LEGISLATIVE COUNCIL

Thursday 26 November 1987

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Department of Fisheries—Report, 1986-87.

QUESTIONS

ST JOHN AMBULANCE

The Hon. M.B. CAMERON: I seek leave to make a statement prior to asking the Minister of Health a question about the St John Ambulance.

Leave granted.

The Hon. M.B. CAMERON: In recent days a number of statements have been made that I wish to quote to the Council. I will disclose by whom the statements were made after I have read them. The first statement is:

It is our understanding at this point in time that South Australia operates a very good ambulance service, that we do not believe—and it certainly has not been brought to our attention—that the quality of the service is inferior to any of the other services provided in the States of Australia.

The second statement is as follows:

... on my present knowledge of this dispute that I'd have to recommend against it to the Government on the basis that we have a large number of very pressing and very urgent areas in which money needs to be expended where patients are in fact suffering on waiting lists for hip replacements and so forth—a real problem to the Government at the moment—and that at this stage I am not convinced that $500 000 is going to improve patient care one bit ... we would have to recommend to Government against that, if $500 000 was to become available, it should be used in higher priority areas.

I also wanted to say that, if in fact the quality of service that we believe is inferior, money does not become an issue. In fact, we'll negotiate very hard to rectify and overcome that problem and in this particular case, from what I have seen, I have yet to be convinced that there is going to be any improvement in the quality of service or the service available to the community as a consequence of the expenditure of this money ... based on the quality of service ...

Those statements were made by Mr Sayers, a senior officer of the South Australian Health Commission, when giving evidence at a hearing before the South Australian Industrial Commission on behalf of the South Australian Health Commission. Mr Sayers, comments make very clear that the South Australian Health Commission clearly believes that we have the best ambulance service in Australia and that no advantage will go to anybody transported as patients as a result of any additional funding, and he fully backed the system as it operates at the moment.

I have a letter from the Minister of Health to Dr J.F. Young, Chairman of the St John Ambulance Board, which I quote as follows:

As recommended by Commissioner Cotton during a compulsory conference in the Industrial Commission on 18 November 1987, I have examined the proposals to be considered by the Ambulance Board at its meeting tonight concerning:

(a) The operation of the Echo system on an approximately 50-50 basis by paid ambulance officers and volunteers.

(b) The introduction of a long-term plan, with specific goals over various periods of time, for the integration of paid ambulance officers with volunteers.

To assist the Ambulance Board in determining its position, and reaching decisions which will hopefully result in a resolution of the long-standing industrial problems which have led to the development of these proposals. I am prepared to give an undertaking that I will seek Cabinet approval for the provision of an additional $462 000 required in a full year for the operation of the Echo system on a 50-50 basis by paid ambulance officers and volunteers.

In giving this undertaking, I am acutely aware of the significant costs associated with the implementation of this proposal, and the difficult budgetary situation which the Government is facing this financial year, and, consequently, I must stipulate that my undertaking is given on the clear understanding that implementation cannot commence before 1 March 1988.

The introduction of a long-term plan, with specific goals and objectives over various periods of time, for the integration of paid officers with volunteers is a move which I accept as being necessary, and to ensure that the plan is implemented without industrial unrest I would recommend that the Industrial Commission assume responsibility for general oversight of this process, with regular reviews of progress by Cabinet.

I would expect that full integration of the Ambulance Service could be achieved in five years, and that integration is accepted as being a paid staff member and a volunteer jointly crewing ambulances.

I trust that these comments will be of assistance to Ambulance Board members in their consideration of the proposals, but should any further clarification be required you may obtain this from the South Australian Health Commission Officers who will be attending the board meeting tonight.

The Hon. R.I. Lucas: Is that meeting tonight?

The Hon. M.B. CAMERON: I assume it is tonight.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: No, the Minister is quite correct. That was Tuesday night. However, I gather that there is a meeting of the Ambulance Board tonight to discuss that proposal. I wonder whether the Health Commission officer who attended that meeting was Mr Ray Sayers, who gave evidence at the Industrial Commission that there was no need for the money and that it would not add to the service in any way whatsoever. The Minister is clearly now prepared to somehow find $462 000 to make changes to the services that the Health Commission does not believe are needed. The same Minister has closed Kalyra Hospital to save money, will sell Carramar and has reduced funding to the Royal Society for the Blind and disabled services.

The Hon. Diana Laidlaw: He finds money for industrial peace.

The Hon. M.B. CAMERON: That is right. With the exception of a couple of areas, cuts in the health budget have amounted to .75 per cent. For country hospitals the cut has been 1 per cent. The Minister wants to close Carramar to generate funds. I am staggered, as will be the community, that he is prepared to waste money to satisfy what I have to call his union mates.

I understand that the voluntary section of St John Ambulance has made absolutely clear that the proposal being put forward is totally unacceptable. The Minister might not accept that, but he is taking a terrible risk by ignoring the feeling being expressed by volunteers and 52 divisional heads—hardly a dissident group—who, on Sunday night, unanimously passed a motion indicating that the proposed integration was totally unacceptable. He really is stepping into a very high risk area. My questions are:

1. How can the Minister find $462 000 towards the cost of six or seven integrated crews for an ambulance service which is understood and claimed by the South Australian Health Commission and the community to be the best in Australia?

2. Does he realise that the proposal, that is, 50-50 crewing, could well spell the end of the volunteer section of the ambulance service?

3. Will he reserve his decision to back this proposal before it is too late and irreparable damage is done to the best ambulance service in Australia by the loss of volunteers?

The Hon. J.R. CORNWALL: I will make a number points. First, I will explain very briefly to the Hon. Mr Cameron the difference between capital funding and recurrent funding. He does not seem to know. The idea behind any property rationalisation is to ensure that capital funds are available for transfer between projects, so that much needed accommodation and facilities can be provided in a wider range of areas and distributed into the communities where they are most needed. I simply make that point in passing.

The other point that I believe Mr Cameron quite deliberately omitted is that on Saturday morning the front page leading article in the *Advertiser* was to the effect that the volunteers were threatening to go on strike—I mean literally; there was no other way you could interpret that article. They said that if the board tried to implement one of the principal recommendations of the all Party select committee concerning integration they would withdraw their volunteer labour. I find that to be a quite reprehensible threat.

It has since been said that it came from only one small renegade group of volunteers. That was reported to me by a number of people, including the Chairman of the State Ambulance Board, Dr Jim Young. Obviously, I had to take the matter seriously and I certainly had to take it seriously until there was some indication to the contrary. With regard to integration, if there is no integration one of the principal recommendations of the all Party select committee falls to the ground, because the select committee of the Legislative Council into ambulance services in South Australia quite deliberately (and it is my recollection that it is in the Act as one of the goals and objectives of the board and that Act was passed unanimously in this Chamber) charged the State Ambulance Board with the good conduct of a State-wide ambulance service. Among other things it is specifically charged with recommending and negotiating the appropriate level of integration between paid staff and volunteers. The board is currently engaged in that exercise.

The Hon. R.I. Lucas: With the union gun at its head.

The Hon. J.R. CORNWALL: Not with the union gun at its head at all.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: If you want to get into those sorts of stupid comments—

The Hon. R.I. Lucas: Quite accurate comments.

The Hon. J.R. CORNWALL: Who was it who threatened to withdraw their labour? What did I read—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The question was heard with very few interjections. I ask that the same courtesy be given to the reply.

The Hon. J.R. CORNWALL: What did I read in Saturday's *Advertiser*? I read a threat that the volunteers would withdraw their labour if the board tried to implement one of the principal recommendations of the select committee contained in the legislation setting up the State Ambulance Board, which was passed without demurrer in this Council, and of course passed by the other House—passed by this Parliament. I think Bob Ritson and the Hon. John Burdett were on that select committee. They would be able to tell the Council as well as I can that the question of integration was addressed by the committee and, indeed, at the end of the day it did not feel competent to make specific recommendations. The question of what degree of integration should occur—and nobody argued that there should be a further degree of integration—was one of the specific matters with which the Ambulance Board, established under the Act, was charged.

I do not want to get involved in any public slanging match on this issue. My role has been one of honest broker. I have spoken to Commissioner Cotton, who took the somewhat unusual course of telephoning me personally last week to get an indication and to give an indication of how the Commissioner and I thought this very difficult problem could be positively pursued. I do not think that anybody seriously argues that the paid officers of St John's Ambulance are not entitled to career structures—of course they are.

The salaries of paid ambulance officers are substantially below their counterparts in the nursing profession, for example. Again, the AEA (Ambulance Employees Association) does not contest that. It accepts the paid ambulance crew—

The Hon. R.J. Ritson: What is the average income of a paid crew?

The Hon. J.R. CORNWALL: Something significantly less than $400 a week. That is not much money for an adult male who has been pursuing a career as a professional ambulance officer, in some cases for 10, 15 years or more. This dispute is not about wages. They are not asking for more money. They are asking for more integration. They are not asking for integration throughout the entire service: they are asking for integration on an additional 13 shifts. They are asking for integration on the basis of one paid officer with one volunteer in crewing the ambulances. The proposition basically at the moment is how many of those crews should be integrated crews. I do not want to canvass—

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: Well, 6:7 or 7:6 was the initial proposition put by Commissioner Cotton. I have been very happy to leave the matter in the Industrial Commission where it rightly belongs. There may be a counterveiling position put by the board—that will be up to the board. As to the letter that I wrote to Dr Jim Young, the Chairman of the board, he rang me personally and asked that the board should have the benefit of my views on the question of integration and other matters. Quite properly, I wrote back to him and stated my preferred position at this time, preferred on the basis that I thought it was reasonable for all parties involved.

I do not think that anybody who was on that select committee would seriously shy away from the fact that all of us recommended—and it is in the Act—that further integration would have to occur over a period of time. The position that I have put to the Chairman of the Ambulance Board is a minimum position. It is a position which I think will be acceptable to the AEA and, indeed, they may have accepted a little less. It would be unlikely in the event, now that Mr Cameron has gone public with my letter to the board, that they would accept any less. I think he has successfully managed to sabotage the negotiations at least to that extent, for which no doubt he is quite proud of himself, because any time he can sabotage any element of the health system in this State, he never lets the opportunity pass him by. The Ambulance Board is meeting again—

Members interjecting:

The Hon. J.R. CORNWALL: Of course the commission has not already made its decision.

The Hon. R.I. Lucas: You don't even know.

The Hon. J.R. CORNWALL: As a matter of fact, I was briefed as recently as 1.45 p.m. today, so I can certainly tell you that the Commissioner has not made a decision. He

has made a general series of recommendations for consideration by the Ambulance Board tonight. The Ambulance Board is meeting again tonight and, in turn, it will consider its position and go back to the commission with all of the other parties, including (we hope again) the volunteers, and that position will be argued before Commissioner Cotton.

The other thing I made clear in the letter is that I believed there ought to be a long term program for orderly integration of volunteers and paid officers. The other matter which all parties have made clear, with the possible exception of the volunteers—but certainly the employers, the professional or paid officers, and the AEA (it is in the transcript, it is on the record and has been put on the table of the Industrial Commission)—is that they are not looking for a fully paid ambulance service. That was one of the first things—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Young Mr Lucas laughs. He does not know how the Industrial Commission works and he sits there with great scorn. When I spoke to Commissioner Cotton, I said, 'The first thing that has to be absolutely clarified, Paul, is whether the agenda, hidden or otherwise, for the AEA is a fully paid service.'

The first question that was asked at the first conference of the parties was whether or not the agenda—short, medium, or long-term—of the AEA was to get rid of the volunteers altogether and to have a fully paid service. It is in the transcript. It was put on the table by the secretary of the AEA that that was not the position and that it wanted to see integration fully implemented over a stated period of time.

The Hon. R.J. Ritson: Daytime integration as well? Both ways? That volunteers can get time off in the day?

The Hon. J.R. CORNWALL: I do not think that they would have any objection to that.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: Volunteers would certainly be available during the day, particularly women, as a result of the initatives—

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —of Ms Levy, in particular, in that select committee. Quite a number of volunteer females are now crewing ambulances and doing it very well.

The Hon. R.J. Ritson: In the daytime?

The PRESIDENT: Order! Question Time is not a time for conversational questions across the Chamber.

The Hon. J.R. CORNWALL: No female volunteers are crewing ambulances Monday to Friday. There are certainly female volunteers crewing ambulances during the day on weekends and on the shifts at night. There is no doubt—and I know this from personal knowledge—that there would be female volunteers available to work day shift, and that is a matter for negotiation. It is about a reasonable—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Go back and look at *Hansard* and see if you made a contribution to the legislation when it was before the Parliament.

The Hon. R.I. Lucas: Don't you worry about that. Let's just talk about this.

The Hon. J.R. CORNWALL: Of course we worry about that. The State Ambulance Board is responsible for the good conduct of the ambulance service. The St John Council has been given the licence Statewide in the first instance, and that is enshrined in the legislation. The board, amongst other things, has been charged by this Parliament with negotiating a satisfactory arrangement with regard to integration. It is in the legislation. Do not sit there cackling and being stupid and saying, 'Don't worry about it, just get on with what is at hand.' The whole thing has arisen because it is in the legislation passed by this Parliament as a result of unanimous recommendations of the all Party select committee.

We really seem to be going down some very slippery slopes lately in this place. Not only do we want to repudiate legislation in this instance that was passed by both Houses of Parliament, it seems, but we also want to repudiate the unanimous recommendations of the select committee that looked into the ambulance service. Not only have we rewritten the book through the instrument of Ian Gilfillan in the reproductive technology debate, but we now want to retrospectively rewrite legislation and repudiate the unanimous recommendations regarding integration not only accepted by this Parliament but enshrined in legislation. That is what it is about.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I have discussed the matter with Ray Sayers. He would be a very foolish negotiator if he did not go into the commission in the first instance and try to work from a position that would cost us as little money as possible. He is the Deputy Chairman of the Health Commission. He is an old Broken Hill boy. He knows a fair bit about industrial relations; he was reared in the tough school. He originally started his career in Broken Hill. His position, in the first instance, was one that would have cost the least amount of money. The range of options varied between a minimum position with a cost of about $140 000 to an optimum position with a full year cost of about $1.5 million to $1.6 million.

So, we should be able to arrive at an agreed position on integration with that full year cost of $462 000—and incidentally, the AEA has indicated it would agree with the proposition that it does not start until 1 March, so it is a third of that cost in this year. If those agreements can be reached in good faith, then I would hope (obviously subject to Cabinet approval) that we could ratify it.

The other ground rule in industrial awards and conditions is that there is always some allowance made in the round sum allowances. The Opposition does not understand budgeting, because very few of them, with the exception of the Hon. Mr Griffin and the Hon. John Burdett, have ever spent any time in Government. That is the way that budgeting is done in this State to allow for unforeseen costs.

The Hon. R. I. Lucas: What about the 84 per cent?

The Hon. J.R. CORNWALL: Well, that is being negotiated in the commission also. What do you want us to do—repudiate the national decision taken by the Arbitration Commission? Stand up and tell us if you want that to happen. You cannot bear to think—

The Hon. R.I. Lucas: What about the disabled? Someone has to look after them.

The Hon. J.R. CORNWALL: The great lie about the IDSC receiving less money I have already exposed in this place. Like everyone else, they had a 0.75 per cent cut, but they also had additional funding of $160 000 each year for the next three years in order to relocate and de-institutionalise Ru Rua. It is the great lie of our time to say that the IDSC received less money.

I do not need to say any more except that I know it pains the Opposition that we are able to negotiate with such considerable skill. I know that it caused the Opposition enormous pain that we were able to negotiate a 38-hour week in the health industry—including the nursing profession—without losing a single day or a single hour through industrial disputation. I know it pains the Opposition that

we were able to negotiate vastly improved clinical career structures for the nursing profession, without losing one hour through industrial disputation. I know it hurts the Opposition that we were able to negotiate the transfer of nurse education to the tertiary sector in an orderly way, without losing one hour in industrial disputation. I know it hurts the Opposition that, unlike any other State in Australia, we have an equilibrium in our nursing work force at this very moment. No other State has been able to achieve that. We have achieved it because we talk sensibly, we negotiate sensibly, and we always (like any sensible negotiator) start from a minimum position, and then inevitably the various parties meet somewhere in the middle, which is good industrial relations.

I believe that is what is going to occur in this case, and I am sorry to disappoint the Opposition when we maintain a mixed paid and volunteer ambulance service. I know they would love to see disruption and that, in their own cynical way, they would love to see the Government embarrassed by major difficulties in the ambulance service. However, I assure them that negotiations are proceeding very positively, albeit with some difficulty with regard to the volunteers. However, I also know that there is a proud tradition of volunteerism in this State, which makes us in many ways unique in the country, and I have great faith that at the end of the day there will most certainly be enough volunteers to ensure that we continue—while I am Minister, and well beyond that time—with a mix of paid ambulance officers and volunteers, and we will continue to run one of the best ambulance services in this country.

The Hon. M.B. CAMERON: By way of supplementary question, how can the Minister justify the expenditure of almost $500 000 of taxpayers' funds in view of what Mr Sayers, the Deputy Chairman of the South Australian Health Commission, stated to the commission, namely, that there will be no advantage whatsoever to the ambulance service and that the Government has a large number of very pressing and urgent areas in which money needs to be expended where patients are suffering on waiting lists for hip replacements, and so forth.

The Hon. J.R. CORNWALL: Mr Cameron really is as—

Members interjecting:

The PRESIDENT: Order! I think that question was a repeat of the question that was first asked.

The Hon. M.B. Cameron: He hasn't answered it yet.

The PRESIDENT: That is irrelevant. One cannot ask the same question as a supplementary question.

STEAMRANGER

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about *Steamranger*.

Leave granted.

The Hon. L.H. DAVIS: The *Advertiser* carried a report this morning that Australian National is looking to close the Mount Barker/Strathalbyn railway line, which will effectively close down *Steamranger's* popular tourist train trips between the Australian National Keswick terminal and Victor Harbor. These popular trips commenced about 11 months ago following a $2 million Federal Government grant to upgrade the Strathalbyn/Victor Harbor section of line.

The State Government also agreed to cover the operating costs of about $100 000 a year for each year of service. The Australian Railway Historic Society also raised over $250 000 for this project. Thousands of hours of volunteer labour were put in by members of the Australian Railway Historic Society and supporters of the *Steamranger* project. *Steamranger* had to shunt out of the way many obstacles, including battles with unions and Governments. In fact, the saga of *Steamranger* gives *Murder on the Orient Express* a good run for its money.

It would appear that as much as $2.5 million has been spent on bringing the *Steamranger* project to fruition, together with thousands of hours of volunteer labour. Yet, today, we read that Sunday's trip to Victor Harbor may be the last following the possible closure of the popular Mount Barker/Strathalbyn leg. To close it down would seem an extraordinary waste, apart from the loss of a valuable tourist attraction. Quite clearly this matter demands immediate attention. My questions to the Minister are as follows:

1. Will the Minister advise the Council whether she has discussed with AN and other interested parties the real possibility of *Steamranger's* tourist runs to Victor Harbor being closed down after operating for less than one year?

2. Does the Minister believe that *Steamranger* trips to Victor Harbor will continue after this Sunday?

The Hon. BARBARA WIESE: It is only in the past 24 hours that it has come to the attention of the Government by way of official communication from Australian National that it is its intention to cease operating on the Mount Barker to Strathalbyn line. The reason for that, as I understand it, is that it has lost the grain contract which it had and which was the purpose for its using that part of the line. This, of course, now places in jeopardy the *Steamranger* tours to Victor Harbor because of the question of maintenance of the line, which is a very expensive business and which would be an enormous blow to *Steamranger* should it have to pick up the cost of maintaining the line.

I understand that the line is already in very poor condition and needs quite a lot of work to be carried out on it. To upgrade it to a reasonable standard would, I understand, cost something like $400 000. *Steamranger* certainly would not have that sort of money available to it at this point, and it would, I imagine, be seeking some assurances from Australian National, first, that the line would be retained and, secondly, that some arrangement would be reached about upgrading the line prior to Australian National ceasing to use it so that the tourist service could continue.

It is certainly the Government's wish that the tourist service be given an adequate opportunity to prove whether or not it can be a viable service over time. We will assist in whatever way possible to ensure that that occurs by way of negotiation with Australian National if that seems to be the appropriate course of action. In the meantime, discussions will be held with people from *Steamranger* as to what the approach should be. Should it be necessary for the State Government to become involved with discussions with Australian National, it will certainly be happy to participate. I repeat that it is our wish that the service should continue, and we want to remove any impediment that might stand in the way of that occurring.

DISABLED PARKING

The Hon. K.T. GRIFFIN: I seak leave to make a statement prior to asking the Minister of Local Government a question on disabled parking.

Leave granted.

The Hon. K.T. GRIFFIN: Exactly 12 months ago, this Council passed the Private Parking Areas Bill, and the following week it was passed by the House of Assembly. That Bill sought to provide a more effective framework within which parking on private land, such as in the car

parks attached to shopping centres, could be regulated by agreement between the owner of the parking area and the local council. One of the reasons for the introduction of the legislation which the Opposition supported was the inability of local councils to police private parking areas at the request of the owner. This applied especially to areas set aside for disabled persons to park their vehicles.

There was, and continues to be, a constant sense of frustration by disabled people seeking to park at shopping centres in areas which are specially designated for disabled parking. Frequently, those parking areas are taken up by persons who are not disabled and who show no sensitivity to the special requirements of persons with disability. When the Bill went through the Parliament, the Hon. Dr Bruce Eastick in the House of Assembly drew special attention to the problems and to the remedy which the legislation would provide.

In the House of Assembly, a number of members of the Minister's own Party claimed credit for the legislation, expressed concern about the problems experienced by disabled people and welcomed the legislation as well as expressing the view that it was long overdue. Those members included the member for Hayward (Mrs Appleby), the member for Henley Beach (Mr Ferguson), the member for Bright (Mr Robertson), and the member for Albert Park (Mr Hamilton). Notwithstanding all the expressions of concern about the problem, and the relief that at last there had been some substantial review of the private parking areas legislation, 13 months later, according to my research, the legislation has not been brought into effect. This is surprising in the light of the welcoming remarks which its introduction into the Parliament prompted. My questions to the Minister are as follows:

1. What is the reason for the delay in bringing the Private Parking Areas Act into operation?

2. When will it be brought into operation?

The Hon. BARBARA WIESE: I, too, regret that the private parking areas legislation has not been proclaimed, because it is important legislation. I wanted it to be proclaimed well in time for individual shopping centre owners in particular to be able to enter into agreements with local councils about policing private parking areas before the Christmas period and the heavy retail shopping time of the year.

Unfortunately, we have not been able to achieve that because the drafting of the regulations has been more complicated than we expected it to be. Negotiations have been taking place with organisations such as BOMA about the nature of pro forma agreements that we hope to incorporate in the regulations, so that when the regulations are put in place shopping centres will be able to fulfil contracts with local councils rapidly and with a minimum of fuss. I have been taking this up very regularly with Parliamentary Counsel in the past couple of months. At this stage it is expected that the legislation will be proclaimed some time in January. I hope that all those people who have been waiting patiently will be able to receive the appropriate attention that they deserve, particularly the disabled, in having guaranteed parking spaces available to them.

RURAL CREDIT TRANSACTIONS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Agriculture, a question on rural credit transactions.

Leave granted.

The Hon. M.J. ELLIOTT: Recently in New South Wales a report on rural credit transactions and associated problems was brought forward by Mr Clement Mitchelmore, who is the Deputy Chairman of the New South Wales Commercial Tribunal. Similar problems have been recognised here in South Australia. It was a most detailed report, and I want to allude to a few of its findings and recommendations before asking my questions.

It was found that farmers are confused by bank procedures which cloak the effective cost of credit. Various charges are added to interest, effectively increasing the cost of credit by up to 2 per cent. Alterations in the frequency of interest payments have had a compounding effect, to the detriment of the customer. Generally, farmers are not aware that compounding has occurred. These problems are true of other borrowers, as well.

The position is aggravated by bank managers inexperienced in the local rural economy. Voluntary surrenders to finance companies of farm machinery are often not truly voluntary. Farmers surrender machinery without being aware of the negative consequences which flow from this action. The extensive use of unregulated 'wink and nod' machinery leases denies the farmer the right to disclosure of information which is provided for in the credit legislation. Banks and finance companies often impose severe penalty provisions giving them rights disproportionate to any damages they might incur in the event of breach of contract or early payout. They were the major findings.

One of the recommendations was that the Commercial Tribunal of New South Wales should have the power to alleviate hardship to farmers by granting, in relation to commercial credit transactions, temporary relief on fair and equitable terms. It was also recommended that interest rates relating to credit contracts and credit advertising be disclosed as effective annual percentage rates to provide a standard comparative basis. Further, fees and charges in respect of credit contracts, imposed in addition to interest, should be prohibited so that the disclosed effective annual percentage interest rates reflect the total cost of credit. Two other recommendations were that periodic statements of account in respect of credit contracts should specify the effective annual percentage rates applicable during the relevant period and certain full details of interest charged, and interest charges on credit contracts should not be debited to borrowers' accounts more frequently than instalments are payable.

I am aware that the South Australian Government has already become involved in counselling for people who are in credit difficulty. Today I spoke with a person from the United Farmers and Stockowners and he said that it appears to be working reasonably well. Neverthless, there are still problems and I ask the Minister the following questions:

1. Is he aware of that report, and will he get somebody from his office to examine that detailed report?

2. In addition to the rural counselling that is now occurring, will the State Government consider other actions and possibly establish an organisation to adjudicate on the commercial credit transactions of farmers which are unjust and to grant temporary relief in cases of hardship?

3. Will the Government examine the need for legislation which requires lending authorities to state clearly the obligations and conditions placed on borrowers and possibly consider minimising the range of charges which banks currently make on loans?

The Hon. J.R. CORNWALL: I will refer that to my colleague in another place and bring back a reply.

FINANCIAL COUNSELLING

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question on financial counselling.

Leave granted.

The Hon. DIANA LAIDLAW: In answer to a question on the same subject on Tuesday of this week, the Minister said, in part, in relation to the decision to upgrade the budget advice service of the Department for Community Welfare to the status of a financial counselling service and to rename it, that 'we also need to work more closely than ever with the Department of Consumer Affairs and the Minister of Consumer Affairs'. I applaud that statement. In fact, since the review undertaken some three years ago of the budget advice service, which was critical of the operation of that service, I have questioned whether DCW is the appropriate base for a Government run budget advice service or the proposed financial counselling service.

There would appear to be many advantages available to clients if this service were transferred to the responsibility of the Minister of Consumer Affairs. That Minister has responsibility for law dealing with credit agreements, the Consumer Credit Act 1972 and the Consumer Transaction Act 1972 and the department has officers specifically trained in each of these areas, with others on hand with sound working knowledge of the Federal trade practices legislation, the State fair trading legislation and with ready access to the Legal Services Commission.

Experience indicates that people with difficulties because of financial and credit overcommitment tend to have one of two complaints about goods or services: first, that for any number of reasons they cannot afford to repay or, secondly, that they have been misled and do not understand an advertisement or statement about the goods or services that they purchased. In either case they need the advice and advocacy of persons with sound knowledge of the Consumer Credit Act, the Consumer Transactions Act and other regulatory measures. I therefore ask: when the Government was deliberating on the fate of the budget advice service, was consideration given to transferring the service in an upgraded form to the Department of Consumer Affairs from DCW? If not, what were the perceived advantages in maintaining the service within DCW?

The Hon. J.R. CORNWALL: The Government has done three things. It has upgraded and changed the directions, as it were, and the policies underlying the service in the Department for Community Welfare. The old budget advice service, using existing resources, will upgrade its services to financial counselling and advocacy. Additional money has been made available to the non-government sector. The Government believes that that sector has a very useful role. One of the advantages of financial counselling and advocacy in the non-government sector is that, where such a service finds poor credit practices, it is really in a better position to act as an independent advocate than is a Government agency. That is certainly not true in all cases but there can clearly be a conflict of interest.

If the Government were doing business on a large scale with a financial institution as an investor in a particular joint venture, or in any number of ways in which it could be involved in the private sector, and at the same time the Department of Consumer Affairs or DCW were to be actively knocking on the door saying that it had been brought to that department's attention that the institution was involved in unsound credit practices, there would be potentially a conflict of interest.

It is very important that we upgrade the services in the non-government welfare area and the non-government sector generally. The third thing that the Government has done is to establish a working group—the Minister for Consumer Affairs was the train driver in that instance. He convened a meeting that included me and officers of my department; a range of people from the non-government sector; and some very senior representatives from private sector credit providers.

Resulting from that a working group has been specifically set up chaired by Mr Neave, the Commissioner of Consumer Affairs. I cannot recall the terms of reference of that working party, but they were stated in the comprehensive press release that I put out a short time ago. If it is the view of the working party that the Department of Consumer Affairs can perform some of these financial counselling and advocacy duties better or more appropriately than DCW, I would not get involved in any demarcation dispute.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: It is always considered, particularly by my Chief Executive Officer, on a whole range of matters that relate, among other things, to consumer credit. It is important that we have the closest possible relationship with the Department of Consumer Affairs and the commission. I think it is probably fair to say that the relations between Sue Vardon, the Chief Executive Officer of DCW, and Colin Neave, the Commissioner of Consumer Affairs, are closer, better and more productive than at any previous time in the past 15 years or so.

In relation to specific recommendations, we will obviously wait on the working party's report, but we are not territorial. On the other hand, many very good people have been involved part-time in the budget advice service for many years, and I do not want to set the hares running with the idea that there is about to be a revolution and that these people will be misplaced or displaced. If a recommendation is made along those lines it will proceed in an orderly fashion, but at present it would be foolish to start making decisions before we have received the recommendations from the working party established by my colleague Chris Sumner.

PARAMEDICAL SERVICES

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister of Health a question about paramedical services and actions for professional negligence.

Leave granted.

The Hon. I. GILFILLAN: A particular case has been brought to my notice where the client of a solicitor has complained that he approached an acupuncturist whom he understood to be a general practitioner and received treatment for an accident suffered in the course of his work. This was on the understanding that he was both able to be recompensed by medical benefits and also to use the medical evidence in a workers compensation situation. It transpired that this practitioner advertises as an acupuncturist and a Chinese medical practitioner and entitles himself doctor. He presents a surgery that is very similar to that of an ordinary general practitioner. However, a little later, when he was approached by this patient through his solicitor for treatment advice and corroborating medical evidence for workers compensation, it transpired that the person has no registration as a medical practitioner. Contact was made with the Registrar of the Medical Board. The Minister may be familiar with this matter, but for the sake of members and to incorporate it in *Hansard*, I will read the response that the Registrar gave to the solicitor when he was

approached on this matter. Having been asked whether or not the complaints committee of the Medical Board of South Australia could hear a complaint about such a person who holds himself out as a medical practitioner in the State of South Australia, he said:

I was advised by the Registrar that the board did not have any jurisdiction to hear such a complaint and that if the patient wanted to take the matter further he would have to approach the Police Department to see whether or not they would be prepared to launch a prosecution. He then told me that there would be huge difficulties with such a prosecution, that there have been previous problems, but he did not elaborate and also said that there were potentially very serious problems where people were holding themselves out as medical practitioners or in para-medical situations where they were not under the control of any statutory body.

He pointed out that if any negligent treatment was suffered he would have no redress unless the paramedic was properly insured, and it was unlikely that an insurance company would cover for such a person for the sort of treatment he was administering. Also that if the treatment was such as to amount to professional malpractice under the ethics of the medical profession that a patient would have nobody to turn to.

Also the fees charged—patients are not subject to any Government regulation such as medicare, and that the Medical Board of South Australia had made several submissions to various Attorneys-General and Ministers of Health with a view to correcting the situation and would be more than willing to canvass some of their problems with you.

In the light of that document and the situation that I am sure obtains, other than the example I have given here, will the Minister, in order to overcome, or at least partly address, this problem, consider requiring persons in the medical and paramedical fields to state on notice boards in their waiting or consulting rooms in a notice of significant or required size that they are registered with, and under the jurisdiction of, the requisite board? Further, will he consider it be a requirement that in the waiting, consulting, and treatment rooms of medical and paramedical practitioners there be a notice of significant or required size in an easily recognisable design stating that the treatment undertaken or advice given in these locations by such persons are eligible for medical benefits?

As a corollary to those first two points, will the Minister consider the setting up of a reasonable promotional education program to alert the public to look for the notices thus prescribed so that we can reduce the type of incidents where quite innocent members of the public can be led into a very expensive, and sometimes disastrous, medical situation?

The Hon. J.R. CORNWALL: I cannot say that I followed the exact text of the explanation, but it is clearly an offence under the Medical Practitioners Act to hold oneself out as a medical practitioner if one is not a qualified and registered medical practitioner in the State of South Australia. So, I really cannot see the difficulty.

However, I will be introducing amendments to the Medical Practitioners Act in the autumn session. The new Act—or the now not so new Act—that was introduced fairly early in my term as Health Minister that I picked up from my predecessor, is a very good Act on paper, but there are some difficulties with the way it works in practice. At this stage I have some concerns about the spirit and intent of the Act being followed, but there are also some amendments that has come to our attention as being necessary during the first three years or so of operation.

During the review of this Act I will be pleased to refer the suggestions made by the Hon. Mr Gilfillan to the officers who are dealing with the amendments to the Act. As to the display of the notice of certificate of registration or professional qualifications, I will refer that matter to the officers handling the amendments to the Act and take advice. It is a difficult area for me. I am responsible for the Act, but the board is, quite rightly, an autonomous body by statute. I do not interfere—and it would be grossly improper for me to interfere—with the actual conduct of the board, but some of the matters raised as to the tightening up of the provisions for falsely alleging to be a medical practitioner and the display of the appropriate qualifications and certificate of registration in a prominent position in the office or waiting room of a health practitioner will be referred to senior officers and I will take advice.

RIVER MURRAY WATERS ACT AMENDMENT BILL

Second reading.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

The purpose of the Bill is to ratify the Murray-Darling Basin Agreement 1987 and to provide for consequential amendments to the River Murray Waters Act 1983. The Murray-Darling Basin Agreement 1987 is an agreement between the Governments of the Commonwealth, South Australia, Victoria and New South Wales signed on 30 October 1987. Its purpose is to amend the River Murray Waters Agreement 1982 to provide for improved management of the natural resources of the Murray-Darling Basin. Essentially it does so by providing a sound institutional framework for total catchment management, that is, integration of water, land and environmental resource management throughout the basin on a new level of collaboration and commitment between the four Governments.

The Murray-Darling Basin Agreement 1987 is the culmination of negotiations between the four governments which were pursued expressly to broaden resource management and encompass the total catchment management concept following the 1982 amendments to the River Murray Waters Agreement.

The 1982 amendments were the result of 10 years of negotiations and provided for broadening the power of the River Murray Commission regarding water quality matters. Certainly these amendments were necessary and welcome. However at the same time there was emerging an impetus amongst resource managers which acknowledged the need to integrate water, land and environmental resource management on a total catchment basis if the most effective outcomes were to be realised.

Thus the question of improving the then existing arrangements within the Murray-Darling Basin was raised at the Australian Water Resources Council meeting in Darwin in June 1985. Subsequent to this and arising out of that meeting, a meeting in November 1985 of Ministers from each of the four governments representing the key resource interests agreed to establish a Ministerial Council to exercise general oversight and control over all major policy questions of common interest to the governments involved. The Council comprises up to three Ministers from each of the four governments representing the land, water and environmental interests.

An interim institutional arrangement was established in which the River Murray Commission functioned under the umbrella of the council. At the same time the council also initiated the development of a strategy to tackle the Basin's most pressing problems namely river salinity, water logging and land salinisation.

I am pleased to inform the House that the development of that strategy is nearing completion and is already dem-

onstrating the value of the new arrangements. At a subsequent meeting on 27 March 1987, council considered the question of ongoing institutional arrangements and agreed on the following:

— a Murray-Darling Basin Commission to encompass the statutory responsibility provided for under the River Murray Waters Agreement and to undertake an advisory role to the council on land, water and environmental matters not covered in the Agreement;
— the Commission will comprise two Commissioners from each Government representing between them water, land and environmental interests;
— the secretariat to be located with the new Commission to service the work of the Council and the Commission; — governments would share the associated administrative costs of the Commission;
— provision will be made in the legislation for later participipition by Queensland following further negotiation.

The Murray-Darling Basin Agreement 1987 provides for amendments to the River Murray Waters Agreement 1982 to put those arrangements into effect. I have no need to remind the Council of the vital importance that an assured supply of good quality water from the River Murray means to South Australia's well being and prosperity. The advanced institutional arrangements which this Agreement provides will ensure that resource management is undertaken within the most effective framework and should certainly ensure that the interests of South Australia are properly catered for.

I am pleased to submit this Bill for consideration by the Council. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 approves the 1987 agreement which amends the 1982 agreement.

Clause 4 amends the long title to the principal Act to reflect the formal extension of the agreement to the Murray-Darling Basin. Clause 5 amends the short title to the principal Act. Clause 6 incorporates in the definition of "the Agreement" the amendments made by the 1987 agreement. Clause 7 amends section 6 of the principal Act by increasing the number of Commissioners to two. Clauses 8 and 9 make consequential amendments. Clause 10 inserts the 1987 agreement as the second schedule of the principal Act.

The Hon. J.C. IRWIN secured the adjournment of the debate.

REPRODUCTIVE TECHNOLOGY BILL

In Committee.

(Continued from 25 November. Page 2068.)

Clause 20—'Regulations.'

The Hon. R.I. LUCAS: I move:

Page 8—After line 31 insert subclause as follows:

(4) Regulations under this Act (including a regulation promulgating the code of ethical practice or any amendment to it) will take effect as follows:

(a) if the regulation has lain before both Houses of Parliament for 14 sitting days and a notice of disallowance has not been given in either House during that period the regulation will take effect at the expiration of that period;

(b) if notice of disallowance has been given in either House during that period but the regulation has not been disallowed, the regulation will take effect when the motion for disallowance is defeated or lapses or, if such a notice has been given in both Houses, when both motions have been defeated or have lapsed or one motion has been defeated and the other motion lapsed.

I indicate that this is in effect the Cameron amendment to clause 10 updated for the undertakings given by the Minister during the debate some nights ago. It is exactly the same principle as the Cameron amendment which is now in clause 10. If this were to pass, we would have to look again at that clause. The Hon. Mr Cameron's amendment related to regulations promulgating the code of ethical practice or any amendments to it. The only change is that this clause extends that to regulations under this Act because of the undertakings that the Minister gave that the code of ethical practice would be the clinical seal of good housekeeping for the clinics and that the major ethical and moral questions will be brought to the Parliament to be discussed in the form of separate individual regulations promulgated under clause 20 of the Act.

Given that changed understanding from that which would happen prior to the Committee debate, it is now essential that the Cameron amendment to clause 10 be extended to cover the undertakings of the Minister, and that is that not just any regulations promulgating the code of ethical practice be treated in this delayed fashion, but also the regulations under clause 20 and the regulations covering the specific moral and ethical questions that the Minister has talked about. The one possible unfortunate side effect of this is that some minor regulations etc. will be held up in this way. In discussions with Parliamentary Counsel, we really could not get around that problem, because it would appear to be impossible to define the sorts of regulations that the Minister is talking about and that we all understand ought to be covered, and separate them from what might be and what we understand to be the normal regulations that might be promulgated under clause 20.

Following the discussions that I have had, whilst that is a disadvantage, I believe that the net benefit to the whole parliamentary oversight and to this debate certainly outweighs what might be some minor administrative inconvenience in relation to the taking effect of certain minor regulations. I urge support for the amendment.

The Hon. R.J. RITSON: I support the amendment. When the matter was first canvassed I recall wondering how changes would be made to the code of practice, for example, if we wished to add one new restriction, whether the code of practice would be reprinted with that restriction in it, the old code repealed and all the old restrictions plus the new ones introduced as an amended code of practice. In that case there would be difficulty if disallowance was considered. The difficulty would be an attempt to disallow just the new restriction if it was brought in again as a code entirely. The Minister has given an undertaking that he will not do it that way but will bring in additional restrictions as a single new regulation, and we thank him for that.

The Hon. Mr Lucas has convinced me that his amendment would pick up such additional single regulations. The Minister's undertaking avoids our having to reconsider a new block code of practice with the new restriction in it and trying, by persuasion, to dissect a bit out of it. I thank my colleague for raising the matter and I thank the Minister for giving the undertaking and considering the problem. There would be a difficulty if a regulation were brought in when the Council was not sitting, because it would not start to operate until the Council sat and allowed it, and there could be delays of weeks, or even months in that case.

The Hon. J.R. CORNWALL: The Hon. Mr Lucas is quite right. The amendment that he has moved will be a little awkward for minor amending regulations. However, this legislation is of such a special nature that, as I indicated earlier, that is a relatively small price to pay. It is certainly imperative, in view of the undertaking that I gave during the course of this debate, that it be enshrined in the legislation. I believe that we should recommit clause 10 so that, having accepted Mr Lucas's more comprehensive amendment which makes redundant Mr Cameron's amendment, which was moved in the same spirit and with the same intent, we can delete it, although that should take only a couple of minutes.

The other point—and this is most important—is that the Bill will now emerge from the Council in a way that is probably satisfactory to the overwhelming majority of members. Of course, there are one or two points on which there will be conscientious beliefs that cannot accommodate one or two of the clauses or amendments in the Bill, but I think that in the event we have done extraordinarily well. While I still have reservations, based on the performance of the Hon. Mr Gilfillan, about the select committee system, my faith and confidence in the Committee stage have been restored to a significant degree. So, on balance, I am a relatively happy man.

The other important point is that, as the Bill will now be leaving the Council in relatively good shape with a number of important conscience issues covered, rather than its being necessary for it to lie on the table in the House of Assembly during the Christmas recess while we seek learned opinion from the interim South Australian Council on Reproductive Technology in relation to a number of issues, I would have no hesitation in recommending to my colleagues in Cabinet and in Caucus that I see no difficulty, if the time was available, in their pressing on with the debate next week. It is possible, if time allows, that we might get this passed by both Houses before Christmas. Of course, I cannot give any guarantee. I do not know how many members on both sides—

The Hon. M.B. Cameron: There's a lot more of them than us.

The Hon. J.R. CORNWALL: Yes. Anyway, as far as I am concerned there is no impediment to debate proceeding in the other House if time allows. Either way, we can have the best of both worlds. If House of Assembly members want the additional time they can think about it during the joyous season of Christmas. If they are able to expeditiously get it through before then, that is a bonus that very few of us would have anticipated 48 hours ago.

The Hon. M.B. CAMERON: I support the Hon. Mr Lucas's amendment. He has obviously picked up a point as a result of the debate. I accept that there will be a recommittal of the Bill and that my amendment to clause 10 at that time will be deleted. I do not wish clause 13 to be recommitted in relation to the amendments to which I referred last night. Having taken further advice, I have decided to put those amendments into the too hard basket. However, I am sure that the matters that were raised in the amendments will be monitored and that we may have some advice on them in the future. I understand that the only requirement for recommittal will be clause 10.

The Hon. R.J. RITSON: I have a quick question of the Minister arising out of what he just told us about the possible time scale of dealing with this Bill. Had the extension of the old *In Vitro* Fertilisation (Restriction) Act not been passed quickly yesterday, the lapsed time would have left a vacuum for this Bill before it came in. I cannot see, thumbing through the Bill, or recall any provision to repeal the Act that we passed yesterday. There may be a problem of having both these Acts in force at the same time if this legislation is proclaimed before March. While we have Parliament here I wonder whether there is any need to consider that.

The Hon. J.R. CORNWALL: It has been drawn to my attention that the amending Bill is contingent on the other Bill still being in existence, and that means that we have to get to the Governor on or before 30 November.

The Hon. R.J. Ritson: Or perhaps delay the proclamation.

The Hon. J.R. CORNWALL: No. The reality is that, whether or not this Bill passes the other House, in practice, given that probably something like 15 or 20 speakers there will want to participate in the debate on this Bill one way or another, they will make some progress, although I doubt that they will have it concluded. Even if they did, we would then have to make all the regulations on the advice of the Council on Reproductive Technology, and we would need to have our code of ethical practice and our licensing mechanisms in place, and so forth.

No matter whether the Bill makes significant progress, or is passed in whatever form by the other House, it would be wildly optimistic—notwithstanding the fact that the interim council is already doing some work—to think that we could have everything in place before 31 March. I think leaving that in place gives us a very tight time line to work on and, on balance, I think that that is highly desirable.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: We will certainly be trying very hard.

Amendment carried; clause as amended passed.

Schedule and title passed.

Clause 10—'Functions of the council'—recommitted.

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

That subclause (5) be deleted.

Amendment carried.

The Hon. R.J. RITSON: Yesterday when the Committee was sitting I made a brief comment, which I am not sure is on the record, concerning the manner in which the council may deliberate. Of course, the council will have a great deal of flexibility in terms of its powers and functions as outlined in the Bill. It has been put to me that, excellent as the composition of the council is, it does not cover all skills and that the council ought not to function purely by reflection upon its own skills but perhaps could benefit from functioning somewhere like a select committee in inviting submissions from other skilled people on particular subjects that it was considering.

I do not think it appropriate for us to try to amend legislation to provide any requirement that the council can have its composition changed or its manner of functioning bound. However, for the sake of the record I ask the Minister whether, in the ordinary course of expressing his views and of mixing with members of the council, he would speak favourably of the concept of the council functioning in this way, so that it would function not entirely by reflection on its own wisdom but by specifically inviting submissions. The Minister will be aware that the discipline of bioethics is involved here, but there may be other areas of academic or other expertise that should be drawn on. I invite the Minister to comment and give his views on that.

The Hon. J.R. CORNWALL: I want to make it absolutely crystal clear that the Council on Reproductive Technology is as near as practicable very much master or mistress of its own destiny. So, there is no requirement on me and certainly no power is given to me, as Minister of Health, to direct the council in any way.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: I just wanted to clarify that. This is a relatively small, civilised city of a little over a million people and, although from time to time some of us write letters which we know will become public documents, a great deal of our business is done on the telephone or perhaps in some of the very low cost first class restaurants. There are members of the cafe society well known around this city, and from time to time we do run into each other. In fact, it would be unusual, for example, if I did not meet Judith Roberts at least once every two weeks.

So, I certainly give the undertaking, in an informal manner, that, if there are matters that I think need to be drawn to their attention. I will certainly do that. I hope that other members of the Legislative Council might also do that, because I know that Dr Ritson does not exactly live in a vacuum. I cannot speak for Martin Cameron because I do not think he has too many contacts in that stratum of society. The record should show in brackets that the Minister said that 'laughingly'. We all have responsibility to a greater or lesser degree, when there are matters that we think ought to be considered by the council, to bring them up informally or alternatively to write to them. There is absolutely no reason why anybody cannot write to the council or suggest or request that it look at a particular matter. I will certainly be doing that from time to time. I wanted to clarify the point that the council cannot in any way be compromised by the Minister or, indeed, by anybody else.

Clause as further amended passed.

Bill read a third time and passed.

IN VITRO FERTILISATION (RESTRICTION) ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CHILDREN'S SERVICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 1560.)

The Hon. BARBARA WIESE (Minister of Tourism): I will spend a few minutes responding to some of the remarks made by members during the course of the debate on this Bill and refer to some of the discussions that have taken place since this matter was last debated in this Chamber. Before so doing, I remind members that the Bill basically seeks to resolve a legal anomaly arising from the so-called dual incorporation of some of the kindergartens in this State. The history of the matter is that, for some time, both the Commissioner of Corporate Affairs and officers of Crown Law have been concerned at the lack of clarity surrounding the legal status of kindergartens.

The Hon. K.T. Griffin: What about industrial associations?

The Hon. BARBARA WIESE: I will come to that if the honourable member desires. For reasons which are diverse, but are mainly to do with the way in which kindergartens were developed over the last 50 years, a number of kindergartens are both incorporated under the Associations Incorporations Act and under the Children's Services Act. All kindergartens are now incorporated under the Children's Services Act as they were under the old Kindergarten Union Act.

The issue first became a matter of concern in 1985 when the Commissioner of Corporate Affairs gave notice of his intention to terminate the incorporations of a number of those kindergartens under the Associations Incorporation Act. Because there was some concern expressed by kindergartens at that time, the Commissioner agreed to withdraw his action to terminate these incorporations, and since that time there has been extensive discussion on ways in which this matter might be resolved.

It is clear that the Parliament, when drafting the Children's Services Act, did not intend that kindergartens should be dually incorporated. A parallel may be drawn between the incorporated status of kindergartens and the status of health units which are incorporated under the Health Commission Act. The Health Commission Act provides that, where a health unit seeks to be incorporated under the Health Commission Act, all other incorporations cease to exist. Clearly, this is the most desirable situation in relation to kindergartens as well. This problem of dual incorporation which this Bill seeks to remedy was also known to be a problem prior to the establishment of the Children's Services Office at the time when the Kindergarten Union was responsible for South Australian pre-schools. The Kindergarten Union was advised that dual incorporation of its kindergartens was a legal problem and it is reasonable to expect that, had the Kindergarten Union still been in existence, it would have moved to resolve the problem in the same way as this Bill seeks to do.

It is important to emphasise the intent and consequence of this Bill. The single intention is to remove the legal uncertainty which currently exists in relation to the corporate status of kindergartens. Some concern has been expressed as to the effect which the amendment will have upon the powers and functions of the incorporated bodies as represented by kindergarten management committees. There is simply no lessening of kindergarten management committee power intended by this amendment.

The Hon. R.I. Lucas: Intended?

The Hon. BARBARA WIESE: How can one know what will happen? Certainly nothing is intended and nothing that can be foreseen could possibly be a problem. Kindergarten committees, as bodies incorporated under the Children's Services Act, will still have all of the powers and responsibilities which they currently enjoy. They will be able to own and dispose of assets, enter into agreements, borrow funds and generally conduct their business in the same manner as they currently do.

During the debate on this Bill, a number of concerns were raised by members opposite. I will address some of those in my reply. One of the major issues raised was that of consultation with kindergarten committees prior to the introduction of this Bill to the Parliament. Information about the amending Bill and its implications was provided to all those kindergartens concerned prior to the commencement of debate on the Bill in Parliament in the form of a letter from the Director of Children's Services, dated 16 October. Ten days prior to that, the Director of Children's Services advised four major interest groups of the proposed amendment and invited their comments on the proposal.

Since this matter was last debated in this place, the Director has been able to visit those kindergartens which had specifically indicated some concern with the amendment. He has met with the Netherby Kindergarten Committee, the Salisbury Kindergarten Committee, the Millicent North Kindergarten Committee and the Bridgewater Kindergarten Committee. On each occasion the Director explained in detail the intended consequences of the amendment Bill. It is the Director's impression that as a result of these meetings the kindgartens identified by the Hon. Mr Lucas in his speech to this Council has having reservations about the

amendment Bill are now clear that, for practical purposes, their status and operations will not be adversely affected by the passage of the Bill. Since the letter written by the Director of Children's Services on 16 October 1987, there have been 15 telephone calls to the Children's Services central and regional office from groups or individuals with some query in relation to the Bill.

The Hon. R.I. Lucas: I had more than that.

The Hon. BARBARA WIESE: The honourable member probably generated them with his letter. Of these calls, only two expressed opposition to the proposed amendment. The majority of the remainder of the callers were simply seeking clarification of the impact of the amendment upon their centre. It is now over five weeks since that letter was posted and, given that the letter was posted to in excess of 140 kindergartens, the total number of calls which have been received gives a clear indication as to the level of concern which is felt by the majority of kindergartens. It is clear that the majority of kindergartens understand that the Bill simply seeks to resolve a legal anomaly. Even those kindergarten committees which have made inquiries and which may have expressed opposition to the Bill, are now of the view that the Bill will in no way limit their powers and functions.

During the last debate on this Bill, members opposite expressed concerns about the control which kindergarten committees have over their constitutions. It is simply a red herring to raise this issue in the context of this amendment Bill. This Bill does not in any way change the powers of the Director of Children's Services in relation to the constitutions of centres incorporated under the Children's Services Act. Under section 43 of the Act, the Director of Children's Services has the power to direct that registered centres amend their constitutions and centres are required to seek the Director's approval for changes to their constitutions.

This provision has been in the Children's Services Act right from the outset and, more importantly, the Kindergarten Union had exactly the same power under the Kindergarten Union Act. Members opposite have stated that centres consider it important to have independent control over the constitution lodged under the Associations Incorporation Act. This independent control is achieved, it is asserted, because the Director of Children's Services cannot alter a constitution lodged with the Corporate Affairs Commission. It is certainly true that the Director of Children's Services has no power to influence constitutions lodged with the Corporate Affairs Commission. To suggest, as Opposition members did, that the Director has told kindergartens that he does have that power, is, I am advised, quite untrue—the Director has never made such a statement.

This matter of independent control of constitutions lodged with the Corporate Affairs Commission raises the question of how, in practice, centres could work with two separate and different constitutions. It is useful to look at what has actually happened over the past two years in relation to amendment of constitutions of kindergartens: on no occasion has the Director of Children's Services directed any centre to alter its constitution. Fourteen kindergartens have, at their own initiative, sought approval for amendments to their centre's constitution. None of these requests has been rejected. In nine cases, proposed changes were approved without comment. In four cases, alternative wording, for clarification, was suggested for consideration by the centre, with the final decision left with the centre itself. In one case, the proposed change was withdrawn by the centre after further consideration.

The general nature of these amendments has been to update wording, for example, removing the references to the Kindergarten Union and replacing it with Children's Services Office. There has been a change to the wording of the centre's name, a change of date for the annual general meetings, and a change to the composition of the Management Committee; for example, the number of members, additional representation for playgroups or parent auxiliary, or defining the role of parent auxiliaries or subcommittees.

It has also been asserted that kindergartens are fearful that the Director will direct that centres' constitutions be amended so that assets would revert to the Minister, or that centres would be closed down. It should be recognised that the Children's Services Act is, in fact, more flexible on the matter of asset disposal than was the Kindergarten Union Act. The Kindergarten Union Act provided:

> Upon dissolution of a registered branch kindergarten, its assets shall vest in the union and the board may dispose of those assets in such manner as it thinks fit.

Section 45 of the Children's Services Act provides:

> Subject to the constitution of a registered children's services centre, on its dissolution, all property, rights and liabilities vested in, or attached to the centre, shall vest in and attach to the Minister.

This allows for the situation in which centres may wish to make a specific statement in their constitution regarding asset disposal.

The actual way in which the Director has exercised his responsibilities under the Children's Services Act over the past two years has been outlined. It should also be pointed out that 160 other kindergartens are solely incorporated under the Children's Services Act, and were so under the Kindergarten Union Act. They have operated quite satisfactorily on that basis for over 10 years. There have been no moves to oblige them to alter their constitutions in relation to asset disposal or anything else.

During the debate in this place on 3 November 1987, members opposite raised questions as to why the Government was seeking to amend the Children's Services Act in this manner. The Bill has been introduced by the Government following the strong recommendation from Crown Law that the existing situation of apparent dual incorporation of some kindergartens should be resolved. Crown Law advises that the legal implications are complex and that there is great uncertainty about the current status of these centres. Crown Law has advised that there are several legal possibilities which could be deemed to exist at present. Centres could be deemed to be dually incorporated. While this situation has been recognised by the courts in some circumstances, dual incorporation is a difficult concept which has been criticised from time to time.

If centres cannot be deemed to be dually incorporated, either the incorporation of centres under the Associations Incorporation Act was automatically dissolved upon registration of these centres under the Children's Services Act (in that event, it is unclear whether the property and liabilities of the centre are now vested in the body incorporated under the Children's Services Act) or those centres incorporated under the Associations Incorporation Act cannot be registered under the Children's Services Act.

They are not in fact registered centres under the Act at present (as they believe themselves to be) or two separate and distinct legal bodies co-exist within the same pre-school centre and body of members (in this event, the powers, assets and liabilities of either of the two legal bodies would be unclear).

If (as the third possibility suggests) centres cannot be deemed to be dually incorporated and cannot therefore be deemed to be registered under the Children's Services Act,

the consequences are that this cuts directly across Government policy that Children's Servies Office preschools must be registered under the Children's Services Act; and kindergarten staff who are Children's Services Office employees (with the exception of affiliates) would be working in centres which have no formal or legal relationship with the Children's Services Office. This would be unacceptable.

If centres are deemed to be dually incorporated and/or there are deemed to be two separate legal entities operating, this raises further questions: Can there be a constitution under each Act, that is, two constitutions, or only one constitution? If there were two constitutions, and these were different, the body and its members would be statutorily bound to comply with inconsistent constitutions. The provisions in the Associations Incorporation Act and the Children's Services Act are different with respect to the distribution of surplus assets on winding up of an incorporated body, if the constitution does not make a clear statement on this aspect or that statement is invalid. How would this be resolved?

If legal action was being taken by someone, for example, to recover a debt against a centre, which incorporated body would they sue: the body constituted under the Associations Incorporation Act or the body constituted under the Children's Service Act?

There could potentially be a conflict between amendments to constitutions which may be acceptable to the Director of Children's Services but not to the Corporate Affairs Commissioner, and *vice versa.*

The Corporate Affairs Commissioner supports Crown Law's view of the legal and practical difficulties that may arise from dual incorporation. There are considerable practical implications arising from dual incorporation—two sets of reporting requirements: to the Children's Services Office and the Corporate Affairs Commission. Under the Associations Incorporation Act there are costs involved in some of these reporting requirements (notification of the public officer—$5 each time this changes; lodging amendments to constituents—$20; presenting a triennial return [no cost]). There are penalties for late lodgement—$12 to $50—and fines of up to $500 for non-compliance.

There are potential complexities and costs associated with winding up an association under the Associations Incorporation Act—appointment of a liquidator could be required and the distribution of assets may need to be determined by a court; and amendments to constitutions need to be lodged with and approved by two agencies.

The Hon. Mr Lucas stated that kindergartens have not raised with him any administrative problems relating to compliance with the Associations Incorporation Act. Problems definitely have been raised with the Children's Services Office over the past two years. Indeed, one kindergarten has just recently been fined over $50 by the Corporate Affairs Commission for not complying with a reporting requirement. It is also clear from inquiries to the Children's Services Office that many kindergartens have not been complying with the requirements of the Associations Incorporation Act for some time in the belief that they were no longer required to do so or that it was no longer relevant to them. These requirements represent an additional administrative burden for voluntary groups of parents serving on kindergarten management committees.

During the debate, members opposite stated that centres can 'amend their constitution under the Associations Incorporation Act'. The Opposition stated that centres can effect those amendments without the approval of the Director of Children's Services. This is quite true. However, this clearly implies that kindergartens may wish to change the constitution they have under the Associations Incorporation Act, in a way which the Director of Children's Services will not approve—that is, the constitution under the Associations Incorporation Act would be different from the constitution under the Children's Services Act.

This is a practical nonsense. In operating as a Government funded preschool, they need to operate on the basis of their constitution under the Children's Services Act. How can they, at the same time, operate under a different constitution? Does this mean that a centre has some other functions not related to preschool which are somehow covered by the Associations Incorporation Act? How do they know when they are operating under the Associations Incorporation Act and constitution, rather than under the Children's Services Act? Do they hold different meetings or elect different committees?

Clearly this would be unworkable for a local centre. It should also be remembered that the groups concerned are voluntary, parent committees managing their local preschool; they are not in a position to embark on complex legal or administrative arrangements.

If, as the Opposition apparently suggests, a centre has two constitutions, which could be different, what would happen regarding the disposal of assets if the centre were to wind up? Under which constitution would the centre dispose of the assets? Does the centre decide itself which constitution it will follow? In fact, it would not be clear who owns the property. Is it the original body which became incorporated under the Associations Incorporation Act 25 years ago? Is it the incorporated body under the Children's Services Act? How would these questions be resolved?

Under the Associations Incorporation Act, if an incorporated body runs into financial problems—for example, a large debt it cannot meet—the Corporate Affairs Commissioner has the power to wind up that association and appoint liquidators. That cannot happen under the Children's Services Act. There is in fact less protection for kindergartens under the Associations Incorporation Act in this sort of situation.

During the last debate, the Hon. Mr Lucas raised the question of affiliate kindergartens. I am happy to remind the honourable member that affiliate kindergartens were already affiliates of some years' standing with the Kindergarten Union at the time the Children's Services Office was formed. They simply continued to operate under the Children's Services Office in exactly the same way as they had under the Kindergarten Union and with the same constitutions. This Bill will have no negative impact on affiliate kindergartens, and they will be able to continue their particularly unique programs in an unconstrained manner as they have done in the past. In other words, where affiliate kindergartens have a particular focus towards a set of religious beliefs, that kindergarten will be able to continue that focus once the Bill is passed.

The Hon. Mr Griffin raised concerns when the matter was debated previously as to what will happen to kindergarten assets once incorporation under the Associations Incorporation Act is terminated. I am happy to inform the honourable member that the advice to the Government is that the amendment Bill covers the situation of property owned by centres. It makes no change to ownership of any property. No explicit statement on this is considered necessary. The property remains vested in the centre which remains an incorporated body, with, presumably, its existing name. Therefore, no transfer of property is required, nor changes of name or titles. It is not necessary for procedures for dealing with disposal of assets under the Associations Incorporation Act to be undertaken by individual centres.

The honourable member suggested that 'there may well be good reason for a body to retain its incorporation under the Associations Incorporation Act, to keep its property separate from the association registered under the Children's Services Act'. This illustrates one of the problems with the existing situation. If indeed at present there are deemed to be two legal entities in existence within the one centre, which body currently owns any property of the centre? If the original body, incorporated under the Associations Incorporation Act prior to the 1975 Kindergarten Union Act, owned property, does that association still own it? What about property acquired by the centre since its registration under the Kindergarten Union Act and now under the Children's Services Act—who owns that? It is quite unclear at present—the amendment Bill is needed to resolve that confusion.

I hope that members, in particular the Hon. Mr Elliott, are reassured that there has been an opportunity during the adjournment of this debate for the Director of Children's Services and his staff to specifically clarify matters which may have been of concern when the Bill was introduced into this Chamber. The discussions have, without exception, been productive and have started from a common base. That common base, which is shared by the Government, the Children's Services Office and the management committees of kindergartens is a strong commitment to the provision of quality preschool education services which have as an essential element a high level of participation by the parents of the children concerned.

There has been a more than adequate opportunity for that minority of centres with questions or who were initially opposed to the amendment to have their questions clarified. As was pointed out by my colleague in the other place, this Bill's only intention is to rectify a legal anomaly which had been identified by the Commissioner of Corporate Affairs and by the Crown Solicitor's Office. There are no practical consequences of the Bill in relation to the capacity of a kindergarten committee to conduct their affairs in the way that they have done for many years in the past. The Government places an extremely high priority on maintaining the cooperative relationship between the Children's Services Office and kindergarten management committees, and this Bill reasserts that commitment.

I again draw attention to the fact that of the 15 telephone calls that the Children's Services Office received on this matter, only two expressed opposition to this amendment—that is, out of more than 140 kindergartens. In fact, some of the 15 telephone calls that were received by the Children's Services Office came after the Hon. Mr Lucas circulated his own letter to kindergartens because he raised questions that had previously not existed in the minds of people, and caused confusion about the intention—

The Hon. R.I. Lucas interjecting:

The Hon. BARBARA WIESE: He caused confusion about the intention of the Bill and people rang to clarify points raised in his letter. Once these matters were clarified with them, they were perfectly happy to support the Bill. I hope that wisdom of members will prevail, and that the Bill will pass this Council without any further undue delay.

The Council divided on the second reading:

Ayes (10)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese (teller).

Noes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas (teller), and R.J. Ritson.

Pair—Aye—The Hon. C.J. Sumner. No—The Hon. C.M. Hill.

Majority of 1 for the Ayes.

Second reading thus carried.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. M.J. ELLIOTT: I was not willing to vote against the second reading at this stage. I have been pursuing the matter as best I can with the kindergartens but, as everyone is aware, there are many of them. I have also been seeking legal advice, and that advice so far has been contradictory which makes it somewhat difficult to know which way to jump with this matter. Before I proceed further, what I could safely say is that if, as the Minister said during the second reading debate, the kindergartens think it is such a wonderful thing or, at least, that there are no problems, why could they not simply be persuaded to voluntarily give up their incorporation under the Associations Incorporation Act? If giving up dual incorporation does not cause a problem, and if the Government has such a cogent case to put, why does it not have the capacity to go to those kindergartens and discuss with them the problems of dual incorporation and simply ask them voluntarily to give up one?

The indication that the Minister has given is that only two kindergartens have been questioning in any way whatsoever. It is far better for us in this community, rather than causing people to get upset and giving the impression of being heavy handed, whether or not that is the intention, that we have a reasonable amount of sensible discussion. It is the Government's job at this stage to talk with people and persuade them with common sense rather than coming down heavy handed, particularly as there are no problems of such urgency that demand that this Bill goes through in a great tearing rush. Certainly, nothing said in this place so far suggests that there is a great tearing rush. I am aware of the continuing level of unease amongst the kindergartens at this stage about their treatment generally under the CSO.

Only today I have had contact with four kindergartens which have just been told of their latest staffing allocation, and all of them have received staffing cuts. They are extremely concerned about the treatment they are receiving as education units within the Children's Services Office, which has many functions to perform. It is the Government's job to persuade these people of their goodwill and I do not see any immediate urgency for this Bill going through at this time. I would recommend that the Committee report progress.

The Hon. BARBARA WIESE: The matter is not as simple as the Hon. Mr Elliott would like us to think. The fact is that if a body has dual incorporation, then it is not able to simply voluntarily give up the incorporation under the Associations Incorporation Act. It must in fact wind up its affairs. If it winds up its affairs, its property must be distributed under the terms of that Act. So, if that simple administrative procedure had been available to the Children's Services Office, then that is exactly the step that it would have taken. It would have approached each of these kindergartens and asked them to simply cease to be incorporated under the Associations Incorporation Act.

The problem they face is how that occurs, and they must wind up and distribute their property if they do it under the Associations Incorporation Act, which is a very difficult problem. It depends on their constitution as to what will happen to the property. In some cases, it may mean enormous disruption to kindergartens if they were forced into taking that approach. Therefore, the legal advice that we have received indicates that the simplest and least disrup-

tive way to overcome the problem is to take the course that the Government has taken by introducing this Bill.

The Hon. R.J. RITSON: From what the Minister just said, it would appear that is possibly—and we may need to seek advice on this—a private element to the Bill seeking to circumvent the existing law in relation to just these companies in a way that affects the dispersal of property that otherwise would occur according to law. Perhaps that private element makes it a hybrid Bill and requires a select committee. I am no expert on this, and it is a complicated matter: but it is a possiblity. We may need legal advice to sort it out.

The CHAIRPERSON: If that is a question for me I am happy to rule that it is not a hybrid Bill that requires a select committee under Standing Orders.

The Hon. R.I. LUCAS: The Opposition has indicated its position previously and did so when voting on the second reading. I support the motion that was moved by the Hon. Mr Elliott to let the Democrats further consider the Bill. At this stage I will respond quickly to two or three of the matters that the Minister raised in her reply. I respect the fact that it is not her reply but that it is written for her by the Minister of Children's Services and his advisers. I reject the suggestion that the letter from me to the kindergartens raised concern. For the benefit of members I will read the letter that I wrote to the directors and management committees of kindergartens on 14 October. It states:

> To the Director and Management Committee:
> The Minister of Education and Children's Services today has introduced a new Bill into the Parliament—

and that was the day it was introduced—

> which seeks to terminate the incorporation of children's services centres which might be incorporated under Acts such as the Associations Incorporations Act.

Fact No. 1—that is exactly what the Bill does. The letter continues:

> The Bill also seeks to make such a termination retrospective to 1985. These centres would then be incorporated under the Children's Services Act.

Fact No. 2—that is exactly the nature of the Bill.

The CHAIRPERSON: On a point of clarification, I wish to ask the Hon. Mr Elliott whether he would like progress reported or whether he was actually moving that progress be reported. I took it as being the former, but if it is the latter that motion must be put immediately without any debate. If it was only a suggestion that he thought progress should be reported, then the debate can proceed.

The Hon. M.J. Elliott: I will move it.

The CHAIRPERSON: Did you say that you moved it or that you will move it.

The Hon. M.J. Elliott: I will move it.

The CHAIRPERSON: In the future?

The Hon. M.J. Elliott: Yes.

The Hon. R.I. LUCAS: I will continue with the letter that I wrote on 14 October, the day that the Bill was introduced. It continues:

> I am concerned that such a significant change might be introduced into the Parliament without proper consultation with bodies such as yours which might be affected.

Having made three of four telephone calls to kindergartens on that day, I became aware of the fact that kindergartens that were to be affected were not aware of it. I said, 'The Bill has been introduced into the Parliament. Do you know anything about it? What is your view on it?' I was told by those three or four kindergartens that they knew nothing about it. They were most concerned, given the undertakings of Mr Wright back in 1985 to Mr Hester (which we have discussed under the Hester-Wright agreement). As a result of the concern expressed by those kindergartens, I wrote to as many kindergartens as I could get the names and addresses for—which was not easy—on 14 October. The letter continues:

> I am therefore writing to all bodies which might be affected by the Minister's Bill to ascertain whether you have been consulted or indeed were aware of the Minister's intentions. In addition, I would also be interested in your response to the Minister's proposal in this Bill which I have enclosed.

I was interested in their response to the proposals in the Bill. The letter continues:

> Due to the limited time available before the Bill is debated in the Parliament, I would seek any response you wish to make to be forwarded to me as soon as possible.

We had three or four days to decide whether we were to support or oppose the Bill before it was to be debated in the House of Assembly the following week. The letter continues:

> The Liberal Party is keen to ensure proper consultation on this Bill before forming a view as to whether the legislation should be supported.

That gives lie to the speech written for the Minister of Tourism which indicated that the letter I wrote aroused concern in kindergartens in relation to this matter. That was the letter I sent on 14 October to some 50 or 60 kindergartens for which I had names and addresses. It outlined the Bill. The only concern I expressed was the fact that a significant change could be introduced without consultation, and then I said, 'I seek your view.'

The following week, about 21 or 22 October, after we as a Party were supposed to have formed a view, given that the Bill was to be debated in Parliament on about 21 or 22 October, I wrote to the other kindergartens that might be affected, because, I concede, I had then obtained a copy of their names and addresses through the good offices of the Children's Services Office. In that letter I indicated, based on a week's consultation that we had had and the consideration of the Party, that the Liberal Party intended to oppose the Bill. That letter, dated 21 October, was sent to the other 70-odd kindergartens in South Australia.

I reject completely the suggestion that the Liberal Party aroused concern amongst kindergartens about this Bill. That first letter of 14 October was the first notification that these kindergartens had of the Minister's Bill being introduced in the Parliament. It was only on the Friday, in a letter which was dated 16 October from Mr Brenton Wright of the Children's Services Office and which was received on the Monday or the Tuesday of the following week, that kindergartens were advised by the Minister and/or his representative of this legislation. That was because the Children's Services Office started to receive telephone calls about my letter which most of them had received on 15 October, although some received it on 16 October.

The first notification, as I indicated, came from the Opposition. It did not indicate the position of the Party other than concern that a significant matter could go to the Parliament without consultation, particularly in the light of the fact that a quite specific agreement called the Hester-Wright agreement had been released in 1985 promising that before any such action continued again there would be proper consultation with all the affected bodies. No-one from the Government side has rejected the fact that that specific commitment from the Government was given in the pre-election climate of 1985.

I will not repeat the second reading debate. The only other matter I want to address in response to the second reading contribution from the Minister is the fact that the Opposition is not arguing that the 140-odd kindergartens ought to maintain their dual incorporation. That is not the position of the Liberal Party; it has never been the position of the Liberal Party; and it is not my position. We are not

arguing that they should or must retain their dual incorporation. What we are saying is that the decision ought to be theirs and, if they wish to wind up a separate incorporation, then they can do so, and they can do that in consultation with the CSO.

It is completely erroneous to extrapolate from the Minister's figures that only two kindergartens are concerned, because I can assure you that I have had a lot more than 15 telephone calls on this matter, and so has Mr Elliott. There are a number of kindergartens that would be quite happy to wind up their incorporation under the Associations Incorporation Act. If they are, my Party's position is that that is fine; we do not want to stand in their way. We are saying that, for whatever reason, those kindergartens which wish to retain their dual incorporation, which are not worried about any small additional inconvenience in relation to administrative costs and which are prepared to make sure that all the sorts of questions that the Minister raised in the second reading speech are addressed properly, ought to have the freedom to do so.

As we indicated earlier, in the industrial arena the question of dual incorporation has been handled, and handled relatively satisfactorily, for many, many decades. There was no response from the Minister in relation to that in her second reading speech. There has been no attempt from the Minister or the Government to wind up the dual incorporation of trade unions in South Australia, because they know the fight that they would buy with the trade unions and their trade union secretaries would not be worth the hassle. I indicate that when the Hon. Mr Elliott moves his motion I will be happy to support it.

The Hon. K.T. GRIFFIN: The legal position is clear. There really are two separate legal entities: there is a legal entity under the Associations Incorporation Act and there is a legal entity under the Children's Services Act. In my view there is nothing confused about that; they are two separate legal entities.

The Hon. Barbara Wiese interjecting:

The Hon. K.T. GRIFFIN: What you are doing in the Bill is saying not whether or not you want to retain your separate incorporation under the Associations Incorporation Act but, by the stroke of the legislative pen, you will not be able to retain your separate incorporation. You are saying, 'When this Bill is assented to, that is the end of your incorporation under the Associations Incorporation Act, even if you want to retain it.' You are also saying, 'Thereafter you will only be incorporated under the Children's Services Act, and your incorporation is subject to the powers and authorities of the Director with respect to amendments to your constitution and the disposition of your property when you are dissolved.'

That is the problem with this Bill. In effect, it terminates the separate incorporation and says, 'You have no choice.' As the Hon. Robert Lucas has said, there may be associations that want to retain their separate incorporation under the Associations Incorporation Act and it is my view that they ought to be entitled to do that without fear of their property being ultimately taken over by the Crown.

My colleague the Hon. Robert Lucas has drawn attention to the industrial position. Under the Industrial Conciliation and Arbitration Act incorporation is conferred upon associations of employers and associations of employees registered under that Act, but some of those associations are already incorporated under the Associations Incorporation Act. Under the new Act there are some limitations on the capacity of such associations to incorporate under the Associations Incorporation Act, but there are many associations of employees, in particular, incorporated under the Associations Incorporation Act which are also incorporated under the Industrial Conciliation and Arbitration Act by virtue of their registration.

Let me add one other factor in relation to employee associations: under the Federal Industrial Conciliation and Arbitration Act they also have a separate incorporation. So, you may well have a trade union, for example, incorporated under the Federal Act which is also incorporated under the State Industrial Conciliation and Arbitration Act and which is incorporated under the Associations Incorporation Act, and nothing has been mentioned about that. The Minister is not telling me that there is going to be an amendment to the State Industrial Conciliation and Arbitration Act to immediately terminate the incorporation under the Associations Incorporation Act or its earlier predecessors in legislation, because I do not believe that is going to happen. If it is not going to happen there, why is it going to happen in respect of kindergartens or bodies which become incorporated by virtue of registration under the Children's Services Act?

With respect to winding up under the Associations Incorporation Act, there is a clear provision in that Act which will enable incorporated associations to wind up voluntarily and for their assets to be dispersed according to the provisions in their wills, or, if there are no provisions, by virtue of a special resolution passed by the association or as may be determined by the Supreme Court. So, there are mechanisms there. I do not believe it is as difficult to follow that course of action as the Government is suggesting.

From my own professional experience, I can tell you that in the industrial area there are bodies that want to retain two incorporations, and they do that because they have their property in one and they carry on their industrial affairs in the other. There is no difficulty with that; it just needs to be clearly spelt out. It is a clear indication that the guidelines need to be drawn to their attention, and that is all it needs. There is nothing complicated about that.

What is happening in this Bill is that, by a stroke of the legislative pen, a body will no longer be incorporated or allowed to be incorporated under the Associations Incorporation Act, and, if a body incorporated under that Act has any property, it comes across and vests in the body registered, and thereby incorporated, under the Children's Services Act. Contrary to what the Minister has indicated, there will need to be a notation on the title to indicate that there is that change in registered proprietor. That can be done legislatively, but ultimately it has to be endorsed on the title.

The Hon. BARBARA WIESE: I feel at somewhat of a disadvantage standing up here arguing with a lawyer about law, but there are a few points that I would like to make with respect to some of the issues raised by the Hon. Mr Griffin. First, this Bill deals with a dual incorporation issue relating to kindergartens and does not seek to solve the problems of the trade union movement. The Minister responsible for children's services has no interest in solving, or responsibility for solving, the problems of the trade union movement. All I want to say about that issue—

The Hon. K.T. Griffin interjecting:

The CHAIRPERSON: Order! You were listened to in silence, and you can speak again after the Minister, if you so wish.

The Hon. BARBARA WIESE: The honourable member would be more aware and better informed than I about some of the legal problems that have been brought about for many trade unions by dual incorporation. Many hours of legal wrangling have been spent on trying to determine the legal issues that arise from the dual incorporation of

trade unions. All we need to do in this instance is recognise the problems that trade unions have, but to put it aside as we are not debating this issue here. We are debating the future of kindergartens and the legal status of kindergartens that happen to be incorporated under two Acts of Parliament. If the solution could be found in kindergartens maintaining dual incorporation, it would only be a situation that would be completely clear and beyond any sort of doubt if the two Acts of Parliament under which they were incorporated were identical. The advice that the Government has received is that that is not so and therefore some areas will arise and some issues could arise to cause confusion for a kindergarten if it was incorporated under both pieces of legislation.

Therefore, when we have a situation like that (and I stress that both Crown Law and the Corporate Affairs Commissioner agree there is potential for conflict), it is the responsibility of the Minister and the Government to try to solve that potential problem for kindergartens in the simplest way and to provide consistency for all centres operating in the State so that all are operating on the same basis. The solution found should not require them to seek legal advice or go to the Supreme Court in order to sort out under which piece of legislation they should be winding up their affairs, distributing their property or doing whatever they want to do.

I stress, as I did in response to the second reading debate, that we are discussing voluntary groups of people managing kindergartens. We are talking about groups of parents who are interested in the education of their children. They are not interested in legal issues or worrying about whether they should have a lawyer to advise them on this or that, or whether they should go to the court to decide how they should distribute property or to whom they should be talking to try to determine who is responsible for which debt and under which body they need to make decisions. That is not what kindergartens are about nor is it what the management committees of kindergartens want to spend their time on. They would like the rules to be clear.

The majority of kindergartens in this State are happy with the legislation. They are not concerned about the issue of dual incorporation. They would like the matter to be clarified. They would like to know under which piece of legislation they should operate and they would be quite happy for this Bill to pass the Parliament so that they do not have to worry any more about whether or not they have to submit returns to the Corporate Affairs Commissioner or otherwise. One of the kindergartens that received a fine recently would be delighted to have the matter clarified because it was caught in a situation in which it should never have been placed in the first instance. It is important that this legal issue be resolved.

The simplest resolution, according to our legal advice, without involving kindergarten management committees in undue legal conflict or consultation, is for a simple amendment to an Act of Parliament. We have responsibility to do that on behalf of those voluntary groups of people in the community whose interest is in providing a decent education for their children. I ask the Committee to look at this issue in that light and to stop playing politics with it and get on with it.

The Hon. M.J. ELLIOTT: The Minister made a couple of comments that were at the nub of what we are discussing. It is not a matter of playing politics with it at all. We are talking about voluntary groups, and one does not find harder working voluntary groups than the parents who operate the kindergartens. They put in a tremendous amount of time and resources. We must take into account their feelings. As the Hon. Mr Lucas said, many are blissfully unaware of much of what is happening. Some are aware and are concerned. The Minister also said that we need to solve it for them and make it simplest for them. They feel that it is being done to them rather than for them. They are having a problem solved for them that they had not detected as being a problem in the first place. The Government has decided to go for the simplest solution, namely, legislation. Certainly this legislation is extremely simple, but I suggest that it was probably not the only option available. Many options exist and the Minister in another place admitted that.

Why was legislation not drafted to make it simple for a kindergarten to give up its incorporation under the Associations Incorporation Act if it so wished so that it was then solely incorporated under the CSO Act? That is the sort of legislation that would have caused no heartache at all and, on the Minister's claim, would have been accepted. I, unfortunately, do not agree that there are only two kindergartens involved. I have been contacted by a much larger number than that. The Government really has handled it extremely poorly, as had the CSO. Promises were given over two years ago that, if changes were to be made to incorporation, they would be consulted. They were not consulted. A letter went out to them at about the same time the Bill was entering the Lower House. I believe it was dated before the Bill came into the House, but it arrived nine days after the date on the letter. That is not a form of consultation in any sense.

The Government has managed to create a great deal of unease. There was already enough unease in kindergartens for a whole host of other reasons that I have previously mentioned. I beg the Government not to go around using a sledgehammer to crack nuts—it is not necessary. I ask it to seriously consider whether it can come up with an amended form of this legislation that would be readily acceptable to everybody.

The Hon. Barbara Wiese: Do you have any suggestions?

The Hon. M.J. ELLIOTT: I suggested before that the legislation could have been drafted in such a way that people could have opted to be under the CSO Act and give up their incorporation under the Associations Incorporation Act. Under that amending Act all real property possessed under any other Acts would go with their incorporation under the CSO Act. If we went along that line there would be no complaints from the community.

The Hon. BARBARA WIESE: Is the honourable member suggesting that he wishes to have discussions with the Government along these lines? Is he suggesting that he would not want to support this legislation or that there is room for some sort of compromise or discussion on the issue before he is prepared to vote on it? Is he simply wanting to hold up the passage of the legislation for no good purpose?

The Hon. M.J. ELLIOTT: I would like the Minister to know that there is always room for sensible discussion.

The Hon. BARBARA WIESE: The point of view that has been put by the Hon. Mr Elliott is vague, to say the least. The problem that arises from the dual incorporation of kindergartens under two pieces of legislation and two constitutions is something that I thought I had already addressed and explained pretty well. If the Hon. Mr Elliott feels that some option is available which would achieve the Government's goals, which I understand he shares—that kindergartens should have the opportunity to conduct their affairs with as little confusion and uncertainty as possible—I am sure that the Minister responsible for this legislation would be very happy to discuss the matter with him further.

For that reason, I agree that the Committee should report progress and sit again.

Progress reported; Committee to sit again.

CARRICK HILL LAND

Adjourned debate on motion of Hon. Barbara Wiese:

That this Council resolve to approve, in accordance with the requirements of section 13 (5) of the Carrick Hill Trust Act 1985, the sale by Carrick Hill Trust of that portion of the land comprised in Certificate of Title Register Book Volume 2500 Folio 57 that is marked 'A' and shaded in red on the plan laid before the House of Assembly on 2 April 1987.

(Continued from 11 November. Page 1827.)

The Hon. J.C. IRWIN: The Liberal Opposition in this place does not support the motion to sell portion of Carrick Hill land moved on behalf of the Government by the Minister of Tourism, who wears a couple of other hats. As well as being Minister of Tourism and Minister of Local Government, she is also Minister Assisting the Minister for the Arts, who is the Premier.

In accordance with the requirements of section 13 (5) of the Carrick Hill Trust Act 1985, this motion must be accepted by both Houses. Members will recall that, as long ago as April 1987, the other place debated and passed a similar motion, and this Chamber sent the proposition to a select committee. The select committee's report has not yet been formally adopted, and the committee was unable to make a recommendation whether the proposed sale of land at Carrick Hill be approved. As I understand section 13 (5) of the Act, it requires both Houses to concur, so its terms are not fulfilled until the Council carries the motion.

I have tried hard to find the Premier's signature in the words of the Minister of Tourism when moving this motion. The Premier has made some heavy-handed attempts through the press to threaten those who oppose this motion and indeed to threaten the whole future of Carrick Hill. I have concluded that the words used by the Minister of Tourism are her very own. They contain a fair amount of gobbledegook, an inadequate understanding and an amount of insensitivity. Like the Minister, I do not intend to go over all of the arguments that have already been put. If anyone is interested in reading my contribution to the debate on the select committee's report, it can be found at page 1632 of *Hansard* of 4 November. However, I intend to reply to the Minister and to make some additional points which were not previously canvassed in the debate on the report but which concern part of the evidence given to the select committee. In moving this motion, the Minister said:

> Members who are truly interested in the welfare of this magnificent property will by now be familiar with the proposal and the various claims and opinions that have been expressed on the matter.

I hope that I am not misrepresenting the Minister but, if anyone in this Chamber can claim to be truly interested in the welfare of this magnificent property, it is I. My father was the architect of the house, which was built to the requirements of his friends the Haywards. I do not know of any member of the Opposition who is not truly interested in the welfare of this property. To suggest otherwise is misleading and quite wrong. Further, I suggest that its welfare and that of the entire estate is better looked after in the hands of the Government which, after all, was the preferred option of the Haywards and the option accepted on behalf of the people by the Premier, knowing full well the requirements and responsibilities attached to it. It did not involve an expedient selling off of a piece of land for short-term gain. As I have said before, once we allow the process of selling off land to start, where will it end? The Minister said:

> It was not intended that the property be kept as it was without further development. The Haywards contemplated a variety of uses. They suggested that it may be an art museum, a botanical garden or that it would be used as a residence for the Governor. Members would agree that all these uses would require further development funding.

A few sentences later, the Minister said:

> To develop this valuable asset further would mean continued injection of Government resources.

I wish to address a number of matters arising from those comments. In introducing the Carrick Hill Trust Bill in November 1984, the Premier said:

> A Carrick Hill Committee reported in 1974 on the most appropriate use and development of the property upon its being vested in the Crown. Late last year the 1974 report was reassessed and updated by an interdepartmental committee. The subsequent 1984 Carrick Hill report included estimates of recurrent and capital costs, together with a broad timetable of implementation. Both the 1974 and 1984 reports proposed that a Carrick Hill Trust be established to manage the property. The question of a separate Carrick Hill Trust to hold title to and manage the property is in accord with the intentions of the original deed. Use of the property as a residence for the Governor has not been recommended and will not be pursued.

All of the uses envisaged by the Haywards were achievable, either alone or as mixed uses. If the Government House option were accepted, it would have been a stand-alone house with botanical garden and grounds. The property would not have been revenue-raising or subject to extended open seasons or hours. As far back as November 1984, that option was knocked on the head. However, for a number of reasons we should not forget why that option was rejected.

The option of an art museum and botanical garden were taken on and Carrick Hill functions in that mode now. I put strongly to the Council that whatever option or combination of options were taken on when the Premier accepted the gift on behalf of the State it should have been known that further development would be needed as would further funding for that development. As has often been said, the National Trust option was rejected by the Government of the day, yet it provided for the power to sell land. That does not mean that the present Government can argue that that set of options, which had been rejected, can now be used to help the Government fulfil its clear responsibility.

The trust was quite properly set up to develop a sculpture park. It has started that park and, apart from being an artistic and botanical addition to the grounds of Carrick Hill, it will help attract visitors to the Carrick Hill estate. The sculpture park will also help to regulate the flow of visitors through the house by providing another attraction for them to inspect.

Although subjective comments will always be made about the sort of sculptures appearing at any time in a sculpture park, I can find little or no objection to the proposal of developing the sculpture park. It is the funding of a sculpture park—or indeed any other additions to the grounds—that is the subject of division in this Chamber and outside it if land sales are required to fund them. I should also say that the comment has been made to me more than once that the maze which has been constructed and is now growing west of the house is not altogether in harmony with the rest of the garden. The maze was generously donated, I understand, by Coca Cola Bottlers.

It is acknowledged that something like $3 million has been spent on Carrick Hill. I presume that this was on capital works, although it may include some maintenance and wages. The Carrick Hill development plan of August 1987 states quite clearly:

Many pieces of sculpture are designated to be sited in association with water. While construction of a small lake or pond is beyond the financial capabilities of Carrick Hill in the foreseeable future, the construction of such an element within the park may be possible in the future.

If the Government's attitude to the cost of setting up the park and initial sculpture purchases is not to provide State funds but encourage the selling of land, that statement from the development plan only adds to the pressure on the Government in future years to renege on providing funds and pushes the trust towards selling more land. Obviously this cash will be needed to complete the development plan and the vision that I have set out in that short quotation from it. As the Minister said, and as I have already quoted, 'To develop this valuable asset further would mean continued injection of Government resources.' That is exactly right, and the Government should be encouraged to stick to its side of the bargain or simply hasten slowly and not proceed further until funding for the whole sculpture park at Carrick Hill is secure.

The Hon. Carolyn Pickles: Why?

The Hon. J.C. IRWIN: That would be good advice for this Government on a whole range of financial matters, instead of rushing ahead and spending other people's money hand over fist and having all the trouble that goes with it and having to pick up the pieces. On this Government's financial record, I can see the sculpture park being like the aquatic centre, the Convention Centre, the Hyatt International Hotel, the *Island Seaway* and many other projects which were sold to the public on one costing but which ended up involving millions of dollars in over expenditure. What a pity that $1 million of these overspent examples could not have gone to the Carrick Hill Trust. I am sure that its spending would not be as unreliable and as irresponsible. The Minister said:

It is important to remember that the Carrick Hill Trust's real purpose is not to sell some of the land but to accumulate funds for the maintenance of the property and its future development.

I put to this Council, that, if that is not gobbledegook of the very best order I have never heard it; it is certainly not accurate. The trust's real purpose, backed by the Government, is to sell land for planning future development, namely, a sculpture park. I do not know how anyone can read that in any other way. That evidence was put to the select committee by the trust itself, and there was no question about that. This has been supported to the hilt by the Government by the moving of this motion.

There are other ways to accumulate funds for future property development, and I put it to you that this is the Government's responsibility. There has never been any suggestion that the funds raised by selling land would be used in any way than for maintenance of either the grounds or the house. That is the selling of the land that we are talking about. The trust told the select committee quite clearly in evidence the interest from the invested capital would be used to purchase sculpture. On page 5 of its written submission, under the heading 'Needs for special funds' the following is stated:

If the potential of the Carrick Hill sculpture park is to be realised, there is a very real need for special funds, both for the acquisition of important Australian and overseas sculpture, as well as for the preparation and maintenance of the gardens and grounds. As acquisition funds are unlikely to be forthcoming from the State Government in the foreseeable future and as funds from private and commercial sources are limited, the trust is therefore looking to its own resources as a means of developing the park.

Should the proposal for the development and sale of land proceed it is anticipated that this will generate funds in excess of $1 million. The trust proposes that these funds be invested with some income used to maintain the capital value of the investment and to acquire new pieces of sculpture. A conservative estimate indicates that an amount in excess of $100 000 would be available each year for this purpose being a modest amount for the acquisition of works of sculpture.

The Hon. Barbara Wiese interjecting:

The Hon. J.C. IRWIN: What did I say? It is not terribly important. I did not quote that to draw attention to the fact that $100 000 would be available each year for this purpose. That is the estimate from the trust's own submission. The point I am trying to make, and will make, is that the trust proposes that these funds be invested (that is something over $1 million) with the income used to maintain the capital value of the investment and to acquire new pieces of sculpture. I will explain that.

The trust is saying quite clearly that the funds will be used extensively or exclusively for the maintenance of the capital value of the investment; that is, money from the investment return will be added each year to the capital base equal to the previous year's inflation. That will maintain the capital base. The balance will be used to fund the purchase of sculpture. The trust conservatively estimates that $100 000 each year will be used for that purpose. I guess when we have looked at those figures, for $100 000 to be realised, it will depend whether the interest rate is 10 per cent, 15 per cent or 8 per cent, or whatever.

Mr Dridan's evidence to the select committee adds to our understanding of the cost of sculpture:

If a major sculpture costs about $30 000 that would mean a capital requirement of about $1.5 million to set up an adequate or basic sculpture park. We can look at this on two different levels. A major work is one by a major established artist, but it is hoped that this park will support and encourage young South Australians primarily and young Australian artists who have not reached that sort of value for works. We could buy a major work each year for $50 000 or $80 000, but that would necessitate the purchase of one or two works by promising young South Australians or Australians.

If a sculpture park was created, it would be supported on a loan basis: major works would be lent temporarily until Carrick Hill developed a collection of its own. Artists could exhibit works in that park and that would not only benefit them but would also help the park initially. Many of the works at Carrick Hill are there on loan only; the trust has not purchased these works. One envisages that as a work was purchased it would be replaced or the artist could lend another work.

I appreciate this evidence from somebody who knows a great deal about the art world and is indeed one of South Australia's foremost artists, a person of great experience in all facets of art.

The Hon. Barbara Wiese: Did he support the sale?

The Hon. J.C. IRWIN: Mr Dridan certainly did support the sale, I know that as a member of the select committee, and that does not need to be put into *Hansard* again and again. The Minister should explain her statement in moving this motion. She further said:

Ground development for this area is expected to cost $500 000, while the acquisition of 30 suitable pieces of sculpture will cost about $1 million. With funds from the sale of the land, this exciting development plan could be implemented over the next seven years.

I am not sure if the completion of the lake or the ponds that I mentioned before would be part of this first seven year project. Nevertheless, that does not particularly matter. I really am concerned about the $500 000 development mentioned by the Minister, the cost of the park and the associated and ongoing maintenance costs. Is this coming out of the land sale investment or, if it is from some other source, where? If it is to come out of the investment fund, it would be in direct conflict with the evidence that we received and the assurances that I believe have been given by the Premier. The quotes that I have just used from the Minister indicate some confusion of two different principles—development and acquisition of art work, or something new that we do not know.

At this stage, we should look at some of the figures relating to the performance of the trust in 1986-87, which was the first full 12 month period of its operation. From the annual report, we can see for the period 1 July to 30 June a total attendance of 38 407 people, with the property having been opened for 241 days. The daily average attendance figure was 160. Even though that may have been below the estimated attendance, I believe that it is a splendid figure for the first year's operation, and one on which we can build as the message spreads far and wide of its value as a tourist attraction and as a serious place to study so many facets of art, architecture, gardens and nature.

In money terms relating to income, direct from those visitors through the gate only, we have, for example, admissions income of $22 000 and $31 000 from the sale of souvenirs. Even this figure is more than it should be, because the trust's purchase of souvenirs and publications for the year 1986-87 was put down at $41 000, so that has not been properly reconciled. We have a gross income from these two sources of $53 000. For the purpose of this exercise, I have left out the contributions from the State Government of $174 000 in running expenses, donations of $41 000, and miscellaneous receipts of $25 000, making a total of $240 000. However, I acknowledge that these receipts are a valuable part of the trust's income, and it cannot exist without that contribution. While these figures relate to the trust's ability to attract income, they do not reasonably relate to visitors through the gate.

Miscellaneous receipts may include the sale of food and drink but, unfortunately, the financial statement does not help me isolate a net profit to the trust from this activity. If there is a net profit from food and drink sales, that would of course add to the return per person through the gate. Without that figure, the gross return per visitor is $53 000 divided by 38 400 visitors, or $1.38 per person. In much more simple terms, the average cost per visitor to Carrick Hill, admittance only, is 57c. Using the statement figures of $174 000 of Government contribution for operating etc., the subsidy is approximately $4.58 per visitor. This is not a capital figure and I do not mean to question the figures that the Premier has had published. I am not trying to make a point out of that at all. I am coming to a number of different points altogether.

I must say that various figures have been thrown around in recent weeks about costs and Government subsidy per visitor. Various mixes of running expenses and capital have been mentioned. In a debate earlier today, we had the Minister of Health giving a lecture about the difference between running expenses and capital. Yet again we see this curious exercise of how Governments do their sums getting capital and maintenance mixed up. How people in the real world have to do their sums is quite a different kettle of fish. What I simply want to say relates to reality. Whatever way we look at figures and whatever figures we look at, it will very definitely relate to the possibility of future land sales to fund Carrick Hill and to fund future development and maintenance there.

I think it has reached the stage now in this debate where the Premier himself, or through the Minister in this place, must come out with a pretty clear statement concerning the future of Carrick Hill. There is no excuse to hang back and wait for this Council to show a direction by its vote on this motion now before us. It should be pretty clear, with or without the land sale, or setting up a sculpture park and an acquisition fund, that Carrick Hill will go on needing Government capital and maintenance money. It will have to do that or close its doors, force more land sales or a bit of both.

I fully acknowledge that all of the present planned development at Carrick Hill is aimed at preserving and enhancing the house and the grounds. It does have a bottom line of increasing visitors through the gate. The Government has said that, and the trust has said that, and I agree with it. However, I must say that the sculpture park will have to help at least double the number of visitors to Carrick Hill or double the entrance money, or a combination of both factors, in order just to fund the development of the sculpture park, let alone help fund a multitude of other factors within the property. I have already mentioned the $500 000 just to set up the sculpture park. I will put it as strongly as I can: if this sale is allowed by this Council for the stated purpose, it will not be long before pressure will be put on both Houses of Parliament for more land sales.

The Hon. Barbara Wiese: Rubbish!

The Hon. J.C. IRWIN: Well, you can say 'rubbish'.

The Hon. Barbara Wiese: I just did!

The Hon. J.C. IRWIN: I do not know whether you are referring to Carrick Hill being rubbish—perhaps you are, because that is the way you snigger at it—or whether you are saying that what I am saying is rubbish.

The Hon. Barbara Wiese interjecting:

The Hon. J.C. IRWIN: I am saying quite clearly that it is my very humble and honest opinion that if this land sale is allowed to go through, it will be the forerunner for other land sales. I say that as clearly as I possibly can.

The Hon. J.R. Cornwall interjecting:

The ACTING PRESIDENT (Hon. G. Weatherill): Order!

The Hon. J.C. IRWIN: Anyone who has seriously looked at the figures and given the whole matter a great deal of thought, as some have, could not escape the simple conclusion at which I have arrived and which I have attempted to set out in simple terms. Maybe they are too simple for some people here to understand but, whatever way it is looked at, the conclusion is the same. Let me refer again to the comments of the Minister. She said:

> It would appear that the main issue at this stage centres around the right of the Government as the willing recipient of bequests to vary aspects of the arrangements. Clearly, this Government believes that the interests of such generous benefactors must be honoured. Nevetheless, there have been instances—undoubtely, there will be more—when bequests—

I hope both Ministers are listening to this—

> no matter how generous create a continuous need for expenditure that could not have been anticipated. In such cases, there needs to be a mechanism to enable the original intention behind the bequest to be achieved.

More gobbledegook from the Minister. You cannot believe in honouring benefactors' wishes and then in the next breath move to break the well known and agreed arrangements. Any sort of proper research would have shown a person holding the position of Premier at the time that capital and maintenance money would be needed in the future unless the attitude was 'Grab it while we can; she'll be right, and we'll deal with any problems later when everyone has forgotten about the original problem.' The Minister in this Council said further:

> I believe also that, in leaving Carrick Hill to the State, the main purpose was not to make sure that the property remained intact but, rather, that it be developed and enjoyed by the people of South Australia. The proposal to sell portion of the land and to use the proceeds to establish a sculpture park has been contemplated by Sir Edward Hayward and is consistent with the Hayward's intended development of the property.

This is probably the best gobbledegook of all. Nowhere in any official document, will or the deed accepted by the Government, was there any ability to sell land; nor has it ever been said, up until now, that the property had to be static or might be static. The Premier said that himself. The Minister was not a member of the select committee but she

should be able to read the report which has nearly been concluded.

While I greatly respect what Sir Edward Hayward wanted after his wife's death—this is important, and Premier Tonkin supported it—it has very little, if anything, to do with the principal argument. A number of people are quick to latch on to what the Hon. David Tonkin, in his position as former Premier of South Australia, had to say. However, I do not hear a word from another principal player in that saga, the Hon. Don Dunstan. I have a feeling that the Hon. Don Dunstan, noted art lover, noted communicator and noted Queen's Counsel, may feel embarrassed by the expediency of the present Government. As Premier he accepted the gift of the Haywards, knowing, as well as anyone, exactly what was being accepted.

With great respect, Sir Edward Hayward, David Tonkin or anyone else had no right to vary the will of Lady Hayward after she had died. Her will was identical to that of her husband's. They together—and I underline that—I suspect, without any outside interference or pressure, had agreed to a course of action in 1971. The deed supported that. It was binding and in black and white. It cannot be varied, as we know, except by this Parliament. The present Government is running for cover from its responsibility behind the red herring of the National Trust option and what Sir Edward Hayward thought should be done next with Carrick Hill.

Sir Edward would not have even been able to carve off a piece of land 'at the back' for his own retirement village complex or whatever because it was not his to do so. It would have required an Act of Parliament to do it—we must not forget that. The deed respected the wishes of Lady Hayward as well. Everyone is quick to forget that Lady Hayward was part of this.

The Hon. Carolyn Pickles: They both had equal shares in it.

The Hon. J.C. IRWIN: But you understand as well as anyone that once the two wills were made into a deed and Lady Hayward died, it was virtually set in legal concrete. It had nothing to do with Sir Edward Hayward after that point.

The Hon. Carolyn Pickles interjecting:

The Hon. J.C. IRWIN: I am not saying that other arrangements cannot take place. I am saying that the Government's responsibility is to carry the arrangements out and not to sell land to do it. That is all I am getting at. Without demeaning in any way the generosity of the Haywards' gift to the State, their estate received a *quid pro quo* in the form of forgiven death duties which, of course, were still relevant prior to 1979. I suspect that if Lady Hayward had lived until the 1980s, when death duties were removed interestingly enough by David Tonkin's Government, that we may not be debating this subject now.

I want to mention some matters arising from evidence given before the select committee. Although they are matters beyond our control, I think that we should perhaps consider them. They concern fire danger access, dense undergrowth, weeds and non-native vegetation. This matter was drawn to our atention by local people who appeared before the select committee. As we are now at the end of the growing season for grasses—and I talk of the Hills face zone—any dense undergrowth should be greatly reduced. I have no doubt that a fire sweeping through this area of land would be dangerous and be a great threat to the land between the Hills face zone and the house. I am not trying to tell the trust anything. It knows this as well as I do and no doubt it has taken the right precautions. However, it was brought up in evidence and I bring it forward.

It is important that good access is given to this property from a number of points and that a good water supply is always readily available from the water main that goes across the property from north-east to south-west behind the houses in Hillside Road. I hope that the trust, the local people and the Mitcham council will work together to eliminate any potential fire hazard and will control the weeds. I do not disregard the evidence given by the Conservation Council about the conservation value of Carrick Hill's open space land. Its written submission stated:

> The south-eastern section of Carrick Hill contains an important area of remnant native vegetation. The boundary fringes contain some tree cover, giving way to dense woodland including eucalypt and acacia species with some native grasses. Although suffering from some infestation by weeds, particularly olives, and a few introduced pines in the gully area, the denser area nevertheless represents an important remnant of lower Adelaide Hills native vegetation. The area is the most substantial patch of native vegetation on the Carrick Hill property, and loss of even part of it reduces the range of options available to Carrick Hill trustees in future. Construction of further housing on the fringes inevitably jeopardises the vegetation, further introducing weeds and exotic plants and increasing other human intervention. Amongst the options future trustees of Carrick Hill may wish to consider is highlighting the contrast between the European style garden and native bush with the remnant native woodland providing a representative area, and actual seed source of indigenous plants for use in re-vegetation of other areas (such as the open cleared space south of the house and gardens).

I wonder why the Department of Environment and Planning did not attempt to make this point as it is very much involved with native vegetation. As a farmer with a considerable amount of native vegetation still remaining on my property and as I am in contact with many other farmers (as are members of this Council and the other House) who are fighting the native vegetation clearance controls of the department, I am aware of how difficult it is to knock down one tree, let alone interfere with what the Conservation Council describes as 'an important remnant of lower Adelaide Hills native vegetation'. If clearance for a development were allowed in this area it would make a mockery of supposed rules being applied to many farming areas of the State. The National Trust of South Australia, in its brief written submission to the select committee, opposed the sale of land and commented about the garden as follows:

> The National Trust considers that subdivision of any part of the parcel making up the Carrick Hill garden is thus inappropriate, and would urge that Government decide not to proceed in this way. The design of the Carrick Hill garden is historic and is of the 'capability brown' style of grand country garden. In such a garden an area would traditionally be set aside as a woodland, and the area being considered for subdivision forms that element in the design of this garden.

One prominent South Australian property developer whom I will not name gave evidence to the select committee. Not many developers gave evidence, but this developer supported the submission to sell and stated:

> The Oakdene Road allotments would constitute poor planning as the frontages of the majority of houses (to be subsequently erected thereon) would overlook the backyards of established residences fronting Hillside Road.

This comment supports many personal and written submissions to the select committee from residents directly affected and others living in the general area. The Conservation Council and members of the Springfield Trust commented about encumbrances on the title of Carrick Hill. The Conservation Council stated:

> The certificate of title for the land clearly indicates that the land in question is designated as 'open space' under section 62 of the Planning Act 1982. This provides that the Governor may, upon application of the owner of land, prohibit the division of the land into allotments or any other use not in keeping with its character as open space. This prohibition was proclaimed on 15 June 1972 and is clear and unequivocal evidence of the intention

of both the previous owners who bequeathed the property to the State, and the Government of the time.

One point that I considered as very strong evidence for not allowing the sale of land by the Carrick Hill Trust was the alienation of open space, which is very important for the long-term future of the city. Once that open space is gone, it is gone forever. The conservation council had this to say about the supplementary development plan for the Mitcham City council:

Development Plan

Bearing in mind the above, attention is also drawn to the Development Plan for Mitcham city council area. A supplementary development plan for Mitcham is currently for public view, and it makes new zoning provision for Carrick Hill as an 'institutional zone'. The principles of development control of such a zone include:

1. Development . . . should be for public and private activities of an institutional and/or open character.

3. No additional allotments should be created in the zone for purposes other than those associated with and necessary for educational or research activities.

Dwellings are prohibited in such a zone.

However, these provisions are not yet authorised, so resort must be had to existing development provisions which are less specific to the site, but equally discouraging to subdivisions. Amongst the general objectives for Mitcham city are:

45. Natural vegetation should be preserved wherever possible and replanting should take place wherever practicable.

48. Native vegetation should not be cleared if it:

. . .

(d) contributes to the landscape quality of an area

(e) has high value as a remnant of vegetation associations characteristic of a district or region prior to extensive clearance for agriculture.

Furthermore, the area is on the edge of the Hills face zone, and an intensive subdivision within the Hills face zone is legally not permissible. A subdivision on the periphery is equally unacceptable and contrary to the spirit of the zoning in view of the other circumstances.

These views were supported by the Department of Planning and Environment and they are available in evidence, and I will not quote all those at any length. If both Houses of Parliament support the sale of land, it is pretty obvious to me that there would be a healthy amount of opposition from many local residents, other individuals and representative bodies. There would be a bitter, drawn out battle to stop this sale. This scenario would do untold harm to the good relationship enjoyed between Carrick Hill and local residents. To complicate matters further, I should point out what the Department of Environment and Planning had to say about planning matters:

Should the application for land division be lodged in the name of the Carrick Hill Trust it would be determined by the Mitcham council. The South Australian Planning Commission would consult with servicing authorities, and agencies, seeking their view about the application. On receipt of these views the commission would forward a consolidated report to the council.

If the proposal sought to create more than four additional allotments public notification would need to be given. This involves notification to abutting occupiers and owners, and others likely to be affected by the proposal, as well as notification in the press. Representations may be lodged with the council for, or against, the proposal.

Once the council has considered and approved, or refused, an application there are appeal provisions which aggrieved parties can exercise.

We should remember that. The submission continues:

Carrick Hill is held as Crown Land and the Minister of Lands could exercise the option to divide the land. Under these circumstances the provisions of section 7 of the Planning Act would be followed. In this case the Minister gives notice to the South Australian Planning Commission and the Mitcham council of his intention to divide the land.

Council advises the commission of its views about the proposal. The commission reports to the Minister for Environment and Planning. If the Minister is of the opinion the proposal is not seriously at variance with the development plan he may give directions in relation to the proposal as he thinks fit. The proposal then proceeds.

There is no statutory requirement or opportunity for public notification allowing for the public's view of a land division proposal to be considered. Neither are there appeal rights.

I sincerely hope this latter course of ministerial action is never contemplated or taken, certainly in relation to the subject of the motion before us. I have taken time to find out and put up as much logical argument as I can from evidence to the select committee to convince members in this House not to support the motion.

In summary, the Haywards' deed accepted by the Government should now continue to be honoured. The quality and pace is obviously up to the Government. The addition of a sculpture park, even if a capital fund is established, may at best only marginally help with lifting gross income by increasing visitor numbers. Indeed, it will lift the maintenance cost when servicing the newly developed area alone. The income per visitor seems very low. Only the Premier and his Arts Director have said the property must remain static or closed.

The Haywards believed the best option for the property to develop was the Government option. That was accepted by the Government and that undertaking should be fulfilled if possible. The fire risk and weed infestation should remain a high priority with the trust. There was evidence of undesirable planning so far as the proposal before us is concerned and the desirability of open space should not be underestimated.

We are in difficult financial times and this fact will dawn on most people before too long. I know that the catchcry is often used in a very negative way but I think this time it is getting close to being a reality. As I have said previously, if this motion fails and Carrick Hill has to tighten its belt, I hope the Government follows that through in many other areas, including its own financial management and responsibility. I have faith that the Carrick Hill trustees and whoever may be the new director will find ways and means to consolidate the management that has already been achieved by the trust and the Government. Carrick Hill will survive because it has been built on solid foundations and more than a dash of vision.

I urge this House not to support the motion because by doing that it will be supporting a principle over expediency. It is not always an easy path to follow and too few follow it. However, those who do will be rewarded, for it is unquestionably the right path. I urge the House not to support the motion.

The Hon. I. GILFILLAN: The Democrats oppose the motion. We were not persuaded that there was a need for the select committee in the first instance. The argument seemed so clear-cut and we are pleased to find that half the members of the select committee clearly confirmed that there should be no sale. The other opinion appears to us to be an expeditious interpretation, in the circumstances, to get funds to pander to some contemporary requirement for a so-called sculpture park. The area of land itself is a very precious part of the State's inheritance and should never be treated as a pawn for any other anticipated or ascribed asset for the Carrick Hill estate.

It was also irrefutable from the start that legal opinion was such that the question of a sale should never be entertained. The fact that it was entertained will have ramifications for people intending to leave bequests to the State. The issue is clearly spelt out in two letters that have been referred to on several occasions, once previously by me when it was a matter of debate in this place in the earlier session. I will quote them briefly again as evidence of another reason why the Democrats oppose the sale of this piece of land. The first letter is to the Hon. J.C. Bannon,

Premier of South Australia, and dated 6 April 1987 from Mr A. Trenerry of Bonnin and Partners who states:

We act for Advocate Nominees Pty Ltd, trustee of the estate of the late Lady Ursula Hayward. We have read a letter of even date written to you on behalf of the trustee of the estate of the late Sir Edward Hayward and support fully the comments made therein.

As a junior solicitor assisting the late Mr M.F. Bonnin, the writer was involved in the formulation of early plans for Carrick Hill and the preparation of documentation relating thereto, in particular the deed of trust dated 12 June 1970 and Lady Ursula's will of the same date. It is the writer's clear recollection that the intention of all parties was that the gift to the State would be made if and only if the State agreed to hold and maintain the whole of the property for one or more of the purposes set out in those documents.

We believe that intention is made clear by the documents themselves. In particular we draw your attention to the fact that in contemplating the possible gift over to the National Trust that donee was to be given a specific power to subdivide and sell a portion of the land to provide funds to maintain the balance. No such power was included for the State because no such power was intended.

Further, the same letter states in another paragraph:

We recall an opinion being given by the Crown Solicitor which stated, in effect, that any proposal to permit the subdivision of part of the property would conflict with the wishes of the donors and be in breach of the Premier's original undertaking. We respectfully so view your Government's recently stated intention to cause (or to permit) part of the property to be subdivided and sold.

Another letter, also dated 6 April 1987 and addressed to the Hon. J.C. Bannon, Premier of South Australia, was written by Mr D.J. Bridges of Mollison Litchfield, barristers and solicitors. The letter states:

I am writing to you in my capacity as an executor of the estate of Sir Edward Hayward. The other surviving executor, Mr Des. Rundle, has advised me that he is in full agreement with the views expressed in this letter.

I do not intend to read the whole of the letter, but it is available for members to peruse if they so wish. However, a further paragraph states:

Whilst it is clear that it was intended that the Government could sell or deal with the chattels, there was no express power in the will for the Government to sell any of the real estate. In contrast there was a clear power given to the National Trust of South Australia to sell the real estate if the Government did not accept the bequest subject to the terms of the will.

It further states:

It is clear that it was intended by Sir Edward Hayward that the real estate of Carrick Hill be maintained in its entirety. In the light of this information I request that you advise me as a matter of urgency whether the Government intends to proceed with its stated intention of proposing a resolution to Parliament to sell portion of the real estate of Carrick Hill.

I did not think that that would occur, but unfortunately the Government has proceeded, much to its shame. I hope that this Council resoundingly defeats the motion and shows an integrity not only in this instance but also in others where we are curators or stewards of property left to the State. It is important that the impression given is that the Parliament and the Government will honour the terms of a bequest, and that should be clearly stamped on the way we deal with this motion. The Democrats oppose the motion.

The Hon. BARBARA WIESE (Minister of Tourism): It is clear that this motion will not be passed by the Council, but it is important that I make some remarks about some of the contributions that have been made. First, the motion has been brought forward by the Government to fulfil the wishes of the Carrick Hill Trust. The Government is not imposing this decision on the trustees. It is at the specific request of the trust that this proposition has been brought forward. I am surprised that at least by implication members in this place are questioning the integrity of members of the trust in making this recommendation to the Government to sell this land.

In the early part of his contribution the Hon. Mr Irwin suggested that the Premier had threatened people about the consequences if the land in question is not sold. First, I reject absolutely the suggestion that the Premier has threatened anyone at all in any way. In the discussions that have occurred over many months the Premier has tried to make people understand the consequences if the sale does not proceed, and he has tried to make people understand that the wishes of the Haywards will not be fulfilled if we are unable to secure sufficient revenue to develop Carrick Hill in the way that they would have wished.

The Hon. Mr Irwin suggested that the Government must bear the responsibility for maintaining Carrick Hill. Indeed, the Government has accepted that responsibility, and it has demonstrated its commitment to fulfilling that responsibility by recently spending some $3 million to upgrade and develop Carrick Hill. However, it must be remembered also that, since Carrick Hill became the property of the State, financial circumstances in South Australia have changed quite dramatically. The State Government is not in a position to do many of the things that it might have thought were possible five years ago, because the financial circumstances and the economic climate in this State, and in Australia generally, have changed. Therefore, the Government is not in a position to provide the level of financial support to institutions like Carrick Hill that we would otherwise like to do.

This means that, if the wishes of the Hayward family are to be fulfilled, we must find other ways of raising revenue. It is very true that the trust has tried very hard to raise revenue. It has worked very hard and it has been quite successful in raising funds, but there is no way that the efforts of the trust will result in sufficient money being raised to undertake the sort of development envisaged for Carrick Hill.

The Hon. Mr Irwin suggested that, if we allow this sale to take place, somehow it will be the thin end of the wedge, that the dominoes will fall and we will put up further propositions to sell off other parcels of land in Carrick Hill. That is total nonsense, and I do not know where the honourable member came up with such an idea. The trust gave evidence to the select committee indicating that it would never recommend such a course of action and that it views this as a one-off sale of land. The Premier has given an assurance that the Government would never put up any other proposition to sell any other part of the land, and indeed the select committee recommended that no further land should be sold.

It seems to me that those three assurances must be taken seriously. The people who have indicated those points of view are people of integrity: they are respected in our community and they stick by their word. The Government would certainly not put up any further propositions—it is a one-off activity. All people involved in the sale of this parcel of land consider that it would not interfere with the integrity of the property, and it would provide the much needed funds to secure its future development.

The Hon. Mr Irwin questioned whether the lake is included in the development plan for the sculpture park. My understanding is that the lake is included in the proposals and in the development plan itself. The section dealing with design concept indicates that a small lake and the site for a water cascade have been incorporated in the design of the sculpture park.

The Hon. J.C. Irwin: I quoted that but related it to the $500 000.

The Hon. BARBARA WIESE: I presume that the money for the development of the grounds includes the development of that lake. That can be clarified later, should my information be incorrect. Carrick Hill will not be viable, as the Haywards intended it to be without extra funding. Sir Edward Hayward made clear to a number of people that he would not oppose the sale of land. In fact, he was in favour of the sale of land if it would enable development of the property to take place. It has also been established by the select committee that the environmental impact on the property will be virtually nil. It is intended that eight houses would be built on very large blocks. They would be compatible with surrounding development, and would not interfere with the integrity of the Carrick Hill property.

If we are to proceed with this development, the money is urgently required. If this is such an important issue, one can only wonder why people did not come forward at the time the Carrick Hill Trust legislation, which gave power to the trust and therefore to the Government to sell land, was being debated by the Parliament.

I will conclude on these points. Both David Tonkin, a former Leader of the Liberal Party, and David Dridan, who was the art adviser to Sir Edward Hayward, indicated in evidence that Sir Edward had no objection to the sale of land associated with Carrick Hill. I would have thought that the word of a former Liberal Leader would have been sufficient for members opposite to accept and act upon. Apparently they do not trust David Tonkin and will not take his word.

Their decision to oppose this motion is a reflection on the former Liberal Leader and on the members of the Carrick Hill Trust. It is most insulting and will jeopardise the future development of Carrick Hill Trust. It also means that the wishes of the Hayward family cannot be fulfilled. That seems to be the view that will prevail in this Parliament, and we will have to see what happens from here. It is on the Opposition's head that we will not be able to fulfil the wishes of the Hayward family in developing the Carrick Hill Trust to the extent that they wished.

The Council divided on the motion:

Ayes (7)—The Hons. G.L. Bruce, J.R. Cornwall, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese (teller).

Noes (11)—The Hons. J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, J.C. Irwin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. C.J. Sumner. No—The Hon. C.M. Hill.

Majority of 4 for the Noes.

Motion thus negatived.

[*Sitting suspended from 6.3 to 7.45 p.m.*]

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 November. Page 1668.)

The Hon. L.H. DAVIS: When the National Parks and Wildlife Act of 1972 was introduced it had twin objectives: first, the establishment of management of reserves for public benefit and enjoyment and, secondly, the provision of conservation of wildlife in a natural environment. When this legislation was introduced 15 years ago it brought into one Act provisions previously covered by the Fauna and Flora Reserve Act 1919-1940; the Fauna Conservation Act 1964-1965; the National Parks Act 1966; the National Pleasure Resorts Act 1914-1960; and the Native Plants Protection Act 1939. So, the new legislation of 1972 enabled the repeal of five Acts which, in itself, was to be commended. It brought under one legislative umbrella provisions controlling the national parks and wildlife of South Australia.

The present Act provides for four types of reserves: national parks, conservation parks, game reserves and recreation parks. Legislative protection was given to the sanctity of these reserves, and that took the form of requiring both Houses of Parliament to pass a resolution approving the abolition of national parks and conservation parks, and it also provided that same protection for certain of the recreation parks and game reserves. That protection, that is, the requirement of both Houses of Parliament to pass a resolution, extended to any alteration of the boundaries of reserves.

The definition of those four categories of reserves is contained in the Department of Environment and Planning annual report of 1985-86. I think it is useful to note the way in which those four categories of parks and reserves are defined. First, national parks are areas with wildlife or natural features of national significance; secondly, conservation parks are areas for the preservation and conservation of native flora and fauna representative of South Australia's natural heritage, although historical features may also be included in these parks—Cleland Conservation Park is one such example. Recreation parks are areas for outdoor recreation in a natural setting, for example, Belair. Finally, game reserves are areas suitable for the management and conservation of native game species, usually duck and quail. Hunting of some species is permitted during open seasons.

The Act of 1972 also established the National Parks and Wildlife Advisory Council, which consisted of 17 members. It established for the first time a wildlife conservation fund. The advisory council was to give advice as to how moneys under the Wildlife Conservation Fund should be apportioned in regard to the conservation of wildlife and land constituting the natural environment or habitat of wildlife. The central objectives of managing reserves were set out in section 37 of the parent Act, as follows:

> The Minister, the Permanent Head and the Director shall have regard to the following objectives in managing reserves:
> *(a)* the preservation and management of wildlife;
> *(b)* the preservation of historic sites, objects and structures of historic or scientific interest within reserves;
> *(c)* the preservation of features of geographical, natural or scenic interest;
> *(d)* the destruction of dangerous weeds and the eradication or control of noxious weeds and exotic plants;
> *(e)* the control of vermin and exotic animals;
> *(f)* the control and eradication of disease and injurious affection of animals and vegetation;
> *(g)* the prevention of bush fires and other hazards;
> *(h)* the encouragement of public use and enjoyment of reserves and education in, and a proper understanding and recognition of, their purpose and significance;

The Hon. R.J. Ritson interjecting:

The Hon. L.H. DAVIS: That was in the language of when the Act was passed in 1972—15 years ago. The objectives of the management of national parks and wildlife were very widespread indeed. Section 38 of the National Parks and Wildlife Act provided that a management plan should be drawn up for each reserve. This was a sticking point for many years. Section 43 made provision for mining and prospecting rights—and that, of course, has also been a contentious issue. Section 43 (1) provided as follows:

> . . . no rights of entry, prospecting, exploration, or mining shall be acquired or exercised pursuant to the Mining Act or the Petroleum Act in respect of lands constituting a reserve.

That requirement was modified by subsection (2), which provided:

That requirement was modified by subsection (2), which provided:

> The Governor, may, by proclamation, declare that, subject to any conditions specified in the proclamation, rights of entry, prospecting, exploration, or mining may be acquired and exercised in respect of lands constituting a reserve, or portion of a reserve.

In any event, section 43 (5) provided that both Houses of Parliament should approve any decision as regards mining and prospecting rights in the case of existing reserves. There were other specific provisions in this legislation, which I will mention just briefly. It provided for the declaration of land as sanctuary for the purpose of conserving animals or plants. Other sections covered the conservation of native plants, wildlife, wild flowers and native animals. The necessary distinction was made between 'prohibited', 'rare' and 'controlled' species. In all, this was pioneering legislation. It followed on similar legislation that had been enacted in more than one other Australian State.

The principal Act was subsequently amended in 1977-78, when a research advisory committee was established. It consisted of five members, and its special function was to make recommendations to the Minister relating to the expenditure of money for the Wildlife Conservation Fund.

The Reserves Advisory Committee was the major change in the 1978 amendment to the National Parks and Wildlife Act because that committee was substituted for what had obviously proved to be a very cumbersome 17-member Wildlife Advisory Council. In 1981 we saw further amendments; section 23, relating to confiscation and forfeiture of certain objects, was amended, and in the same year a new eighth schedule was introduced in regard to rare species of fauna and flora. That amendment added 13 mammals and 22 birds to the existing list in the schedule.

I should pay a tribute to both the Liberal and the Labor Governments of the 1970s because, quite clearly, national parks and wildlife was a priority. The Hon. David Wotton, the Minister responsible for national parks and wildlife from 1979 to 1982, introduced many initiatives. For instance, he introduced the consultative committees which are still an important feature of the national parks and wildlife structure in the State. Those consultative committees, 12 of which were established in 1980, were introduced to encourage local input and support for reserves.

The Hon. David Wotton also introduced Friends of the Park, a program for volunteers to provide time, effort and ideas for the maintenance of parks and reserves throughout South Australia. He also introduced the idea of the National Parks Foundation, which was dedicated to raising funds for important projects within South Australia's national parks. Finally, he dedicated nearly 84 000 hectares of land to the Gammon Ranges National Park in the northern Flinders Ranges.

So, we come to more recent times. The National Parks and Wildlife Service traditionally reported on an annual basis, and they did so until 1984-85. Thereafter, the National Parks and Wildlife Service report has been incorporated in the Department of Environment and Planning annual report. In the National Parks and wildlife 13th and final separate report of 1984-85, it was stated that the production of important management plans for reserves was a high priority. They noted that there were draft plans for Belair Recreation Park and the Coorong National Park and Game Reserve. Management plans for both those popular reserves had been produced during the year 1984-85. Priority had also been accorded to staff training, including senior staff visiting interstate.

During the year, the service had to contend with major fires at Mount Remarkable and Black Hill, and a fire at Danggali Conservation Park proved to be the largest ever at that park. The Wilpena Station was purchased as an addition to the Flinders Ranges National Park, and key officers of the Department of Environment and Planning and the Department of Tourism joined together to study national parks services in the United States of America. That indicated some important initiatives which could be put to good use in South Australia.

The report noted that the visit to America revealed the twin objectives of National Parks Service in the United States. The first was to conserve and protect the natural environment and resources of the area and the second was to provide for visitor enjoyment in their use of the park system.

The report further highlighted four major features of the United States parks system. First, it should provide adequate infrastructure, roads, power and water as essential ingredients for high visitation parks to guard against decline and degradation of the resources. Of course, that is an important recognition of the fact that there are parks that do have a high visitation. Secondly, it should provide concessions and leases to commercial operators so that the private sector carries the financial burden of providing accommodation and other facilities for visitors. Given the lack of resources in South Australia for the National Parks and Wildlife Service, it is important to recognise that a funding option is to provide for concessions and leases to commercial operators along the lines of the parks system in the United States.

The third point that was noted was that in the United States there were strong interpretation programs where the emphasis was on providing information and guidance so that visitors might experience and appreciate the values of the park consistent with their own capabilities. Again, that is an area in which our approach has been lamentable in South Australia. On more than one occasion in this Council I have raised the issue of the inadequate signposting for Cleland Conservation Park. It has been called the Cleland Fauna Reserve, the Cleland Conservation Park and just Cleland. Really, it is best known as a wildlife park. It is categorised as a conservation park, but people should be able to understand that what they see is what they get, and it should be named Cleland Wildlife Park, as opposed to seeing a lonely brown sign with white lettering on the South-Eastern Freeway which says 'Cleland', leaving people to guess exactly what it is. It was only after repeated statements and complaints about this from me and other visitors that the koala and kangaroo signs have been added under the Cleland sign.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: It is Australian wildlife. The fourth point made about the United States parks system was the approach to the use of volunteers in the park. In the early 1970s the United States Congress introduced legislation to allow for the establishment of a volunteer system in the parks program. Since that time the program has grown to the point where, during the summer holidays, parks staff has doubled, the increase made up from volunteers.

That final report from the National Parks and Wildlife Service also showed the extent and range of activities in the regions of the State. For example, in the South-East region, it mentioned the fact that the National Parks and Wildlife Service was responsible for Piccaninnie Ponds Conservation Park along with the snorkel and scuba permits that are issued; Dingley Dell Conservation Park; the historic Adam Lindsay Gordon Cottage; the Naracoorte Caves Conservation Park, and the Tantanoola Caves Conservation Park. Further, it is responsible for the wetland area, including Poochera Swamp and the management of that very

important part of the ecosystem. It has the responsibility and concern for fire protection, vermin control, weed control, fencing, sand dune stabilisation and public liaison, as well as law enforcement.

Aircraft are now used in preventive law enforcement patrol work. The report mentions the important initiative of the Liberal Government—the National Parks Foundation and the community assistance program—where the National Parks and Wildlife Service welcomes and promotes offers of assistance from community groups. Many projects approved during the year involve school and service groups in collecting seeds, propagating plants at schools, removing weeds from park areas and planting new native flora on site. In those valuable programs there is not only an educational component but also a wonderful initiative in supporting the important National Parks and Wildlife Service in South Australia.

During the Tonkin Government Friends of the Park groups were formed in various areas to harness public support and develop an affinity with local parks. There are many examples of that—friends groups in the South-East, the friends group of Old Government House in the Hills, the Fort Glanville Historical Association and the Lincoln National Park.

I have given that background because it is important to understand the scope of the National Parks and Wildlife Service in South Australia.

In the 1985-86 report from the Department of Environment and Planning we see that more parks were proclaimed, that this involved land already purchased and vacant and that unallotted Crown land of conservation significance was also aquired. Amongst the significant acquisitions were Wotton scrub and the Filsell Hill scrub both in the Adelaide Hills, and 13 State Planning Authority reserves were included under the National Parks and Wildlife Act. The Riverland wet area known as Loch Luna Game Reserve was also dedicated.

During 1985-86, an Aboriginal ranger program was started and the department took the initiative that was picked up after the visit to America in the preceding year to encourage private sector support for the provision of facilities in return for conducting operations in reserves. It was pleasing to see in this report that there were now 14 friends groups with more to be established this current year.

The Cleland Conservation Park is undoubtedly one of the most popular and important reserves in South Australia. Work on the reptile koala swamp and dingo display was undertaken for the purpose of upgrading it in 1985-86, and the National Parks Foundation directed some of its funding towards the provision of interpretive material to complete a koala loft. However, Cleland remains an important reserve. Visitors can see Australian wildlife—native fauna—just a few kilometres from Adelaide. That conservation park must be given high priority and adequate financial support to ensure that it is of world class ranking.

Adelaide can learn much from Singapore in that regard. Singapore is an island with few natural resources and has created most of its visitor attractions. One of the highlights of a visit to Singapore is a visit to the Jurong Bird Park, which they boast has the largest walk-in aviary in the world. Although it may not be true that it is the largest walk in aviary in the world, it is billed that way and is attractive to visitors. I believe that Cleland Conservation Park should be given that same priority and status for visitors and should be sold much more aggressively. It is important to recognise Cleland as a major visitor attraction for Adelaide.

It has been interesting to note over the last decade the growth in reserves from 193 in 1977-78 to over 220 in 1985-86. The total area of reserves has increased from 3.9 million hectares in 1977-78 to 6.7 million hectares in 1985-86. That is obviously a large increase in total reserve area. Certainly, some of the additional acreage dedicated to the NPWS is in areas not necessarily requiring intensive labour, but there is no doubt that the service has increasing responsibilities that have not been matched with increased resources. Madam President, I seek leave to have inserted in *Hansard* a small graph of purely statistical nature.

The PRESIDENT: How can it be a graph of a statistical nature?

The Hon. L.H. DAVIS: It is a comparison of funded staff and land acquisitions by the NPWS.

The PRESIDENT: *Hansard* cannot accept graphs for inclusion.

The Hon. L.H. DAVIS: Madam President, we have discussed this matter before, and I was under the impression that a graph may have met with the approval of *Hansard.* I agree that a map of New Zealand stretches a long bow, although it had statistical data included. Perhaps I could come to an arrangement with you so that, if *Hansard* does approve of the graph, it could be inserted.

The PRESIDENT: I am sure that *Hansard* will not approve of a graph. We recently had considerable discussion about a figure that consisted only of numbers, but it included arrows.

The Hon. L.H. DAVIS: There are no arrows in it.

The PRESIDENT: There are straight lines.

The Hon. L.H. DAVIS: The lines are not straight, they are bent. Perhaps they are easier to insert.

The PRESIDENT: No, I am sorry. The idea is that one may insert in *Hansard* something which could be read. A table of figures could always be read but graphs and maps of New Zealand cannot be read.

The Hon. J.R. CORNWALL: Ms President, I seek your assistance and guidance. I do not believe this is a point of order but a point of clarification, which is important. As I have often said, despite my advancing years as I move into the warm winter of my life, I am still blessed with a very good memory; correct me if I am wrong, but is it not a fact that the presiding officers in this Parliament circulated some very good guidelines as to what material could be inserted and what could not be inserted many weeks ago?

The Hon. R.I. Lucas: We have never had anything.

The PRESIDENT: I certainly requested that all members be circulated. I am sorry if certain members were not circulated. I cannot pretend that I personally circulated the information to all members, but I requested that it occur.

The Hon. L.H. DAVIS: Madam President, I am devastated with your ruling. I have had no formal notification of that fact.

The PRESIDENT: I apologise if you have not received it but you have the information now.

The Hon. L.H. DAVIS: I have had many graphs inserted in *Hansard* previously. It seems that technology has taken us backwards. I will describe this graph. On the vertical axis there are two scales; one demonstrates the millions of hectares of reserves under the control of the National Parks and Wildlife Service and the other indicates the number of National Parks and Wildlife Service staff. On the horizontal axis there is a time scale running through from 1980 to 1986. The graph shows that the total number of funded staff in the period 1980-86 has remained static, certainly between 1981 and 1986, at a figure of about 235. However, the amount of land under the control of the National Parks and Wildlife Service has increased from about 4 million hectares in 1980 to 6.7 million hectares in 1986. However, I will put that graph to the side in the hope that somehow

I can scramble that into *Hansard* at a later date. The point that should be made is that nearly 6.75 million hectares has been classified as parks and reserves in South Australia and that makes up 6.8 per cent of the total land area of this State. Some of those reserves are for recreation purposes and other reserves have a priority of preserving flora and fauna.

I now turn to the Bill. The first point that should be made is that these amendments has been a very long time in coming. The Hon. David Wotton in the dying days of the Tonkin Government gave instructions for amendments to be drawn to the National Parks and Wildlife Act 1972.

It has taken five years for those amendments to reach the Parliament. More distressing is the lack of consultation in many areas with respect to some of the provisions of the Bill. Certainly the Opposition indicates at the outset that, generally speaking, it does support the thrust of these amendments. I have some difficulty with the schedules of the Bill, because they are defective in many ways. I indicate to the Minister that, because of the lack of consultation, the Opposition is still receiving representations from many people who have a deep interest in the National Parks and Wildlife Service. They are offering criticism and comment on both the Bill and the schedule. For that reason I have deferred putting amendments on file until I have had an opportunity to consult with all interested parties.

It concerns me that such major legislation is introduced at the end of a busy year. That, in itself, is challenge enough, but that challenge is compounded by the fact that there has obviously been so little consultation with key people. Given that the Government has had five years to consult, it is rather disappointing that the Opposition has been forced to do much of the work that should have been done by the Government.

One of the central amendments in this Bill is the introduction of a fifth category of reserve. That category, if this Bill becomes law, will add to the four other categories of reserves, namely, national, conservation and recreation parks and game reserves. The aim of categorising regional reserves is to provide greater control over public access to areas that have a high conservation ranking. The regional reserve has a hybrid status in the sense that it is accorded conservation status and yet, at the same time, will allow existing rights in pastoral and mining pursuits to continue to operate. One of the areas that I will discuss in more detail is the Innamincka-Coongie Lakes district of the north-west pastoral region which 23 000 tourists are expected to visit in 1988. The introduction of a new reserve classification is perhaps the most important new initiative in this legislation.

The Bill also requires consultation with the Minister of Mines and Energy before new reserves are constituted. It also upgrades flora and fauna protection provisions and acknowledges that Aborigines should have rights in relation to hunting and food gathering, both within the reserves system and on alienated land. It clarifies the powers of wardens and secures the tenure of all game reserves so that their security is equal to that which applies for conservation parks and national parks. As I mentioned earlier, conservation parks and national parks can be abolished only subject to a motion of both Houses of Parliament.

There are also important provisions requiring any proposals to establish a new reserve or alter the boundaries of an existing reserve to be submitted to the Minister of Mines and Energy. The Bill also provides for the Minister of Mines and Energy or a person authorised by him to enter onto a reserve to undertake any form of geological, geophysical or geochemical survey that does not involve disturbance of the land. These provisions touch on the very complex and often controversial nature of conservation parks, recreation parks, national parks and reserves. We are balancing competing interests when we discuss legislative provisions to protect these reserves.

The regional reserve is an attempt to balance off existing interests in the mining and pastoral area with the very real concerns which exist for conservation and protection of flora and fauna in very important areas of the State. In particular, I will examine the attempts of Santos to accept responsibility in the South Australian environment. The regional reserve under consideration is the Innamincka-Coongie Lake area. I accept that previously the department had recognised that this area should have a higher status than that which is proposed, that is, it should be a regional reserve. There is no doubt in anyone's mind that, in many respects, this area is unique in Australia and in the world. However, we should also recognise that the Moomba gas fields have provided the State with enormous benefits.

It was just less than 30 years ago—in 1958—when exploration first began for oil and gas in the north-east section of South Australia. It was many years later when gas was first discovered, and later still when commercial oil came on stream. We now know that the Cooper Basin oil and gas producers pipe gas into the Adelaide market and also into the Sydney market. It is also the major on-shore source of oil through the $1.2 billion liquids scheme to Whyalla.

I know that area relatively well, having visited it at least on an annual basis for the past few years. Certainly when oil and gas exploration first began in that area of the State, environmental protection probably was not a high priority. But certainly in the past decade or so the operators, and principally that has involved Santos and Delhi on behalf of the other interested parties, have had in my view a keen interest in the environment. Certainly there are people committed to the environment who do not readily accept that there should be any mining in such a situation. The extreme view would be that Santos should not be there at all. However, there are others who reluctantly accept that they should be there and accept their presence as a fact of life. The reasonable view is that there can be a balance between the competing interests, and I think that is the case in this situation.

Santos has constructed roads, camps, water supplies and airstrips to allow for the development and exploration of the area. The establishment of the Moomba camp, the gas pipeline to Adelaide and the many exploration camps that are dotted around the area have disturbed the environment from the purist's point of view. However, there is encouraging evidence to say that Santos has taken its responsibility very seriously. Together with the quite versatile and remarkable Dick Smith, who is not only the first person to fly a helicopter to the North Pole but has established *Australian Geographic*, Santos funded a recent study in the Coongie Lakes area, which was designed to identify features of the natural habitat of this important region. Another of their initiatives was to publish and distribute to all company and contract personnel a book called *Arid Zone Field Environmental Handbook*. I have examined that very detailed handbook, and I saw a copy when I was up at Moomba.

In response to their accepted obligations, Santos and its partners undertake biological investigations and research methods of modifying their activities to cause the least possible disturbance to the environment. The introduction to the booklet states:

> This is done in the belief that many of the impacts associated with petroleum exploration and development can be avoided or minimised by responsible environmental management. We learn by experience and the environmental effects of past operations are now being reviewed in the light of present knowledge.

The handbook details the impact of vegetation clearance, drainage alteration, wind and water erosion, weeds, exotic animals, and so on, giving management techniques to minimise disturbance and intrusion on the environment from these various sources. It is a commendable attempt by a major company to respect and understand the environment in which it works.

The company has also distributed an award winning training video titled *Into the Arid Zone* based on the handbook. It has prepared environmental management manuals and it has established sensitivity maps, which provide for the avoidance of recorded areas of cultural, environmental, historic and scientific significance. The company has prepared its own self-regulatory codes of environmental practice in addition to its legislative obligations. These codes guide the field activities and are monitored and enforced by Government officers. It undertakes biennial environmental audits to ensure compliance with legislation and environmental codes of practice. The company has reached agreement with the State Government to establish control zones over the most sensitive areas of national and conservation parks within the region, such as the Witjira National Park control zone, which strictly regulates access and exploration techniques for any potential exploration programs.

All of those initiatives were taken by the companies on their own volition. They were not required by the Government and it is encouraging evidence that, in 1987, companies such as Santos respect the environment and are conscious of their responsibilities to safeguard it. It should also be stated that I have met many people involved in mining, oil exploration and development, together with pastoralists, who are committed environmentalists. On many occasions I suspect that the birds and animals might well be better off with their presence in the sense that it means that a lot of valuable scientific work is done in that area which is of ultimate benefit to the preservation of rare species.

I want to declare myself publicly as someone who believes in reasonableness in this area, and I think that the regional reserve is a sensible approach to establishing that reasonable balance. I illustrate the importance of that Coongie Lakes area, which lies within the Cooper Creek Environmental Association which comprises the South Australian portion of the channel country of the Lake Eyre drainage basin. The Cooper intermittently flows, and when the capacity of that channel is exceeded the floodwaters spill out onto the flats, spreading for kilometres over the dunes, filling the lakes and distant pans for a season. The most ecologically important lakes of the Cooper are those of the Coongie complex, located about 100 kilometres west of Innamincka. Those freshwater lakes receive water annually from the north-west branch of the Cooper and have dried up only once since they were discovered 143 years ago by Charles Sturt.

The Coongie Lakes system, being a permanent source of fresh water, is obviously important as a water resource and a refuge for plants and animals; and the creeks and lakes, as many members would know, are lined by large river red gums and coolabahs and, with the adjacent flood plain, provide an ideal habitat for many species of small native marsupials and rodents. There is a lot of bird life in that area. Many previously unrecorded animals have been discovered in that vicinity, and Coongie has a long history of human occupation, beginning before white settlement with the Aboriginal tribes.

Whilst there are no longer tribal Aborigines in that region, there are many artefacts there to remind us of their presence in earlier days. Pastoralists from the 1870s and 1880s introduced sheep and cattle into the region. That area is not now used for cattle (although it is owned by Kidman companies), and one of the reasons for that is the reduction in density of blue bush and salt bush. Coongie has been regarded in recent years as an area of great ecological importance, of outstanding beauty, and has become increasingly popular for outback tourists.

We should accept that we now have cultural tourists: people who come to Australia, not to go to McDonald's or do the things they might do back home, but to experience Australia. That may well be outback Australia, the Flinders Ranges, the historic mining town of Burra, the Murray River or the Coongie Lakes area. That is why it is also important that we give protection to a delicate environment against the increasing invasion of visitors. I am pleased to see that that area is being recognised, although I accept that that is perhaps not the most perfect solution, but resources are scarce and the regional reserve seems to be a compromise.

The last point I wish to raise relates to fauna. The number of hunting licences purchased each year is increasing and we must recognise that there should be effective control of hunting to ensure conservation of waterfowl population. We should also recognise that the loss of suitable habitat through regulation of river systems and draining of natural wetlands has also impacted on the breeding potential of waterfowl. I want to quote from the South Australian Field and Game Association report on the importance of controlled hunting and game management within Australia. The report was prepared by Tony Sharley and is dated September 1987.

The Hon. J.R. Cornwall: Would you like to table the document?

The Hon. L.H. DAVIS: There are no maps or graphs in this document, so I seek leave to table the report from the South Australian Field and Game Association at the request of the Minister of Health.

Leave granted.

The PRESIDENT: I point out that the prohibition on graphs, photos and figures applies only to *Hansard* and not to documents that are tabled.

The Hon. L.H. DAVIS: Page 2 of this very useful report states:

> The South Australian Field and Game Association believes that duck hunting under controlled conditions is totally compatible with conservation, where conservation is defined as a balance between preservation and exploitation using management skills to ensure the survival in abundance of a renewable resource such as game. The definition of conservation as seen by the South Australian Field and Game Association means simply that hunting in Australia must be controlled and that hunting organisations must be responsible for maintaining and improving waterfowl habitats.

It goes on to state in a quotation from Frith in 1979:

> The practice of management of game animals is straightforward. The first need is to create, or regenerate, and to ensure the security of suitable habitat for breeding and refuge. It is then necessary to adjust the cropping rate to the annual production so that the harvest does not exceed it . . . [and] that to ensure efficiency in the use of the resource potential and to ensure protection against exploitation and decimation definite objectives and guidelines are required for conservation of habitats and populations.

It is interesting to note the belief of the South Australian Field and Game Association, as stated:

> It is preferable to have a Government authority such as the National Parks and Wildlife Service to regulate hunting.

The National Parks and Wildlife Advisory Council of 1978, which has since been replaced by another committee, advised that:

> . . . as controlled hunting can be used as a tool in the management of wildlife, the Department of Environment and Planning has an obligation to encourage hunters and the general public to understand and comply with hunting regulations. To this end the

department should seek the cooperation of game associations in educational programs for their members and the general public in relation to the conservation of wildlife and the hunting of game.

I was interested to have discussions with people involved in the South Australian Field and Game Association, together with other people who have a great interest in fauna, and to find that shooters and non-shooters spoke freely of a common purpose of maintaining the species. I found this to be of great benefit to me who, as a city slicker, is really not familiar with this particular area. One of the principal concerns that came through again and again, from the many people to whom I spoke and in the many letters that I received, was the lack of consultation about the provisions as they relate to rare endangered and vulnerable species. It was disappointing to see that so little consultation had taken place with key people. For example, I have a letter from Mr D. Rehn, the President of the South Australian Field and Game Association.

The letter indicates that he was concerned that parts of the proposal had been drafted without consulting with or seeking comment from people who might be able to help. He is referring particularly to the endangered, vulnerable and rare species, as set out in the schedules attached to the back of the Bill. These comments have been echoed by a number of people. I want to mention in particular the comments made by two or three people and refer to examples of the deficiency of schedules 7, 8 and 9.

I indicate to the Minister that, although with the exception of two or three amendments which are currently being drafted, the Opposition accepts the Bill but is less than happy with the schedules. I hope that the Minister takes some advice on this. I would not like to resort to having the schedules knocked out of the Bill, but the deficiencies in them are so manifest that I believe the Government has on its hands a problem which it should address as a matter of urgency. I shall justify that observation by giving some examples. The definitions of 'endangered', 'vunerable' and 'rare' have been provided in the second reading debate.

The definitions closely follow those used by the International Union for the Conservation of Native and Natural Resources. However, the significant difference is that the plants on all the schedules, and many of the animals on schedules 8 and 9, have been categories solely on South Australian geographical boundaries—and, of course, animals do not distribute themselves on geographical boundaries, strange as it may seem. For example, the Eastern Grey Kangaroo is listed as being vulnerable.

It is true that in South Australia it is thinly distributed, and then mostly in the lower South-East of the State, but in the Eastern States it is an abundant species and has therefore been harvested, under controls, by the hundreds of thousands per annum for many years, with no effect on the overall population density, except in those districts where habitat has been lost. Certainly, it is neither vulnerable nor rare as a species.

The Hon. J.R. Cornwall: Thumper won't like this new soft face of professed concern!

The Hon. L.H. DAVIS: This is not a new soft faced concern. I have claimed to have an interest in built heritage but I do not claim to have a great knowledge in natural heritage. However, I must say that I found the experience in undertaking research on this Bill and my contact with people in this area, in both the pastoral and mining areas, refreshing, and I was also involved with many people who are interested in flora and fauna.

The Hon. J.R. Cornwall: I remember the honourable member's concern when we were at Roxby Downs as a select committee in 1980-81; he had a tremendous concern for the environment, which kept coming through in all our discussions!

The Hon. L.H. DAVIS: The Opposition believes that the schedules should not simply comprise lists giving status but that they should assign conservation priorities. Since it has been considered appropriate to designate in schedule 7 those species which are not in danger at the national level, it should also be made clear in schedules 8 and 9 which species are not vulnerable or rare at the national level. Some people might feel that the mere inclusion of a species on schedules 7, 8 or 9 in some way ensures its survival or status without further monitoring. To forestall the decline of a species, it could be argued that the schedule should be reviewed on a regular basis. We also believe that the legislation should require management plans for both endangered and problem species, for example, as to what should be done to address the decline of an endangered species that is likely to become extinct.

I now refer specifically to the lists in schedules 7, 8 and 9, and I shall highlight some of the anomalies and some of the ridiculous aspects that have been brought to my attention. For example, the Cape Barren goose has been excluded from the rare list. The South Australian population is thought to be about 10 000. On the other hand, the Kelp or Dominican gull has been included and it is certainly rare in South Australia at least, although many people have regarded it as a vagrant to this State. In particular, the Australian Shoveler and Hardhead ducks have been included in schedule 9, but during the 1987 hunting season both species were legitimate game birds. However, because there were few Shovelers in South Australia at the time and because Victoria was to introduce a bag limit of two Shovelers, the meeting of conservation and hunting societies with the National Parks and Wildlife Service in November 1986 unanimously agreed with the National Parks and Wildlife Service's representative suggestion that there should be a bag limit of two.

No suggestion was made that a limit needed to be placed on Hardheads, and the bag was set at 12, with a limit of two Shovelers; that is, the other 10 could comprise any species of legally taken ducks, including Hardheads or, if no Shovelers were taken, it could be 12 Hardheads. So, it is hard to believe how two species of duck which the National Parks and Wildlife Service believed as recently as 14 June were common enough to be game birds have now, five months later, become so rare that they need to be placed on a rare bird list. If Mr Elliott knows better than that, I will be interested to hear from him. However, I am getting this information from people whom I believe Mr Elliott would know and respect, and I hope that he treats this subject with the same seriousness as does the Liberal Party Opposition.

The Hon. M.J. Elliott: Even more serious.

The Hon. L.H. DAVIS: Well. We have not seen evidence which suggests that the Hardhead population, either nationally or temporarily at the State level, has dropped so low that it should be considered to be a rare bird. A Mr Parker, who I think is the ornothologist at the South Australian Museum—

The Hon. J.R. Cornwall: What is his Christian name?

The Hon. L.H. DAVIS: Shane Parker, I think, the ornothologist at the South Australian Museum, in an annotated check list of the birds of South Australia in 1985, states:

> The Hardhead is generally moderately common and locally and reasonably abundant, though less so than formerly.

So, it is very hard to see why that should be included in schedule 9. That comment has been repeated on many occasions by other people. A Mr Peter Schramm, who is

well known as an active person in the bird world—a member of the Australian Bird Study Association, State Vice-President of the South Australian Field and Game Association and a past member of the Reserves Advisory Board—has also provided a lot of information. The Minister has been deriding my raising these matters, but he—

The Hon. J.R. Cornwall: It is a new found concern.

The Hon. L.H. DAVIS: It is not a new found concern. It is the first time I have had responsibility to perform publicly in this area. It is not my portfolio but I cover this area. I shadow the portfolio. One of the points which is of concern to people in this area is that, if these schedules are not accurate, it will bring South Australia into disrepute with overseas and interstate people. If the schedules are not reasonably accurate and given that there is some subjectivity with some species, then people who might see a species on a list as rare will not know what to expect when they see literally thousands of the species flying around in abundance. It makes a mockery to frame laws around a list of birds which does not truly reflect the actual status of any given species across the whole of Australia.

The white winged chough is a species that is spread throughout the Mallee farming areas of South Australia and it is not rare or endangered. In fact, it is increasing its range due to water troughs and dams. The birds like to have water daily and therefore they have moved north to the grazing country. The species spreads right across Australia.

With the southern whiteface, which is very widespread in South Australia and is spread across the whole of Australia, the same thing applies. It would be an embarrassment to ask a National Parks and Wildlife Service officer to police these proposed Acts when he, too, would know the status of this bird. I am referring to a book entitled *The Atlas of Australian Birds* which is the bible of birds in Australia and it is produced by the Royal Australasian Ornothologists Union and it is dated 1984. It shows the bird populations, for which statistics were gathered after extensive surveys of bird species. The blue-faced honeyeater is certainly rare in South Australia. It is not endemic to this map, as *The Atlas of Australian Birds* shows, but in the Riverland more of these birds are being seen each year and some of them are becoming resident in most river towns. They are very common right along the eastern coast of Australia, so to place them on the rare list is a joke, or is the Government after the $500 fine?

The hardhead, which I have already mentioned, is one of Australia's most common ducks, as the atlas shows. It is found in most of Queensland, throughout New South Wales and in Victoria. However, it is fair to say that the habitat of this species is subject to many changes by man. For example, the introduction of European carp has caused some changes to its flight pattern. The species requires carp-free waterways, so its flight patterns have changed. There has been no discussion with the National Parks and Wildlife Service about the status of the hardhead species which has been removed from the protected list and placed on the rare list. From what I have been told, there is no justification for changing the status of the hardhead in South Australia, but there is a need for further research into the problem of caring for the habitat of this species.

The Australasian shoveler again, according to my information, has not been placed properly on the schedule. I have a letter from a member of the South Australian Field and Game Association which states:

> The complete lack of consultation between the National Parks Service and the association has resulted in insufficient time to appraise the amendments to the Act.

He makes the point about the hardhead. As I have said, that point has been made many times. I think I have indicated, with some force, that these schedules are very inaccurate because there has been a lack of consultation with the people who are in the best position to make judgments about it.

I have mentioned the southern whiteface. Another interested party has made the point that, if the southern whiteface's inclusion under any schedule is correct, then almost every species in the State would be on the list. The whiteface inhabits a vast area of South Australia, preferring arid savanna and plains and it is estimated that it occurs in countless tens of thousands in this State.

The chestnut breasted whiteface, which inhabits a far less area than the southern whiteface and which the atlas considers rare, is not included in any schedule.

The Hon. J.R. Cornwall: What does that actually look like?

The Hon. L.H. DAVIS: I have a photo of it here if you really want to look at it. This is an important Bill given that it is the first major rewrite of the National Parks and Wildlife Act in 15 years. It has taken five years to get to the legislative barrier. The horse has been let out of the gates before everyone has been properly consulted, and that is disappointing. In particular, it is disappointing to see these inaccurate schedules. I hope the Minister takes advice on that point and comes up with a constructive suggestion so the Opposition can avoid taking strong action to correct the situation.

The Hon. M.J. ELLIOTT: Before I look at the specifics of the Bill I will briefly look at how the national parks system has worked in South Australia so far. On the whole, our national parks system has been something of a disappointment. We are decades behind what is happening in the Eastern States. The one plus that I give the current State Government concerns the increase in land in parks areas, but even the total can be somewhat deceptive.

Something like three-quarters of the total area of national parks is probably taken up by only four or five parks. We have some very large parks in South Australia—the great Unnamed Park in the west, the Simpson Desert Park in the north, the Danggali Conservation Park, Ngarkat, and one or two others. They make up the predominant area of our parks. Most of those are in arid areas and our parks system is very deficient in certain of the ecosystems that belong in South Australia. Only very small remnants of some of the other ecosystems are included. In fact, many are not included and our parks system—

The Hon. Peter Dunn interjecting:

The Hon. M.J. ELLIOTT: I can at least claim a degree with ecology as a major. You don't need to lecture me. In fact, arid zones was my specialty.

The Hon. Peter Dunn interjecting:

The Hon. M.J. ELLIOTT: You criticised me and said that I did not know what I was talking about. Ecology is my major and arid zones was where I did the greatest part of my work, so don't give me that.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: We have one weakness in our parks system—that while we have a large area a number of ecosystems are still not included in them. The second weakness was alluded to by the Hon. Mr Davis—ranger numbers. Although there has been a large increase in area, for some time there has not been an increase in ranger numbers. Presently some of our most important parks have no rangers or are having the rangers withdrawn. The Danggali Conservation Park, which I visited on many occasions when I was living in the Riverland, was supposed to be a two-ranger

park. It is a world biosphere park recognised by UNESCO. Special Federal funds set it up, but no ranger is based in it. It is being looked after by a ranger living in Berri who must be 3-3½ hours drive away from the park.

It is an area through which roo hunters are particularly active and roo hunters have been a problem in that park in the past. The withdrawal of rangers from such an important reserve is really an indictment on the Government. It is also about to withdraw the ranger from Bool Lagoon, which also has special status and which is seen as a wetland of international importance. It is being abandoned because some of the coastal parks that were being cared for by one ranger were being desecrated by four-wheel drives, amongst others. Little Dip National Park, for instance, has been damaged severely. There was no doubt that the Government had to increase ranger presence in some of those coastal parks, but to have no ranger based in Bool Lagoon also shows the sort of status that we are placing on national parks in South Australia.

There are about 20 to 30 ranger positions at the moment that are not filled and the Government has a slow turnover in positions. When a position becomes vacant in one park it advertises for about three to six months and the position is eventually filled, which leaves another vacancy. There is continual rotation of vacancies through the park system with the consequences that most parks are left undermanned. There is another trend in South Australia that causes me concern if the matter is not handled properly, that is, the increasing emphasis being placed on tourism. That increasing emphasis has become more apparent in recent times with advertisements seeking expressions of interest for people to set up tourist complexes within the Rocky River National Park on Kangaroo Island.

A considerable area of several hundred hectares well into the park is advertised for such development. I have also heard recently that there are proposals to erect buildings at Seal Bay, which is interesting. The Government is willing to put buildings there, yet at the same time it is limiting access to certain parts of that area because it claims that people were causing damage. I believe there are similar plans for tourist complexes at Innes National Park and Wilpena. While I recognise a need for tourists to visit some parks, I am extremely concerned that national parks may be seen only as attractions for tourists and not having other values. In fact, tourists are highly destructive. One need look only at the sort of damage that has been done in the Flinders Ranges National Park by tourists—

The Hon. M.B. Cameron: Were you a tourist when you used to go up to the Riverland?

The Hon. M.J. ELLIOTT: I went up there on study trips. Concern has been expressed to me about the attitude of the present and previous Governments about the application of the Act as it now exists. The proclamation of new parks, on almost every occasion in recent years, has not only allowed existing mining rights but also has contemplated future mining rights, and that brings into question how seriously people are treating the conservation status of national parks. Therefore, it is worth quoting the definition of a 'national park' which was given by the Australian Council of Nature Conservation Ministers, as follows:

> A relatively large area set aside for its features of predominantly unspoiled natural landscape, flora and fauna, permanently dedicated for public enjoyment, education, inspiration and protected from all interference other than essential management practices so that its natural attributes are preserved.

At this time when we are looking at introducing another category of reserve, we should look carefully at what we are doing with national parks and conservation parks which are theoretically, at least according to the statement put out by the Nature Conservation Ministers, not supposed to be disturbed in the sorts of ways that have been contemplated by the proclamations made by Governments over the past eight years or so.

Another sign of just how seriously understaffed the National Parks and Wildlife Service is at this stage is the treatment of management plans. Under the 1972 Act, management plans must be prepared for all parks, yet of the 222 parks in South Australia as yet only 13 have been subject to authorised management plans, another 81 are at the draft management stage and well over half of them are still not even at the draft stage. So, something which was required by the 1972 Act has still not been fulfilled. I think that is an indictment on our treatment of the national parks that we do not have the management plans to ensure that they are looked after properly.

I do not believe that in South Australia we are putting anywhere near enough value on conservation. Attitudes to conservation and national parks say a great deal about what sort of society we live in—whether or not our society is purely an acquisitive, materialistic society or a society which has deeper values. However, national parks probably also offer all sorts of other, what may seem, intangibles at this stage. National parks protect many species which at this time may not seem highly valuable but may in future generations prove valuable.

I will demonstrate that point with a couple of examples: the United Nations World Health Organisation recognised that the gene pools of many of our agricultural species, and in particular some of our grain producing plants, were under threat. They recognised that some time in the future we may need to inject into our production plants perhaps resistance to various pests or whatever and that the genes which might allow for that resistance might exist in wild species of grasses.

The World Health Organisation went around the world selecting grains from all the different types of grasses—not just those we are currently using for agriculture but others as well—because by gene splicing they may have the capacity later on to inject other characteristics into the present grain crops. For example, I believe that in Australia we have wild grasses which are distantly related to rice, and certainly the genes that they contain should be reasonably compatible with the species we use for crops. Gene pools have an important economic value to the world in the future.

I came across another example of where something which may seem to be very unimportant can have immense economic value. In fact, in the shelves of our library at the moment there is a copy of the *Petroleum Gazette* which on the front cover shows a bunch of spitfire caterpillars, of which some members are probably aware. Spitfire caterpillars are nasty things; they tend to get onto Tasmanian bluegums and strip them in no time at all. These particular grubs are now recognised as having an immense value. A person who was working for a petroleum company, one day when bushwalking, pondered the question of how on earth anything could eat eucalyptus leaves, with all those oils in them, and survive. How could they ever hope to digest them? It turned out that the spitfire caterpillar had a bacteria in its gut which produced surfactants. Surfactants help emulsify oils. This person saw an economic value in that. He knew that a major problem with extracting oils from underground—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: It has an awful lot to do with it. This person saw that withdrawing oil from under the ground was often difficult because of low porosity in rocks and sometimes only 20 per cent or 30 per cent of the oil

was recovered. He contemplated this and there are now experiments involving injecting the bacteria from these caterpillers down into wells where they release the surfactants, and that allows a far greater recovery of oil. Whether or not that proves to be an actuality (and, if it does, it will have a value literally in the hundreds of millions of dollars), it does illustrate how the lowliest of creatures, which has a bacteria living in its gut, a creature which most people would see as a nuisance, may indeed have some great value. Not only for conservation for its own sake is it important, but it may indeed offer much for our society in future times.

I wish now to address the Bill itself. The most important item within this Bill is quite clearly the concept of regional reserves. It is a fifth category of reserve on top of national, conservation and recreation parks and game reserves. Regional reserves will turn out to be a plus, but certainly there are some reservations about the concept. The reservations can be clearly demonstrated when we look at the first candidate for becoming a regional reserve, namely, Coongie Lakes. The Coongie Lakes area has turned out to be an immensely important area in a natural sense.

The studies funded by Dick Smith and another study done show that area to be far more important in a natural sense than had originally been anticipated. Apparently it provides niches for something like 500 or more species of plants. There are 185 species of birds, 25 mammals, 47 reptiles, five frogs, and 16 fish as well as countless numbers of aquatic herbivores. It is an important natural area.

It has been suggested that it is exactly the sort of place that could be a candidate for world heritage listing, but instead of looking at world heritage listing at this time we are looking at the fifth category reserve, the regional reserve. The regional reserves are close to being Clayton's reserves as they are currently defined within the Bill. They seem to place, as the Bill is now worded, the economic aspects as being more important than the environmental aspects. The most important part of the Coongie Lakes area is contained in the Coongie paddock of Innamincka station. There have been no cattle on it for five years. It is used in times of drought as a drought relief paddock and stock are taken in there, and it has been kept empty as a rough paddock. With the brucellosis and tuberculosis programs it was felt that keeping stock out of the paddock would help.

I recognise the problems facing the Government in relation to Coongie Lakes. It has already given legislative guarantees to the Cooper Basin people and I do not believe that those indentures can be overturned. I also understand that a lease is in place with the Kidman family over Innamincka station. However, the area is of sufficient importance that they could have bought the Coongie paddock, which has not been used for five years. I was told that it is used only during drought periods, so it is safe. We have to realise that during drought periods the area itself is very fragile. It may look green, but if it is in drought it is under stress and turning stock on to it is when greatest damage can be done in the area.

The Coongie Lakes area should become a national park but, for a couple of reasons, that is not possible at the moment. The danger is that the Government will be tempted to use this new status of regional reserve frequently because it is an easy and cheap way of getting land into what it calls the reserve system. However, if areas are of important conservation status—and each one would have to be argued on its merits—they really should be classified as either national parks or conservation parks. Failing that, we need a mechanism whereby, if that is not possible for the time being, it can be done at some time in the future. I will make that recommendation when I move amendments during the Committee stage, that any area classified as a regional reserve should be monitored regularly—perhaps every 10 years—and that reports be produced and, if it is felt that the status should be upgraded, particularly if there has been ongoing activity—for instance, if the oil and gas people have either found no oil or gas or have removed all of it—it should be classified as a national park, if that is warranted.

The major argument is really about the national parks legislation as it now exists and about the amendments that are being considered. The question in relation to this Bill relates to the priority being given to conservation. Unfortunately, I believe that the priority is quite low. The major priorities in national parks appear to be tourism and mining, because even in national parks exploration is now undertaken and all recently declared national parks are contemplating allowing mining. So the conservation status has been extremely low. I believe that the Government should sit down and look at the whole national parks system—and I realise that it cannot do that now—nominate categories and stick by them.

At the moment some of our national parks are indistinguishable from what the proposal before us would call regional reserves. I think it is important that we look at all the categories that we are now offering. It may be decided that national parks should be recategorised and that others will have no activity but human visitation. I refer to the concept of a wilderness area. Unfortunately, some people seem to think that a wilderness area must be similar to Daintree Forest or the Franklin River. South Australia does have its own wilderness. It may not have towering trees or raging torrents, but it does have wilderness with its own beauty and importance. At the moment I do not think that our national parks system takes into account the concept of wilderness areas, and I think we should look carefully at that priority.

I accept that development needs to occur and that there may be a category of parks where development takes place. However, at the moment we have a hotchpotch system and conservation is not taken seriously. I will take up several issues as we proceed through Committee, as well as dealing with those that I have already mentioned. I believe that, if there is an intention to abolish a park or alter its boundaries, it should occur only after that fact has been publicly aired for comment and consideration. I believe that, if we are going to allow economic activity in a regional reserve, one objective for such a reserve should be restoration and rehabilitation of the environment as the resource utilisation is phased out. We do not want large scars left in an area that we have tried so hard to preserve. I believe that the plan of management should control all activities in a reserve, along with any agreements reached with the various economic interests operating within a park. Why have a plan of management if the agreements made are outside of the plan of management? That would make very little sense at all.

I am concerned at the weak position of the Minister for Environment and Planning under the Act and this amending Bill. After all, we are talking about national parks and conservation, yet too often in this legislation the Minister can be overriden by the Minister of Mines and Energy, the Minister of Lands and the Minister of Marine. Conservation is the primary activity of national parks. If a category of park allows mining, so be it; but it must be under the control of the Minister for Environment and Planning. It is a complete nonsense to have another Minister overriding that Minister. What is the point of giving it the status of a national park? What is contemplated could be achieved in heritage legislation if we do not give the Minister for Envi-

ronment and Planning a stronger say in the operation of those reserves.

The proclamation of a regional reserve should be subject to existing and future mining, and should occur only after public advertisement for comment and a resolution of both Houses of Parliament. Where mining rights are granted over regional reserves, both production and other tenements should be subject to the approval of the Minister for Environment and Planning or approval with conditions prescribed by the Minister. On the subject of management plans, we are a long way behind in preparation, with less than 10 per cent having been authorised. There should be a public comment phase of three to six months. Future mining rights should only be allowed in regional reserves. Existing mining rights should not be allowed in conservation or national parks without the approval of both Houses of Parliament and public advertisement for comment.

Mr Davis said that this was a terrible Bill in relation to the animal and plant schedules. I recognised some of the submissions that he read from because I received them as well. There is no doubt in my mind that some of the schedules need amending. However, I do not think that they are the major deficiencies in the Bill: the deficiencies are elsewhere, as I have already mentioned. Putting something on the rare species list simply because its geographic range only just extends into South Australia is a nonsense if it is very common in other States. I also believe that a gull on the rare species list is not endemic to Australia, let alone South Australia, and its population is increasing. That does not make a great deal of sense to me. I hope that my information is not correct, but my source is very reliable.

We must be careful that we do not make the mistake of saying that, because something is common, it is safe. One has only to look at the fate of the passenger pigeon of North America, which was so common that a flock on a five to 10 kilometre front containing literally millions of birds took 2½ to three hours to fly over. Inside 20 or 30 years, it went from that status to being extinct. That is a clear demonstration that a species of bird or any living organism is not necessarily safe even though it is common. The American buffalo nearly suffered a similar fate when immense herds disappeared into near extinction.

The Hon. Peter Dunn: The Indians used to eat them.

The Hon. M.J. ELLIOTT: Then Buffalo Bill and his friends came along and shot them for sport.

The Hon. Peter Dunn: No, self-protection.

The Hon. M.J. ELLIOTT: Buffalo?

The Hon. Peter Dunn: Yes. Have you ever been chased by one?

The Hon. M.J. ELLIOTT: Not often, no. I agree with the Hon. Mr Davis that the animal and plant schedules need looking at and, in his reply, I ask the Minister to give the Council some assurance that the schedules will be looked at and any anomalies rectified.

I am extremely concerned to find that yet again there is a criticism that the Government has not consulted. We are hearing that far too often in this place. However, I must round off this speech by saying that my major criticism of the Bill at this stage is the regional reserve concept, where the conservation status is not treated sufficiently seriously, and I will be seeking to amend that and also to look at the conservation status of all other national parks as covered in the principal Act. I support the second reading.

The Hon. PETER DUNN: I support the Bill and support it with some fervour. I only wish to make about four points, and they mainly relate to the Bill. I say that in all earnestness, because we have ranged from North America to the South Pole and all over the place, but I will restrict my contribution mainly to the Bill.

Members interjecting:

The Hon. PETER DUNN: Yes, back to where there are a few national parks. I live between a couple of big ones. I have probably spent more time in them, taking groups from the universities and fighting fires, than anyone in this Chamber. I certainly have not studied the matter as a degree course, but I do understand a bit about it and, having been a farmer, I guess one is working with nature all the time. That is what this is all about.

Let me say that the Bill in its rewritten form is pretty good, and I applaud the concept of regional reserves. I think that they are a good idea, and I will speak a little more about them in a moment. This Bill refers to wardens and their powers, and I think those powers are extremely strong. I went to a very long conference last week, during which we objected to policemen being able to break into trucks and drive them to a weighbridge, yet this Bill contains this very power, providing that, for the purpose of entering and searching premises or a vehicle, a warden may break into the premises or vehicle. That is very clear.

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: I appreciate that, but it is very draconian, although I am pleased to say that I do not know of any case where it has been abused. However, I think that there is a reason for it being here and I want to explain my position in objecting to the provision last week but not objecting so strongly in this Bill. The reason is the distance. Many of our reserves, as we all know, are spread around the State, and officers are sometimes not in contact by telephone or with towns where they can get a magistrate to give them a warrant to enter a vehicle so, reluctantly, I suppose I agree with what is being done.

But I must highlight it for that very reason: wardens have a very draconian power, and I hope that when wardens are chosen (and I hope we can have more and more of them) they are chosen with commonsense in mind, and that they will not abuse that power. The second clause on which I wish to comment is clause 15, relating to regional reserves. I think, for several reasons, that they are a very good idea, the main reason being that they are under pastoral lease and, in the case of the one we are looking at, Coongie Lakes, this is important. I have been there and flown over it a number of times, and it is certainly a unique and lovely area. But that is thanks to the Kidmans, who have made some offers. They have looked after it and cared for it. As we have heard from the Hon. Mr Elliott, they have taken stock out of it. Even if, as he cynically says, they have taken it out for drought reserve. If he had talked to the people he would know quite well of their care for that area because of the beautiful watered area that it is, with the animals and vegetation it comprises.

They have taken it out purely because they recognise the beauty and importance of the area, and I say to them 'Thank you very much for doing that,' because it has brought it to our attention. Stock could quite easily have eaten it out and used the water. However, that has not happened, and because of that it was noticed by conservationists, who have said that it is an area that should be preserved. I agree with that.

The fact that the regional reserves system has been set up is good, because it allows for further oil exploration in the area. Oil exploration is not terribly intrusive. We get some roads in there, but that might be to the advantage of the park in the long run. There is some scarring, but it is not over-intrusive in that area, and I think that that is a fair and reasonable thing to do when energy in this community—and I am on the energy select committee— is in

such short supply. If we can use that resource, so much the better. I think that is wise. Ultimately, the oil and gas exploration disappear out of the area and it can go back to its normal use.

The other thing is it will assist enormously the national parks and wildlife wardens and the people who are looking after it because they are getting help from the original owners of the country. If they keep in close contact with the owners, nothing but help will come from them, and that is an excellent idea. So, for those few reasons I believe that the regional reserves are very good.

I am a little perturbed to read what the conservation bodies have said about regional reserves. They were put up for a specific reason, and I think that there is a very good reason to have the gradings of parks and reserves that we have in this State. This is another one, and, as I have said, I think it is a very good one. But, I am a little disturbed to hear what is being said about it. It is really negating what the initial idea of the reserve was about. One of their concerns is that it should not be restricted to Crown land and that it should be possible to extend them over other forms of tenure. That is what this reserve is about. It took in the tenure of a pastoral lease and a Crown lease. If it was not scrub land the area would have had to be excised, and that would have taken longer and would have been harder to do. So, I do not believe that is very clever. In the long run that may be so, but this regional reserve, as I read it, is a grading system, and I hope that it continues in that way.

The conservation people have raised about six or seven objections, and I guess that most people have seen them. One of them is that the objectives for the regional reserve should include restoration and rehabilitation of the environment as resource utilisation is phased out or moved. It needs extra money spent on it. Once again, I think that is what it is all about. A regional reserve is something that is established without a great deal of expense, but at least it is being put aside for somebody to look at, to enjoy and to develop in the long-term. This is a big area that has been put aside and it will take a lot of money to run. It is a very remote area, and the cost to keep people there is extremely high. However, once again, under this system I believe it can be done, and I hope it will be done.

Finally, let me move onto the area on which the other two members have spoken, namely the sale of native plants and prescribed species. Clause 30 prohibits the sale or gift of native plants or prescribed species. I think those schedules should be taken back and looked at very carefully. We have heard of all the problems that have occurred. The Hon. Legh Davis spoke at some length, and the Hon. Mike Elliott looked at some of the problems and explained why they were large in numbers at one stage and not at another. But, to put a species in here that is already extinct is absolutely ridiculous. Here is the Thylacine. Everybody knows the Thylacine is either the Tantanoola tiger or the Tasmanian tiger.

The Hon. M.B. Cameron: You fellows keep seeing them.

The Hon. PETER DUNN: Only the South-East people see them, but that is the Scotch whisky. The Thylacine is listed here under 'endangered species'. For sure it is endangered. There are a couple of stuffed ones in the museum, but they certainly have not been around for a long time. It makes a mockery of these things to put in animals like that which do not even exist. The Greater Stick-nest rat is on the endangered species list. They are endangered, but I can take members to where there are a fair number of those. However, we must further consider some of the animals that are listed. It may be that some of them never were in very great numbers. I refer, for instance, to the Black-footed Rock wallaby, which lives in the Flinders Ranges; they are not distributed all over the State and live only in a certain habitat. There have never been great numbers of them.

The Hon. J.R. Cornwall: If you fellows hadn't got around to lighting the Stick-nest rat's nest to boil your billy there would be a lot more of them around.

The Hon. PETER DUNN: They only drag those sticks around at certain times of the year, and then they are dispersed after the young have gone. So, care should be taken in deciding what species to put on the list. Certain provisions in the Bill are fairly draconian. Proposed new section 48a provides:

> A person must not have in his or her possession or control a native plant—

and this applies to animals, too—

> that has been illegally taken or acquired. Penalty: in the case of a native plant of an endangered species, $10 000...

The penalty in relation to vulnerable species is $7 500, for a rare species, $5 000, and in other cases $2 500 or imprisonment for six months. Those penalties are very draconian. I refer to one plant that is listed, in relation to which if these provisions were applied every member in this Chamber would have to go to gaol or pay a fine: a maidenhair fern is listed under the rare species, yet they are in every house and they grow wild in the wet areas of the Hills. I am amazed that plants like that have been included, as it makes a mockery of the schedules.

I hope that after the Minister has considered this matter these entries will be removed from the schedules. I know that this has probably been done with a broadbrush in covering a lot of species, animals, birds and herbivores that live all over Australia. I note in the lists of vulnerable species that asterisks have been placed alongside those that are found in South Australia. Many species in the schedule are found in other parts of Australia. Perhaps we can legislate for those. However, as I have said, it seems silly to me to put in things like the Thylacine, which is already extinct, and the maidenhair fern, which is found in almost every household. In fact, if I sell the Minister one or take one to his house and give it to him I am liable for a fine of $5 000.

Apart from those reservations, I support the Bill. I think it is a good Bill and it has taken a long time to get here. I believe it will be supported by all people in the Parliament. I think it will help in the administration of what obviously are very important reserves. The rest of the world is probably too old to do what we can do with parts of the country which contain certain flora and fauna. I really think we are in a prime position to look after our flora and fauna, provided that we do it sensibly. I do not mean that we should keep every hectare or square kilometre of land that comes to our notice and make it a reserve. That would be quite foolish. He may be better off to get rid of some of the reserves that we have now.

The Hon. J.R. Cornwall: Farm them.

The Hon. PETER DUNN: It may be sensible to farm some of those areas and use the money so obtained to buy a perhaps more precious piece of country. However, there tends to be an attitude in Australia at the moment that if something is there we should do something with it. For instance, the Hon. Mike Elliott said that he wanted to put the Coongie Lakes on the World Heritage List. Good heavens, we have not even got it into a regional reserve yet. Let us look at it and study it. We have not had enough time to do that. We have to adopt that attitude of being quite sensible about national parks, reserves and so on in this State. For those reasons, I support the Bill.

The Hon. J.R. CORNWALL (Minister of Health): I will try to be as brief as possible, although the members who have spoken—only three of them—have taken two hours up to date. Let me turn first to the remarks of Mr Elliott. Mr Elliott knows a substantial amount about conservation and ecological systems, and so forth, and I pay due respect to that and place due weight on his more rational and considered remarks. However, I find strange indeed the political aspect that he tried to introduce. Mr Elliott and his colleague are, in my recollection, devotees to the current fad for small government, and yet we come to this matter and he wants more rangers and more resources; he is most unhappy about the rational and coordinated management—

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: Well, it depends on which way the wind is blowing on any particular morning, as I said yesterday. The politics of the wet finger, they call the way the Democrats practice, because no matter what, they want more money spent. They want more money spent on Aboriginal health, notwithstanding the fact that the audit is not looking too good in the north-west with Nganampa. They always want more money spent on education. They demand that we spend more money on children's services, on employment training, on State development, and on the Courts Department. Of course, Mr Gilfillan (Mr Elliott's colleague) is always demanding that we spend more money on the police and prisons, law and order and, just occasionally, when they take it to the ultimate, Mr Gilfillan in particular even wants more money spent on windmills.

I think we have to be just a little rational and reasonable in this, so that Mr Elliott's second reading contribution I would have to say was certainly like the curate's egg: it was good in parts, but it was rather foolish in others. In some of the things that we could take seriously, it was a sensible and well measured contribution.

Now let me turn more importantly and more significantly to the extraordinary contribution of the Hon. Mr Davis. I do not know who prepared his copious notes, but it seemed to me there was something of a committee movement there. He got them from everywhere. He spoke for an hour and a quarter on a subject about which previously he has never expressed any interest or concern. He is the economics man. He is the shadow of the shadow Treasurer, literally. He has expressed some interest in built heritage before but, frankly, he would not know a Hardhead from a duck's bill. This is the new concerned image, but it will not get him far either because, let me tell him, the metropolitan rump is quite clearly no longer terribly relevant to the Liberal Party. The majority rural rump is firmly back in the saddle. He is more at home, I think, with the dollar signs in his eyes visiting a project like Roxby Downs.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: Yes, I am not knocking Roxby Downs at all. The Government is very firmly committed to the development at Roxby Downs.

The Hon. L.H. Davis: Just like you were in 1981.

The Hon. J.R. CORNWALL: No, I was not. I was very much against it.

The Hon. L.H. Davis: The moveable Cornwall.

The Hon. J.R. CORNWALL: No. The Party looked long and hard and took a decision nationally, and I did not have any difficulty, as I never have had, in following majority decisions in the Party once they have been adequately debated.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: No, I swim against the tide occasionally and pay my dues. The Hon. Mr Davis, who incidentially was heard in almost total silence for 1¼ hours but now he gets back in to his very rude ways of continually interjecting, said that there had been no consultation. He did say that the idea had been mooted back in the days of David Wotton, the not so successful Minister for Environment and Planning in the Tonkin interregnum, but the truth is that, in May this year, which is a little over six months ago, the present Minister for Environment and Planning (the Deputy Premier) announced our intention to go to this particular style of management of reserves and that announcement received very considerable publicity. That was well in advance of the Bill being introduced, so anyone who could read newspapers, watch television or listen to the radio from time to time would know that the Deputy Premier made a major announcement about our intentions to move in this matter and it received—

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: I will talk about the schedule in a moment, but the announcement received a great deal of media attention and applause from people like Dick Smith, for example, who stated that it was a very sensible and innovative idea.

The Hon. Mr Davis says that he was talking about the schedule and how foolish it was. He spoke at length and used as one of his authorities a very well known gentleman by the name of Shane Parker, who is at the South Australian Museum. I have had an interest in these matters ever since I was the Minister—and I was the Minister for Environment and Lands in 1979, albeit for a brief period, but long enough to have worked my normal 12 to 14 hour day and I did learn a little bit about it. I refer to a booklet entitled *A List of the Vertebrates of South Australia*, edited by H.J. Aslin.

The Hon. M.J. Elliott: That is Heather.

The Hon. J.R. CORNWALL: I believe that is Heather, yes. It is a list of the vertebrates of South Australia and it is edited by H.J. Aslin of the South Australian Museum. Of course, one of the major contributors to this publication was Shane Parker. It was put together by the curators of vertebrates at the South Australian Museum in the Environmental Survey Branch of the Department of Environment and Planning. The first edition was in 1985 and it was published by the Biological Survey Coordinating Committee in the South Australian Department of Environment and Planning. It lists many species, but it is literally the reference or definitive work and it defines quite specifically species that are endangered, vulnerable and rare.

The Hon. M.J. Elliott: Is that just for South Australia or is that Australia wide?

The Hon. J.R. CORNWALL: As I understand it, that is for South Australia.

Members interjecting:

The Hon. J.R. CORNWALL: Hang on. I believe that I have been elected to the South Australian Parliament and we are talking about South Australia. At the moment I am not wandering the world. I am talking about a Bill in the South Australian Parliament that concerns directly the National Parks and Wildlife Act, which pertains to South Australia and not Victoria, the Northern Territory or New South Wales. The definitions are very clear. I think that when I read them these people who have been posing as pseudo experts will see that they have made a fairly serious if not fatal error. It defines 'endangered species' and follows:

> Taxa in danger of extinction and whose survival is unlikely if the cause or factors continue operating.

That is a very clear and simple definition of 'endangered'. It describes 'vulnerable' as follows:

> Taxa believed likely to move into endangered category in the near future if causal factors continue operating.

One should remember that this is the terminology that is used in this Bill. It defines 'rare'—and I think that this is important because it has been completely misinterpreted on the grounds of ignorance, I believe, by all three previous speakers—as follows:

Taxa with small populations in South Australia that are not at present endangered or vulnerable, but are at risk.

That is what was used. It is the definitive reference book for South Australia, prepared by people including Shane Parker, Heather Aslin and the Environmental Survey Branch of the Department of Environment and Planning. They are the definitions. That is the definitive statement as far as South Australia is concerned. Let us put this nonsense to rest. It has been done quite properly, accurately and scientifically.

The other point of which so much play was made, as a lead on from that, was that the schedules were alleged to be in some way inaccurate, shoddy or poorly thought through. This is a terrible reflection on the senior officers of the National Parks and Wildlife Service. Again, we see this knocking of officers which the Opposition indulges in all the time. It cannot seriously expect to ever be other than a permanent Opposition while it continues to attack senior public servants. It is unprecedented. Attacking the Minister has always been fair game. Attacking the Minister in the Westminster system has always been a tradition, although not, I think, in the shoddy and underhand way that it is sometimes done in this place. However, attacking senior public servants—

The Hon. L.H. Davis: I didn't a attack senior public servants.

The Hon. J.R. CORNWALL: By inference you did attack senior public servants in the National Parks and Wildlife Service, just as your colleagues attack people by name in the Health Commission. It really is not good enough, and you ought to stop it. The simple reality, if one looks at the Bill, is that the schedules can be changed quite simply by regulation. That flexibility is built into the Bill. The Hon. Mr Davis, with this new found talent for knowing all about the birds and the bees—suddenly he discovers that he is a conservationist from way back (although you could have fooled me when we used to visit Roxby Downs)—

The Hon. L.H. Davis: What do you mean by that?

The Hon. J.R. CORNWALL: You had no interest in the environment at all. You never have had.

The Hon. L.H. Davis: That is not true.

The Hon. J.R. CORNWALL: You have some professed—

The Hon. L.H. Davis: That is totally untrue—

The Hon. J.R. CORWNALL: Not at all. I was on the select committee, remember.

The Hon. L.H. Davis: Go on. Give me an example that proves that. You know that it is totally untrue.

The Hon. J.R. CORNWALL: It is not.

The Hon. L.H. Davis interjecting:

The ACTING PRESIDENT (Hon. G.L. Bruce): Order!

The Hon. J.R. CORNWALL: From time to time the Hon. Mr Davis has expressed some interest in the built heritage and in the built form, but he has never, in my recollection, taken the natural environment seriously.

The Hon. L.H. Davis: How many debates on Bills do we have in this area? Tell me the last time we debated something like this. The last amendment to this Act was back in 1982, and before that—

The ACTING PRESIDENT: Order, the Hon. Mr Davis.

The Hon. J.R. CORNWALL: Behave yourself and stop acting like a kindergarten child.

The Hon. L.H. Davis: Stop scoring tricky little points that are totally untrue.

The Hon. J.R. CORNWALL: You can always tell when it is hurting—the decibel level is directly—

The Hon. L.H. Davis interjecting:

The ACTING PRESIDENT: Order, Mr Davis. This is not a personal debating Chamber. You should go through the Chair.

The Hon. L.H. Davis: I just like to hear the truth from the other side.

The ACTING PRESIDENT: You should go through the Chair, not interject across the Chamber.

The Hon. J.R. CORNWALL: Thank you, Mr Acting President, for your protection. The decibel level is directly related to the degree of hurt. They really hate being shown up for what they are. It is not a matter of showing concern, because there has never been any concern before; it is a matter of being seen to be trying to show come concern. That is the new Liberal Party policy.

The Hon. M.J. Elliot interjecting:

The Hon. J.R. CORNWALL: Fraudulent environmentalist. I thank the Hon. Mr Elliott; I wish that I had thought of that line myself, because it is accurate. It is certainly true of the Party.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: Now he is fighting across the Chamber.

The ACTING PRESIDENT (Hon. G.L. Bruce): Order! The Hon. Mr Davis. This is a Chamber for debating. There is a Chair in the Chamber. Business goes through the Chair. The honourable Minister of Health.

The Hon. J.R. CORNWALL: Thank you, Mr Acting President. I wish he would stop attacking Mr Elliott in such a cowardly manner; he is not even involved in interjecting, as he normally rudely does, to the speaker on his feet. I will now make some general comments about the debate. It is noteworthy in the debate so far on this Bill that the general concepts contained within it have been supported by members of the Opposition.

Members interjecting:

The Hon. J.R. CORNWALL: Yes, just as the Hon. Mr Davis's 75 minutes was a prepared speech. It is a prepared response. I have just responded to the points made by the Hon. Mr Davis.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: Will you shut up, for goodness sake. Your behaviour is abominable.

The Hon. L.H. Davis interjecting;

The Hon. J.R. CORNWALL: Be quiet; you were heard in relative silence. You really are an ill-mannered person.

The Hon. L.H. DAVIS: Well, I wasn't making personal abusive attacks as you are doing.

The Hon. J.R. CORNWALL: Your manners are appalling.

The ACTING PRESIDENT: Order! If we get back to the debate the honourable Minister of Health can continue.

The Hon. J.R. CORNWALL: Thank you, Mr Acting President. I know that you are trying very hard to protect me. You might have to throw him out eventually: his behaviour is appalling. Just because we have exposed him as one of the leaders of the phony environmental pack in the Liberal Party, he should be—

The ACTING PRESIDENT: Will the honourable Minister get back to the Bill.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: I would be very pleased if you would do that, and I would be happy to accept that compliment. Of course these are prepared notes for a second

reading reply. That is perfectly normal for any Minister, particularly when handling a complex Bill in this Chamber on behalf of a Minister in another place. Let me repeat: it is noteworthy in the debate so far on this Bill that the general concepts contained within it have been supported by members of the Opposition. That is in general, in the spirit of the Bill, and qualified support has been given to the concept of regional reserves by some members of the conservation movement.

The Hon. M.J. Elliott: 'Qualified' is underlined.

The Hon. J.R. CORNWALL: Yes, certainly. I can understand some people having philosophical difficulties in establishing a multiple use reserve classification under an Act which contemplates the conservation of wildlife in a natural environment and the establishment of a reserve system for public benefit and enjoyment.

South Australia has a major parks and reserves system, notwithstanding the comments of the Hon. Mr Elliott and this Government wishes to take the opportunity of consolidating and, where appropriate, expanding that system to meet the needs of conservation and the community. It is inevitable of course, that certain situations arise where lands with high conservation values are being used for commercially productive purposes—normally the use of natural resources either by grazing, mining or some other similar activity. The regional reserve concept contained in this Bill provides the opportunity for reservation of such lands where their conservation value is extraordinarily high but where, at the same time, the priority for the community to exploit the natural resources contained within those lands is such that such exploitation should not be stopped, particularly in the medium term.

The establishment of the fifth classification of regional reserves provides the opportunity for significant additions of land to the reserve system which would receive the full protection of the National Parks and Wildlife Act by way of people management, land management and wildlife management.

As natural resource utilisation within regional reserves can include exploration and mining, the Bill makes particular reference to the administration of mining tenements and mining production tenements. Given the nature of a regional reserve, and its multiple use characteristics, the Government believes it inappropriate to create a situation where the administration of the Mining Act and the Petroleum Act are constrained to the extent where their provisions are made unworkable by any provisions contained in this Bill.

Therefore, the Bill provides that the Minister of Mines and Energy can take responsibility for the operation of the mining legislation, but at the same time recognises that his authority is constrained by the provisions in the Bill, in seeking the views of the Minister for Environment and Planning before issuing a mining tenement for exploration and seeking the approval of the Minister for Environment and Planning before issuing a production tenement.

Furthermore, the Bill provides for the preparation of agreements between the two Ministers and the holder of the mining tenement, granted in relation to land contained within a regional reserve. Such an agreement would impose conditions limiting or restricting the exercise of rights under the tenement by the tenement holder to suit the particular and peculiar requirements of the regional reserve. The Government believes that these clauses contained within the Bill provide the appropriate balance, thereby allowing the creation of the regional reserve concept under the National Parks and Wildlife Act, but at the same time recognising that in certain situations the managed exploitation of natural resources can proceed under agreed conditions.

Members will be aware that the first regional reserve being considered for proclamation under the provisions of the Bill is at Innamincka in the far north-east of the State. This area of outstanding natural qualities also includes the State's major source of energy through hydrocarbon deposits contained underground. The Cooper Basin producers operate under an indenture ratified in 1975 and contained within the Cooper Basin (Ratification) Act. The Government is aware of its rights and obligations to the producers under the indenture. At the same time, the Cooper Basin producers are willing to negotiate with the Government on the establishment of a regional reserve at Innamincka and voluntarily to have some of their rights constrained by the preparation of an agreement, as provided for in the Bill.

I believe that this is a responsible and reasonable approach being taken by the Government to serve the needs of the community as a whole. As such, the Bill specifically recognises the rights of the producers under the indenture and hence the reason why it contains mention of the Cooper Basin (Ratification) Act and any petroleum production licences that the Minister of Mines and Energy is authorised to grant by virtue of that Act.

I refer now to specific issues that have been raised during the period of the debate by Mr Elliott and which he has also raised by amendments which he now has on file.

The Hon. M.J. Elliott: They are not on file yet.

The Hon. J.R. CORNWALL: They have been in limited circulation at least, and he has done me the courtesy of giving me an advance copy; he has also given an advance copy to the senior officers who are assisting me from the National Parks and Wildlife Service, and the Department of Mines and Energy. It is significant that I have an officer—

The Hon. M.J. Elliott: I didn't give them one; they must have got them somewhere else.

The Hon. J.R. CORNWALL: It is probably a Martin Cameron leak. As I said, I wish—

The Hon. L.H. Davis: Cheaper by the dozen, aren't they?

The Hon. J.R. CORNWALL: I always take that view. Anything I commit to paper I regard as being a public document.

The Hon. L.H. Davis: We have seen several examples of that in recent times.

The Hon. J.R. CORNWALL: Yes, yes.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: I accept that we have *de facto* freedom of information in this little town; I have always said that. You can have freedom of information or open government by design or by default, and I have always operated on the basis that I prefer open government by design.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: No. In the Health Commission we have the most open arrangement in the State. There is no question about that.

The Hon. L.H. Davis: And you pay 20c a copy.

The Hon. J.R. CORNWALL: You paid a fraction of the actual cost, but it was symbolic and important, and it certainly showed up Mr Cameron for soliciting—

The ACTING PRESIDENT: Symbolic and important but quite irrelevant to this Bill.

The Hon. J.R CORNWALL: Of course; absolutely right.

The Hon. L.H. Davis: Hear, hear!

The Hon. J.R. CORNWALL: Why don't you shut up, you silly man. My colleague the Minister of Tourism has described you on many occasions far better, far more elo-

quently and far more accurately than I can, so I will not try to match her rhetoric, but you really are quite a foolish person and you should listen in silence, of course. Obey the Standing Orders.

Mr Elliot is suggesting that the Minister must, at intervals of not more than 10 years, prepare a report assessing the impact of utilisation of natural resources in regional reserves. Such a report, he says, would have to be laid before each House of Parliament. The Government would have no difficulty with this suggestion, as there are some advantages in reviewing activities taking place in regional reserves, not only from the point of view of impact on wildlife and natural and historic features within the reserve, but also in the context of the best way in which the natural resources are being utilised.

Mr Elliott's amendments include the suggestion, I understand from my quick scanning of it, that natural resources can only be utilised if wildlife and natural and historic features of the land are not damaged. No reasonable person would disagree with the general tenor of his argument, but how does one define damage in this case? That question must be posed. It would seem to me that the Bill and the principal Act contain provisions to ensure that damage is kept to a minimum and that the activities of any exploration group or mining group can be prescribed through the agreement process as contained in the existing Bill.

Of more serious consequences is the suggestion by Mr Elliott that the ability for the Ministers for Environment and Planning and Mines and Energy to enter into agreements with holders of mining tenements, which have application in regional reserves, not proceed. That goes to the heart of the Bill and attacks the spirit and intent of the legislation. His amendments go further by placing regional reserves under the provisions of the principal Act, which relate to exploration and mining in the national and conservation park system as we currently know it. That is either mischievous or it completely misinterprets the spirit and intent of the Bill before us.

The whole thrust behind the Government's approach to this Bill has been to identify regional reserves as multiple use areas which would be dealt with in a different way from the conditions which apply for the present classifications of national park, conservation park, game reserve, and so on. The placement of regional reserves under section 43 of the principal Act would mean in effect that the thrust of section 43 would apply to regional reserves along with the other forms of reserves. The current thrust of section 43 is to provide for no exploration, prospecting and mining in reserves. They are completely at odds. On what the honourable member suggests, he would destroy the entire intent of the legislation. The section would be qualified, in Mr Elliott's proposal, by allowing the issue of a Governor's proclamation, which would specify any conditions for rights of entry for prospecting, exploration and mining.

The whole concept of regional reserves is to allow both the conservation of wildlife and the natural features of the lands and the utilisation of natural resources without any suggestion of one being necessarily mutually exclusive of the other. As a result, the Bill provides for particular conditions to pertain to exploration and mining in regional reserves without constraining those activities to the extent contemplated by section 43 of the principal Act. It is a new classification altogether—it is not a national or conservation park or game reserve about which we are talking.

Mr Elliott is suggesting what could only be described as an extraordinary amendment in relation to the alteration of boundaries of reserves. As the National Parks and Wildlife Act currently stands, no alteration to reserve boundaries can take place and no abolition of reserves can take place without the approval of both Houses of Parliament. This is one of the basic strengths of this Act and places a substantial degree of security of tenure for the State's park system. Amendments proposed by the Government provide for a rational approach to minor alterations of reserve boundaries where roads are involved and where the alteration of the boundaries is in the interests of public safety.

Mr Elliott's foreshadowed amendment provides for the Minister to recommend to the Governor that reserve boundaries may be altered following a public comment process. The Government believes, indeed very strongly, that such an amendment requires considerable discussion with a number of sections of the community, and would have considerable difficulty supporting it at this stage.

The Hon. Mr Elliott has suggested that the current arrangements in the Act which provide that no reserves can be constituted or boundaries altered without the approval of the Minister of Lands be changed whereby the views of the Minister of Lands and also the Minister of Mines and Energy should be considered before any alterations take place. The Government is prepared to support that amendment, recognising that it does not necessarily follow that the Minister of Lands should have the power of veto over the establishment of reserves, even though his views should be sought, given that reserves established under the Act can be established only if they hold the status of Crown land.

In conclusion, while some of the amendments foreshadowed by the Hon. Mr Elliott have application and are acceptable to the Government, it would be most unfortunate if the provisions contained in the present Bill, allowing for the establishment of regional reserves and the preparation of agreements in conjunction with the mining sector, were compromised in any significant way. The Government has attempted to take a responsible attitude towards the multiple use concept—which is a new concept in this State—and has had considerable and detailed discussions with a wide variety of groups in the community, including the conservation movement, the pastoral industry and the mining industry.

It would be most unfortunate if the proposed amendments created a situation where the real possibility of reserving lands of extraordinary conservation value cannot and does not proceed as a result of ill conceived and uninformed amendments to the Bill. Indeed, it could be suggested, as I said a moment ago, that South Australia is on the verge of leading the way in establishing a system of land reservation which continues to recognise the traditional form of national and conservation parks, but goes further and establishes reservation of land of extraordinary conservation significance in which the utilisation of natural resources is of essential benefit to the community.

Let us ensure, as a Chamber of this Parliament, that in the case of Innamincka, for example, mining and pastoral industries are more than willing to cooperate in the establishment of a multiple use reserve and that the establishment of such reserves is not compromised or indeed confounded by inappropriate and unreasonable impositions on the *bona fide* activities of the natural resource users in the area. I commend the Bill most strongly to the Council.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

WASTE MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1869.)

The Hon. DIANA LAIDLAW: On behalf of the Opposition, I indicate support for the Bill. It provides for the continuation of the South Australian Waste Management Commission and the control of the operation of waste depots, waste transporters and producers of certain hazardous wastes through a licensing system. It also provides that the commission will continue to be funded by licence fees and contributions payable on waste deposited at metropolitan and country depots. Only since May of last year, I understand, have contributions been payable in respect of waste received at country depots.

I highlight that point because when I was working with the former Minister of Local Government (Mr Murray Hill) I recall the trauma within the department and, more particularly, among country councils when it was proposed that they would have to pay this contribution. That trauma resulted in a decision that, for some time, country councils would not be required to pay such contributions on waste deposited at those depots. It was of great interest to me to note that this matter now seems to have been resolved in respect of country depots.

In the commission's annual report for the last financial year, which the Minister tabled about a month ago and of which I now have a copy, I note that the contributions in 1986-87 amounted to $696 533. By comparison, the commission's income from contributions in a previous year was approximately $250 000. In 1985-86, contributions amounted to a relatively mere $443 987. I am not sure whether all of the increase of $252 546 reflects contributions from country depots or a general increase in waste deposited at all depots. I am interested in the breakdown of those statistics, although there is no question that, now that country depots have been brought into the ambit of the Act and pay contributions, the commission is far more liquid. I understand that projects and staff commitments which were put off for some years have now been realised.

From going through the last four annual reports, I found a particularly interesting reference by the Chairman (Mr R. Lewis) in the 1985-86 report. I make just a quick reference to that. He states:

> During June and July 1986, together with the Director, I met at regional meetings with representatives of nearly all country councils in the State to discuss, among other things, the decision to introduce contributions payable in respect of waste received at country depots. They were valuable face to face meetings which demonstrated to me the need to improve communications between commission menbers and country depot operators, and for the commission to undertake a stronger educational role related to waste management practices. I would hope that these meetings take place in the future on a regular basis with individual councils, for mutual benefit.

I heartily endorse those remarks by the Chairman, for there is no doubt that, if the very broad objectives of the commission in terms of the management of waste in this community are ever to be realised, there is a need for a very solid commitment from councils throughout the State and also from the waste industry to ensure that these objectives are fulfilled. The Bill sets out in clause 7 (2) the objectives of the commission, which I will read briefly because they are important. They are:

> *(a)* to promote effective, efficient, safe and appropriate waste management policies and practices;
> *(b)* to promote the reduction of waste generation;
> *(c)* to promote the conservation of resources by recycling and reuse of waste and resource recovery;
> *(d)* to prevent or minimize impairment to the environment through inappropriate methods of waste management;
> *(e)* to encourage the participation of local authorities and private enterprise in overcoming problems of waste management;
> *(f)* to provide an equitable basis for defraying the costs of waste management;
> and
> *(g)* to conduct or assist research relevant to any of the above objectives.

Essentially, these objectives reflect those which are provided in the current Act. In the Act, however, on only one occasion do any of these objectives commence with the word 'promote', whereas by contrast three objectives in the current Bill commence with the word 'promote'. It seems to me that the nebulous term 'promote' rather weakens the objectives outlined in the current Act, and possibly makes those same objectives a little less onerous a responsibility of the commission than is the present case. However, I would certainly welcome the Minister's clarification of that point.

I also note, in respect of the objectives, that there is an additional objective, paragraph *(g)*, namely, 'to conduct or assist research relevant to any of the above objectives'. I assume that that objective has been added to this Bill because the Bill also seeks to get rid of what is now called the Waste Management Technical Committee. I assume that the responsibilities that have been undertaken to date by that committee will be encompassed by other *ad hoc* committees set up by the commission to conduct and assist research, but the Minister may care to comment briefly on that.

I wish to make a few points about the commission itself before going onto other specific matters in the Bill. Certainly, it is my view that over the past decade, since the establishment of the Waste Management Commission, there has been considerably heightened awareness in our community of the need for more careful management of household and industrial waste. There has also been marked improvement in the management of waste depots. I am not entirely confident, however, that all the credit should go to the Waste Management Commission or whether it is to the collective credit of bodies such as KESAB and other environmentally orientated Acts that have been passed through this Legislature, or even, in fact, with some help from the high profile conservation and environmental groups. However, I certainly appreciate that there are much higher expectations by the community today than in the past and certainly than at the time when I first went to work with the former Minister of Local Government. I make that reference in passing.

I have had frequent reason to use the Wingfield dump operated by the Adelaide City Council because I have two sisters who seem endlessly to be moving house or renovating houses, and we go to that dump on what seems to be a pretty regular basis. Over a period of at least 12 years absolutely vast improvements have been undertaken at that site, and I have no doubt that credit for that is due solely to the staff of the Waste Management Commission. I have also noted that there has been a rationalisation of depots or rubbish dumps and that many of the smaller depots in the outer metropolitan area have fortunately been closed and that there is a tendency for people and corporations to use the larger dumps in the outer metropolitan area.

I am quite sure that members would have noticed the increasing use of those depots by councils in the metropolitan area. I believe that this process started in the country areas with the use of all rubbish collection systems. I think Naracoorte council may have started this process, but in the metropolitan area one sees more and more councils or individuals using these very large mobile green garbage bins that are fly proof, and smell proof I think, and on wheels. That has been an excellent innovation, and I hope that that move continues to make strong progress in the metropolitan areas, because when one drives around one tends to see fewer green garbage bags that have been ripped open by dogs and smaller rubbish bins that have been turned over and household rubbish and garden refuse lying around in

the streets. As I say, I think the innovation of these big MGBs is excellent.

I mention in passing Gus the Garbo. I think that campaign has added considerably to our respect for the role of garbage men—and I think it is only garbage men: I do not think any women are doing the job. Their job is perhaps a little easier and people have a little more sympathy for the very important role that they play in our community since that 'Gus the Garbo' public relations campaign was launched in this State.

In passing, I just note some of these initiatives that have been undertaken over the past decade, and I think that they are very fine achievements for this State. I believe that certainly a substantial amount of credit must be given to both the members of the commission and the staff.

This Bill stems largely from the recommendations of a committee which was appointed in 1984 by the Minister of Local Government to review the legislation. I understand that the recommendations have been reviewed and comments sought from the relevant employer, union, councils and conservation groups. I acknowledge that the comments that were forthcoming were thoroughly considered and that in almost every sense they have been accommodated in the drafting of this Bill. I commend the Minister for that.

I make the point that, in respect of this Bill, there appears to have been very constructive process of consultation between the department, the waste industry and councils and that that seems to be in marked contrast with the process not so much of consultation but listening that occurred in respect of the Local Government Bill.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: I did not say that in terms of consultation; I was referring to the process of listening to what local government actually wanted.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: Yes, but with the addition of new elements at the last—

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: The Minister seems to take issue with that, but I did endeavour to acknowledge that in respect of this Bill I think that the department, the commission and the Minister are to be commended for the way in which they genuinely consulted, in the way that used to apply, in the true sense of the word, but we see that all too rarely these days.

However, when the Local Government Association received a copy of the draft of this Bill it wrote back to the Minister with 13 recommendations for either change or consideration. Going through the Bill, with the benefit of the Local Government Association's submission, as far as I can gauge every one of those recommendations, with one exception, have been accommodated in the Bill. The same situation applies in respect of the points raised by the Chamber of Commerce and Industry and, again with the chamber there was one omission.

That issue taken up by both the chamber and the Local Government Association which the Minister has not been able to accommodate concerns the membership of the commission. A seven person commission is proposed in this Bill—the same size as when the commission was first set up some 10 years ago. However, beyond that comparisons are no longer relevant. I note that in 1979 the seven person commission was to be comprised as follows:

(a) one shall be a member of a council selected by the Minister from a panel of three such members nominated by the Local Government Association of South Australia;

(b) one shall be an officer of a council selected by the Minister from a panel of three such officers nominated by the Local Government Association of South Australia;

(c) two shall be persons actively engagted in some aspect of waste management of whom one shall be selected by the Minister from a panel of three such persons nominated by the South Australian Chamber of Commerce and Industry.

That was changed in 1983 to the Chamber of Commerce and Industry S.A. Incorporated. Further:

(d) one shall be a person selected by the Minister from a panel of three persons nominated by the United Trades and Labor Council of South Australia;

and

(c) two shall be persons nominated by the Minister.

Four years later, the composition of the commission changed, and in 1983 we had a situation in which the number of persons to be nominated by the Minister was increased from two to three, and it was stipulated that one should be a person with experience in environmental management. In addition, a further person was added who was to be nominated by the Minister for Environment and Planning.

Two years later, we find a further change to the composition of the commission. In 1985, three persons were to be nominated by the Minister, one of whom was to be a person with experience in environmental management and one with experience of the effects of waste management on public health. In that year, further subclauses were added which provided:

(1a) The Governor may appoint a person, nominated by the Minister, as an additional member of the Commission.

(1b) The additional member shall be a person who, in the opinion of the Minister, has knowledge or experience that will be of value to the Commission.

(1c) Not more than one additional member of the Commission shall hold office at any time.

So, between 1979 and 1985, the commission grew rather substantially from the original seven members to 10, and that is the situation today.

In this Bill, the Government proposes to bring the number back to seven and requires that the five members appointed by the Governor on the nomination of the Minister be as follows:

(i) One (the presiding member) being a person who is, in the Minister's opinion, equipped by knowledge of the waste management industry to preside over the commission;

(ii) two persons selected from two separate panels of three submitted by the United Trades and Labor Council of South Australia;

(iii) one being a person selected from a panel of three submitted by the Local Government Association of South Australia;

and

(iv) one being a person actively engaged in some aspect of the waste management industry selected from a panel of three submitted by the Chamber of Commerce and Industry SA Incorporated.

In addition to those five members, it is proposed that one member be appointed by the Governor on the nomination of the Minister of Local Government and, further, that there be one person appointed by the Governor on the nomination of the Minister for Environment and Planning.

Certainly, the submissions that the Liberal Party has received on this matter support the reduction in the size of the commission from the current 10, but none agrees with the proposal of seven. The Local Government Association suggested a three person commission, and the Chamber of Commerce and Industry selected a five person commission. Both of those submissions were very strongly opposed, as is the Liberal Party, to the suggestion in this Bill that two persons should be selected from two separate panels of three submitted by the United Trades and Labor Council of South Australia. We certainly cannot understand the rationale for that, and we do not think that it is reasonable that there be

that heavy concentration of members from the United Trades and Labor Council when there is to be only one nominated from the Chamber of Commerce and Industry and one from the Local Government Association.

We think that that is an unreasonable proposition. Knowing that there are at least three formal factions in the Labor Party, I must admit that I was not too sure how the Minister had actually restrained herself to accept the suggestion of two persons from two separate panels of three. At least the three possibly incorporated the three factions, but I was not too sure as to how we would get down to two persons selected by two separate panels. My amendment seeks to overcome that difficulty for the Minister and the Government, and we will move that only one person from a panel of three be submitted by the United Trades and Labor Council of South Australia, as is the situation in the current Act. No reason has been provided to us that would seem to warrant this unreasonable increase to two persons.

We believe also that that would bring it down to six, which is not desirable. It is much better to have an odd number of people and the Local Government Association believes (and I understand that it has some sympathy elsewhere) that there should be a five person commission. We seek also to delete 8 (1) *(a)* (i) which provides:

> ... one (the presiding member) being a person who is, in the Minister's opinion, equipped by knowledge of the waste management industry to preside over the commission;

That brings us back to five persons. We would then seek to provide that, on the appointment of the Governor, one of those five members be appointed as Chairman.

Members of the Liberal Party note that some excellent changes are proposed in this Bill. I refer particularly to clause 18 in relation to the differential rate. We strongly support that measure. We are aware that to date there have been instances where it has been most awkward to apply a flat fee when the depositing of material at the various depots has not fitted the guidelines for the application of those fees, so we see the introduction of a differential rate as highly appropriate. As an aside, it is interesting to see the introduction of a differential rate in this Bill, when in the Local Government Act Amendment Bill the Minister seeks to restrict the application of the differential rate.

Further, the Bill seeks to accommodate what the Minister described in her second reading explanation as major problems and, elsewhere, as a number of shortcomings in the current Act which are frustrating the commission's endeavours to ensure high standards of waste handling and disposal. I will refer to these matters briefly. They range from the ability of the commission to undertake immediate and decisive action to control or stop undesirable or hazardous waste handling or disposal practices. Also, significant difficulties have arisen in proving illegal dumping of both hazardous and non-hazardous waste. Further, there has been a problem with the criteria for granting licences which apparently have not been sufficiently clear to enable the commission to exercise its judgment. In addition, the commission has been unable to ensure that a general improvement in waste management practices and orderly development of the industry is achieved through agreed long-term plans.

It addresses each of these issues, and we support each of the initiatives. I want to make comments in respect of only a few. First, the Bill proposes that the criteria for granting licences be overturned. Currently, the depots are licensed and the Bill proposes that the depot operators be licensed. The Liberal Party strongly supports this change. We are aware that to date a small number of operators have resisted efforts to upgrade their depots by merely changing their corporate structure. The Minister outlined the same difficulties in her second reading explanation.

In addition, past practices that have been deemed to be bad have not been admissible in appeals under the existing Act. It is proposed that before granting a licence to an operator the commission have a much broader criteria than presently applies on which to make its judgment. The Bill retains the provision of section 23 which deals with the control of depots, but adds seven other requirements. These include that an applicant is a fit and proper person to operate the proposed depot and that that person have sufficient financial resources to do so.

I admit that I have some misgivings about the reference to 'financial resources'. While I share the wish that depots be operated in a proper manner, I am wary of overzealous inspectors or overconscientious commission officers demanding standards that are unreasonably inflated. In this context I note the remarks of the former director of the commission. In the 1985-86 annual report he said:

> The applicant is made aware of the need to adopt a very high standard of physical development and management and operating practices to obviate the serious negative impacts of badly run waste management depots to which people quite rightly object.

Mr Maddocks made a strong contribution to the establishment of the commission in this State, but from time to time he was noted as an extremely great enthusiast in the application of the Act. I recall that at times he had to be checked, and he was more than prepared to be so checked.

Nevertheless, I am conscious of the fact that, in this whole area of waste management, one has to be sufficiently cautious when handling the various parties and interests. The reference to the applicants' financial resources when considering a licence disturbs me. I can envisage the situation where very strict conditions (as Mr Maddocks was talking about in the remarks I just quoted) could be imposed on an applicant in the knowledge that that person did not have sufficient financial resources to undertake the jobs set out in the licence. In the 1985-86 annual report there was specific reference to weighbridges and their costs at waste depots. On page 5, under the heading 'Installation of weighbridges' the report states:

> Progress in having weighbridges installed at major depots has been slow. The main criticism against their installation is that the commission will gain the most benefit from their introduction without contributing to the cost.
>
> To overcome this criticsm the commission has offered to share installation costs with the depots. It is anticipated that this will help overcome most of the resistance and that weighbridges will be installed in the next financial year.

I am pleased to see that that resistance in respect of weighbridges has ceased. As I say, if we introduce this financial resources provision to licences, we may get to a situation where the commission could back down from this offer to share installation costs with depots and that could be insisted as an outright cost upon the applicant. However, I appreciate in making those comments that in the new Director we have a man who has worked extensively in the private sector as well as the public sector, and so he has a sound understanding of the demands of both sectors.

Also, I respect the fact that this Bill does have much stronger appeal provisions than the present Act. Nevertheless, I was a bit irritated by the Minister's second reading speech, which seemed to suggest that the matter of introducing financial resources was all okay because it was already part of provisions in the Building Licensing Act, the Land and Business Agents Act and the Second-hand Motor Vehicles Act. I took up this invitation to check those Acts and found that there was no such Act as the Land and Business Agents Act. That Act was repealed in March 1985 and replaced with the Land Agents, Brokers and Valuers Act,

which contains no reference at all to the financial resources of the applicant for a licence and neither does the Second-hand Motor Vehicles Act.

Amendments to section 10 of that Act in 1986 merely require the tribunal to be satisfied that an applicant, either a natural person or a body corporate, has sufficient knowledge or experience for the purpose of properly carrying out the business of a licensed dealer. However, there is no reference to financial resources as the Minister's second reading speech would have those who had no time to check believe. The only reference to financial resources in any of the three Acts nominated by the Minister as containing similar provisions to those in the Bill is the Builders Licensing Act.

Also I am pleased to see in respect of this Bill that illegal dumping of hazardous and non-hazardous waste has been firmly addressed. These conditions are the same as those which the commission must now have regard to when determining whether or not to grant any licence under the Act for operating a waste depot or for collecting or transporting waste. That is an excellent iniative. In each case—both in the dumping of hazardous and non-hazardous wastes and for the conditions of the licence—the new intrepretation of 'waste' will certainly strengthen the hand of authorities in dealing with the issue of illegal dumping and the management of waste depots and the collection and transportation of waste.

The definition has been extended to include material discarded or leftover in the course of industrial, commercial, domestic and other activities, regardless of its value either for commercial purposes or for reuse. This will overcome the problem that has arisen due to claims that some solid liquid or gaseous materials that require control are not waste, since they have some value.

I also make reference to a new provision in the Bill for the development of waste management plans for areas of the State. This is a most excellent initiative, but will require planning authorities to have regard to waste management plans in considering waste depot applications. As the realisation of this objective requires consequential amendment to the Planning Act, it is not my intention to make further comment at this stage.

To reinforce the importance that the community attaches to this issue of management and disposal of waste, the penalties for all the offences against the Act and the scope of powers of authorised officers to ensure compliance with conditions of the Act and in obtaining and recording information have been very substantially increased. We support both measures nevertheless, but I make special reference to the very extensive powers that are to be the responsibility of authorised officers. They have been substantially increased and it is important to note that they now include the power to break and enter. We are authorising such agents to have the right to about 12 such powers in the Bill.

Upon first reading they are quite a frightening set of powers in my view, but I have been personally reassured that they are required and that they are sufficiently tempered by the requirement that an authorised officer may exercise the power to break into or open any part of land, vehicles or a place only on the authority of a warrant issued by a justice. That power to break and open cannot be used lightly or flippantly.

It must be argued that it is necessary, before the exercise of that power. I am somewhat reassured, but nevertheless find the collection of all such powers to be a personally disturbing introduction into the Bill. The Bill also allows for expiation of prescribed offences and I will ask a couple of questions in respect to the type of offences during the Committee stage. I give notice that we will be moving amendments not only to the membership of the board but also to introJuce a requirement of an annual report and to provide for the definition of 'council'. I have also had circulated in the name of the Hon. Trevor Griffin an amendment to clause 43 on vicarious liability. I indicate the Liberal Party's support for the Bill.

The Hon. M.J. ELLIOTT: The Democrats support the Bill. It is a good Bill and there are only a few places where amendment appears necessary. The Liberals seem to have covered those areas although I do not agree with all their amendments. However, I will deal with them in Committee. I refer to clause 7, relating to the commission's objectives. They are the same as the objectives under the old Act, with the addition of one extra provision, namely, the ability to conduct or assist research relevant to any of the above objectives.

The South Australian Waste Management Commission really has not to date done anywhere near a good enough job on some parts of its objectives. I am afraid that, as I see it and as reported to me by elements in local government, the main priority with the Waste Management Commission to date has been in the control of dumps and dumping, in which it has done a good job. It has been managing problem wastes fairly well. However, in terms of reduction of waste generation and promotion of conservation of resources, I believe that paragraphs *(b)* and *(c)* have to this time been quite deficient. In terms of recycling, some local government bodies have led the way and have been very much on their own up until now. In fact, I believe that the West Torrens council recently set up a recycling program.

The Hon. Diana Laidlaw: And Woodville had one.

The Hon. M.J. ELLIOTT: I think Woodville is in on the same one; and I know that other areas have been looking at it. I think that the Waste Management Commission should lead the way. The level of recycling interstate, particularly in New South Wales, is quite exciting compared with what is happening in South Australia. In New South Wales a lot of work has gone into recycling waste for the production of compost and other material. I hope that South Australia lifts its game in that regard, and that is important for a number of reasons. Quite obviously, if we can encourage recycling, the life of dumps will be extended and the recovery of material potentially can also produce some sort of cash income rather than creating a cost to dispose of it. Of course, there is the other ultimate goal of resource conservation so that we do not plunder this planet at a greater rate than is necessary.

One practice touched on by the Hon. Ms Laidlaw needs careful attention, and that is the big bin system. Big bins have certain advantages in that they can be handled mechanically, dogs cannot knock them over and they keep the flies out, but they do not encourage recycling. In the past South Australians bundled up their newspapers, kept their bottles and even composted some of their lawn clippings, but these days almost everything goes into a big bin and is then carted off. If a council wants to recycle household rubbish, it finds that everything is tangled up in the one bin. At this stage separation of materials looks to be most effective if it occurs at source rather than after it has been collected. I think that the big bin system will force South Australians into what I consider will be a bad habit unless we react very quickly.

I understand that there have been successful experiments in New South Wales where one shire in particular has been working with a two bin system and householders are encour-

aged to place recyclable material in one bin and non recyclable material in the other. That initial separation by the householder makes the process more cost effective. That system was a great success from the point of view of the shire, which ran a survey of the people involved and found that most households were extremely supportive of it; in fact something like 97 or 98 per cent of households thought that it was a good idea and were willing to persist with it. As I said, it was conducted on a trial basis over a relatively short period, but I think that we could look at a similar system in South Australia.

I do not know whether we have not tackled that type of thing because of a problem with human resources, but I think we should look in that direction. A number of things such as batteries containing cadmium and mercury go into common household rubbish which is then often used for landfill. That type of material should not be disposed of in that way. The price that we will have to pay for doing that may not become apparent for a couple of generations. I think we must look very carefully at some of the toxic wastes that come from ordinary households. Generally speaking, South Australia has not had serious problems with toxic waste—we have been lucky compared with places overseas. However, I think we should learn from what is happening in other countries and be forewarned.

The commission should take an interest in what is happening although, strictly speaking, it is out of its direct control. The increasing use of plastic bottles in South Australia is an incredibly wasteful process. Previously, people used glass bottles that did a large number of trips, whereas plastic bottles go into bins. It is more waste to be disposed of, which shortens the life of the dumps, and is very wasteful of resources. Interestingly enough, I do not think that the average consumer realises that, when he buys a bottle, it costs him an extra 30c for the pleasure of throwing it away. We live in an incredibly wasteful society. People claim that it creates employment but I like to think that we could create employment in useful areas. The commission should take a great deal more interest in that matter.

The Bill generally is a good one. I only hope that some of the stated objectives will be more vigorously pursued in future than they have been over the past eight years. The biggest single problem with the Bill was alluded to by the Hon. Ms Laidlaw: that is, the membership of the commission itself. The honourable member's suggestion about a five member commission sounds eminently sensible and, unless the Minister has a good reason why the commission should not be of the size or construction suggested by the Hon. Ms Laidlaw, I will support that amendment. It sounds very sensible to me.

Some approaches have been made to me about the size of penalties in a number of clauses, but there has been some misunderstanding. Some people thought that the penalties were draconian, but they did not realise that they are maximum penalties and, as such, people who commit what is a relatively trivial offence are not likely to land a maximum penalty. Questions were raised about a number of activities, for example, whether a person disposing of grass after mowing the lawn would be caught up in this Bill and need a special licence. I have been assured by the Minister's advisers that those sorts of activities are not a problem. Perhaps an assurance or indication should be given in the Bill that people who dispose of minor wastes such as grass clippings would not be involved. Questions were also raised about the disposal of land fill, particularly building demolition waste: when do such people need to be licensed? It was suggested to me in discussion that a person disposing of building demolition waste involving anything under building brick size would not need a licence; for waste bigger than that, he would. I would like that matter clarified as well.

Some concern was expressed to me about clause 32 (1), involving the powers of authorised officers entering land and premises, and the capacity to stop vehicles and direct drivers to do certain things. I believe that clause 32 subclauses (2) and (3), which provide that a warrant must be issued by a justice, are sufficient protection. The disposal of garbage does not sound particularly important, but in some circumstances waste can be highly dangerous and it is important that such strong powers exist. The Democrats support the the second reading.

The Hon. BARBARA WIESE (Minister of Local Government): I thank members for their contributions to this debate. I do not intend to respond at great length because I am sure that a number of issues raised during the second reading debate will be raised again during the Committee stage. However, I will comment on a couple of matters that emerged from the debate. First, the Hon. Ms Laidlaw referred to the abolition of the technical committee that existed under the old Act. I decided to abolish the technical committee because, in practice, it very rarely met.

The commission found over time that it had access to expert advice from other agencies and organisations which could be made available more readily, and usually more quickly, than they would have been able to receive that advice had they had to constitute a committee, call meetings, and so forth. So it seems, as the practices of the commission have developed, that there is now no need for a technical committee, so that will cease. Nevertheless, I thought that it was important to maintain the power of the commission to establish *ad hoc* committees for particular purposes, and we will find over time exactly what issues committees will be formed to deal with. I imagine that on occasions there will be technical questions that will need detailed study, and *ad hoc* committees may very well be established to work on particular public campaigns and a whole range of things.

I refer now to the new power in the Bill giving the commission the authority to take into consideration the financial resources of an applicant for a licence and to the points that were raised by the Hon. Ms Laidlaw about whether or not such powers existed in other legislation. I do not want to get into an argument about which Acts it is in and which Acts it is not in, but I certainly take issue with her on at least one Act which she suggested contained no such reference. The most significant point that I wanted to make about that was that the decision to include this power was based not on precedents that might exist in other places but, rather, on the concern that we had for the good management of waste. This has been included in the Bill because the commission needed to address the problem which it has identified in the past with intransigent people within the industry (I might say that they form a minority of the people in the industry) who have managed to gain licences to be involved in the industry but who have consistently failed to meet the standards required of them.

It has certainly been the view of the commission that the main reason why those operators have been unwilling to meet the standards required of them is that they have usually not had the resources to do what they should be doing. That is the basis of its inclusion in the new Bill, and I think that is really what we should concentrate on in assessing the merits of the proposal.

A number of other issues were raised by the Hon. Mr Elliott which I will also be happy to address in the

Committee stage. The composition of the commission is an important issue, about which I will be speaking later. For that reason, I will not address my remarks to those issues now. I thank honourable members for their contribution.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

The Hon. DIANA LAIDLAW: I move:

Page 1, after line 25 insert—

'"council" means a municipal or district council:'

There is such a definition in the current Act, and I suppose it could be assumed that the references throughout this Bill relate to a municipal or district council. However, clause 14 (2) provides:

In preparing a plan, the Commission must—

(a) consult with any council within the area that the plan covers;

It continues on in that vein. I am aware that across the State there are not only municipal and district councils, but also an increasing number of regional councils and councils that are beginning to deal with other matters. More and more councils are joining together for different purposes, and it seems to me that it is important to clarify this matter. It is not perhaps a matter of great issue, but one of mere clarification.

The Hon. BARBARA WIESE: It was certainly intended that the word 'council' would mean municipal or district councils for the purposes of consideration of this Act and, if the inclusion of this amendment in the definitions clarifies that point, I am happy to accept it.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7—'Objectives of the commission.'

The Hon. M.J. ELLIOTT: During the second reading stage I commented on the objectives of the commission. It has been my observation, and that of others, that the commission has done an admirable job in relation to clause 7 (2) *(a)* and *(d)* and probably in relation to paragraphs *(a)* and *(f)*. In particular, paragraphs *(b)* and *(c)* do not appear at this stage to be high priority matters. Can the Minister tell us what sorts of things are in train at this stage in relation to those paragraphs?

The Hon. BARBARA WIESE: I acknowledge that perhaps in the past the Waste Management Commission has not done as much as some of us would have liked to promote some of the new objectives to be undertaken by the commission. One of the reasons for that has been that from its establishment, the commission has been starved of resources, both financial and human. It has taken some years for that to be rectified. In fact, it has been only in the past 2½ years that the commission has achieved the complement of staff originally intended for it. That was originally stipulated by the Dunstan Government when the legislation was first passed. Unfortunately, with the advent of the Tonkin Liberal Government in 1979, which did not have the same commitment to the work of the commission as the former Labor Government had had, the implementation of the practices of the commission were delayed. It took a number of years to overcome these resourcing issues. For that reason, previously the commission has spent the majority of its time undertaking a policing role, if you like. However, some significant efforts have been made by the commission to become involved in the types of issues to which the honourable member has referred.

In respect of future campaigns, I can indicate that, in fact, at its meeting today the commission resolved to develop a major recycling campaign using the Gus the Garbo figure as the promotional vehicle. That campaign will be aimed at industry, councils and householders. We will hear more about that as the details of the campaign are developed. In addition, in the past the commission has been working with individual councils which have been developing their own recycling campaigns, and certainly the commission will do more of that in future. I hope that once this legislation is in place and the powers of the commission have been expanded, in keeping with the intent of the original legislation, the commission will be in a position to diversify its activities and to fulfil the original objectives that were laid down for it.

Clause passed.

Clause 8—'The Commission's membership.'

The Hon. DIANA LAIDLAW: I move:

Page 3—

Line 9—Leave out 'five' and insert 'three'.

Lines 11 to 14—Leave out subparagraph (i).

Line 15—Leave out 'two persons selected from two separate panels' and substitute 'one being a person selected from a panel'.

After line 30—Insert subclause as follows:

(1a) A member of the commission will be appointed by the Governor to be the presiding member of the commission.

The amendment provides that the Minister shall nominate three, not five, members, with one person selected from a panel of three submitted by the United Trades and Labor Council, one selected from a panel of three submitted by the Local Government Association, and the third to be a person actively engaged in some aspect of the waste management industry, selected from a panel of three submitted by the Chamber of Commerce and Industry. Essentially, my amendment excludes the person to be nominated who, in the Minister's opinion, is equipped with knowledge of the waste management industry, and one of the persons to be selected by the United Trades and Labor Council of South Australia.

However, it does not accommodate the submissions put to the Liberal Party by the Local Government Association, for instance, which wanted just three members overall and did not seek any reference to a panel of three. It wanted to make its own recommendation and to have that person alone the one whom the Minister accepted. However, the Liberal Party has not agreed to that argument and we believe that the position that has prevailed in the Act since 1979 should continue. With respect to this clause, we also suggest that one member of the commission will be appointed by the Governor to be presiding officer. If my amendments are accepted, we believe that five members with that expertise will provide sufficient expertise for the commission. It is, admittedly, half the number on the commission at present, but my understanding is that that will be of some advantage to the commission.

The Hon. M.J. ELLIOTT: The Democrats indicate their support for this amendment. I think it is a sensible one. As the Hon. Ms Laidlaw said during her contribution, the Local Government Association, which I believe contributes something like 48 per cent of the funds for the Waste Management Commission, was faced with a position of having one voice in seven, which really does not seem to be terribly fair. Also, there have been some arguments that the efficiency of the commission might be greater if it was a slightly smaller body. While one of the suggestions made by the Hon. Ms Laidlaw was to reduce the number of UTLC people from two to one, it is worth noting that they formerly had two out of 10, and under this proposal it is one out of five, which is keeping the same ratio as existed before. On looking at the balance of the overall proposal, it seems perfectly reasonable.

The Hon. BARBARA WIESE: The Government opposes this amendment because it is the policy of the Australian Labor Party that the commission should be a tripartite body; that it should be comprised of equal representation of operators or employers within the industry, trade unions within the industry, and Government representatives that have some association with the industry. For that reason, the composition outlined in the Bill has been determined. It was certainly my view when drafting this Bill that the size of the commission should be reduced. Everybody who has had anything to do with the commission would realise that a commission of 10 is rather large, and I think everyone agrees that a smaller commission would operate more efficiently and effectively. However, it has been the view of the Labor Party that these three groups of people within the industry should have equal representation on the commission, and that is what the Bill reflects.

In referring to the rather facetious comments made earlier by the Hon. Ms Laidlaw about the nature of the trade union representation, there is a very good reason for having two trade union representatives on the commission, and that is that there happen to be two different trade unions associated with this industry, namely, the Transport Workers Union and the Australian Workers Union. It is the view of the Government that it is reasonable that both those unions should have an opportunity to have a say about the work of the commission. For that reason, the composition is as outlined in the Bill and the Government will oppose these amendments.

The Hon. M.J. ELLIOTT: I want the Minister to note that the Democrats have no opposition at all to having union representation on this commission. We are very strong supporters of worker participation in the running of organisations. It was simply a matter of feeling that the balance of the commission was best represented first in a lean form by five people. We feel that, while the Minister said two unions may be involved, in general one union representative should be sufficient in light of the particular work that must be done by the commission.

The Committee divided on the amendments:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw (teller), and R.I. Lucas.

Noes (7)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese (teller).

Pairs—Ayes—The Hons C.M. Hill and R.J. Ritson. Noes—The Hons M.S. Feleppa and C.J. Sumner.

Majority of 3 for the Ayes.

Amendments thus carried; clause as amended passed.

Clauses 9 to 13 passed.

New clause 13a—'Annual report.'

The Hon. DIANA LAIDLAW: I move:

Page 6—After clause 13 insert new clause as follows:

13a (1) the commission must, on or before 30 September in each year, present a report to the Minister on the administration of this Act during the previous financial year.

(2) The Minister must, within 12 sitting days after receipt of a report under this section, cause copies of the report to be laid before both Houses of Parliament.

Such a requirement is in the present Act. It has been suggested that there is a general provision in the Government Management and Employment Act and that this new clause may not be necessary. However, I believe that when we have organisations as important as this commission the requirements of the Act should be clear. I appreciate that there are regulations and so on, but as much as can be should be clear in the Act. There should be accountability, especially when one looks at the large budget for which the commission is now responsible, or funds levied from local government and other sources. It is important that an annual report be required, that local government know that the provision is in the Bill, and that the annual report be tabled in Parliament.

The Hon. BARBARA WIESE: I oppose the amendment not because I do not agree that the commission should be providing annual reports—because I do, and the commission does—but because it is unnecessary. The Waste Management Commission is an instrumentality that is subject to the provisions of the Government Management and Employment Act. Under section 8 of that Act such instrumentalities are required to submit annual reports to Parliament within 12 sitting days after the Minister receives such reports. In fact, the commission meets that requirement. In October I tabled in this place the most recent annual report of the commission, and a copy was also tabled in the House of Assembly. In fact, the commission is required, under other legislation, to table an annual report. Therefore, it is unnecessary for that requirement to be included in this Bill. For that reason I oppose the amendment. However, I do not think that it is of such significance that I will call for a division.

The Hon. DIANA LAIDLAW: While the Hon. Mr Elliott is looking at the matter, I understand the point that the Minister has made. I recognise that the requirement is in another piece of legislation. However, the commission is responsible for large sums of money levied from the private sector, councils and individuals, and those circumstances are not relevant to all other Government instrumentalities, that is, the levying of such large funds for their operations by way of fees and contributions. The commission's revenue for the past year increased by $264 000 to nearly $800 000, which nearly all comes from the private sector and individuals. Therefore, it is desirable that people who may take an interest in the operations of this Act are aware of all the requirements other than those set out by regulation. I hope that this gains the support of the Hon. Mr Elliott.

The Hon. M.J. ELLIOTT: A quick reading of section 8 of the GME Act shows that there is a requirement for each Government agency to present a report to the Minister within three months after the end of the financial year to which it relates. There is a further requirement that within 12 sitting days the Minister shall cause copies to be laid before each House of Parliament. Under the GME Act we have to wait 12 sitting days more than is proposed in the amendment. That being the case, I am not sure of the amendment's necessity. I do not object to it so much, but it appears unnecessary and, unless there is further argument, I will not support it.

The Hon. K.T. GRIFFIN: My only concern is that under the definition of 'State instrumentality', to which section 8 applies, it is possible for certain agencies or instrumentalities to be declared by proclamation not to be State instrumentalities for the purpose of the GME Act. I am not aware whether any proclamations have been made. This Bill provides that no employee is to be regarded as a member of the Public Service. Even if it has not been declared by proclamation not to be a State instrumentality there is always that possibility. There is also a probability in those circumstances that it will then not have to file a report with the Minister and for the Minister to be required to table it. Having just had this sprung upon us (although I have been alert to the amendment for some time), I am inclined to take the more cautious approach and put it into the Bill as an extra precaution.

The Hon. BARBARA WIESE: As I indicated earlier, I do not believe it is an issue of such significance that I

should want to go to the wall on it. The commission is an instrumentality subject to the GME Act. There is no conceivable reason why the commission would be excluded from the provisions of the GME Act and so it can be assumed that, as long as it exists, it will be submitting annual reports to Parliament as required by the provisions of that Act. I am advised by Parliamentary Counsel that it is unnecessary to make any such references to the tabling of reports in this Act. For that reason I see no reason for this amendment to be carried by the Committee. I maintain my opposition to the amendment.

The Hon. M.J. ELLIOTT: I agree that it is not the most important part of the Bill, so I will not take up time on it. I am not keen on proclamation provisions in Bills. By proclamation, even if it is unlikely, this body can be removed from the GME Act. I will therefore support the amendment.

New clause inserted.

Clauses 14 to 29 passed.

Clause 30—'Offence.'

The Hon. DIANA LAIDLAW: I refer to precedent in legislation. This clause provides that, 'a person must not, without lawful authority, deposit waste so that it results or is likely to result in a nuisance'. Other Acts deal with similar matters. In terms of precedent, this being later legislation, will these provisions prevail over, for example, waste disposal provisions in the Public and Environmental Health Act? That question has been raised with me. I refer also to the litter provisions of the Local Government Act.

The Hon. BARBARA WIESE: This issue was raised as a matter of concern by the Local Government Association during discussions held in the drafting stages of the Bill. Officers of the commission checked with Parliamentary Counsel as to whether there would be any conflict with the legn to which the honourable member has referred. The advice received is that there would be no conflict. In fact these two pieces of legislation would operate separately as they cover different areas of concern and there is therefore no conflict between the provisions of the two Acts of Parliament.

Clause passed.

Clauses 31 to 41 passed.

Clause 42—'Expiation of prescribed offences.'

The Hon. DIANA LAIDLAW: During the second reading debate I foreshadowed that I would be asking the Minister questions about the expiation fees. What types of offences are envisaged and what fees will be established?

The Hon. BARBARA WIESE: The expiation fees will be somewhere between $30 and $50 and will be for relatively minor offences such as failure to adequately secure a load of waste or failure to display a licence sticker on a window.

The Hon. DIANA LAIDLAW: So it will be a maximum of $50?

The Hon. BARBARA WIESE: These matters are still being considered and will be included in regulations, but it will be a maximum of about $50.

Clause passed.

Clause 43—'Vicarious liability.'

The Hon. K.T. GRIFFIN: I move:

Page 17, lines 18 to 22—Leave out subclause (2).

This type of clause appears in a number of Bills, and I will be raising similar questions in other Bills, as will my colleagues. Vicarious liability is the liability of a principal or an employer for an act or omission of an agent or an employee. Subclause (2) has nothing to do with vicarious liability but rather the liability of directors of a body corporate which might be guilty of an offence. I think the form of subclause (2) is fairly uniform with what appears in other legislation. However, it now appears so frequently, appearing in Bills almost as a matter of course, that I think it is time to call a halt.

This type of clause was used sparingly five or six years ago in legislation where there was a need to place a burden on directors of bodies corporate which might be involved in the commission of an offence. However, it now seems to be a matter of Government policy that, where a body corporate is guilty of an offence, each member of the governing member of the body corporate is guilty and liable to the same penalty as prescribed for the principal offence unless it is proved that a member could not by the exercise of reasonable diligence have prevented the commission of that offence. The subclause refers to each member of the governing body of a body corporate, so it can be a company or an association under the Associations Incorporation Act, a co-operative, a credit union, a friendly society or I suppose even a body incorporated by statute, that is, a statutory instrumentality.

It says that, if the body corporate is guilty, unless as a member of the governing body one can prove that the commission of the offence could not have been prevented by the exercise of reasonable diligence, and that reasonable diligence had not been exercised, one would be guilty. That is the reverse onus clause to which I have referred on a number of occasions and which I generally find to be objectionable, although we have tolerated it for some time. As I say, it is appearing with such frequency in legislation that it is time to call a halt.

My preference is to delete it, because if the director is in any way guilty of an offence and it can be proved beyond reasonable doubt, it seems to me that the action can be taken against not only the body corporate but also the director or member of the governing body. It makes things a bit more difficult for the prosecutor or the body that is seeking to prove beyond reasonable doubt that a member of the governing body has committed an offence. The onus should be on the Crown at any time in relation to statutory offences and I do not think that life for prosecutors should be made easier in that respect. Nor do I think that the liability of ordinary citizens in relation to conviction for a statutory offence should be possible for any level of proof less than proof beyond reasonable doubt. It is on that basis that I have moved my amendment.

The Hon. BARBARA WIESE: I oppose the amendment on the ground that it is the Government's view that directors of a body corporate have a responsibility to do all in their power to see that employees and agents of that body corporate exercise reasonable diligence in the exercise of their duties. It is a responsibility of the office that they hold that they take proper care. For that reason it is proper for such a provision to be included in the Bill.

One of the reasons why officers of the commission suggested that this provision be included is that, in practice, some of the people with whom they deal who do not behave in an appropriate way in maintaining standards and keeping within the licensing provisions are in fairly small operations. In many cases they are two-people operations and in such a situation in which the directors are in very close contact with the work of the body corporate, it is reasonable that they be subject to a provision such as this. For that reason the Government opposes the amendment.

The Hon. M.J. ELLIOTT: I do not have an opinion as to whether such a clause occurs too frequently, but I do believe that the mishandling of wastes can be an extremely serious matter. In many cases, although not so much in South Australia, the mishandling of wastes has had very grave results. I think that in this case such a clause is warranted.

Amendment negatived; clause passed.
Remaining clauses (44 to 47), schedule, and title passed.
Bill read a third time and passed.

PLANNING ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.
(Continued from 12 November. Page 1870.)

The Hon. DIANA LAIDLAW: The Liberal Party supports this Bill, which is consequential on the Waste Management Bill which we have just passed. It establishes waste management plans and, as I indicated in my contribution to the earlier Bill, has the very strong support of the Liberal Party.

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

OPTICIANS ACT AMENDMENT BILL (No. 2)

The Hon. J.R. CORNWALL (Minister of Health): I move:

That the select committee on the Bill have permission to meet during the sitting of the Council this afternoon.

Motion carried.

SHOP TRADING HOURS ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

In view of the extreme lateness of the hour, I seek the indulgence of my colleagues in having the explanation of the Bill incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is to permit general retail trading until 5 p.m. on Saturday afternoons in the central, metropolitan and all country shopping districts. Over the last 12 months or so, there has been much public debate on the subject of Saturday afternoon retail trading and the Government has on a number of occasions encouraged the parties to reach agreement on this matter.

From this has emerged a request from the Retail Traders Association that trading be permitted until 5 p.m. on Saturdays and reports indicate that this has the support of the major retailers. Shop assistants have indicated, through the Shop Distributive and Allied Employees Association, that they also support the change provided that they are compensated for the new work arrangements.

In addition to the views of those directly involved in the industry, the Government is of course concerned with the interests and attitudes of the general public, particularly in their capacity as purchasers and consumers. In this regard, members would be aware of the many polls that have been published over recent times reflecting strong support for Saturday afternoon trading, particularly in the Adelaide metropolitan area. Those who do not work will also benefit from the extra hours of shopping time. Families will be able to shop together in a more relaxed atmosphere up to 5 o'clock on Saturdays.

I am also conscious that Adelaide competes against Melbourne and Sydney for the tourist dollar. Shops in Sydney have been able to open to 5 p.m. on Saturdays for some time, and those in Melbourne will soon be able to open until 5 p.m. on Saturdays. I am aware that some tour operators arrange their 'packages' with this in mind.

Traditionally, in this State separate trading arrangements and hours have been made for butcher shops. This is reflected in the separate provisions in the Act. Due to the special provisions which apply to butchers and the specialised nature of the retail meat industry, no changes are therefore proposed to butcher shop hours in this Bill.

In summary the changes outlined in this Bill will provide extra convenience and service to South Australian shoppers, and open up new retailing opportunities, particularly in tourism and leisure areas.

Clauses 1 and 2 are formal. Clause 3 amends section 13 of the principal Act which is the provision dealing with closing times for shops. The amendment extends the closing time for shops (other than shops the business of which is solely or predominantly the retail sale of meat) on Saturdays to 5 p.m. Clause 4 amends section 13a of the principal Act which deals with permits for shops the business of which is solely the sale of hardware and building materials by striking out paragraph *(d)* of subsection (1).

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

[*Sitting suspended from 12.15 a.m. to 2.15 p.m.*]

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 November. Page 2050.)

The Hon. J.C. IRWIN: When introducing this Bill, the Minister said something that I suppose is said every time a dairy Bill is debated in any Parliament around Australia. In his opening comment he said:

Production of milk in Australia has traditionally been divided into two sectors: milk for human consumption, which is market milk, and milk for manufacturing into products such as cheese.

So, there was nothing new about the Minister's opening comments. All he needed to add were remarks about how the domestic and overseas markets handle surplus milk and milk products. Neither is there anything new about the problems facing the dairy industry.

The Opposition knows that this Bill is about two things: first, to allow the Metropolitan Milk Board the power by notice to declare a maximum only price if the industry is threatened by discounting; such notice being for a specified period not exceeding 30 days; secondly, to allow the board, as a public authority in terms of the Superannuation Act, to enter into an arrangement with the Superannuation Board under section 11 of the Superannuation Act.

The Bill, as it has arrived in this Council, has been altered in a minor way from the original Bill that was introduced in the House of Assembly. The Opposition supports the Bill that is before us now. Due to certain circumstances, the Opposition and the Government have arrived at a common position of support for a maximum only price for milk under certain circumstances. The very least I can say is, 'Thank goodness'; this is a move in the right direction at least.

It is by no means an avalanche, but it is a start, and will only be triggered by interstate milk flowing into South Australia. I know that the Minister of Agriculture is supporting this sort of Bill to protect the Kerin plan. In a sense,

he is thus supporting his recent public statements regarding a lower price for milk, a lower price that would come about at least initially by allowing discounting in the metropolitan area. The maximum only price this Bill promotes certainly allows for downward movement in the price of metropolitan milk, but only for a 30 day period. I expect that if some mechanism is used to keep the 30 day provision rolling on *ad infinitum*, a permanent discounting climate will be in place, but that view would be cynical.

Again, in a sense, the Minister of Agriculture and the Government are moving one small step towards letting the market system work, or at least allowing the signals from that market to be heard. The Minister of Agriculture has shown by his actions, for instance in letting in Queensland tomatoes in order to bring down the local price, that he has a regard for market signals. Unfortunately, to summarise this mini debate, the Minister's arguments and actions do not convince me that the Government is moving in the right direction for the right reasons. Further, I do not believe that it will make the right decisions to properly plan deregulation of the milk industry. Nor will it bite the bullet and deregulate a very important ingredient—the labour market.

Labor Governments want cheap food but have little regard for those people whose livelihoods are at stake in producing that product. As I said at the beginning of my remarks, the dairy industry has for many years been suffering from artificial plans and Government intrusion. I do not say that it has all been rocky or all rosy, but I make the point that the first dairy subsidy plan was made during the Second World War, and here we are, 42 years later, staring at the Kerin plan as it is about to go under, be remodelled or replaced with all sorts of manoeuvring going on to keep the herd together—a little bit like putting the dog around the cattle herd or the sheep flock, snapping at their heels to keep them in an orderly circle.

The Government intervened during the war to subsidise dairying from general revenue rather than allowing an increase in dairy products to force up the cost of living, which the Government was desperately trying to hold down. In 1962, the Federal Parliament was debating the McCarthy dairy report which advised the then Government not to continue the butter bounty but to use the bounty money to encourage dairy farmers to leave the industry. Even before the EEC was born, it was clear that there was no long-term future in our butter exports. When the EEC became a reality, it wantonly subsidised its own products (and in fact it still does) to such an extent that it obliterated the world dairy market. My friend and former Federal member for Wakefield, the Hon. Bert Kelly, a well known crusader in this debate over many years, had this to say in 1962:

> It was fundamentally foolish to encourage, by paying the bounty, the production of increased quantities of butter which we knew we could have increasing difficulty in selling. So we should do what the McCarthy committee advised.

If in 1962 we had subsidised our milk prices down as occurred in New Zealand, instead of up as we are doing in Australia, we would probably have consumed all the dairy products we produced, and we would have had to import butter. It is about time this lesson sunk into our masters who design the various dairy plans. Quite simply, our market milk policies keep milk prices up. They disregard section 92 of the Constitution and so limit the demand for milk. Comfortable that is for a few, but damn silly for the great majority of people in this country.

In 1984, the IAC summed up the market milk situation as follows:

> Currently about 30 per cent of milk produced is market milk and this provides some 50 per cent of returns to dairy farmers. The supply and distribution of this milk is extensively regulated by State Government legislation.
>
> The effect of this regulation has been to maintain high and stable prices for market milk. The commission has estimated that in 1981-82 this involved an income transfer of between $70 million and $100 million or 4.5c and 6.5c a litre of milk.
>
> This estimate is supported by data on the prices paid by farmers for the rights to supply the fluid milk market. The commission [that is, the IAC] could find no justification for a transfer of this magnitude in terms of ensuring satisfactory hygiene and compositional standards, or in higher costs of producing adequate supplies of market milk. The commission also questions the need for Governments to ensure stable consumer prices all the year round.

I put it to the Council that $70 to $100 million transfer means unduly high prices.

Further, one more important point has been building since the mid 1940s and that is that a subsidised dairy product has the effect of flowing to an increase in the price of land and, for all sorts of reasons, that is counterproductive. There is no doubt in my mind (along with many others) that this has happened between the mid 1940s and 1987. I have taken a little time to mention a few brief points regarding the dairy industry. Those comments do not even scratch the surface, and I still have more to say. However, the brief comments lead to the present and a chance to look at reality.

The Metropolitan Milk Board, which is responsible for selling milk in Adelaide but not in the Hills, points out proudly that at 75c per litre milk is cheaper in this State than in any other State. It is hard to reconcile this with the Minister's telling us that the board may need the flexibility of maximum only price to ward off interstate competition. Further, in February of this year the board told us that it sells an average of 260 000 litres of milk per day with about 40 per cent of that distributed through milk vendors. If the price of milk in metropolitan Adelaide is kept 10c higher than it is in the Hills, then it seems that Adelaide consumers of milk are paying $9.5 million a year to keep more than 363 milk vendors working under these conditions. This works out at about $26 000 for each vendor.

Let me make a few general observations. I say 'general' because, up to the time of thinking about this contribution, I was unable to obtain relevant statistics, but I will produce some later. Many members in this Council will recall the battles between margarine and butter in the past and no doubt there are still differences in spreadability, taste and cost which place great strain on butter sales. Undoubtedly, this has greatly reduced butter's share of the spread and cooking market. It is similar to the way in which wool and synthetic products battled it out some years ago. One great slab of a market once held by butter has gone for ever.

Let us look at milk other than in a fresh form. I refer to UHT milk. That is a milk product which has been heat treated and which will store for weeks unrefrigerated. It is very difficult to tell the difference between fresh, pasteurised, homogenised and UHT milk. This milk sells at about 62c per litre, which is the same price that Hills residents pay for fresh milk and that is 10c below the metropolitan price for milk. How much is this UHT milk cutting in on the so-called fresh milk market?

I refer now to coloured milk, which I understand comes in two forms. Perhaps I use the word 'milk' unwisely: one form is real milk with flavour added to it and the other form is a milk substitute, for want of another name, made from soya beans with flavour added. Some so-called flavoured milks without the word 'milk' appearing on the label can be purchased now. What is more, this liquid competes with real milk and, more particularly, South Australian milk, because most of this so-called soya bean liquid is imported from other States, so we have the situation where

milk prices are being kept up, demand is reduced and, therefore, production is reduced. If production is not reduced, it just adds to the surplus milk and milk products that we have to sell or give away on overseas markets which are already saturated with products.

Competition with milk products from margarine affects production and production returns. UHT milk and non-metropolitan fresh milk prices are 10 per cent below metropolitan milk prices. Although this may not affect consumption, there is a distortion in the market arrangements. There is little doubt that, if country prices were reflected in the city, consumption would rise.

Finally, milk substitutes potentially can be sold below the metropolitan price of fresh milk. All these factors have an effect on the fresh milk market and production in South Australia. It would be silly if this State did not look seriously at the present Kerin plan. With other States, it must move to deregulate milk production so that the market signals are not distorted any further. If this Government does bite the bullet and moves towards deregulation, I reserve the right to criticise it in any area in which the process is not being done properly.

Earlier I mentioned that I was not able to obtain figures to update some of the arguments about fresh milk, butter, margarine and so on. Last night at short notice the Library was kind enough and efficient enough to supply me with interesting figures. I thank it for that. These figures indicate that the annual production of milk in Australia increased from 218 million litres in 1977 to 287 million litres in 1987—a 31 per cent increase. In 1971 production was 264 million litres and in 1977 it had declined to 218 million litres. Then it rose steadily to the 1987 figure.

While I do not have figures about the number of cows and acres used for production, I would hazard a guess that cow numbers and acres have declined since 1977, and this reflects enormous gains from genetic improvement in per cow production and in the more efficient use of grazing and food concentrates. If we relate production to per head of population we see that 15.4 litres were produced in 1977 and 17.6 litres in 1987—an increase of 14 per cent.

If we bear that in mind and look at total milk sales in Australia, including fresh white milk, flavoured milk, UHT and flavoured UHT milk, we see an interesting story. In 1977 sales of these products amounted to 96 million litres or 44 per cent of the total fresh milk produced. One should remember that in 1977 there was only flavoured milk and no UHT milk. This 96 million litres represented 6.8 litres per head of population. In 1987 these sales had risen to 113 million litres or 39 per cent of all fresh milk produced. This was seven litres per head of population and now included UHT milk. These figures clearly show that drinking milk sales have fallen, as a percentage of total milk produced, from 44 per cent in 1977 to 39 per cent in 1987.

The amount consumed per head was the same, even with the increase of flavoured milk and the introduction of UHT milk. Flavoured milk production increased from 7 million litres in 1977 to 13 million litres in 1987—a rise of 87 per cent. Let us look at this further. UHT milk figures were first recorded in 1986. When comparing 1986 and 1987 figures, we see a static figure for fresh white milk of 95 million litres. UHT white milk production went from 1.5 million litres to 2.7 million litres—a rise of 80 per cent. One should remember that this milk is not subject to price fixing and generally sells at 10c below fresh white milk.

Flavoured fresh milk, again without price restriction and selling above fresh white milk, has been steadily increasing since 1977. I have already given that figure. On a per head figure basis, in 1977 it was .5 litres, and in 1987 it had risen to .8 litres per head. UHT flavoured milk, again first recorded in 1986 at .8 million litres, is now in 1987 at 1.3 million litres. If we combine the UHT white milk and UHT flavoured milk we see an increase of 1.7 million litres, or an increase per head consumption of 66 per cent.

The really important figure, however, is the rise of UHT fresh milk sold below the board's fixed price of 75c per litre, which is the price in the metropolitan area for fresh white milk. This is the market trying to find its way around Government regulations and price fixing. The other important factor that I am unable to put into this debate is the rising sales of non-milk products that give all the appearance of being milk. I refer to the likes of soya bean liquid—vegetable protein, for want of a better description. These figures are not available as they are commercially confidential, but I have no doubt that these sales are increasing and will continue to do so because, quite simply, the artificial price fixing such as we have here in Adelaide provides them with the opportunity to do so. Margarine sales have made big inroads into the butter markets since 1965-66 (which is as far back as my research goes), and this topic of margarine rounds off the figures that I want to present on the milk debate.

In 1965-66 production of butter was 7.3 million kilograms. In 1977 it was 2.7 million kilograms, and in 1987 it had fallen further to 1.9 million kilograms. This is a dramatic fall of 5.4 million kilograms and has come about by a combination of factors, including health and the intrusion of margarine. Margarine has been able to flourish because of artificial cost factors relating to fresh white milk. Again, for commercial reasons, I am not able to obtain figures relating to total margarine sales in Australia. Vegetable protein (fodder) being converted by a cow is more efficient than the manufacture of margarine, but that fact is very often lost sight of.

As I indicated previously, the production of fresh white milk stands at 287 million litres, with 113 million litres sold in Australia as fresh white milk, fresh flavoured milk, UHT white milk and UHT flavoured milk. This leaves 174 million litres for butter and cheese manufacture and some other products. A great deal of this is surplus to Australia's needs and thus has to find a market overseas competing with the other great subsidised surpluses of the EEC and USA. Obviously, this surplus has a return well below the home consumption market price for those products.

The great inroads into the spread market has undoubtedly been margarine. If we go back to the 1977 butter figure of 2.7 million kilograms, we can see that it has fallen to 1.9 million kilograms in 1986—a fall of .8 million kilograms. It is a fair guess to assume that this drop in butter production has been filled to some degree by margarine which, after all, is a butter substitute.

I have wandered down this track to put in the minds of members the trends relating to fresh milk and to put them into a perspective that has a direct relationship to the Bill before us fixing a maximum only price for milk being sold in the metropolitan area under certain circumstances. Although my supporting arguments have gone much wider, they do make it abundantly clear that the amendment should be supported. The Minister of Agriculture has some different motives and reasons for proposing the move, but nevertheless we have the same conclusion, at least for the very short term. That short term may only last for 30 days.

We support the amendments in this Bill that will allow the Metropolitan Milk Board by notice to declare a maximum only price if the industry is threatened from discounting. I took those words directly from the Minister's second reading speech, and I cannot resist the temptation to further

quote these words, 'if the industry is threatened from discounting'. I do not think the users of milk will ever feel threatened by discounting of milk or anything else. The Opposition will be watching with interest how this provision will work, and we will monitor with interest the many factors that will emerge if the provision is ever used. As I said earlier, the Opposition supports the maximum only provision.

As to the arrangements in the second part of the Bill under which the Metropolitan Milk Board funds in advance for its accruing superannuation liabilities, this amendment to the Act will allow the board, as a public authority in terms of the Superannuation Act, to enter into an arrangement with the Superannuation Board under section 11 of the Superannuation Act. Madam President, the Opposition supports that amendment and the Bill.

The Hon. M.J. ELLIOTT: The Democrats, in supporting the Bill, express some grave reservations about what is behind it. Increasingly, I start to think of Minister Mayes as Minister of Consumer Affairs rather than as Minister of Agriculture. Since I have been in this place he has abolished the Potato Board; he has attempted to abolish the Egg Board; he made his recent move on tomatoes; and of course there is the matter with which we are dealing today relating to milk. All these matters relate to the Minister's claiming that he will be producing better prices for consumers, and I would insist that he is wrong.

The road of deregulation is a dangerous one to travel. Certainly, there is a need to look at regulations to determine whether or not they are all necessary, but all regulations have been put in place at some time in the past for good reason, and I do not think that we should lightly cast a regulation aside. It was worth noting in the print media yesterday that milk had had the slowest increase in price of a number of goods that were listed. Milk is a cheap product, as are other dairy products. They are cheap food sources, and the dairy industry is extremely efficient. I would argue that its very efficiency is a consequence of the regulation that has occurred within it. I see the major dangers that we face in the dairy industry and throughout agriculture being problems of monopolies at both the international and local levels and at retail and wholesale levels.

In South Australia three major retail chains are handling about 85 per cent to 90 per cent of the agricultural produce that is bought by the consumer. They are in a position to manipulate markets such that they themselves can buy at the cheapest prices, but there is never any guarantee that that gain is handed onto consumers. In fact, it rarely ever is. Most certainly, I believe that this move towards deregulation has come from the Bi-Lo chain, in particular, which has used this issue as a publicity stunt. There is no doubt at all that from time to time very cheap milk will become available, but it will be available for a couple of reasons.

It will be available, first, to drag people away from other shops and also as a means of bringing people into the supermarket, rather than going into perhaps smaller shops. That in itself sounds promising, but one needs to realise that supermarkets work on margins. If they cut their margin on milk, the margin will increase on other produce. So, what you save on your milk you will pay on your baked beans or whatever else is bought.

It is a fool's paradise to think that the deregulation of milk will in the long run help the consumer in any way. That has certainly not been the experience in the United States, where, in fact, some supermarkets have been wary of deregulation of milk because keeping dairy cabinets is expensive. If one wants to start running milk on special, crates of milk will have to be stored in corridors of supermarkets because large quantities will be sold.

In that situation milk is exposed to temperatures at which it should not be kept, with the accompanying dangers. I think it is about time that Governments—both State and Federal—looked seriously at the monopoly situation of retailers and wholesalers and considered their impact on both primary producers and consumers, because I feel that both groups suffer. Governments have not treated this issue seriously. I am aware that some agricultural media productions recently addressed this question—but it is far too late. This is really the essence of what we are debating today: the Minister has been far too simplistic in relation to this industry.

I will touch on several things that I did not intend to address, but I will do so given what the Hon. Mr Irwin said. I refer to UHT milk. First, UHT milk is cheaper than fresh milk, but deregulation will not change that. UHT milk can be produced when there is a milk surplus, and it is cheaper for that reason; and for the same reason milk used in cheese production is much cheaper. Cheese is usually produced with surplus milk rather than from milk for the fresh market. So UHT milk is produced from surplus milk. Secondly, UHT milk originally came from interstate. Local producers had no choice but to produce it or miss out on a certain market niche. It is foolhardy to believe that it would be possible to buy fresh milk at the same price as UHT milk—that simply will not occur.

The Hon. Mr Irwin also referred to flavoured milk. Flavoured milk does not compete significantly with fresh milk—it competes with soft drinks. Once again, flavoured milk is in a separate market niche, and its consideration in relation to this Bill is simply peripheral.

I support the Bill only because of the current threat of milk dumping from interstate. I point out that this Bill and what the Government has done so far fails to address our basic problem not only in the marketing of milk but also in the marketing of most agricultural produce in industry after industry. For example, the wine industry has experienced the same sort of thing for the past 10 years. It is only now that too many vines have been pulled out and the wineries cannot obtain enough grapes that the growers will get anything like a fair return for their produce. I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I will not go on at great length and, unlike previous speakers, I will not depart from things that are directly relevant to the Bill. The production of milk in Australia has traditionally been divided into two sectors: milk for human consumption (market milk) and milk for manufacture into products such as cheese. The market milk industry is regulated by individual States through authorities such as the Metropolitan Milk Board, as all members would know. The regulation and marketing of manufactured dairy products is covered by Commonwealth Government legislation administered by the Australian Dairy Corporation. So, there is a significant and basic difference there.

Since 1 July 1986 new Commonwealth marketing arrangements—the Kerin plan—have applied for manufactured milk. Under the Kerin plan a levy on all milk is used to support export returns, and this plan has stabilised industry returns. Recent interstate trade in market milk between Victoria and New South Wales has threatened the stability of the Kerin plan. On two occasions the New South Wales Minister has called for the removal of the levy on all milk and has therefore threatened the stability of Australia's dairy marketing arrangements. That is a potentially grave situa-

tion for South Australia which we must address. Discussions are continuing in Victoria and New South Wales to retain stability in the industry, but the threat to Commonwealth marketing arrangements remains.

If the Commonwealth marketing plan collapses, pressure will inevitably be placed on domestic prices for manufactured dairy products and market milk. Under the Metropolitan Milk Supply Act, the Metropolitan Milk Board and the industry cannot fix a maximum only price for market milk to combat possible discounting from interstate market milk. Currently the board sets fixed prices and, in future, will set a maximum and minimum price as recommended by the board's review of milk pricing.

I turn now to the nitty-gritty of what the Government is trying to do and which can be achieved through these amendments. Section 41 of the Metropolitan Milk Supply Act provides for the board to set prices for milk, taking account of cost of production, transport costs, wages, and so forth. The industry considers that this section of the Act has contributed to the industry's stability and has resulted in Adelaide having the lowest retail price for milk of any capital city in Australia at 75c per litre. Section 41 refers to fixed or maximum and minimum prices.

The Hon. M.J. Elliott: It will probably go up now.

The Hon. J.R. CORNWALL: I wonder whether the honourable member would like to see Victorian milk being sold in Adelaide at 40c or 45c a litre, for that position could easily develop.

The Hon. M.J. Elliott: You didn't listen to my contribution.

The Hon. J.R. CORNWALL: I did listen to the honourable member's contribution but I did not think that it was a particularly thoughtful or intelligent one. The current amendment to the Metropolitan Milk Supply Act will allow the board, by notice, to declare a maximum only price if the industry is threatened by discounting through interstate milk. Such notice will be for a specified period not exceeding 30 days. Other prices and charges may be adjusted accordingly. The 30 day period can be extended, but when the notice ceases to have effect, the regulations continue in force as if the amendments had not been made.

With industry consultation the Bill has been amended in the Lower House and general support for it has been received. It is strongly recommended that I should point out to the Council the following three major points: first, the Bill is intended to be activated in an emergency situation only to combat interstate trade in market milk. As such, the Bill is designed to assist the industry. That is a very important point. Secondly, the Metropolitan Milk Board will consult with all sectors of the industry before making such a decision. Thirdly, all sectors of the industry, not just milk vendors, will be expected to contribute towards the losses associated with such discounting.

The measure is very much about protecting the market in South Australia and our own producers. Quite frankly, if the market were opened up, as everybody knows, on the basis of free trade, free competition and cost of production, we would be swamped with Victorian milk and probably half the dairy farmers in the State, particularly those within an 80 km radius of metropolitan Adelaide, would be put out of business. The Government does not believe that this should be allowed to happen, and I know that the Opposition supports this view very strongly.

The Hon. Peter Dunn: What about Mount Gambier?

The Hon. J.R. CORNWALL: The lower South-East is about the only place in the State that could reasonably compete with the Victorians on a cost of production basis.

The Hon. J.C. Irwin: It would be hard.

The Hon. J.R. CORNWALL: That would be difficult, but it would be impossible for people in the Hills, Strathalbyn and areas such as that. The Government is not about to allow half the dairy cockies in this State to go out of business. That is what this Bill is about and that is why the Opposition properly and correctly supports it.

I turn briefly, in summary, to the subject of superannuation. Separate from the pricing issue (and we have taken the opportunity to do this), the Superannuation Board and the Metropolitan Milk Board have agreed in principle to an arrangement whereby the Milk Board funds in advance its accruing superannuation liability. This arrangement would be prohibited by existing section 14 (2) of the Metropolitan Milk Supply Act, which states that superannuation contributions be paid annually in arrears. The amendment to section 14 of the Act will allow the board, as a public authority in terms of the Superannuation Act, to enter into an arrangement with the Superannuation Board under section 11 of the Superannuation Act. I very strongly commend to the Council the speedy passage of this Bill.

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

WHEAT MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 1971.)

The Hon. PETER DUNN: The Opposition supports this Bill and for a very good reason. This matter should have been the subject of a clause in the Statutes Amendment (Wheat and Barley Research) Act of 1983. However, it was left out, so the Wheat Board has for three years been illegally deducting research funds from growers' returns. This Bill rectifies that and, for that reason, I support it. The second reading explanation refers to an anomaly and points out that any grower who did not consent to this deduction from his payment—that is, the deduction for research funds—could, by writing to the Minister, obtain a refund of the money deducted. In effect, that is saying that that deduction was wrong, and this Bill will, therefore, rectify it. In fact, that situation still applies—and I make that quite clear—because any grower who wishes not to pay the research levy can, by writing to the Wheat Board or to the Minister, avoid doing so. However, I should warn any grower who wishes to do that that he is welshing on the rest of those wheatgrowers in the community who provide funds for research. Wheat research is very important and needs to continue from year to year, because we must keep up our production.

The wheat industry brings in an enormous sum of money to this State. Unfortunately, world prices are low at the moment so it is not bringing in as much as it might, but no doubt in the future the wheat commodity prices will rise and bring in a greater income for wheatgrowers and for this State. I am all in favour of wheat research funds being deducted in this fashion. It has taken a long time to get the industry to make a reasonable contribution. The wool industry for years has taken quite large sums of money for research and promotion of wool products, but the wheat industry lagged behind. It was not until the mid 1970s that the industry decided to take a reasonable sum of money from growers' funds to put into research.

Prior to that time, Governments heavily subsidised research into the wheat industry and other industries, such as the coarse grain industries: barley, triticale and oats. In the early 1970s the wheat industry saw a period—and I guess that is what prompted the Government to put more

money into research—when crops were affected by rust, a fungus which has a very undesirable effect on wheat. The fact is that rust usually attacks crops when they are at their best: in very good seasons when it is wet and damp and conditions are suitable for the production of fungi. It is important that these funds be deducted and contributed by growers, and that both Federal and State Governments continue their subsidies for this industry.

While talking about State funding for the wheat industry let me again say how disappointed I am at the decision of the Minister of Agriculture to put a wheat research institute in the centre of Adelaide when we already have what I believe are the best wheat research programs in Australia at the Roseworthy Agricultural College and the Waite Agricultural Research Institute. I think that the Minister's plan to establish a research institute at Northfield is quite short-sighted. In my opinion, it is nothing more than a grab for power: the Department of Agriculture will totally control it. The department has a very good program of its own—and I do not deny that—but several wheat breeders are already employed at the Waite institute, and a couple are employed at Roseworthy. Both those centres, which are funded by the Government, are a useful part of the education process for further research in this State and are attached to the Adelaide University.

Only last week we saw that the Adelaide University is planning that Roseworthy college should become part of its campus. Therefore, that is another reason why I believe the wheat research program, as it is today, should be encouraged and expanded and not put into a centralised area that has no contact at all with the learning institutes. People who wish to learn the art and science of wheat breeding—and it is indeed an art and science—will have to leave their campuses and journey to Northfield. To me that is a pity.

I admit that the wheat breeding programs in the rest of Australia are conducted by the Departments of Agriculture, but they have been proven to be no better than the programs that exist in this State. The program that has been extremely successful is the rust program conducted by the University of Sydney. I think that has probably been one of the highlights of wheat breeding in the Commonwealth. That program has been very successful and, as I said, it is attached to the Sydney University.

This Bill allows for the funds contributed by growers to be used in all the research programs. I think this Bill is most important, and, indeed, necessary. The Bill itself is quite simple and straightforward and has no hidden provisions, as far as I am aware. It has only three clauses, and inserts a provision authorising annual wheat research deductions to be made from the amount payable to wheatgrowers for the wheat of each season. As before, the wheatgrowers may, in respect of any particular season, refuse consent to the deduction being made. I make that point again because the legislation still contains that elasticity, and if growers do not wish to contribute to the wheat research fund they may apply to the Minister for that deduction that would otherwise be made. For those reasons I support the Bill.

The Hon. J.R. CORNWALL (Minister of Health): I do have copious notes here to which I would have referred if necessary. Notwithstanding the fact that there were one or two criticisms in the Hon. Mr Dunn's second reading contribution which I thought were a little less than fair, most of the speech was an intelligent contribution, coming from someone who knows the industry well, and I thank him for those constructive comments. Might I suggest that we now expedite the passage of this Bill, which is a machinery measure in many ways, although a very constructive one, as quickly as we can.

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

AGRICULTURAL CHEMICALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1490.)

The Hon. J.C. IRWIN: It was at midnight on 22 October that I sought leave to conclude my remarks on this Bill. As that was some five weeks ago, I shall recap on what has been happening in the agricultural and horticultural area as relates to this Bill, as far as I have been able to ascertain. The Bill was first introduced in the House of Assembly by the Minister of Agriculture on 8 October. On 16 October members of the Opposition and two Independent members spoke to the Bill. The Bill then went into Committee where some amendments relating to inspections were accepted by the Government. The amended Bill was received in this place on 20 October. As I said to the Council on 22 October when speaking to the Bill on behalf of the Opposition, I have received advice from the Horticultural Association of South Australia about certain aspects of the Bill. I outlined briefly on that previous occasion that the association had spoken to the Registrar of Chemicals and that it was not entirely satisfied with his responses.

I have some trepidation about the chemicals content and also about the ramifications of this Bill. I cannot rely on any scientific qualifications; rather, I rely on advice that I have received from expert people outside this Council, and some practical experience. As the past five weeks have unfolded I have gained a little more experience in some of the aspects of chemicals and agricultural chemicals. I have become more and more aware of concerns that have been expressed from rural areas and more and more aware of the complexities of the arguments and counter arguments.

I briefly mentioned just three areas of concern last time I spoke on this Bill to give the Minister of Agriculture an idea why the Opposition wanted to hold up the passage of this Bill. Those areas were: fewer chemicals than stated on the label, mixing of chemicals, and use of chemicals on crops not mentioned on the label. And there was some mention of a trace back. I realise those comments were reasonably uninformed and not researched at that stage, but they were made in haste to give the Minister and his department a chance to consider the concerns expressed by people practising agriculture.

The Horticultural Association also gave me sufficient indication that some senior members of the Department of Agriculture had not been consulted about the content of the Bill, and I have since confirmed that advice. So, with the Minister's own department under-consulted and the two groups representing almost all the growers in this State not consulted at all, the alarm bells sounded for me. This is not the first time the Minister of Agriculture has failed to consult properly.

It is becoming increasingly obvious to me that this Bill was hatched in the Minister's office with the Minister being pushed off balance, so to speak, by a small minority anti chemical group, and perhaps by some other minority groups. Whether the Minister likes it or not, it appears to me (and almost everyone to whom I have spoken) to be largely anti-farmer—the very group of people this Minister should be representing.

It also appears that the Minister of Agriculture is pushing for an increase in chemical usage, something the farmers

most certainly do not agree with. I will show that many chemical applications and usages are often recommended, even by the Minister's own department, at less amount of chemical per hectare than directed on the label. On the face of it, this Bill forces chemical application at the level stated on the label. Certainly there is power for the Minister to vary that, but this is unwieldy and unacceptable, and I will address that matter later.

I am disappointed with this lack of consultation, because I thought the earlier differences between the Minister of Agriculture and the industry generally had been sorted out so far as consultation was concerned. In this case, by 'industry' I mean the UF&S, the Horticultural Association, and the Agricultural Veterinary Chemicals Association (AVCA). Failure to consult with the industry is one thing, but failure to consult with his own department is another. That is inexcusable and it made the alarm bells ring even louder for me.

The agricultural and horticultural industry is far too important for any Minister of any Government to fool around with or to play as suckers. I contacted the UF&S to seek its advice prior to 22 October and was told *inter alia* that the grape industry was pleased with the legislation because chemical contamination of grapes and wine could present a very serious problem and could damage a growing international export industry. I accepted that advice as valid.

The wool and meat section of the UF&S had seen the Bill and at that stage did not see any problems with it. It was aware, through the Australian Wool Council, that there were serious problems with pesticide residues in wool, as organochlorin residues were showing up in lanolin, which is used as a base form for many skin care products. They strongly supported measures of the Bill to deal with organochlorins.

May I say here that, if it was not for the shadow Minister, Graham Gunn, sending this Bill and the second reading explanation to both the UF&S and the Horticultural Association, neither of those bodies would have known a Bill existed.

By necessity, my consultation, together with that of my colleague the Hon. Peter Dunn, has been quite extensive. Can anyone imagine, for instance, the Minister of Labour (Hon. Frank Blevins) not consulting with his unions or with other people interested in the industry prior to taking action within the labour market area? My explanation to the Chamber has now reached the point where I interrupted my remarks on the second reading in this place late on 22 October, knowing that the Parliament was not sitting during the following week and that the closing date of 31 October for the handing in of DDT and other chemicals was to be before this Bill finally passed both Houses. The Opposition wanted the Minister and the industry to consult during the non-sitting week and, hopefully, sort out the problems.

For a number of reasons, one of which I have mentioned, I do not altogether blame the agricultural or horticultural industry for not being more aware of this Bill while it was before the House of Assembly and before it came here. First, if the Department of Agriculture knew little or nothing about the Bill, there would be no chance of its network of communications to and from the field, so to speak, being active. After all, many mechanisms are available, such as the department regional officers, agricultural bureaux, seminars and field days, in which to inform farmers, horticulturalists and other chemical users of the merits of this sort of legislation, and to help explain away any of their fears.

I have had indirect information that the animal and pest plant boards have not been consulted and have some concern about aspects of the Bill. After all, these boards are there to play a major part in local district councils' weed eradication and control programs. My information is that one of the peak bodies, whose representation covers every aspect of agriculture and who collectively advise the Minister—and I am talking about the Advisory Council of Agriculture—did not see or discuss this Bill until about three weeks ago, just prior to 22 October. I find that quite unbelievable. Why was it not consulted? My colleague the Hon. Peter Dunn was a member of the Agricultural Council before entering this place, and I would expect him to be critical of the Minister's oversight in this instance.

Secondly, the agricultural industry was well aware of the problems with DDT and other persistent organochlorins and their potential for damage to our meat export trade, as well as the damage to home consumption product. If the home consumption product is contaminated, it would flow, of course, into contaminating those people who eat the product. They were aware of the Australian Agricultural Council decision to ban DDT and for all States to take action as far as possible in the same direction. They were aware of the call-back scheme implemented by the Minister, and gave him their full support.

It is my conclusion now, having talked to many people, that most people took this Bill at face value and thought it was simply aimed at the DDT and related chemical problem. The Minister's second reading explanation is in fact misleading when looked at with the actual Bill. The Horticultural Association and the UF&S did not understand because, quite frankly, they did not know—and I have already explained why—that this Bill went a great deal further than just getting DDT out of the marketplace. Having said that, I can find no evidence at this stage to show that the agricultural and horticultural industries are opposed to the legislation as it relates to DDT and other persistent organochlorins. I think I have shown quite conclusively that this legislation was lobbed on the industry and, therefore, they are treading very warily, especially in relation to the so-called safe chemicals. They can smell a rat and, until they can find out where it is and what it is, they will not be satisfied, and I do not blame them for that. Do not blame the agricultural and horticultural industries, but blame the Minister of Agriculture if the ramifications of this Bill take some time to sort out.

Thanks to the Opposition and the Democrats, proper consultation and discussion are taking—and have taken—place out in the field. On behalf of the Opposition, three weeks ago I advised the Horticultural Association to consult direct with the Minister. I felt that there was no point in my seeking permission from the Minister to speak to his departmental staff, and *vice versa*, and to act as a go-between when the Horticultural Association could do it direct and report back to me. I gave the same advice to the UF&S. I am pleased to say that the Horticultural Association has had a briefing from some of the Minister's senior advisers and it tells me that it is reasonably satisfied both with the discussions and with the assurances that it has been given. However, it will not be completely satisfied until the Minister of Agriculture, through his representative in this Council (the Minister of Health) details his exact response to areas of importance raised by the Horticultural Association. In particular, I refer to chemical traceback, off-label use (both quantity and quality) of chemicals and mixing of chemicals, together with the Minister's prompt decision regarding off-label use of chemicals.

Areas of concern were expressed also in the other place, namely, by the member for Murray-Mallee (Mr Lewis) and the member for Victoria (Mr Baker) regarding the definition of 'agricultural chemical' and the use of gypsum, for instance,

as a feed additive, or for use on pasture. Perhaps the Minister will also cover that area in his response. The whole question of the chemicals contained in and added to superphosphate requires clarification from the Minister. As far as I am aware, a bag of superphosphate will have details of the chemical content in the form of a cardboard label attached to it, with instructions for the use on the front and the back of that label. It is stitched only across the top, so one can read both sides of it. However, about 80 or 90 per cent of superphosphate is supplied in bulk form and there is no label. How will we overcome that problem in the context of this Bill and the principal Act?

Let us not kid ourselves about the Act and this Bill. The Bill before us seeks to amend the Act in respect of all agricultural chemicals. The Act, when amended, will not control the sale and use of only the so-called nasty chemicals, such as DDT—it is far wider than that. The amended Act will control the sale and use of all agricultural chemicals, and I put it to the Council that this would include superphosphate. As was pointed out in the other place, section 4 (1) of the Act sets out the definition of 'agricultural chemicals' *inter alia*—and I say that, because I will not quote the whole definition of 'agricultural chemical'—and it provides:

Any substance—
(a) commonly used . . . for any one or more of the following purposes—
(i) for preventing, regulating or promoting the growth of any vegetation or any part of any vegetation;
(ii) for improving the fertility or structure of soil in any way;

As a layperson, I find this meaning a nonsense in the context of what we are now debating. If it is possible, I will seek time following the conclusion of the second reading debate so that the Horticultural Association and the UF&S can read what the Minister has to say in order that they may signal their advice to my Party and to the Democrats. We can then either completely accept the legislation as it stands, or consider further amendments.

I might add that other people should be consulted, including chemical wholesalers and chemical retailers—and there may well be others. I think I have an assurance from the Minister that, when the second reading debate is concluded and before we get too far into the Committee stage (which hopefully will be this afternoon), we will adjourn. That will allow those bodies to peruse what the Minister has had to say and to signal their responses to the Government and to us.

The UF&S had a meeting with the Minister on 11 November. It demanded to talk to the Minister direct and I support it in that demand. After all, he is the Minister responsible for agriculture. That is the body representing growers, even though it may not represent the whole of the horticulture industry in the State. I have been advised by the UF&S that it is not happy about the way in which the Bill deals with chemical use but that it is happy with the way in which it deals with DDT and other persistent organochlorins, although it is noted that lindane is not addressed in the Bill. However, the Minister of Agriculture has signalled that that will be dealt with in the new year. The UF&S is not happy about the unwieldy way in which the Minister will deal with authorising off-label use, in particular, using less chemical than is indicated on the label, mixing two chemicals and being able to use a chemical on a crop that is not listed in the label recommendation.

Previously I gave an example of this in relation to the chemical Ridomil MZWP fungicide, which will help control foliar diseases on lettuce, cucurbits, potatoes, onions, garlic, tobacco seedbed and tobacco in the field. This chemical is very successful with celery as a soil drench but is not registered for that use. Similarly, topaz is registered for use on apples but is seen as a saviour in treating black spot on brussels sprouts. Again, it is not registered for that use. I have an official communication from the Department of Agriculture containing the heading 'Plant Protection' and carrying the name of a plant protection ergronomist and a district office recommendation for fungicides for faber beans. As a background, crop production estimates from the department in South Australia for faber beans is 53 000 tonnes from 36 000 hectares. That is by no means an insignificant alternative crop for farmers who are reacting to the market signals that are coming from the world markets for wheat and barley. These farmers are trying to find alternative crops and markets and are succeeding.

In this bulletin from the department under 'chocolate spot' five chemicals are mentioned by brand name, and under 'ascochyta leaf blight' four brand names are mentioned. Only two of these brand named chemicals are registered in South Australia for the control of chocolate spot, and only one for ascochyta leaf blight. The bulletin states that farmer use and limited trials suggest that the other non-registered products that I have already mentioned will also give economic control of those two diseases. The bulletin goes on to give suggested rates of chemical product per hectare.

I make two further points. First, because of seasonal and weather conditions there is usually little time to be wasted while a committee makes up its mind whether certain chemicals can be used in certain conditions. We must not forget that there are numerous variations of climatic conditions at any one time in agricultural areas of this State. Secondly, in the list of departmental recommendations for the rate of chemical product per hectare, in every case the recommended rate is below that on the label, and in some cases up to 50 per cent under the recommendation on the label.

Not only is the Department of Agriculture caught by the exactness of this legislation but also we must now include the CSIRO, for under that body the Integrated Pest Control Program operates. I believe that that body frequently makes recommendations below what is recommended on labels. The Minister of Agriculture referred to the problem of every user of a chemical being able to understand what is on labels. I therefore seriously ask the Minister of Agriculture how he intends to overcome the problem of non-English speaking people. Italian, Greek and Vietnamese people undoubtedly have a great interest in market gardening—if not yet broadacre farming, certainly in horticulture. This problem was highlighted as recently as yesterday or the day before when an article in the *Advertiser* referred to growing tomatoes.

The UF&S has not raised all these problems with me, but between them—the Horticultural Association and individuals—many problems have been raised. The concern of UF&S and the industry is not about DDT and other persistent organochlorins—it supports their removal—but rather with other chemicals and their usage. It argues that, following extensive research and development, field trialling and registration of the chemical here and overseas, there should be flexibility of chemical usage without cumbersome ministerial approval. I acknowledge that mechanisms must be designed for monitoring of chemical residues in foodstuffs and a good traceback system devised. No-one is arguing against that, and certainly we on the Opposition side are not doing so.

The UF&S is also arguing quite strongly with the Minister of Agriculture that steps taken by way of cracking down on the use of agriculture chemicals should be taken as far as

the home garden use of chemicals. Just as much damage or potential damage is done to the food chain, health and underground water by the misuse of chemicals in the urban back garden as occurs in the agricultural area. This problem of home garden may come under the scope of the Controlled Substances Act and under the aegis of the Minister of Health. So, we hope that both Ministers will act quickly in regard to DDT and other persistent organochlorins in home garden usage.

I stress again the contradiction in regard to the use of chemicals in farming and horticulture with the same chemicals being sold and used in urban areas for home gardens. If the Bill is passed as it is with harsh restrictions being imposed on chemical sale and use, with massive fines hanging around it, there will be many problems to sort out. I have had that advice from the most senior chemist within the Federal health system.

I have had brief consultation with New South Wales regarding its Act but, unfortunately, I have not had the chance to follow it up in Victoria. In New South Wales, after amendments that are now before Parliament to increase penalties are passed, its Act will be similar to the one now before us. I am told that many people in New South Wales have broken the law, but these new penalties in the $20 000 to $40 000 bracket are such that people will think twice before breaking the law. Nevertheless, I am sure that if people in New South Wales are caught under legislation that has the same intent as that in this State there will be massive protests against the New South Wales Act.

I have also spoken to ICI—one of the principal chemical producers in the world—to get some background on the development of a chemical. I pass on some information to the Council as useful background. Most major chemicals are developed in the United States and United Kingdom and, to take a chemical through all stages from research and development, field trial to market costs something like $75 million to $100 million, so we are not talking about an insignificant or irresponsible industry. ICI spent $250 000 in registration support in the six Australian States last year. Research and development of field trials in Australia in 1986 involved expenditure of $2.4 million. It costs $100 to register a chemical in South Australia, and this amount applies every 12 months. So, before a chemical is registered it goes through a most rigorous testing period.

On my own property I am loath to use chemicals and do so only when I am convinced that it is necessary. I do not think I am alone in that regard by any means. I have to dip sheep against lice and itchmites because that simply is the law. I have to protect my sheep from flystrike; if I do not, they die. I have to protect my cattle from various pests; otherwise they too will die, or will be unproductive or unsaleable. I use little pasture spray, but if new lucerne is not protected from various bugs there will be no new lucerne or improved pasture. I have to increasingly drench sheep and cattle for various internal parasites. That certainly involves using chemicals, but maybe not in a sense of agricultural chemicals.

The Hon. T.G. Roberts interjecting:

The Hon. J.C. IRWIN: Not sheep, but I do treat cattle, certainly. That may not fit into the definition of agricultural chemical. It is alarming to read and know that chemicals both internal and external, as they are used, are battling to keep up with nature as more and more pests of rural produce become resistant to those chemicals. That is the wonder of nature. The Department of Agriculture officers deserve great credit and so too do farmers for the way in which the advent of the blue green aphid and the spotted aphid on clover and lucerne was tackled and more or less beaten in my area of the South-East.

I use this as one example of many where responsible action was taken. This was a devastating attack on pasture similar to the advent of the red legged earth mite some years before. Although safe chemicals were used in great quantities initially a sensible answer was found in using less chemical and instead encouraging natural and introduced parasites and predators to do the job of reducing the aphid, thus taking the pressure off chemical use. To a great extent nature has balanced in my area where I do not have irrigated lucerne: I do not use much chemical at all and nature has certainly balanced.

Great work has also been done in my district by the department and by private sydnicates of farmers who employ people especially for irrigated crops to monitor insect numbers so that chemical use can be minimised and used when only absolutely necessary. When spraying, it is only done so that there is minimal damage to bees and other useful creatures. For instance, I am familiar with much spraying being done at night, which minimises the effect of chemicals on bees and other insects that are pollinating.

Crop monitoring services have had, for instance, a useful impact in another way based on economics and common sense. Lucerne is not an easy crop to pollinate. Some years ago when there was a fair amount of willy-nilly spraying of undesirable insects the farmers would finish up with, say, a 20 per cent seed pod set from a very good flowering and no doubt destroyed some good insects in the process. Now with vastly decreased spraying they are still able to get 20 per cent plus seed pod set and, in most cases, much better than that. The economics are good and the chemical use is very much decreased. I am sure that these simple examples are easy to find in nearly every district of the State in a great variety of crops and agricultural conditions.

I use these examples to illustrate that farmers working with chemical experts in the Department of Agriculture are aware of the problems and their responsibilities in the whole food chain. An Act of Parliament must not and should not be seen as the only way to produce results, because I can assure the Council it will not. This is not to say that everything is rosey, nor that there should not always be a close examination of chemical use in farming. After all, that is what this Bill is about. The Agricultural Chemicals Act should provide a framework and not attempt to be a be all and end all document.

If the State and the anti-chemical lobby attempt by legislation to drive out all research and development, as well as all farmer initiative, it will be counterproductive and send us and the agricultural industry back to the days of the horse and cart. No one can doubt the perilous state of the economies of farming. The cost price squeeze and the taxes and charges on farming are playing havoc with the ability of farmers to survive.

Farmers are being forced to produce more and more from their given acres of farm holdings. One way that they can do this is to produce more through the use of chemicals and crop farming, in pasture production, in small seeds and in horticulture, etc. I have often said that this country is in great danger if the very soil that is used to grow the golden egg needed for this country's survival is irreparably harmed. I hope that we can say that a lot of chemicals used today are safe and will still be seen to be safe years from now.

Let us not forget DDT's extraordinary contribution, and we must not forget that DDT, Dieldrin and some other chemicals were used for many years with departmental approval but are now banned as inappropriate for use in the food chain. Further, we must not be allowed to forget

that the loss of these chemicals and, for instance, the greatly reduced use of 1080 for rabbit control, have vastly increased the cost still further for farmers. The farmers carry the cost—not the consumer. I remind members that farmers are cost takers and mostly trade on the open market and cannot simply pass on costs of production, which is the case with secondary industry.

I will cite a simple example in relation to chemical use to control barley grub. This does not include the other costs involved such as dieselene, wear and tear on tractors, the purchase of a mister or spraying unit, and so on. If you do not control the grub, you do not have a crop. In the old days when DDT was used it cost about 50c an acre to control the grub, and it was effective on all stages—from small to large. Farmers moved away from DDT to use endosulphtan, which cost about $1.80 per acre, and higher concentrations were needed to control the larger grubs. After that came diptanex (which is a trichlorphas). This cost $3 per acre, but it had little residual activity which meant that respraying was often necessary.

Farmers can now use a synthetic pyrethroid, which is considered safe (and I will come to that later), at a cost of $5 to $6 an acre and, once again, higher concentrations are necessary for larger grubs. This chemical is showing up as a trace in various surveys. You do not have to be an Einstein to know that barley and wheat prices are static at very low returns and that farm input costs have risen at twice the rate of those returns. In this example chemical costs alone have risen more than 10 to 20 times and the farmer, on behalf of the community, has carried all that cost.

Just to put a little more perspective on the chemical argument, I quote from a response given to the member for Murray-Mallee (Peter Lewis) during the recent Estimates Committee hearings as to whether agricultural chemical residues, generally regarded as harmful to man, were increasing or decreasing in concentration. I quote from the response given by Dr Dainis, the Director of Chemistry, who said:

> The answer to the question lies in the national market basket survey, which is carried out annually by the National Health and Medical Research Council. It looks at the incidence of chemicals, pollutants, additives, preservatives and trace elements in the national diet. Samples are taken in each State by health surveyors and sent to a central point in Sydney. Those samples of food are cooked and then analysed. Information is gathered every year on the incidence of organochlorins such as DDT in the national diet. This year it was decided not to include in the survey organochlorins such as heptachlor, dieldrin and DDT. Since the first survey in 1972 there was a declining trend in the incidence of these organochlorins.

I recently followed up that advice given by Dr Dainis with senior officers of the Commonwealth Department of Health in Canberra who confirmed the declining trend in residues to almost nil. I quote from the summary of the NHMRC market basket survey of 1985, which is the latest published survey. It states:

> The market basket (noxious substances) survey 1985 examined 59 types of food (including human milk) for levels of pesticide residues and heavy metals. Peanuts and peanut butters were also analysed for aflatoxins. In addition, fluoride determinations were made on all of the foods sampled.
>
> The foods chosen included those consumed in greatest amounts by Australians and those which experience indicated were most likely to contain unacceptable levels of noxious substances. The foods were sampled from the six State capital cities and Darwin during autumn, winter and spring of 1985.
>
> The levels of noxious substances found in the foods examined have been compared with any relevant maximum levels established by the National Health and Medical Research Council.
>
> Total dietary intake of lead and cadmium has been estimated for a series of hypothetical diets based on the foods examined. These total dietary intakes have been compared with appropriate internationally accepted criteria.
>
> The majority of foods were found to either contain no detectable levels of noxious substances or to have residues at concentrations below maximum levels set by the NHMRC. A relatively small proportion of foods contained a contaminant at levels exceeding the specified maximum level (for example, the pesticide chlorpyrifos in four of 21 celery samples). Some instances also occurred where specific pesticide residues were found in foods for which no maximum residue limits were specified.
>
> The finding of pyrethroid insecticides at levels exceeding the prescribed MRLs (maximum residue limits) in five of 14 milk samples and one of 14 skim milk samples indicates specific investigation and follow-up of these occurrences are needed in future market basket surveys.

That should be followed up. The summary continues:

> Overall, the results identified several specific areas requiring attention with regards to the levels of noxious substances in the food supply and indicated where continued monitoring would be advisable (for example, lead and cadmium intakes in infants and children).
>
> For the first time in these market basket surveys, the results and draft report were commented on by the NHMRC's Pesticide and Agricultural Chemicals Committee (PACC) and other groups outside the NHMRC. The comments they provided were, where appropriate, incorporated into this report.

I refer now to a page in the report headed 'Annex 4—Part 3 Australian Market Basket Survey 1985; summary of pyrethroid insecticide levels found in foods analysed in the 1985 survey', as follows:

> *(a)* Only foods in which pyrethroid insecticide residues were detected are listed. Thirty-two of the 59 foods sampled in the survey contained no detectable levels of pyrethroid residues.
>
> *(c)* Pyrethroid values of 0.005 mg/kg were from results reported as lying between the limit of detection (0.005 mg/kg) and the limit of reporting (0.01 mg/kg). In previous market basket surveys such results were reported as 'trace'.

It is pleasing that the market basket surveys have a 14 year history so that levels and trends can be well established. It is pretty clear that organochlorins are fading as a problem and, with the efforts being taken around Australia, it should stay that way. However, I stress the importance of plotting trends of substances such as the pyrethroid insecticide group.

It is important to note that the basket survey tests for residues in cooked foods, and the national residues survey tests uncooked food. In other words, they are two different tests. Raw meat falls within the uncooked food category. The basket surveys tend to give a low reading and the residue surveys tend to give a higher reading when the two are compared. Residue surveys were used on the raw meat exported to America and Japan.

I will also make a few comments about the so-called damage caused by so-called dangerous chemicals. I do not use the word 'so-called' lightly, but to put some perspective on the debate. There are dangerous chemicals about, and we must have a responsible attitude to all chemicals. First, let me quote from a brief article in the *Farmer and Stockowner* of 18 November this year, which states:

> Positive tests for chemical residues have been recorded on 46 South Australian properties since May. According to the Department of Agriculture, 24 of these had residue levels over the maximum. However, 10 have since been cleared; five properties are quarantined and five have had stock movement restrictions imposed on them. It is understood that across Australia, about 350 properties are quarantined because of chemical residues.

There are 170 000-odd farms in Australia, and the 350 properties under quarantine represent .21 per cent. Even if we double this amount allowing for farms which have not

sold produce and, therefore, are not yet tested, we still come up with under one-half of 1 per cent with residue levels around the maximum. I have seen no evidence yet of horticultural properties being quarantined. The South Australian represesntative of AVCA, Mr Ian Francis, wrote a letter to the *Advertiser* a couple of weeks ago, and I will quote a little of that letter, leaving out the other parts of that letter which do not relate to this matter. I quote as follows:

The chemical DDT has been in use since the early 1940s, during which time it has saved millions of lives. It is of relatively low toxicity, and at no time has it been shown to cause liver cancer or any other cancer in humans.

I cannot refute that, but that is what is written. The article continues:

With regard to its presence in fatty tissues of beef, a person of average weight would have to consume 25 tonnes of beef, including the fat, to suffer any effects whatsoever, and this consumption would have to take place over a period of a week.

The Hon. T.G. Roberts: How many stubbies would it take to wash that down?

The Hon. J.C. IRWIN: I think that you could have a stubbie after 25 tonnes of beef a week without any problem. Further, measurements are so accurate and advanced now that residues can be measured in parts per billion. I quote another interesting statistic which backs up what Mr Francis said. The manager of a groundwater program in Agricultural Products offers this insight. Talking about the presence of minute amounts of potentially hazardous material in groundwater and the possible risk to human health, he says:

In most cases of chemical detection in groundwater supplies, the amount is less than one part per billion. At that rate, one could consume two litres of water daily for 685 years and only receive 500 milligrams of material. That is the weight of an extra-strength headache tablet.

None of this diminishes our responsibility, our need for care and our need to continue testing and evaluation. However, there is no safe answer except to ban everything. We must find a balance; otherwise, if we do not perish in an accident, we will surely perish by stavation due to foodstuffs being ravaged by pests and diseases. It is as simple as that.

I now turn to the content of the Bill and the Minister's second reading explanation. First, I point out that the second reading explanation incorporated in this Chamber does not match up with the revised Bill before us (that is, containing amendments to the original Bill accepted by the Assembly). Although the second reading report is clearly headed 'Revised' it does not reflect the meaning of the clauses as set out in the amended Bill before us. To me, this is sloppy presentation by the Government, to say the least, and just adds another chapter to the sorry saga of this piece of legislation.

The purpose of the Agricultural Chemicals Act is to provide for the regulation of chemicals used in agriculture and specify the approved uses and conditions of those uses, including withholding periods. It does not prevent the use of chemicals for other than those uses specified on the label. It provides for the controlled sale, but not the end use—and these are the Minister's words. The Bill before us makes certain amendments to very much tighten up the principal Act to ensure that chemicals are not used for non-registered uses. I cannot find any reference to the withholding period in the Bill, but I expect that is addressed on the label as registered.

One must wonder how long it will be before farmers are required to keep a log book so that spraying and withholding periods can be recorded. This sort of requirement would fit nicely with some of the other measures and inspectorial powers contained in this Bill.

The Hon. T.G. Roberts interjecting:

The Hon. J.C. IRWIN: No. I certainly do not say that lightly, but it is probably heading towards that. Having said that a little in jest (and I admit that) I acknowledge that withholding periods are critical to the use of agricultural chemicals and to the way the users of agricultural chemicals are judged. A so-called safe chemical with a specified withholding period can be rendered unsafe by breaking the spirit of the withholding period. I suppose the recent experience with tomatoes being dipped in dimethoate and the questions asked by the Hon. Mike Elliott demonstrate that only too well, and I for one will be interested in the outcome of his question. I think the departmental advice should have covered every possibility.

I for one thought that the trip from Queensland—and I was advised to this effect—would provide enough time to get rid of any residue, but I did not consider the time factor in relation to temperature. I wonder whether the label covered all those possibilities. By and large users of agricultural chemicals have been on trust to uphold label instructions including withholding periods. I do not believe that trust has been broken by more than a few irresponsible people. I do not believe that the appointment of many inspectors and huge fines will necessarily catch those irresponsible few.

One of the most contentious and discussed amendments to the Act is the perceived necessity to ensure that chemicals are not used for non-registered use and the Government suggests that the most appropriate way to prevent misuse of agricultural chemicals is by making it illegal to use them for any other purpose than those specified on the label. This flies in the face of common practice. Until now, the Department of Agriculture and many people were advising farmers in the field to, for instance, mix chemicals and use applications less than that specified on the registered label. I have previously given examples of chemicals registered for use on certain crops that have had outstanding success on other crops. Certain chemicals can be mixed together for safe application with excellent results.

I now want to give another example which was highlighted in an article in the *Advertiser* of 3 November headed 'Chemical legislation affecting new technology development', which stated:

Legislation aimed at protecting the environment from the impact of pesticides is in many cases working against its primary aim, according to a Department of Agriculture researcher.

I will not name the researcher; the name is published, but I do not think it is necessary for me to name the person. The article continues:

. . . a former entomologist now working on new spray technology at the Loxton Research Centre, told a group of visiting journalists that such legislation often worked against the purpose for which it was drafted because it inhibited the development and implementation of new technology with the potential to reduce the amount of chemical used.

I do not quote this article necessarily for that advice—I accept that advice—but in relation to some of the other technical matters that follow. It continues:

He is working on a project to improve the efficiency of controlled droplet application methods which he says is breaking new ground and could result in Australia's having spray technology to sell to the rest of the world.

US manufacturers were persisting with conventional high-volume sprayers, he said, and development work elsewhere in the world was tending to move to smaller air volumes at higher speeds, rather than the larger volumes at lower speeds with which he was working.

'Our coverage work indicates that the way we are going gives better results,' [he] said. His work, which involved development of new spray heads and the suspension of droplets in large, slow-moving volumes of air, had the potential to slash the risk of contamination by enabling more efficient protection using less chemical.

For example, with the air-blast technology still used in the US and by many Australian horticulturists, about 60 per cent of the

spray applied dropped off the foliage onto the ground so application rates specified on chemical labels had been calculated on that basis—that only about 40 per cent of the chemical applied would stay on the target.

In other words, application rates specified for many orchard sprays were about 60 per cent higher than required with modern CDA technology. With CDA technology there was no run-off. The foliage was not wetted because the droplets were so fine they dried as soon as they hit the tree. 'That's one of the problems when we get to labelling sprays,' he said. It's not so bad in SA; we can suggest off-label rates.

As this article was published on 3 November, for the person being interviewed to suggest that the situation is not so bad in South Australia and that we can suggest off-label use seems to suggest that there was a senior man who did not know anything about the Bill. The article continues:

But if a grower used this technology in NSW—and we know some are—they are in fact breaking the law because they are using concentrations that are not specified on the label.

'It's interesting because that law is designed to protect the environment and really in effect it is doing the opposite. A lot of the equipment we're looking at is probably illegal to use in NSW, and really it's one of best options they have for protecting the environment and saving farmers' costs. As you save the farmer chemicals you save the environment chemicals,' he said.

Improved spray technologies and equipment had the greatest potential to reduce chemical contamination of the environment because one major source of environmental problems with chemicals were contamination of soil and water through run-off from sprayed crops and poor targeting.

In general, producers could achieve the protection they needed with a quarter of the spray they were now using just by improving their spray technology.

The frequency of spraying could be cut by 75 per cent because of improved coverage and rates of chemical could be reduced by between 20 per cent and 75 per cent . . . [He] said he had started work on horticultural crops and then moved to broad acres but felt the technology with which he was working could have the greatest impact in row crops where spray coverage was 'absolutely woeful'.

Row croppers were still using conventional spray booms with hydraulic nozzles and he was convinced the new technology could reduce spray schedules by about 75 per cent and pesticide contamination of the soil by about the same amount because it would allow operators to apply less chemical while getting at least the same amount as now on the target.

In broadacre cropping applications he is achieving success with spray heads mounted behind a bluff plate, a vertical sheet of material, which allows application of chemicals at extremely low volumes—down to 10l/ha—at very high speeds—up to 60 kph.

That was possible because the bluff plate protected the nozzles or spray heads from the air stream generated by the forward motion . . . It was possible a move to oil as a chemical carrier could allow spray volumes as low as 4 l/ha and eliminate water totally.

This article highlights a number of factors relevant to the Bill. First, the matter of the calculation based on how much spray per unit of chemical stayed on the target and how much fell off the target and contaminated other areas such as the ground. Secondly, will labels have to allow for all the different sorts of spray now in use, including aircraft application? Thirdly, are chemical residues calculated just in relation to the target or off the target as well? Further, will label recommendations be measured in relation to the tank or the target, because both could be different?

As I read it, the inspector will have a very torrid time trying to ascertain a whole number of factors in calculating whether a farmer is using the registered amount of chemical per hectare. The inspector cannot rely on calculating the amount of chemical to be used per tank of water. The concentration might be higher than that recommended on the label but the external application less than the label stipulates. The writer of the article that I have just finished quoting states that the situation is not so bad in South Australia because we can suggest off-label use. That might have been the case up to the present time, but it may not be strictly the case if this Bill passes. Proposed new section 11b (1) provides:

. . . a person must not use an agricultural chemical except—

(a) for an authorised purpose; and

(b) in accordance with any directions applicable to that use—(i) stated on the label . . . or (ii) given by the Minister . . .

The Minister might explain that indeed that is the way that any departure from the registered label can be overcome. I ask the Minister to explain the drafting term 'may' in new section 11a (3), which provides:

The Minister may, by notice published in the *Gazette* and in a newspaper circulating generally throughout the State, declare that a particular purpose is not an authorised purpose in relation to an agricultural chemical referred to in the notice.

And further, new section 11b (2) provides:

A person must not use an agricultural chemical in accordance with directions stated on a label if the Minister has, by notice published in the *Gazette* and in a newspaper circulating generally throughout the State, declared that the chemical should not be used in accordance with those directions.

Even if 'may' really means 'shall', I hope the Minister will not act in this regard without proper—and I mean proper—consultation. The industry should not be left in any doubt about what the Minister is doing or about what the industry is able to do.

The Minister is reported in the *Stock Journal* to have said on 5 November this year:

Any off-label or minor use of chemicals would be subject to approval and would operate on a permit system based on assessments made by specialists from the Department of Agriculture in consultation with the Health Department.

Agriculture Minister Kym Mayes says permits may be issued to individuals for research projects, groups of growers for minor crops, universities and other institutions, and to all users in emergencies such as disease outbreaks.

'Applications will be considered on a more general basis for particular crop or chemical usage within the State', Mr Mayes said. 'They will be assessed on a priority needs basis taking into account the factors of health, the environment and probable efficacy.'

'Efficacy', according to the dictionary, means 'which is producing or capable of producing the desired effect'. The Minister tells us again *via* the press that permits will be issued on assessments made by specialists in the Department of Agriculture after consultation with the Department of Health. I understand that the Minister of Health, under the Controlled Substances Act, has a subcommittee of the Controlled Substances Council. This committee has not met once in the last six months and, strangely enough, it has not met once to discuss the contents of the Bill before us. The committee, which was set up to look after chemicals, does not even have the minutes of the last meeting.

The Minister of Agriculture also told us, *via* the press, in the first edition of the UF&S newspaper, that he was about to establish an advisory committee on the use of agricultural chemicals in South Australia. Is this the advisory committee that I quoted earlier? I wonder what chance they have had of being consulted, bearing in mind the Minister of Agriculture's abysmal record of consultation. On the advice I have now, I think that the Minister is talking about two committees. How long will these committees take to make decisions?

The Minister must understand by now that problems arising in the field in agriculture do not stand still and wait for bureaucratic committees to ponder an answer. Every agricultural district in this State has different conditions and climates from year to year, and flexibility must be allowed. The agricultural industry is usually some years ahead of any Government department, and that is not a bad reflection on the department but rather reflects the fact that Australia is where it is today thanks to farmers' initiative and hard work and not to Government and its departments.

The committee the Minister of Agriculture referred to in the UF&S article will be made up of representatives of the chemical companies, the agricultural sector, consumers, gardeners, organic farmers, experts and the media. God help us and protect us from the agonising deliberations of this sort of group. I hate to contemplate the sort of slow plodding camel this committee would design and what decisions it will make vital to a farmer's viability.

As I have indicated, the Minister of Agriculture has recently made a number of press statements about the committee that he has established (or will establish) to advise him on chemical use. Before this Bill goes through he had better make it pretty clear to this Council exactly how off-label use will be permitted and exactly what procedures sellers and users of chemicals must go through to get quick answers. Some of my advice from the field is that the Registrar of Chemicals should be the sole arbiter and that the Registrar should have maximum flexibility.

Before passing to some of the other aspects of the Bill, I should mention lindane. Like DDT and dieldrin, it is an organochlorin. Why is the Minister leaving it until next year to prohibit and remove lindane? If a chemical is a bad chemical, it is a bad chemical and not some halfway house. Is the failure to ban lindane now because there are thousands of tonnes of superphosphate containing lindane ready mixed and ready for sale? I would suggest that the use and/or misuse of lindane in backyard vegetable gardens and lawns around Adelaide may have just as much detrimental effect on health in the city as it would in the rural areas used for small horticultural crops or broadacre farming. For instance, we have only to consider the possibility of the contamination of lactating mothers' milk and use that as an example. What the Minister is inferring is that he will not, at least for the next six months or so, have anything to do with removing lindane from sale. Someone needs to make up their mind on this whole matter or we will see here, and those in the field will see, that this whole saga is some sort of sick joke.

I should say a few things about lindane following the advice that I received yesterday. There are stocks of superphosphate containing lindane in South Australia, and about 70 per cent may be used for home gardens. There may be stocks on hand for broadacre use that will not be used by June 1988. No other chemical will replace lindane for certain uses in agriculture. I understand that Victoria's attitude to lindane is different from that in South Australia. Despite what I said earlier about the dangers of lindane, I hope and indeed expect the Minister to have close consultation with the manufacturers of superphosphate containing lindane to allow for a reasonable rundown or destroying of their stocks.

My amendments on file indicate lindane being named on a restricted schedule. I would be happy to hear arguments on this matter from the Minister of Health, representing the Minister of Agriculture, or even in his own right. He may well reject the whole notion of a schedule but, nevertheless, he should comment on lindane. I note that in today's country edition of the *Advertiser*, the Minister of Health states something about the Government banning every use of organochlorins. We already know that the United States' overreaction to chemicals is similar to the stunts they used to pull in the name of health regarding the standards of our export abattoirs: a fly on the wall means the closure of an abattoir.

The Bill before us amends the Act in the area of labels on chemical containers. How on earth will the Minister make sure that everyone in South Australia complies with, for instance, new section 11b (2), which provides that a person must not use an agricultural chemical in accordance with directions stated on the label if the Minister has by notice declared that the chemical should not be used in accordance with these directions? We should not think just of the farmers, but of every backyard operator in urban Adelaide who uses chemicals. The fine is $20 000 for non-compliance, and the mind boggles at this. Every chemical wholesaler, retailer, farmer and backyard operator will certainly be upgrading their labels, and I suppose that will be done constantly. They will also be harassed constantly by expensive snooping inspectors. We can expect a growth in the area of inspector employment.

Let us look at fodder, because the Bill amends the principal Act by providing that fodder means food of any kind used for feeding livestock. What will be the process of testing hay, grain and other stored foodstuffs? How will standing crops and growing pasture be tested, and what will be the process of stopping its use? The explanation of new section 24 (b) states quite clearly that it needs only an inspector's opinion to direct the owner in writing to destroy, treat or not use the fodder for a period stated on the notice.

Subclauses (7) and (8) of new section 10 contain some rather drastic action regarding fodder. The Opposition suggests that there should be some sort of right of appeal or review for the owners against the decision of an inspector, especially if non-compliance by a farmer can mean the destruction of that fodder.

Finally, with reference to this Bill, I should point out that new section 13a provides that, if a body corporate is guilty of an offence against the Act, each director of the body corporate and each manager or any aspect of its business that was involved in the circumstances of the offence shall be guilty and subject to the same penalty to which a natural person would be liable. That provision may be fine in relation to companies operating an agricultural or horticultural business, but I put it to the Minister and to the Council that one intended or unintended consequence may be to catch sporting bodies which, without exception, use chemicals when preparing their playing surfaces for bowls, golf, football, cricket, tennis, etc.

I am sure that most, if not all, incorporated sporting bodies would have the clear understanding that, by being incorporated, individual members of the management of these bodies are not liable; rather, the incorporated body might be liable. The Opposition will consider an amendment to that new section to provide that incorporated sporting bodies are natural persons in relation to penalty (for example, limiting the penalty to $20 000 for the club).

The Council should consider also the position of a registered strata title incorporation where one of the owners may be a farmer who may store chemicals for use on the farm. If that farmer is caught with chemicals not having updated registration labels, I understand that each owner within the incorporated strata title is liable to a fine of up to $20 000.

On this occasion I have not repeated the points I made on 22 October regarding field trial work prior to registration, or the planning needed for trace-back. Nor have I repeated that horticultural products sold in containers which carry a grower's name and which contain contaminated product can be traced to the offending grower. Unless the Minister can supply satisfactory explanations in these areas, the Opposition will consider moving some amendments.

The Opposition will study the Minister's reply and, as I said previously, after consultation we will consider our next move. The Opposition signals to the Government and the Democrats a number of amendments. It also signals to the Government that, in relation to chemicals for home garden use, there is an urgent need to do something similar to what

is provided in this Bill for the control of agricultural chemicals in the field. Our amendments will look at amending the Bill in such a way that will prohibit the use of a chemical (that is, DDT), appearing on a schedule, or restricting the use of chemicals (that is, lindane, dieldrin and aldrin) appearing on a schedule and allowing every other chemical to continue to be used as provided for in the Act.

We will take this course to allow for extensive and proper consultation between the Minister and all sections of the industry so that they may come up with a workable and balanced solution to any problems. Hopefully, another Bill, if it is needed, can be debated by Parliament next year, reflecting satisfactory negotiations which, hopefully, will benefit everyone concerned. That will occur if the Minister of Agriculture is fair dinkum about making proper provision for health safeguards and letting farmers and horticulturists get on with their job of growing food.

Our second amendment relates to clause 6. The effect of the amendment will be similar to a provision contained in the Associations Incorporation Act; namely, if a person objects before answering a question on the grounds of self-incrimination, the answer is not admissible except in proceedings for an offence against the Act.

The third amendment if passed will give 14 days after service of notice by an inspector before material that he has inspected (such as fodder) has to be destroyed. The fourth amendment deletes the reverse onus of proof contained in section 31a. Finally, a further amendment will reduce from $5 000 to $1 000 the penalty in section 32. This section gives power to the Government to make regulations, and I await the Minister of Health's reply on behalf of the Minister of Agriculture, as do the Horticultural Association, the UF&S, the AVCA and others. I sincerely hope that we can make some headway and find some commonsense solution so that matters of health protection for the whole population, together with food production, can be reconciled. The Opposition supports the main part of the Bill, but we have highlighted some amendments.

The Hon. T.G. ROBERTS: I support the Bill. I hope to do it briefly and not to take the same time as the previous speaker. I congratulate him on his contribution, although perhaps I do not agree with all the points he made or some of the tenor of his opposition to some of the matters that he put forward. For too long the agricultural chemical industry and the chemical industry generally, both agriculturally and horticulturally, has been studded by the adversary system where users, manufacturers, suppliers, consumers and those people who are affected by chemical use have been put into the adversary situation due to vested interests of supply, demand and consumers. The truth has been a long time getting to the public.

One of the problems with organochlorin abuse in the community generally is that most people do not know the real effects of its build-up in the system. The medical effects and the necessity for the introduction of the registration program have not been debated or given enough publicity in the public arena. The Act deals with the registration, control and use of agricultural chemicals, and provides control over the fate of fodder unacceptably contaminated with agricultural chemicals, as well as penalties. It is a pity that penalties have to be included. Unfortunately, because the industry has not provided some sort of self-regulatory mechanisms to bring about the control of organochlorin abuse in the agriculture chemical industry, it has impacted on our potential export markets.

We now have a problem where, at this late hour, we are debating some of the finer points of how to go about drafting a Bill to protect both the consumer and the user of organochlorins, and we have these inbuilt penalties. We should not have to get to that stage. It should have been done 10 years ago, at least, when the first information was starting to leak out of both Europe and America. I say 'leak' because that is the way the information came. Many community consumer groups had to squeeze that information that is now general knowledge out of those responsible agriculture chemical producers that had so much money invested in production and sale.

The Hon. T. Crothers: Like thalidomide.

The Hon. T.G. ROBERTS: Thalidomide is probably a good example. The chemical industry is strewn with abuses. I will not go into too many details of that, but it relates to production and to abusive use next to neighbouring communities, even by those people who have applied it (and in that I include agriculturalists, farmers and farm hands). Some farmers, like any other section of the community, made themselves aware of some of the organochlorins that they were using. They used preventive measures to make sure that drift and sprays did not affect either their neighbours or townspeople. They went by the labelling processes and ensured that the recommendations outlined by the producers were adhered to. However, all too often there were the others—those who abused not only the recommended use but also the recommended dosages.

You had, and still have, farming people asking suppliers for a particular chemical to use for a particular problem. The information that they get is not entirely accurate and, if followed, would probably end up most disastrously because, in many cases, those people who are selling and dispensing the chemicals have nothing but the labels to go by in terms of making recommendations about how those chemicals are to be used.

It soon became widely known that a lot of these chemicals were dangerous to health and that they had a long term incubation period—sometimes up to 30 or 40 years for some of the problems to show. Some of the symptoms were more acute with people dropping in paddocks. The Hon. Jamie Irwin would know of a number of farmers directly affected by its application who had to be picked up out of paddocks by either friends, relatives or worried wives who had gone to see where their husbands were when using some of these chemicals. That period has passed. Those days of major abuse have hopefully left us because there is now a lot more information about them and, if there is major abuse by the use and application of chemicals, in many cases it is due to ignorance. That has been the trail left by the whole of the industry, where the information that should have been supplied in the early days of the 1960s, 1970s and 1980s was not supplied by the chemical companies as they were all too aware of some of the dangerous problems that a lot of the chemicals presented.

In the United States many chemical producing companies shut down operations because of troubles they were causing in residential areas, particularly around Houston, Galveston and southern areas of the United States. They shifted their refining and chemical processing plants into Mexico where the regulations and safety, health and welfare provisions were not as tightly administered as in the United States. For those people who wanted information, the best place to go was to documentation supplied, particularly by United States consumer groups, as they were the first people exposed to many of the abuses in the early days of the industry.

In the early days of the industry Australia was treated like any Third World country and those consumers of agricultural chemicals were in many cases treated the same as

Filipino or Indian peasants, and so on, in the chemicals being put on the market.

The Hon. Peter Dunn interjecting:

The Hon. T.G. ROBERTS: The Hon. Peter Dunn is getting very concerned about some of the terminology—

The Hon. Peter Dunn interjecting:

The Hon. T.G. ROBERTS: The Hon. Peter Dunn is concerned that the terminology I am using is a little over-expressive. In 1980 I ran a seminar attended by many agricultural users. Out of the 60 people who turned up, about 10 per cent were townspeople, 30 per cent industrially orientated people and the rest either farmers or farmhands. In most cases when the information was supplied and speakers addressed the seminar, to educate rather than get a protagonist view (as the honourable member seems to think I am expressing), the farmers themselves said that it was the first time they had been given such information. Facts on internal haemorrhaging and carcinogens being used on their farms without their knowledge and the fact that cancer could be caused by the use of chemicals were new to them. Many did not understand it and thought that it was an hereditary problem or a breakdown in genes. They did not associate cancer-causing agents as being part of the farm supply and the use of chemicals. There was slow recognition that they were dealing with toxic and hazardous chemicals and that in the future they would have to use them more responsibly.

Certainly, I am not saying everything should be banned: I am saying that where chemical use is being abused, when sledge hammers, as it were, are used to crack walnuts, biological control agents that can do the same thing should be used instead, or at least chemicals that are less harmful than those initially used should be used. The honourable member referred to lindane, chlordane, aldrin and dieldrin. The use of these chemicals has been abused, leaving not only a residue in the product but in the beasts to be passed on in the food chain into humans.

Australia and South Austrlia have the opportunity to be leaders in biological control. The CSIRO is well advanced in some of these patterns and Australia could become the food basket of the world if it advertised that it was not abusing the use of chemicals and was producing food in a clean and uncontaminated way. New Zealand is starting to advertise in this way in the United States, and there has been huge demand for much of New Zealand's produce. Australia could do exactly the same thing if there was cooperation between the agricultural and horticultural industries and not the adversary role and the petty political role playing by some of the representatives of some organisations representing farming interests.

It does not come as any surprise that the US, Japan and other countries have used the contaminated residue problems as a way of keeping our products out. For too long our information has been inadequate. the legislation that South Australia is bringing out is timely. It is probably a little late in coming but, nevertheless, it is here and it should be supported by all political Parties. Farming organisations should not be going to the political barricades over whether or not there are high fines for abuse; they should be encouraging their members to conform to its provisions and to draw up improvements and other regulations that can be introduced.

The Hon. Mr Irwin has recommended that another chemical be added to the list. I am sure that if he talks with the Minister and with people in the industry he will find they have other ideas about improving the Bill from time to time. The Bill will change over a period. Chemicals will be added to the list as information becomes clear that they are contaminating agents that will pose some dangers to either the industry or individuals in it.

The problem associated with much of the contaminated material, as raised by the Hon. Mr Irwin, involves testing. It is difficult to test to see what residual carryover there is from organochlorins, particularly in fodder. In many of the testing cases one has to test the soil as well as the fodder. Testing cannot be done by farmers at this time, but I understand that there are a number of testing laboratories being set up in all States and even commercial interests are now starting to get interested in setting up laboratories.

Certainly, I would not be encouraging that because I would prefer testing to be done by the Department of Agriculture so that there can be some uniformity in testing procedures and the way that tests are carried out—I hope that commercial interests do not get into the arena too quickly setting up their own laboratories, because we will then have another vested interest.

I am not quite sure how the industry views that. The fewer vested interests involved in trying to come to terms with these difficulties the better. This is something that we should look at further down the track. I could continue at some length and discuss other problems associated with residues, but in view of the limited time available and the fact that there are several other speakers, I will not do that.

I refer to a report which outlines the serious problem associated with organochlorin poisoning of the land. The report was released by the dairy industry which, as mentioned by the Hon. Mr Irwin, has more potential to be life threatening than the beef industry or any other industry because of the link between milk and infants and the fact that mothers can pass on the poison direct to an infant. I think that warning signals went out to the dairy industry before any other industry and it set up testing procedures. Nevertheless, the report states:

> Land treated with organochlorins between August 1982 and November 1985 cannot be used for the production of food for livestock or humans for all time.

That is a long time. I do not think that too many farmers have seen that report and I do not think that too many agriculturalists understand the magnitude of the problem.

Much of this information is available in the United States but, as I have said, it has been slow to reach Australia. However, it is now here. I believe that representatives of the farming industry would be wise to sit down with the department and go through the information available to work out what is accurate, what is inflammatory and how the information can be applied to the industry. That is happening in other industries where unions are sitting down with employers and manufacturers and going through the lists of chemicals on their sites to determine the occupational health and safety problems associated with those chemicals. If the danger to health cannot be minimised, the chemicals must be disposed of.

The Hon. J.C. Irwin: Why didn't the Minister do that before the Bill came in? We have no confidence that the Minister will do that. Why didn't he do that before? If there is a good argument, give it to the industry.

The Hon. T.G. ROBERTS: There is no doubt that, if the industry makes an approach to sit down with the department to go through that information, the Minister will listen and the Government will introduce the legislative changes that the industry would like. As I have said, the information that I have had since 1980 has been around for a long time. So it is not a good example of self-regulation within an industry. Recommendations must be made to curb some of the excesses and abuses that have occurred within the industry. I do not blame farmers, because the information they

have is known generally in the community—and that is very little.

Some specialists in the industry have had this information for a long time. We must start looking a bit more closely at some of the chemicals that are being used. Indeed, rather than arguing about the penalties contained in the Bill, it should be argued that the Bill does not go far enough and needs to be tightened up and made stronger. We should be pointing the finger more at the chemical producers rather than the users.

One of the problems faced by the group in the South-East was that, although the chemicals were restricted from supply in South Australia, DDT could be trucked in from Queensland. Some farmers were using biological controls and reasonably safe chemicals to keep out all sorts of bugs from their broad acre farming programs, which they had just commenced and which upset nature's balance in the area. However, other farmers did not give two hoots and, having trucked in DDT from Queensland, sprayed it around their farms and all the bugs went next door to Farmer Brown who was doing the right thing. Cooperation is necessary.

The Hon. Peter Dunn interjecting:

The Hon. T.G. ROBERTS: Some farmers were going around applying DDT using a bucket and stick. That is how basic some of their application methods were. Others were using aerial and burn sprays and doing the right thing. The industry reflects the total community. Most farmers, agriculturalists, horticulturists and glasshouse producers operate in a responsible way; others are the bane of the industry. It is no good protecting those people who abuse the agricultural chemical industry, whether they be suppliers or users. We must crack down on them. That is who the penalties are aimed at—not at the farmers who use chemicals in a responsible way. As with people who abuse any aspect of agriculture, the industry itself should point the finger at them and tell them to clean up their act.

A number of farms have been quarantined and can no longer be used for agricultural purposes. Those farmers should be looked at with some sympathy. In many cases the damage was caused through ignorance; in some cases the farmers tried to be a little bit clever. This is not a matter for pointing the finger and laying the blame. If the implications of their actions were explained to the farmers a lot earlier, they might not have taken the action that they did when using chemicals. In response to a question to a farmer whose property had been quarantined, the farmer said that he had been using DDT and other chemicals for over 30 years and had not received any complaints. That was part of his problem. He had been using chemicals in a way that had done irreversible harm to part of his land.

Those problems are being grappled with, but the industry should show some maturity and draw up its own guidelines as to how it sees the industry progressing with regard to outlawing some of the chemicals that have been named. It should seek advice about chemical substitutes from the department for those chemicals causing residual problems so that the industry can improve its image among consumers. Ultimately it will be the consumer who will determine whether agriculturalists have a future in some sections of the industry. Even if it is only for financial return and not environmental concerns, which many of us have, it should be the responsibility of the whole industry to take such advice before it is too late. I support the Bill.

The Hon. M.J. ELLIOTT: This Bill would not have been before the Council if it had not been for the recent organochlorin scare. Australia's beef market to the United States and Japan, which is worth hundreds of millions of dollars, was put at risk by the actions of a relatively small number of farmers.

Quite clearly, all our agricultural produce which is going to export markets now is at risk of being placed under the microscope; not only meat, but other products as well. While some people may wish to argue about whether or not these various chemicals are dangerous (and, in fact, I do believe that DDT and many other organochlorins are extremely dangerous), I think that that pales into insignificance in terms of the potential damage to our overseas markets. I think that even the conservatives who wish to deny that there are problems with insecticides must concede that it does not matter what we think about how dangerous they are, but if the United States and Japan think that they are dangerous there is absolutely no option except to take the strongest possible steps.

The Hon. T.G. Roberts: They should know—they produce them.

The Hon. M.J. ELLIOTT: Yes, they make them and sell them to us. No-one recognises that better than Ian McLachlan, the head of the National Farmers Federation, when he was encouraging Australians to steer clear of food irradiation. He did that for the very reason that he recognised that, if Australia could offer overseas a product which was guaranteed not to have been treated in that way, the prospect of our sales was far better. The Hon. Mr Roberts touched on the fact that New Zealand proudly proclaims its food to be non-contaminated, and it sells well. One of the reasons why there has been a boom in the sales of Australian wine, particularly in Scandinavia, is that people felt safe with Australian wines after the scares with the wine of Austria and other parts of Europe due to contamination. The effect of Chernobyl was another reason why they turned to Australian foods.

So I think that we have all sorts of vested interests besides the safety of our own consumers and the safety of the farmers themselves. There are a multitude of reasons why we need to act. We had ample warning that there were problems with insecticides and pesticides. *Silent Spring*, written by Rachel Carson, must have been published well over 20 years ago. She warned then of the dangers of DDT which has been used and claimed to be perfectly safe in the way that some people from the Flat Earth Society would still like it to be today. She warned of pesticide resistance in insects, and the requirement to use stronger and stronger doses of those chemicals. Those warnings went largely unheeded except by those 'cranks' who were labelled as 'greenies'. The chickens are eventually coming home to roost and, slowly but surely, people are waking up to the problems that exist. It would be grossly simplistic to blame farmers or the chemical companies—although, no doubt, some farmers and chemical companies do deserve blame.

Our society—and our Government, in particular—must share the blame. As I have said in this place before, too often are Governments reactive and failing to be forward looking and anticipating problems. I only hope that when this legislation is passed it is used in such a forward looking way and we do not wait for disaster before we try to patch it up. I think that our Government stands condemned also for the totally inadequate testing programs which have been run on our foodstuffs. How on earth is it possible that organochlorin residues are being found overseas yet have not been picked up in the testing programs within our own country?

Quite clearly, it reflects totally inadequate testing programs, and I suggest that they do not relate to meat, but to all products. If those testing programs had been run ade-

quately, then that problem—and, possibly, others that still have not been picked up—would have been detected a very long time ago.

The Bill itself caused quite some consternation when it first appeared. It had not been through a large consultation process, again—as happens with so much legislation. Whether or not there were problems with the drafting, I believe that it was necessary that people had a chance to have the drafting explained to them in order to suggest possible amendments, which need not have weakened the Bill but, quite clearly, removed unintended consequences. There have been suggestions, particularly in the horticultural area, that there have been a host of unintended consequences.

The Hon. Jamie Irwin has already touched on most of those matters, so I do not wish to go into them in depth. Quite clearly there are problems with off-label use and in relation to the use of prescribed concentrations. To say that one must use a herbicide at a particular concentration does not recognise the fact that there is new technology available that allows one to use the same amount of herbicide or insecticide per unit area, but by using finer mists one uses a much higher concentration in the original mix.

It is absolute nonsense for a Bill to try to prevent that sort of thing, but certainly an interpretation can be made in that way. If the label says one must use so many litres per hectare, what happens if a person in the horticultural industry, for example, is only spraying weeds along strips on which trees or vines are growing? If that person used the prescribed concentration per hectare according to the instructions on the can and concentrated all that into those narrow strips it would be used at something like 10 times the recommended usage. But the real problem is that the Government, despite having all these powers, has very little chance of picking up any abuse that occurs. It has very little opportunity to pick it up unless it has an inspector who follows every farmer and horticulturalist around their properties all the time to watch them pour things from one tin to another to see at what concentration they are mixed. Unless the Government has an inspector on every farmer's shoulder it has no hope at all. So, having given itself all sorts of powers and made all sorts of practices illegal—and some of those possibly wrongly illegal—it has absolutely no way of carrying through on them.

So, the Bill is really deficient—sadly deficient. It fails to address real problems and to look for workable solutions. We need to recognise that the real problem is the ignorance of the user. There are so many pesticides currently available that no farmer has any real opportunity to know what they all do and how to use them properly. Even more important is the ignorance of the people who are selling—and sometimes recommending the use of—these chemicals. From my own experience when I had a property in the Riverland, if I had a particular problem—a weed or an insect problem—I would go to the local co-op to inquire what I should use, and I would find myself standing in front of the racks of pesticides with the salesman next to me reading the labels to try to work out which one to use. I find that quite obscene; it really was the blind leading the blind.

That is how much of the use of farm chemicals is occurring in this State at the present time. If the Government is serious about solving the problems with pesticides, I believe it needs to do a number of things: first, adequate testing programs which I touched on before; secondly, it needs to make available through TAFE a large number of courses on the use of pesticides. Some courses are available now but they need to be readily available. There is no doubt in my mind that farmers are willing to attend such courses. I have been to UF&S meetings where farmers have readily admitted that they do not know as much about the use of pesticides as they should; they are concerned and would like to have courses available.

I strongly urge the Government to step up the availability of such courses so that farmers no longer work in ignorance. But most importantly—and I will move an amendment along these lines during the Committee stages—is the fact that I think there should be a requirement for the registration of sellers of agricultural chemicals and, in particular, to control the sale of the more dangerous chemicals; more dangerous either directly to the user or in terms of long-term residue problems. Such registration could work in a number of ways—in fact I have left much of it to regulation—but, as I see it, if for instance I went to my co-op store in the Riverland to buy a fairly innocent pesticide—and the Minister can prescribe what he deems to be innocent and what is not—then I can be served by Joe Blow, who does not really know much about chemicals, but, if I wish to use one of the chemicals which the Minister prescribes as dangerous but still legal, then I should not buy it unless I have consulted with a registered salesperson who can tell me exactly what I should and should not do with that chemical—how I should use it and how I should not use it.

I think that with that occurring we will have fewer problems. Already the industry is starting to move that way of its own volition. I am aware that the Horticultural Association is training its sales people. I am also aware that one or two other groups are doing similar sorts of things. However, I do not think that we can afford to leave it to self regulation. As I have said, all along the problem has been caused by only a handful of people. Self regulation never does much about a handful of such people doing the wrong thing. I think it is imperative that the Government give very serious consideration to intervention at the sales level—not necessarily prohibiting every chemical but doing something to ensure that the proper information reaches the user by way of the sales person.

I also think that the Government should look carefully at the sort of advertising of pesticides that is now occurring. For example, I refer to an advertisement that appeared in a recent publication from the Horticultural Association for grass weed control for vegetables. It begins by saying:

> Vegetable growers, what is one of the biggest barriers to healthy crops? It is grass weeds.

It goes on to say that 'they look untidy'. It is unbelievable stuff. Fancy an advertisement telling people to go out and spray their crops because they look untidy! That is the way that that advertisement is presented. This does happen, and I recall that some of the growers up in the Riverland were on their ploughs most of the day trying to get every last weed out of their blocks—because they looked untidy. People think that way. I think that this sort of advertising is absolutely irresponsible. It encourages people to use a certain weedicide because of its capacity to bring about a result, but potential users should be told what it can or cannot do and they should also be informed what the withholding periods and the active constituents are. That is the sort of advertising that we should see. Another advertisement that I noticed in the *Murray Pioneer* only some week and a half ago referred to another product, and it used terminology such as:

> Whatever produce you grow for profit, there is one insecticide you should always keep handy. It is effective in controlling the worst pests but so versatile you find yourself using it all year round.

It sounds a bit like an underarm deodorant or something. It continues:

Above or below ground Lorbsan knocks them flat. Infestation is controlled in three ways—by contact, ingestion and vapor.

That is about the only information that is given. The advertisement goes on to list what it does kill and then at the bottom it says 'and any other destructive pests'. Nowhere in the whole advertisement does it indicate what the active ingredients are, anything about the withholding periods or any other what I would regard as information useful to a person who wants to use it. So, I think that the Government really must tackle the matter of advertising of these sorts of products.

Whilst I support the legislation, I have some reservations. I have given an undertaking to the Horticultural Association, the United Farmers and Stockowners and to some individuals that I would delay the second reading so that the Minister could give some assurances in relation to the possible unintended consequences, before the Bill went into Committee. I have made that undertaking. I am extremely conscious of the problems and dangers arising from the wrongful use of pesticides. I want to see strong legislation in place but, at the same time, there can be no excuse for leaving the way open for unintended consequences to arise which could cause serious problems for the managing of agricultural properties. It is for that reason only that I have delayed the Bill for as long as I have, as I think it is imperative that we have the right legislation. The Democrats support the second reading.

The Hon. PETER DUNN: I want to spend just a couple of minutes making some comments. If I farmed at the speed at which we are debating this subject I would have gone broke years ago. I want to point out two or three things in relation to this Bill. First, I indicate that we support the Bill—the reasons for that are quite clear and simple. The fact that trade sanctions have been placed against Australia because we use chemicals that are not acceptable in other parts of the world indicates to me that something has to be done about the matter—and we cannot use them.

Unfortunately, the Bill does more than that; it talks about prohibiting the organochlorins, chlorinated hydrocarbons, etc., and, in fact, the second reading speech is not true. The second paragraph says:

It does not prevent the use of chemicals for other than those specified on the label. It provides for the control of sale but not end use.

New section 11b of the Bill states:

. . . a person must not use an agricultural chemical except—
(a) for an authorised purpose;

What is that, if it is not what is on the label? The authorised purpose is what is printed on the label. It further states:

(b) in accordance with any directions applicable to that use—
(i) stated on the label registered in relation to the chemical;
or
(ii) given by the Minister in authorising the use of the chemical for the relevant purpose.

I guess that is for another use. The Bill distinctly says that it cannot be used for anything other than what the label says, yet the second reading speech says:

It does not prevent the use of chemicals for other than those specified on the label. It provides for the control of sale but not the end use.

I fail to see how we can take the Minister seriously if he is going to make those sorts of statements. New section 11a (2) provides:

(a) a purpose stated on the label under which the chemical was sold (whether or not the registration of that label is still in force).

That is, a person who has possession of the agricultural chemical must abide by that. The provision further states:

(b) if the registered label has been altered by the Minister under section 19—a purpose stated on the registered label as altered;
(c) a purpose authorised by the Minister.

In other words, that refers to anybody who wishes to use the chemical for other than what the label says. Even though the second reading speech says that you may use it any way you like, the Bill distinctly says that you must get the Minister's authorisation if it is to be used for purposes other than those on the label.

Unfortunately, a lot of chemicals used today are not seen to be dangerous to the public but are very good products to use for the cutting of cost, which gets the end product to the user as cheaply as possible. However, we will not be able to use these chemicals. I can name a number of them but I will not do so. I am disappointed that the Bill does that. For those reasons, I think we should take out the chlorinated hydrocarbons and organophosphate and then we can look at the rest of the Bill in the cold light of day.

I have used a lot of herbicide for the control of weeds on my property, including 2,4-D and another chemical which is a derivative of urea. Neither of those chemicals is very dangerous, and we use them at about a sixteenth of the recommended rate on the drum. Mixed together they become a very effective chemical, particularly in our country where we have light rainfall and do not need heavy applications of these chemicals. Under this Bill I will not be able to do that, and neither will my sharefarmer. That will be a pity.

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: You might be able to tell me about it. It means I will have to get permission from the Minister to do that, and that saddens me. However, I agree that the Bill is endeavouring to do something that we, as a nation, must do. I agree that there ought to be a finer and more intense look at how we use our chemicals.

I do not agree exactly with what the Hon. Terry Roberts has come up with. I do not believe that any person in this Chamber has told me what effect DDT has on human beings other than an article in the *Bulletin*—and I cannot remember off hand the date—which stated that more people have died from malaria and dengue fever since DDT has been withdrawn from use for the control of those pests, because of the transmission of those diseases through mosquitoes, than were killed in the Second World War. That is fairly significant. So, we have to get our facts correct if we are to go crook about some of these chemicals. However, they are a trade sanction and they are against us; therefore, we cannot use them.

Can the Minister assure me that this Bill does not restrict the use of chemicals other than the use on the label? The use of fungicides in the cultivation of rockmelons and celery is most important. We all like our celery and rockmelons (or cantaloupes) and this is the greatest celery growing State in Australia, but under this Bill, I do not believe that those two crops will be able to be grown. I believe that the organophosphates should have been knocked out and we should have looked at this Bill in the cold light of day next year when we will have time to study it more carefully.

It has some draconian penalties, such as $40 000 for bodies corporate and $20 000 for individuals who use these chemicals. They are very severe penalties, and I do not think there is any reason at all for them to be that harsh when many of the chemicals that we use are most important for our food and to maintain low prices on our food. I support the Bill.

The Hon. J.R. CORNWALL (Minister of Health): I thank the Hon. Terry Roberts for his contribution, which was thoughtful, very soundly researched and very soundly based. I wish I could say the same for the Hon. Jamie Irwin who

seems to be trying to set some sort of a record for gabfesting in this place in the dying stages of the Parliament.

The Hon. J.C. Irwin: If your Minister had done his work, I wouldn't have had to do any of that.

The Hon. J.R. CORNWALL: He had done a lot of work, but a great deal of what he said could have been more properly discussed (and will again be discussed, I have no doubt), unfortunately, in the Committee stage. He referred to things like gypsum. There is obviously no intention in the Bill that materials like gypsum ought to be covered, and nobody has ever seriously suggested that that is the situation. There is a technical requirement in the Bill to use these various products at the standard strength. That technical requirement obviously applies to ensure that people do not use them over the standard strength. It will in no way inhibit the Hon. Mr Dunn, his share farmer or anybody else on the West Coast who wants to use the prescribed chemicals at less than the standard strength. That is not the spirit and intent of the Bill, and it is not the way it would work. It would be quite ludicrous to suggest that somebody will go out and try to prosecute the Hon. Mr Dunn or any of his colleagues for using these products at a fifth or a tenth of the standard strength. I would like to make that clear.

I would also like to make clear that there is a very simple and basic premise in all of the chemicals that are used for agriculture, or indeed for any other purpose on earth, and that is they are introduced for the overall benefit of mankind. I say that, of course, in the broadest sense. Once more information becomes available, if indeed information becomes available, to show that the reserve applies—as it is quite clearly doing now with the organochlorins—then it is time in the interests of public health and safety to reassess that position and take whatever action is appropriate.

It is no longer the case, as the Hon. Mr Dunn would have it, that it is still gungho to go: it never did me any harm, so to speak. It is a spurious notion indeed to talk about the number of people who may have died because DDT is no longer used to destroy the world environment. I think that, if we had continued with DDT, given the measured and measurable impact that it was having on the environment generally, in the longer term many millions of human beings would starve to death, because it was killing rivers, killing fish and, in the worst possible way, it was killing the environment.

I will now make some general comments. The amendments contained in this Bill seek to include in the current legislation powers to control the end use of agricultural chemicals. The need for this control was brought sharply into focus, as various speakers have said, by the recent detections of residues in export beef and subsequent calls for action to prevent such contamination of meat. The current Agricultural Chemicals Act contains provision for the registration of chemicals used in the production of agricultural products and control over sale of these chemicals. There is no provision to control how agricultural chemicals are used, whether they are sold in Australia or obtained from interstate. In the light of contemporary knowledge in 1987, obviously that is an untenable position. That is not only the ultimate test: that is the simple test and that is what we are applying.

To have no provision controlling agricultural chemicals at the point of use, whether they are sold in this State or obtained from interstate, obviously is at variance with the situation in most other States where legislation controls both the sale and the end use of agricultural chemicals, so the Bill specifically protects, in the first instance at least, our great primary industries and I would have thought that, in those circumstances, Mr Irwin and Mr Dunn in particular would be on their feet applauding the Government's initiative. All States are undertaking an urgent review of their legislation to ensure that control over use is included. We are talking about an industry which, from memory, is worth more than $700 million a year nationally. The review being undertaken by all States is a vital part of the national action plan which was agreed to by the Australian Agricultural Council in response to the meat residue issue earlier this year, so we are not acting unilaterally.

Industry at both the State and Federal levels has indicated its support for tighter controls over chemical use in agriculture and I am aware of the research going on for alternative means of controlling pests and diseases effectively and safely, so that our primary industries may remain viable and competitive. I think only two days ago I issued a press release which informed the public of South Australia that I had written to the Controlled Substances Advisory Council asking it for a thorough assessment of what the effect would be of withdrawing organochlorins altogether not just in agriculture, but as termiticides and for domestic and garden use. I am waiting for that assessment. Amongst other things, I asked the council about the prospects for our having safer biodegradable insecticides available at some time in the medium or long term—such is our concern.

In this instance the thrust of this Bill is particularly to control the misuse and abuse of chemicals used in agriculture, especially those that may enter and persist in the food chain. This has consequences for human health as well as potential economic losses through the loss of export markets.

It is not intended that the provisions of this Bill should prevent or hinder the safe or effective use of chemicals by farmers where there is a need to use them on crops and it is demonstrated that they are safe. I am aware that industry supports the thrust of this Bill, but I am also aware that concern has been expressed about the amendment of section 11 *(b)* of the current Act in respect of the use of agricultural chemicals in accordance with the directions on the label and the level of fines that may apply if the provisions of this section are contravened. In particular, questions have been raised regarding the need to use certain agricultural chemicals for minor or special uses not listed on the label. This is of particular concern to growers of specialty crops and to research workers, and at least two speakers touched on that point. Let me reassure the Council that there is provision in the Bill which allows the use of agricultural chemicals for special purposes.

This is provided (if anyone cares to look) under clause 9 of the Bill. The Minister will have the power to authorise off-label uses, that is, uses not listed on the registration label. Of course, this is distinct from the ability, which will be retained by the Hon. Mr Dunn and his sharefarmer, and all the other farmers on the West Coast, to use the substances at below the technically prescribed level. In that sense, the Government is being flexible to the point possible without compromising the proposed legislation to the extent that it might become unworkable or even useless.

The provision that we inserted to authorise off-label uses is necessary to allow for experimental and developmental work such as field trials of chemicals. It is also necessary to ensure that a swift response can be made in an emergency, for example, the outbreak of an insect pest such as plague locusts. It is envisaged that the Minister will approve such off-label uses by means of a permit system established by regulation under the Act.

Under the proposed permit system, it will be possible to grant permission for the use of a particular agricultural

chemical or chemicals to: first, individual applicants; secondly, groups such as growers of a particular crop; and, thirdly, institutions or authorities. In the case of an emergency, a State-wide approval or permit could be considered. Applications for off-label use would be assessed in similar ways to applications for registration, that is, by specialist Department of Agriculture officers with reference to the Health Commission.

Such applications would be assessed on a priority basis to suit the need, taking into account various factors such as health, the environment, and probable efficacy. The established procedures, such as field trials under the guidance of departmental staff, and consultation with health authorities and interstate Departments of Agriculture, will continue to be used to arrive at a decision on these off-label uses. Some sections of industry have also expressed concern that the Advisory Committee of Agricultural Chemicals, which the Minister of Agriculture is in the process of establishing, would be the body which assessed applications for permits.

I assure members that this is not the case. I am able to give that assurance personally because I queried, in some depth, the proposal to establish an Advisory Committee of Agricultural Chemicals when it first came to Cabinet. I was able to be convinced and satisfy myself that it was certainly in the best interests of South Australians generally. However, it is not the case that this advisory committee, which is a very broad committee (and an advisory committee rather than a technical committee in the strict sense) will not be used in this particular instance.

While this committee may provide advice to the Minister of Agriculture if it wishes on any particular off-label use, this would not be the normal course of operation. The role of the advisory committee is to identify and consider general issues of community concern relating to use of chemicals for pest control on livestock, agricultural and horticultural crops, pastures and home gardens. I am very keen and anxious that that ought to be on the record and that members ought to take note of it.

The Bill also provides, under clause 9, for the withdrawal of a registered use by notice from the Minister. This provision is necessary to ensure that a rapid response is possible where use of a particular chemical is found to be hazardous to human health (subsequent to its registration for use). In the case of withdrawal of a particular use, the Bill provides for notification both in the *Gazette* and in a newpaper circulating throughout the State.

The powers of inspectors included in clause 10 of the Bill enable the control of use provisions to be policed. It should be emphasised that these provisions are to be exercised in the detection and control of the misuse of agricultural chemicals, particularly deliberate misuse. Emphasis will be given to policing the use of chemicals with potential to contaminate the food chain such as organochlorins.

It is obvious that, even with these provisions in place, the onus remains with the user of these chemicals to do so in accordance with the instructions or recommendations for use and to observe the appropriate precautions in terms of human health and safety. It is not intended that an army of inspectors be put into the field to check on each and every application of agricultural chemicals throughout the State. That is a ludicrous notion which is clearly neither practical nor possible. Monitoring mechanisms are in place to detect residues of chemicals in foodstuffs, and there have been now for a very long time. The provisions in this Bill will allow the results of this monitoring to be followed up and acted on in a meaningful way.

Experience with the organochlorin residues in meat show quite clearly that control over registration and sale of agricultural chemicals is not enough; some influence closer to the production end of the commodity is required. In combination with the existing powers in the Agricultural Chemicals Act, the provisions in this Bill address this need. I commend the Bill to the House.

Speaking both as Minister of Health and as a former veterinarian having some technical training in the area and having at one time had a significant amount of expertise in that field, having spent many years in rural practice, I believe this is a very good piece of legislation. It protects human health and the environment and, perhaps most important of all in the short-term and certainly in the current climate, it protects the interest of farmers and graziers in this State and thereby the reputation of farmers and graziers throughout the nation in the medium term in ensuring that the very large meat export market which we have currently and which is vital to this country is protected.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Progress reported; Committee to sit again.

BARLEY MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1830.)

The Hon. PETER DUNN: The Opposition supports this short Bill which brings the board into line with what happens with other boards dealing with primary produce in this State. Since there have been changes to several other Acts, personal liability of directors has come under notice and directors who are now working on behalf of producers selling and handling grain are now liable if they do something incorrect. The Bill corrects that and changes the law so that they are no longer liable.

When the Companies Code was rewritten it did not include the Barley Board and, therefore, it left board members liable. This Bill brings their position into line with the Companies Code in relation to their liabilities, the same as if they were under the code. Barley Board members were worried about that. Being mostly farmers, they are not people who understand the finer points of law, and the Bill helps them in this way.

The Bill does four things, and its second thrust allows for futures trading. All boards that deal not only in grain but in primary produce particularly have the ability to deal in futures, which allow for hedging against future drops in prices. If we wish to sell a product and we are storing it in Australia for sale in November 1988, we can buy a futures contract for November 1988 for which a price is set. If we agree with that price, we can take out the futures contract and sell the product at that time. If we get less than the price in the contract, we have evened out the price and the producer with the grain in the pool gets the benefit. If it is sold for a higher price, we can pay out the futures contract and still get the benefit. Futures trading is a useful tool in the selling of grain, produce and livestock. The Bill allows the Barley Board to enter into futures contracts and makes it easier for it to write contracts for some time in the future.

Thirdly, the Bill relates to people supplying information. We have had problems in the past involving the Barley Board, through people selling grain outside the board to private contractors, and there has been trouble, involving either persecution or making people answer questions that

are required for the good running of the board. Clause 3 deals with section 10 of the principal Act and provides that there is a change in the constitution of the board, so allowing for information about trading.

Clause 4 is a little more complicated, because it deals with people who have bills of sale (or liens) or tax orders over their crop, and it provides that the board is not liable. Each barley grower must sign a form, before delivering barley to the Barley Board, stating either that there is no bill of sale or, if there is, to whom it applies. In the past, an unscrupulous producer did not fill out the form correctly when there was a bill of sale over his crop. The Barley Board, in all honesty, paid the producer what it thought was due to him. However, because there was a bill of sale over his crop, the money should have gone to the person holding the bill of sale. Subsequently, the Barley Board was deemed to be equally responsible for the payment of the bill of sale. This clause changes that situation so that only the producer is responsible for the bill of sale.

Clause 7, which amends section 22 of the principal Act, extends the life of the board from the 1987-88 season to the 1992-93 season, which is five years. There is no change because the board normally has a life of five years. We have on file two amendments which, because of their technical nature, I will ask the Hon. Mr Griffin to explain later. The rest of the Bill is quite straightforward and we support it.

The Hon. J.R. CORNWALL (Minister of Health): I have little to add in reply. Certainly, in view of the lateness of the hour and the fact that I wish to be reacquainted with my family after a substantial absence this week, I think that we should move into Committee as quickly as possible and expedite this matter.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Constitution of Australian Barley Board.'

The Hon. PETER DUNN: I move:

Page 1, after line 20—Insert the following subsection:

(5a) A liability that would, but for subsection (5), lie against a member of the board, lies instead against the board.

The Hon. K.T. GRIFFIN: I support the amendment. Clause 3 provides:

No liability attaches to a member of the board for an act or omission by that member of the board, in good faith in the exercise, or purported exercise, of powers or functions or in the discharge, or purported discharge, of duties under this Act.

If that is to be the case, someone must accept the liability and, in this instance, it would be the board. Where this provision is included in legislation relating to Government boards and authorities, a specific clause makes the liability that of the Crown. By virtue of the principal Act, the Barley Board is not an instrumentality of the Crown, so it seems appropriate that, if no liability is to attach to a member of the board, it ought to attach to the board itself. This really just completes the amendment which is in clause 3 and which, I think, should have been there from the start.

The Hon. J.R. CORNWALL: I have something of a problem in this matter. I am not an expert in the law, I have no brief on this matter and, at this moment, I do not have an officer who could advise me. One of my distinguished colleagues from the veterinary profession helped me on agricultural chemical matters, but I do not have anyone to advise me technically on this point. However, at this time I will accept the amendment but reserve my right, which I do not need to do, to recommit the clause if my advice is to the contrary. I will provisionally accept the amendment in the sense that the Bill must go back to the other place, anyway.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Board may require written information.'

The Hon. PETER DUNN: I move:

Page 2, line 10—Delete 'except in proceedings for an offence against this Act' and substitute 'against that person except in proceedings for an offence against this section'.

The Hon. K.T. GRIFFIN: This clause introduces a provision that a person may not refuse on the grounds of self incrimination to comply with a requirement under this section, that is, that the board may require written information. However, information furnished in the course of compliance with this section will not be admissible except in proceedings for an offence against the Act. That reverses the usual and accepted provision that a person should not be required to incriminate himself. It seems to me that, rather than being inadmissible except in proceedings for an offence against the Act, it should really be that it will not be admissible in proceedings against the person except in proceedings for an offence against section 10a of the principal Act.

Again, it may be that, in the circumstances in which this is being considered, the Minister may care to accept it provisionally, and then it could be reviewed when it gets to the other place and when the pressures are not so intense in this place.

The Hon. J.R. CORNWALL: I accept the amendment on the same basis that I accepted the amendment to clause 3. We will take wise counsel from our colleagues in the House of Assembly when the Bill goes back. On the face of it, I cannot find anything to which I would object vigorously or violently but, not being learned in the law, I must make it clear that it is a provisional acceptance of the amendment in that sense.

Amendment carried; clause as amended passed.

Remaining clauses (6 and 7) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 5.43 p.m. the Council adjourned until Tuesday 1 December at 2.15 p.m.