management committee. That quota system is transferable upon amalgamation, so we have also put in place the necessary bones for a policy whereby the industry itself can reassess its own position and enter into a suitable buy-back scheme of its own.

The committee looked at the 1987 buy-back scheme and was very unhappy with many of the things that had followed. There is no doubt that, had the stock decline not continued, that buy-back might have had a happier chapter until today. It is the view of the committee that the recommendations will overcome many of the problems and will again give confidence to the fishers in the management of the gulf—a management strategy in which they have a far greater say and more important role to play.

In terms of the licence surcharge option and other items in respect of that, the committee has determined that a 10-year period should apply from the day of opening of the gulf and that interest and payments be made on a regular basis equally across the industry. Obviously, it would be the view of the committee—and I think of Parliament—

that the fleet should be reduced. That decision is placed where it should be—with the fishers themselves in the management committee process. If there is an amalgamation, a transfer of prawn quota can take place such that there is a financial benefit in amalgamating two licences. I strongly recommend that the industry attend to that matter.

I want to finish on the issue of target size. There has been some criticism in the media that the committee did not come down with a specific criterion. In fact, we received a great deal of evidence on that point and very little to support the larger criterion. It needs to be said that this committee believed that the future management committee for the gulf should rightly make that decision and all the other decisions that need to be made for a successful harvesting strategy in Gulf St Vincent.

I thank the House for giving me the opportunity of serving on this committee. I found it to be an extremely innovative, successful and resourceful committee. It was an educational experience for me. Again, I thank all the members who served on that committee, and it is my hope that the Minister will pick up the issues.

**The Hon. LYNN ARNOLD (Minister of Industry, Trade and Technology):** I move:

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

Motion carried.

**The Hon. TED CHAPMAN (Alexandra):** I wish to acknowledge the points made by the member for Playford in his capacity as Chairman of the Select Committee on the Gulf St Vincent Prawn Fishery. I also acknowledge his recognition of those who served with him on that committee, including the staff. I am not too good at distributing bouquets; it has not been my forte over the years. However, I think we did a pretty good job. Apart from a bit of a hiccup that I personally had during the period when the committee was sitting, to which the Chairman referred, we had a bit of fun as well and a few arguments. I say 'a bit of fun': more particularly, I mean a bit of fun when some of the witnesses came in. No-one got more pleasure than I did to see fisherman Corigliano front up, after all the years of arguments that we had with him, for goodness sake.

You will remember the days, Mr Acting Speaker, when that notorious fisherman Corigliano pranced around the corridors of Parliament House night after night peddling the idea that we should get rid of those terrible fishermen from Investigator Strait, those people who were pirating the resources of Gulf St Vincent, those people who were stealing the livelihood of the Port Adelaide-based fishermen. Goodness me, I will never forget the tactics that that fisherman adopted to get rid of those Investigator Strait fishermen based on Kangaroo Island in particular.

It was a fight of the high seas. Quite incredible tactics were adopted. Far be it from me to suggest that that fisherman of the high seas would have killed to get his way, but I am sure he would have gone to quite extreme lengths, short of that sort of thing, to get rid of those fishermen from Investigator Strait. Some of the names that he called them, some of the brands that he gave them, and some of the allegations that he made about their practices in that region of the lower gulf waters north of Kangaroo Island were quite extraordinary.

Among other things, those fishermen, it is fair to say, were permit holders from the Commonwealth level. We adopted them within this State. The Minister of Fisheries of the day accepted that they had trawled the waters, researched the area and demonstrated sufficiently their expertise to qualify for State licensing. In other words, they were, in effect, gifted a licence. The record seems to indicate that fisherman Corigliano was himself gifted a licence: indeed, he did not have to buy it, as many other fishermen in the industry did. In that situation he was no more handicapped or in no more favoured position than were the Investigator Strait fishermen who were targeted by him and a few other Port Adelaide-based fishermen for the barrel—over the side, over the deck, into the depths, and so on. Anyway, he won that round; he got rid of those fishermen. Subsequently they were the ingredients of the so-called 1987 buy-back.

We will not canvass or argue about that figure at this stage, but it was one that Mr Corigliano and the other fishermen accepted. Accordingly, legislation was put into place to allow that buy-back scheme to be put into effect. The Minister of Fisheries, Kym Mayes, in a press release of 12 March 1987 said, in part:

The level of repayment will be calculated on the size of the catch and the market price for prawns at the end of each season.

By way of background for those members who might not understand that plucked out segment of the press release, I indicate that a licence fee was struck and an arrangement to repay capital and interest on the capital was determined immediately after the buy-back, hence the Minister's reference to the repayment factor in relation to the servicing of that buy-back scheme.

In recent times, since people in the industry have become a little more hard pushed, since they have found it a little more difficult to meet their commitments, they have bleated at one level or another about the financial situation and their incapacity to meet their respective payments. Reference has been made to the paragraph in the Minister's press release that I cited.

The fishermen have almost neglected to make any repayments of capital whatsoever from day one. Indeed, between 1987 and August 1989 they paid interest only, other than a couple of thousand dollars in the first year of the scheme: on careful calculation, it would appear less than interest only on the capital debt. Since 1989, the fishermen have made another token payment of interest only up to 1990 and not a dollar since. During the proposed closure period referred to by the Chairman, it is not intended within the ambit of recommendations of our select committee report that the fishermen pay any interest or capital for the whole period of the closure. At the end of the closure period (and this is something to which the Chairman has not yet referred) when fishing recommences, they will start the whole 10 year term of repayment all over again.

I have not been confronted by any fishermen from the Gulf St Vincent area complaining about the report. I understand that a few rumblings are going on out there, but no-one has come to me. They will not want to unless they want to invite a fairly positive reponse. I am acutely aware of the enormous contribution that this select committee, by way of its recommendations to the Government, is making from public funds to those 11 fishermen in Gulf St Vincent. In fact, in the first two and a bit years, that is, between commencement of the 1987 buy-back scheme and August 1990, the shortfall in capital debt and interest repayment was almost $1 million—just in that period. As I indicated before, we subsidised the interest that they should have paid in the absence of no payment at all, that is, between 1990 and this date. That is already referred to from this date on until the end of 1993, when it is proposed that the industry be re-opened; they will not pay another dollar in that period either.

I have not done the actual sums to identify the subsidy figure, in effect, but it would appear on the surface that we are writing off at least $2 million from the account of those fishermen. I repeat: they would not want to come bleating directly to me on that subject, otherwise they would be reminded of what their scheme—not our scheme—has actually cost this State in order to, first, reasonably preserve the industry and, secondly, enable those 11 fishermen the privilege of exclusive access to Gulf St Vincent for the purposes of harvesting prawns. I have at least clarified that subject from my own point of view and demonstrated that the Minister of the day did not fail in his commitment. He indicated in his press release that repayments would be considered in conjunction with the catch levels but not the level of debt. I hope that it has already been properly demonstrated that there have been negligible repayments—to put the kindest interpretation on it.

In relation to the servicing of the committee, I wish to refer to one particular officer—Ena Mai Oks. She was enthusiastic, and she maintained her enthusiasm throughout. She brought to the committee some of the internal workings of the department, the management strategies and activities of the department, of which I was not aware before. I have never been Minister of Fisheries; I was shadow Minister of Fisheries prior to the Tonkin Government, and then quite deliberately Minister of Agriculture and Minister of Forests only. I place on record that I am grateful for her input in that regard because, without Ms Oks' first-hand knowledge of how the system of management works within the Department of Fisheries, we would have been handicapped in our job of putting the report together.

I record my thanks to her for the sort of delicate and, in some instances, quite sensitive information that she conveyed to us as research officer servicing the committee. I do not think it is proper to make too much comment about the member of the House of Assembly staff who serviced the committee as secretary. When I came into this place a long time ago I was told that, wherever possible, MPs should avoid referring to staff members or their particular role in the House. So, I will leave that for others who want to indulge in that practice. He is not a bad bloke, just the same.

I want to mention a point made by the Chairman and reinforce it by offering my support, for what it is worth; I refer to transferability. Among other things that are cited in the report is the opportunity that is now available to the industry to shuffle around ownership amongst those who are involved. As I interpret the select committee report and its recommendations, a licence could be purchased not only by someone who is in the industry at the moment but by a complete outsider with experience, hopefully, in such a sensitive industry. Such an outsider could come along and buy one, two or three of the licences and, accordingly, the quotas as referred to, and simply operate one fishing vessel for the purpose of carrying out that function—creating one top, efficient outfit. I hope that the Minister, when the time comes for consideration of such purchases and, accordingly, transfers, would have regard for that point, and would, indeed, give anyone with the money and the demonstrated expertise the opportunity to indulge in that industry so that we are not cultivating a closed shop practice in Gulf St Vincent.

A very tight group of people has had exclusive access for a long period. Having opened up this subject and recommended flexibility of the management of this industry to the extent that the report recommends, we should go all the way and publicly open up the opportunity to purchase licences and, accordingly, quotas. Putting flexibility into the hands of the proposed management committee is a move in the right direction. In fact, I believe that the role of the Department of Fisheries should be diminished. It has grown like a mushroom over the years, and it is about time it was pruned down. It ought to be reduced to an administrative body rather than a monstrous bureaucracy that has been seeking to manage fisherpersons rather than the fishery resource itself.

I make those few comments in relation to the fishing industry in general, because I think there has been too much bureaucratic and personal interference in the role of individuals, their business and behaviour and in the decisions that should be made by fishers themselves. The department's activities should be confined to research and administration and the proper inspectorial role in service of such an industry. I hope that the Minister will have some regard to those comments in the modelling, reshaping and, hopefully, cutting down of the bureaucratic monster that has developed to be, as we know it, the Department of Fisheries in South Australia.

I do not think I need to say more about this subject. I conclude on the note that, like the Chairman, it has been a pleasure and an experience, even for an old fellow such as I, to have been granted the opportunity to participate on this select committee. I am grateful for the support given to me at times by the other members who served on the committee, and I recognise the role of the shadow Minister on behalf of the Liberal Party and his efforts in that regard.

**Mr FERGUSON (Henley Beach):** I support the remarks of the two previous speakers. I also express my thanks to the House for allocating me to this particular select committee. It was a pleasure to work with the other members of the committee: we always found ourselves working in unison, and certainly there was no great problem as far as the working of the committee was concerned. In particular, I thank the Chairman (the member for Playford) for the amount of work that he did on this committee. It is my experience that, in his role as Chairman, he did more work than one would normally expect today of the Chairperson of a select committee. The reason for that is that the particular industry with which we were dealing is very experienced in lobbying and getting to parliamentary representatives. The member for Playford, in his capacity as Chairman of the committee, had to take the brunt of all the submissions that were made, and I think he did this extremely well.

I have been a member of quite a few select committees during my time in this place. Of all the select committees of which I have been a member, the subject matter and findings in this instance were the most difficult that I have ever had to come to grips with. There is no perfect answer to the problems relating to the Gulf St Vincent prawn fishery; however, I believe that the committee has come up with the best possible results in the circumstances. What made this task so difficult was that in all my experience I do not think I have ever come across an industry so divided. It is divided among its own associations and among non-association people. It differs with the Department of Fisheries, and the department differs with the industry. It was extremely difficult to get a consensus; in fact, we never did. The various parties involved presented their own expert witnesses; their expert witnesses differed and the expert witnesses differed with departmental witnesses.

So, it was an extremely difficult task to provide a solution to this particular problem. It was not for want of trying: the committee went to the players involved and asked them what they thought would be a solution to the problem. In particular, we asked members of the industry in a very

blunt way—and the evidence is now available to members of the Parliament and to the public because the report has been released, so the truth of what I am saying can be checked—to tell us what they wanted as a possible solution to the problems we were confronting. In particular, we asked the industry to come back to the committee and provide an answer to the questions we posed; namely, whether or not we should close the fishery—that was put in a very blunt way; how many boats the prawn fishery felt ought to be fishing in the Gulf St Vincent; and what the committee ought to do about the debt with which the industry was saddled as far as the buy-back was concerned.

The only answer we received was a proposition about what the debt repayments ought to be. The industry refused to give the committee an answer to its question about the number of boats that ought to be plying their trade or about the closure of the fisheries. We did get evidence from individuals as to what they thought should happen as far as the closure of the fishery and the number of boats that should ply their trade in this area were concerned. All the witnesses suggested that the fishery ought to be closed and that fewer boats should operate in the gulf, but none were prepared to put a definite figure on it or to provide the committee with a model on which to base its findings. So, we were faced with this extremely difficult position. We knew as a committee that if we made a decision to close the fishery it would be a financial embarrassment to certain people now fishing in the gulf.

The hard decision had to be taken, and the committee took that hard decision. As a result unfortunately there will be financial ramifications on certain people plying their trade in the gulf. As a member of the committee I could not see—and I do not think any other member of the committee could see—another way of handling the situation, and that is why that very hard decision was taken to close the gulf in order to try to restock the fishery.

All the recommendations that have been made under a variety of managements, from the Department of Fisheries to the fishers, over a long period have not succeeded and the size of the catch has continued to decrease. The Copes report suggested that the fishery would recover to the extent where the size of the catch would be about 400 tonnes per season, but last year the return was only something like 130 tonnes. All the recommendations for conservation that have been made in the past decade and longer have not worked. So, to maintain and increase the stock in that fishery the committee felt that it should be closed down.

After listening to the evidence of the fishers and their representatives I am convinced that, so far as possible, there should be self-management of the Gulf St Vincent. I was a very strong advocate of the fishers themselves taking over as much of the management of the fishery as they could. I was very pleased that my fellow committee members were prepared to accept this argument, and we recommended that self-management be introduced so far as possible. The evidence placed before us suggested that where self-management was instituted self-interest was also evident. The fishers were prepared to look after the fishery in order to make sure that they would have a continuing supply of fish stock as years went by. So far this theory has not been put to the test. The recommendations of the committee will do so and as time goes by, we will see what happens. The committee accepted the evidence put to it in this regard.

The member for Alexandra put to the House the financial considerations that guided the committee in its recommendation relating to debt. If the full recommendations are accepted by the Minister the amount of money owing will be added to the licence, and when the fishery resumes we will come to the situation where, after the next 10 years, the debt will be repaid on a yearly basis. There will be no reneging on repayments because it will be part and parcel of the licence before fishing takes place. I hope that this will provide the answer to all the repayment problems.

I believe that the committee has been fairly generous to the fishers. I have always been prepared to support the member for Goyder who recommended that the committee be established. Personally, at all times I was prepared to support whatever the member for Goyder and other members recommended; I think the other members of the committee will attest to that. We have now come up with this figure which, in effect, will save the fishermen at least $2 million when everything is considered.

In relation to the harvesting strategy and the number of prawns per kilogram, the fishers suggested that it should be 18 prawns per kilogram and the department suggested that it should be 27 prawns per kilogram. I believe that the committee's decision to leave that matter in the hands of the new management committee was the best way to go, particularly as the fishery will be closed for two years. At the end of that two years the size of the prawns to be taken will depend very much on the price that will be received for those prawns and, as the committee did not have a crystal ball, it was not able to look two years ahead and suggest that there would be a fair return if the smaller, instead of the larger, number of prawns per kilogram was accepted. I believe that that decision was the right one.

I came to this committee not knowing anything about buy-backs, and not knowing a great deal about the fishing industry in general. From all the evidence placed before us one would have to say that the system of buy-backs does not work, and it certainly has not worked in relation to this particular fishery. Therefore, the committee had to come up with another strategy. That strategy—and I pay tribute to our Chairman who provided us with the germ of the idea—was the introduction of the transferability of licences and quota amalgamations. We hope that this will solve the problem.

We have given the industry itself the opportunity of reducing the number of boats that should be plying their trade in the gulf. As I have mentioned previously, there was any amount of evidence to suggest that there were too many of these boats and we needed to reduce the fleet size. Therefore the committee recommended the introduction of the transferability of licences and quota amalgamations to be able to reduce the fleet size without reverting to a buy-back system, which we had seen through experience did not work. The fact that the buy-back system did not work and was not working left us with very few alternatives in relation to reducing the fleet size.

The committee asked the fishers themselves how they wanted to go about reducing the fleet size: we knew that they were having a meeting, and we put to them that this was one of the vital questions but they were not prepared to come back to us with their answer. So, the committee recommended something new—and I think it is probably new anywhere in the fishing industry—that, in order to reduce the fleet size and without committing the Government to finding further finance, we introduce the transferability of licences and quota amalgamations.

Like the Chairman, I hope that this opportunity is grasped by the industry and that it does do something itself to reduce the number of boats that are now plying in the gulf. As to the question of the fleet replacement, I believe that the recommendation that was made by the committee, that the limitation on boats and brake horsepower be removed and that in future this matter be handled by the manage-

ment committee was a good one. We took the opportunity of going down and inspecting the fleet itself. It was put to us that safety could be improved, if the size of the boats was to be increased and if the brake horsepower of the boats was also allowed to be increased. It was put to us that there ought not to be a penalty on efficiency so far as the fleet was concerned.

So, we must take into consideration the proposal that there should be a quota amalgamation and at the same time a lift in the size of the boats and the brake horsepower, a matter which will be determined by the management committee and not by this Parliament. I believe it is fair that the people themselves on the job should determine their own rules and regulations. It may well be that this is a means of facilitating the quota amalgamations and the buying of licences which, in turn, will reduce the number of boats in the gulf. Once again, I thank all members of the committee. I extend my thanks to Ena Mai Oks for the work that she did on the committee, and I am not shy in thanking Gordon Thomson for the work that he gave to the committee. He worked for long hours and sometimes in difficult circumstances to produce the reports for us, which are now before the House. I support the motion.

**Mr MEIER (Goyder):** I support the motion that the report of the select committee be noted. I endorse the remarks of the previous three speakers in what they have had to say about the Select Committee on the Gulf St Vincent Prawn Fishery. We now have before us all the evidence that has been handed down and I suggest that anyone with an interest in the Gulf St Vincent prawn fishery should make themselves familiar with that evidence. For many months now some five members of this Parliament have sat and listened to representatives from the Gulf St Vincent prawn fishery and to anyone else who is concerned with or has an interest in that fishery, in an endeavour to determine a position that we believe is the best possible course of action for the future of the industry, and also for the future of this State.

As shadow Minister of Fisheries I was responsible for seeking to have this select committee set up in the first place. I recognise that the actual motion that was passed by the House was put forward by the Minister of Fisheries. It was his own wording. No matter what wording was put before the House, it was high time that something was done about the Gulf St Vincent prawn fishery. Since 1987, and even before that, generally, there have been many problems in the Gulf St Vincent prawn fishery, and they needed to be addressed. There is no doubt in my mind that the Government and the Ministers responsible were seeking to brush things under the carpet. I guess that the present Minister realised that action had to be taken and I will give credit where it is due.

He appointed the former Auditor-General to seek a solution to this matter, and it was whilst that inquiry was going on that this select committee was actually set up. There is no doubt that finding a solution has not been easy. I am very pleased that it is a unamimous select committee finding that certain recommendations, as identified in this report, be implemented by the Government. No matter what has happened in the past, I would say to the Minister and to the Government that I hope they will take on board these findings and that they will see that it is in the best interests of the fishing industry and of South Australia to proceed to enact in legislation the recommendations that the committee has put forward.

The committee has spent innumerable hours, weeks and months listening to evidence, weighing up the evidence and endeavouring to determine the best course of action. It has not been easy because there is no perfect solution. Whatever the committee has put forward or whatever the Government may put forward in terms of legislation, it will almost certainly not be the ideal solution. Nevertheless, these problems had to be grappled with.

Considering the items that the committee had to deal with, first of all we looked at the whole problem, the whole concept of the buy-back. I would suggest that members from both sides of this House would say that never again are we going to have a buy-back in any fishery in the State of South Australia. Buy-backs are fraught with problems, problems that are unforeseen at the time the buy-back is envisaged. I certainly acknowledge that currently there is a buy-back operating in the southern zone rock lobster fishery and that, whilst there have been some difficulties, it would appear that by and large it is progressing. It may be that the rock lobster are still available in reasonable numbers, and almost certainly this year the prices are up.

However, in the Gulf St Vincent prawn fishery the exact opposite occurred. The stocks that were predicted to be there did not eventuate. In fact, almost the opposite occurred. From 1987 stocks progressively went down, down, down. It is quite understandable that the terms and conditions laid down in legislation in this Parliament were unable to be met by the fishermen. So, the Minister of the day, and I guess we could say the Government of the day, got it wrong. Likewise, the Department of Fisheries got it wrong. I am the first to acknowledge that any Minister in this House and any Government would look to the Department of Fisheries for advice and guidance and would ask that department what in its judgment were the best predictions for the future of the prawn fishery. The department obviously put forward its figures, but they were not right. That perhaps could be accepted, because we all make mistakes from time to time, and I guess governments make mistakes from time to time. However, in this case it appears that for year after year the Department of Fisheries continued to try and present a situation that looked positive.

Each time the Minister, no matter who it was, went to the department for advice and guidance, the department said, 'The recruitment figures are positive. There are stocks there. There is no doubt that the prawn fishery will be picking up.' Yet in this last year we saw one of the worst catches on record. In fact, as the chairman of the committee pointed out, it was the worst. Therefore, it was up to the select committee to decide whether to believe the Department of Fisheries indications, whether it may have got it wrong for four years in a row but the next year it will be right. We could not afford to take that chance.

We had only one option, and that was to say that the figures had progressively gone down and, if we have any responsibility to the Gulf St Vincent prawn fishery, we have to seek to close it, no matter how hard that decision might be on the prawn fishers. We recognised that some of the prawn fishers would be adversely affected. That grieves me and I am sure it grieves other members of the committee. However, tough decisions have to be made because for too long nothing was done. The Department of Fisheries got it wrong.

We then considered some of the other matters that were put before us, such as boat size. For year after year it was suggested—in fact, it was a regulation—that boat size was such that the Gulf St Vincent prawn boat owners were not able to have a boat size over a certain maximum length and maximum horsepower. The committee looked at and considered that matter, and we found that that sort of restriction has also been wrong. Likewise, we had to con-

sider how the management structure was operating. There was no question but that the management structure had failed year after year.

I should like to refer to some of the evidence presented to the committee. I asked the Director of Fisheries, Mr Rob Lewis, the following question:

Why did the department not have any control over what was taken in the early years, the 1984, 1985, 1986 period?

The Director replied:

I cannot say, because I was not the Director of Fisheries then, but I do know that there was very bitter acrimony between the department and people at the time. I know that it was difficult for the Director of Fisheries to deal with the association, with the industry. Apart from that, I cannot answer.

We see from that answer that the problems have not only occurred since 1987, but that they have been there for many years before. They were there before the present Minister and before the present Director. They have been a continuing Achilles heel for this Government and for the Gulf St Vincent prawn fishery.

The present management structure has on many occasions, in my opinion, and I believe in the committee's opinion, not been helpful to the future of the Gulf St Vincent prawn fishery as a whole. I believe the evidence presented to us indicated that there were occasions when the industry could have been much more accommodating to what the department may have been suggesting and that the department could have been more accommodating to what the industry was suggesting. Fault lay on both sides.

It was quite clear that we were dealing with a divided Gulf St Vincent Prawn Boat Owners Association. There are 11 boatowners in total, but not all were members of the association. Even those who were members gave an indication that they did not agree with everything that was going on. If we want to get it right in the future that is one of the first things that has to improve. We are dealing with a human factor. Whilst I acknowledge that occurs in every situation, the present players must swallow any pride and acknowledge without any doubt at all that they must represent the industry for the betterment of South Australia and the Gulf St Vincent prawn fishery as a whole. If they insist on their particular methods and hold to some of their idiosyncrasies, this fishery will go down the gurgler and no-one will be able to save it.

We also had to consider the prawn size limit. We took a lot of evidence and gave a great deal of consideration to the size: whether it should be, as the Gulf St Vincent Prawn Boat Owners Association recommended, 22 prawns per kilogram or a higher figure. As indicated in the recommendations, the committee saw that 22 prawns per kilogram was one of the reasons why this industry has not performed as adequately as it should have done. Twenty-two prawns per kilogram means that many prawns are left unharvested which potentially could be harvested. Therefore, that meant a reduction in income of those prawn fishermen over the past four years or so. The industry must consider and look at that further.

We then looked at the debt. I just wish that I was able to be speaking with my shadow Minister of Agriculture hat on and to be advocating a reduction in debt for all the primary producers in this State who are in an untenable situation and to be recommending for those same producers that the Minister and the Government were able to write off the interest for the past four or five years. How those people would rejoice; how they would acclaim the Government; how they would be able to see new light at the end of the tunnel—not a train coming towards them, but an opening that was going to lead them to freedom for the future. But I am not able to do that.

What I am able to say as a member of the select committee is that we had to consider this matter very carefully. We had to recognise that the Government decided, to a greater or lesser extent with the industry, to impose a buy-back scheme. That buy-back scheme had been imposed, to a greater or lesser extent, against the interests of the fishery, and that had led to a blowout from $2.96 million to over $4 million presently. Therefore, we had to ask ourselves whether or not we should allow the present debt to exist.

The answer came down, 'They have not been able to pay it to date. If we impose a debt in excess of $4 million, that fishery will be doomed, particularly since we will close it for two years.' So, the committee was excessively generous in saying, 'We will allow the original capital debt only to apply, less what has been paid off', which made it $2.92 million. A very generous offer, but one that I am prepared to defend in any quarter, on any stage, simply because the fishery needs to be given a fair go. It is a fishery which can contribute—and has done so in past years—millions of dollars to this State. At this time, we cannot afford to throw away that sort of money. Certainly, I would love to be able to make a similar offer to all primary producers who are in similar difficulty in this State. Unfortunately, as the Minister and this Parliament well recognise, we are not able to do so.

I do not deny that the two year closure has certainly been one of the significant influences in reducing this debt to the level that is proposed, because the fishermen will not be able to make any money from prawn fishing for the next two years. Therefore, in a sense, that counterbalances our great generosity to some extent. Nevertheless, if we look at all the factors, most of which have been highlighted by the Chairman and others, we see that the committee has brought down a responsible report that hopefully will see the Gulf St Vincent prawn fishery become a credible operation in future years. In conclusion, I thank all members of the committee. It was a pleasure to work with them. I would also like to thank Ms Ena Mai Oks and Mr Gordon Thomson for their enormous help. Hopefully, the report will be of benefit to South Australia's fishery.

**The ACTING SPEAKER (Mr Blacker):** Order! The honourable member's time has expired. The honourable member for Stuart.

**Mrs HUTCHISON (Stuart):** I, too, support the motion. In doing so, I add my thanks to the committee Secretary, Mr Gordon Thomson, and to Ms Ena Mai Oks, our research officer, who did a lot of work for the committee and who also spent a lot of time researching the information required for the committee's deliberations. To give an idea of just how extensive the committee's deliberations were, it met on 22 occasions, which I believe is quite a large number of meetings for a committee of this kind. Not only that, in one instance the committee looked at the boats being used in the Gulf St Vincent prawn fishery—and that point was mentioned by the member for Henley Beach. A wealth of evidence was given on the terms of reference of the committee, which included the stock levels and harvesting strategies, the options available with regard to the debt involved in the buy-back, the optimum fleet size, (including such things as boat replacement) and last but not least past and future options for management of the fishery.

The amount of evidence the committee was required to look at was extensive, and that is indicated by the number of meetings it had. I agree with the member for Henley Beach: it was indeed a difficult committee because of the information involved, because, as was evident to all of us, of the divisions within the industry itself and because of

the lack of cooperation which was obvious between the industry and the Department of Fisheries.

**The Hon. Ted Chapman:** And the other way around.

**Mrs HUTCHISON:** And the other way around, as my friend, the member for Alexandra, says. The committee received expert evidence. However, even within the expert evidence there was a wide divergence of opinion, so the committee was called upon to make decisions when there was really nothing that coincided with the evidence it was receiving. The committee also received quite a lot of evidence from individual fishers as well, and this made the task more difficult because it contained a lot of divergence of opinion as well. So, as one can see, our task was not easy.

In looking at this position and the terms of reference that the committee was required to comment upon, one of the things that struck me was the department's great difficulty in being able to make any predictions as to what was happening in the fishery. It was obvious from some of the evidence that there was an opinion that recruitment in the fishery had actually increased. However, that recruitment had not translated into mature catches for the fishermen, so that was obviously quite a difficulty for the committee to cope with, because we were not getting any definite evidence about the state of the fishery. That was due in part—or probably more than in part—to this lack of cooperation between the industry and the Department of Fisheries. There was quite a lack of data over a number of years so that we could not make any good judgments as to the state of the fishery. We could not get any good judgments in respect of predictions for the fishery, and that was a real problem with which we had to cope.

The recommendations of the committee were good, given the magnitude of the tasks that were set, the divided industry the committee was coping with and the allegations of mismanagement by the Department of Fisheries, which were coming through quite strongly from the industry with regard to the recommendation for a management committee, which is to be set up so that members of the industry itself can have much more say about what actually happens in the management of that resource—and it is a very important resource for this State—we had to make sure as members of the committee that it would have some ongoing connotations for the recovery of the fishery.

So, it was very important that the committee looked at a method to try to get the fishery back on its feet. The select committee recommended the appointment of a management committee, which it felt would provide an opportunity for the industry to prove what it had been saying for some time: that it would be a better manager of the fishery. To a large degree, we have put the industry on notice to prove to everyone and to the Department of Fisheries that it can manage the fishery, and manage it well. In doing this, the industry has to make sure that the fishery recovers so that all the people involved, including the professional fishermen who rely on the fishery for their livelihood, will reap the benefits.

There was a lot of debate with regard to financial arrangements, mainly in relation to the buy-back scheme that was inititated in 1987. I think the member for Alexandra has very clearly and succinctly put the details of that scheme to the committee. I agree wholeheartedly with other members of the committee that the fishermen in the industry have been very well served by the decision that has been made in relation to the buy-back scheme. A large proportion of the debt has been written off, particularly in relation to interest repayments, and the debt has been waived whilst the fishery recovers. So, we are doing our part to assist the recovery of the fishery by waiving a large part of the debt that accrued during the operation of the buy-back scheme.

In looking at the management of the resource and harvesting strategies, one of the big debates concerned the contentious issue of prawn size: 22 prawns per kilogram as against 27. We could not get any agreement across the industry or from within the department on the prawn size that should be set. The select committee decided that this issue ought to be dealt with by the management committee, and that is why, as the Chairman has pointed out, we made no decision about prawn size—and very rightly, I feel, because the matter can be looked at more responsibly by the management committee when it considers the total available catch quotas and the demarcation lines for the fishery.

When considering the sizes of the boats and the type of fishing carried out within the fishery, one of the points that came through strongly from the overfishing angle was that, when the industry changed from single rig to triple rig boats, it resulted in a very marked increase in the size of the catch. There was a lot of debate between experts and members of the committee as to whether that was the main reason for the overfishing of the fishery or whether other reasons, such as polluted seas or predators of which we were not aware, that could have made a difference to the fishery. To a large degree, it was felt to be a combination of those circumstances. I agree with that, but I think that the shift from single rig to triple rig boats had an effect on the size of the catch and that, to some degree, it resulted in overfishing. Some of the other suggestions included the different types of net used in the fishery. Again, it was felt that the committee of management should address that matter as it could not rightly be addressed by the select committee.

I appreciated the chairmanship of the member for Playford. I felt that he did a good job under very difficult circumstances, as the member for Henley Beach has stated. He did a lot of work over and above that which is required of the Chairperson of a select committee, and I congratulate him on that. I also congratulate the other members of the committee for doing a difficult job very well. It was rather a thankless task in some ways because we knew that the decisions we made would not be accepted universally as exactly right. I dare say that in the weeks to come we will find some division of opinion on this matter.

Given the evidence, the widely divergent expert opinions and the very good research work that was carried out for the committee by Ena Mai Oks, I think the committee has come up with a responsible report. It has made some very hard decisions—and it has stuck by those decisions—in respect of the closure of the fishery. That decision will not be accepted by everyone, but in the interests of maintaining the resource for the future it was felt to be the only responsible decision that the committee could make. I totally support that decision. I support the motion.

**Mr VENNING (Custance):** I want to make only a brief contribution to the debate not as a member of the committee but as an innocent but interested bystander. I congratulate the committee, particularly the Chairman, on doing this long and arduous job. I have some philosophical difficulties with the Bill. I feel I bring these instincts into the Parliament as a member who believes in *laissez faire*. The Government should not be active in areas that can be handled by the private sector.

It is a difficult situation involving such a resource which is renewable and which can be farmed out. I wonder what the position would be if the Government had never been involved in the fishery in the first place. What would have

happened? Certainly, the level of prawns would be diminished to a great degree, but the economies of scale would have resulted in self-regulation. Once the Government gets into these areas, there is no choice but for it to remain involved. This results because the Government has caused unequal and unnatural things to happen, and it has to remain involved in order to control them.

I became interested in the prawn industry many years ago when I spent many hours at night out in Spencer Gulf. It was at that time I met the member for Morphett who was stuck on a reef in his yacht coming in to the Pirie River. That was many years ago. Once the Government became involved in the fishery, its subsequent inaction caused much of the trouble. Certainly, prawns that were too small were allowed to be taken in the first instance, especially in the early days. This fishery is unique in that it is in colder water and cannot be compared with the Spencer Gulf fishery, where smaller prawns can be taken.

Disgraceful mismanagement has occurred and I have listened to many speakers tonight with great interest. Reference has been made to the toing-and-froing, and the member for Alexandra highlighted all the politics involved, especially involving the fishermen who have proven to be a strong lobby. It is unfortunate that the fishermen were not all pulling the same way, but that is not the way such things work. True, the Minister would have some difficulty in controlling not only the department but also the fishery. However, once the Government becomes involved in an area, there is no alternative other than to remain.

Fishermen have been driven to the point of bankruptcy, and I can understand why they are so emotive and divided when faced with two years without fishing. How would a farmer survive for two years without farming? It would be an incredible experience, and it is a difficult situation when it appears that there is no choice. How will the fishermen survive? I appreciate the comments about the quota dealings between fishermen. Doutbless there will be wheeling and dealing in that area.

Will fishermen be able to catch anything else with their machinery? Doubtless, some will, but will that in turn cause problems in other fisheries? Not being a professional in this area, I wonder what will happen. Certainly, once the Government moves in to control an activity, it creates unnatural forces elsewhere, and I certainly hope that other fisheries can survive. Further, 11 boats remain, but how many will be left after two years? What will happen after the two years is up?

Those fishermen remaining will be hungry and eager, but I hope they will not fish out the area in the first 12 months. That will depend on the seasons, the breeding programs and other factors. I hope we will see responsibility being shown by those involved so that they realise that the resource is theirs and, if they overdo it, they will have to revert to another two years without fishing.

The buy-back involves $2.92 million. I noted the comments of the member for Alexandra and other members that none of that sum has been repaid. I hope that after two years the industry and the fishery in particular will be able to start paying back the debt. I wonder whether the fishery will survive in the long run. Doubtless, the Minister will comment on that and, of course, I hope that the fishery can survive with proper management. I hope that everyone involved will see this as a constructive time to plan for the future, otherwise there will not be a fishery.

The Government in its reticence to get to the heart of the problem regarding the restriction of the size has caused in the present malaise. I compliment the shadow Minister, who sought the establishment of the select committee, and I also congratulate the committee on its recommendations, which I support, albeit reluctantly.

**The Hon. LYNN ARNOLD (Minister of Fisheries):** I place on record my appreciation of the role of the member for Playford as Chairman of the select committee and of other members of the committee—the members for Henley Beach, Stuart, Goyder and Alexandra. It has been a very complex problem. However, I do not know that it is answered in quite the way the member for Custance would choose, given his somewhat gratuitous comments about the Government's role in this matter. I think it is a much more complex issue than that.

I accept that undoubtedly there were issues, activities and actions that perhaps could have been better handled by Government, but that is not to say that those things should not have been done at all but, rather, maybe the timing was out of phase or the extent of the activity or the action taken was insufficient. On the other hand, a very heavy responsibility has to be borne by the industry itself. The member for Custance seemed to me to be implying that the industry might have been able, without some ambit of Government setting the agenda, to regulate itself, but that argument is not sustainable by international experience.

In my contribution to the Fisheries (Miscellaneous) Amendment Bill I said that there is ample evidence of fisheries around the world that have collapsed and, by and large, I think the experience of fisheries in this State in recent decades has generally been good, and it has been good because we have seen a productive relationship between the industry and Government to set the agenda whereby those who go out to take the harvest do so in a responsible and sustainable way. That scorecard, which is on the whole a good scorecard, has not been successful in the case of Gulf St Vincent prawns to date.

This fishery, which was first discovered in the late 1960s, and first exploited commercially in about 1970, returned enormous value to this State throughout the 1970s and well into the 1980s. What is now clear is that the rate of increase of boats exploiting that fishery was too fast for the biomass to cope with, and the consequent management arrangements perhaps were not put in place quickly enough. The issue started to be recognised in the early to mid-1980s as declining catches worried not only the Department of Fisheries but also prawn fishers themselves, and it resulted in the buy-back scheme of 1987.

In retrospect, I believe some points can be made about that. I share the comments that were made by the member for Playford that we have learned a lot about the merits of management schemes of one sort or another, and buy-back schemes is one of the things we have learned a lot about in terms of the way in which they might apply to certain fisheries in certain circumstances. We saw the incredible effort of the southern zone rock lobster buy-back, but against that we had the situation of Gulf St Vincent prawn buy-back that has not been a success. Was it a problem of the initial scheme in the first instance? It might well have been. But, if it was, I do not accept a lot of the gratuitous criticism that has been levelled by the industry itself about that, because it was a party to that buy-back scheme. If we are to criticise the scheme, not only should the Government wear some of that but so should the industry itself. It cannot now claim, as some have claimed, that it was unwillingly dragged into it.

It was or was not the scheme itself and may well have been a question of the extent of the scheme, the number of boats taken out of the industry or a failure at the time to recognise that the issue was not simply the number of boats

in the fishery but the catch that they take, which includes the rigging of the boats and the capacity of the boats left. In fact, it must be acknowledged that the 11 boats presently in the fishery have a greater capacity than the 16 boats originally in that fishery.

We then came to the question of the funding of the buy-back scheme and the guarantees put in place. I share some of the sentiments expressed by the member for Goyder in terms of the way in which that debt, which is essentially a debt to be borne by the industry, has partially been borne by the taxpayer. In the reality of the situation there is no other alternative and the select committee has come down with the sensible recommendation. However, it does highlight the point of what happens in other areas of the economy, for example, the primary sector, manufacturing or small business. The issue being faced here is whether there will be a fishery in the future.

The select committee has laboured long and hard. I do not think that many select committees have met as extensively as has this one or gone into the depth of the issue as did this committee in terms of seeking out adequate information from a variety of sources to give it a broad base of information as well as a depth of information upon which to make its recommendations. I congratulate the committee. Its considered opinion in its report to this House is that the fishery is something that we can work on in future. I say that because an alternative recommendation might have been that it is all too difficult, we should close down the fishery and maybe an arrangement could be worked out to simply pay out those in it and see them go off somewhere else into some other activity. However, that is not the recommendation being brought into this place.

Rather it is an acknowledgment that a closure is necessary and offers the potential to revert the fishery to one that is a sustainable resource. I note very carefully the strong point made by the member for Playford that there still remains the undoubted preferred goal of the amount of effort in that fishery being reduced. I would certainly hope that we see that occur.

The two-year closure offers not only the opportunity for the prawns themselves to recover from what has been over-exploitation over a number of years—not just one, two, three or four years since the buy-back has been in place, but over many more years—but also offers an opportunity for the new arrangements proposed to be successfully worked through and put in place. That is important because we have had a structure in place to manage the fishery in recent years and it is clear that it has not worked particularly well; at times it has not worked at all. Again blame can be cast. I am not sure how productive that is, but the issue of trying to find a model that will work is important. The select committee has come down with propositions on that which offer a real opportunity, and we have the chance now of two years to get these proposals successfully put into place so that when the fishery reopens we see not only the reopening but also a management regime that has a chance to work effectively.

The question of the residual debt is obviously a very complex one. I commend members of the select committee on the way in which it has tackled that issue. They have recognised reality in addition to desire. The reality is that the burden of interest payments on that amount from 1987 to 1991, at a time when the catch did not live up to a range of expections of recovery, was more than that industry could bear and threatened it with economic collapse. Therefore, that issue needed to be resolved and the recommendation being made is that that element of the accumulated debt to date be not proceeded with.

Likewise, given the closure for two years, the recommendation obviously is that there should be no more accumulation of debt during that two year period and that the licence fee situation should be put on hold. So, what will be left to start with two years from now will be the residual debt, the capital debt of the original buy-back scheme, less a minor amount for asset disbursement. It will then start accruing interest. I think that is the most realistic option, in the circumstances. Desire would have it that that should not have been the case, that the industry should have or could have picked up the full amount; but reality, however, does acknowledge that that was not a practical solution, especially given the fact that the Government, through the Minister of Fisheries, is guarantor, in any event, for the full amount, and if the industry collapsed completely the taxpayer would have to pick up that full amount. So, realism has come to the fore here and I commend the committee for that.

However, it says very pointedly that, when the fishery reopens, industry cannot work its way out of that responsibility, and a number of legislative, regulatory and administrative changes will need to be put in place to enact the findings of the select committee. We are presently seeking some advice on this matter, and as soon as the House has noted this report I will then formally take the recommendations to Cabinet at the earliest opportunity, once I have obtained the further advice necessary on some of these matters, with a view to seeing what the Government wishes to do with the recommendations that have been brought forward to date.

There is one other issue that I should mention at this point. The recommendation is made that there should be a closure of the fishery. A submission to the select committee recommended that there should be a closure—and this was in the public domain. Clearly, there was some question about whether or not the present fishing season should be opened prior to the reporting of the select committee. Because of the doubt that it may have been the case that the committee would recommend the closure, the Department of Fisheries, with my concurrence, recommended that there should be a delay of the opening of the prawn fishing season for one month, from 30 September. That one month's delay expires tonight. However, given yesterday's tabling in this House of the report of the select committee, and now the quite firm recommendation of the closure, I have instructed that that deferral of the opening be in place for yet another month, which will allow time for Cabinet to consider this recommendation. If it accepts it, which I hope it will, then the closure will be in effect for two years. This is preferable to having a situation of temporary opening for a few nights and then a closure. I did not believe that that was a realistic way of handling this issue.

Several other matters in the recommendations will be dealt with in due course. As I have said, they will require some legislative and regulatory arrangements. For example, we will have to do some work on the Scheme of Management, Prawn Fishery Regulations 1991, the Fisheries Gulf St Vincent Prawn Fishery Rationalisation Act 1987 and the Fisheries General Regulations 1984 to enact the regulations if Cabinet concurs with the recommendations of the select committee once noted by this House.

Finally, I want to refer to the report itself and to some of the comments therein. It is clear that the committee had concerns about a number of the players in the Gulf St Vincent prawn fishery. Those concerns include the fishers themselves, their association and the way in which they put inconsistent opinions and information to the committee. It also cannot be denied that the committee has expressed

great concern about the Department of Fisheries. It does not, I note, accept the view put by the Gulf St Vincent Prawn Boat Owners' Association in relation to the capacity of the Department of Fisheries research, but it does indicate that there have been occasions when the Department of Fisheries may not have performed as well in this area as circumstances might have required. I simply say that it has been an enormously complex problem and with such problems, where there is no simple set of solutions, it is very easy for a department, as well as anyone else, to not always get it right. It has been a very important learning experience for the department and I think that the lessons it has learnt will certainly be useful in the future. However, having said that, I point out the department's good track record in so many other fisheries.

One instance concerning the Director of Fisheries and his performance before the committee has been drawn to his attention. In discussing that matter with him, he acknowledges that an episode during one of his appearances could have been more prudently handled. He had not meant his reference of 'frankly stupid' to refer to any member of the committee. Rather, he was referring hypothetically to a situation where someone suggested that a certain course of action be taken and he simply said, in hyperbole, that that was stupid and not tenable. He realises that that was easily and understandably misinterpreted and he acknowledges that he should have been much more prudent.

That being said, however, both he and other officers of the department did their very best to provide the information available to them to the committee to assist it in its deliberations. I thank all who gave information and submissions to the committee, including the Department of Fisheries, which brought the best of its efforts together. It is important to note that, if a self-management regime is to be applied in the future management of this fishery, it will rely heavily on the active involvement, support and capacity of the Department of Fisheries in its research and its general management experience to make that work.

Self-management in a totally alienated environment from the Government will not work. So, I look forward to a constructive arrangement being re-established—such as that which existed some years ago—and this select committee report gives us the chance for that to happen. Finally, I again express my great appreciation to the Chairperson and members of the committee, because they have given this House a very useful set of recommendations in addressing what has been a bedevilling problem that we owe it to South Australia to get right.

**Mr LEWIS (Murray-Mallee):** It is not my intention to delay the House for any great length of time or to repeat what other members have said, other than to commend the committee for the work that it has done and to commend my colleague the member for Goyder for having the guts to devise the means by which it would be possible to make the inquiries through the select committee and have it do its work. That took some doing. I also commend the Minister and the Government for accepting the proposition in the spirit in which it was offered, but it was a gamble, as it might have been seen as a mischief-making and partisan exercise. That, in my judgment, deserves commendation and accordingly I place it on record.

I commend the Minister also for the way in which he has facilitated the work of the committee. Even though I was not a member of the committee, my understanding of the work that it did was made so much easier not only because of the way in which Government and Opposition members on the committee cooperated, but also because of the assistance given to it by the Minister and officers of the department.

My view of the Director and other officers of the department is not as disparaging as that of other members. I have known the Director for many years. I find him to be an outstanding scientist. He is a man of frank and easy statement of fact. He is perhaps capable of offending some people who cannot cope with the more simple urbane statement of such facts according to the way in which he assesses a situation, but I have never found him to make statements which are deceitful and not based on fact. I have always found him to be capable of admitting that it is not known if, to the best of his knowledge, the substance about which I or anyone else is making inquiries is not known.

He does not pretend to know things which he does not know and he does not pretend to do things which cannot be done, and he will speak his mind accordingly. Given the very limited resources at the disposal of the department, I think that the Director does an excellent job for the industry at large. That includes not only the commercial industry and the professional operators in it, whatever fishery we are talking about, but also the recreational fishermen.

My interest in this matter stems from my previous cursory involvement in it, first, acting as a broker for some of the initial operators, who are no longer in the industry selling their produce—that is, the prawns that were obtained from it—and I guess in some part as a dealer, too; and then as a consultant to some of those operators, long before I came here, in the early to mid-1970s.

At that time it occurred to me, from my knowledge of fishing and fisheries internationally gleaned from an interest that I had in that part of the biosphere, that it was likely to be over-exploited. It disturbed me when I learnt of the determination of those people who were fishing in Backstairs Passage, under Commonwealth licence, to continue that practice and argue that separate fisheries were involved. I am not a scientist, but, given that the species are the same and that the bodies of water are clearly and obviously connected, I never saw it as a separate fishery.

In my judgment, that additional effort contributed to the ultimate destruction leading to the current low level of yield from the fishery. It would have served the industry and the fishery better if another means of determining involvement in the fishery had been available. In the measure previously before the Chamber I made comments about the fashion in which I believed licences could better be issued to the industry at large, saying that they ought not to be in perpetuity but that, rather, licences should be issued for five to eight year terms and written off in straight line depreciation, and on an annual basis, either 12.5 per cent or 20 per cent of the total effort would come up for renewal. The particular elements in the industry wishing to take up the reissued right to fish would bid against each other and pay into the public purse to obtain that right. Having registered that expense, they would deduct it from their taxable income. That would enable the Government to cut and shut the effort according to the research being done on the fish stock on an annual basis.

The other reason I entered the debate is my peculiar (I guess), almost quaint but long-term participation in scuba diving. It was not fashionable or even interesting to most people at the time I learnt it, and I guess I learnt it not for recreational purposes but for rather more professional reasons, clandestine in nature perhaps, although nonetheless relevant and important. I looked closely at what goes on beneath the waves for many years before most people found it convenient or comfortable to do so. Very few people were taking much of an interest in what was happening. I noticed

that the technology being used by trawlers more easily to win the prawns they were seeking was having a considerable impact on the balance of other species that had otherwise occupied the floor of the gulf up to that time with relatively little variation, going on the evidence of dead material around the place, and so on.

About the same time as I took a look under the waves at what was going on from time to time, we started to discharge much more effluent from our sewage treatment works. The household and industrial throughput and use of water in the metropolitan area of Adelaide went up exponentially as dishwashers, automatic washing machines and other automatic laundering processes in industry of a variety of kinds came into vogue. As the metropolitan area became paved and the rate of run-off and the material contained in that run-off from the paved streets and roadways increased dramatically into the channels, we no longer had the same ecosystem in the gulf. Significantly more colloidal material was more rapidly finding its way out of the storm drains and paved run-off waterways into the gulf, where it settled, and it affected the seagrass meadows in ways that members, especially those participating in the committees, now know. The difference that made to the type of food chain available in the total ecosystem altered the balance of micro-organisms (zooplankton and phytoplankton) and other organisms up the food chain that relied on them or on their absence. For instance, less light penetrated, heavier loads of solids prevented the penetration of that light, and that affected the seagrass.

Moreover, when those colloidal materials were neutralised and settled out in sediment, they covered the foliage of the seagrass, further impeding the penetration of light to it. It died out. The things that lived in it and on it also were affected. Their populations were reduced, and all in all the environment in which the prawn fishery existed was changing very dramatically. There was a rapid increase in the harvest rate of the prawns, as well as a rapid rate of change of the ecosystem in which they were living. We did not know this and did not apply the resources to study it.

I think I have said in this place before that the best way out of the problems that were first becoming apparent in the late 1970s was to require those people participating in the fishery to contribute an annual subscription to a research fund. Nobody listened. More recently, I told the Minister's immediate predecessor (and it is on the public record) that in my judgment the fishery would have to be closed for two or three years at least, and that research would have to be done into the rate at which reproduction was occurring and the factors which were affecting that rate of reproduction and recruitment in the gulf without that being interfered with by harvest practices.

No attention was paid to me then. If attention was paid to me, it was found to be politically untenable because of the discomfort that the decision would cause to the people making it, namely, the politicans, because of the dislocation that it would cause to those people who had invested a lot in the purchase of their boats and licences, a practice which I have always believed to be inappropriate.

This is not talking with the advantage of hindsight. This is just placing on the record for the benefit of members what I have seen happen in this instance. I note the Minister's comment about fisheries around the world and the way in which they have collapsed, in many cases, under a rapid escalation in their exploitation or other factors. We have a good record generally in this State in that regard, and I commend the work that has been done by the department and previous Ministers over decades, if not the past 100 years or more, for taking that responsible attitude. I am sure that it comes out of the understanding which this State has, through its primary producers, of the need to respect the resource inputs in obtaining anything from nature, whether it is on the dry land farm or from the gulf.

All in all, the Minister's decision announced to the House just a few minutes ago, and his expressed wish that Cabinet should accede to his recommendation to be made to it shortly, makes me feel optimistic. I commend the Minister for telling the House frankly as he did of his decision. I hope that the Minister's Cabinet colleagues agree. It would not be wise to reopen that fishery. I believe a closure for two years at least to be an essential element in the recovery, not just of the fishery but of the entire ecosystem in the gulf. We need to do careful research into what has been happening and try to discover the causes of it. Otherwise, we will end up with a barren wasteland that moves more rapidly than we know how to manage. It will cost us an enormous amount in dislocation as a consequence. We will not know the consequences for our coastline and the residual sand along it. There will be very unpleasant consequences if we ignore the signs that have been shown to us already. Again, I thank the committee for the efforts that it has made and trust that, out of all this, some good will come.

**Mr BLACKER (Flinders):** I had not intended to speak to this Bill, but there are a couple of points that I would like to draw to the attention of the House. Before doing so, I commend the committee on the work it has done and for the courageous report it has brought down. I am concerned about a radio report today on the *Country Hour* relating to the Gulf St Vincent prawn fishery. The presenter was Mr Leigh Radford, on 5CL, and the report to which I refer was given at 12.43 p.m. Mr Maurice Corigliano referred to the debate before the House today. He then said:

> I understand that the parliamentarians will be debating this report today, and I would urge them above all to insist that there be a full inquiry into the South Australian prawn fishery industry.

The report continued:

> There are allegations widespread throughout the industry that there has been corruption in this industry in that favours have been granted to sections of the industry so that they would support the department and thereby hide the debacle that has been occurring in the Gulf St Vincent fishery.

I find those comments disturbing. First, Mr Corigliano and other members of the Gulf St Vincent fishery had every opportunity to present their case and evidence to the select committee. The select committee was set up for that purpose. I believe, from what I understand of what has been reported here tonight, that every opportunity was afforded to those people for that report. For a call now to be made for a full inquiry into the whole prawn fishing industry is totally unjustified. More to the point, it compares a well-managed fishery with one that has not gone so well. I referred to that earlier today when talking to the Fisheries (Miscellaneous) Amendment Bill.

Some fisheries in this State have been well managed with the cooperation of the fisheries, the department and all the research officers concerned to the extent where they are now becoming world leaders in fisheries management. Unfortunately, some other fisheries have not responded quite so well to fisheries management, and that is the very reason why this select committee was established and why this debate is occuring tonight.

I totally reject any view that the whole of the prawn fishery industry should be subjected to another report on the basis of a smaller section of the industry not performing as had previously been planned. Further, I totally reject the allegations that widespread corruption has occurred within

the industry and that favours have been granted to sections of the industry so that they would support the department and, thereby, hide the debacle that has occurred in the Gulf St Vincent fishery. I have seen no such evidence, nor am I aware of it as a result of any discussion amongst my parliamentary colleagues or my contacts within the fishing industry, and I think that comments such as those should be rejected. I wanted to put my view on record only because this House should reject any such attempt to have a full-scale inquiry as referred to in the *Country Hour* today.

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

That Standing Orders be so far suspended to enable the House to sit beyond midnight.

Motion carried.

**Mr QUIRKE (Playford):** I thank all members who contributed to this debate tonight and for their recognition of the hard tasks with which the select commmittee had to come to grips. It is not possible for me to go through all the points raised, but I have made some very quick notes of the relevant points that need to be mentioned in the final part of the debate. I agree with many of the comments by the member for Alexandra about the role of bureaucracy and the question of far too much interference. In many respects, a lot of other comments that he made concur with many of my views, and I do not think it is necessary to go over that ground, as many other speakers have done so tonight.

The member for Henley Beach correctly drew our attention to the licence mechanism as the vehicle for repayment of the debt after the fishery is reopened in two years. There is no doubt that where the fishery is concerned—and this has to be said—there has been poor performance in terms of debt repayment over the past four years. Tying the debt repayment and the interest that will fall due when the fishery is reopened to the licence mechanism is the Government's best guarantee of receiving a legitimate payment for the original loan taken out in 1987: 'If you don't pay for your licence, you don't go fishing.'

The member for Goyder should be thanked for bringing this issue to our attention and for providing the basis for this select committee and, hopefully, for the resolution of a very difficult problem. The member for Stuart made a number of comments about prawn size. It is not necessary for me to go into that now, except to emphasise what the member for Stuart and others have said, that is, that this question is legitimately one for the new management committee. The member for Custance made out a good case for a much freer and more deregulated fishery in the Gulf St Vincent. I concur with many of the comments he made, and I believe that the select committee has put in place the necessary train of events to ensure that that situation will develop. Indeed, he made the comment that, if we are not careful when the fishery reopens, many of the fishers will go out there and literally fish the gulf out. I hope that is not the case and that the new management committee will take its task very seriously by setting a total available catch and holding the fishers to it.

I was pleased to hear the Minister announce the time over the next month for Cabinet to consider the findings of the report and to respond to our suggestions. I welcome the decision by the Minister to extend the non-fishing period for another month for this process to be developed. It seems to me that in the spirit of making decisions in this area that is an excellent one, and I commend him for it. Hopefully, before we rise later this year we will have before us the necessary legislative changes to enshrine the Government's response to our report.

The member for Murray-Mallee raised a number of legitimate questions about pollution in the gulf. He mentioned colloidal dispersions that are the direct result of stormwater run-offs. In essence, the committee found little evidence to support the suggestion that pollution had caused a decline in the fishery, but it did raise that matter as an issue. I say to the honourable member that much of what he said comprised the meat of some of our meetings.

Our problem was that we could not obtain conclusive evidence on many of the issues, and I agree with the member for Murray-Mallee who said that we will need to look at many of those points much more carefully and that the matters need much more research in the future. The one thing that has come out of this exercise is that there is a dearth of information and research, and many of the committee's decisions were based on scant information indeed.

Finally, the member for Flinders raised the unfortunate question of the Corigliano interviews. There were two of those. I participated in one earlier this morning that was the subject of another transcript. Mr Corigliano said that we did not take the hard decisions and that we should have understood that the central issue was 22 whole prawns per kilo rather than the other figures tossed around. I point out that Mr Corigliano and everyone else not only had the opportunity to put their case before the committee but they did so—and not once, twice or three times but upwards of four or five times. In fact, Mr Corigliano came back six, seven and eight times and tried as late as Monday this week to have another go.

So far as this matter is concerned, unfortunately for Mr Corigliano, he has to cop this situation. In fact, even the biologist Mr Corigliano employed and brought over to brief us told us that Mr Corigliano was wrong, that 22 whole prawns was not the right figure. Before the gallery of all the fishers and the committee and anyone else (and believe me, there were many people who had nothing better to do than sit and listen to this stuff all day), the biologist employed by the association and appointed by Mr Corigliano turned around and said, 'You did not really say that, did you?'

Unfortunately, Mr Corigliano will now have to take his case to the new management committee which is the organisation who should make the decision about the 22 whole prawns per kilo or whatever the number should be. As a former teacher, I will give Mr Corigliano a bit of advice: he should get his story right before he says anything. I do not want to dwell on this point, but it would have been much better in the case of Mr Corigliano and a few others if they had sorted out their evidence before they presented it to us. In fact, we might not have had to have 22 meetings to sift through all that information.

It has been a long and arduous task. We referred to inconsistencies in the report, and that was the area we had in mind. I advise the House that that was the clear issue. I would like to finish by saying that a number of people behind the scenes helped the committee in its deliberations, and I would be in error if I did not mention the role of Terry McEwen who was involved as the spokesperson for the association. Mr McEwen articulated his case well, was extremely constructive and took the message to the fishers. Mr McEwen has indicated to me that as someone who has been associated with the industry for a long time he is satisfied that the committee took the hard and necessary decisions and, in his words, took the responsible decisions.

**The Hon. Ted Chapman:** He said that to me, too.

**Mr QUIRKE:** The member for Alexandra confirms that as well. I must say that Terry McEwen was a good advocate

for the industry and he did it a great service in articulating its case and carrying the messages backwards and forwards. The debate has been extremely constructive, and I thank all members who participated in it. I thank the House for the opportunity to address it on this issue and for the opportunity to be the Chair of the select committee.

Motion carried.

[*Midnight*]

## WHEAT MARKETING (TRUST FUND) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1161.)

**Mr MEIER (Goyder):** The Opposition supports this Bill which establishes a South Australian Grain Industry Trust Fund and provides for ministerial approval of the trust deed for the purposes of establishing and controlling the application of the fund. The changes to the Wheat Research Trust Fund are necessary, as the Minister pointed out—

**The Hon. Ted Chapman:** We agree with this, do we?

**Mr MEIER:** Indeed.

**The Hon. Ted Chapman:** Why don't we just go home?

**Mr MEIER:** The member for Alexandra is interjecting out of his seat. Probably better than anyone else the honourable member would appreciate the importance of the economic contribution of the wheat industry to this State over many years, particularly at a time when the State is in dire economic circumstances. I appreciate that at one minute past midnight the easy option would be to say that the Opposition agrees and to go home, but I believe that certain points need to be put on the record.

The member for Alexandra would have to agree with me and other members of the Opposition that the wheat industry is very important to this State. In fact, it is one of this State's key industries. These points should be put on the record when this Bill is before us otherwise the opportunity will be lost for the rest of the year. The changes to the Wheat Research Trust Fund are necessary as a consequence of the enactment of the Commonwealth Primary Industries and Energy Research and Development Act 1989, when $4.066 million of wheat growers' research money which was formerly administered by the Wheat Research Trust Fund was returned to the South Australian Department of Agriculture as the temporary custodian.

The new fund takes over from the Wheat Research Trust Fund. The new trust deed will operate like the old trust deed, and the trustees appointed are three representatives of the United Farmers and Stockowners and one departmental officer representing the Minister. Clause 14 of the deed stipulates that the Minister and the United Farmers and Stockowners acting jointly, but not otherwise, may change the trust conditions provided always that the trust remains a charitable trust for the benefit of primary production and primary producers. Thus, neither the Minister nor the trustees can unilaterally change the provisions of the trust.

In our consultations as to whether we agreed or disagreed with the Bill, we sought advice from the Wheat Board and the United Farmers and Stockowners. The representative of the Wheat Board indicated that the trust fund has little to do with the board as such, and the board felt that the United Farmers and Stockowners was the appropriate body to act on its behalf. The United Farmers and Stockowners officer in charge of the grain section, Mr Neil Fisher, sent me a letter from the Director-General of Agriculture, Dr John Radcliffe, as follows:

> (1) The amending Act will provide that the Minister—
> - Pay into the South Australian Grain Industries Trust Fund, moneys collected under the Act (in keeping with the Trust Deed, moneys returned by the Commonwealth of course, have already been deposited in the fund).
> - May approve the Trust Deed or any changes thereto.

It further states:

> (2) The Minister will have no further statutory powers or obligations with regard to the trust arrangement other than the proviso that the deed be promulgated by regulation.
>
> (3) The trust deed itself stipulates at clause 14, that the Minister and the UF&S acting jointly but not otherwise, may change the trust conditions provided always that the trust remains a charitable trust for the benefit of primary production and primary producers.

I highlighted that last point earlier. In summary, the Director-General states:

> In summary, neither the Minister not the trustees can unilaterally change the provisions of the trust. Bearing in mind that the deed existed before preparation of the amending Bill we earlier had asked Parliamentary Counsel why the Bill featured the provision that the Minister 'may approve a trust deed'. We were assured that in all the circumstances, the wording was appropriate. I have advised the Minister of our discussion and my belief that in light of the above points, there is no need to amend the current Bill.

As the shadow Minister of Agriculture, I am quite happy that the trust deed will look after the wheatgrowers' money, which is the most important thing, and, secondly, that research funds will be available and provided in that respect for South Australian wheatgrowers. Seeing that the subject has been opened up, I wish to highlight a few points relating to wheat that have come to my attention during the past week.

It was very appropriate to see in a *Stock Journal* article of 24 October that wheat will now increase in price by $10 per tonne for ASW wheat, that is, 10 per cent protein wheat, to take the price to a predicted pool payment of $150 per tonne. It is important because you, Mr Deputy Speaker, and all other members of this House will recall that at the end of last year there was a motion to ensure that a minimum of $150 per tonne was paid to wheat producers. The Western Australian Government agreed to underwrite the price of $150 per tonne; the Premier, Dr Carmen Lawrence, promised it. I pay tribute to the Premier of Western Australia for having the courage to do that at that stage, although some would say she wanted to win the by-election. However, she lost it. Be that as it may, she had the courage to put forward the price of $150 per tonne.

Why? Because we in Australia needed to give some confidence to wheat producers and we needed to ensure that we had sufficient wheat to export to other countries that had relied traditionally on Australia's wheat, and Western Australia did just that. However, South Australia did not do it, so what has been the result in this State?

The evidence I have indicates that South Australia has a wheat crop somewhat in excess of 6 per cent under the normal acreage planted. That is the bad news. The goods news is that our production will be about the same or perhaps a little more than that of last year, but it would have been great to have the extra 6 per cent plus on top of our year's production, because there is a drought in New South Wales and Queensland at a time when, believe it or not, we need all the production we can get.

I want to refer to more of the article in the *Stock Journal* of 24 October 1991. We find that it is predicted that the cost of wheat is to go to $150 per tonne but that increased sales prospects to the USSR and to China and the drought-reduced crops in Queensland and New South Wales have contributed to the third price rise in as many months.

**The DEPUTY SPEAKER:** I assume that the honourable member is going to relate his remarks to the trust fund which the Bill establishes.

**Mr MEIER:** Indeed, Mr Deputy Speaker. In fact, the whole idea of the trust fund is to ensure the continuity of wheat production in this State as we know it. As you would fully appreciate, Sir, as would be the case with all members in this place, it has been the growers who for many years have contributed voluntarily to this trust fund. In fact, the trust fund has been so set up that if any grower does not want to contribute he can identify that fact to the Minister and be excused from making the payment.

What has that done for the wheat industry of South Australia? First of all, obviously, it has ensured that we have been a very prominent wheat producer in Australia. In fact, a few years ago we accounted for a very significant proportion of Australia's wheat production, and I suggest that this year's figures will be similar. We will be one of the major wheat producers in Australia, and so we should be. Certainly, a major contributing factor will be the fact that we have this trust fund set up.

I take your point, Mr Deputy Speaker, that, in the main, my comments should be related to the Bill. I will not diverge unnecessarily, except to say that, unless an appropriate price is paid for wheat in this State, we will see wheat production progressively decline. It was interesting to read the comments that were made in the *Stock Journal* article by a Jamestown farmer, Mr Leith Cooper. He said that, whilst the rise was good news it was still less than the price two years ago, that 'in the long term we need $200 per tonne or more to run a viable farming operation. At this stage we still need another rain to get our full yield potential.'

Certainly, I acknowledge that it is a great tragedy that the rains did not come some two or so weeks ago to most of our wheat-producing areas. That will result in a lower harvest than was anticipated. Hopefully, the protein content of the wheat will be up, and therefore there might be a price compensation, but it will not make up for what could have been the icing on the cake for the rural sector, at a time when it needed every incentive possible. I think all members of this place would appreciate that the rural sector is the one that will make or not make South Australia. In other words, the economic future of South Australia hinges very much on the primary production sector.

I will not go into further details in this area, but I should like to very briefly highlight the fact that, because we have not been able to provide a sufficient price to our farmers, because our wheat industry has not been given the encouragement that it should have been, we in Australia, a wheat-producing and wheat-exporting nation are now finding, this year, that we will have to import wheat. That is an unbelievable situation.

I refer very briefly to an article by Alan Dick in *The Land* of 24 October this year. The article states:

> No wheat should be imported into NSW at least until the harvest is finished, the NSW Farmers Association says. This was the association's reaction to reports that the Wheat Board may have to import up to 500 000 tonnes of high-protein milling wheat to make up for the expected shortage of prime hard quality wheat because of the effects of drought in Queensland and northern NSW.

Mr Deputy Speaker, you would fully appreciate that it is a great tragedy that Australia is this year importing wheat after a year when we found that there was no demand for wheat. Governments around the country were saying, 'We will not give a minimum price guarantee' and many farmers said, 'We will not plant wheat, because we feel that we would be on a loser if we do.' Just 12 months later we find that not only do we have insufficient wheat to provide for our own local millers but the price is such that it becomes a profitable operation.

**Mr Lewis:** Marginally profitable.

**Mr MEIER:** Yes, as the member for Murray-Mallee rightly points out, it is marginally profitable. I hope that, despite what the Wheat Board says, the price will continue to increase. Admittedly, there are a few weeks left before that may or may not occur.

It is also interesting to note that the Chairman of the New South Wales Farmers' Association, Mr Crossing, said:

> If any wheat is imported at all we want it to be under the most strict conditions. I believe it should be controlled by the Wheat Board.

The article to which I refer further states:

> Low prices and now drought have throttled back Australia's wheat crop by more than a third, latest figures from the Bureau of Agricultural and Resource Economics (ABARE) show. The latest bureau crop report puts the 1991-92 crop at 9.78 million tonnes, a 35 per cent slump on last year's 15 million tonne-plus crop. The harvest will be the lowest since the 1982-83 drought. State by State, the latest forecasts are: NSW (1.5 million tonnes); Victoria (1.48 million tonnes); Queensland (200 000 tonnes); WA (4.5 million tonnes); and SA (2.1 million tonnes). It will leave only 6.43 million tonnes available for export, the worst export performance since the 1972-73 drought.

Those figures speak for themselves. Certainly, while South Australia's share is admirable, Western Australia's share—at 4.5 million tonnes—shows just what has been done as a result of that Government's having guaranteed a minimum price.

As I said at the outset, the Opposition supports this Bill and certainly wishes the Wheat Board and the Wheat Marketing Trust Fund all the very best in the future. Most importantly, we wish the wheat producers every success, because they really are the backbone of this State's economy, together with many other rural industries.

**Mr LEWIS (Murray-Mallee):** I shall not repeat the substance of the contribution made by the member for Goyder, nor shall I say anything that detracts from the contribution yet to be made by the member for Custance, other than to mention that, were it not for the man after whom the electorate that he represents is named, being the first principal of Roseworthy College, we probably would not be debating this measure tonight. Research into cereal production and breeding programs began when Roseworthy College came into existence. It was the beginning of the science of agriculture as an area of formal study and discipline in this country, and that is the basis upon which I wish to address the House tonight.

This fund, about which we are concerned in this measure, provides finance for research purposes relevant to the needs of the industry. I think that the fashion in which funds obtained from this or any other source have been applied in the past have been altogether too narrow. That is not to say that I do not respect the enormous contribution that has been made by agrarian politicians, farmers organisations in general and wheat growers representatives in particular in the past. I do respect what they have done. This State and country have done a great deal in developing a technology and range of varieties that suit the very poor soil and climate, relatively speaking, upon which our cereal industry is established. However, they have done that in a way which has been too narrow. It could have been wider, and I hope that in future it will be wider. What needs to be taken into account in future is not just the wheat plant itself and its multiple number of varieties grown for various commercial purposes or, for that matter, taking it one step further, the pathology of that plant in either its foliage or

its roots but the integrated farming system upon which successful, sustainable agriculture depends.

The research which has been done has not examined in sufficient detail, where it has been financed from this source, the way in which soil health has been addressed. We all know about the necessity to rectify the phenomenon of phosphorus deficiency in our soils. That is not only because cereals and any other plants need the phosphorus but more particularly because legumes, once they get adequate phosphorus, are able to fix nitrogen, yet another major essential element for plant growth. By fixing nitrogen in that form, they make the most substantial and significant economic contribution to the enhancement of fertility levels upon which wheat or any other cereals and farm products depend. Without nitrogen, there is no protein.

The wheat industry, through this fund, has not contributed very much in that regard. When we consider the research programs which could substantially enhance the yield of wheat by hundreds of thousands, if not millions, of tonnes by doing nothing more than enhancing the rate at which we successfully and effectively fix nitrogen and add it to our soils by biological means, we begin to understand the gravity of what I am talking about.

I know of a particular research program which languishes at present in the CSIRO division of plant industry and which is directly related to the subject that I am addressing now—the mechanism by which we can enhance soil nitrogen levels. In the process of doing that we enhance soil organic matter levels, because the nitrogen fixed by legumes and retained in the soil is held there as organic nitrogen. That has the dual effect of enhancing the availability of nitrogen to the pasture species which grow in conjunction with the legumes as well as the crops that are grown upon the cultivation of the soil in the paddocks upon which the pasture has been grown. This program is directly related to the examination of the way in which yield of bulk and seed in legumes is reduced through the impact of an endemic virus disease in legumes—'endemic' meaning across the board. It is called the subclover stunt virus. It stunts all legumes, whether they are clovers, medics or other pasture legumes or crop legumes such as faber bean, field pea or lupins.

It is particularly relevant, however, in the context of the pasture legumes—trifolium species and medicago species. They have their yield effectively reduced by at least 20 per cent and as much as 80 per cent and, accordingly, this reduces the agricultural output from Australia's rain fed farmlands and, indeed, those other areas of agricultural production where there is still a reliance on legumes, where irrigation is undertaken, by at least 20 per cent. If the value of such productivity, even in these times was, say, only $10 billion (and it is likely to be more than that, in spite of the depressed prices that we are getting for our products at this time), just by fixing up this disease, which reduces productivity by 20 per cent, we could expand the gross domestic product by expanding the gross product of farm output by $2 billion a year. It is as simple as that—at least $2 billion a year.

It would leave our soils in much stronger condition, with higher levels of organic matter and better able to cope with the rigours of drought and the effects of cultivation in those circumstances. It would be less likely to erode and less likely to be adversely effected by diverse climatic conditions. We would be better off by $2 billion a year, and how much money does that program need really to go places fast? Every year we put off giving that money we are putting off benefiting to the extent I have mentioned. It is a meagre $200 000. That program could probably use $400 000 or $500 000 and within five years the problem would be substantially solved because it really needs only genetic engineering to put a gene into the split chromosome that gives resistance to effect of that virus. Australia would immediately be at leat $2 billion a year better off forever.

Therefore, I urge the people responsible for the determination of where to apply their research funds to look more closely at the strategies available to them in a wider arena than simply to relate to the breeding of new varieties of wheat and the development of disease resistance in the wheat plant itself, for example, rust resistance, nematode resistance and so on.

I urge them to look a little more widely than that, and to see the holistic picture of enhancing fertility. That is the burden of my submission to the Parliament tonight. I do hope that, throughout the realms of the public sector, someone will hear what I am saying and heed my plea, and that farmer organisations will recommend that this wider, more responsible approach is taken, and that people such as Dr Chu can get on with the job for which they are trained. He is outstanding in his field. After all, he was the person who first identified the subclover stunt virus about which I speak. He then set out to establish its aetiology, and the enormous spread of its impact throughout Australian agriculture.

In addition, he quantified the upper and lower limits of its likely consequential effects. He has gone all the way with this program from day one without very much support and certainly with no public acknowledgment. In any other economy—for instance, in a third world country—if he discovered a means by which he could add $2 billion annually to its gross productivity for such a small price of between $1 million and $1.5 million, he would receive a Nobel prize for his contribution to science.

In this instance, it seems that it is left to me to identify the relevance of the work he has done to the measure we have before us tonight and to the Australian population at large. That only arises in consequence of my interest in this man's brilliant research mind, even though he may be seen by others as having some mannerisms which they find awkward to understand. He is a brilliant scientist and this country and its farmers will owe him an enormous debt when we finally do beat subclover stunt virus. I hope that that is sooner rather than later. I thank the House for its attention to my proposition.

**Mr VENNING (Custance):** I apologise to the House for speaking on this matter at 12.30 a.m., but all members must realise that this is my industry. I was a wheat farmer before I came here. Wheat farming is South Australia's most important industry, and it would be remiss of me if I did not say a few words on the subject. I make no apology for the fact that the wheat industry is South Australia's key industry. It is the greatest industry! As the member for Murray-Mallee said, the District of Custance is named after Professor Custance who was one of the first people in this State to be involved in wheat research. In fact, he was brought out here to lead research at Roseworthy College. As I said in my maiden speech in this place, he was one of the first people to introduce the use of superphosphate for the growing of crops in South Australia.

As the shadow Minister said, the price of wheat is now $150 per tonne and rising. It is a pity that we did not see more acres planted. One only has to drive in the country north of Adelaide to be staggered, as I was, to see the amount of wheat that is cut down for hay. This has been cut down only in the past four, five or six weeks. Even then, the end price was not guaranteed. Farmers took the

opportunity hoping that, if they cut the hay down, sold it off and exported it, they would pick up a higher price. As they have seen now, it was probably a foolish move for many people, particularly those involved with the more bland cereal hays. That will cut this State's potential down by a large degree, in effect an immediate cash flow.

As the shadow Minister said: fancy Australia importing wheat! Something is seriously wrong if we ever have to come to that. In fact, it is upsetting that we should even consider it. We should have put in place a minimum price, as was the case for many years. For how many years was that minimum price ever used? The Federal Government was only ever called on once to come to the party. This year, I praise the Western Australian Premier, Carmen Lawrence, who had the foresight to put this in place. Whether or not she could deliver the minimum price is not the question: she said that she could. Western Australian farmers put in their crop. We saw the figures the shadow Minister quoted: 4.5 million tonnes for Western Australia, while we are producing 2 million tonnes. South Australia has many acres that will not be reaped. What good would it have been if we had reaped all those acres? It would have been worth a lot of money to South Australia.

In 1991 we will harvest approximately 2.1 million tonnes. With the dry finish, the quality of the State's grain will be some of the highest we have ever seen, with very high protein levels. I asked the Minister why the word 'wheat' in the title of this Bill was not 'grains', as it should be, because this Bill involves barley as well, which comes under that fund.

*The Hon. Lynn Arnold interjecting:*

**Mr VENNING:** Rather than amend an old Act, I think, in hindsight, the Minister should have brought in a new measure and called it the Grains Reserve Development Commission Bill, but it is not worth arguing about that. In South Australia the UF&S has led Australia in grain research, and it has done that for many years. Plant breeding is unique in South Australia. We decided many years ago in this State to undertake our own grain breeding program, particularly because there are unique areas in the South-East of the State and on Eyre Peninsula. That is why very early we decided to set up our own grain research committee. Then, with the advent of the Federal grains committee, we found that we had $4 million of South Australian money surplus. There was some concern that we would not get that back, but I am pleased to note that it is coming back and that it is now here.

I did a fair amount of research into this new trust that has been set up. After reading various papers on this matter and also a letter written by Dr John Radcliffe to Mr Neil Fisher, I am assured that the Minister cannot act without the trust, nor can the trust act without the Minister. Clause 9a (2) of the Bill provides:

The Minister may approve any amendment to the trust deed.

That did concern me, but I was assured by the Director and by the Minister that that is not the case: such an amendment could be agreed to only by the trustees agreeing to that. After reading that into *Hansard*, I hope I never have to recall making this statement: I hope the situation will never arise. I hope it will always be a harmonious situation that the Minister would always agree with the trust in relation to looking after this money. I was very glad that that point was cleared up.

As I have said, South Australia has led the way. The South Australian Grains Research Development Committee, chaired by Tony Eichner, comprises Neil Smith, Tom Koots, Malcolm Bartholomeus and Don Swincer, to whom I pay tribute. The trustees are Ken Schaeffer, Colin Rowe, Malcolm Sargent and Dr Rip Van Velsen, who represents the Minister on that trust. They are a very good bunch, to all of whom a tribute must be paid, because they have led our industry in many areas, particularly in grain research, and for many years.

They have done a sometimes thankless job, and some of the more traditional wheat farmers do not realise the effort that they have put in. In the early 1970s we established the wheat industry research committees, which have been chaired by three very prominent people: Ed Buckley, Frank Kuhlman and Malcolm Sargent, they played a very key role. We also led the way in respect to barley. There was a separate committee but barley is now covered by a joint committee on grain research.

I would also like to pay tribute to a South Australian, Mr Don Blesing. He is well known to the Minister and has played a key role on the national grains research committee. Although it is 12.40 a.m. I think these things need to be said in this place at this time because South Australia has led the way. We have some people of whom we should be proud because they have put so much into this area. These people are recognised not only Australia-wide but world-wide in the field of grain research.

I also refer to Mr Reg French who more than anyone else made farmers think about their potential and what they ought to be aiming for with their crops. Reg has now retired from the department. I also refer to a scientist by the name of Gill Hollamby, who has been at Roseworthy for 30 years and at Ali Bayraktar for 15 years. This team has developed the following breeds: halberd in 1968; lance in 1976; bayonet, spear and dagger in 1984; blade and machete in 1985; and excalabur was developed last month.

I would like the House to note that 70 per cent of the South Australian crop and 35 per cent of the Western Australian crop are planted with breeds that come from Roseworthy. That, in itself, says something. In Australia we have key breeds of machete and spear and, in Western Australia, spear and halberd. Halberd is still the benchmark against which all varieties are measured: a very successful wheat that was grown Australia-wide. Tony Rathjen has been at the Waite Institute for 26 years. The breeds he has developed are most important: warimba in 1974; warrigal in 1978; arroona in 1983, which is coming out again as a new rust-resistant variety (and that will be very welcome because I grow arroona); schomberg in 1987, which is also coming out as a rust-resistant variety; and molineaux, which was launched in 1988, a big breakthrough and one of the first wheats to be released with a resistance to the cereal cyst nematode. So, South Australia has been leading the way. I hate to bore the House with science but these things need to be said even at this late hour. I also refer to Dr Hugh Wallwork, of the Department of Agriculture, and the work he has been doing on rust resistance in all these breeds.

We have also led the way in relation to barley, but I will not go into that at this late hour. I refer particularly to diseases below the ground. We have been concentrating for many years on crop diseases above the ground, but we are now concentrating on diseases below the ground. Dr Reg French and these other people have led the way. I ask any member how he or she thinks Australian farmers have been able to survive in this climate with a market like ours. As I have said before, Australian farmers are the most efficient in the world. That is because our research committees have been dishing up a world class product. They do this continually: as soon as a disease is discovered, they develop a new variety or in-breed resistance. It gives me much pleasure to support this Bill. In doing so, I pay tribute to the many grain research committees established over the years

and, on behalf of the grain industry of South Australia, I wish them all the best for the future.

**The Hon. LYNN ARNOLD (Minister of Agriculture):** I thank members for their support of the legislation. The only point that I will pick up tonight is that this Bill is called the Wheat Marketing (Trust Fund) Amendment Bill because it deals with wheat marketing. There is an absence of references to barley because I will subsequently be introducing into this place barley legislation to amend the Barley Act. That is known to many members, and it will deal with the levies on barley. That will be dealt with in that legislation.

*Members interjecting:*

**The Hon. LYNN ARNOLD:** The barley legislation will also provide for the handling of levies for research into barley. It is quite within the competence of the Barley Act to deal with that for barley, and this Bill deals with it for wheat. I thank members for their comments, and I look forward to the rest of this legislation being processed with speed.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Interpretation.'

**Mr MEIER:** I refer to the definition of 'the fund'. In his reply the Minister indicated that the fund will relate also to the barley industry. Is that why 'grain' is included in the name of the trust fund, rather than its being a wheat industry trust fund? In other words, does it apply to more than one area?

**The Hon. LYNN ARNOLD:** The legislation deals with the collection of moneys to go into that fund. It deals not so much with the fund itself but with the collection process of levies from the growers, and enabling that to be placed in a fund known as the South Australian Grain Industry Trust Fund. There will have to be a similar clause in the barley legislation for moneys taken from barley growers by levies to be placed into the same trust fund.

**Mr MEIER:** I take it that not only the wheat and barley industries contribute to the fund. Do other grain industries contribute to the fund?

**The Hon. LYNN ARNOLD:** I will have to take the question on notice, because I do not know whether traditionally there have been levies on areas other than wheat and barley. Oats may have been subject to a levy at some stage, but I do not believe it applies now. As to other grains, I do not know. This Bill amends the Statutes Amendment (Wheat and Barley Research) Act. It refers to those two cereals. I will have to take on notice whether other cereals are subject to voluntary levies. I believe they would have been voluntary levies only in those cases.

**Mr MEIER:** I will await that answer. The word 'trustees' is defined in this clause. Although the member for Custance identified the current trustees, can the Minister identify the trustees as they will apply under the Bill?

**The Hon. LYNN ARNOLD:** I will have to take that question on notice.

**Mr BLACKER:** As to the allocation and use of moneys, some funds come from the wheat industry and some from the barley industry. Will funds be returned to those respective industries? Can all the funds go to the wheat industry in one year and to the barley industry the next year? Will each industry receive equally from the contributions?

**The Hon. LYNN ARNOLD:** I will have to check it out. I would presume that each industry would receive proportionate to its contribution so that there would not be cross-subsidising of one to the other.

**Mr LEWIS:** I want to encourage the Minister to widen the ambit to which those funds are applied because both those industries, as well as the farming industry in general of which they are an integral part, rely on other factors of the type to which I was referring, namely, the enhancement of the fixation of nitrogen and the enhancement through that of soil organic matter right throughout Australia's farmlands by getting rid of this subclover stunt virus in all the legumes that we have in our pastures and legume crops.

It is a miserably small sum of $300 000 to $800 000 to get an annual return of at least $2 billion nationally forever by addressing that problem and getting it fixed. Yet, because it is not wheat or barley it is not seen to be relevant to the parochial interests of the people who represent wheat growers *per se*. I was hoping that we could get them to understand the wisdom of enhancing their production by looking at the factors that can protect it and make the whole farming system—indeed all the people I represent, and so on—more sustainable.

**The Hon. LYNN ARNOLD:** I might be able to reassure the honourable member. The second reading explanation indicates that as a result of discussions with the UF&S I agreed to the preparation of a trust deed to provide for appropriate guidelines for the use of the money; the trustees are then appointed; and this Bill enables that to be legally enshrined. That trust deed between the UF&S and the Minister of Agriculture states:

> 'Grain' means any species of wheat, barley, triticale, maize, grains, sorgums, soy beans, safflower seeds, sunflower seeds, linseeds, oats, rye, rapeseed—

I guess now called canola—

> rice, field peas, Lukin's millet, canary seed, grain legumes, pulses and any product of the soil declared by both the Minister and the UF&S to be grain without limiting the generality of the foregoing.

So, the trust deed is looking at all these opportunities. The application of the fund is as follows:

> The research and development into growing, harvesting, storage, processing and marketing of grain [in that wide definition] and generally into all aspects of the grain industry in South Australia; to dissemination of technical information to the grain industry; and for payment of all costs and expenses of and incidental to the management of the fund.

**Mr VENNING:** Can the Minister foresee a situation in which he and the trustees could disagree? If that happened, what would be the way out?

**The Hon. LYNN ARNOLD:** The second reading explanation identified that there would be three representatives of the UF&S and one departmental officer representing the Minister as trustees. One would imagine, therefore, that if there was a disagreement the Minister would not fare too well.

**Mr LEWIS:** The trust deed that the Minister read to us refers to the production of all those grains, but it does not speak about the factors that affect their production. I again make the plea that the Minister examine more closely the substance of what I have said so that it is not just possible, but probable and likely, if not certain, that the kind of problem to which I drew his attention, and that of the rest of the House, can be addressed from this source of funds, because at present it has not been. The people administering the funds have simply looked at the production of grain and not at the factors affecting it outside the species which are producing the grain.

Easily the biggest return on the investment dollar in research right now would come from a rapid introduction of subclover stunt virus resistance into the legume pasture species and crops that we use. As I said, less than $1 million is required for an annual return of at least $2 billion. At present this kind of research falls between all the stools—

the wool, meat and grain industries. The wool industry looks after wool; the meat money goes back into meat research, breeds and so on; and the grain industry looks after grain. None of them looks at how the fertility is first contributed to the soil over all. A pittance of money is spent on that.

**The Hon. LYNN ARNOLD:** It may be that this trust fund does not adequately look at that interconnection of relationships, and I will certainly have that point checked out. I would not accept that research in agriculture does not look at that, and indeed the Department of Agriculture's very new developments at the Turretfield Research Centre specialise in sheep and wool production generally, but also in the area of cereal cum livestock production, which includes therefore the inter-relationship of the two as well as pasture production. It does so because in the area in which it focusses, not only for the whole State in terms of wool and sheep meat but also in cereal cum livestock and pasture, it is focussing on that geographic area of the State as a research servicing centre. I will obtain a report on how those inter-relationships are being addressed, and perhaps a report on what other areas of research are being undertaken in the department and to what extent they are capable of being supported by industry trust funds.

Clause passed.

Clause 3—'Insertion of ss. 9a and 9b.'

**Mr MEIER:** As we are aware, the trust deed comes in at State level. Is the Minister aware for how long the deed has been in operation under the Federal legislation?

**The Hon. LYNN ARNOLD:** Payment of the voluntary levies into the Commonwealth Wheat Research Trust Account was made possible by an agreement reached in 1983 between the Commonwealth and State Ministers. Under the agreement those funds, along with amounts collected on a compulsory basis, were reassigned to South Australia for research work. Passage of the Commonwealth Primary Industries and Energy and Research Development Act 1989 saw the Grains Council of Australia replace the previous structure, which included the State Wheat Research Committee. It was felt that it was no longer feasible or appropriate to continue with the procedures that existed prior to the 1989 Act. The compulsory wheat research levies were collected under the Commonwealth wheat industry fund 1989 and its predecessor legislation. Section 10 of the State's Wheat Marketing Act 1989 provides, as did its predecessor, for a committee. I suspect it means that the legislation between 1983 and 1989 covered that fund and further arrangements had to be made from there.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

## ADJOURNMENT

At 12.58 a.m. the House adjourned until Thursday 31 October at 10.30 a.m.