# LEGISLATIVE COUNCIL

Tuesday 26 September 1989

**The PRESIDENT (Hon. G.L. Bruce)** took the Chair at 2.15 p.m. and read prayers.

## ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Motor Vehicles Act Amendment (No. 4),
Pastoral Land Management and Conservation,
Stamp Duties Act Amendment (No. 3).

## QUESTIONS ON NOTICE

**The PRESIDENT:** I direct that the written answers to the following Questions on Notice, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos. 2, 3, 4 and 5.

## *NOLLE PROSEQUIS*

2. **The Hon. K.T. GRIFFIN** (on notice) asked the Attorney-General: In each of the years ended 30 June 1983, 1984, 1985, 1986, 1987, 1988 and 1989—

1. How many *nolle prosequis* have been applied for by the Crown and how many have been granted?
2. What were the reasons for the applications?
3. In respect of what crimes were the applications made?

**The Hon. C.J. SUMNER:** The replies are as follows:

1. The Acting Director of the Office of Crime Statistics has provided the following statistics in relation to the number of *nolle prosequis* entered:

Year ended July

| Year | |
|---|---|
| 1983 | 123 |
| 1984 | 180 |
| 1985 | 216 |
| 1986 | 194 |
| 1987 | 198 |
| 1988 | 211 |

Statistics for the year ended 1989 are not at this time available.

It is not the practice of the court to refuse to enter a *nolle prosequi* when the Crown applies to do so. Accordingly, in every case where the Crown has indicated instructions to enter one, that has been noted.

2. The reasons for discontinuing prosecutions are extremely varied. They range, for example, from acceding to a complainant's wish not to proceed, to unavailability of an essential witness, to the Crown Prosecutor's appreciation that there is only a minimal chance of conviction, to a decision by the Crown Prosecutor that it is appropriate to accept a plea of guilty to a lesser charge in satisfaction of the major charge.

3. *Nolle prosequis* have been entered in respect of almost every charge in the criminal calendar ranging from common assault to murder.

## SECOND-HAND MOTOR VEHICLES ACT

3. **The Hon. K.T. GRIFFIN** (on notice) asked the Attorney-General: In respect of each of the years ended 30 June 1983, 1984, 1985, 1986, 1987, 1988 and 1989:

1. How many complaints were made to the Department of Public and Consumer Affairs under the Second-hand Motor Vehicles Act?
2. Into what categories of complaint did they fall?
3. How many were resolved and with what results?
4. *(a)* Was there more than one complaint against any dealer?
   *(b)* If yes, what was the greatest number of complaints against any one dealer?

**The Hon. C.J. SUMNER:** The replies are as follows: The Commissioner for Consumer Affairs has provided me with the following information in answer to the question asked by the Hon. K.T. Griffin in relation to the Second-hand Motor Vehicles Act (Refer attached schedule). I understand that the national statistical outcome codes by which this information has been recorded have been amended during the period 1986 to 1989. This may cause some anomalies when comparing the results of complaints with previous years.

SCHEDULE OF COMPLAINTS

| QUESTION | Year ended 30 June | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 |
| Number of complaints made to the Department under the Second Hand Motor Vehicles Act | Annual Report figure 952 | Annual Report figure 957 | Annual Report figure 678 | 771 | 834 | 625 | 411 |
| Into what categories of complaint did they fall | Computer information available does not provide individual categories. However, experience would indicate that the majority relate to failure to carry out warranty repairs. | | | | | | |
| How many were resolved and with what results | Summary of complaints and outcome of investigations have not been recorded on computer for 1983, 1984 and 1985. | | | | | | |
| Full redress | | | | 419 | 431 | 339 | 208 |
| Partial redress | | | | 66 | 80 | 87 | 51 |
| Complaint not justified | | | | 62 | 64 | 39 | 29 |
| Referred to Local Court Small Claims | | | | 23 | 7 | 8 | 3 |
| Commercial Tribunal/other authority | | | | 28 | 82 | 47 | 19 |
| OTHER OUTCOMES | | | | | | | |
| Situation clarified | | | | 38 | 42 | — | — |
| Conflict of evidence | | | | 16 | 11 | 11 | 3 |
| Lack of evidence | | | | — | — | 22 | 10 |
| Complaint withdrawn | | | | 41 | 31 | — | — |
| Other miscellaneous reasons | | | | 80 | 86 | 65 | 29 |
| Investigation proceeding | | | | — | — | 7 | 60 |
| Greatest number of complaints against any one dealer | | | | 15 | 18 | 26 | 18 |

## HOME BIRTHS

4. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Tourism: Does the Minister of Health support a proposal by the Federal Minister for Health to give the States direct grants to enable women to give birth at home, a plan which has the potential to discriminate against birthing centres?

**The Hon. BARBARA WIESE:** There is no proposal by the Federal Minister for Health to give the States direct grants to enable women to give birth at home. At the last Senate sitting a motion was passed, which the Government supported, which stated that the Government should provide funding support for home births. However, the Commonwealth recognises there are a number of issues which would need to be resolved before it would provide such support. In the recent Federal budget, under a package of women's health initiatives, a Birthing Services Program was announced to encourage more cost-effective birthing options such as birthing centres as alternatives to traditional hospital birthing services.

## SECURE CARE COMPLEX

5. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare: Does the Government propose to proceed with the establishment of an $8 million secure care complex for young offenders and, if so, what sites are being considered, when will a site be selected and what dates are proposed for construction work to be started and completed?

The Hon. BARBARA WIESE, for the **Hon. D.J. Hopgood:** The Government does intend to proceed with the establishment of the secure care complex and is currently canvassing options for alternative sites before considering a short list. Construction and completion dates will not be known until the Government decides on a suitable site.

## PORT AUGUSTA TO PORT WAKEFIELD ROAD

**The PRESIDENT** laid on the table the following interim report by the Parliamentary Standing Committee on Public Works:

Port Augusta-Port Wakefield Road Realignment—8.3 km Merriton section.

## REGISTER OF INTERESTS

**The PRESIDENT** laid on the table the Registrar's statement of members' interests for June 1989.

Ordered that statement be printed.

## PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner)—

- Actuarial Investigation of the Long Service Leave (Building Industry) Fund—Report, 30 June 1988.
- Industrial Court and Commission of SA—Report, 1988-89.
- Promotion and Grievance Appeals Tribunal—Report, 1988-89.
- Rules of Court—Supreme Court—Supreme Court Act 1935—Hearings and Interest.

By the Minister of Consumer Affairs (Hon. C.J. Sumner)—

- Administration and Probate Act 1919—Regulations—
  - Property Improvement.
  - Property Approval.

By the Minister of Tourism (Hon. Barbara Wiese)—

- Parliamentary Standing Committee on Public Works—62nd General Report;
- Fisheries Act 1982—Regulations—River (Murray) Fishery.

By the Minister of Local Goverment (Hon. Anne Levy)—

- Advances to Settlers Act 1930—Auditor-General's Report, 1988-89;
- Murray/Darling Basin—Report—1987-88;
- South Australian Urban Land Trust—Report, 1989;
- Public Parks Act 1943—Disposal of parklands, Mount Gambier;
- State Transport Authority Act 1974—Regulations—Expiation Fee.

# QUESTIONS

## COUNCIL ADMINISTRATION

**The Hon. M.B. CAMERON:** I seek leave to make a statement before asking you, Mr President, a question about the Legislative Council's administration.

Leave granted.

**The Hon. M.B. CAMERON:** For a long time there has appeared to be some difficulty on the part of some members in another place in understanding the difference between the Houses and the necessary separation thereof. While this matter may not appear to be of great moment, it involves, nevertheless, the separation of the Houses and, in the manner in which it was raised, it appears to involve a potential reflection upon some of the staff of this Council. The member for Newland asked a dorothy dixer during the Estimates Committee of another place. I am quite certain that the honourable member was not the author of the question; I have my suspicions as to who the authors might be. The honourable member asked:

> Is it the case that the Legislative Council and House of Assembly word processing systems are not compatible? I have been advised that this is the case. In a recent example, the Soil Conservation and Land Care Bill, because of the incompatibility of those two word processing systems, amendments passed in the Legislative Council had to be translated separately on to the House of Assembly word processing system—

I must say that they are lucky to have a word processing system that can be considered to be a part of the Council, because some of us must provide our own—

> and an extra eight hours or so of work was involved in that translation. If that is the case, is there some way that the systems can speedily be made compatible so that the Legislature, as a whole, is as efficient as possible?

Most members would be aware that, as yet, we have not debated the Soil Conservation and Land Care Bill. I find this an incredible statement coming from the member for Newland, as the Bill has not even been debated in this Chamber. How can one have eight hours of amendments and difficulties with transcription when the Bill has not reached this House? In fact, as I understand it—

*The Hon. Anne Levy interjecting:*

**The Hon. M.B. CAMERON:** I don't care what it was; I am quoting directly from the *Hansard* report of the Estimates Committees, and the Bill has not even come to this House. Indeed, I understand that it was held up in the other place because of the inability of someone there to give proper instructions to the Government Printer in the first place. It had to go back to the printer three times. So, the

Bill has not been amended, and it certainly has not been amended in this place. Mr President, would you please investigate the matter so that this Council can be properly informed of the existing problems in the administration, if any, rather than having the Clerk of the other place, or anyone else, doing the investigation into this printing system?

**The PRESIDENT:** I was aware that the question had been raised in the Estimates Committees. I have no idea of the truth of the answer to the matter. I am only too happy to oblige the honourable member by having the matter investigated and bringing back a report to this Council as soon as possible.

## PILOTS DISPUTE

**The Hon. L.H. DAVIS:** Will the Minister of Tourism say whether, first, the Premier and Federal President of the Australian Labor Party, Mr Bannon, and she support the Prime Minister's handling of the pilots' dispute—yes or no? Secondly, does the Minister accept that, notwithstanding measures taken to modify the impact of the pilots' dispute, many operators in the tourism industry in South Australia are facing financial ruin as a result of this protracted dispute?

**The Hon. BARBARA WIESE:** Since this dispute began, as I have informed the Council previously, I have kept in close contact with representatives of the industry within South Australia in order to monitor the impact that the pilots' dispute is having on representatives of the industry within South Australia. Members may be aware of public statements I have made from time to time about the issue and the impact it is having. In South Australia it would appear that the sectors of the industry suffering most as a result of the dispute are those organisations—whether they be accommodation houses, meeting houses or whatever—which cater predominantly for the corporate sector. The people in the corporate sector have curtained business travel to a large extent, resulting in a cancellation of meetings and some conventions that would otherwise have been held in South Australia.

The extent to which that is business lost for all time is one of the issues we will have to assess once the dispute is over, but my assessment is that some of that travel not being taken now will be taken once things have been restored to normality and people are sure that they will be able to reach their destination and return home again. Some of that travel will be lost because people will have taken other action to resolve issues that might have been resolved by way of travel and face to face meetings. It would seem from reports from the various regions of South australia, that the sector of the industry which caters largely for tourists—

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Davis will come to order.

**The Hon. BARBARA WIESE:** —within South Australia, by and large, is benefiting to some extent from the dispute, especially now in school holidays as numerous people from States close to South Australia, who were otherwise intending to travel by aircraft to some more isolated States of Australia, are now seeking alternative places in which to spend their school holiday vacation.

South Australia is benefiting from these changed plans. It should also be borne in mind that about 85 per cent of our tourism business comes from people who travel by road or other forms of ground transport in any event. The reports I have indicate that in the Riverland, some parts of the South-East, the mid-North, the Barossa and areas other than those catering for business travel, have benefited. This certainly applies to the Flinders Ranges and the outback, where most of the accommodation facilities are full and they would like to have more accommodation to cope with the number of people passing through. So those organisations are doing well. The forms of ground transport, such as coach companies and others, are doing extremely well and, in fact, many have scheduled extra services in order to cope with the increase in traffic.

There are varying impacts within the State of South Australia and, as I have indicated, my officers and I are keeping in close contact with representatives of the industry so that, if there is some contingency plan that we can put in place to enable travellers to fulfil their plans to come to South Australia we will be in a position to do so. Last week we undertook some print advertising in Victoria to take advantage of the number of people who are looking for alternative destinations for school holidays. That print advertising coincided with the screening of our pre-scheduled television advertising in Victoria and New South Wales. On day one we received 350 telephone inquiries in Melbourne and about 500 inquiries in Sydney as a result of that advertising. Many of those inquiries have been converted into action and people have now booked holidays in South Australia. So that is the sort of action that we are taking. As new issues arise we will take appropriate action.

As any honourable member who has been following it closely would know, the dispute itself is a very complicated affair. It is particularly complicated when we consider the fact that a group of employees who have refused to be part of the normal wage negotiating system have now resigned their position with the airlines. One of the complications that has now emerged with both groups of people talking about going to the Industrial Relations Commission is that there could be a legal impediment to those issues being considered by the commission because of the fact that we are not now discussing a problem between employees and employers because there are no employees. That may very well be a problem to which a solution will have to be found.

*Members interjecting:*

**The PRESIDENT:** Order! There is too much conversation.

**The Hon. BARBARA WIESE:** However, that is an issue for the airlines and their advisers and the pilots and their advisers to address. The role that the Federal Government plays in this issue is very complicated. It is not directly involved nor is it a party to any contract. Thus, the action that the Federal Government can take is very much limited by those circumstances, but I certainly believe that the approach taken by the Federal Government, which is that no group of workers within our community should be allowed to pursue wage increases or reach settlement on these issues outside the normal wage fixing process, is an appropriate position to take. I would expect that the Federal Government would maintain that position and encourage the parties involved in the issue to use the appropriate channels in order to reach some resolution to this matter, which everybody within the tourism industry in Australia would like to see resolved as quickly as possible.

## ALLEGATIONS AGAINST MAGISTRATE

**The Hon. K.T. GRIFFIN:** My questions are as follows:

1. Has the Attorney-General yet received the police report relating to current allegations made through the media about a serving magistrate? If he has, when was it received and when did the Attorney-General request it?

2. Does the report provide any basis for disciplinary action or for requiring the magistrate to stand aside from court duties pending resolution of the allegations?

**The Hon. C.J. SUMNER:** The answer to the first question is 'No'. The answer to the second is that it was formally requested yesterday morning, 25 September. Thirdly, I know of nothing at this stage which would lead me to the conclusion that the magistrate should not be sitting but obviously, as soon as the report comes in from the police, I will study it and determine whether any further action is required.

## CAJ AMADIO

**The Hon. T. CROTHERS:** Has the Minister of Local Government an answer to a question I asked in this place on 16 August regarding Mr Caj Amadio?

**The Hon. ANNE LEVY:** My colleague the Minister for Environment and Planning has provided me with the following answers to the questions raised by the honourable member:

> First, the letter was sent to Mr C. Amadio by the Department of Environment and Planning following a thorough investigation of the case by officers of the Native Vegetation Management Branch, who considered that the tree was removed under the exemption provisions.
>
> Secondly, the Native Vegetation Management Branch has not beeen intimidated by Mr Amadio and, thirdly, the branch also stands by its letter of 19 January 1989 due to the interpretation of the exemption provisions relating to clearance for firewood or fencing materials at that time.

## COUNTRY SCHOOLS

**The Hon. M.J. ELLIOTT:** I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question about country schools.

Leave granted.

**The Hon. M.J. ELLIOTT:** On 14 September I attended a meeting in Tailem Bend which was attended by people from a large number of country schools throughout the South-East, the Mallee and the Mid Northern areas, and a number of apologies were received from Eyre Peninsula. A number of common themes ran through the reports presented by people at that meeting, who expressed grave concern about what was happening to their schools, namely, concern about a matter that has been raised in this place regarding the proposed merger of several area schools or of their secondary components, or the fact that that might happen elsewhere. Reports from quite a number of schools suggest that staffing cuts of from one to four teachers would occur, even though student numbers had not changed significantly, and that that would happen under the curriculum guarantee package.

Further concern was expressed that distance education, using various means of transmitting lessons over distance, is being used to replace, rather than supplement, what is being offered in schools and that it is being used as a way to replace staff. A number of people put the view that distance education requires extra staff because children are not highly motivated to sit at their microphones. So, very real concern was expressed that staff cuts are occurring because of distance education when, in fact, such education may demand staff increases. The one advantage of distance education is that you do not need the specialists in schools that you would otherwise require; they are often not available, anyway.

First, will the Minister give country schools an assurance that under the new package they will not lose teachers where their numbers have remained about the same? Secondly, will the Minister give an assurance that distance education will be used only as a way of supplying extra to the curriculum and not as a way of replacing staff by machinery?

**The Hon. ANNE LEVY:** I will refer the honourable member's questions to my colleague in another place and bring down a reply.

## CLUB KENO

**The Hon. DIANA LAIDLAW:** I seek leave to make a brief explanation before asking the Minister representing the Premier a question about keno in licensed clubs.

Leave granted.

**The Hon. DIANA LAIDLAW:** Charities in South Australia first learnt of the proposal by the Lotteries Commission to implement club keno when a member of the Australian Institute of Fundraising read, by chance, the commission's annual report for 1988-89. In that report, the Chairman, Mr Wright, noted:

> One of the major issues of the future, and one which has been under investigation during the year, will be the implementation of club keno, which will be an on-line game operated by the commission. This major initiative will revolutionise the club industry, and may well be a world 'first' for South Australia.
>
> The proposed keno operation will see on-line results screens installed in participating clubs with draws every five minutes. A pilot program is scheduled for February 1990 and will include about 40 clubs.

Not surprisingly, South Australian charities, 100 of which are represented by the Australian Institute of Fundraising, are offended that the Lotteries Commission—an agent of the Government—has been investigating this so-called initiative during the past year and has on no occasion had the courtesy to consult with it.

Equally, South Australian charities are angry that this move could be formulated and announced without the Government's undertaking an assessment of the impact of the plan on fundraising projects that are so vital to the viability of services they deliver to people in need of support to enable them to maintain a quality of life. In addition to those grievances, the charities are disheartened that the manner in which the Lotteries Commission launched the club keno project resembled a similar exercise by the commission in June last year to launch instant bingo in hotels. On that occasion the Premier intervened and established a working party to consider the impact of the sale of bingo tickets in hotels.

The Premier has yet to release that report (let alone act on it), although he received it last October. Will the Premier intervene to accommodate the urgent pleas of the Australian Institute of Fundraising to delay the introduction of club keno into licensed clubs until negotiations have been held with community organisations which are likely to suffer adverse results to the extent of at least $500 000?

**The Hon. C.J. SUMNER:** I will refer the question to the appropriate Minister and bring down a reply.

## WASTE MANAGEMENT COMMISSION

**The Hon. T.G. ROBERTS:** I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister for Environment and Planning, a question about the Waste Management Commission.

Leave granted.

**The Hon. T.G. ROBERTS:** On Sunday 22 May 1988 Mr Fred Ingham, a resident of Mount Burr Road, Millicent, was dumping his domestic waste at the town rubbish dump at Canunda when he was overcome by fumes emanating from what appeared to be a tank or boiler. As a result, Mr Ingham became quite ill. He overcame his initial difficulties and sought medical attention. Over the past 12 months he has continually sought medical attention for a problem that arose as a result of the fumes he inhaled at the rubbish dump.

The Millicent District Council and the Waste Management Commission have been discussing the problem, and hopefully are trying to work out a program to prevent any recurrence. This is a real problem for people taking their household rubbish to rubbish dumps which contain other than domestic rubbish. It is easy enough for people to recognise and detect the smell of burning sneakers or sandshoes, but it might be hard for them to detect the difference between the smell of the Hon. Mr Gilfillan's or the Hon. Mr Lucas's burning sneakers and that of burning sulphur.

Could the Minister furnish the recommendations made by the Waste Management Commission in consultation with the Millicent District Council in the revised management techniques to prevent a similar occurrence from happening in the future?

**The Hon. ANNE LEVY:** I will refer that question to my colleague in another place and bring back a reply as soon as possible.

## MULTIFUNCTION POLIS

**The Hon. I. GILFILLAN:** I seek leave to make a brief explanation before asking the Attorney-General a question relating to a multifunction polis.

Leave granted.

**The Hon. I. GILFILLAN:** I was fascinated to read in the *Advertiser* this morning an article under the heading 'High-tech city blueprint to be revealed'. The article states that a report is to be released on Friday relating to an MFP, which is a Japanese concept introduced to Australia in 1987 by the Japanese National Trade and Industry Minister, Mr Hajime Tamura. The article states:

> Submissions will be accepted until October, and a decision on which State will host the MFP is expected to be made early next year. After an initially sceptical reception in Australia, the MFP has aroused great interest.
>
> The Federal and State Governments and more than 80 companies and organisations have funded the study, South Australia has been actively seeking a part in the project since initial feasibility studies were carried out earlier this year.
>
> Adelaide's chances of getting the city were believed to have been boosted in July this year when it was acknowledged by one of Europe's finest science cities, Nice's Sophia Antipolis, or the City of Wisdom, as having the right attributes needed to secure the deal. Aldinga is one Adelaide suburb proposed as a site for the city.

I asked questions as best I could of the Government as to its involvement in multifunction polis planning, and was grateful to receive a briefing from Mr Colin Neave, who I understand is recognised and has been appointed by the Government as the major Government discussor/debater/involvee in the organisation of a multifunction polis.

In relation to the direct question whether land which has been compulsorily acquired at Aldinga—both in the reply from Mr Neave and from other places—it has been indicated clearly that the Government or the Urban Land Trust has not acknowledged that this land has in any way any connection with multifunction polis, and is being accumulated for a future residential area of ordinary Adelaide expansion. I have asked the Attorney-General a question to get before this Chamber, and before the public of South Australia, the real situation as far as the State Government's enthusiasm in seeking to have the multifunction polis established in South Australia, and as to whether a smokescreen has been put up over the real intention and plans of the Government in this matter.

I ask the Attorney-General the following questions: has the State Government presented a firm submission in order to secure the multifunction polis for South Australia? If so, where is it anticipated the proposed multifunction polis will be located; what is the estimated population of the proposed multifunction polis in the State submission, if indeed one was made; from where does the Government expect that population will come; would overseas countries be expected to contribute significant numbers to that population, or is this article basically wrong and does the State Government have no interest in the multifunction polis? Is the information that I have received that, in reality, it is still a pie-in-the-sky scheme correct?

**The Hon. C.J. SUMNER:** Apparently, the honourable member has received a briefing from Mr Neave, who was asked by the Government to participate in the Australia-wide developments relating to a multifunction polis and, therefore, the honourable member would have the up-to-date information on the status of the South Australian Government's interest in this matter at the time that he received the briefing.

The South Australian Government remains interested in the notion of a multifunction polis and Mr Neave is still involved in work on it. However, it is not a matter that at this stage exclusively involves South Australia. As I understand, virtually every other State in Australia is interested in the development of this concept if the circumstances are right. I take it from his question that the honourable member opposes such a development.

**The Hon. I. Gilfillan:** There is no inference; we want information.

**The Hon. C.J. SUMNER:** That's all right. I just wanted to clarify it, Mr President.

**The Hon. I. Gilfillan:** We have had no information on it at all from the Government.

**The Hon. C.J. SUMNER:** I wanted to clarify whether or not the Hon. Mr Gilfillan opposes the notion of a multifunction polis.

**The Hon. I. Gilfillan:** I don't know what the notion is.

**The Hon. C.J. SUMNER:** You have had a private briefing on it from Mr Neave.

**The Hon. I. Gilfillan:** Mr Neave doesn't know and neither do you.

**The Hon. C.J. SUMNER:** If Mr Neave does not know, then no-one else would, because he is the one person in Government who has worked on this notion for some period. As I said, South Australia is not the only State that has taken an interest in the matter. As far as I am aware, the purchases in the Aldinga area by the Urban Land Trust are not related to the multifunction polis proposal. If that is not the case, I will inform the honourable member. I will refer the other detailed questions to the appropriate Minister and bring back a reply.

## COUNCIL ADMINISTRATION

**The PRESIDENT:** I have an answer to the question raised by the honourable Leader earlier today. I have had the matter urgently investigated, because I thought that it needed a prompt reply. Members will have seen me consulting with the Clerk. It seems that the question asked by

the member for Newland in the Estimates Committee reflected on the administration of this Council. The question appears in *Hansard*, Estimates Committee A, 12 September, page 2.

First, the question stated that, owing to the amendments passed in the Legislative Council, the Soil Conservation and Land Care Bill had to be translated separately to the House of Assembly word processing system and an extra eight hours or so of work was involved in that translation. This is quite incredible, because all members would know that the Bill is on our Notice Paper still at the second reading stage. It has been at that point for some weeks now, because the Bill received from the House of Assembly was reprinted three times owing to errors in translation of amendments agreed to in the House of Assembly Committee stage of the Bill to be dispatched to the Council. I understand that, even after this was realised, the Bill was withdrawn from our possession, because the incorrect clauses were omitted in the further reprint. The Bill did not appear on members' files for their consideration until moments before the Council rose on Thursday, 7 September, which was 14 days after the Bill had been passed by the House of Assembly.

Secondly, irrespective of the Soil Conservation and Land Care Bill, as members know, Bills that pass the Legislative Council often contain numerous amendments. The Bills are reprinted with the amendments; this enables the House of Assembly to receive its copies as expeditiously as possible.

Thirdly, if the member for Newland was by any chance referring to the Pastoral Land Management and Conservation Bill, that Bill was passed by the Legislative Council late on Thursday, 17 August, and the message, plus the reprinted Bill which incorporated the amendments, were delivered to the House of Assembly on the following Tuesday. As the House of Assembly did not sit on Thursday evening there was no delay whatsoever as far as the Legislative Council is concerned.

Finally, as to the computer incompatibility, the administration has considered the advantages of linking with State Print, but it would be quite improper for the Council's word processing system to be linked with that of the House of Assembly, particularly in respect of access to amendments in the Council that are frequently to be treated with utmost confidentiality. In most cases, schedules of amendments transmitted to the House of Assembly do not require reprinting, as more often than not a mere change in the heading of the Council schedule only necessitates photocopying of the first page for return to the Council when the House of Assembly is in disagreement.

The Clerk of the House of Assembly mentioned that duplication of amendments occurs when they are drawn up by Parliamentary Counsel and are then used in the House of Assembly (and, the inference to be drawn was, also in the Council). This is not so, because the Council's amendments are sometimes drawn up and typed in the Parliamentary Counsel's office and are merely photocopied here, or they are actually drawn up whilst Parliamentary Counsel works at Parliament House, in which case the amendments are typed and photocopied in the front office. There is no duplication whatsoever.

It is definitely not the intention of this Council to undertake the work of State Print, which would require extra staff here but, at the same time, it would require dispensing with positions in State Print, which I am sure would be the last thing members of this Council would wish.

In addition, strong objection is taken to the fact that the Clerk of the House of Assembly implied a lack of cooperation and an unwillingness to purchase the same word processing system. I point out that the House of Assembly purchased its PC system without any consultation whatsoever with this Council.

## CONSULTANCIES

**The Hon. J.C. IRWIN:** I seek leave to make a brief explanation before asking the Minister of Local Government a question about consultancies.

Leave granted.

**The Hon. J.C. IRWIN:** Several public servants have contacted the Opposition expressing concern about methods used by the Department of Local Government in awarding consultancies and whether the qualifications of those awarded this work are appropriate and meet proper Government standards. Of particular concern is FEM Enterprises, the directors of which are Deborah McCulloch and Yue Repin. I understand that at least two Government departments are involved in consultancy work with FEM.

I have been informed that the Department of Local Government has awarded consultancies to FEM and that the Department for Community Welfare is about to award or has just awarded a lucrative contract to FEM. In response to concerns within the Public Service that the awarding of such contracts by the two departments is not just jobs for the girls, we seek an assurance from the Government that it is based on sound qualifications and open tendering procedures. My questions to the Minister are: what procedures are followed by the Department of Local Government in awarding consultancies to the private sector; is this done by open tender in all cases; if not, why not; what is the nature of the local government/FEM Enterprises work contract; and what is the value of that contract?

**The Hon. ANNE LEVY:** I do not have that detailed information with me, but I am sure that the department will be able to supply it very rapidly. The questions asked during the Estimates Committee about consultancies are taking a considerable time to answer. However, that information should be able to be extracted readily from the information which is being collected in that regard. I will bring back a reply as soon as possible.

## ITALIAN AND MODERN GREEK LANGUAGES

**The Hon. M.S. FELEPPA:** Has the Attorney-General an answer to my question of 8 August about Italian and modern Greek languages?

**The Hon. C.J. SUMNER:** The Minister of Employment and Further Education has provided me with the following answer:

The Minister of Employment and Further Education has commenced formal discussions with the college on the concerns raised, and has given two references to the Institute of Languages directed towards the development of the blueprint for tertiary languages education in the State.

## HOPE VALLEY RESERVOIR

**The Hon. J.C. BURDETT:** I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Water Resources, a question about the Hope Valley reservoir.

Leave granted.

**The Hon. J.C. BURDETT:** About three weeks ago a leak of raw sewage occurred from the sewerage mains adjacent to the Hope Valley reservoir. That sewage escaped into the reservoir through the aquaducts and had the effect of dis-

charging raw sewage into the reservoir. This matter was raised in the Estimates Committee by the member for Bragg in another place, and it was acknowledged that the leakage had occurred. An assurance was given that adequate steps had been taken to treat the water on that occasion and that it would not happen again.

It did happen again—the next day—within 24 hours of the question having been asked and answered in the Estimates Committee in another place. On this occasion the raw sewage did not, in fact, escape into the reservoir but was diverted into the River Torrens. I found it astonishing that there seemed to be no problem about the discharge because, in this case, the sewage escaped not into the reservoir but into the River Torrens. Is it acceptable that raw sewage be discharged into the River Torrens by a Government department, and what steps will be taken to ensure that further leakages from sewerage mains in the vicinity of the Hope Valley reservoir do not occur?

**The Hon. ANNE LEVY:** I will refer that question to my colleague in another place, who, I am sure, is as concerned about the reservoir and the River Torrens as is the honourable member, and I will bring back a reply.

## EMPLOYMENT

**The Hon. T. CROTHERS:** Has the Attorney-General an answer to my question of 9 August about employment in South Australia?

**The Hon. C.J. SUMNER:** The Minister of Employment and Further Education has provided me with the following answer:

Improvements in Teenage Unemployment Under Labor:

There has been a marked reduction in teenage unemployment in recent years in South Australia. This reflects the combined effect of a number of factors including the overall improvement in the labour market, higher rates of education retention and enhanced labour market programs for teenagers and changes to unemployment benefit arrangements.

Teenage full-time employment has fallen markedly between the March quarter of 1983 and the June quarter 1989—the number of teenagers unemployed and looking for full-time work fell by 8 200 (49.4 per cent) from 16 600 to 8 400. The teenage full-time employment rate declined 12.1 percentage points from 29.3 per cent to 17.2 per cent. The proportion of the teenage population unemployed and looking for full-time work fell from 14.6 per cent to 7.3 per cent (7.3 percentage points).

Improvements in the Opportunities for the Unemployed Under Labor:

Since November 1982, job opportunities have improved dramatically, In February 1983, there were 59 unemployed persons for each job vacancy in South Australia. This has fallen by over 50 per cent to a ratio of·24 unemployed to each job vacancy as at February 1989. Seasonally adjusted figures are not available.

General Improvements in the Labour Market Under Labor:

Since November 1982, the South Australian labour market has experienced strong employment growth, a marked reduction in the unemployment rate, and the highest recorded participation on record. In seasonally adjusted terms, total employment has increased by 101 900 persons or 18.7 per cent from the March quarter 1983 to the June quarter 1989. This represents an average employment growth of 2.8 per cent per annum or around 16 300 new jobs created every year under Labor. Full-time employment has risen by 14.3 per cent or 62 000, accounting for 61 per cent of new jobs created over the same period. Around 90 per cent of new jobs are in the private sector.

The June quarter 1989 seasonally adjusted unemployment rate at 7.7 per cent, is 2.9 percentage points lower than the 10.6 per cent unemployment rate recorded in the March quarter 1983. Total unemployment (seasonally adjusted) has fallen by 10 700 (16.6 per cent) from 64 500 to 53 800 over the same period.

Seasonally adjusted female employment has increased by 30 per cent or 61 400 persons between the March quarter 1983 and the three months to June 1989, representing 60.3 per cent of all new jobs created under Labor. Seasonally adjusted female full-time employment has risen by 23.9 per cent or 28 400 persons (46.3 per cent of these newly created jobs are full time). The seasonally adjusted female unemployment rate has dropped by 3.5 percentage points, from 11 per cent in the March quarter 1983 to 7.5 per cent in the June quarter 1989.

The seasonally adjusted participation rate at 59.5 per cent for the March quarter 1983 has risen a full 2.9 percentage points to 62.4 per cent in the June quarter 1989. This represents the highest quarterly participation rate for South Australia since the ABS Monthly Labour Force Survey began in February 1978. The female labour force participation rate increased over the same period by a massive 6.6 percentage points to reach 50.4 per cent in the June quarter 1989.

## Mrs JENNIFER STRICKLAND

**The Hon. R.J. RITSON:** I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about Mrs Jennifer Strickland.

Leave granted.

**The Hon. R.J. RITSON:** I understand that Mrs Jennifer Strickland, a teacher and former Mayor of Prospect City Council from 1985 to 1989, has been appointed Deputy Chairman of the Health Commission. Mrs Strickland fills the vacancy of Mr Ray Sayers, who recently resigned from the commission. Will the Minister of Health detail what specific qualifications or expertise Mrs Jennifer Strickland will bring to the Health Commission as Deputy Chairman? Will the Minister also detail what remuneration, if any, Mrs Strickland will receive as a result of her new appointment, and what her role will be in relation to the six senior executives of the commission when the Chairman is absent?

**The Hon. BARBARA WIESE:** I am happy to refer the honourable member's question to my colleague in another place and bring back a detailed reply. I can at least say that Mrs Strickland has been a member of the Health Commission for some years. Therefore, her experience of the work of the commission is now very detailed. As to her previous experience and the question of remuneration, those issues are obviously the domain of the Minister of Health. I will refer those questions to the Minister and bring back a reply.

## NORTHFIELD WOMEN'S PRISON

**The Hon. I. GILFILLAN:** Has the Attorney-General an answer to my question of 16 August about Northfield Women's Prison?

**The Hon. C.J. SUMNER:** The Minister of Correctional Services has provided me with the following answer:

1. It is a statutory requirement that every suicide within South Australian prisons is subject to a coronial inquest. These inquests are held in public and the results of the Coroner's findings will be made public.

2. Northfield prison complex is in reality two prisons with quite differing requirements. It is a complex environment in which staff are required to exercise a broad range of skills to acknowledge the needs of minimum security/pre-release males and female prisoners both remand and sentenced of all security classifications. Numbers have risen in the female prison during recent months and this has placed pressure on staff and the cottages have continued to serve as a minimum security prison as much as a pre-release facility. It is not proposed to investigate the running of the complex.

3. A needs committee for female prisoners was established in July 1987. The purpose of the committee was to provide a service to promote effective operation of recreation, amenities and issues relating to accommodation, and to develop and maintain a communication link with the management of Northfield Prison complex. The committee lapsed in November 1987, due to lack of interest on behalf of prisoners, and was re-established in January 1988, when a new constitution was drawn up. Since the recommencement of the committee in January 1988, there have been eight meetings.

However, there has not been a meeting since March 1989 because the prisoners, who have elected a new committee, have

not requested one. The role of Northfield Prison complex management is to facilitate the meeting of the committee but not to direct its functioning. It is considered that the mechanism for an effective prisoners representative committee has been established and that the prisoners are now responsible for ensuring the committee is effective.

## ROXBY DOWNS

**The Hon. I. GILFILLAN:** Has the Attorney-General a reply to my question of 3 August on Roxby Downs?

**The Hon. C.J. SUMNER:** The Minister of Mines and Energy has provided me with the following answer:

The Olympic Dam joint venturers are required under three separate clauses of the indenture to regularly monitor and report to the Government on the impact of the project on the environment and local population.

These are: radiation monitoring pursuant to clause 10; general environmental monitoring in the project area pursuant to clause 11; and groundwater monitoring in the region of the project water supply borefield pursuant to clause 13. Results from each of these comprehensive programs are supplied to the appropriate Government departments for secrutiny and analysis. The results of monitoring to date have been satisfactory to the Health Commission and Department of Mines and Energy. Results are well within relevant limits.

There is nothing to hide. The joint venturers could release their results with the proviso that the present format of reporting results designed for the requirements of the various State departments may not be in a form suitable for public release, should the company have a change of heart. The effect of clause 35 of the indenture (the 'confidentiality' clause) is that the Health Commission or other Government authority may not disclose monitoring or other information supplied by the company without the company's consent. Conversely, the company may not disclose information supplied by the Government without the consent of the Government. The Government is not considering amending the indenture ratification legislation to override clause 35.

## COUNCIL ADMINISTRATION

**The Hon. M.B. CAMERON:** I seek leave to make a brief statement prior to asking you, Sir, a question about the prompt answer that you gave to my earlier question.

Leave granted.

**The Hon. M.B. CAMERON:** I am sure that honourable members, on listening to the answer that you, Sir, gave earlier, would understand that there was an attempt to reflect if not on this Chamber then on the staff employed within it. I am sure that not a single member from either side of this Chamber has ever had cause for complaint about either the efficiency or speed with which work is done by any member of the staff or the accuracy thereof. It is therefore a matter of great concern that the Estimates Committees of another place were used in some way to reflect on the staff of this Chamber by either a member or the Clerk of another place.

I ask you, Sir, whether, as a result of the answer you gave, you will seek an apology (if you consider that appropriate—as I do) from the member concerned and the Clerk of Assembly if on further reading he is in a situation of having reflected on the staff of this place to the staff of this Chamber and, indeed, to the Council.

**The PRESIDENT:** I find it incredible that another House has seen fit to interfere with the running of this Chamber or to reflect on the efficiency of its staff. I think that demanding an apology will prolong the issue. I will draw to the attention of the people concerned the *Hansard* copy for that day and leave it to their good conscience as to how they see the matter.

## SOIL CONSERVATION AND LAND CARE BILL

Adjourned debate on second reading.

(Continued from 5 September. Page 670.)

**The Hon. PETER DUNN:** The Opposition supports this Bill, although we have reservations about some sections of it which indicate that the Government has gone down the track of ultimately controlling what primary producers do so well now. It appears that the feeling within the Government is that it, its public servants and the departments know best. I find that rather amazing. We saw it in relation to the Pastoral Act and we are seeing it in relation to this Act, which has a similar effect on the incorporated areas of the State, that is, that an assessment process will be deemed necessary to determine what will happen to soil and land care for that area. That will be done by a method that is third hand with the use of boards. I can understand why the Government has done this: it thinks that, by using peer group pressure, it may be able to achieve substantial success in gaining control over the rural community and over those areas which are at the moment deemed to be degraded or likely to be degraded.

I find rather amusing the methods that the legislation adopts. Soil boards that exist within the State have worked well, but they do not have behind them the regulations that this Bill gives the boards proposed therein. The amusing title reads, 'An Act to provide for the conservation and rehabilitation of the land of the State'. Does it mean that land goes back to its native vegetation state in the true and strict terminology and definition of the title? I guess that that is what it means. I do not believe that that is intended because, for land to be rehabilitated to its former state would mean no productivity in rural areas; it would result in no production of wheat or wine, or of any of the things that are regarded as being rather nice and as improving our standard of living. With our balance of payments being as it is we need more, rather than less, primary production.

I find the term 'conservation and rehabilitation of the land of this State' an unusual term. The original title 'Soil Conservation Act' was quite adequate. It was suitable terminology when we are trying to conserve soil and the land mass and trying to get greater production from the land without abusing it. The aim of the Bill should be to assist land management. However, I do not think the Bill will do that to the extent that the Minister thinks it will, because we will put off side many people who believe that Government departments are talking at, and not to, them.

The problem in rural Australia today is that there is so much Government interference that primary producers are thoroughly sick of being told how and what they have to do, and while that is happening their incomes are falling all the time. The animosity in the rural community today is greater than I have ever known it since I have been involved. It is animosity to politicians across the board, specifically the Government but not necessarily all the time. Certainly, some of the minor Parties and some of the Parties that traditionally support them have not been without a lashing from their tongues. The reason is that most of the primary industries in Australia today are in very poor shape. I guess that is as a result of the present Federal Government's attitude to the rural community, and certainly as a result of this State Government's attitude to the rural community. One only has to look around to see a reduction in money being spent on roads and education, and cut-backs in the Department of Agriculture. One quickly understands that the funding and assistance that is so necessary for those export income earning people is not being given and, as a

result, those people's incomes are much lower than they were some years ago. Primary producers are feeling very disheartened and despondent about the whole attitude, and this Bill fortifies that feeling.

A number of primary producers oppose sections of this Bill. It is socialism gone to the extreme when one can be told by an individual within a Government department how one is to run one's property. I know that is not the intention of the Bill but that can be its effect. In her second reading explanation, the Minister talks about sustainable agriculture. What is sustainable agriculture? I would have thought it was when the industry was healthy and when farmers were happy with their lot. I repeat, they are contributing to the community but getting less and less income, without a reduction in production. It appears today that sustainable agriculture means that no trees are cut down and that the rest of the community has its say about how the land is run.

The Minister very strongly says in her speech that community involvement in agriculture is important. I do not deny that it is important, but if it is important then the Government must make a financial contribution towards it. In my opinion, sustainable agriculture is something that will continue from year to year without the people on the land having to leave it. I regret to say that many people in agriculture today are having to leave the land, not because of drought, as many people think, but because of economic situations brought on by the present Governments. We could put up with the lack of income from the selling of our products if we did not have to pay 22 per cent to 25 per cent interest on some loans; and those percentages are accurate.

The Minister's second reading explanation goes on to say that recent estimates of the cost of land degradation in South Australia are in the order of $80 million in forgone production. I do not know where the Minister got that figure from. I presume it was plucked out of the air, or was it determined by measuring up the areas that have now salted up, totally drifted out, or have creeks in them?

**The Hon. M.J. Elliott:** The CSIRO has done that.

**The Hon. PETER DUNN:** The CSIRO did do that, but did the honourable member see how it came up with that figure? It is purely a guesstimate and has nothing to do with the facts. It could well be that a farmer used another crop on that land, and that has not been taken into account. He may have had a crop of lower productivity and decided to put the land to pasture rather than put in a crop. This has a bearing on the productivity of the land in financial terms. If the Government was to go to the areas to see what was affected by salt, the figure of $80 million might have been more meaningful but I do not believe there is any meaning at all in saying that there is $80 million forgone in production. There is more than that amount forgone just in the interest that primary producers have to bear today. When some people in the city with their own homes have fixed term loans at 13 per cent, many primary producers are not happy with the fact that they have to pay 10 per cent or more above.

The Minister's second reading explanation goes on to say that increases in soil salinity, acidity and mass movement are difficult to reverse and have long-term effects on our agricultural resource base, which contributes over $2 billion to the State's economy annually. That is an enormous amount of money to be brought in to raise the standard of living of the community. South Australia has very alkaline soils, and most soils in South Australia can do with some acidification rather than the other way around, as is implied in this speech. The Minister also states:

> Despite this finding it is recognised that ultimately the Government on behalf of the wider community has a role to ensure that the land is managed within its capability.

The best people to manage the land are the people who are on it now and, if they are abused by being told that people outside have a greater capability to look after the land than the actual landowners themselves, the Government will not achieve what it sets out to achieve in this Bill.

*The Hon. T.G. Roberts interjecting:*

**The Hon. PETER DUNN:** Cooperation is exactly what is needed but not confrontations, as in statements such as those made. This country was built up by people who worked very hard, explored the country and worked out how it should be farmed. Many mistakes were made. We are trying to correct some of those mistakes made by people who were Europeans who came out here and used what they thought were the best methods to till the country and get production from it. In retrospect, they were wrong. Who can say that what we are doing today will not prove to be wrong in 20, 30 or 50 years' time? I do not believe that the wider community has a great bearing on this. If it does, then it must be a financial input that should go into research and demonstration. There is nothing better to get farmers to adopt a method than to demonstrate that method to them.

I can prove that; today, field days at Paskeville draw 30 000 to 40 000 people. Field days demonstrate products that are available in today's society, and pretty well every farmer in the community attends, whether it be to find out about pasture seed, soil operation, chemical cultivation or the application of chemicals. Whatever it might be, farmers will attend and that is the best and most efficient method of demonstrating better land management or better techniques for avoiding land degradation.

If members of the wider community want to be involved, they should do it through their pockets. The Government should not decrease the number of people in the Department of Agriculture's Soils Branch but increase it. The run down in the numbers of people in the Department of Agriculture since the early 1980s is to be deplored. I know that in my own area we have great difficulty in finding enough advisers and assistants.

A huge number of people are now involved in the Rural Assistance Branch, but they are trying to act like a bank and they really know very little about that. That has been proved now. When you go to some of those areas where money has been lent and further carry-on finance has been refused, people do not seem to know where to go and the farmers are left hanging out on a limb. They go to the bank, the bank says to go back to the Rural Assistance Branch, and the Rural Assistance Branch says to go back to the bank, so they are left high and dry. The department has built up that area at the cost of the more important area of how people can improve their productivity and care for their land. The department has an important role to play in this regard.

The terminology and interpretations of the Bill are quite clear, except for the term 'degradation'. It means:

> A decline in the quality of soil, vegetation, water and other natural resources of the land resulting from human activities on the land, and 'degraded' has a corresponding meaning.

I guess degradation goes on all the time whether white man, black man or any other man is involved in the country. What we have done is increase the speed at which that degradation takes place, so that is not a terribly good term. The term 'increased degradation' would have been better. Under this Bill, 'rehabilitation' of degraded land means to bring the land back to at least the condition it was in before it was degraded. That brings me back to the terminology

and the title of the Bill. In other words, 'rehabilitation' means taking the land back to its former pristine glory whether it was mallee scrub, plains country, purely grassland or whatever. That is neither feasible nor correct, so the term 'rehabilitation' should be restricted and confined rather than left as it is. However, the Government has seen fit to use that term; it used it in the Pastoral Act and it appears to be a term in common use today but I do not agree that it is correct.

The objects of this Bill are reasonable; I do not disagree with any of them but the Bill does imply that past practices have been wrong. Some of those practices have definitely been wrong but that is no reason to make today's farmers pay for practices that were implemented in good faith and were the only known practices in those days. For example, land in the mid north during the 1920s and 1930s was fallowed to conserve moisture. Much more modern techniques are used today. We do not have horses, we have machinery what can travel more quickly over the land. We have chemical cultivation and methods of controlling weeds. We have a number of other newer techniques. Fallowing meant that the crop was reaped in August and the land was worked back six to eight times before it was seeded. Each time the land was worked back it caused a breakdown in the structure of the soil, and so it increased the likelihood of water and wind erosion, but that was the best known practice in that period. It proved not to be so good when we found at the end of the 1930s that, after rain, the land had a hard cap on it that caused problems for the emergence of the crop. It was not until the introduction of medic and subclover pastures and different techniques that the land improved again. Today those lands are some of the most productive in the State because more modern methods are used. It is unfair to blame people in days gone by for not knowing better, yet that is implicit in some of the Bill's objectives. Clause 6 *(d)* provides that one object is:

To establish a system ensuring—
(i) the regular and effective monitoring and evaluation of the condition of the land.

I would like the Minister to give more detail, when she responds, about how the Government intends to achieve that. There has been very little play on that; even the green paper was very silent on that aspect. It is more specifically set out in the Pastoral Act. The Bill also provides for a system of early identification of degradation of land and the cause of degradation. Blind Freddy could tell you when the land is beginning to be degraded. We all know when wind and water erosion or weed infestation occurs; they are obvious.

*An honourable member interjecting:*

**The Hon. PETER DUNN:** I do not think some of the people who have written this Bill can see the signs but they are obvious, and farmers do not go out deliberately to cause wind and water erosion. They know that when they have lost that soil they have lost productivity. It appears that the Bill is aimed at the primary producer, indicating to him that he does not understand what he is doing. If the department would undertake more research, more demonstration and more effort in consulting with those people, such sanctions as are in the Bill would not be so necessary.

Clause 6 *(e)* provides that an object of this legislation would be to:

Involve the community as widely as possible in the administration of this Act and in programs designed to conserve or rehabilitate land.

I notice that some of the Hon. Mr Elliott's amendments allow for third party appeal. We are really getting into socialism gone mad when we start that.

**The Hon. M.J. Elliott:** It's not socialism; it's democracy.

**The Hon. PETER DUNN:** It might be democracy but nothing is ever done by everyone being involved. Committees very rarely make good decisions, and it is quite obvious that a clause such as this could ultimately lead to third party appeal, which should not happen in this case. I do not think I have a right to go to my neighbour and tell him how to farm, just as the Hon. Mr Elliott has no right to go to his neighbour and tell him to turn off his television or his lights. The Government can lead by encouragement and research and that would be much more successful than to involve the community as widely as possible.

If it means attracting community assistance in some practical fashion—such as planting roadsides, covering scars or whatever—I wholeheartedly agree. However, it is not in that context in the Bill. The Bill appears to promote the community's having a say and being able to tell boards how these areas should be run, but there is no provision for financial assistance.

Clause 8, which deals with the duty of owners of land, provides:

It is the duty of an owner of land to take all reasonable steps to prevent degradation of the land.

I agree with that, but it should go on to say 'with the assistance of the Department of Agriculture and its money'. I do not believe that the bald statement in clause 8 is enough. Obviously a landowner will take as much care of his land as possible. I do not think that members opposite have owned land, because they do not seem to know what is involved. I guess members opposite own a car, have a child or own something which is dear to them and on which they spend money. I can say that 99 per cent of the landowners whom I know have that same deep feeling in respect of their property. That is why they fight very hard and long to stay on their property, even though at times it means that they must live in spartan conditions. The bald provision in clause 8 simply states the obvious.

Clause 9 deals with the Soil Conservation and Land Care Fund. Will the Minister say how much money is in that fund at the moment and how much will end up in it? It is important that we know roughly what the fund will contain because a lot of money will be required to support the council and the boards to enable them to do research work and hold demonstrations to help improve the viability of property owners. The fund will be applied in such manner as the Minister thinks fit on the recommendation of the council and as the boards recommend to the council. I think the most sensible recommendations will come from the boards. I do not have much faith in a system whereby public servants make those sorts of decisions.

One of the funny things in this Bill is that the authorised officers—the officers who will be appointed by the council to inspect property—will be issued with identity cards. I find that totally amusing that the authorised officers must give seven days notice in writing, but they must also carry an identity card. That indicates to me that a little way down the track they will not be required to give seven days notice; it will become impromptu. I find it rather unusual that the authorised officers will be required to carry an identity card when entering a landowner's property to tell them either something good or something bad. It is totally ridiculous to require authorised officers to carry an identity card.

Under clause 13 the Minister will have the right to enter into an agreement with a landowner to carry out conservation or rehabilitation work, providing that the Minister has received advice from the council or a board. I agree with that. I think it is important that some of the Federal funding promised to this State by the Prime Minister goes to some of the poorer areas, particularly those affected by

salt. I am not particularly worried about wind erosion, but I am worried about the salt areas. This is a problem particularly in Western Australia, but it occurs in South Australia, too. I think a considerable amount of research is required in respect of salt areas. Clause 13 *(b)* provides:

for the giving of financial assistance by the Minister to the owner, by way of grant or loan, for the carrying out of works for the conservation or rehabilitation of the land.

Does this involve a heritage agreement? If it does, why is that not stated in the Bill? The mere fact that the Bill uses the words 'for the carrying out of works for the conservation' indicates that the land will be retained in its present condition. If the Minister decides that an area is good enough to be retained, why is it not placed under a heritage agreement?

Clause 14—the establishment of the council—was amended quite considerably in the other place, and some of the amendments were quite good. It is important that the council has a good rapport with the rural community, and the amendments made in the other place will improve that situation. Primary producers must be onside because they own the land and do the physical work. If we want them to do this work and carry out whatever action is required, we must have their confidence. The changes that have been made will help to ensure that that occurs. I am aware that the Hon. Mike Elliott has an amendment on file to include on the council two members of environment and conservation groups. I do not know why he has drafted that amendment, but I suppose he believes that there is not enough emphasis on environment and conservation in the composition of the council. I simply point out again that, if too many people from the city are included on the council, you will alienate it from primary producers.

The council will contain a nice broad range of people, and there are openings for soil scientists (perhaps from Roseworthy) and others with specialist knowledge in respect of environment and conservation. The council will also include a person who is a member of the Pastoral Board, an employee of the Department of Agriculture, a Public Service employee who has wide experience in public administration in environmental matters and a Public Service employee who has wide experience in public administration of water resources. Clause 14 (4) provides:

At least two members of the council must be women and two must be men.

I suppose the council could comprise all women and it would still be a tremendous group; or it could comprise all men and it would still be a tremendous group. I do not know why this provision has been included, but I guess it is important. I believe council members should be selected on the basis of their expertise. That is what this clause is all about—gathering a mix of expertise. However, this gender provision has been included. I do not agree with it, but it is there and I must put up with it.

Clause 16 deals with allowances and expenses. I am afraid that most of the Federal Government funds will be used for meetings. The committee will comprise 12 members and each board will comprise seven members. If each member is paid mileage, accommodation, and so on, a huge amount of money will be soaked up on the administration of this legislation. I believe the amount of money spent in this area will be absolutely colossal.

Because of that, I believe that there needs to be a careful and long hard look at the reports that come from this committee annually in relation to allocation and use of those funds. As I have said, the funds would be far better put into research and demonstration than into having meetings. It talks about procedure at meetings: I wonder how many meetings are intended to be held each year. Will they have them on a monthly, fortnightly or quarterly basis? There is no mention of that here; I guess that is a regulatory problem. I would like the Minister to say of how often she thinks these committees should meet, because they will come from all over this State. Some people will come from 1 000 kilometres to attend these meetings, and that is a very expensive operation. I believe that the good funds that have been allotted for soil conservation will be soaked up in administration.

The functions of this council relate to research programs, and I am pleased to see that in the Bill. In the past, not enough research into soil conservation has occurred. I will highlight one of those programs. I live in an area which is limestone dune swale country—sandhills with grey flats in between them. When those sandhills were cleared due to the rabbit plague in the 1930s, they were left bald with poor structured light soils; they drift easily and blow out, sometimes with up to 12 ft and 14 ft holes in them. In the 1950s, we were told to level them off with implements, but every time they were pulled down they drifted out more. So, that problem was not solved. We were then told to sow native vegetation on them; that is fine in theory, except that those have not been able to find a species of vegetation that will survive on them.

If the vegetation is allowed to grow and stock is kept off it—vegetation such as broom bush (which everybody here in the city likes to use to make fences) will grow, but it is terribly slow. In the meantime, often the land blows out to the clay level and nothing will grow on it. So, the problem is not an easy one. I would like to see a lot more research into that sort of thing. The same applies to areas that have become salty and grow nothing. Recently, a lot of work on this has been done in Western Australia, but it has been expensive. Much more needs to be done to ascertain whether there is a method by which we can cut that cost.

Councils have another important role, that is, to include the approval of district plans, which will be reviewed every three years. District plans will, I understand, be fairly involved documents. I agree with those documents. I believe that district plans are to be applauded, and they will be of great benefit to the whole community by setting some ideals and objectives for soil conservation. However, they must be reviewed and approved by the council. I wonder what will happen if a council does not approve a plan? Will it be returned, and how will it be corrected? That is an interesting thought, but I will wait and see what happens in the report that is to come down in 1995 when, after five years of operation, this Act will be reported on to Parliament. That is a good idea, and I look forward to seeing in five years the results of this great splurge on soil conservation and the intrusion of this Act into the rural community.

The Bill refers to soil districts and boards. I suppose this is a way of applying peer group pressure to to get farmers to accept what is agreed to by their own peer groups. They have been successful in the past. I know of two successful soil boards: one at Cockabidinie Creek in the Cleve area and one in the Jamestown area. They have been successful, but a lot of attention has been given to them by the department. Others have been successful, but those two boards particularly have worked extremely successfully in difficult areas.

The Bill really indicates that boards will be right across South Australia. Some areas will not be included, but the majority of this State will come under a conservation district because not many areas in the State are without problems. I believe, having read this Bill, that, as soon as a small problem appears on the horizon, the area will be

declared a conservation district, a board will be set up, and a plan will be presented which will have to be agreed to.

The seven board members will have to be well chosen. I find unusual the method of choosing those members. They will be chosen on a recommendation from the council, being people who reside in the district. I do not know how the council will know whether or not they are good people. There appears to be very little district input. I guess that the message will get back to the council. In the meantime, however, there will be heartache; because I can see the enthusiastic conservationist wanting a position on this board and putting his name up, with the council not knowing whether or not he is a genuine case. I should have thought that local governments would have been better people to choose the board members.

Furthermore, the Minister has the right to appoint the presiding officer of that board. Why not allow the board to select that person, because the Act provides that if the President is not present an Acting President will be elected by the board. So, I cannot see any reason why the board should not elect its own President. Once again, we have this gender motion in here that one will be a woman and one will be a man. Again, I should have thought that the best person would be chosen, be it a man or a woman.

The functions of the board are rather interesting. The board will be busy initially after the Act is proclaimed, and it will have a hard job to do. One of its most impossible tasks will be to determine what the capability of certain land is. I do not know how it can do that, because farming is not static. There are different crops and different techniques and, whether one has goats, sheep, cattle, horses, deer, or whatever, farming changes all the time. It is interesting to note that this will be setting projects and forward plans for up to three years. It is virtually saying, 'We will set what you will do on your property, and you will like it. You will not have a lot of choice as to whether you can change it.'

If in the long term that affects the financial return of those properties, one immediately confronts a barrier. I believe that the banks will look very carefully at this matter. The banks already request property owners to plan, but they do not say what the owner must grow. They ask, 'Will you put in so much crop?', or, 'Will you grow so much wool?', but they do not tell property owners how to do it. However, this Bill seems to imply that that will be the case. Clause 29 (1) *(b)* provides:

> to develop or support programs for carrying out measures for land conservation and rehabilitation in which members of the community may participate;

How will the community become involved? Will it be involved physically or financially? I cannot find a solution to this problem, and I do not think that the Government can, either. This Bill contains only rhetoric, but how will the rest of the community become involved and participate in rehabilitation? I believe that this paragraph will involve a waste of money. How will the community become involved in the pastoral areas? Will people be loaded on a bus in Adelaide so that they can go to Marree where they will be told to plant some palms? I do not know how the community will be involved other than in criticising. Somebody will drive down the road and see some water trickling across it. They will then probably allege poor land management and report it to the board.

Employees may be appointed to these boards. I suppose that they will be appointed as an Acting Secretary or an Executive Officer and will probably assist in drawing up district plans and approving property plans. Once again, if the Department of Agriculture were given some funds, in each of its areas it could have provided that facility at much less cost than it appears is envisaged in this clause. It seems that we will acquire more bureaucracy but less action.

The Conservator has wide powers and functions. That person can implement this legislation in those parts of the State that fall outside the districts, but that covers a huge area. Clause 33 (2) provides:

> The Conservator has, for the purposes of subsection (1) *(a)*, all the powers, duties and functions of a board under this Act.

In other words, the Conservator can impose soil conservation orders without reference to anyone else. The Bill later refers to the fact that he must see the people who are affected by the soil conservation order, but he certainly has a powerful role to play. I therefore hope that, when making the appointment, the Government chooses wisely.

A problem has developed in relation to the Pastoral Board and the application of this legislation. There are conservation boards already working in the pastoral areas. Clause 34 (3) provides:

> Before taking any action . . . a board must consult with the Pastoral Board . . .

In other words, the Pastoral Board has precedence over the Soil Conservation Board. When debating the Pastoral Bill I stated that I believed that it was not the role of the Lands Department to administer land care; rather, its role is to look after the tenure of that land. It would have been preferable if all those assessment procedures contained in the Pastoral Bill were included in this Bill. I still believe that it should be administered by the Department of Agriculture and not by the Department of Lands, because it has nothing to do with the latter. Soil, vegetation and animal care should be under the jurisdiction of the Department of Agriculture which, after all, administers that care throughout the rest of the State.

Several people from Soil Conservation Boards in the pastoral areas have contacted me and intimated that they cannot see any reason to continue with the boards. They have gone to the trouble of obtaining a district plan and attending meetings. Some of these people travel hours, and even days, to attend these meetings and they give up a lot of their time only to be told that the Pastoral Board will override them. I do not believe that this provision should be included. I will be interested to read the Minister's amendment, but I do not agree with clause 34 (3) as it stands.

The land assessment program will again refer to the capability and preferred use of the land. I find clause 35, which relates to this matter, very unusual. It will totally restrict any innovation on the part of primary producers. If the district plan does not allow for a new farming technique, it appears that it will be proscribed. Primary producers will be told by a public servant or by somebody else how to run their property.

Clause 36 (3) also refers to the fact that the district plan must encompass the use to which the land is put. Who but the owner should decide that? The clause does suggest that a district plan should encompass management practices, but I think it should also include education and demonstration.

Clause 37 refers to voluntary property plans which, providing they are voluntary, are acceptable. The plan must be approved by the board, which can approve it or reject it, or send it back and have it modified, but the clause does not spell out what that modification might be. I hope that when people present voluntary property plans, commonsense prevails. It will cost a considerable amount of money to have the property plan drawn up properly and, if the board wants acceptable plans, it must offer as much assistance as it can to the primary producer who wishes to present a property plan. It must ensure that, when the plan is

presented, it will not have to be changed within 12 or 18 months.

Clause 37 (6) provides that the board can revoke an approved property plan. When I first read this Bill, I thought it perhaps meant that somebody could sign a plan thinking that he had set out for three years how he would like to run that property, but perhaps six months down the track when some new member is appointed to the board who does not like that primary producer the board can revoke the plan, so the primary producer is therefore back to square one.

Subsequently, on reading it, I understand that it would mean that there would be no voluntary plan and the property owner could, perhaps, do what he liked. I do not think that that is a good idea, either. There is an appeal mechanism within the Act in relation to the plan. Therefore, the primary producer does have the means to cover himself.

The soil conservation orders are very rigid. They are not applied very often in this State, as they were in several cases in relation to the old soil boards. They would not want to be applied, because they allow the Government to take very severe action. However, in determining what a soil conservation order will do, the Bill states that:

If as a result of its own investigations, or on information given by some other person, the board is of the opinion—

*(a)* that land within its district is degraded, or is likely to suffer degradation;

Surely the judgment whether land is likely to be degraded is subjective—it is a matter of opinion. The primary producer might not have that in mind. His action may be part of a farming technique that the farmer knows will work, yet some outsider can tell the board that the farmer is causing degradation and a soil conservation order will be slapped on the farmer. That is not very clever. I would rather see clause 38 *(a)* read:

. . . that the land within this district is degraded.

I know that compulsory property plans will be placed on farmers who live in difficult areas and who are reticent about abiding by the board's instructions. That is fair and reasonable, but it should be applied only when the district plan has been negated in some way. Of course, compulsory property plans will be developed and given to property owners by the local district board. That will only cause a fair degree of animosity within the district and I would hope that, like the soil conservation orders, they are used very sparingly.

The registration of soil conservation orders is an interesting issue. What happens when a property that is the subject of a soil conservation order is sold? The Minister states that a fee will be charged if one wants to inspect the register. That is unfair, and I cannot see any reason why there should be a fee to determine whether the property is the subject of a conservation order. After all, the conservation order has been put on the property by the Government. If this is simply a money raising mechanism, it is a funny way of going about it. If one wants to buy a property the order will be on the title and will be registered, but why should the Minister be paid a fee when the contents of the conservation order are checked? It is irrelevant and should not be there.

Even though there is provision in the Bill for a property plan to be registered on the title of the land, does the Conservator have the ability to revoke that plan and submit his own? Where property plans are compulsory, the board or the Conservator can put that on a property. The Bill now states that a property plan is registered on the title, yet it can be revoked and another plan put in its place. I do not know whether it can be registered. Perhaps the Minister would like to address that matter in her second reading reply.

This Bill has been through the other place and has been quite severely amended. The Minister has accepted the amendments, realising that they make for the better operation of the Bill. I say again to the Government, if it wants this Bill to work and if it wants the farmers and primary producers to take it up, agree with it and try to make it work, then it needs to get them on side. If the Government does not do this, the farmers and primary producers will get angry and the Government will be the loser.

The Bill has some good parts. Most of us agree that soil conservation is important in our community. Without it, we cannot grow; we cannot even live. If we cannot supply ourselves with food, what hope do we have? I warn the Government again that primary industry in this State is not in good heart financially. Because of that, there are a lot of angry people and when this Bill comes into force and some people are given soil conservation orders, or told to produce voluntary plans, or a compulsory plan is put upon them, there will be a lot of very angry people. This measure should not be rushed. For the reasons that I have stated, I believe that the Bill needs to be handled with some caution.

**The Hon. M.J. ELLIOTT:** The Australian Democrats support this Bill, but will be seeking to move some amendments, which I will deal with in due course. This Bill is a tentative move towards sustainable agriculture and still has a way to go. The Hon. Mr Dunn asked what 'sustainable agriculture' means. The term should be self-explanatory. It refers to agricultural practices that can be used indefinitely and continue to give the same yields from the land.

**The Hon. Peter Dunn:** Are you saying we are going backwards now?

**The Hon. M.J. ELLIOTT:** It is, in fact, possible that we could be going backwards. One can have increasing yields while the base upon which the yield is measured is being eroded. For example, there are many places where a great deal of top soil fertility is being lost. It has been lost in a number of ways but, partly, by export, since every time a producer removes a crop, soil nutrients are carried with it. Of course, those nutrients are never returned.

**The Hon. Peter Dunn:** Come on! Thousands of dollars are spent on fertiliser.

**The Hon. M.J. ELLIOTT:** They are not returned by nature in that a plant normally dies on site and the nutrients are returned naturally. Of course, these particular nutrients are being exported. Nutrients are also lost when top soil is removed. At this stage, farmers most certainly are attempting to replace those nutrients. They replace them by way of fertilisers. The use of those fertilisers, in itself, creates its own set of problems. We now know that the prolonged use of superphosphate, particularly from some sources, has been responsible for large levels of cadmium in our soils. Quite clearly, that practice cannot go on indefinitely, because the crops will be unsaleable, as will the animals that graze on those crops.

Because of cadmium, there are already bans on certain offal meats going out of Australia, but that is really simply an illustration. We are losing top soils and putting in fertiliser to offset the loss thereof, and it is possible to add increasing yields whilst losing the soil. That cannot go on indefinitely. Once we have lost all the soil, no addition of nutrients will have any impact. As we approach disaster, things can look better for some time.

**The Hon. Peter Dunn:** Have you ever heard of hydroponics?

**The Hon. M.J. ELLIOTT:** Are you suggesting that we put South Australia under one foot of water and grow crops? Current agricultural practices, particularly the addition of large amounts of chemicals and fertilisers, are very demanding in terms of energy usage, and there is a growing realisation that we probably cannot sustain those sorts of inputs in the longer term. Without getting into detailed arguments about what is going wrong at this stage, clear evidence exists from organisations such as the CSIRO that in fact our land is being seriously degraded. It has attempted to put a figure on it and suggested that possibly it is equivalent to the loss of $80 million a year at present. It is likely to accelerate for a number of reasons.

If we take soil salinisation as an example, the present land loss of soil salinity in South Australia is minute, but by the turn of the century we could be looking at thousands or tens of thousands of hectares lost to salt as rising water tables approach the surface and the increasing evaporation leaves large deposits of salt. Many farmers at present are at the edge of the problem and have had to change their crops for more salt-tolerant varieties. They have gone to certain salt-tolerant pastures, some of which are starting to fail. They are losing their land to salt scold—a problem that has been evident in Western Australia for a much longer time. There is no doubt that we need a great change in agricultural practices. It is difficult to envisage what final agricultural practices will look like, but we can be certain that they will be hugely different to what we have now.

The Hon. Mr Dunn wanted to suggest that the Bill was socialist. That really is a load of nonsense. The Party that introduced it—the Labor Party—is not a socialist Party. If anyone understood socialism they would not suggest that this was a socialist Bill, it is certainly an interventionist Bill but it is necessary. We must accept that the current generation of people are the custodians of land for future generations. It is our responsibility to ensure that we leave the land in as good a condition as obtained when our generation got it. Unfortunately, that cannot be said of previous generations. We are already paying the cost for their bad management, even though that bad management may have been out of ignorance, as much as anything else.

The Hon. Mr Dunn suggested that 90 per cent of farmers do care. I tend to think that a lot more than 90 per cent care. However, even if 99 per cent care and are doing what they think is right in looking after their land, we do not have the luxury of allowing the other 1 per cent to destroy the land. The ownership of land must be looked at in terms of what it really means. It does not mean that once you own the land you can do to it what you like. Some people have that attitude, but our society as a whole will not accept that attitude. First, if 1 per cent of the population is willing to carry out practices that they know may be damaging, we need the mechanisms to stop them. Even if the other 99 per cent who are making an honest effort are still making mistakes, perhaps out of ignorance, we do not have the luxury of learning from their mistakes. Future generations do not have the luxury of learning from mistakes of this generation and previous generations.

Some of the damage that can be done cannot be recovered. Soils take tens of thousands of years to form. To allow one or two generations to squander that inheritance is obviously very wrong. Although this Bill is a reasonable attempt at attacking the problems of soil conservation and land care, it still has a number of flaws. I tend to suggest that within 10 years the Bill will be totally rewritten, and hopefully we will see legislation with a far more holistic approach. Why not bring all our land management Acts together?

I fail to see why pest, animal and plant control cannot be brought under a structure similar to that contained in this Bill. It is quite obvious that in many cases the actions of pest animals (rabbits are a classic example) have a real impact on soil conservation and land care, yet they are to be controlled by pest control boards. Likewise, other species of pests interact with soils and land care generally, and it seems a nonsense that we have two separate Acts functioning. We could have set up local boards to look after pest control and the matters included in this Bill. The Bill could go further yet and pick up a number of other land care considerations.

I refer to the term 'degradation' as contained in the Bill. We should be looking more widely than simply at degradation resulting from human activities. It would be sensible to look at degradation of land, whatever the cause, in particular to include activities of pest animals. I do not believe that floods, for example, would be termed 'degradation'. To leave out the term 'human activity' would encompass all things, one way or another, over which humans have power to influence—not only direct agricultural practices but also, indirectly, the control of pests, for example. 'Human activities' should be struck out from the definition of 'degradation'.

Upon reading the Bill for the first time, one could gain the impression that the Soil Conservation Council is a very important body. It is not until one gets down to examining its role that one starts to get the feeling that it is a big, cumbersome, potentially useless, 'feel good', 'feel important' body. It has little power to do anything other than report, examine, look at, and so on. It is highly likely that this big body will prove useless, but time will tell. On first reading, it looks like an important body, but on further reading one sees that it will have no significant purpose. Indeed, it is likely to be so deficient in funding support that any suggestion of its reporting or inquiring will not come to fruition.

The real power exists in the soil conservation boards themselves as appears under clause 22. They accept that a great deal of the power should reside with these bodies. As the Hon. Mr Dunn suggested, we really should be attempting to get farmers on side, and it is quite clear that these local soil conservation boards will have a predominance of farmers on them, so we will have people who should understand farming practices and their outcomes. If they do want to insist on plans, etc., they should have an understanding of whether or not they are practical. I therefore accept that these soil boards should have a great deal of power.

Perhaps the great disappointment in this Bill is, as I see it, a lack of checks and balances. If a soil board is not doing its job and if, for whatever reason, the group, which is predominantly farmers, is not willing to sit in judgment on its peers, harshly on some occasions (which they will need to do), we need some sort of balance and mechanism to ensure that they function correctly. I have on file two amendments which tackle that question. The first amendment, a new clause 4a, provides that a person may be heard before a court on any matter relating to the administration of this Act, notwithstanding that the person does not have a financial interest in the matter. When the legislation is being clearly breached in its implementation, it seems to me quite clear that a court will not intervene when a person is being either frivolous or vexatious. There will not be great queues of people wanting to use such a power, but it is one way of putting the check and balance into the Bill.

A second amendment that I have put forward is the insertion of a new clause 33a, which will enable a person to lodge an appeal against a board where that person feels that the board is not performing its function under the Act

adequately or in the proper manner. If one feels that the board is failing in its duty, one can apply in writing to either the Conservator or the council for the operations of the board to be reviewed. Such an application would have to set out the grounds on which the request for a review was made and the Conservator or the council may refuse an application under this section if it is of the opinion, after preliminary investigation, that the application was made frivolously or vexatiously.

So, there is no legal involvement here. No costs are involved, but it does mean that interested persons or bodies which feel that a particular board may be failing in its duty to care for the land in their area can lodge an appeal; that the appeal, if it is not frivolous or vexatious, will be dealt with; and that, finally, a report will be made on the functioning of the board involved.

Perhaps the major area of concern is in Part IV of the Bill relating to the pastoral lands. I am afraid that a great deal of politics appears to have been involved; probably a large part of departmental politics has become involved in the drafting of this section. No doubt the Department of Agriculture has been miffed for some time that it did not have the pastoral lands under its control, and in this part of the Bill it is seeking to stick its nose in at this point and hoping that in due course it will have total control of the pastoral lands. It was very clearly intended by the legislation passed in this Council only three weeks ago that the pastoral lands would remain under the control of the Department of Lands. It is the very clear intention of this Council that tenure and land care will be linked, and I do not think it is the role of the bureaucrats to question the decisions of this Council.

They may have their opinions, but that is that. I am particularly concerned because the Pastoral Bill is very strong where this Bill is weak. It is very strong because it takes the holistic approach that I was talking about; it takes a total land care approach. So we have a very strong Pastoral Bill but now we have a weaker Bill which seeks to intrude upon it, and which has the power to create a great deal of confusion. The Pastoral Board seeks to make orders as to what people shall and shall not do on their properties, and the local soil boards attempt to do the same. Although at this stage this Bill is drafted in such a way as to suggest that the final authority rests with the Pastoral Board, this will create confusion.

I was not surprised by the comments of the Hon. Mr Dunn earlier, when he said that some people who have gone on to the soil boards in pastoral areas recently are now pulling the plug and withdrawing. It would have been sensible to set up boards identical with the soil boards and incorporate them under the Pastoral Act. I would have been happy, and, from talking to conservation groups, they would also have been happy with such bodies being established under the Pastoral Board. They could have been useful, as they would have had power to communicate with the Pastoral Board, not just about soil, but also about all other concerns they have in pastoral areas.

Since at this stage the Pastoral Board has power, it would have been sensible if we had vested such powers under the Pastoral Act. We would have got good communication under the Pastoral Act between the farmers and the Pastoral Board itself. We have missed an opportunity there, which is most unfortunate. This part of the Bill is making the confusion greater and not helping the situation at all. It has a lot to do with internal departmental politics and very little to do with what is good for the land, for the farmers or for anybody else. It is a great shame.

I have covered the areas of major concern but I will raise a couple of other matters by way of amendment during the Committee stage. The Democrats support the Bill. We think it has some weaknesses, since it does not go far enough and lacks a holistic approach. It is good that it seeks to involve landowners to a large extent but its interaction with the Pastoral Bill is abysmal, and the two Acts should be quite clearly separate.

**The Hon. J.F. STEFANI** secured the adjournment of the debate.

## SUPERANNUATION ACT AMENDMENT BILL (No. 2)

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.*

Its purpose is to firmly establish the South Australian Superannuation Fund as a fund protected from the Commonwealth Government's new laws which tax superannuation funds. The Bill in principle clarifies the legal status of the fund as an entity holding assets and dealing in assets of the Crown. The Bill has no bearing on existing benefits paid under the scheme. The Government took appropriate action earlier in the year to also protect the State from paying taxes on the Parliamentary Superannuation Fund. Further legislative action may be required to deal with some of the other superannuation funds in the public sector.

The South Australian Superannuation Fund provides considerable assistance to the Government by meeting part of the cost of the benefits payable under the Superannuation Act. Without the fund being protected from the Commonwealth taxes, there would be a considerable increase in the cost of maintaining the schemes. These costs would have to be met by the taxpayers of this State. Without protection from these taxes, there would be a flow of State taxpayers' money to Canberra.

Before the recent tax laws were passed by the Commonwealth Parliament, this State, together with the other States and the Northern Territory, argued very strongly with the Commonwealth that the main State schemes should continue to be excluded from the ambit of the tax legislation. The State took this position because:

- In terms of the Commonwealth Constitution, State Governments do not pay tax on State property;
- The benefit structures of the State schemes are, for historical reasons, far more complex than those in the private sector and do not lend themselves to simple and equitable solutions in offsetting the cost of the taxes;
- The main State scheme in this State has been the subject of substantial review and adjustment over the past three years, and therefore the Government believes it is unacceptable to start another review of the schemes culminating in possible reductions in gross benefits;
- The funding arrangements by Governments are vastly different from those of private sector employers, and the new tax collection system could not easily and equitably be applied within the Government arena;
- For the State to comply with the Commonwealth legislation would require an increase in State taxation.

The Bill clarifies the status of the fund, and the investment trust. Under the proposed amendment to the Act, the

fund will hold assets of the Crown, and the investment trust will be an instrumentality of the Crown.

Government employees will in future pay their contributions initially to the Treasurer instead of paying their contributions initially to the Superannuation Board. The contributions will continue to be passed on to the trust for investment. All benefits under the schemes will continue to be guaranteed, but will now be paid by the Treasurer. The fund will exist as a Crown entity responsible for supporting the Treasurer in meeting the benefits to be paid under the Act. The Government stresses that the effect of the main amendments means that Government employees will continue to pay the full tax due on their superannuation benefits. There will be no avoidance of tax on benefits by public servants. However, the tax will continue to be paid at the time benefits are received, with no tax being paid before then, as the Commonwealth would prefer.

Essentially the proposed amendments maintain the *status quo*. The level of net benefits payable to members of the scheme will be maintained, just as the net benefits of members in private sector schemes will be maintained. The Bill also contains many consequential technical amendments related to protecting the fund from tax. A minor amendment is also proposed to section 5 of the Act so that the Superannuation Board can enter into an arrangement with the Leader of the Opposition, for the purpose of providing superannuation eligibility for the Leader's staff, and matters of funding for the accruing liability. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

**Explanation of Clauses**

Clause 1 is formal. Clause 2 amends section 5 of the principal Act for the reason just stated. Clause 3 makes it clear that the South Australian Superannuation Fund Investment Trust is an instrumentality of the Crown.

Clause 4 amends section 12 to make it clear that the functions of the trust include the management and investment of funds related to public sector superannuation other than funds held in the South Australian Superannuation Fund. An example is contributions made by employers pursuant to arrangements under section 11 of the repealed Superannuation Act and under section 5 of the current Act.

Clause 5 replaces section 17 of the principal Act. New subsection (2) states that the fund belongs to the Crown. The importance of this is that property of the Crown in right of a State is not subject to Commonwealth taxation (section 114 of the Australian Constitution). The amendment to section 23 (1) made by the schedule to the Bill provides that contributions must be made to the Treasurer and not the fund. Subsection (4) of new section 17 requires the Treasurer to make payments to the fund reflecting there contributions.

Clause 6 repeals section 18 of the principal Act. The substance of this section is incorporated in the other provisions inserted by the Bill. Clause 7 inserts new Divisions IIIA and IIIB of Part II. Division IIIA deals with contributor's accounts and Division IIIB deals with the payment of benefits. Benefits are paid from Consolidated Account (section 20b (1)) but to the extent that a payment is to be charged against a contributor's account the Treasurer can recoup the payment from the fund. (section 20b (2)).

Clause 8 inserts new section 43a. This provision is equivalent to existing section 18 (3) *(b)* (i). Clause 9 repeals section 60 which will be replaced by the appropriation provision in new section 20b (1). Clause 10 inserts a schedule of consequential amendments.

The Hon. J.F. STEFANI secured the adjournment of the debate.

## ADJOURNMENT

At 4.45 p.m. the Council adjourned until Wednesday 27 September at 2.15 p.m.