## LEGISLATIVE COUNCIL

Thursday 9 March 1989

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

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

## MINISTERIAL STATEMENT: FLINDERS CHASE NATIONAL PARK

**The Hon. BARBARA WIESE (Minister of Tourism):** I seek leave to make a statement about the Flinders Chase National Park.

Leave granted.

**The Hon. BARBARA WIESE:** Yesterday the Hon. Mr Stefani asked me to confirm that Mr Jim Stitt had been involved with a proposal for a development in the Flinders Chase National Park. Since then I have made further inquiries of the National Parks and Wildlife Service about this matter and I can now set the record straight.

Last year, when the National Parks and Wildlife Service called for registrations of interest to develop a wilderness resort in the Flinders Chase National Park, Paradise Developments (the company for which Mr Stitt is a consultant) responded—not to propose a development for the park but to propose an alternative. The Paradise Developments submission proposed that support be given to its development outside the park, for which planning approval had already been sought.

Upon receipt of this proposal, the National Parks and Wildlife Service wrote to Paradise Developments advising that it did not meet the specifications of the registrations call and therefore could not be considered. So, the fact of the matter is that at no time did Paradise Developments seek, nor was it considered, to undertake a resort development in the Flinders Chase National Park. Once again, the Opposition has got it wrong.

## MINISTERIAL STATEMENT: SUPERANNUATION FUND REPORTS

**The Hon. BARBARA WIESE (Minister of Tourism):** I seek leave to make a statement about Superannuation Fund reports.

Leave granted.

**The Hon. BARBARA WIESE:** The Local Government Superannuation Act requires the board to provide me with its annual report before 30 September following the financial year to which it relates. Having received the report, I am required by the Act to table it in the Parliament as soon as practicable.

The 1987 report was due by 30 September 1987, but was in fact forwarded to me by the board on 13 February 1989. I expect to be in a position to table it next week. I understand that the board will forward the 1988 report to me in the next few weeks, and I will table it as soon as practicable after receipt. Efforts have been made by my officers on a number of occasions to ascertain the whereabouts of the reports. Improvements in this procedure will now be instituted.

I am advised that the reason for the delay has been largely due to staffing difficulties experienced by the board in recent times. Organisational and staffing changes at the board have now been completed, and I am confident that such extreme delays will not recur.

I understand that neither the 1987 nor the 1988 report comments on the payout to Mr C.L. Wirth, so a more timely tabling would therefore not have drawn earlier public attention to Mr Wirth's payout as was implied by questions asked yesterday in both Houses of Parliament.

## QUESTIONS

### AIDS

**The Hon. M.B. CAMERON:** I seek leave to make a short statement before asking the Minister of Tourism, representing the Minister of Health, a question about AIDS.

Leave granted.

**The Hon. M.B. CAMERON:** It seems that our medical knowledge of the enormous problem of AIDS is growing exponentially each day. Only today, the *Advertiser* reports that new information indicates that the AIDS virus can live outside the human body for up to one week. This is new information that I am sure no member of this Council—certainly no person that I know of—has known previously. At the same time there are fears that the deadly virus might even be inhaled through a surgeon's mask. All this is very worrying for all health staff working in hospitals, and for the patients left in their care, particularly when it is realised that hospital staff are sometimes unaware that they are treating an AIDS-infected person if that person is admitted for another reason.

When I raised the matter of AIDS some time ago—in fact, up to two years ago the first questions were asked about this matter—I recall the then Minister of Health becoming quite hysterical and accusing me of politicising the problem. In fact, that was not the case. At that time he indicated that Dr Michael Ross, as I recall it, was well in control of the situation. When I indicated that—

**The Hon. Diana Laidlaw:** He left Adelaide in frustration.

**The Hon. M.B. CAMERON:** Yes, but when I indicated at that time that Dr Michael Ross was a psychologist, and that therefore further information of a medical nature should be sought, the Minister of Health again went right off his head and said that Dr Michael Ross was a psychiatrist, had medical training, and was well in touch with the problem. I recall the ministerial statement or a personal explanation the next day in which the former Minister of Health had to admit that Dr Michael Ross was a psychologist and had no medical training. I am reflecting not on Dr Michael Ross but on the former Minister, who clearly did not have control of his portfolio, and it appeared that I certainly had more knowledge than he.

In fact, as time moves on it has become clear that the information that Dr Cornwall gave to this Council—and I do not criticise him for this—on the matter of AIDS was based on a huge lack of knowledge—not of Dr Michael Ross but of AIDS generally—and that lack of knowledge arises from the general lack of knowledge in the world community about this problem.

Be that as it may, it could be that some policies now in place are based on that lack of knowledge. Perhaps the time has come for us, as a community, to have further debate on the matter and revise some of our thinking. In that revision—and this is not my opinion but an opinion expressed to me by many people—any requests from the medical fraternity for more information and a change of policies should be taken seriously, because it is an extremely serious problem.

AIDS is not like many of the other transmittable diseases; if you get it, it is a death sentence. At the time when our

knowledge first became available on AIDS, the indications were that of the people who were HIV positive only about 10 per cent, as I recall it in the first instance, were expected to get full-blown AIDS. That has now been revised and the general view is that everyone who becomes HIV positive will in fact get full-blown AIDS, and that will be the end of their life.

The opinion given to me is that the information which I am indicating should be given is sought not only by doctors, but also by nursing staff, orderlies, ambulance staff (who in fact put all sorts of black bans on the carriage of people who are likely to have AIDS), hospital cleaners and anyone working in the health system. Last year I was made aware of a particular case in which a person involved in a road accident was taken to the Royal Adelaide Hospital—at the time I did not raise this matter publicly because of the general view that one should not create hysteria in the community—and there the staff, as did the ambulance staff before them, handled the patient while blissfully unaware that the person had AIDS. They became aware of the person's disease only after being contacted several hours later by that person's GP who had learnt of the accident. My questions are:

1. Will the Minister of Health support the setting up of an all-Party AIDS information committee of the State Parliament to receive information and allow informed discussion of the problem of AIDS, and to ensure that wherever possible a bipartisan approach by the Parliament and its members to the issue of AIDS is achieved?

*The Hon. G.L. Bruce interjecting:*

**The Hon. M.B. CAMERON:** I do not believe that it is necessarily so. One always gets within any group, whether it be unions, doctors, or so on, people who vary from the opinion of the majority. It is important for us to listen. Will the Minister, in the process of this, undertake to review the guidelines for AIDS to enable medical practitioners and all other workers in the health industry to be provided, on request, with information on HIV positive or at risk groups in the community? I understand that in the case of people who are identified as having AIDS, even if they are transferred from the STD clinic to any hospital for treatment, the information that they have AIDS is not transmitted to the hospital. That is beyond the norm of commonsense, if such information is not provided.

**The Hon. BARBARA WIESE:** I have just had handed to me a copy of the ministerial statement which the Minister of Health (Hon. F.T. Blevins) has made in another place. I am sure that it will be of some relevance to the question asked by the honourable member, and I will read it to the Council, as follows:

The South Australian Branch of the Australian Medical Association has joined its national body in calling for a tightening of AIDS policy. These doctors say they are concerned that the AIDS virus can live outside the body for up to a week, and that this may pose risks to medical staff. The Federal Vice-President of the AMA (Mr Bruce Shephard) is actually quoted as saying that the virus can 'even be inhaled through a surgeon's mask'.

I should have thought that any doctor, besides the Vice-President of the AMA, would know that you cannot catch AIDS by breathing! HIV infection in the natural order of things is a sexually transmitted disease. Studies on the transmission of the virus in the domestic setting show that only the sexual partner is at risk. There is no evidence of casual transmission to other members of the household.

In the medical setting, the risk to health care workers involves needle stick injury or exposure to infected fluids, primarily blood. There are very clear international guidelines for health workers about blood and body fluid precautions that they must take for their own safety. The focus of these precautions is not, as the AMA is advocating, on the disease state and the patient affected, but on identifying the body substance of risk and the necessary procedures to deal with it. By following these guidelines, the risk of transmission of the virus to staff or patients is negligible.

Of the few health care workers around the world who have been infected with the virus, either through needle stick or exposure to body fluids, the patient is already known to be HIV positive. So, knowing a patient's HIV status does not reduce the risk of infection. The key is to take the appropriate precautions. The AMA says that the latest concerns are based on a revelation that the AIDS virus can live outside the human body for up to a week. It's fears about this again seem based on misunderstanding.

Survival of the virus in the environment is not synonymous with infections. The virus needs to have a mechanism to get into the body from the environment and in sufficient numbers to cause infection. There is no evidence that such a mechanism exists. The South Australian President of the AMA (Mr Peter Joseph) is reported as saying that doctors cannot understand why this disease is being treated as a social problem. The fact is that all STD's are treated as social problems because they are related to human behaviour. Traditional public health measures are not ignored but viewed in the light of what is appropriate for the 1980's and of our better understanding of disease transmission.

That statement certainly answers some of the issues raised by the honourable member. As to whether or not a committee should be established along the lines suggested by the honourable member, I will have to refer that matter to my colleague and bring back a report.

**The Hon. M.B. CAMERON:** I wish to ask a supplementary question. In view of the ministerial statement just read to the Council, is the Minister saying that every operation conducted in this State takes into account the guidelines issued by the medical fraternity throughout the world? If that is not the case, will the Minister agree that information regarding the status of a patient on entering a hospital should be given to the medical and nursing staff to ensure that the appropriate guidelines can be followed if necessary? My understanding is that those guidelines are not followed because it would lead to enormous delays in surgery and other procedures within the hospitals of this State.

**The Hon. BARBARA WIESE:** I will refer that question to the Minister of Health and bring back a reply.

## PUSH

**The Hon. K.T. GRIFFIN:** I seek leave to make a brief explanation before asking the Minister of Corporate Affairs a question about Port Unemployed Self-Help (PUSH).

Leave granted.

**The Hon. K.T. GRIFFIN:** On 12 April 1988 I raised questions about PUSH and the Port Housing Association and the evidence of maladministration, patronage by the Co-ordinator of PUSH (Mr M. Wagner), and preferential treatment of friends and relatives of Mr Wagner in providing accommodation through the Port Housing Association. I asked the Attorney-General and Minister of Corporate Affairs whether he would investigate the two associations to determine whether any breaches of the law had occurred, particularly in relation to breaches of the Associations Incorporation Act. I had referred in my question to information that several members of the board of management had criminal convictions and that this was in breach of the Act.

I also asked whether the Minister of Housing and Construction and the Minister of Community Welfare would investigate the management of the two associations and the application of public funds. Eleven months later I still have no answers—only a deathly silence. On 1 December 1988, I again asked questions in this Council about the likely date when reports would be available. Still nothing.

I asked why the Government had dropped prosecutions against members of PUSH for breaches of the Associations Incorporation Act. I had information that the prosecutions were due for hearing on 10 November 1988 but were dropped on 7 November 1988 on the basis that this would occur

'unless someone brings it up again'. My questions to the Attorney-General and Minister of Corporate Affairs are as follows:

1. Why have no reports in answer to the questions in April and December 1988 been provided to me?

2. What has the Government got to hide in relation to the administration of both associations and the withdrawing of prosecutions?

**The Hon. C.J. SUMNER:** That is a rather puerile second question, if I may say so. The Government does not have anything to hide. The question of prosecutions is handled by the Corporate Affairs Commission, as the honourable member will know. I do not know why the report has not been provided to the honourable member. I have not seen any recent reports about this matter, but I will attempt to obtain the information and bring back a reply.

## AUSTRALIAN ECONOMY

**The Hon. L.H. DAVIS:** I seek leave to make a brief explanation before asking the Attorney-General as Leader of the Government a question about the Australian economy.

Leave granted.

**The Hon. L.H. DAVIS:** Quite recently a record trade deficit for Australia of $1.5 billion was reported for the month of January. The Federal Treasurer (Mr Keating) claimed that the reason for this trade result was that the economy was going too well. He said:

> Basically, the glass is too full and the effervescence is spilling over the side.

He agreed that what he was describing was an 'Eno' economy. Many South Australians I have spoken to over recent days have been surprised by Mr Keating's optimism. Falling living standards, record mortgage interest rates, near record bankruptcy levels, and other sluggish economic indicators are hardly the signs of an effervescent economy. I was in a supermarket the other day and saw a bottle of Eno's. The consumer information and directions for use are illuminating. If members can look at this bottle—

*Members interjecting:*

**The PRESIDENT:** Order! Exhibits are not permissible in Parliament.

**An honourable member:** He's not tabling it.

**The Hon. L.H. DAVIS:** And I cannot have it incorporated in *Hansard*. It would act too quickly for that.

**The PRESIDENT:** Or even officially exhibited or tabled.

**The Hon. L.H. DAVIS:** If it was inserted it would go straight through. The consumer information and directions indicate that Eno's can be used as a mild laxative, and to relieve stomach upsets, indigestion, nausea, and flatulence. Quite clearly, an increasing number of people agree with Mr Keating's likening the Australian economy to an Eno economy. They are suffering nausea, financial indigestion and cannot stomach Mr Keating's economic prescriptions, and they would like to give Mr Keating a big raspberry. My question is: does the South Australian Government accept that the economic policies of the Australian Government are correct and, in particular, when does the South Australian Government expect an easing of crippling interest rates?

**The Hon. C.J. SUMNER:** I accept that the present Australian Government can certainly manage the economy better than the alternatives that are offering at present. One has only to compare the total disaster that was visited on this economy by the Fraser-Howard coalition—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** —up until 1983 which produced record unemployment, high inflation and a number of other disastrous indicators. The reality is that, during the period of the Hawke Government, over one million jobs have been created. The record in job creation has been very, very good.

**The Hon. Peter Dunn:** What about unemployment now?

**The Hon. C.J. SUMNER:** Unemployment is certainly much less than it was in 1983. It is recognised by everyone in Australia—and it ought to be well recognised—that the Hawke Government has dramatically improved the employment position of Australians. Secondly, there are record levels of investment in the Australian economy at present. Inflation has been brought down from the high levels during the Fraser-Howard period of government. Wage restraint has been achieved through the accord. By a constructive approach between the ACTU and the Federal Government, wage restraint has assisted in making Australian industry more competitive.

Furthermore, for the first time in many years, there is a significant budget surplus at the Federal level which the Treasurer has indicated will be used for tax cuts later this year. In my view, that is a reasonable record. Furthermore, the Hawke Government has gone about restructuring the Australian economy in a way that simply was not attempted by the Fraser-Howard combination. They spoke a lot about restructuring: they did nothing. Of course, we have another example of it right at the present time.

The coalition does not know where it is going. What does the Federal Minister of Agriculture want to do with primary industry? He wants to deregulate. Everybody knows about deregulation. He wants to deregulate by abolishing the Wheat Board. He wants to deregulate wheat marketing in this country. That is something Mr Howard talks about all the time. He prattles on about deregulation, and about increasing competition in the Australian economy. When he is actually faced with an issue of deregulation, when he is faced with an issue where he has to put his money where his mouth is by increasing competition in the Australian economy, he goes to water. Why? Because the National Party in this country does not want deregulation. It does not want a more competitive internal economy.

The reality is that the coalition does not have a consistent economic policy. What one would assume from the coalition policies that have been announced to date is that, although they are not spelt out, the effect of these policies is that the coalition would overcome the balance of trade and the balance of payments problem by increasing unemployment. There is no question about that. A Howard Government would put unemployment up to 12 per cent or 13 per cent.

**The Hon. K.T. Griffin:** That's rubbish!

**The Hon. C.J. SUMNER:** The honourable member says that that is rubbish, but that is what has happened as an alternative. If Mr Howard gets in and the honourable member is still here in 12 or 18 months, he will see how Mr Howard will control the economy. That is exactly what he will do. He will pull the plug on the public sector; he will introduce a recession; he will whack unemployment up to 12 per cent or 13 per cent, and that is how the economy and the balance of payments will be controlled.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** If Mr Howard was honest in putting his policies forward to the Australian people, that is what he would have to tell them. That has been the experience in other countries where those policies have been tried. The alternative is a managed approach to restructur-

ing, and the Hawke Government has adopted that with some success over the past six years, or, we can have restructuring—such as it would be—by the Howard approach, which is to try to overcome problems in the balance of trade by means of a recession and by unemployment. That is the contrast; that is the choice people have to make.

## PESTICIDES

**The Hon. M.J. ELLIOTT:** I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Agriculture, a question about inert ingredients in pesticides.

Leave granted.

**The Hon. M.J. ELLIOTT:** Late in 1987 this Council passed an Agricultural Chemicals Act, which reflected increasing concern in the community about the impact of pesticide residues, both on consumers and, possibly, on export industries, which are so important to Australia. Increasing concern has recently been expressed in the United States, not about the active ingredients in pesticides, but about the so-called 'inert ingredients'. A report in the 21 October 1986 edition of a magazine called *Newsday* (published in the United States) states:

> . . . as much as 99 per cent of a product is listed only as 'inert ingredients'. Public health officials now warn that these secret ingredients are largely unregulated and untested—and can be just as hazardous as the active ingredients in pesticide products.
>
> Inerts are the solvents and other substances that dissolve, propel and otherwise enhance the active ingredients in pesticides. Growing evidence suggests that some of these substances are highly toxic and cause thousands of the pesticide poisonings reported nationwide each year.
>
> Of the 1 000 cases of pesticide poisonings logged annually at the Delaware Valley Poison Control Center in Philadelphia, at least 50 per cent are due to inerts,' says the Executive Director Tom Kearney . . . Environmental Protection Agency estimates that at least 1 200 inerts are used in 50 000 pesticide formulations on the U.S. market. About 100 inerts are known or suspected health hazards. Their effects include cancer, central nervous system damage and skin rashes.
>
> Toxicology data is lacking for an additional 800. Only about 300 inerts, or a quarter of those have been cleared by the EPA as safe . . . Toxic inerts also are showing up in the nation's groundwater. Several Iowa wells this year contained carbon tetrachloride, a suspected carcinogen that was used as an inert solvent in pesticides.
>
> Some of these inert chemicals in pesticides also are used widely as solvents and propellants in consumer products. One of the most dangerous, methylene chloride, can be fatal to consumers who use products such as paint strippers in unventilated areas, according to Government . . . The EPA is now trying to formulate a policy for regulating inerts in pesticide products. The agency has released lists of 55 inert ingredients 'of toxicological concern' and 51 inerts with chemical structures 'suggestive of toxicological concern'. The EPA has sent letters to manufacturers recommending they remove inerts of toxicological concern from their formula.

As I understand it, no work has been done in Australia so far on the potential problems of the so-called inerts that are used within pesticides and other consumer products. Here in Adelaide we need to be concerned about what the inerts might be doing in terms of getting into the water supply, via the Murray irrigation areas. For people living in the South-East, where the forests themselves are sprayed, there are uncontained aquifers which the inert substances can easily enter. I ask the Minister: What work has been done so far in Australia in looking into the inert substances in pesticides, and is any action planned in response to that?

**The Hon. BARBARA WIESE:** I will refer that question to my colleague in another place and bring back a reply.

## INTERNATIONAL BUSINESS DEVELOPMENT

**The Hon. R.I. LUCAS:** I seek leave to make a brief explanation before asking the Minister of Tourism a question on International Business Development.

Leave granted.

**The Hon. R.I. LUCAS:** I refer to an article in the latest issue of the magazine *Business to Business* dated 6 March 1989 which reveals the names of the directors of a company called International Business Development. I quote from the article as follows:

> Ms Jennifer Richardson has joined Mr Jim Stitt and Mr Kevin Tinson as co-directors of International Business Development, a firm specialising in business communications and matching investors with business developers. Ms Richardson is specialising in public relations, Mr Stitt concentrates on business development and political lobbying and Mr Tinson consults in industrial relations.

As you might be aware, Mr Tinson has former senior connections with the AWU. There is some further background on Ms Richardson in the February issue of the Labor Party *Herald*. She is the Labor Party's candidate for the State seat of Bragg.

**The Hon. Carolyn Pickles:** A very good candidate.

**The Hon. R.I. LUCAS:** A very good candidate. Is she a member of the Left?

*Members interjecting:*

**The Hon. R.I. LUCAS:** She must be if Caroline says she is a very good candidate. She is the Party's candidate for the seat of Bragg (and according to Ms Pickles 'a very good candidate'). The Labor Party *Herald* article states that she has been active in the Australian Labor Party since 1984. Ms Richardson also was a member of the Government's former Tourism Development Board. I have been informed that Ms Richardson still has links with Tourism South Australia and has made no secret of the fact that she has been doing tourism and development promotion and publicity work for the Government. I ask the Minister the following questions. First, has Ms Jennifer Richardson, as a public relations or tourism and development consultant, undertaken any paid work for Tourism South Australia, either in her name or in the name of International Business Development? If so, what is the nature of this work, and how much has Ms Richardson or International Business Development been paid for it?

**The Hon. BARBARA WIESE:** I have no idea whether Ms Jennifer Richardson has been employed by Tourism South Australia for public relations or tourism development work, but I shall be happy to seek a report on that and bring it back to this Chamber.

**The Hon. R.I. Lucas:** Are you aware of her business association with Mr Stitt?

**The Hon. BARBARA WIESE:** I am aware of an association with Mr Stitt's business but, from the information that has been supplied here in this question, I can also say that much of that article is inaccurate. However, it is not my place to discuss in this Chamber the business arrangements of private citizens unless in some way or another they relate to the Government. I am not aware of work that Jennifer Richardson may be doing for Tourism South Australia but, if she is, I will be happy to supply information about that. However, I know that she is not a director of IBD.

**The Hon. R.I. LUCAS:** I should like to ask a supplementary question. What dealings, if any, has Mr Stitt, in his capacity as a political lobbyist, had with Tourism South Australia or any other department for which the Minister has responsibility?

**The PRESIDENT:** If the Minister chooses to answer that question she may do so, but it is not a supplementary. It in no way relates to the answer given by the Minister to the previous question.

*Members interjecting:*

**The Hon. R.I. Lucas:** It was part of the explanation.

**The PRESIDENT:** Your explanation mentioned Mr Stitt and a business association involving him, Miss Richardson and Mr Tinson. Your question, not the explanation, related to Miss Richardson and work that she may or may not have done. The answer related to obtaining that information for you. The answer had nothing, any more than the question, to do with Mr Stitt's lobbying or non-lobbying. That was only part of your explanation; it was not part of the question. However, if the Minister wishes to reply, she may; but I do not regard it as a supplementary. It is a completely separate question. A supplementary arises from an answer to a question.

**The Hon. BARBARA WIESE:** I am not aware that Mr Stitt describes himself as a political lobbyist, but the honourable member would have to check that with the person involved if he is making that allegation.

As to political lobbying, Mr Stitt has never lobbied me on any issue relating to his business. Whether or not he has had meetings of any kind with any officers in my departments I do not know, but I shall be happy to provide information about that.

## MR JIM STITT

**The Hon. J.F. STEFANI:** I seek leave to make a brief explanation before asking the Minister of Tourism a question about Government guidelines.

Leave granted.

**The Hon. J.F. STEFANI:** During Question Time yesterday the Minister said she had known of occasions on which Mr Jim Stitt had consulted 'on behalf of clients' with the Commonwealth Government and the Governments of Queensland, Western Australia, Victoria and New South Wales. She did not mention the South Australian Government.

My questions are: Did Mr Stitt at any time discuss with the Minister his involvement in the proposal for a development within the Flinders Chase National Park? Has Mr Stitt consulted, on behalf of clients, with the South Australian Government in the same way he has with the other Governments that the Minister nominated yesterday? If so, for what reasons and which projects are involved?

Does the Government have any guidelines, similar to those adopted by the Hawke Government after the Coombe-Ivanov affair, on how Ministers and public servants are to deal with political lobbyists, as Mr Stitt has described himself? If so, what are those guidelines, and, if not, why are there no guidelines?

**The Hon. BARBARA WIESE:** I thought that I had made it perfectly clear earlier in my ministerial statement that Mr Stitt and the company for which he is a consultant—Paradise Developments—were at no time involved in a proposal for a development inside the national park. Hopefully, that clarifies that point.

**The Hon. J.F. Stefani:** That happens to conflict with what you said yesterday.

**The PRESIDENT:** Order! You have asked your question and been heard in silence. I suggest that you give the same courtesy to the reply.

**The Hon. BARBARA WIESE:** Yesterday I said that I believed that there had been a development for the Flinders Chase National Park. Since then I have had the opportunity to seek information about that matter, and I have clarified the point that is at issue here in my ministerial statement today. If that does not indicate the fact that I have not been involved or have not had any knowledge of Mr Stitt's business arrangements in this matter, I do not know what does. If I had known that yesterday, I would have indicated it yesterday. The fact is that yesterday I was not aware of the content of the submission that Paradise Developments had made to the National Parks and Wildlife Service when a registration of interest was called for with regard to a development within the Flinders Chase National Park.

I cannot answer whether or not Mr Stitt has had meetings with officers in Government departments. I suggest that the honourable member should ask Mr Stitt what meetings he may have had with members or officers in Government departments in South Australia, if that is what he is interested in.

I am surprised that the Opposition has not taken up the offer that was made to the Hon. Legh Davis recently by Mr Stitt—I believe in the presence of Mr Stefani—that if at any time he would like to have any sort of briefing on his business arrangements he would be happy to provide it. If Opposition members have any interest in Mr Stitt's business arrangements, I suggest that they contact Mr Stitt. I do not know the details of his business arrangements. If I did, I would not think it appropriate to air them in this place, unless there were some reason that might affect my role as a Minister of the Crown.

As regards guidelines on issues for Ministers operating within Cabinet, there is an arrangement whereby Ministers who may have some interest in a matter, or where there may be some suggestion that by implication or otherwise a Minister may have some involvement in a matter, that interest must be declared and, where appropriate—

**The Hon. R.I. Lucas:** The question is about guidelines dealing with political lobbyists, not conflicts of interest with you.

**The PRESIDENT:** Order!

**The Hon. R.I. Lucas:** I am just explaining it to her.

**The PRESIDENT:** You do not need to do that. An explanation was provided by the Hon. Mr Stefani who asked the question. If you wish to ask a further question, you can get the call.

**The Hon. BARBARA WIESE:** If that was not the question, I am happy to set it aside and deal with the question of political lobbying. To my knowledge, there are no guidelines in place for the South Australian Government with respect to members of the Government dealing with political lobbyists. In fact, I am not aware that there are any political lobbyists in South Australia. There is no need for any political lobbyists while this Government is in power, because Ministers in this Government are always accessible and prepared to meet any members of the public who have reason to meet them. Therefore, I suggest that there is no need for political lobbyists in this State. Anyone who has good reason to have contact with Ministers—certainly in all reasonable circumstances—would be received by Ministers. If there are other questions in that long list of issues that the Hon. Mr Stefani has asked to which I have not responded, I am sure that he will remind me, but I believe that I have answered most of them.

**The Hon. J.F. STEFANI:** As a supplementary question, will the Minister table all documents on the developments on the Flinders Chase National Park?

**The Hon. BARBARA WIESE:** The Flinders Chase National Park proposed development is not a matter that is under my—

*The Hon. J.F. Stefani interjecting:*

**The PRESIDENT:** Order! You have asked your question, now keep silent. The honourable Minister.

**The Hon. BARBARA WIESE:** The Flinders Chase National Park proposed development is not a matter that comes within my ministerial responsibility. I am not responsible for the issues that are related to that particular development; my colleague, the Minister for Environment and Planning, is the responsible Minister. I will be very happy to refer that question to my colleague, and I will bring back a suitable reply, based on whatever the Minister feels is appropriate.

## CROWN APPEALS

**The Hon. T.G. ROBERTS:** I seek leave to make a brief explanation before asking the Attorney-General a question about Crown appeals.

Leave granted.

**The Hon. T.G. ROBERTS:** Will the Attorney-General provide details of any Crown appeals against sentence in armed robbery and rape cases, in particular the results of any test cases taken in these areas?

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order! Order, Mr Davis! The honourable Attorney.

**The Hon. C.J. SUMNER:** Madam President—

*Members interjecting:*

**The PRESIDENT:** Order, the Hon. Ms Laidlaw! I have called for order three times. When I call for order all interjections should cease.

**The Hon. C.J. SUMNER:** On previous occasions I have expressed my concern about the level of the sentences being handed down by the courts, particularly in the areas of armed robbery and rape. Members will be aware that I have undertaken to identify appropriate cases for the Crown to take to the Court of Criminal Appeal to test the level of sentences for these offences. In the area of armed robbery, significant increases in penalties have occurred. Since the institution of Crown appeals in 1980, 13 appeals in relation to armed robbery have been taken by the Crown and 13 appeals have been allowed.

**The Hon. M.B. CAMERON:** I rise on a point of order. Would the Attorney like to table the prepared answer without reading it? We would certainly give him permission.

**The PRESIDENT:** There is no point of order.

**The Hon. C.J. SUMNER:** No, Madam President. I would like members to have the information, which I am sure they will be interested in. Last year sentences in excess of 20 years were handed down for armed robbery offences. The relevant test case taken in this area was *The Queen v Dube and Knowles* (1987) 137, Law Society Judgment Scheme at 295, which judgment was delivered on 2 July 1987. This case dealt with the effect of section 302 of the Criminal Law Consolidation Act which came into effect on 8 December 1986.

Members will recall that section 302 of the Criminal Law Consolidation Act gave effect to a Government commitment made at the last election to ensure that when a court imposes a sentence of imprisonment that court is obliged to take into account that remissions on that sentence up to a third of the sentence may be granted. As a result of this change to the parole provisions, the situation is now that the court, the prisoners, the correctional officers and, indeed, the public, all know exactly how long a prisoner will spend in prison provided that he or she is of good behaviour. A certainty and precision has thus been introduced into the sentencing process which allows for a period of imprisonment, a period of supervision after release from prison (that is, parole), and an incentive for prisoners to be of good behaviour while in prison.

In the case of *Dube and Knowles*, the Chief Justice, in dealing with the effect of section 302 of the Criminal Law Consolidation Act, indicated:

> What I have said above is, I think, sufficient to indicate that the effect of the operation of the new section will be to increase the level of sentences significantly. It can be seen, therefore, that the effect of the new section on the level of sentencing will be quite dramatic, and could in some cases result in as much as a 50 per cent increase in the sentence, which would otherwise be awarded. The effect of the amending Act is that there will be a substantial increase in the level of penalties for the crime of armed robbery, as for other crimes, as offenders who have committed crimes since 8 December 1986 come before the courts for sentence.

It is pleasing to see that the Court of Criminal Appeal has significantly increased the penalties for armed robbery. There is a clear realisation that the public interest demands effective deterrence in this area. A serious case of armed robbery can now expect to have a head sentence of at least 20 years imposed.

It is also encouraging to note the apparent reduction in the rate of armed hold-ups on financial institutions. The armed hold-ups on financial institutions (that is, banks, building societies and credit unions) since 1985-86 have been as follows:

1985-86—19
1986-87—45
1987-88—54
1988-89 (up to 8 February 1989)—10

This is a significant reduction in this year, and it is hoped that that trend will continue. Certainly, offenders now have to realise that severe penalties will be imposed for this type of offence.

In relation to robberies in general, it is worth noting that the rate of robberies—this is for robbery with firearms, robbery with another weapon, and unarmed robbery—peaked in 1986-87, declined 6.3 per cent in the years 1986-87 to 1987-88 and, to date this financial year, the trend of a decline has continued.

In the area of rape, the level of sentencing is too low. At present, the most serious cases attract between six to nine years. There is thus a significant disparity for this serious offence against the person, which does still have a maximum sentence of life imprisonment, and what may be essentially an offence against property, namely, armed robbery, which can for the most serious cases attract a penalty of 20 years.

The Crown has now appealed in four rape sentences alleging that sentences were manifestly inadequate. The Crown will attempt to have these matters dealt with at the same time by the Court of Criminal Appeal so that the issues relating to an appropriate sentence for rape can be addressed in a variety of circumstances.

Particularly with the change in the definition of rape, there can now be a large variety in the seriousness of the offences. However, the current level of sentence for the most serious of cases is not, in my view, adequate.

By way of information, I can advise the Council that since Crown appeals were introduced, 132 have been taken. All but 17 of those were since November 1982. Of those, 64 were allowed in whole or part; 38 were dismissed; 22 were abandoned, conviction quashed or leave refused; and eight are pending (that is, judgment is reserved or not yet heard).

## DEPARTMENT FOR COMMUNITY WELFARE

**The Hon. DIANA LAIDLAW:** I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Community Welfare, a question about the image of the Department for Community Welfare.

Leave granted.

**The Hon. DIANA LAIDLAW:** I am advised that the Minister of Community Welfare is about to launch a publicity campaign to promote the image of the department, and that over $100 000 has been approved for the funding of this campaign.

**The Hon. M.J. Elliott:** How much?

**The Hon. DIANA LAIDLAW:** Over $100 000. During the Estimates Committees last year, the Chief Executive Officer conceded that there was a need to improve the image of the department with its customers, and that a three point plan of action was being prepared to realise this goal. The person who initially informed me of the imminent publicity campaign said that she and her fellow officers in the department were 'livid' that the Government could find over $100 000 for a 'glossy campaign' while it repeatedly denied officers in the field funds for community development projects geared to alleviate or prevent problems or crises within families.

Senior social workers with whom I have spoken subsequently believe the current poor image of the department is an accurate reflection of community and officer disillusionment with current policies and procedures endorsed by the Government and senior management. They would like something done to improve the image of the department as a respected service agency, but argue that the Minister's first priority at this time should be to get the department's 'house in order' rather than embarking on a 'shallow publicity exercise'.

Can the Minister confirm that a publicity campaign is to be launched shortly at a cost of $100 000 in an endeavour to raise the image of the department in the community? Also, will the Minister confirm what funds have been approved for the conduct of this campaign?

**The Hon. BARBARA WIESE:** I will refer those questions to my colleague and bring back a reply.

## CENSUS

**The Hon. M.S. FELEPPA:** I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question about the 1991 census.

Leave granted.

**The Hon. M.S. FELEPPA:** Some ethnic newspapers have reported that in order to reduce costs the Australian Bureau of Statistics has considered two major options for the 1991 census. Option A involves full enumeration of census forms but with a reduced number of topics or questions. Option B involves full enumeration for a very small number of core topics and sampling for other topics, that is, some topics would only be asked of a sample of the population. With both options, the ABS proposes to exclude questions related to ethnicity and birthplace. Topics proposed to be excluded from such a questionnaire are birthplace of parents, citizenship, ethnic origin, language proficiency in English, and religion.

Since 1966 the quantity and quality of ethnicity-related data from censuses has steadily improved. This reflects a growing importance of ethnicity in the planning and delivery of services and for policy development. Without census ethnicity data, the claims for resources and the justification of programs and services to ethnic communities could be weakened. This data is also important for the understanding of Australia as a multicultural society. Is the Minister aware of the ABS proposal for reducing ethnicity-related data collection, and what is his personal reaction to the proposal in terms of its implications for policy development and service delivery in the area of ethnic affairs in particular, and in Government in general?

**The Hon. C.J. SUMNER:** It would be regrettable if this information was not collected in the next census. The information collected in the last census has been of great benefit to governments and, I suspect, to community groups as well in planning services for people of ethnic minority origin. I would expect that the information is essential to enable a future planning of services in Australia. Accordingly, I strongly support the inclusion of such information in future censuses, and believe that it would be appropriate to make representations to that effect to the Federal authorities. Therefore, I thank the honourable member for raising the question, and I will see that his concerns, together with my support, are brought to the attention of the relevant Federal authorities.

## TAXIS

**The Hon. J.C. BURDETT:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question about metropolitan taxi-cabs.

Leave granted.

**The Hon. J.C. BURDETT:** An article in the most recent edition of the *Sunday Mail* (5 March) states:

> A hire car owner whose luxury vehicle is operating as a taxi is threatening to tumble the Adelaide taxi industry into turmoil. At the request of the Metropolitan Taxi Cab Board of South Australia, the Crown Law Department is investigating an apparent loophole in the Metropolitan Taxi Act. The crux of the problem is the hefty discrepancy in the cost of a taxi licence ($92 000) and a licence to operate a hire care ($30 000). A spokesman for Amalgamated Taxi Services, the company to which the hire car is contracted, said the hire car driver and his wife had both received telephone threats. Threats had also been made to damage the car, a luxury LTD Fairlane, which is fitted with a taxi radio and fare meter. The LTD is decked out with Amalgamated Taxi and Hire Service signs on its doors but does not carry a taxi light on the roof. The Metropolitan Taxi Cab Board asked for the Crown Law Department's opinion after being petitioned by irate members of the Cab Owners' Association of South Australia Incorporated.
>
> Association President, Mr Wally Sievers, said its members were upset at the situation. 'He's bought a hire car licence for about $30 000 but we've paid about $90 000 for taxi plates. He's doing virtually the same work, except he can't work from a stand.' Mr Sievers said the hire car owner was testing an apparent loophole in the MTB regulations regarding the definition of a taxi fare meter. He said, 'It's not fair to the public.' He said a normal taxi meter has to be taken to the MTB for checking before it is placed in a cab. A lead seal is applied to ensure the public is protected and the correct rates are charged.

Without going into the rest of the report in detail, he went on to talk about the relevant checks on the vehicles between taxi-cabs and hire cars. I have also had representations from the industry saying that this apparent loophole—if it is a loophole—is likely to blow the industry wide open and lead to a disaster in the area if hire cars are being able to operate virtually as taxi-cabs, with only some exceptions in that they cannot carry a sign and they cannot sit on stands. Will the Minister investigate the situation as a matter of urgency and bring back a report as to what are the loopholes in question, and how the industry can be kept together as a viable industry?

**The Hon. C.J. SUMNER:** I will seek a response to the honourable member's question and bring back a reply.

## PASTORAL LAND MANAGEMENT AND CONSERVATION BILL

Second reading.

**The Hon. BARBARA WIESE (Minister of Tourism):** I move:

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

This Bill introduces landmark provisions for the care, control and management of pastoral lease land in South Australia. The management of Crown land in South Australia has been under review for many years and has been the subject of intense scrutiny by many private and public organisations and individuals.

The Bill is the culmination of public debate, comment and extensive consultation. While the process has been lengthy it has ensured consideration of the varying and sometimes conflicting interests in pastoral lease land. The history of pastoral lease administration and review provides an understanding of the central features of this Bill.

Review of the management and administration of pastoral land in South Australia can be dated back to at least 1972. During this time the central questions have been the appropriate form of tenure, the area or type of land to be controlled and the controls which should be applied.

South Australia is not alone in considering appropriate forms of tenure for Crown lands. Over the past eight years there have been inquiries into land tenure for pastoral land in most Australian States and the Northern Territory. A common report of the various inquiries has been that freehold is inappropriate to the management of extensive pastoral areas.

The most recent inquiry held in Western Australia (Cameron 1986) found that: 'In view of the political/social/cost implications freehold title should not be implemented for pastoral areas . . . the Government should continue to be the owner and landlord of the arid and semi-arid rangelands of the State with the rangeland being used for pastoral purposes by lease agreement'. The most significant inquiry into the South Australian Pastoral Act was undertaken by a committee chaired by Mr J. Vickery (1981). This committee reported that: 'Submissions from both pastoralists and the public have indicated that controls over land use are necessary and are best administered through a tenure system which enables lease by lease control. For all of the above reasons this group is strongly opposed to the introduction of either perpetual lease or freehold tenure'.

The retention of a form of lease tenure for pastoral areas has remained an integral part of Government policy. However the question has then been the most appropriate form of tenure and the areas of land to be included in that tenure. Perpetual tenure has been advocated by some interests on the basis that this provides increased security for financiers lending to pastoralists. However no evidence has been presented of pastoral tenure being a restriction on borrowing. The rationale for lending appears to be based on the pastoralist's ability to repay which is further based on individual ability to apply effective land management techniques.

Risk is another factor to be considered in relation to leasing. The willingness to allocate resources to develop a pastoral lease is related to the risk involved in securing a return on investment. Risks in the pastoral industry are related to market fluctuations and climatic factors. Neither of these risks will be minimised by the form of tenure. The establishment of land management techniques which contribute to the preservation of the land and conservative stocking levels are seen as the most effective means of cushioning this risk.

A further question has been whether these legislative controls should be applied to all rangelands or merely to existing pastoral leases. The distribution in November 1987 of a draft Crown Land Management and Conservation Act canvassed the identification of areas of 'ecological sensitivity' and the establishment of a Crown Land Council and a Land Administration (Sensitive Land) Board. Public comment on that draft highlighted concerns about the consolidating of essentially diverse tenure systems and the potentially cumbersome administrative arrangements. The Government has chosen to treat separately the administration of pastoral lease land and all other leased land which forms part of the Crown estate.

A key objective of the Bill is to enshrine land conservation principles in the management and use of pastoral lease land. This unique land is part of the heritage of South Australia and must be preserved for both current and future generations. The Government is a signatory to the national conservation strategy and this Bill ensures that the benefits of land utilisation are considered in tandem with the policy goal of land resource conservation. In so doing, it is acknowledged that tourist and recreation activities are valid adjuncts to pastoral utilisation.

The Government recognises that care of pastoral land is a two-fold responsibility. Pastoral lessees have direct responsibilities for the daily and long-term management of the land. At the same time Government itself must accept responsibility for planning and the administration of pastoral leases to achieve effective conservation. The specific designation of duties of the Minister, the board and pastoral lessees is a recognition of this dual responsibility. The continuation of leasehold tenure is an important component of the Government's strategy for pastoral land management. It is the clear intention of this Government that lands used for pastoral activity remain within the Crown estate.

The membership and composition of the Pastoral Board has been extensively debated. On the one hand there have been claims for wider representation and on the other hand comprehensive arguments for the selection of expert members. The two views are not considered to be mutually exclusive. Certainly the expanded executive role of the board calls for knowledge and understanding of conservation and rangeland management principles. At the same time the interests of lessees must be protected. This has been achieved through the inclusion of a pastoral industry representative while the interests of the general community are met by the inclusion of a conservation movement representative. The establishment of a representative board will enable all interests to be covered. The Government intends that the representation by ministerial nominees will provide expertise in the areas of soil conservation, environmental management and land tenure.

The assignment of rent setting to the Valuer-General reflects the objective of achieving an independent assessment of fair market rentals. The provision for annual rental is consistent with this approach. Annual rentals will be based on productivity and this will allow rentals to fluctuate with the productivity of each individual lessee, having regard to market prices and stock management decisions. To cushion the impact of rental increases, the Government will direct the Pastoral Board to phase in new rental receipts over a period of three to five years. Rentals will continue to be set retrospectively by the Valuer-General, but the

board will develop a program for progressively increasing payments (as a portion of set rental) to enable pastoralists to plan their financial commitments over this period.

The introduction of a lease assessment and monitoring process is a major innovation. Using documented and replicable approaches a body of objective evidence will be developed concerning the condition and trend in condition of land held under pastoral lease.

It is important to note the scientific basis of this approach. The Department of Lands has committed resources to the development of an assessment technique which can be applied to all pastoral leases. After refinement this technique will be available as an ongoing reference for lessees, the general public and members of public and private organisations. The process involves two components. First, a land description in which the principal land types in a region are defined and mapped (at 1:250 000 scale) by the Crown, and the attributes of relevance to pastoral land management described. Secondly, a lease-by-lease land assessment is undertaken by the Crown, in consultation with the lessee. This latter process involves the establishment of permanent 'photo point' sites in the smallest management unit (the paddock) in which changes in the land resource can be determined over time and related to season and livestock use.

The need for an objective assessment process is further highlighted by the use to which these assessments will be put. Prior to both the initial grant of a lease and subsequent extension, lease assessment will provide information about land condition which will be used to develop land management conditions over the lease. Additional to these regular reviews the Department of Lands will implement a continuous process of lease monitoring and report to the Pastoral Board. This monitoring will enable the Pastoral Board to fulfil its responsibilities for the prevention of degradation and the rehabilitation of pastoral lease land.

The Bill also introduces a new concept in determining the length of lease tenure. Previously, pastoral lessees had a finite tenure of 42 years and were faced with the insecurity of leases 'winding down' towards the end of the lease period. An extendable lease offers security to pastoralists whose land management practices comply with the objects of the Act. Provisions for lease assessment and extension every 14 years mean that the majority of pastoralists will never have less than 28 years of lease tenure. As an incentive to improving land management practices pastoralists whose leases are not extended have the opportunity to remedy their actions and apply for a reinstatement of the term of their lease back to 42 years.

The lease document will clearly specify the land management conditions that will be subject to review, negotiation, variation and appeal by the lessee. It is important to differentiate between those land management conditions which will be subject to regular review and those conditions which set out fixed obligations (for example, payment of rent and compliance with other Acts and regulations).

The concept of property planning is another innovation in pastoral lease management. In line with the underlying thrust of this Bill, to assist rather than hinder pastoralists, property planning is promoted as a technique to facilitate land management. Put simply a property plan is a statement of lease management objectives and strategies for the achievement of those objectives. The Government believes that lessees will benefit from the production of property plans. To encourage their development discussions have been initiated with representative pastoralist groups on the content of property plans. Experienced staff in the Department of Lands will be able to provide continued assistance to lessees who voluntarily prepare property plans.

The setting and variation of stocking levels is the major management mechanism within the Bill. The Government acknowledges that the pastoral industry has in the past accepted stocking and destocking actions as an essential component of land management. The provision for destocking has been further strengthened in this Bill through inclusion of the power to order (and carry out if the leasee refuses) a muster to verify stocking levels. It is important to note that capricious exercise of this power is checked by the proviso that the Crown bears the cost of muster where a muster carried out by the Pastoral Board confirms the reported stock level.

The declaration of reference areas is a further strengthening of the land management and conservation aspects of the Bill. While the assessment process will provide a documented record of land condition and trend, reference areas will provide on-the-ground evidence of the effect of pastoralism on particular classes of land under comparable seasonal and climatic conditions.

Provisions relating to access serve to clarify the rights of Aborigines, members of the public and pastoralists. The specific declaration of the rights of Aborigines is consistent with the Government's policy of supporting the maintenance of traditional pursuits for the Aboriginal people.

Public access routes will be established by the Pastoral Board after notification and consultation with members of the public. The identification of these routes has been deliberately left to this consultative process to ensure careful consideration not only of the direction of these routes but also the length and width appropriate to the particular terrain. It is intended to have wide community participation, including Aboriginal, tourist and recreational groups.

Concern has been expressed over the question of a lessee's liability to persons who exercise a right of access under the Act. It is the Government's policy that the one set of laws should apply throughout the State in relation to occupier's liability (see the recent amendments to the Wrongs Act in this regard). The ordinary rules of negligence will apply. It should be noted that public access routes and stock routes will have the same standing as a public road and so will not form part of the leases over which they are established.

The establishment of a Pastoral Land Appeal Tribunal is a further step forward in pastoral lease administration. For the first time lessees will have the right to appeal against a range of decisions affecting their management of their leases. The institution of a compulsory conciliation process is a further aid to resolution of grievances and concerns.

The transitional provisions in this legislation are particularly important because the Government is committed to a gradual rather than automatic conversion of leases. A planned process of lease conversion has two major benefits. First, it will enable the Government to complete the lease assessments which will subsequently be used to determine lease conditions. This will ensure a base for good land management practice and monitoring by the Pastoral Board and is an essential component of the Government's strategy. Secondly, a planned conversion will enable the Government to commit resources efficiently and effectively. The resource implications of assessing more than 300 leases over five years rather than one year will be immediately apparent.

It should also be noted that the Government has chosen a two-step process to allay the uncertainty of pastoralists about their future under this new legislation.

The first step of what might be termed a 'desk top' study will identify those leases for which a new pastoral lease will not be offered. This determination will involve assessment

of the suitability of the land for pastoral lease, considering alternative use and viability. It is important to note that assessment of viability will be based only on the criterion of land condition, not the individual lifestyle and finances of lessees. At the end of this review existing lessees will be advised whether they will be granted a new lease or an alternative form of tenure if they are not to be granted a new lease. The second step of lease assessment will then determine conditions for those new pastoral leases. Each of these processes is governed by a legislative timeframe to further ensure that pastoralists are not left in doubt about their lease future.

As I have previously stated, this Bill has been prepared after extensive consultation. There has been a heartening degree of cooperation and consensus in developing provisions which will enable the rationalisation of administrative procedures under the previous Act and the introduction of new concepts of land management and conservation.

I accordingly commend this Bill to members and seek leave to insert into *Hansard* the detailed explanation of the clauses.

Leave granted.

**Explanation of Clauses**

Clause 1 is formal. Clause 2 provides for the Act to come into operation by proclamation. Subclause 2 provides that the requirement for at least one woman appointee to the Pastoral Board will not come into operation for six years.

Clause 3 provides the necessary definitions. The definition of 'Aborigine' follows the definition recently inserted in the National Parks and Wildlife Act.

Definitions are provided of 'degradation' and 'rehabilitation' as both these definitions relate to the effect that man has had on the land. The definition of 'stock' makes it clear that the board can permit any species of animal to be farmed on pastoral land.

Clause 4 deals with the fundamental principles of the Act. The overall objects of this Act which all persons must abide by in administering this Act are to ensure that pastoral land is to be properly managed, effectively monitored, rehabilitated if damaged and generally kept in a condition that ensures its yield is sustained. It is also an object of this Act to provide a clear system of access to pastoral land not only for Aboriginal people (who may continue to follow all traditional pursuits on the land) but also for the community at large who have an interest in the unique environment of the arid lands of this State.

Clause 5 provides that the Minister and the board must adhere to the above objects. Subclause (2) requires that land assessments must be thorough and scientific.

Clause 6 sets out the general duty for all pastoral lessees. A lessee must use good land management practices in running his or her pastoral business. A lessee must prevent degradation of the land and must endeavour to improve the condition of the land where possible.

Clause 7 provides that the Crown cannot grant a tenure over land that is to be used for pastoral purposes other than a pastoral lease under this Act. If the Governor determines that pastoral land should be used for some other more appropriate purpose then any other form of tenure (including a fee simple grant) may be granted.

Clause 8 sets out a power of delegation for the Minister.

Clause 9 provides that the Minister may appoint authorised officers for the purpose of this Act.

Clause 10 establishes the Pastoral Board. The board will consist of five members one of whom will be selected from nominations of pastoral organisations and another of whom will be selected from nominations of organisations representing conservation interests. Deputies to the latter two members will be appointed in the same way.

Clause 11 sets out the usual conditions of office for members of the board.

Clause 12 provides for allowances and expenses.

Clause 13 sets out board procedures. It should be noted that the person chairing the meeting does not have a casting vote as well as a deliberative vote.

Clause 14 provides for abstention from voting and attendance at meetings if a board member is in a situation of conflict of interest. The provisions of this clause follow to a large extent the conflict of interest provisions relating to local councils.

Clause 15 gives the responsibility for the administration of this Act to the board with the usual qualification that, in carrying out this function, the board is subject to the control and direction of the Minister. The other primary functions of the board are to advise the Minister on all policy matters and to give the Minister advice on any other matter when requested.

Clause 16 gives the board the power to delegate but only with the consent of the Minister.

Clause 17 gives the Minister the power to grant pastoral leases over Crown land on conditions determined by the board. Generally speaking, Crown land that is to be taken up on pastoral lease will be offered in an open competitive process. This will not apply if the land is to be added to an existing holding, or where new leases are to be granted on the surrender of a lease for the purposes of subdivision or merger.

Clause 18 provides that pastoral leases cannot be granted if the Governor has determined that the land should be used for some other more appropriate purpose and cannot be granted unless the board is satisfied that the land is suitable for pastoral use and an assessment of the condition of the land has been made.

Clause 19 provides for the signing of pastoral leases and gives the Minister the right to refuse to grant a lease if it is not properly signed within the specified time.

Clause 20 provides that the rent under a pastoral lease is to be payable annually and will be an amount determined by the Valuer-General.

Clause 21 provides that the initial grant of a pastoral lease will be for a term of 42 years, except where the grant follows surrender of existing leases.

Clause 22 provides for the extension of the term of a pastoral lease by a period of 14 years at the end of each 14 year period of the term. The land must be assessed before each extension. The board has the power not to extend the term of a lease if it is satisfied either that the lessee has intentionally breached a condition of the lease or that the lessee has failed to discharge the duty imposed by clause 6. However, a lessee can apply at any time for extension of the term after any such refusal to extend. If the board grants an extension in this situation, it may do so so as to bring the balance of the term to 42 years.

Clause 23 empowers the board to vary the conditions of a pastoral lease at the end of each 14-year period of the lease after the condition of the land has been assessed. If the lessee does not accept the varied conditions the term of the lease will not be extended. It should be noted that there is a right of appeal against the variation of lease conditions.

Clause 24 provides that pastoral leases are exempt from stamp duty.

Clause 25 repeals the present restriction on transfer of or other dealings with pastoral leases. No such transaction can

take place without the prior consent of the Minister. Subclauses (5) to (8) deal with surrender of pastoral leases.

Clause 26 provides that where there is an agreement to transfer a pastoral lease the agreement expires 12 months after its execution if the parties have not obtained the Minister's consent to the transfer.

Clause 27 provides that share dealings that would result in a change in the control of the company cannot be effected without the consent of the Minister. This provision does not apply to changes in ownership effected by wills.

Clause 28 gives the Minister the power to alter boundaries similar to the powers for alteration to be found in the existing Pastoral Act.

Clause 29 gives the Minister the power to resume pastoral land by notice in writing in the *Gazette*. This provision is similar to the existing provisions in the present Pastoral Act that deals with resumption. The lessee is of course entitled to compensation if resumption occurs.

Clause 30 gives the board the power to cancel a pastoral lease if satisfied that the land subject to the lease has been abandoned by the lessee.

Clause 31 provides for the removal of property left behind after a lessee has vacated pastoral land. The Minister is given the ultimate power to remove and dispose of such property if not claimed. Surplus proceeds from the sale of property will be paid to the lessee.

Clause 32 provides for the payment of penalties if rent or other amounts due under a pastoral lease remain unpaid.

Clause 33 gives the board the power to waive breaches of lease conditions in special circumstances. Waiver can be subject to conditions.

Clause 34 provides for the action that may be taken if a lessee breaches the conditions of the lease. First, the board may impose a fine of up to $10 000. Fines are to be paid into the General Revenue of the State and may be recovered by the board from the lessee as a debt. Secondly, the board has an option to cancel a lease for breach of conditions. (There is a right of appeal against either action.) The board may award compensation to a lessee whose lease has been cancelled.

Clause 35 gives the board the power to cancel leases that are improperly obtained.

Clause 36 gives the board the power to require a lessee to submit a property plan to the board for approval if the board thinks that the land is in danger of damage or has already been damaged, whether through natural causes or as a result of the lessee's actions.

Property plans will detail how the land is to be managed over a specified period of years. The board may reject a plan or may impose its own property plan for the land. In the latter case, the cost of preparing the plan may be recovered from the lessee. Failure to implement an approved property plan constitutes a breach of the lease. The board can also require property plans to be revised from time to time. Soil conservation authorities must be consulted when a property plan is being prepared or revised.

Clause 37 obliges a lessee to furnish the board annually with a statutory declaration as to stock levels on the land. The board may require such a declaration to be furnished at any other time, and may also require the lessee to muster stock for the purposes of official counting of numbers. If such a muster proves that the lessee was accurate in the last statutory declaration, the cost of the muster will be borne by the Crown. Failure to comply with this section, or with a notice issued under this section, constitutes a breach of the lease.

Clause 38 gives the board the power to require a lessee to destock the land or to take other specified action, if the board thinks that the land has been or is likely to be damaged. If a lessee fails to comply with such a notice, the board may cause the required action to be carried out, and recover the cost of so doing from the lessee. Again, failure to implement a notice constitutes a breach of the lease.

Clause 39 gives the board the power to create reference areas on pastoral land. A reference area will be created for the purpose of ascertaining the effect the grazing of stock has on the land and will be maintained by the Minister. It is an offence for the lessee to allow stock within a fenced reference area. The lessee is also obliged to inspect a reference area on his or her land and report to the board if the board directs. Compensation is not payable to a lessee on whose land a reference area is established, but a rent reduction may follow.

Clause 40 provides for the establishment of public access routes and stock routes by dedication. The former are created by notice published in the *Gazette* by the board, the latter may be created either by notice in the *Gazette* or may be established by reference in the regulations to a particular plan (for example, the public map). A route may be established as both a public access route and a stock route. Full consultation with pastoralists, soil conservation authorities and interested organisations must occur before a public access route or stock route is dedicated, and the public will also be given an opportunity to comment on each such proposal. Subclause (7) provides for the temporary closure of public access routes and stock routes. A public access route or stock route is vested in the care, control and management of the Minister and the lessee's rights over the land comprised in such a route cease. The Minister is not obliged to maintain a public access route or stock route. A lessee is not required to keep stock off any such route. A lessee will not be compensated for the establishment of a public access route or stock route on the land, but a rent reduction may follow.

Clause 41 deals with the right to travel stock across pastoral land. This section is virtually the same in substance as the corresponding provision in the existing Pastoral Act. Stock routes must be used, but if no such route exists, either the lessee's directions must be followed or the shortest practicable route taken. Stock must travel a minimum distance each day. The lessee must provide gates or other means of access.

Clause 42 gives Aborigines the right to enter, travel across and stay on pastoral land for the purpose of following the traditional pursuits of the Aboriginal people. The only restriction on this right is that it does not extend to camping within a kilometre of a homestead or other buildings, or within 500 metres of dams or other man-made stock watering points.

Clause 43 gives an unrestricted right to travel across and camp temporarily on public access routes. A right to travel across and camp temporarily on pastoral land is given to persons on foot, provided that the lessee is notified. A right to travel across and camp temporarily on pastoral land is given to persons in motor vehicles or on horses or camels, provided that the consent of the lessee or the Minister is first obtained. If the lessee refuses consent, the Minister may grant consent and must notify the lessee of that consent. The rights conferred by this section do not extend to camping within a kilometre of a homestead or other building or within 500 metres of a dam or other man-made stock watering point. Camping is temporary if it does not exceed two weeks or such other period as may be prescribed by the regulations in respect of a particular piece of land.

Clause 44 creates an offence of obstructing a public access route or stock route. If pastoral land is fenced, the lessee

must provide gates or other means of access where the fence intersects public access routes, and must keep the gates unlocked.

Clause 45 establishes the Pastoral Land Appeal Tribunal. The tribunal will be comprised of three people, one being a District Court judge, the other two being chosen from a panel of experts established for the purpose.

Clause 46 provides that the judge will determine questions of law arising before the tribunal and that the tribunal is not bound by the rules of evidence.

Clause 47 sets out the usual powers to summons, etc., and provides the usual offences of misbehaviour before the tribunal, failure to answer questions, etc. The tribunal has no power to allow third parties to intervene in any proceedings before the tribunal.

Clause 48 provides for a system of compulsory conferences between the parties to an appeal.

Clause 49 gives a right of appeal to the tribunal to a lessee who is dissatisfied with a decision to vary lease conditions, a decision not to extend the term of the lease, a refusal of consent to transfer a lease, or a decision to impose a fine or cancel a lease for breach of conditions. The period to lodge an appeal is three months. An appeal will be conducted as a review of the matter.

Clause 50 provides that decisions remain in force notwithstanding rights of appeal or institution of appeals. However, a decision to impose a fine or cancel a lease cannot be enforced or implemented until all appeal rights have been exhausted or appeals determined or withdrawn.

Clause 51 gives a right of review by the Valuer-General and of appeal to the Land and Valuation Court to a lessee who is dissatisfied with a decision to increase rent or a determination of the value of improvements (for example, when compensation is being awarded on resumption). A review will be conducted by a licensed valuer as if it were a review under the Valuation of Land Act. A right of appeal against the outcome of a review lies to the Land and Valuation Court.

Clause 52 creates an offence where certain behaviour occurs on pastoral land without lawful authority or excuse. The onus of proving lawful authority or excuse lies on the defendant.

Clause 53 requires a person who proposes to muster stock on pastoral land outside the dog fence to give notice of the muster to adjoining occupiers.

Clause 54 provides a statutory right for certain persons to take water from pastoral land. A person exercising a right of access under the Act (an Aborigine, a traveller or camper or a drover) may take sufficient water from the land for his or her personal or domestic needs. Travelling stock may have access to water, subject to compliance with the lessee's directions. Holders of mining tenements may take water for both mining and domestic or personal purposes, but must get the approval of the board first and must pay compensation for the water to the lessee.

Clause 55 gives authorised officers the power of arrest of any person reasonably suspected of having committed an offence in relation to pastoral land.

Clause 56 provides a right of entry and inspection of pastoral land for authorised officers, board members, the Minister or persons specifically authorised by the Minister for the purpose. This right may be exercised at any reasonable time and prior notice must be given to the lessee except where it is not practicable to do so or where offences or breaches of lease are involved. The right to seize and impound trespassing animals to be found in the present Act is given to authorised officers.

Clause 57 provides that this Act does not derogate from the operation of the Mining Act or the Petroleum Act.

Clause 58 provides the usual offences of hindering or assaulting persons exercising powers under this Act.

Clause 59 gives persons administering this Act the usual immunity from personal liability for acts done in good faith. Liability for such acts is borne by the Crown.

Clause 60 obliges the Registrar-General to make all necessary registrations and endorsements for the purposes of this Act.

Clause 61 provides that costs that may be recovered by the board from a lessee are a charge over the pastoral lease ranking in priority over all other charges (other than Crown charges).

Clause 62 provides that written notices may be served personally, or by leaving them at a place of business or residence with someone over 16, or by post or, if the whereabouts of the person to be served is unknown, by leaving them in a prominent position on the land or by publishing them in a newspaper.

Clause 63 sets out various evidentiary aids for proving technical matters.

Clause 64 provides that offences against the Act are summary offences. A defence of 'no negligence' is provided for persons charged with offences.

Clause 65 is the regulation-making power. Regulations may be made prohibiting certain activities on pastoral land, thus enabling specific regulation of areas that are particularly vulnerable. Standard lease conditions may be fixed by regulation.

The schedule repeals the Pastoral Act 1936 and provides for transitional matters. All existing leases must be reviewed by the Minister within the first year of operation of the new Act to assess whether the land is still suitable for pastoral use. Those that are seen as not suitable will be allowed to expire. Those that are still suitable will remain in force for no longer than a further five years, during which time the present Act will continue to apply, with certain exceptions. The new pastoral board will be substituted for the old board. The power to establish public access routes and stock routes may be exercised over any such lease. If such a route is established over an existing lease, then Part VI of the new Act will apply and all conditions and reservations in the lease relating to access will be deemed to have been revoked. Within the five year period, the condition of the land subject to existing leases must be assessed, so that the board may determine the conditions that will be inserted in the new leases to be granted to the lessees.

There is a right of appeal against a decision that land is no longer suitable for pastoral use and against the conditions proposed for a new lease. However, if a lessee does not accept the new conditions, a lease will nevertheless be granted to the lessee on those conditions when all rights of appeal have been exhausted or determined. (Of course, if the conditions are varied on appeal, those conditions as so varied will be incorporated in the lease.) The intention therefore is that by the sixth anniversary of the commencement of the new Act, all existing pastoral holdings that are to continue will be under the new Act.

**The Hon. PETER DUNN** secured the adjournment of the debate.

## MOTOR VEHICLES ACT AMENDMENT BILL (1989)

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

**The Hon. BARBARA WIESE (Minister of Tourism):** I move:

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

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

Leave granted.

**Explanation of Bill**

The purpose of this Bill is to provide for the introduction of photographs on drivers licences in South Australia. A driver's licence bearing a photograph of the licence holder will assist police with improved identification of offenders and road accident victims. A photograph of the licence holder will go a long way to eliminating the improper use of licences.

The present South Australian licence, being a paper licence, is one of the easiest licences within Australia to duplicate. The new licences offer a very high level of security, with the data and photograph an integral part of the card and virtually impossible to alter or duplicate. The new photographic licence in a plastic credit card format will also be more durable and stand up to wear and tear and will be a much more convenient form for the licence holder to carry. The new licences will be distinctively colour coded. A full driver's licence—blue, probationary driver's licence—red, and a learner's permit—yellow. Apprehension by the police of unlicensed or disqualified drivers will be made easier than at present. More positive identification of 'L' and 'P' plate drivers will be possible and follow up procedures within the Police Department and the Motor Registration Division reduced.

The licences will be manufactured under a centralised system of manufacture with photographs being taken by existing Motor Registration offices in the metropolitan area and country towns, and a supporting network of agencies throughout more remote locations. The centralised system of licence manufacture offers the highest level of security. The introduction of photographs on drivers licences will require the large majority of licence holders to attend personally at a photo point at the time of making application for the issue or renewal of a licence.

Where a person resides more than 80 km from a photo point, or cannot for good reason, attend a photo point, the facility will be provided to supply a certified passport photograph for use in manufacturing a photgraphic licence, without personally attending a photo point. Provision is made in the legislation to provide for a person to supply the Registrar with a photograph which is suitable for inclusion on a licence or permit, and the Registrar may refuse to issue or renew a licence or permit if a suitable photograph is not supplied. The distinctive coloured driver's and probationary licences will replace the existing paper drivers licences. Probationary conditions which are at present endorsed on a full five year driver's licence will be replaced by a probationary licence issued for the full probationary period. The introduction of discrete probationary licences will remove complaints surrounding the inequity in the loss of all of the licence fee when a five year licence is cancelled for a breach of probationary conditions. This has been a concern of the Government for some time, and the opportunity is being taken to correct the situation.

The question of compulsory carrying has been the subject of some public debate and media coverage. The legislation provides for compulsory carrying by learner's permit and probationary licence holders to assist with the enforcement of conditions against these groups of drivers. Compulsory carrying by full licence holders is not proposed, as it is anticipated the new format licences may result in a higher level of voluntary carriage due to it being a much more convenient shape and size. Existing provisions of the Motor Vehicles Act 1959 provide for probationary conditions of learner's permits and licences to be endorsed on permit or licence. The new credit card format size does not provide space for these endorsements and the legislation will now need to provide for probationary conditions to apply, even though they are not physically endorsed on the licence or permit. Other conditions which may be imposed by a court or the Registrar will be shown on the licence in code form, with a brief explanation on the reverse of the licence card. Where there is any change to the information shown on a new format licence, it will be necessary to issue the holder with a new card.

The legislation provides that where a person, without lawful authority, wilfully alters, defaces or otherwise damages a licence or permit, the licence or permit is void and of no effect. The new format licences will be manufactured at one central point, and will not be available as an over-the-counter item. Accordingly, it will be necessary to provide the licence holder, on payment of the appropriate fee, with a temporary paper licence which will be valid for a period of up to one month, or until the licence holder receives the new photographic licence, whichever is the earlier. In the case of aged drivers, or drivers being monitored for medical conditions, it has been the practice to issue one year licences. This Bill now provides for the issue of five year drivers licences to all drivers. The Motor Registration Division will continue to monitor their fitness to drive by seeking medical certificates and practical driving tests, as is current practice.

To complement the provisions relating to the compulsory carrying of learner's permits and probationary licences, the legislation will require these permit and licence holders to produce their licence forthwith if requested to do so by a member of the police force. Provisions relating to the production of full driver's licences will remain the same; the licence holder having the option to produce the licence on request, or within 48 hours to a nominated police station.

Power to require the production of licences in the case of cancellations, suspensions or disqualifications, has been extended to provide for the fact that it will no longer be possible to endorse periods of disqualification on the new format plastic licences. Where the licence holder is suspended or disqualified, the legislation provides for the production of the licence to the Registrar. Where a court imposes a disqualification on the licence holder, provision is made for the court to take possession of the licence. In the event that a licence is cancelled for breach of probationary conditions, provision is made for the surrender of existing licence. If the applicant successfully appeals against cancellation or disqualification, a new twelve month probationary licence to be issued. Provision is also made for a new licence to be issued where the licence holder has successfully appealed against a disqualification under the Points Demerit Scheme so that if a condition or restriction imposed by the court it can be endorsed in coded form on the licence.

The opportunity has also been taken to provide that a person must carry his or her licence at all times when seated next to the holder of a learner's permit in a vehicle being driven by the learner. These provisions will extend to motor driving instructors, and provision is also made for the motor driving instructor's licence to be displayed on the instructor's person at all times when seated next to the holder of a learner's permit. These changes will enable the police to verify that instruction is being given in accordance with the conditions of the learner's permit, in that instruction can

only be provided by an appropriately licensed instructor. It will also allow students engaging professional driving instructors to verify that the instructor is properly licensed to instruct.

The provisions of the Bill are as follows:

Clause 1 is formal. Clause 2 provides for commencement on a day to be fixed by proclamation. Clause 3 amends section 5 of the principal Act which is an interpretation provision. The amendment inserts definitions for 'probationary conditions' and 'probationary licence'.

Clause 4 amends section 75 of the principal Act which deals with the issue and renewal of licences. The amendment inserts an additional precondition to the issue or renewal of a licence in that the applicant must comply with any requirements of the Registrar under new section 77b of the Act inserted by clause 6 of this Bill (that is, a requirement of the Registrar that the applicant have his or her photograph taken or provide a suitable photograph of himself or herself).

Clause 5 amends section 75a of the principal Act which deals with learner's permits. This clause makes three main changes. First, there is inserted an additional precondition to the issue of a permit. As in the case of a licence, the applicant must comply with any requirements of the Registrar under new section 77b in relation to the provision of photographs. Secondly, the amendment provides for the imposition of probationary conditions on a learner's permit by force of section 75a, removing the requirement that these conditions be endorsed on the permit. The section will still require the Registrar to endorse conditions which the Registrar imposes (being conditions additional to those specified in paragraphs *(a)* to *(da)* of subsection (3). Thirdly, the amendment imposes a new probationary condition on learner's permits to require the holder of a permit to carry the permit at all times when driving a motor vehicle pursuant to the permit and produce the permit forthwith if requested to do so by a member of the police force.

Clause 6 inserts new sections 77a, 77b and 77c in the principal Act. New section 77a provides for the issue of licences and learners permits that include a photograph of the holder. Licences (other than temporary licences) issued or renewed after the commencement of the section must include a photograph of the holder. Learners permits issued or renewed after that date must include such a photograph if the Registrar so determines. Subject to section 77b, on the application of the holder of a licence issued before the commencement of the section, the Registrar may issue to the holder a new licence that bears a photograph of the holder.

New section 77b empowers the Registrar to require a person to attend at a specified place for the purpose of having the person's photograph taken. Alternatively, the Registrar may require a person to supply a suitable photograph. Where a person refuses or fails to attend to have their photograph taken or supplies an unsuitable photograph, the Registrar may determine that the licence or permit not be issued or renewed.

New section 77c empowers the Registrar to issue temporary licences and temporary learners permits pending the preparation and delivery of licences and permits that bear photographs. A temporary licence or permit expires on the day specified in the licence or permit (being not more than one month after the date of issue) or on the day on which the person receives the licence or permit that bears a photograph of the person, whichever is the earlier.

Clause 7 inserts a new section 79ba into the principal Act to provide that where a person, without lawful authority, wilfully alters, defaces or otherwise damages a licence or learner's permit, the licence or permit is void and of no effect. Clause 8 amends section 81 of the principal Act by striking out subsections (1a) and (1b). See new section 139ba inserted by clause 20 of this Bill.

Clause 9 amends section 81a of the principal Act which deals with probationary drivers licences. This clause makes two main changes. First, the amendment provides for the imposition of probationary conditions on a licence by force of section 81a, removing the requirement that these conditions be endorsed on the licence. Secondly, the amendment imposes a new condition on probationary licences to require the holder of the licence to carry the licence at all times when driving a motor vehicle and produce the licence forthwith if requested to do so by a member of the Police Force.

Clause 10 amends section 81b of the principal Act which deals with the consequences of contravening probationary conditions. The clause makes a number of amendments that are consequential on the removal of the requirement for the endorsement of probationary conditions on licences. Clause 11 makes a minor consequential amendment to section 82 of the principal Act which deals with the Registrar's obligations to give effect to recommendations of the consultative committee.

Clause 12 amends section 84 of the principal Act which deals with the term of licences. The amendment provides for the expiry of a probationary licence that is issued after the commencement of the subsection on the expiration of the period for which the probationary conditions are effective. A probationary licence may be renewed as a licence not subject to probationary conditions. The provisions requiring the Registrar to issue to a person aged between 67 and 70 a licence that expires when the person attains the age of 70 and to issue to a person aged 70 or more a licence for one year are struck out by this clause, thus enabling the Registrar to issue five year licences to these drivers.

Clause 13 makes minor consequential amendments to section 85 of the Act which deals with the variation of licence classifications. Clause 14 makes a minor consequential amendment to section 91 of the principal Act which deals with the effect of suspension and disqualification. Clause 15 repeals section 92 of the principal Act. See new section 139ba inserted by clause 20 of this Bill. Clause 16 makes a minor consequential amendment to section 93 of the principal Act.

Clause 17 repeals sections 94 and 95 of the principal Act. See new section 139ba inserted by clause 20 of this Bill. Clause 18 inserts new section 98aa into the principal Act. Subsection (1) requires a person to carry his or her licence at all times when seated next to the holder of a learner's permit in a vehicle being driven by the holder of the permit or when carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit. The maximum penalty is a division 9 fine ($500). Subsection (2) requires the holder of a motor driving instructor's licence to display the licence on his or her person at all times when seated next to the holder of a learner's permit in a vehicle being driven by the holder of the permit or when carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit. The maximum penalty is a division 9 fine ($500).

Clause 19 makes a minor consequential amendment to section 98a of the principal Act. Clause 20 inserts new sections 139ba, 139bb and 139bc into the principal Act. New section 139ba provides that, where a licence or learner's permit is cancelled or suspended or becomes void, the

holder of a licence or permit is disqualified or the Registrar is required to cancel or suspend a licence or permit, disqualify the holder of a licence or permit or make, vary or remove an endorsement on a licence or permit, the court, person or body making the relevant decision or order, or, in any case the Registrar, may require the holder of the licence or permit to produce it. A person must comply with such a requirement. The maximum penalty fixed is a division 9 fine ($500). Where a licence or permit is produced, the court, person or body to whom it is produced, or, in any case, the Registrar, may make, vary or remove any endorsement on the licence or permit and retain the licence or permit where it is cancelled or suspended or becomes void or a disqualification is imposed.

New section 139bb provides that, where an endorsement is to be made or varied on a licence or permit or removed from a licence or permit and the licence or permit is in such a form that that cannot be done, the Registrar may, on production of the licence or permit, retain the licence or permit and issue a new licence or permit bearing the appropriate endorsements. New section 139ba provides for the endorsement of licences and permits in the manner set out in the regulations.

**The Hon. PETER DUNN** secured the adjournment of the debate.

## ADJOURNMENT

At 3.37 p.m. the Council adjourned until Tuesday 14 March at 2.15 p.m.