LEGISLATIVE COUNCIL

Tuesday 17 October 1989

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

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. 6, 8, 11 and 12.

FOSTER CARE

6. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare:

1. Does the Minister accept that parents cannot anticipate with confidence the return of their children in foster care or subject to an in-need-of-care order, if services are not made available to help them address their 'offending' behaviour?

2. What services are currently available to parents in this predicament, where are they located, and, if they attract Government grants, what is the value of such grants?

The Hon. Barbara Wiese, for the **Hon. D.J. HOPGOOD:** The replies are as follows:

1. It is the Government's intention that wherever possible children be maintained within their own families and that families receive support to enable them to care for their children. However, from time to time it becomes clear that some children are not able to be cared for safely within their own family home resulting in an application to the Children's Court that a child is in need of care or protection. The seriousness of such an intervention in a child's life requires that every effort be made to ensure that removal and placement is the only option available to the court to provide the child with a safe environment.

The policy of the Government is that the goal of any intervention will be to enable children to be maintained within their own families, or, where separated from their parents because their safety cannot be guaranteed or their well-being maintained, to enable them to return to their parents as soon as possible when safety is assured. The reasons why children require placement vary greatly. These range from physical abuse, sexual abuse, to abandonment, desertion, neglect or an unwillingness to care for, maintain, or protect the child.

As part of case planning, the particular circumstances of each child who comes into care, his/her family, and the reasons for placement must be examined. Achieving return home is the first consideration of such planning. However, the measure must be that the conditions placing the child in need of care must be dealt with to ensure that on return home the child will be safe. The provision of services to families of children who have been placed in care to enable them to resume the care of their children will depend on the problems experienced by the family, the willingness of family members to seek assistance and to respond to services so as to provide conditions of safety for their children.

A range of Government and non-government services exist for parents. Families are also entitled to seek help through privately practising psychologists and psychiatrists. Involvement with services is by voluntary consent of the parents and there will need to be evidence of change which will ensure that upon return home the child or children will be safe from harm.

2. The range of Government and non-government services available to parents throughout the metropolitan and country areas include the following:

Services in Government:

Drug and Alcohol Services Council, Child Adolescent and Family Health Services, Torrens House, Child Adolescent Mental Health Services, Community Health Centres and Mental Health Services.

Services in non-government organisations:

COPE, Marriage Guidance Council.

Services Funded Through Substitute Care Grants

Placement Prevention Program—The Mission $113 300

A counselling service to work with all risk families to prevent placement or help children return to families.

Home Intervention Program—Anglican Community Services $99 400

A home intervention therapeutic program to help families at risk or to assist families resume care of their children.

Services Funded Through Non-government Family Support Programs

The 'Home-Maker' Projects

The Family Support Program funds a number of projects which employ women on a part-time basis to work with families in the family home. These projects are based on a one-to-one approach providing support, teaching family skills and modelling child-care to families where it is identified that the family is having problems with the care of children.

The 'Home-Maker' Type Projects

Anglican Community Services
Anglican Home-Maker Service
Adelaide Metropolitan Area or Adelaide Hills $381-591

Port Pirie Central Mission
Mid North Family Support Service
Port Pirie and Mid North $100 402

Port Pirie Central Mission
Whyalla Family Support Service
Whyalla $43 000

South-East Community Services
South-East Family Support Service
Mount Gambier and South-East $40 000

Projects Which Are Similar To The Home-Maker Services

Holy Cross Lutheran Church
Holy Cross Family Support Program
Murray Bridge $13 757

Baptist Family Services
Famcare
Elizabeth $7 761

Goodwood Community Services
STAINS Baby Project
Goodwood $29 728

Aldinga Neighbourhood House
Family Support Worker $17 490

Projects in Aboriginal Communities

Family support workers are employed to work with Aboriginal families in both the outback communities and urban areas. Many of these families have difficulty caring appropriately for their children and the incidence of child maltreatment and neglect in Aboriginal communities is high.

Dunjiba Community Council
Oodnadatta $27 189

Unoona Community Council
Coober Pedy $29 688

Aroona Community Council
Copley $33 021

Farwest Aboriginal Progress Association
Ceduna $27 162

Port Lincoln Children's Centre
Port Lincoln $20 432

Lower Murray Nungas Club
Murray Bridge $24 753

Anglican Community Services
Aboriginal Home-Makers Service
Metropolitan Adelaide $37 350

Services For Ethnic Families

The program funds a number of different positions and organisations providing service to ethnic communities. The projects vary from counselling and support to training and development. The accent is on providing assistance to families having difficulty in coping, where there is maltreatment or neglect or a risk of it occurring.

Indo-Chinese Women's Association
Woodville $59 609

Vietnamese Community of Australia
Woodville $13 260

Salisbury Migrant Centre
Indo chinese Family Scheme $26 530

Bowden-Brompton Mission
Parenting for Greek and Italian Families $9 117

Local Government and New Resident Projects

Funding is provided to a number of local governments for projects which will develop community support for families in new suburbs and high need areas. Workers in these projects make contact with a range of families including those where there is a risk of maltreatment or neglect and assist them to obtain community support and services.

Salisbury City Council $85 035
Tea Tree Gully City Council $60 933
Happy Valley City Council $17 490
Noarlunga City Council $23 284

Other Projects

A number of the projects provide direct counselling and intervention for families where there are older children and handle many cases of sexual abuse, as well as physical maltreatment.

Catholic Family Welfare
Family Care Resource Team and Schools Intervention Program $120 258

Adelaide Central Mission
Family Counselling Service $30 989

Bowden-Brompton Mission
Parent/Adolescent Project $15 388

Three programs are focused on single parents who are likely to have difficulties coping with the difficulties of having and raising children.

SPARK
(Single Pregnancy and After Resource Centre) $95 170
S.A. Lone Parent Support Service $39 538

Community and Neighbourhood Houses
Young Mothers Program $29 230

One program provides support specifically for families where there are multiple births.

S.A. Multiple Birth Association $7 748

There are several projects which provide an educative focus for parents with particular emphasis on families who may have difficulties managing their children.

Salisbury District Community Worker Project $31 662

Bowden-Brompton Mission
Parent Child Education Program $33 213

There are a number of projects which are based on communities which have a large number of high risk families. These projects work with families on either a group or individual basis.

Port Adelaide Central Mission
Port Family Project $55 538

Ridley Grove Primary School
Ridley Grove Child Parent Health and Education Centre $15 328

Junction Community Centre
Ottoway $13 381

Convent of Mercy
Mercy Community Service
Hackham $5 000

Anglican Social Welfare
Noarlunga $17 879

One project works with the wives and families of prisoners and ex prisoners, where there is a very high risk of maltreatment.

Offenders Aid and Rehabilitation Service
Clancy's Club $8 940

Funding Level for the Family Support Program
Total $1 647 844

Family and Community Development Program (community welfare grants)

A number of organisations funded under the Family and Community Development Program (community welfare grants) provide services for families who have difficulty in providing appropriate care for their children, who may be at risk of having their children removed, or who may have children in foster care.

	$
Adelaide Central Mission	20 000
Anglican Mission in Elizabeth	17 685
Brighton/Glenelg Community Centre	1 484
Christian Life Movement	14 636
Elizabeth West Community Association Inc.	10 520
Lutheran Community Care	4 850
Morphett Vale Baptist Church Inc. Community Services	8 760
Pika Wiya Health Service Inc.	19 735
The Red House Group	954
Salisbury Creche Team Inc.	9 410
South Australian Aboriginal Child Care Agency Forum Inc.	26 535
Whyalla Counselling Service Inc.	38 290
Funding level for the community welfare grants program	293 117

ADOPTION

8. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare:

1. What sum was allocated for the proposed advertising campaign to inform the community about the changes to adoption law and practices in South Australia, passed by Parliament in November 1988?

2. Was the funding fully expended?

3. What initiatives were undertaken within the budget allocation and what was the sum allotted to each initiative within the metropolitan and country areas of South Australia, interstate and possibly overseas?

The Hon. Barbara Wiese for the **Hon. D.J. HOPGOOD:** The replies are as follows:

1. A sum of $24 000.

2. A sum of $22 573 has been expended to the end of August.

3. Literature initiative—A sum of $9 115 was expended to design and to produce a poster, brochure and detailed information booklets, including development of a logo. This literature was distributed interstate and within South Australia.

Public relations initiative—By the end of August $13 458 had been expended on a community awareness campaign, undertaken in south Australia metropolitan and country locations as well as interstate. A launch of the Family Information Service occurred with radio, television and newspaper coverage. Community service announcements ran on all rural and metropolitan radio stations in South Australia. Press releases went to all major South Australian and interstate media outlets both before the launch and at proclamation of the legislation. No overseas initiative was undertaken.

SCHOOL FACSIMILE MACHINES

11. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Local Government:

1. Will the Minister—

(a) Provide an electorate by electorate breakdown of all schools which have been given a grant to purchase a facsimile machine and in each case the size of the grant?

(b) Provide a similar breakdown of all schools given an administrative computing grant and in each case the size of the grant?

2. *(a)* Is it normal practice to issue the grant prior to release of guidelines for acquisition of hardware and software, machines and suppliers?

(b) If not, why was the practice changed?

3. *(a)* Is it normal practice to advise local members of Parliament about such grants before notifying the school and asking members to advise schools?

(b) Were all local members of Parliament given this opportunity and, if not, why not?

The Hon. ANNE LEVY: The replies are as follows:

1. *(a)* In each case the grant was $1 500 per school. In the listing under each electorate, (1) represents the number of schools concerned and (2) the total amount of grants within that electorate.

	(1)	(2)
		$
Adelaide	7	10 500
Albert Park	7	10 500
Alexandra	20	30 000
Baudin	8	12 000
Bragg	4	6 000
Briggs	9	13 500
Bright	13	19 500
Chaffey	21	31 500
Coles	5	7 500
Custance	32	48 000
Davenport	8	12 000
Elizabeth	8	12 000
Eyre	45	67 500
Fisher	11	16 500
Flinders	24	36 000
Florey	11	16 500
Gilles	12	18 000
Goyder	26	39 000
Hanson	5	7 500
Hartley	6	9 000
Hayward	6	9 000
Henley Beach	7	10 500
Heysen	16	24 000
Kavel	30	45 000
Light	18	27 000
Mawson	13	19 500
Mitcham	8	12 000
Mitchell	6	9 000
Morphett	3	4 500
Mount Gambier	16	24 000
Murray-Mallee	18	27 000
Napier	15	22 300
Newland	9	13 500
Norwood	4	6 000
Peake	7	10 500
Playford	10	15 000
Price	8	12 000
Ramsay	10	15 000
Ross-Smith	10	15 000
Semaphore	8	12 000
Spence	12	18 000
Stuart	15	22 500
Todd	6	9 000
Unley	5	7 500
Victoria	25	37 500
Walsh	6	9 000
Whyalla	15	22 500

(b) The size of the grants ranged from $2 500 to $10 500. In the listing under each electorate, (1) represents the number of schools concerned and (2) the total amount of grants within that electorate.

	(1)	(2)
		$
Adelaide	6	39 000
Albert Park	7	45 000
Alexandra	14	79 000
Baudin	8	54 000
Bragg	5	31 500
Briggs	10	67 500
Bright	10	63 500
Chaffey	15	92 000
Coles	6	45 000
Custance	11	57 500
Davenport	6	40 500
Elizabeth	7	43 000
Eyre	18	88 000
Fisher	13	94 500
Flinders	14	75 000
Florey	11	70 500
Gilles	10	64 000

	(1)	(2)
Goyder	15	75 000
Hanson	6	34 500
Hartley	6	36 000
Hayward	7	46 500
Henley Beach	9	53 500
Heysen	12	75 000
Kavel	14	77 500
Light	10	69 000
Mawson	13	95 500
Mitcham	9	61 500
Mitchell	7	45 500
Morphett	3	18 500
Mount Gambier	8	35 500
Murray-Mallee	13	77 500
Napier	15	96 500
Newland	8	38 500
Norwood	3	20 000
Peake	7	41 000
Playford	11	62 000
Price	11	61 000
Ramsay	11	91 000
Ross-Smith	8	47 000
Semaphore	8	49 000
Spence	10	63 000
Stuart	14	78 000
Todd	8	35 000
Unley	5	26 500
Victoria	14	78 500
Walsh	5	32 000
Whyalla	12	73 500

2. *(a)* No, but in this case the practice changed to ensure that schools were provided with funds and could invest those funds pending further advice being given regarding the purchasing arrangements which would apply.

(b) See *(a)* above.

3. *(a)* Grants for purchase of facsimile machine and administrative computers have not been given to schools previously.

(b) No, but in future all local members of Parliament will be informed as they were in relation to the $10 million Back to School Improvement Plan grants in May of this year.

SCHOOL MAINTENANCE

12. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Local Government:

1. Will the Minister—
   (a) Provide an electorate by electorate breakdown of all schools and what proportion of the recently announced $10 million fund for maintenance each school received?
   (b) For each school also indicate what maintenance work is to be covered by the allocated amount?
2. Is it correct that programmed maintenance for 1989-90 for some schools is to be covered by the $10 million fund?
3. Have all schools now been told that funding allocated for painting can be used to pay for labour and, if not, why not?

The Hon. ANNE LEVY: The replies are as follows:

1. *(a)* In the listing under each electorate, the following coding has been used: 1 = small redevelopments/upgrading; 2 = floor covering replacements; 3 = heating and cooling plant replacement; 4 = civil maintenance; 5 = projects relating to the reorganisation of schools. In addition, amounts up to $15 000 per school have been made available for internal painting. Code 6 has been used for this, but no amount has been shown, since the actual allocation will depend on the work to be done as assessed by each Area Education Office.

Electorate	School	Code	$ 000's
Adelaide	Adelaide HS	3	30
Albert Park	Hendon PS	1	60
	Hendon PS	3	10
	West Lakes HS	6	—
Alexandra	Yankalilla AS	2	14
	Willunga HS	1	40
	Strathalbyn HS	1	60
	Kingscote AS	1	25
	Port Elliot PS	1	30
	Yankalilla AS	1	40
	Strathalbyn PS	4	30
	Willunga HS	4	30
	Goolwa PS	6	—
	McLaren Vale PS	6	—
	Meadows PS	6	—
	Port Elliot PS	6	—
	Strathalbyn PS	6	—
	Yankalilla AS	6	—
	Willunga PS	6	—
Baudin	Christies Beach HS	1	120
	Lonsdale Heights PS	3	90
	Christie Downs PS	3	32
	Port Noarlunga PS	3	40
	Christies Beach HS	4	60
	Christies Beach HS	6	—
	Christie Downs PS	6	—
	Port Noarlunga PS	6	—
Bragg	Marryatville HS	2	9
	Linden Park PS	2	5
Briggs	Salisbury East HS	2	10
	Brahma Lodge PS	3	50
	Keller Road PS	3	70
	Madison Park PS & JPS	3	50
	Karrendi PS	6	—
	Madison Park PS	6	—
	Salisbury East HS	6	—
Bright	Seaview HS (see also Hayward Electorate)	5	110
	Seaview HS	2	28
	Brighton PS	6	—
	Darlington PS	6	—
	Hallett Cove PS	6	—
	Seaview Downs PS	6	—
Chaffey	Monash PS	1	10
	Waikerie HS	1	5
	Berri PS	3	60
	Glossop HS	4	50
	Loxton HS	6	—
	Waikerie HS	6	—
	Waikerie PS	6	—
Coles	Magill PS	1	40
	Thorndon Park PS	3	50
	Norwood HS	3	30
	Thorndon Park PS	4	50
	Magill PS	4	60
	Stradbroke PS	2	12
	Magill PS	6	—
Custance	Blyth PS	5	100
	Clare PS	1	20

Electorate	School	Code	$ 000's
	Manoora PS	1	8
	Auburn PS	1	18
	Hamley Bridge PS	3	12
	Owen PS	6	—
	Riverton HS	6	—
	Riverton PS	6	—
	Clare HS	6	—
	Auburn PS	6	—
	Georgetown PS	6	—
	Gulnare	6	—
Davenport	Blackwood HS	1	40
	Blackwood JPS	3	40
	Blackwood HS	4	30
	Belair JPS	6	—
	Blackwood HS	6	—
	Blackwood PS	6	—
	Hawthorndene PS	6	—
Elizabeth	Elizabeth East PS	2	10
	Elizabeth East JPS	2	10
	Elizabeth West JPS	2	10
	Eliz./Munno Para HS	1	60
	Elizabeth West PS	3	50
	Elizabeth HS	4	97
	Elizabeth Grove PS/JPS	6	—
Eyre	Ceduna AS	2	20
	Booleroo Centre HS	1	30
	Woomera AS	1	20
	Tarcoola AS	1	15
	Booleroo Centre PS	1	40
Fisher	Reynella East HS	1	10
	Braeview PS	4	10
	Sheidow Park PS	4	10
	Aberfoyle Park Campus	6	—
	Bellevue Heights PS	6	—
	Reynella East PS/JPS	6	—
Flinders	Wudinna AS	1	30
	Karcultaby AS	1	7
	Kirton Point PS	3	25
	Kimba AS	4	45
	Cummins AS	4	45
	Wudinna AS	6	—
	Elliston AS	6	—
Florey	Modbury HS	2	10
	The Heights School	2	15
	Modbury HS	1	70
	Modbury PS	3	50
	Modbury HS	4	120
	Modbury West PS	6	—
	Para Vista PS	6	—
	Modbury HS	6	—
Gilles	Hampstead PS	2	10
	Vale Park PS	3	30
	Hampstead PS	3	50
	Vale Park PS	6	—
Goyder	Moonta AS	1	30
	Ardrossan AS	1	30
	Price PS	1	30
	Wallaroo PS	1	30
	Balaklava PS	1	12
	Yorketown AS	3	165
	Ardrossan AS	6	—
	Maitland AS	6	—
Hanson	Henley Beach PS	5	100
	Plympton HS	2	5
	Lockleys PS	3	45
	West Beach PS	3	45
	Lockleys PS	6	—
Hartley	Hectorville PS	1	35
	Payneham PS	1	11
	Hectorville PS	4	50
	Trinity Gardens PS	6	—
	Hectorville PS	6	—
Hayward	Seaview HS (see also Bright Electorate)	5	110
	Marion PS	6	—
	Minda Special School	6	—
	Paringa Park PS	6	—
Henley Beach	Fulham North PS	1	30
	Fulham Gardens PS	3	90
Heysen	Uraidla PS	1	25
	Stirling East PS	6	—
	Mylor PS	6	—
	Heathfield PS	6	—
	Para Wirra Study Centre	6	—
	McLaren Flat PS	6	—
	Noarlunga PS	6	—
Kavel	Eudunda AS	1	4
	Mannum HS	1	35
	Oakbank AS	3	60
	Eudunda AS	4	40
	Eudunda AS	6	—
	Morgan PS	6	—
Light	Sandy Creek PS	6	—
Mawson	Morphett Vale HS	2	21
	Wirreanda HS	1	30
	Pimpala PS	3	82
	Stanvac PS	3	75
	Morphett Vale East PS	3	90
	Flaxmill PS	6	—
	Hackham South PS	6	—
	Morphett Vale West PS	6	—
	Reynella South PS/JPS	6	—
	Stanvac PS	6	—
	Wirreanda HS	6	—
Mitcham	Clapham PS	2	5
	Unley HS	4	30
	Colonel Light Gardens PS	6	—
	Mitcham PS	6	—
	Unley HS	6	—
Mitchell	Mitchell Park & Glengowrie HS (see also Morphett Electorate)	5	65
	Marion HS	1	20
	Mitchell Park HS	3	60
	Marion HS	4	60
	Edwardstown PS	6	—
	Marion HS	6	—
	South Road PS	6	—
Morphett	Mitchell Park & Glengowrie HS (see also Mitchell Electorate)	5	65
	Glengowrie HS	2	13
	Glenelg JPS	6	—
Mount Gambier	Grant HS	1	60
	Mount Gambier HS	1	40
	OB Flat PS	1	30
	Compton PS	1	30
	Glencoe PS	3	28

Electorate	School	Code	$ 000's
	Mount Gambier North PS	3	45
	Allendale East AS	4	70
	Grant HS	6	—
	Mount Gambier HS	6	—
	Allendale East AS	6	—
Murray-Mallee	East Murray AS	2	5
	Tintinara AS	1	8
	East Murray AS	1	8
	Coonalpyn PS	1	25
	Meningie AS	1	25
	Murray Bridge PS	3	80
	Murray Bridge South PS	3	40
	Tailem Bend PS	4	50
	Murray Bridge HS	6	—
	Meningie AS	6	—
	Coomandook AS	6	—
Napier	Elizabeth North PS	1	25
	Elizabeth West HS	2	10
	Smithfield Plains JPS	2	10
	Craigmore South PS	6	—
	Elizabeth Park PS	6	—
	Craigmore HS	6	—
Newland	Ridgehaven PS	2	10
	Fairview Park PS	6	—
	Ridgehaven PS	6	—
	Banksia Park PS	6	—
Norwood	East Adelaide PS/JPS	1	46
	Kensington Special School	1	23
	Marryatville PS	1	11
Peake	Cowandilla PS	1	35
	Thebarton PS	1	25
	Cowandilla PS	4	80
	Underdale HS	6	—
Playford	Gepps Cross HS	2	10
	Para Hills JPS	2	10
	Ingle Farm HS	2	15
	Para Vista HS	2	15
	Ingle Farm HS	3	100
	Para Vista HS	4	70
	Gepps Cross HS	4	100
	Pooraka PS	6	—
	Ingle Farm East PS	6	—
Price	Ridley Grove PS/JPS	1	40
	Ferryden Park PS	6	—
Ramsay	Parafield Gardens HS	1	40
	Pooraka PS	1	40
	Direk PS	2	10
	Paralowie School	2	10
	Salisbury North JPS	2	10
	Salisbury North/West JPS	2	10
	Parafield Gardens HS	3	120
	Parafield Gardens PS	6	—
	Paralowie R-12 School	6	—
	Salisbury North PS	6	—
Ross Smith	Enfield HS	1	65
	Enfield HS	2	10
	Nailsworth HS	2	10
	Enfield HS	4	57
	Prospect PS	6	—
	Blair Athol PS	6	—
	Enfield HS	6	—
	Nailsworth HS	6	—
Semaphore	Taperoo HS	3	15
	Taperoo HS	6	—
Spence	Woodville Special School	1	40
	Croydon HS	5	125
	Bowden-Brompton Com. School	6	—
	Croydon Park PS	6	—
	Allenby Gardens PS	6	—
Stuart	Port Pirie West PS	1	30
	Airdale JPS	1	30
	Willsden PS	2	6
	Carlton PS	2	16
	Augusta Park	2	16
	Solomontown PS	3	20
	Port Augusta West PS	4	50
	Port Pirie West PS	6	—
	Risdon Park HS	6	—
	Augusta Park HS	6	—
Todd	Campbelltown PS	5	150
	Thorndon HS	1	10
	Holden Hill PS	2	10
	Campbelltown HS	4	30
	Campbelltown HS	6	—
	Athelstone PS	6	—
	Dernancourt JPS	6	—
Unley	Goodwood PS	3	80
Victoria	Bordertown HS	1	30
	Lucindale AS	1	40
	Padthaway PS	3	28
	Penola PS	3	40
	Kalangadoo PS	6	—
	Frances PS	6	—
	Lucindale AS	6	—
	Naracoorte HS	6	—
	Penola HS	6	—
	Kangaroo Inn AS	6	—
Walsh	Forbes PS & JPS	5	100
	Ascot Park PS	6	—
Whyalla	Whyalla HS	1	20
	Nicholson Avenue JPS	1	20
	Whyalla Town PS	1	20
	Iron Knob PS	1	15
	Fisk Street PS	1	30
	Hincks Avenue PS	3	40
	Iron Knob PS	3	35
	Bevan Crescent PS	3	35

(b) See answer to *(a)* above.

2. Yes, but since the $10 million is additional funding from the sale of surplus property as a result of rationalisation and restructuring this has enabled some other priority work to be funded from maintenance/minor works 1989-90 allocation which would not otherwise have been able to be carried out.

3. Yes.

PAPERS TABLED

The following papers were laid on the table:

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

Country Fire Services—Report, 1988-89.

South Australian Metropolitan Fire Service—Report, 1988-89.

Department of Labour—Report, 1988-89.
Long Service Leave (Building Industry) Board—Report, 1988-89.
Evidence Act 1929—Report of the Attorney-General relating to Suppression Orders, 1988-89.
Harbors Act 1936—Regulations—Wharfage Fees.

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

Commercial and Private Agents Act 1986—Regulations—Licence Exemptions.
Liquor Licensing Act 1985—Regulations—Liquor Consumption—Berri.

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

Dental Board of South Australia—Report, 1988-89.
Medical Board of South Australia—Report, 1988-89.
Seeds Act 1979—Regulations—Seed Analysis Fees.
Forestry Act 1950—Variation of Proclamation—Berri Forest Reserve—Resumption of Land—Town Lot 417, Berri Irrigation Area.

By the Minister of Local Government (Hon. Anne Levy):

Department of Lands—Report, 1988-89.
Local Government Finance Authority of SA—Report, 1988-89.
West Beach Trust—Report, 1988-89.
Urban Land Trust Act 1981—Regulations—Operating Surplus.

By the Minister for the Arts (Hon. Anne Levy):

Department for the Arts—Report, 1988-89.
Cultural Trusts Act 1976—Regulations—Membership and Elections.

QUESTIONS

MOUNT LOFTY DEVELOPMENT

The Hon. M.B. CAMERON: I seek leave to make a brief explanation prior to asking the Attorney-General a question about the Mount Lofty development.

Leave granted.

The Hon. M.B. CAMERON: I refer to two letters addressed to the Minister for Environment and Planning regarding the draft environmental impact statement (EIS) for the Mount Lofty development. Members will remember that the development included a communications tower, and it is this aspect of the project which has resulted in the letters from a C.J. Knowles, Assistant Secretary of the National Broadcasting Branch of the Department of Transport and Communications.

In a letter dated 21 December 1988, to the Minister for Environment and Planning, Mr Knowles voices concern about the likelihood of 'ghosting' of ABC television services, voices concern about the danger of non-ionising radiation to staff working on the national tower, and also raises concern about the lack of detail on proposals to rationalise television and radiocommunications facilities at Mount Lofty. Mr Knowles says in part:

I am concerned that no mention is made in the supplement (EIS) of the potential non-ionising radiation hazard to staff working on the national tower from services on the proposed tower. There is also no recognition of the effects future changes in standards for occupational exposure for non-ionising radiation may have on the operation or maintenance of equipment on either the national tower or the proposed tower.

Mr Knowles also says in the 21 December letter:

Although assurances were given in the supplement that the likelihood of the proposed tower causing 'ghosting' of national services is minimal, there is still the potential for this problem to occur if adequate precautions are not taken in the design and construction phases of the development.

He goes on to say:

I am also concerned that the proposals for rationalising the television and radiocommunications facilities at Mount Lofty are not described in detail. Specifically, it is unclear whether the proponent is using this idea for economic justification of the project or whether the South Australian State Government wishes to encourage consolidation of all broadcasting and radiocommunications users into one facility. In any case this department sees no advantage in relocating any national service, radio or television, from the national tower to the proposed tower.

Quite clearly Mr Knowles has serious reservations not only about the problems which will be created by the proposed tower but also whether in fact the new tower is even needed. In an earlier (undated) letter Mr Knowles advises the Minister for Environment and Planning:

We have examined the draft EIS on the Mount Lofty project and studied the potential for the proposed communications tower to have a detrimental effect on the national television and FM radio services transmitted from Mount Lofty . . . the high potential for the proposed tower to disrupt the ABC television service to Adelaide by introducing multipath reflections (ghosting) and that such effects would be almost impossible to remove after the tower was constructed and that the very close proximity of the proposed tower to the existing national tower creates a high risk that non-ionising radiation levels could exceed safety standards on either tower now or in the future.

We cannot support the proposal from the national broadcasting viewpoint.

My questions are as follows:

1. Was the Attorney-General aware of these letters which voice major reservations about the proposed communications tower in the Mount Lofty development?

2. If so, why was work allowed to proceed on the project given that these reservations are being expressed by the national broadcasting people?

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

GRAND PRIX

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

Leave granted.

The Hon. L.H. DAVIS: The Premier's statements in the *Advertiser* this morning suggesting local public interest in attending the Australian Grand Prix is declining and raising doubt about live television coverage of the event in Adelaide apparently sparked many calls to radio talk-back programs this morning. Many callers expressed concern that there may not be live coverage of the Australian Grand Prix. Many of the callers argued that there was a need for a live coverage to compensate for the traffic disruption and other inconvenience caused to many people by the event. The fact that many elderly, handicapped, hospitalised people and country people cannot attend the event was also prominently raised. In response, an official of the Grand Prix Board has added to confusion over this issue.

I refer to comments made on the Keith Conlon radio program this morning by Mr Stephen Marlow, a publicity officer for the Grand Prix Board. Mr Marlow said that arrangements for the television coverage were made between Channel 9 and FOCA. He said:

It is an arrangement that is administered with the contract that exists between FOCA and the Nine Network.

However, this was disputed later by an official of Channel 9 in Sydney who informed the Conlon program that the final decision is made by the Grand Prix Board. In other words, the decision as to whether or not there is a live coverage will be made by the Grand Prix office in Adelaide. My questions are as follows:

1. Will the Attorney-General clear up this confusion so all South Australians know what conditions have to be satisfied to guarantee live television coverage?

2. Who will make the final decision as to whether or not there will be live coverage of the Australian Grand Prix?

The Hon. C.J. SUMNER: I understand that this matter has been raised in the House of Assembly and the Premier has given a response. On previous occasions there has always been a question as to whether the Grand Prix would be televised. It has been televised on each occasion to date, and I think that everyone would consider it highly desirable that it should be televised if that is at all possible. Whether it will be televised, according to what was in the press this morning, depends on the level of support. That is the position as I understand it, but no doubt the Premier will be able to provide the honourable member with more direct information.

COMPANY LAW

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of the Commonwealth takeover of company law.

Leave granted.

The Hon. K.T. GRIFFIN: When Queensland withdrew suddenly from the High Court challenge to the validity of the Commonwealth Government's attempt to take over the regulation of companies in Australia, it was suggested to me that the Premier, Mr Bannon, had gone over the head of the Attorney-General to the Federal Government to get a deal from the Commonwealth similar to Queensland's and that of Victoria, or at least to commence negotiations.

The deal by both Queensland and Victoria, as I am informed, was directly related to the prospect of loss of revenue and for no other reason, and that that was also the basis upon which the Premier had had discussions with the Federal Government.

My questions are as follows: first, has the Premier had any direct negotiations with the Commonwealth about South Australia's possible capitulation to the Commonwealth, following Victoria and Queensland? Secondly, has the Attorney-General had any discussions with the Commonwealth on South Australia's position even before the High Court hands down its decision? Thirdly, does the Government intend to maintain its present position as argued to the High Court recently?

The Hon. C.J. SUMNER: The answer to the third question is 'Yes'. The answer to the first question is 'No'. There have been ongoing discussions with the Federal Government and with the Australian Securities Commission which is already in place to determine what should happen if the High Court upholds the Commonwealth Government's legislation. The South Australian Government is not adopting a spoiling attitude to this matter just for the sake of it. However, we believe that the constitutional issues have to be resolved. That is why we mounted a challenge before the High Court. That challenge has now been heard and we are awaiting the High Court decision.

If the decision goes the Commonwealth way, the South Australian Government will have to consider its position with respect to cooperation with the Commonwealth to ensure that some kind of national scheme remains in place in South Australia. If the Commonwealth wins, we would cooperate to ensure that there is no hiatus with the Commonwealth not being able properly to administer the scheme which effectively it will have won in the High Court.

If the Commonwealth loses in the High Court, it will have to enter into negotiations with the States effectively to go back to a cooperative scheme. It may be that that cooperative scheme could be altered to give the Commonwealth greater power over the commanding heights of the companies and securities area, takeovers, prospectuses, the futures industry and the like similar to the compromise which I put forward late last year and which was not accepted at that time by Queensland, New South Wales, Western Australia or the Commonwealth. At present, everyone is waiting to see what the High Court decides. Pending that decision, clearly different approaches may have to be taken, but they are the basic options.

At no time has the South Australian Government entered into negotiations with the Commonwealth to withdraw the High Court challenge. However, the Premier has, at my suggestion, made representations to the Commonwealth to the effect that no State should be disadvantaged by virtue of the fact that it has challenged the legislation. In other words, if the Commonwealth wins, the financial loss to the States should be dealt with equitably between the States, irrespective of whether or not the States were parties to the challenge. Those representations have been made by the Premier to the Prime Minister. However, we certainly did not enter into any negotiations to resolve the financial issues in return for withdrawing our challenge.

The Hon. K.T. GRIFFIN: As a supplementary question, is the Attorney-General able to indicate when the Premier made the representations to which he has just referred and to whom they were made?

The Hon. C.J. SUMNER: As I recall, they were made some three weeks ago. It may be possible to make public some of the correspondence involved. I proposed the material, and the representations were made by the Premier to the Prime Minister. As I understand it, the Prime Minister said that he would consider the representations. The honourable member is completely misinformed with respect to the initial part of his question. We certainly did not enter into any negotiations relating to withdrawing from the case in return for a financial settlement as Queensland did. We made representations to the effect that, no matter whether a State is challenging or non challenging, if the Commonwealth wins we should not be financially disadvantaged.

MAMMOGRAPHY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question relating to mammography services.

Leave granted.

The Hon. M.J. ELLIOTT: In 1987, 554 new cases of breast cancer were diagnosed in South Australia. In that same year, 178 women died from breast cancer or cancers which developed from it. In Sweden, women over the age of 40 are encouraged to have mammography performed annually; when aged 50 onwards, that scales back to 18 months or two years. Of course, that service is free. Regional units are set up in caravans which are well sprung to cope with the weight of the mammography machines. These caravans are staffed by three radiographers, each one of whom follows one patient through the entire procedure of data taking, filming, developing and reporting. Several makes of mammography machines are available in South Australia. I am informed that the most highly recommended machine costs about $135 000.

Of equal concern is the status of mammograms in Medicare free structures. Referral from mammography is based

on: *(a)* current breast problems; *(b)* previous breast cancer; or *(c)* a family history of breast cancer. Without the above criteria no Medicare rebate is payable on a service, which costs in the vicinity of $90. That simply means that many people never have a mammogram taken.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: That's right. It has been suggested to me that mammography should be used as preventive medicine rather than as a difficult to obtain procedure. I was in Port Lincoln yesterday talking with some women who complained that a further problem is that machines are simply not available in Port Lincoln at all and that many people have indications which should be followed up but this does not happen, because of the costs and time involved in travel to Adelaide or Port Augusta. In some cases, this has had fatal consequences. It has been suggested to me that, if testicular cancer killed as many men as breast cancer kills women, something would have been done about this situation a long time ago. What is the Minister's view about free mammography services being available to all through MediCare, at least for every woman over 40? What is the Minister's attitude to the establishment of mobile mammography units, regardless of whether or not they are freely available, so that they are more accessible? Has the Minister communicated with the Federal Health Minister to make the MediCare rebate available to all women over a prescribed age and, if so, what was the response?

The Hon. BARBARA WIESE: The Minister of Health and this Government are well aware of the problems that women in our community face with respect to breast cancer. I think that the figures show that one in 16 women can expect to have breast cancer at some stage in her life. For that reason, last year the Minister of Health initiated a pilot project in South Australia designed to start putting appropriate resources into this area. More money has been made available this financial year to continue that project. I shall be happy to refer the honourable member's questions about MediCare benefits and other matters to my colleague in another place and I am sure that, when he replies, he will also want to provide some information to the Council about the success of the project so far, the results that have been achieved and, possibly, some additional information about future directions for the project within South Australia.

MOUNT LOFTY REVIEW

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Tourism a question about the Mount Lofty Ranges review on tourism.

Leave granted.

The Hon. J.C. IRWIN: During the Mount Lofty Ranges review process, 17 or so local councils within the watershed catchment area commissioned Australian Groundwater Consultants to prepare an independent report to determine the major causes of pollution in the watershed. The findings of that report, known as the Manning report, were in many instances contrary to the policies of the E&WS department. Since then, Tourism South Australia has commissioned Roger Stokes to prepare a further independent report into the causes of pollution within the catchment area and to clarify the water resources issues raised in the Mount Lofty review and their impact on proposed management plans in tourism-related areas. I understand that the report has been completed and that Tourism South Australia has copies of that report. I further understand that the findings of the Stokes report are sympathetic to those of the Manning report. However, I have been told that the Stokes report is not to be released publicly.

Given the importance of this subject to the review and, in particular, to water quality and tourism, we in the Local Government Consultative Committee have to ask why the Stokes report has been hidden by the Minister of Tourism. During the Estimates Committees, a question was asked of the Minister for Environment and Planning about the Stokes report and the Minister declined to answer it because the Stokes report was commissioned by the Minister of Tourism. Has the Stokes report been seen by officers of the Minister for Environment and Planning, in particular, of the E&WS department and, secondly, will the Minister make the Stokes report public so that local government bodies, who commissioned the Manning report and the Mount Lofty Ranges review, may have further expert advice made available to help them in their advice to the Government: advice which, of course, covers areas of vital interest to tourism?

The Hon. BARBARA WIESE: I have no idea whether officers of the Department of Environment and Planning or of the Engineering and Water Supply Department have seen any of the work prepared by Mr Stokes. I can say, however, that Tourism South Australia, in the preparation of further work to be presented to the Mount Lofty Ranges review, has sought the services of Mr Stokes, to provide expert opinion on certain aspects relating to water resources. I have not yet seen the report and I do not know whether or not that information has left Tourism South Australia to be presented to the people who will need to be convinced of certain positions that we might hold on these issues.

I know that the period of time for consultation on this matter has recently been extended until the end of November by the Minister for Environment and Planning. There is of course still considerable time left for individuals and organisations to make submissions on this question of land use, water use, etc., in the Mount Lofty Ranges. Tourism South Australia is just one of the organisations that will be making such representations and I would imagine that at the appropriate time the people who should have access to it, will have access to it.

PUBLIC SERVICE SUPERANNUATION

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about Public Service superannuation.

Leave granted.

The Hon. J.C. BURDETT: For quite some time I have asked a series of questions about the matter of giving information to the members of the State Public Service Superannuation Fund. For many years, they received no information at all as to their entitlement or to the investment of the fund. Several times when I have raised the matter in the past I have referred to the opposite position that applies to members of Parliament where, as all members here will know, we get a very comprehensive report, not as to investment because there is no fund to be invested, but as to our entitlement, in great detail every year. For many years State public servants did not receive any information at all and, as I have said before, for many of them it was their main provision for their retirement, and they were entitled to some knowledge.

After a long period of asking questions, at last a statement was received. It did give some information about entitlement, not much about investment, but that was better than nothing. The first such statement was received shortly after the end of the financial year in 1988. I am informed, Mr

President, that there has been no follow-up from that, that it was a oncer. We are well into October now, and nothing has been received after 30 June 1989.

My questions are: when will the report for the year ended 30 June 1989 be presented to the members of the fund? What will be the attitude of the Government in the future (without the need for asking questions) to regularly informing the people who have a right to know about their provision for the rest of their life, with the appropriate details?

The Hon. C.J. SUMNER: I will direct that question to the appropriate Minister and bring back a reply.

BUS ADVERTISEMENTS

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Transport, a question about advertisements on State Transport Authority buses.

Leave granted.

The Hon. CAROLYN PICKLES: I recently received a complaint from a constituent about a Berlei women's underwear advertisement which is currently being displayed on STA buses. I understand that the advertisement depicts a well proportioned, semi-clothed woman in a reclining position accompanied by the caption 'This traffic hazard has been brought to you by Berlei.' Surely, there is no place for such tasteless and sexist advertising, particularly on STA buses. Will the Minister look into this matter further with a view to withdrawing this particular advertisement and also with a view to ensuring that similar sexist advertising material is not displayed on STA buses?

The Hon. ANNE LEVY: I, too, have seen the advertisement to which the honourable member refers, not only on STA buses but in other areas, and I share her view that it is sexist and tasteless.

The Hon. Diana Laidlaw: I was told by the STA that I haven't a sense of humour.

The Hon. ANNE LEVY: It is a common cry that, if one objects to sexist material, one lacks a sense of humour. I have seen lovely badges for people to wear as a warning to other people, saying 'I am a humourless feminist.' While I share the concern of the honourable member regarding this advertisement—which I agree is tasteless—I will refer the question to my colleague in another place and bring back a reply.

EDUCATION DEPARTMENT STAFF

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question about the back-to-school policy.

Leave granted.

The Hon. R.I. LUCAS: Members with long memories perhaps will recall that in August 1986, under the bold headline in the afternoon newspaper 'Bureaucrats told "Back to school" ', the Bannon Government, through the Minister of Education, indicated that some 70 senior Education Department bureaucrats were to be ordered back into schools into, the inference being, useful occupations away from administration. Subsequent to that press release (published in the *Advertiser* as well as in the *News*), a letter, which was headed 'Dear colleague' and which with various attachments ran to some 20 pages, was sent from the then Director-General of Education (Mr Steinle).

One of those pages, under the heading 'Profile of changes', listed 67 positions that were to be reduced within the department and an increase of four positions (so the net reduction was 63 positions). The document went on to outline in detail each position to be reduced in line with the press release made by the Bannon Government in that month. On 14 September this year—some three years later—during Estimates Committee questioning in another place, the Minister of Education and Ms Kolbe, the Education Department's Director of Resources, were asked a series of questions in relation to this bold back-to-schools policy within the Education Department. The Minister was unable to respond in detail, but Ms Kolbe responded as follows:

> The 1986-87 budget strategy eliminated 50 senior positions. Because 21 of those have not as yet been redeployed into other Government departments or within the organisation, and as legally they still have the status of public servants, they are therefore counted as public servants.

She further states.

> The surplus people are managed within our bottom line, if I may put it that way.

Ms Kolbe also states:

> We have managed within the budget the surplus in terms of salaries that those [21] people absorb, and we have found the money from other areas, which we have therefore not undertaken.

In summary, the Education Department and the Minister are telling us now, some three years later, that there are 21 persons within the department at senior levels identified in 1986 as having salary levels between $35 000 and $58 000 who have had positions identified as surplus within the department but who continue to be employed by the Education Department some three years later.

Estimates of the cost to the Education Department and its programs of retaining the surplus employees is $1 million per year at a rough salary and oncost level. If that has gone on for three years, we are looking at a potential saving or wastage of $3 million to the Education Department. My questions are as follows:

1. Does Ms Kolbe's use of the figure 50 instead of the identified 67 in Mr Steinle's letter mean that the Government has reviewed its original decision to cut 67 positions and, if so, which 17 positions were retained and what were the reasons for so doing?
2. Will the Minister provide an update of what action, if any, was taken in relation to each of the 67 positions identified in Mr Steinle's letter?
3. Which 21 positions identified as surplus to the requirements of the Education Department continue to be employed within that department and what is the Government's estimated cost of that decision?

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

SCHIZOPHRENIA

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about schizophrenia.

Leave granted.

The Hon. DIANA LAIDLAW: In conjunction with Mental Health Week the Schizophrenia Fellowship of South Australia last Sunday opened its first ever exhibition of paintings. This initiative is seen as a major step in raising the self-esteem of sufferers of schizophrenia and in promoting community understanding of this serious mental illness. However, the excitement of the opening was overshadowed by a deep sense of bitterness voiced freely by

members of the fellowship, a self-help group which essentially comprises relatives and friends of persons suffering from schizophrenia.

The fellowship was clearly angry at what it sees as a Government funding strategy which penalises initiative and success and does not reward hard work. Since its establishment in 1985 the fellowship has provided invaluable emotional and practical support to family care providers and a drop-in centre for sufferers, plus a range of activities including art therapy classes, of which this exhibition was a consequence. The Government grant over this time has been decreased: today it is $23 300; a couple of years ago it was $26 000, so there has been a decrease in both money terms and real terms over that period.

By contrast, the Victorian Government provides the fellowship in that State with $250 000 a year to help the Victorian fellowship provide essentially a similar range of services as that which the South Australian fellowship seeks to provide (and I point out that the Victorian fellowship successfully reaches the demand for such services). The Australia-wide demand is about one quarter of our population in terms of people suffering from schizophrenia, so the figure for South Australia is about 15 000. However, the funds presently provided by the State Government are a mere drop in the ocean in reaching that demand in this State.

I ask the Minister to explain why funding to the Schizophrenia Fellowship of South Australia has been cut, notwithstanding the serious nature of this mental disorder upon both the sufferers and the family care providers. What plans, if any, does the Health Commission have to ensure that its policy of de-institutionalisation is accompanied by resources to organisations such as the fellowship to provide the necessary home and community support services and accommodation options necessary to ensure that sufferers of this mental illness and their families enjoy some sort of quality of life which they are not enjoying at the present time?

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

PAROLE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about our parole system.

Leave granted.

The Hon. T.G. ROBERTS: The Liberal Party recently put out a promotional pamphlet, I suspect in the lead up to the forthcoming election, claiming that a future Liberal Government will 'introduce sweeping changes to Labor's lenient parole system'. Will the Attorney-General inform the Council of the effect of parole law changes made in recent years, particularly in terms of increased prison sentences? What information does the Attorney-General have which can give the community a substantial base for judging the adequacy of current prison sentences?

The Hon. C.J. SUMNER: I was somewhat surprised to see, in a document headed 'Major Liberal policy commitments' circulated by Mr Armitage in the State seat of Adelaide, that one commitment is to introduce sweeping changes to 'Labor's lenient parole system'. I can only assume that that statement was made before the tabling of the report on the operation of the 1983 parole provisions that was made public in August 1989. I assume that, in making that commitment, Mr Armitage has not consulted with the shadow Attorney-General, Mr Griffin, because Mr Griffin has clearly studied the 1989 report prepared by the Office of Crime Statistics. In fact, in the *Advertiser* of 25 August Mr Griffin said:

> It is clear from the decision of the South Australian Supreme Court since the Government's parole system came into effect that non-parole periods have increased substantially to accommodate the system which allows up to one third off the parole period.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I thank the honourable member for his interjection because not only have head sentences and non-parole periods increased, but the actual time in prison for offences of murder, rape, armed robbery and drug use that are referred to in the parole report of August 1989 have also increased. I am not just talking about the head sentence for non-parole periods; I am talking about the actual period spent in prison. The fact is that since 1983 that period has increased and in fact would have increased further following the 1986 changes whereby the courts were mandated to take into account remissions off the non-parole period. That has now been corrected as a result of legislation passed by this Parliament some weeks ago.

The important point to make is that not only have non-parole periods increased substantially, as the honorable Mr Griffin has admitted, but the actual time spent in prison has increased since the introduction of the 1983 parole system compared with the system which operated under the Liberal Party from 1979 to 1982. The findings of the parole report, which I suggest members opposite make available to their Liberal candidates to stop them making these misleading statements about a lenient parole system, concluded, among other things, that offenders convicted of serious crimes are spending longer terms in gaol; released prisoners are spending longer under parole supervision after they are released from gaol; and, further, the recidivism rate, that is, the rate of re-offending once a person has been released from gaol, has declined marginally since the new legislation was introduced. So, we have had tougher sentences—not those lenient sentences—since 1983, and especially since the further changes in 1986. What we have now is a determinant system where, in fact, the courts determine the period that a prisoner will spend in prison and the period the prisoner will spend on parole under supervision.

All that can be adjusted by the court. So, to suggest that it is a lenient parole system is clearly wrong and the facts in the parole report of August 1989 indicate that. I would expect the Hon. Mr Griffin to ensure that the candidates running on his Party's ticket in the forthcoming election correct the misinformation that they are distributing to the public. If they have any doubts about it, perhaps they could refer to the parole report published in August 1989. I suggest they read it before they continue with those sorts of statements.

RURAL ASSISTANCE BRANCH

The Hon. PETER DUNN: Has the Attorney-General a reply to the question I asked on 4 April 1989 about the Rural Assistance Branch?

The Hon. C.J. SUMNER: The reply from the Minister of Agriculture is as follows:

> The Rural Assistance Branch advanced loans to the rural sector for a variety of purposes as set out in the provisions of both the Rural Industry Assistance 1971 and Rural Industry Assistance 1977 Acts. Funding under these Acts was provided by the Commonwealth to the State and is repayable by the State to the Commonwealth with interest. To date, principal and interest in excess of $41.3 million has been repaid to the Commonwealth under the RIA 1971 and RIA 1977 Acts, with further repayments of principal and interest totalling over $40.4 million still to be made. The State's debt to the Commonwealth under the RIA

1971 Act and the RIA 1977 Act will be extinguished in 1998 and 2006 respectively.

Repayment of loans by the rural sector to the State under these Acts have been, and will continue to be, used to repay the Commonwealth both principal and interest and to provide further loans to the rural sector as set out in the provisions under the Rural Adjustment and Development 1985 Act. As such, 'surplus funds' are not invested in SAFA, but are held by the Rural Assistance Branch with Treasury in an interest bearing deposit account to be used for the purposes as outlined above.

INDUSTRIAL SAFETY

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Labour a question on industrial safety.

Leave granted.

The Hon. J.F. STEFANI: I have received certain information from sources within the building industry engaged on the Southgate project, which is being built on the corner of King William Street and South Terrace.

On Friday 6 October 1989 the removal of a scaffold gantry used to install the external glass panels to the building was to take place. Prior to the lifting operation, council and other permits were obtained by the company providing the mobile crane, and the crane arrived on site at 6 a.m. to set up for the lift. The set up operation took 25 minutes before the crane was ready to proceed with the hoist. Riggers were accompanying the crane, as provided by safety regulations. All trades on site officially commence work at 6.30 a.m. At approximately three minutes before start time—that is, 6.27 a.m.—the crane proceeded with the hoist and the gantry was lowered to the street level. The safety representative, who was strongly lobbied on site by union shop stewards, held a stop work meeting because the hoist had proceeded without the safety representative being officially at work; that is, three minutes before official start time. As a consequence of the stop work meeting on this safety issue, the unions voted to have a 24 hour stoppage, making the long weekend into a five day break, as Tuesday after the Monday public holiday was a transferred rostered day off.

The company hiring the scaffold gantry on site, and consequently responsible for its removal by the use of the crane, was confronted with a claim for the wages normally paid to all the tradesmen working on site who went home on the Friday. Of course, the company correctly refuted the claim, which was in thousands of dollars.

In the meantime, all tradesmen were ordered off site and certain mobile scaffold equipment, which was being used at roof top level prior to the stop work meeting, was left untied. On Saturday 7 October, during the very stormy conditions, the scaffold blew off the top of the building at approximate 10.45 a.m. and landed in King William Street, miraculously not killing or injuring any person or property.

On resumption of work on Wednesday morning 11 October the unions and safety representatives called an inspector from the Department of Labour in an attempt to validate their safety claim for paid time off on Friday, only to be told that the scaffold company was not in breach of the safety Act, but, more importantly, that, through their negligent actions, a mobile scaffold had been left unsafe on the top level of the building and that such actions could have caused the death of, or damage to property of, innocent citizens.

Will the Minister make available a copy of the inspector's report? What steps will the Minister take against the irresponsible actions of the unions which directed the stoppage? Does the Minister intend to pursue this matter against the safety representatives and the union stewards, who are jointly charged with the responsibility of safety, with the same zeal as he has shown in pursuing employers who act in a negligent manner?

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

FINANCE BROKERS

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to the question I asked on 10 August in relation to finance brokers?

The Hon. C.J. SUMNER: The answer is as follows:

1. Since 1 January 1989 the trust accounting records of 18 land agents and land brokers have been examined. Of these, five were operating as mortgage financiers.

2. In addition to spot examinations by examiners employed for that purpose, surveillance takes the following three forms:

(1) Under the provisions of the Act every land agent and land broker who maintains a trust account is required to have the trust accounting records audited by a registered company auditor at the end of each financial year. The auditor's report must include a statement by the auditor as to certain matters, which are set out in regulation 24 of the Land Agents, Brokers and Valuers Regulations 1986. Regulation 26 also requires an auditor to a trust account to report to the Commissioner of Consumer Affairs any loss or deficiency of trust money, any matters which appear to involve dishonesty or breach of law by the agent or broker, any failure to pay or account for any trust money, any failure to comply with the Act or the regulations, or where the trust account has been kept in such a fashion as to not enable it to be conveniently and properly audited. All auditors' reports must be submitted to the Commissioner and all are perused for qualifications made by the auditors. If an auditor's report is qualified, action is taken by the Commissioner which may include seeking an explanation requiring the agent or broker to rectify the matter, or arranging for a spot examination by one of the examiners, which may then lead to appointment of an administrator and/or disciplinary action in the Commercial Tribunal.

(2) Under section 71 of the Act, any bank or financial institution with which an agent or broker holds a trust account under the Act must notify the Commissioner if that account becomes overdrawn. As a general rule, the Commissioner will seek an explanation of the overdrawing but circumstances may dictate that the Commissioner take other steps such as having one of the examiners conduct a spot examination of the offending agent's or broker's trust account records.

(3) The third form of surveillance is the conduct of random spot examinations of land agents and land brokers trust accounts by the examiners.

3. I am unable to say if there are any other mortgage financiers in financial difficulty other than those identified. Obviously if the Commissioner was aware of any particular mortgage financier being in financial difficulty, he would take appropriate action.

4. The Commissioner has initiated a project whereby all mortgage financiers are to be identified and all will be targeted for their trust accounting records to be examined within the next three to four months. This will be undertaken by the examiners, together with contracted auditors from the private sector. The Commissioner also intends that all land agents and land brokers who maintain trust accounts will be examined in due course. It is considered

that this will identify all land agents and land brokers who may be in financial difficulties.

GRAND PRIX

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to the question I asked on 16 August regarding the Grand Prix?

The Hon. C.J. SUMNER: I referred the honourable member's question to the Premier and he has provided me with the following answer.

1. The Australian Formula One Grand Prix Board has never proposed to make charges for access to residents. As in previous years, residents will be provided with full circuit access creditials. An additional 10 passes per day will be provided for guests to enable unrestricted access to the circuit for the four days of the event. These passes have been provided to ensure the residents and their guests are able to obtain an unrestricted view of the event.

In the past, some residents views have been blocked by stands, spectators and signage. Residents will also receive additional passes if required to enable further guests to attend their properties during the event. Negotiations have been conducted between the board and private companies who are using their premises for commercial gain during the event.

2. I do not consider there have been any threats made by the board. I am informed a number of residents have in fact contacted the board expressing their support of the board's policy and their concern at the distorted opinions being expressed.

3. The board has the authority to charge for access to its declared area. In the above situations, the board is in fact waiving this authority.

MULTIFUNCTION POLIS

The Hon. I. GILFILLAN: I have been informed that the Attorney-General has an answer to a question that I asked on 22 August regarding a multifunction polis. I would not object if he sought leave to have it inserted in *Hansard* without his reading it.

The Hon. C.J. SUMNER: I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

I referred the honourable member's question to the Premier and he has provided me with the following answer:

1. It is premature to be talking about provisional plans to establish an MFP in the southern area. The South Australian Government is a party, as are the other Australian States and the Australian Capital Territory, to a feasibility study which is being undertaken by consultants. It is expected that the feasibility study will be completed in December 1989. Once the feasibility study is completed, a decision will be made by March 1990 by the Commonwealth Government and the States as to the future of the MFP.

2. No. The acquisition is in line with normal SAULT activity, and is unrelated to any proposed multifunction polis developments. In July 1987 an area was designated Rural—Potential long-term urban as one of the future growth options for metropolitan Adelaide. The 1989-90 approved acquisition program of trust identified approximately 420 hectares (about 14 per cent of the designated area) at Aldinga mainly west of Main South Road. To date agreements have been reached and contracts signed in respect of 260 hectares (approximately 60 per cent of the acquisition program).

3. Multifunction Polis Australia Research Limited (MFPAR) consists of over eighty major Australian companies and the Australian States and Territories. The 14 board members of MFPAR include the chief executives of major Australian corporations, and senior bureaucrats from both Commonwealth and State departments.

4. It is confirmed that at a meeting of the Southern Regional Development Board Mr Neave did foreshadow the possible need for the board to establish a direct link with MFPAR Limited, in order to further discuss potential MFP development in the southern region of Adelaide. It has been made clear to the board, however, that, until the feasibility study of the MFP is completed, no firm decisions will be made about siting an MFP anywhere in Australia. Any MFP development in South Australia would satisfy usual planning and community consultation criteria.

ELECTORAL SYSTEM

The Hon. R.I. LUCAS: I understand that the Attorney-General has an answer to a question I asked on 28 August about the electoral system. I have no objection to the Attorney-General seeking leave to have it incorporated in *Hansard* without his reading it.

The Hon. C.J. SUMNER: I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

I referred the honourable member's question to the Electoral Commissioner and he has provided me with the following answer:

An enrolment and voting media campaign has been scheduled to commence on the day after the issue of the writs. Production costs incurred in 1988-89 totalled $61 000. A further amount of $479 000 is scheduled for expenditure in 1989-90, provision for which is included in the budget appropriation of the Electoral Department.

Street order electoral rolls will be provided to the following, approximately three days after the close of the rolls:

Whole State—Leaders of the Parties represented in the Legislative Council.

Assembly Districts—Individual members for their respective districts.

Street order electoral rolls are not provided to registered political Parties. However, those Parties may at any time purchase, at cost, computer tapes containing the electoral data base.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 1103.)

The Hon. C.J. SUMNER (Attorney-General): The Hon. Mr Griffin has advised that the Opposition supports this Bill. However, he has raised two matters which require clarification. First, the Hon. Mr Griffin has indicated that the provision dealing with concurrent judicial appointments will apply to auxiliary judicial officers only: this is not correct. The section allows a judicial officer to hold two or

more judicial offices. A judicial officer is defined to mean a person appointed to hold or act in a judicial office, and includes a person appointed under this Act to act in a judicial office on an auxiliary basis. The proposed section 6, as drafted, is therefore not limited in its application to auxiliary judicial officers. It will, in fact, provide the flexibility in permanent appointments favoured by the Hon. Mr Griffin. However, I take this opportunity to advise members that I intend to move an amendment to restrict the operation of proposed section 6 so that it does not apply to the appointment of judicial officers to more than one judicial office on an auxiliary basis. Section 3 of the Act already enables the Governor to appoint a person to act in more than one judicial office on an auxiliary basis.

Secondly, the Hon. Mr Griffin has queried the inclusion of the requirement in proposed section 6 (5) that the Attorney-General give his approval to a judicial officer resigning from only one office of a concurrent appointment. The reason for including such a provision was to ensure a level of control so that a person did not obtain a concurrent appointment and then unilaterally decide to resign from one office and continue permanently in the other office or offices. This would clearly be undesirable and contrary to the intention of providing for concurrent appointments. Nevertheless, I do accept that it would be preferable for the provision to require the approval of the Governor, given that the Governor is responsible for making the initial appointment and for designating the primary judicial office. Therefore, I will move an amendment to replace the reference to the 'Attorney-General' in proposed section 6 (5) with a reference to the 'Governor'.

An amendment will also be moved to proposed section 4 (1a) to acknowledge the fact that a person assigning judicial work to an auxiliary judicial officer in a particular case may not be the judicial head of the court to which an auxiliary judicial officer has been appointed, for example, if an auxiliary Supreme Court judge is used in the District Court the work would be assigned by the Senior Judge, not the Chief Justice. I anticipate that amendments which give effect to those matters will be filed shortly.

Bill read a second time.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 1101.)

The Hon. R.I. LUCAS: I rise to support the second reading of this Bill. I wish to take my time this afternoon to pursue some matters—at length during the Committee stage if need be—that were originally raised in the Estimates Committees in another place. As members would know, members of this Council are not able to have access to Estimates Committees of another place to ask questions of the Minister and the senior departmental officers who appear before them. However, we do have the opportunity, through the Committee stage of the Appropriation Bill in the Legislative Council, to seek detailed responses from Ministers and, if the Minister so chooses, senior departmental officers, if we are not satisfied with aspects of the detail provided in relation to the Appropriation Bill.

As a Liberal Party member, I have parliamentary responsibility for education, further education, youth affairs and children's services. Over the past few years the procedure has been that members of my Party ask a series of questions on behalf of the Party during the Estimates Committees in another place. That was done this year. The Minister, in compliance with the guidelines of the Estimates Committees of another place, indicated that responses to questions that were taken on notice would be provided by Friday 29 September, which is now almost three weeks ago. As of today, I find that a whole series of important questions that were asked three weeks ago have not yet been replied to by the respective Ministers of Education, and Employment and Further Education.

The alternative Government in the Parliament should be able to analyse in a verifiable and reputable way the Government's Appropriation Bill, and it is most unsatisfactory if Ministers do not provide within the provided time limit responses to questions that are asked.

During the second reading contribution, I want to indicate the questions that have not had answers provided and to say that, if I have not received replies to those questions by the time that the Appropriation Bill goes into Committee in this Chamber, I intend pursuing them at length with the Minister in charge of the Bill in this Chamber. It will then be a decision for the Minister in charge whether he wants to have the appropriate departmental officers here to advise him or her as to the responses to the questions that I intend to put.

I have risen today because I want to give the Government fair notice that, if it is its intention to have the Appropriation Bill through by Thursday, I am here on Tuesday afternoon—at the earliest opportunity—advising them that the appropriate Ministers and their officers are three weeks overdue for all these questions. Therefore, another couple of days are available to those Ministers and those officers to provide the answers to the Parliament. Whether that is provided to me or to members in another place does not fuss me. However, we certainly will be looking for some answers to these detailed questions on the Appropriation Bill prior to its passage through the Council this week or during next week.

I want now to go through a series of questions about the education area that have not been satisfactorily resolved. I do not intend to go over all the detail of the question because the Minister's departmental officers and advisers will be able to pick up the appropriate references in the Estimates Committees of another place.

The first area related to a publication called *Schools' Values* and the question sought the individual costs of the production of a blue ink version and a green ink version of that document, the number of copies of both papers and the action taken by the Minister in relation to that problem within the senior levels of the Education Department. The second area related to the production of a publication entitled *Curriculum Bulletin No 1* and sought the amount of expenditure wasted on that publication. The third area related to country schools. We sought information on the number of schools that have been or are currently being reviewed, and the names of those schools which have already been reviewed and which, it has been decided, will remain open.

The fourth area again related to country schools. The Opposition requires a list of all the schools that do not offer at least eight publicly examined subjects and eight school assessed subjects at the year 12 level in 1989. The fifth area relates to the central committees of the Education Department and the question refers to the fact that there were 38 such committees. The question sought the names of the members and the organisations they represented, the number of meetings held in the last financial year, the terms of reference, the work undertaken in 1988-89 and the fees payable to members. I have had a response of sorts, which basically states in two lines that there is a lot of information

to be found, that the Minister does not have it and that it will be sent to me in due course.

Frankly, that is unacceptable. I cannot accept that any half well managed Government department would not have most of this information on tap without even having to worry about collecting it. In particular, there must be some indication of what the committees are and, secondly, the names of the members of those committees. If the Government says it has to take a lot of time to collect this information, I do not think anybody would believe it. A list of those committees must exist because the budget paper relating to women's affairs indicates that there are 38 central committees and the number of male and female members on them. For that document to have been prepared, someone must have collected the statistics about those 38 committees and their membership, and must have determined the sex of each of the members of all of them. That information must exist already. The terms of reference of each of those committees must also be available because, otherwise, the department and the Minister would want us to believe that, within his department, committees operate under terms of reference of which he is not aware. Again, frankly, I do not believe this, and I would hope it is not the case. I have asked questions about fees payable to committee members on a number of previous occasions and a number of other members of Parliament have asked these questions as well. For many of the members a standard fee is set down and, again, that information must be available.

Two areas in which the department might be able to argue that it did not have any information four weeks ago are in relation to the number of meetings held in 1988-89 and the work undertaken in 1988-89. Frankly, if that is the case—and I guess it must be, given that the Minister said that he did not have the answers—it is an indication of the failure of the Minister's and his officers' administrative control. If there are central committees within the Education Department with terms of reference and statutory responsibilities, at the very least there ought to be a procedure of accountability and reporting back to the Director-General of the Education Department and the Minister of Education.

Let the department be warned that, under a Liberal Government next year, a reporting system will be implemented for these central committees, and a review of them may have to be considered. There will certainly be accountability in the reporting system so that, if and when questions are asked by an alternative government about the operations of committees, at least some information will be available as to what on earth the committees have been doing for the past 12 months, and also, perhaps, the number of meetings that have been held in that time. Certainly, most of that information would already exist and, if the other two pieces of information do not already exist, it is an indictment on the Minister's administration of the department. The department has now had four weeks to get that information. At the most, it would have required a telephone call or a letter to the chairpersons of those 38 committees to ask that a response be provided urgently, prior to the passage of the Appropriation Bill in Parliament.

The sixth question relates to the curriculum guarantee. The Government has already provided an estimate that the guarantee will cost $54 million over four years. It has given a year by year breakdown of that $54 million, starting with about $6.6 million in the first year, winding up to about $29 million in the fourth year of the curriculum guarantee. The Minister and his officers have prepared a calculation of the $54 million figure. Very many people within the Education Department do not believe the validity of that figure of $54 million, and the Minister may well now have a different view whether or not that figure is accurate. The Minister has prepared a figure and has used it publicly, it is the figure that has been used in the negotiations within the department, and it was calculated by the Minister or his officers under his direction, so the question was, simply, whether the Minister would provide the breakdown of that figure. He said that he would take that question away and provide the answer by 29 September, but that has not been done. If the alternative government in this place is to be able to analyse the Appropriation Bill and its papers in any way, it is dependent upon Ministers of the Government providing this sort of information about the budget, and the effects of certain policies such as the curriculum guarantee, not only for this year but for future expenditure commitments over the next four years.

The seventh area related to sick leave. Again, questions were asked of the Minister and the department last year and they were provided relatively quickly but, for some reason, this year we have not received the information on the total number of sick leave days lost, or a breakdown of those figures, whether they were taken on a Monday or Friday, as was requested during Estimates Committees. A cynic might believe that the figures have shown some sort of blowout, compared with last year. Perhaps the cynics are right—I do not know—but the alternative government is not able to analyse the budget unless that sort of information, which is available within the Education Department, is provided for the Appropriation Bill debates.

The eighth area related to criticisms made by the Auditor-General in previous reports on the accounts payable section of the Education Department. A simple question was asked whether there were still 23 staff processing invoices in the accounts payable section of the Education Department. That figure was used by the Auditor-General in a previous report.

A response provided at the Estimates Committee by the Director of Resources (Ms Helga Kolbe) was that she did not really know but felt that it was approximately the same level, 23, as indicated by the Auditor-General. That figure does not require any detailed research analysis or anything else. It is a question of looking at the particular section. If someone can count up to 23 on their fingers and toes or maybe borrowing somebody else's, we should be able to get a specific response to that question as to the number of staff processing invoices within the accounts payable section of the Education Department.

The ninth area is in relation to information to be provided for the Adelaide, northern and southern areas of the Education Department. For each of those areas we required the list of schools currently involved in negotiations or discussions about closures, amalgamations or cooperative arrangements and, further, a series of questions on the number of schools in those areas that have sold or are considering sales of their land, or portions of land. We also wanted the value of sales for 1988-89, and an estimate for 1989-90. A good number of schools in the Adelaide area are selling off a bit of the back paddock to fund either minor or major works at their school. They might have two or three school ovals. They might need to spend $50 000, $60 000 or $100 000 on a hall or new facilities and not be able to get the money from the Government. Therefore, they seek to sell off one of the school ovals for housing development, commercial development, or whatever, using that money to fund minor or major works at the school. We have no objection to that principle or philosophy, but we are seeking information on the extent of that practice within the Education Department,

and the total value of those sorts of sales for last year, and estimated for this year.

The tenth area was in relation to what is known as the literacy audit, and Mr Boomer, on behalf of the department, did provide answers to some of the questions we put in the other House, but did not provide answers on the percentage of students that will be involved in the literacy audit for years 6 and 10, and the total cost to Government of the program that he has outlined as the literacy audit.

The eleventh area relates to betterment funds, and it is fair to say that I am building on a question asked in the other House, so there is no specific criticism here. The budget papers provided with the Appropriation Bill debate indicate that in the education area there was a deferred expenditure for 1988-89 of $1.7 million. The $1.7 million was provided as betterment funds under resource agreements between the Commonwealth and the State. The intention was clearly that those funds be expended in 1988-89, but for some reason those betterment funds of $1.7 million were deferred to 1989-90.

The question that I want to put to the Minister is: what were the restrictions and arrangements under the resource agreement entered into last year for that $1.7 million? The Commonwealth and the State came to an agreement for $1.7 million of betterment funds to be spent in some way. What was the nature of that agreement? Why was that expenditure deferred from 1988-89 until 1989-90?

Regarding the twelfth area, to be fair to the Minister, he gave an answer which did not address the question, and he did not then say that he would take it on notice. Nevertheless the question asked was not answered, and I intend to put the question again to the Minister in control of the Bill in this place. Two or three years ago this Parliament passed some amendments to the Education Act which referred to removing zones for secondary schools. For some reason the Minister has chosen not to proclaim that part of that Bill, and we simply seek an explanation and ask whether the Government intends to proclaim it at some time in the future.

The thirteenth area is not a specific criticism of tardiness in response, but is a development of some questions. It is in relation to the languages other than English (LOTE) program. On a number of occasions in this place, and publicly, I have been very critical of the Bannon Government's supposed curriculum guarantee and the effect that that guarantee will have on language provision within primary schools, and I do not want to go over the detail of that debate again. At a meeting last evening at a multicultural forum the Director-General of Education indicated for the first time that there had been some problems in relation to the curriculum guarantee. I think it is fair to say that there have not been some problems but, rather, there have been major problems with the language provision element of the curriculum guarantee, and that the Bannon Government, at least for the year after an election, to get itself through the election, will have to back down on what would have been the result on language programs of the curriculum guarantee. Quite simply it would have been unacceptable to ethnic communities in South Australia if the Bannon Government had proceeded to decimate language programs within our schools in the way that it intended.

ton) indicated that the number of LOTE salaries would increase from 114 this year to a figure of 325 next year. I do not know whether it was a slip of the tongue. Whether 325 was meant to be next year or in five years, I do not know, but certainly, given that the number of salaries for the past four years has increased by 20 a year and the problem the Government has gotten itself in over the LOTE program, the purported increase that the Director-General indicated last night is difficult to understand. I might say that this was not just my recollection of what he said: I spoke to one or two people at the meeting afterwards who heard the same thing. An increase of 211 salaries in one year in just one element of education, particularly when the budget papers indicated that there would be an overall cutback of 27 teachers in our schools in this financial year compared to last year, is certainly very difficult to understand.

I refer to the statement made by the Director-General last night at the multicultural forum, and I seek clarification from the Minister as to the exact position and the guarantees that have now had to be given to those schools and ethnic communities in relation to the LOTE program. I indicate to the Minister of Employment and Further Education that a whole series of questions have been left unanswered from the Estimates Committees. In the time available to me prior to this debate I was not able to compile a complete list, but for the edification of the Minister and his officers I can give him nine examples of questions not yet responded to which he indicated he would take on notice and reply to by 29 September.

This is not a comprehensive list and his officers will have to address further questions within the next couple of days. The first area is the numbers of executive, professional, technical, advisory and clerical support staff within the Education Department. To be fair to the Minister, this is a question on which I am seeking further information as he did provide some response in the House. The number has increased from a proposed level for last year of 87.7 to an actual employment level of 101.5. So, there has been an increase of 14 full-time staff in that section of what was then known as the Department of Technical and Further Education.

The Minister indicated in his response that that increase was due to secondments. That employment level of around 100 is flowing through to this year, so does the Minister stand by his statement that they were all secondments? If so, will he provide a breakdown of the areas in which those 14 staff are working within the Department of TAFE? For how long is it intended that those staff will be so employed?

The second area is the general question we have asked in many areas in relation to sick leave, and the Minister will see the reference. There has been no response. The third area is salaries, wages and related payments as well as administration expenses, minor equipment and sundries. We seek a breakdown of the actual figures for 1988-89 and the proposed figures for 1989-90. Those figures must exist within the department. The fourth area is the College Arms Training Company Pty Ltd in respect of an audit and trading profit, and whether it is trading at a profit. The Minister undertook to obtain some information, but we have not yet received it. The fifth area is that of business studies: what has been the level of the increase in demand?

The sixth area relates to the number of fellowship students within the Department of TAFE (now Employment and TAFE). The seventh area is the Centre for Applied Learning Systems. The Minister undertook to provide information as to whether the videotaping facilities of the Adelaide College of TAFE had been used by Minsters other than himself. The eighth area is in relation to a detailed breakdown of targeted and achieved savings for central office for 1988-89 and 1989-90 in the same sort of detail as provided during the Estimates Committee last year. We ask the Minister to provide that information. In the area of youth affairs, which is also my responsibility, there are

a further series of questions on record in *Hansard* which the Minister undertook to respond to by 29 September.

I conclude by saying again that we seek that information from both Ministers prior to the passage of this Bill through the Committee stage of the Legislative Council.

The Hon. L.H. DAVIS: In speaking to the Appropriation Bill I wish to confine my remarks to the South Australian Timber Corporation, in particular, and the Woods and Forests Department.

Members will recall that it was little more than two years ago that a select committee of the Legislative Council was set up to investigate the effectiveness and efficiency of operations of the South Australian Timber Corporation. Notwithstanding the claims of the Government at that time (September 1987) that there was no case to answer, the select committee found unanimously that there was a case to answer; that all the allegations that had been made in the motion proposing the establishment of the select committee were true. In fact, many more disturbing allegations proved to be true as a result of the very intensive 18 month investigation by the select committee, which comprised members of the three Parties represented in this Chamber.

I should have thought that would be the end of the matter; that when the report was brought down in April 1989 the South Australian Timber Corporation could be put to bed for some time. However, the annual report of 1988-89 and the Auditor-General's Report for the year ended 30 June 1989 show that there are continuing problems within the corporation. I want to start by looking at the bottom line, as financial observers would say, because that is the ultimate test of the effectiveness, efficiency, managerial and financial skills of any organisation—its profitability. The annual report of the South Australian Timber Corporation for the financial year ended 30 June 1989, recently tabled in the Council, showed a group operating profit of $1.384 million compared with a loss of $3.819 million in 1988.

The directors have the grace to admit that the loss in 1988 included interest on $21 million of debt which was converted to equity by the South Australian Government Financing Authority on 30 June 1988 and, after adjusting for that notional interest, we are looking at a residual loss of over $1 million. So, in 1989 a residual loss would have been reported. It is argued that the result for 1989 represents a turnaround approaching $2.5 million 'reflecting the better trading climate during the year and a very good performance by all employees within the group'.

That is the report from the South Australian Timber Corporation directors. One would expect a rosy glow associated with those figures, but the Auditor-General's Report is not so kind. I will refer in due course to what the Auditor-General had to say about the South Australian Timber Corporation.

The fact is that that result was achieved in arguably one of the strongest years we have seen in the building industry for many years. It was an extraordinarily good year. On page 19 of the Auditor-General's Report, in his introductory comments, the Auditor-General makes the point that the corporation's operating profit had been achieved as a result of reduced interest expense of $3.9 million and an interest charge of $1.3 million against the corporation's investment bodies for the first time. In other words, it was not a very attractive result at all. At 30 June 1989 the corporation's accumulated losses stood at $15.4 million. On page xix the Auditor-General states:

> While new management has improved the operating performance and results of the New Zealand company—

which, of course, was the focus of most of the select committee's report—

> considerable further improvement is required if accumulated losses are to be eliminated and the company is to return to a positive funds position. IPL (New Zealand) has an underlying deficiency of funds of $15.4 million which is being financed, in part, by the issue of redeemable preference shares. Because of the gap between the amount on issue ($11.5 million) and the amount available for investment ($153 000), it is difficult for the company to achieve a positive return on the package.

In other words, a gap of over $11 million has to be found to overcome the deficiency in the IPL (New Zealand) operation. The report continues:

> Final responsibility for the financing obligations will rest with the South Australian Timber Corporation through IPL (Holdings) unless IPL (New Zealand) can generate profits from its milling activities sufficient to eliminate the shortfall.

That was the comment of the Auditor-General. He uses restrained language traditionally but I suspect that, if it was in the racier environment of the private sector or was written by a private sector journalist, much stronger language would have accompanied that view of the results of the South Australian Timber Corporation for the past fiscal year.

The result for the South Australian Timber Corporation, after taking into account the fancy financial footwork, was a loss for the year; in fact it was a very modest turnaround on the previous year's result. I want to contrast that puny result with the results obtained from two well-known South Australian timber groups. First, I refer to Softwood Holdings which, sadly, has been taken over by CSR Limited and is now a wholly owned subsidiary of CSR. For many years Softwood Holdings, for what it was, was arguably the best managed, the most efficient and profitable timber organisation in the country. It reflected the joint efforts of the Gunnerson, LeMessurier and Alstergren families who, together with other private shareholders, made it a successful company listed on the stock exchange.

Softwood Holdings still reports its own result notwithstanding the fact that it is a fully-owned subsidiary of CSR. It lifted its pre-tax profit to $35.1 million in the financial year to the end of March. That was an increase of 115 per cent on the corresponding period. It was achieved on a rise in sales revenue of only 1 per cent. Despite a tax bill which almost doubled in the year to $14 million, it lifted its net profit by 144 per cent from $8.5 million to $20.85 million. Those figures come from a report in the *Financial Review* of 12 September 1989.

Closer to home, the South Australian-based SEAS Sapfor group also reported very impressive results. The SEAS Sapfor group is Australia's largest private forest owner following the acquisition of South Australian Perpetual Forests (better known under the acronym Sapfor) in August 1988. It now has control of more than 40 000 hectares of forest. SEAS Sapfor had a remarkable result during the past financial year. There was a 61 per cent improvement in revenue to $138.8 million for the year ending 30 June, and net earnings jumped 69 per cent to a record $4.7 million. That reflects the strength of the building sector.

Mr Adrian de Bruin, who is the well-known Managing Director and founder of SEAS Sapfor, said in the *News* of 25 September 1989, that this record result had been:

> . . . achieved in a period of buoyant economic conditions for the timber industry. We are confident that with the initiatives already undertaken in the past year the greatly enlarged group is in an excellent position to consolidate its activities and to take advantage of improved economic conditions in the future.

I ask members to contrast those two results from the private sector with the puny result from the South Australian Timber Coproration. It is an embarrassment to the shareholders of the South Australian Timber Corporation—the taxpayers

of South Australia. It is the Government who, if one wants to draw an analogy, is the ultimate manager of the South Australian Timber Corporation on behalf of the taxpayers of South Australia. It certainly would not obtain any awards as Businessperson of the Year for that effort.

I was very disappointed to read criticism of politicians in the South Australian Timber Corporation Annual Report. The board said on page 2:

> It would like to record that the much better results—

and, of course, I pointed out how much better they were; making a big loss smaller is the best way one could describe it—

> were achieved in the face of a significant level of negative public debate about SATCO operations during the year. Public statements, often by politicians, critical of the corporation's operations, have been damaging to morale and unfair to the dedicated and loyal workforce who have no opportunity to satisfactorily respond.

That is a remarkable statement from a statutory authority which is ultimately accountable to Parliament. It was found wanting in its effectiveness and efficiency of operations in the unanimous report tabled earlier this year.

The Hon. R.I. Lucas: Even the Labor members agreed!

The Hon. L.H. DAVIS: Exactly. Even the Government members agreed. Presumably my colleague the Hon. Mr Crothers, albeit that he is on the other side of the Chamber, would raise his legislative eyebrows at this criticism of politicians for daring to criticise SATCO's operations. If this side had not been doing its job as a watchdog, as a terrier of this statutory authority, I suspect that the significant improvements which have been put in place in the management structure and hopefully the financial structure—the tighter control which is claimed to exist now with respect to SATCO's operations—would not have taken place. Indeed, the question has to be asked: why is it that the Government of the day, the Bannon Labor Government, allowed such Mickey Mouse decisions to be made over such a long period? Members of the select committee recoiled with disbelief when we heard stories about the South Australian Timber Corporation's proposals to invest in a plywood car called Africar.

It was to be built in South Australia. It was to be an international car to compete with the Holdens and the Fords. One can imagine a car salesman saying to a lady, 'Madam, would you like a two or a three plywood car? We have a superior model, and it can be painted in various colours.' It was fanciful. This was at a time when Satco had so many crises on its plate that it did not know where to start. I refer to the problems with scrimber and the IPL New Zealand operation. I was bemused—nay, dismayed—to read that it was spending more time discussing the challenges that Africar gave Satco operations than the massive mounting losses which were the only feature of the Greymouth plywood operation. Mickey Mouse would not have got a guernsey in Satco's operation. It was not good enough for Mickey Mouse.

The Hon. R.J. Ritson: What would the insurance rates be on an Africar?

The Hon. L.H. DAVIS: Fortunately, the project was whiteanted and never got off the ground. It was punctured. Then we had the remarkable situation of Shepherdson and Mewett which operated a small sawmill at Williamstown in the Adelaide Hills producing a range of timber products and modest packaging materials. That company continued to report a loss in 1987 and there was a small improvement in 1988 which reflected poor productivity from an ageing plant. This year it is finally to install some new equipment. However, the select committee, after some fairly intense questioning, discovered that the new equipment, which will be installed during 1989-90, had been bought in May 1987 and so has been sitting on the wharves for 2½ years. It will be interesting to see how Shepherdson and Mewett performs this year given that there will be a severe dislocation as this new equipment is installed and commissioned.

I come now to scrimber. As I have indicated privately to the Attorney-General, along with questions on Satco's operations generally, I shall be seeking from officers of Satco answers to a series of questions about Satco in the Committee stages of the Bill. The scrimber operation remains of considerable concern. The Auditor-General has indicated in his report, and it is confirmed in Satco's annual report, that the cost of the scrimber operation has blown out to $44.2 million.

The Hon. R.J. Ritson: How long will it take to recover that?

The Hon. L.H. DAVIS: Exactly. My colleague, Dr Ritson, may well be qualified as a medical practitioner, but he also has a keen financial mind and has raised the obvious point: what does this mean in terms of financial return for the scrimber operation? When this project was first approved by the Government, it was to cost $12 million. Admittedly, it was a very modest proposal at the time, and it is probably fairer to take the later figure of $20 million as the starting point for scrimber, but it has now blown out to $44 million. It was due to be commissioned in June 1987.

During the select committee hearing, we were told in mid-1988 that it would be up and running at the end of 1988. At the end of 1988 we were told that it would be up and running in the first quarter of 1989. In the first quarter of 1989 we were told that it would be up and running in mid-1989. In mid-1989 we were told that it would be up and running in the third quarter of 1989. In fact, the South Australian Timber Corporation annual report confirmed that the scrimber project would be commissioned and that commercial production would commence during the third quarter of 1989. We are now into the fourth quarter of 1989, and it has laboured mightily and brought forward only one piece of scrimber on 20 September 1989. One suspects that that will become the ceremonial piece of scrimber for the Government's promotion at election time, because there is no guarantee that the scrimber plant will be in operation this month or even next month.

In April 1989 the select committee reported that the cost of the scrimber operation would be $34 million. That was the latest advice that we had received, and that was a matter of days before the final report was made public. Yet, within four months we find that the final cost has ballooned out by a massive $10 million. Surely that makes a mockery of the profit projections of the Scrimber project.

Having first raised this matter publicly two years ago, I am determined to pose further questions in Committee to ascertain what is happening. My views are well known. I do not believe that it is appropriate for Government statutory authorities to take on high risk, high technology developments which the private sector has rejected. Although there has been much smoke and many mirrors with respect to the development of scrimber, those to whom I have spoken either in or associated with the timber industry are not prepared to confirm that any private sector company had any interest in the scrimber operation. It is not appropriate for taxpayers' money to be put at risk in this manner. It is a philosophical objection, and it has been joined recently by very strenuous financial objections.

I refer, finally, to New Zealand, where there have been further developments since the select committee reported in April 1989. Understandably, the Government has sought to put a gloss on the results of IPL (New Zealand), but the

Auditor-General has put the matter in perspective. I want to read from page 379 of his report what he has said with respect to International Panel and Lumber Holdings Pty Limited. IPL Holdings has two operating divisions. The one in Greymouth, the plywood mill, is located in the remote western coastal area in the South Island. That receives log from vast distances away from the Nelson region, and immediately pays an additional 30 per cent on top of the raw log to bring it in to be processed at the plywood mill. It also has a more profitable plywood operation at Nangwarry.

The argument initially advanced for buying Greymouth was that there could be a nice synergy between the Greymouth and Nangwarry plants. However, I do not think that a piece of plywood or timber from Greymouth has found its way onto South Australian soil. The only way that 'synergy' would be spelt in the South Australian Timber Corporation would be s-i-n, because it simply has not worked. There has been no synergy whatsoever; there has been no benefit whatsoever. The purchase of the New Zealand operation, as one person wryly observed, ended up by providing an economic benefit to New Zealanders rather than to South Australians, and I support that sentiment.

I return to page 379 of the Auditor-General's Report, where he makes the point that IPL(H), given that it represents the Greymouth and Nangwarry operations, had accumulated losses of $8.7 million at 30 June 1989, an increase of $1 million on the previous year. In other words, a further deterioration has occurred during what is, arguably, the most buoyant year that the building industry has had, in the 1980s. So, it has gone down the tube by $1 million in a good year.

How much will it go down the tubes in a really bad year? With respect to its two subsidiary companies, the Auditor-General said that IPL(A) recorded an operating profit of $41 000 ($843 000 last year), after meeting interest charges of $700 000 on its advances from IPL(H) for the first time. In other words, in the most buoyant of years, the Australian operation has actually gone backwards, which is of course not exactly something to write home about. The report continues:

> IPL (NZ) recorded a small operating profit of $10 000—an improvement of $2.1 million on the result of the previous year.

However, let me emphasise what the Auditor-General then says:

> That result [that is, the small operating profit of $10 000] should be seen against the background that *(a)* the profit on operations became a loss of $1 million after taking into account dividend payments and interest earnings with respect to the preference share issue; and *(b)*, IPL (NZ) had accumulated losses of $5.8 million at 30 June 1989, which form part of the group loss of $8.7 million.

Of course, then we return to the really vexed problem that the New Zealand operation faces. At 30 June 1989, there were redeemable preference shares totalling (Aus) $11.5 million, and only $153 000 was available to meet that commitment. I understand that in recent weeks that has been refinanced. In other words, the $11.5 million redeemable preference share has been rolled over in the same or different financial instrument because, of course, that debt simply cannot be paid. The Auditor-General then says, in bold type:

> The final responsibility for this financing obligation will rest with the South Australian Timber Corporation . . . unless IPL(NZ) can generate profits from its milling activities and create a cash flow sufficient to meet dividend payments and principal repayments to preference shareholders.

As I have said, further developments have occurred since the select committee reported. I refer to a small advertisement headed 'New Zealand—Softwood Production Forests For Sale' which appeared in the *Australian Financial Review* of 10 August 1989. Of course, there is in New Zealand a Labor Government which is committed to privatising anything that moves. The article states:

> New Zealand Forestry Corporation Ltd, on behalf of the New Zealand Government, offers this unique opportunity to invest in well-established and well-managed softwood production forests.
>
> Approximately 100 blocks totalling 550 000 hectares are to be offered.
>
> Most of the crop has been intensively managed by pruning and thinning to achieve optimum growth and quality.
>
> The principal species is the remarkably versatile radiata pine (90 per cent of the area) and most of the remainder is Douglas fir.
>
> The forests are currently producing 5 million cubic metres annually, an output which will double in the next 10 to 15 years.
>
> Opportunities exist for large scale integrated greenfield processing plants as well as smaller scale sawmilling and panel product manufacture.
>
> A prospectus will soon be available. Potential investors who have not registered their interest in the sale should contact: General Manager, Asset Sales, New Zealand Forestry Corporation.

What interest is that to us, the mere taxpayers of South Australia? I suggest that we should be very interested in that, because it really throws a wild card into the scheme of things as far as IPL (NZ) is concerned. By considering the privatisation of forests, we could suddenly see the emergence of large timber companies—some based in Australia, New Zealand or in other countries—moving in and buying the forests. No guarantees exist in respect of price for product in the Greymouth plant. To my knowledge, no guarantees have been secured with respect to long-term contracts for pricing; indeed, I believe that is unusual in the timber industry.

So, there is another element, another hazard and another hurdle to be jumped by the Greymouth operation which, as I have said, given that it has a brief to export into Australia as much as possible, is still struggling in the most buoyant of years. It was a remarkable result even to get so close to breaking even, given the difficulties that exist in the operation. The members opposite who visited that run-down, badly placed and badly sited plant would appreciate how hard the management has worked to turn that operation around. We all recognise how good was the con.

If *The Sting* won an academy award in Hollywood in the 1960s, the people who sold the Greymouth plant to the South Australian Government should be put on the same pedestal, because it was one of the great cons of our time. I must record my dismay at the absolute ignorance and the abysmal lack of professionalism which obviously existed when that decision was made.

I do not wish to speak any longer at this time, except to say that no improvement has occurred in the net financial position of the South Australia Timber Corporation, notwithstanding the most buoyant of years and that, during the financial year just ended, the South Australian Government Financing Authority provided a further $5 million in capital funding, bringing its total equity holding to $26 million and that non-current liabilities of the South Australia Timber Corporation stood at $22 million at the end of 1988-89. In other words, the overall financial position had not really improved in what had been the most buoyant of years.

I believe it is highly appropriate that we should in the Committee stage ask questions of officers of the South Australian Timber Corporation and of the Woods and Forests Department with respect to its commercial operations, particularly given that 45 to 50 minutes of valuable time in the Estimates Committee was lost due to extraordinary bickering about a procedural point rather than addressing the questions that need to be addressed in the interests of the taxpayers of South Australia.

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

SOIL CONSERVATION AND LAND CARE BILL

Adjourned debate on second reading.
(Continued from 28 September. Page 989.)

The Hon. BARBARA WIESE (Minister of Tourism): I am pleased that there is general support for the Soil Conservation and Land Care Bill. We agree with the view expressed by the Hon. Peter Dunn and the Hon. Jamie Irwin that community involvement and working with land managers is important if we are to improve the environment. We are committed to this approach and the Department of Agriculture has increased its support in this area both through new initiatives in the State budget and through an increase in Commonwealth funding. The Premier announced nine new land care officers would be set up in offices in South Australia at Streaky Bay, Cleve, Port Augusta, Jamestown, Kadina, Victor Harbor, Keith and Adelaide. Many of these officers have commenced work and are providing an increase in support to the soil conservation boards and other land care groups forming in the rural community. The land capability mapping program required in the district planning process has been increased to an annual expenditure of about $1.1 million. Various technical programs dealing with dry land salinity, soil acidity, and wind and water erosion have increased. A total of 25 new staff have commenced work and we will be seeking more before the end of the year.

The Bill has not been established to tell people what to do or to introduce rents on valuation to primary producers, as the Hon. Jamie Irwin suggested. The honourable member sought cooperation and education of land owners, and this is clearly the intent of the Bill as described in the objects of the Bill and the functions of the Council and Soil Conservation Boards.

The Hon. Mr Dunn and Hon. Mr Irwin questioned the cost of degradation. The cost of $80 million has been determined in a study by the NSCP, the CSIRO and the Department of Agriculture. This study assessed the area of land lost from dry land salinity, the area affected from soil acidity and the area (by soil type) affected by wind and water erosion. The study is a first estimate and it is expected that, if a more detailed study were conducted, it might show that the area affected by such things as dry land salinity may be higher.

The operation of the Soil Conservation Council was questioned by the Hon. Mr Dunn. It is expected that the council will meet every six weeks and the funds to support it will be provided from State, not Commonwealth, Government sources. The line for this activity will appear in the Minister of Agriculture Miscellaneous line at Estimates Committee meetings for review. The council will select the Soil Conservation Board members after a general advertisement in the district for interested people, who will be selected by a process which assesses the person's ability, the representation of land uses in the area, geographical distribution and land degradation problems needing to be addressed. This system has been introduced by the current Soil Conservation Advisory Committee and is working effectively.

It is interesting to note that the Hon. Mr Dunn indicated that the Soil Conservation and Land Care Bill has a role in the pastoral area. It is an area supported by the Government, as indicated by its amendments, but not by those moved by the Hon. Mr Elliott. As indicated by the Hon. Mr Dunn and the Hon. Mr Irwin, a number of amendments, which refined the Bill, were accepted by the Government in the House of Assembly. A number of the Government amendments before the Council are ones that the Government accepted in principle but needed to refine the wording.

The Hon. Mr Elliott well described what we believe is the definition of sustainable agriculture and was also forward-looking at how in 10 years time there may be an amalgamation of some Acts. The Government investigated amalgamating the Animal and Plant Control Act with this Bill some 12 months ago but the support from the community was not there. It may come in the future. The Hon. Mr Elliott proposed that the Soil Conservation Council was too big and may prove useless. The green paper proposed 10 members; this was expanded to 12 through various pressures and I note that the Hon. Mr Elliott is proposing in the amendments that it now reach 13. While a balance of views is required in the council, a limit on the numbers has to be drawn if it is to be effective.

Mention was made of the Department of Agriculture now wanting an involvement in the pastoral area. Programs in the rehabilitation of land in the Flinders Ranges and surveys of vegetation in these areas have been undertaken for many years and have formed the basis of advice to the Pastoral Board. The department, through the brucellosis and tuberculosis campaign, has been active in the pastoral region for many years, and this has led to many improvements in watering, fencing and stock management, to the advantage of the management of pastoral lands.

The intentions of the Government to support the formation of Soil Conservation Boards in the pastoral areas have been well known by the general community, well before the Pastoral Land Management and Conservation Bill was written. The Northern Flinders Ranges Soil Conservation Board has been operational for over a year. The Gawler Ranges Soil Conservation Board and the Marla-Oodnadatta Soil Conservation Board are having their first official meeting in October. The Government submission to the select committee indicated what the role of the Soil Conservation Boards was to be in the pastoral areas. We are somewhat surprised that the Hon. Mr Elliott, who was a member of the select committee, now says that the Soil Conservation Boards should have been included under the pastoral legislation.

The Government has prepared the Pastoral Land Management and Conservation Bill and the Soil Conservation and Land Care Bill together. The first controls individual lessees through tenure and has the overall control of individual properties. The second provides a community involvement process in soil conservation, using planning principles that are common to all land in the State. There is an integration of complementary activities between the soil and pastoral legislation through having the same person on both the Pastoral Board and the Soil Conservation Council. The Bill also ensures that the Pastoral Board has the opportunity to provide input into actions taken by the groups under the soil conservation legislation but that it still maintains its independence to take action in its own right.

The Hon. Mr Griffin raised a number of issues about the structure of the Bill. Many of these are either covered in the Bill, or set by precedent in other Bills passing the Legislative Council in recent years. Mr Griffin was concerned that the Minister could delegate his authority to appoint authorised officers to acquire land or to carry out works on land. This, however, cannot be delegated, as section 10(1) states that the Minister cannot delegate powers under Part III of the Bill. Other issues raised can be dis-

cussed in Committee. In general, the comments do not alter the current Bill but provide a much wider debate about the general provisions of most Acts which come before this Council. I am pleased that we have general support for the Bill. Many of these issues are raised in the amendments and will be discussed during Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. PETER DUNN: I move:

Page 1, after line 22—Insert new definitions as follows:

'condition' of land means its relative soil structure and fertility:

'conservation' of land means maintenance of the condition of the land.

The amendments improve on the definitions. There is no clear definition relating to the condition of the land or the conservation of land. If we are dealing with both the condition of the soil and the conservation of the land, or the material that is in and around that land, it is my concern that that should be defined in this Bill.

The Hon. BARBARA WIESE: The Government opposes this amendment. Definitions of 'condition' and 'conservation' are not required for the purposes of the Bill, and the definitions in the amendment are considered to be much too restrictive, even if they were required, which, as I have said, the Government believes they are not. I therefore oppose this amendment.

The Hon. PETER DUNN: If it is the case that there is no definition of 'condition' or of 'conservation', how will the Minister describe those two criteria when there is a dispute?

The Hon. BARBARA WIESE: A dispute over what? I have just indicated that 'condition' is not one of the matters dealt with in this Bill. Will the honourable member give me some idea of what he has in mind?

The Hon. PETER DUNN: The Bill defines the word 'degradation'. What is the point—degradation of what? It must be the condition of the soil that will be degraded. It is a Bill for an Act to provide for conservation and rehabilitation, yet we do not prescribe what 'conservation' means. For some people that is a very broad term, yet for others it can be fairly restrictive. Therefore, it should be defined in the Bill.

The Hon. M.J. ELLIOTT: While we are waiting for the Minister to respond, I indicated that I appreciate what the Hon. Mr Dunn is trying to do, but I have problems with his definition of 'condition'. Other things could be included in 'condition' which are not mentioned here, and I cite the example of salinity. The level of salts, as I see it, would not be covered by either 'soil structure' or 'fertility'. We could have a declining condition because of elevated salinity, but that would not be picked up by this definition. A more detailed examination would pick up other problems. I appreciate what the honourable member is trying to do, but I suggest that his definition does not do what he set out to do and, for that reason, I cannot support the amendment as it stands.

The Hon. BARBARA WIESE: I think the Hon. Mr Elliott said it all. If he is not supporting the amendment, there is nothing much more to say.

The Hon. PETER DUNN: I am disappointed in the Hon. Mr Elliott. I always thought that he had a fair understanding of botanical and biological terms, and I should have thought that 'fertility' covered all those problems. If the soil is degraded because it contains too high a number of salt ions it is reasonable to assume it is not fertile. I should have thought that that term was sufficient.

Amendment negatived.

The Hon. PETER DUNN: I move:

Page 1, lines 26 to 28—Leave out definition of 'degradation' and insert the following definition:

'degradation' of land means—

(a) permanent damage to the structure of the soil;

(b) destruction of essential minimum vegetation cover;

(c) a decline in the quality of run-off or seepage water; or

(d) a decline in the fertility of the soil,

resulting from human activities on the land, and 'degraded' has a corresponding meaning:.

The Hon. M.J. ELLIOTT: I move:

Page 1, line 27—Leave out 'resulting from human activities on the land,'.

I have some difficulty with the definition of 'degradation'. I believe that the words 'resulting from human activities' can create problems. I cannot see how we can have degradation by any cause other than through human activities either directly or indirectly, but the very insertion of the words begs the question and will open up legal arguments as to what is due to human activity and what is not. To take one example, if we have degradation due to a pest such as rabbits, one could argue whether humans were responsible for the rabbits being there and whether or not humans were responsible for keeping down the numbers to reduce degradation.

We could have interesting legal arguments about what is and what is not due directly or indirectly to human activities. I argue that degradation can occur only as a result of human activity, otherwise it is a natural process and cannot be regarded as degradation. The words 'resulting from human activities' will cause complications that this Bill can do without.

The Hon. BARBARA WIESE: The Government opposes both amendments, although I appreciate the points made by the Hon. Mr Dunn and the Hon. Mr. Elliott. I point out that the definition of 'degradation' included in the Bill is based on the definition in the glossary of terms used in the soil conservation publication with which I am sure members are familiar. It was published in 1986 by the New South Wales Soil Conservation Service for the Australian Standing Committee on Soil Conservation to enable a consistent use of terminology throughout Australia. The definition of 'degradation' in this publication is as follows:

> The decline in quality of natural land resources commonly caused through improper use of the land by humans. Land degradation encompasses soil degradation and the deterioration of natural landscapes and vegetation. It includes the adverse effects of overgrazing, excessive tillage, overclearing, erosion, sediment, deposition, extractive industries, urbanisation, disposal of industrial wastes, road construction, decline of plant communities and the effects of noxious plants and animals.

The point I make is that the definitions contained in the publication have been thought about and worked on for a very long period of time. We believe that they are inclusive, and if we start fiddling with definitions we are likely not to include all of the things that we wanted to include or to leave out things that possibly should have been included but were not thought of. It is preferable to stick with definitions which have been used for some time and which are generally accepted. For that reason I oppose both amendments.

The Hon. M.J ELLIOTT: I beg to differ. The glossary of terms in the booklet has no standing in law. It seems to me that what we have to look at is how it will be interpreted if matters ever went to court. I doubt that one can quote this glossary of terms from a New South Wales document in a court in an effort to define 'degraded'. We have to be clear in this Bill what we mean by degraded and what

activities we mean to pick up and what we mean to not pick up.

I would argue that there are activities which we mean to pick up but which by current definition, it is arguable, are not picked up. I cite as an example the control of pests on land. I know that could be considered under another Act but, sensibly, it could be covered by this Bill as well. It would be a dreadful mistake to have a bad definition. The whole Bill is virtually built on this one definition, and if that is wrong the Bill when enacted may lose a great deal of its force.

The Hon. BARBARA WIESE: I add two more points to the remarks I have already made. First, the definition that we use here is the definition that was used in the Pastoral Land Management and Conservation Bill, which recently passed this Parliament. It is also the definition contained in the National Soil Conservation Strategy, a document put out by the Australian Soil Conservation Council. So, that definition already has fairly broad support within the Australian community. Therefore, it would seem to me to be appropriate and acceptable that it should stand in this legislation.

The Hon. PETER DUNN: I thought that what is contained in the amendment was fairly prescriptive. Where does the definition of 'degradation' finish? I cleared land on my property but I do not believe I degraded the soil; I changed it when I pulled out the whipstick mallee and put the land into pasture. The soil is now much better, and if a soil scientist looked at it today he would find it had more vegetable matter in it than when it was cleared. I guess that we could say that that soil has been degraded, if we wanted to use that definition in the way in which the Minister is using it.

We may have to remove the words 'from human activities' from the amendment, because natural degradation occurs. For instance, at one stage the Flinders Ranges were 20 000 feet high (or something of that order) so that area has been degraded; about three times in the last million years or so (every time there has been an ice age) the Adelaide Plains has been covered with the sea. So, one cannot say that degradation does not occur.

We are referring to human activity that causes change for the worse, that is, soil is degraded. Under this amendment 'degradation' means permanent damage to the structure of the soil, destruction of essential minimum vegetation cover, a decline in the quality of run-off or seepage water or a decline in the fertility of the soil. I would have thought that that was reasonable and clear. I can understand what the Minister is saying about the general definition that is espoused by many scientists. The pastoral legislation is really a management Bill dealing with livestock and the pressure we put on the land; this Bill deals with soil degradation, and I thought this prescription would be better.

The Hon. M.J. ELLIOTT: I appreciate the intention of the Hon. Mr Dunn's amendment. I think that everybody would agree that an adequate definition of 'degradation' is required and I do not think that that has been achieved. Paragraph *(d)* of the amendment uses the term 'fertility of the soil' but the later amendment defining 'fertility' mentions 'the level of essential nutrients in the soil'. Once again, that does not address the problem of salinity, so that is an indication of something missed. I am worried that we may end up with the Government's original wording, which I think is totally inadequate, but unfortunately this amendment does not cover the situation.

This clause is so essential to the whole legislation, so I will support the amendment, but I point out that it has shortcomings. Perhaps during later stages of the Committee we could look at the matter further. I indicate my support for the amendment, but I hope that we can look at the matter further.

The CHAIRMAN: The Hon. Mr Dunn has moved to leave out the entire definition of 'degradation' in lines 26 to 28, whilst the Hon. Mr Elliott has moved to leave out certain words in line 27. Therefore, I put the question: That the words proposed to be struck out by the Hon. Mr Dunn from the beginning of the definition down to and including 'land' first occurring in line 27 stand as part of the Bill.

Question negatived.

The CHAIRMAN: I put the question: that the remaining words of the definition stand as printed.

Question negatived.

The CHAIRMAN: I now put the question: that the new definition as proposed to be inserted by the Hon. Mr Dunn be so inserted.

Question agreed to.

Progress reported; Committee to sit again.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) ACT AMENDMENT BILL

In Committee.

(Continued from page 1160).

Clauses 1 and 2 passed.

Clause 3—'Powers of judicial auxiliary.'

The Hon. C.J. SUMNER: I move:

Page 1—

Line 28—After 'by' insert:

'—

(a)'.

After line 28—Insert:

or

(b) the judicial head of some other court in which he or she is undertaking, or is about to undertake, judicial work.

This amendment has been prepared following correspondence from the Chief Justice. The Chief Justice has indicated that proposed section 4 (1a), as originally drafted, may conflict with the intent of section 5 of the Act. Section 5 allows a judicial officer holding or acting in a judicial office to exercise the jurisdiction and powers attaching to a judicial office of a coordinate or lesser level of seniority without formal appointment. This provision extends to judicial officers holding an auxiliary appointment; for example, it enables an auxiliary Supreme Court judge to be used, if required, in the District Court. In such a case, the judicial head for the purposes of consenting to the arrangement would be the Chief Justice but the work would be assigned by the Senior Judge. Therefore, my amendment will clarify the intention of the Act by acknowledging that the person assigning work in a particular case may not be the judicial head of the court to which the auxiliary judicial officer has been appointed.

The Hon. K.T. GRIFFIN: As long as the Attorney-General is satisfied that it is clear that the judicial head does the assigning, I am happy to go along with the amendment.

Amendments carried; clause as amended passed.

Clause 4—'Concurrent judicial appointments.'

The Hon. C.J. SUMNER: I move:

Page 2—

Line 12—Leave out 'Attorney-General' and insert 'Governor'.

Lines 16 to 18—Leave out subsection (6) and insert new subsection as follows:

(6) This section does not apply in relation to—

(a) the appointment of a person to act in two or more judicial offices on an auxiliary basis;

or

(b) the appointment of a judicial officer who holds judicial office on a permanent basis to act in some other judicial office on an auxiliary basis.

These amendments will require the approval of the Governor to be obtained before a judicial officer can resign from one office of a concurrent appointment. It is preferable for the Governor's consent to be obtained rather than the Attorney-General's, given that the Governor is responsible for making the initial appointment and for designating the primary judicial office.

The Hon. K.T. GRIFFIN: I am reasonably comfortable with that. I raised the issue of the requirement for the approval of the Attorney-General because I thought it was inappropriate for a Minister to have to give consent in relation to the resignation of a judicial officer from one or more of the relevant judicial offices without resigning from all of them. So, I am comfortable with the Governor.

The only thought that occurred to me was whether it would be more appropriate for the Chief Justice to be the person who gives the consent. Section 3 of the principal Act provides that the Governor may, with the concurrence of the Chief Justice, make an appointment. Section 3 (6) provides that remuneration is determined by the Governor with the concurrence of the Chief Justice. Section 3 (4) deals with the extension of a term with the concurrence of the Chief Justice. I wonder whether, in terms of resignation, that ought to be expressed to be approved by the Governor with the concurrence of the Chief Justice.

The Hon. C.J. SUMNER: I do not think that is appropriate in this case. We are talking about a permanent resignation from a position. We are talking about it not with respect to auxiliary judges where special considerations apply, but with respect to concurrent appointments to permanent office. We are trying to protect against a judicial officer receiving a concurrent appointment and resigning from one and continuing in the other. There was an example of that happening with respect to the Children's Court at one stage. Clearly there has to be some control. If judges agree to accept concurrent judicial office, they should be prepared to sit in either of the jurisdictions to which they are appointed. They should not be able to resign from one and retain their commission in another.

The amendments, which require the consent of the Governor to such a resignation, are an adequate safeguard. As a matter of practice, I assume that the presiding judicial officer, whether Chief Justice, Senior Judge or Chief Magistrate, would be consulted in any event if the circumstances where a judicial officer wanted to resign from one commission arose.

Amendments carried.

The Hon. C.J. SUMNER: I move:

Page 2—

Line 12—Leave out 'Attorney-General' and insert 'Governor'.

Lines 16 to 18—Leave out subsection (6) and insert new subsection as follows:

(6) This section does not apply in relation to—

(a) the appointment of a person to act in two or more judicial offices on an auxiliary basis;

or

(b) the appointment of a judicial officer who holds judicial office on a permanent basis to act in some other judicial office on an auxiliary basis.

The amendments make it clear that the new section 6 dealing with current appointments does not apply to a judicial officer acting in a judicial office on an auxiliary basis. Section 3 of the Act already enables the Governor to appoint a person to act in more than one judicial office on an auxiliary basis. Therefore, it is already possible for a judicial officer to hold more than one judicial office on an auxiliary basis. The amendment therefore provides that the section does not apply to a judicial officer acting in a judicial office on an auxiliary basis because it is not necessary.

Amendments carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 12 October. Page 1102.)

The Hon. ANNE LEVY (Minister of Local Government): The Hon. Peter Dunn has asked several questions about the Bill, the object of which is to allow random on-road inspection of heavy commercial vehicles. South Australia increased the heavy commercial vehicle speed limits from 80 to 100 km/h in July 1988, and at that time it was recommended that some form of roadworthy inspection should be introduced to ensure the maintenance of these vehicles was at a satisfactory level. This would reduce the accident potential of these vehicles and thus improve our road safety. Negotiations commenced shortly after on the best way of checking the roadworthiness of heavy commercial vehicles that operate in the road network in this State. It became evident that New South Wales was also looking at test equipment available to do the job and, after a world search, came to the conclusion that mobile test equipment to evaluate suspensions and brakes of heavy commercial vehicles was not available.

The only alternative was to look at the feasibility of designing a special purpose unit in Australia. The New South Wales Government funded a feasibility study to the order of $100 000, followed by Federal funding for $200 000, to build the first prototype. This was completed early in 1989, and in April 1989 was demonstrated in Adelaide at Eagle on the Hill by the Minister of Transport with representatives of both television and the *Advertiser* present. The media gave the truck tester trailer good coverage on both metropolitan and country television and in the newspaper. On the same day a demonstration was also carried out at Regency Park to large truck operators. The truck tester trailer was also shown on the *Beyond 2000* show in September of this year.

As the truck tester trailer is patented by the New South Wales Government, it is not possible to build the unit in Adelaide at a price equivalent to that at which we are able to purchase the unit from New South Wales. We are also obtaining our unit in the same production build as the 15 for New South Wales, so there will be some national uniformity of equipment and test procedures.

In the long term there may be a need for up to four of the truck tester trailers, which would be phased in over a number of years. Each trailer will be staffed by two inspectors. The unit is not much larger than a conventional tandem trailer and will be towed by a landcruiser type of vehicle. The plan is to operate the first unit and to collect data on the roadworthiness of vehicles. A recommendation relating to the purchase of additional units will await the detailed analysis of the results from the first unit.

Some aspects of vehicle inspection in South Australia raised in the debate show some misunderstanding of what is involved in obtaining a vehicle inspection. To obtain an inspection, a country operator must contact the inspection station at Regency Park, which will take details of the vehicle's location and when the inspection should take place. In most cases the inspector will visit the location and carry out the inspection the following week.

Commercial vehicle operators in the north of the State do not have to bring the vehicle to Adelaide for inspection. As an example, in the past three months, road train inspections have been carried out at Port Pirie, Port Augusta, Lyndhurst, Coober Pedy, Quorn, Cleve, Port Lincoln and Ceduna. Funding, to cover the costs of undertaking on-road inspections of vehicles, as a 1 per cent levy on registration, is seen to be appropriate and equitable. The new Department of Road Transport will in the near future undertake a review of all registration and inspectorial functions. This review will be looking at measures to increase the efficiency of administering these functions, among other things.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. PETER DUNN: I thank the Minister for getting that information for me. I am pleased to hear that inspectors will be going out into the country to inspect vehicles. I was contacted by a person who said that he had to bring his vehicle to Adelaide, and I took that to be what the practice was. I can see one small problem in relation to a vehicle that is defected. If one is at Coober Pedy, and cannot get the vehicle fixed straight away, one will have to wait a long time before the inspector comes back. However, that is a problem for the person who owns the vehicle. It will encourage people to keep vehicles in the right order. I thank the Minister for the definition that is provided. I understand now that the New South Wales Government has a patent over the truck tester trailer, which is the reason for the Government's purchasing a unit from New South Wales. That was not made clear in the second reading explanation. I understand the situation now. I originally thought that the 'decelerometers', and all the things in such vehicles, could have been put into a vehicle here. I understand that this involves part Federal funding and part State funding.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill read a third time and passed.

HIGHWAYS ACT AMENDMENT BILL

Second reading debate adjourned on 12 October. Page 1103.)

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

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.

The purpose of this Bill is two-fold—it makes a number of machinery amendments and also paves the way for further developments in quality assurance programs. Members may recall that the legislation was introduced towards the end of the last session but was not debated.

With regard to the machinery amendments, members may recall that as part of the updating of the South Australian Health Commission Act in 1987, Part IXC of the Health Act was replaced by section 64d of the South Australian Health Commission Act.

Under Part IXC the Governor could authorise persons to conduct research for the purposes of reducing the incidence of morbidity or mortality in the State. Information supplied to authorised persons could not be used as evidence in any legal proceedings except with the approval of the Governor by Order in Council. Many persons who were authorised under Part IXC undertook valuable research in a variety of areas for the purpose of reducing morbidity and mortality. For instance, many important improvements in patient care resulted from the work of, and reports produced by, the Anaesthetic Mortality Committee, a committee established to investigate the causes of deaths associated with anaesthesia.

Section 64d was subsequently introduced, and replaced Part IXC. The wording of the new section is different, although its purpose is the same as the previous provisions. It allows the Governor to authorise a person or class of persons to undertake research into the causes of mortality and morbidity in the State. Confidential information can be disclosed to any person so authorised without breach of any law or any principle of professional ethics. Disclosure to persons other than those authorised could lead to a penalty of $5 000.

Members of the Anaesthetic Mortality Committee and a number of other researchers and classes of researchers were and continue to be authorised under section 64d. However, the difference in wording has given rise to concerns by the Anaesthetic and Intensive Care Committee, its sub-committee, the Anaesthetic Mortality Committee and anaesthetists in South Australia. Although legal advice to the Government is that section 64d is better drafted than the previous provision and prevents a court from requiring an authorised person to disclose confidential information, anaesthetists remain concerned that section 64d will not prevent a court from requiring an authorised researcher to give evidence about information collected in the course of research. In addition, there is concern that any anaesthetist or other person giving information to the Anaesthetic Mortality Committee can be required to give evidence in Court of anything which he or she reported to the committee.

These concerns have meant that there is a loss of confidence on the part of anaesthetists and committee members in South Australia in the confidentiality of material supplied to the Anaesthetic Mortality Committee. As a consequence, the important work of the committee which previously enjoyed a very high level of support from specialist anaesthetists and others involved in anaesthesia in this State is jeopardised. In order to restore confidence and to enable the committee to continue its valuable work, amendments are therefore proposed to section 64d.

Turning to the important matter of quality assurance, for several years, the South Australian Health Commission has encouraged hospitals to run quality assurance programs aimed at increasing the quality of patient care. Such programs require openness by all participating health care practitioners, confidence that the process will not be biased, a preparedness to admit problems in patient care and a willingness to correct problems highlighted. Adequate documentation is essential in this process for analysis and assessment.

The Royal Adelaide Hospital has a quality assurance program, but is now interested in undertaking a pilot study into a form of quality assurance developed in California and known as medical management analysis. Medical management analysis is designed to provide early identification of hospital incurred adverse patient occurrences and patterns of substandard care. The system uses a set of specific objective outcome screening criteria that cover all aspects of hospitalisation. Medical management analysis highlights problems in the care of specific patients. These problems must be documented and followed up with critical evaluation by other practitioners.

However, practitioners are hesitant to participate in the pilot program because of the potential legal repercussions for the material and information generated. The practitioners' concerns are twofold. Firstly, the concern is that the information presented to committees or practitioners as part of quality assurance programs may be defamatory of other practitioners or health care workers. This concern is not necessarily well-founded as the peer review process is probably the subject of qualified privilege so that an action in defamation would be unlikely to succeed. The second concern is that material gathered in quality assurance programs may be relevant in an action in negligence. Material created through the use of this system may contain some evidence of negligence. In some states of the US and in some Canadian provinces legislation protects quality assurance material. The US courts have adopted the view that the public benefits of quality assurance outweigh the patient's right of access to documents.

In order to clarify the situation and place these important programs on a sound footing, certain amendments are proposed in new section 64d. The amendments will permit specified persons and groups to be authorised by the Governor to have access to information for the purpose of assessing and improving the quality of specified health services. This will allow for quality assurance committees to be so authorised. Confidential information may still be disclosed to a person to whom the provision applies without breach of any law or any principle of professional ethics. However, a person must not divulge the confidential information, whether obtained directly or indirectly, in any circumstances, including proceedings before any court, tribunal or board. This will provide a statutory protection to persons giving information to authorised persons and committees. It will encourage them to be more frank about the information they supply than they might have been had the protection not been there.

In order to prevent any abuse of such privilege it is proposed that any person or committee seeking protection must first be authorised by the Governor. It is intended that such authorisations would be gazetted and would extend to government funded hospitals, private hospitals and any other properly constituted body carrying out quality assurance of clinical practice or competence. In granting an authorisation the Governor would need to be assured that a committee was properly established for the purpose of quality assurance and reported to the board of directors of the hospital or other appropriate body. In addition, the Governor would need to be satisfied that privilege was necessary in order for the quality assurance work to be properly carried out and that such privilege was in the public interest.

The provisions in new section 64d have been the subject of lengthy consultation with hospital and medical administration and the South Australian Regional Committee of the faculty of Anaesthetists of the Royal Australasian College of Surgeons. I am pleased to say that the amendments are introduced with their co-operation and support. There are a number of other machinery amendments. The Bill provides that regulations may be made for hospitals and health centres which provide that no fee is payable in respect of a service of a specified class or a service to a person of a specified class.

Existing regulations simply state 'no fee' is payable for specified services such as for the supply of pharmaceuticals to Health Benefit Card holders or for services to specified classes such as public inpatients. The Supreme Court has declared such regulations to be invalid. The notion of regulation implies the continued existence of the thing to be regulated. Accordingly it is necessary to introduce new provisions making it expressly clear that there can be services for which no fee will be charged. This will validate existing regulations.

In line with 1988 amendments to the Acts Interpretation Act 1915 new divisional penalties have been introduced into the Act. A new provision is also inserted into section 64c. This was done on Parliamentary Counsel's advice and extends the evidentiary provisions. In addition, an amendment to section 57aa of the Act provides that by-laws can be made which include the power to remove persons guilty of disorderly or offensive behaviour from health centre grounds. This is in line with by-law making powers for hospitals. I commend the Bill to the Council. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 amends section 38 of the Act and enables an incorporated hospital to make by-laws prohibiting or regulating the smoking of tobacco.

Clause 4 amends section 39 of the Act which relates to hospital fees. A new subsection is inserted to make it clear that the Governor may, by regulation made on the recommendation of the South Australian Health Commission, provide that recognised hospitals may not charge any fee for a service of a specified class or a service provided to a person of a specified class.

Clause 5 amends section 57aa of the Act to give an incorporated health centre the power to make by-laws for the removal of persons guilty of disorderly or offensive behaviour from within the health centre or the grounds of the health centre. Incorporated hospitals currently have this power. The amendment also enables incorporated health centres to make by-laws prohibiting or regulating the smoking of tobacco.

Clause 6 amends section 57a of the Act which relates to health centre fees in a manner similar to the manner in which clause 4 amends section 39 of the Act.

Clause 7 amends section 64c of the Act to add an evidentiary provision that in a prosecution an allegation that a specified person was, or was not, an inspector under Part IVA at a specified time is to be accepted in the absence of proof to the contrary.

Clause 8 substitutes section 64d of the Act. The current section 64d provides for the protection of confidential information disclosed to a person authorised to conduct research into the causes of mortality or morbidity. The new section 64d in addition provides for the protection of confidential information disclosed to a person authorised to have access to the information for the purpose of assessing and improving the quality of specified health services. 'Confidential information' is defined as information relating to a health

service in which the identity of the patient or person providing the service is revealed.

Under the new section confidential information may be disclosed to an authorised person or to any person providing technical, administrative or secretarial assistance in the performance of such functions. The new section provides that it is an offence to divulge information obtained directly or indirectly as a result of a disclosure made pursuant to the section, except where the information is disclosed by an authorised person, or assistant, to another such person. The penalty provided is a division 5 fine (maximum $8 000). The information cannot be divulged in proceedings before any court, tribunal or board.

The schedule amends the penalties throughout the Act, converting them for the purposes of the divisional penalty system. The penalties altered are as follows:

Section	Current Penalty $	New Penalty
s. 38 (1) *(n)* and 57aa (1) *(n)*—max. fine that may be imposed for contravention of by-law of incorporated hospital or health centre.	50	Division 10 fine ($200)
s. 45 (2)—failure by insurer to forward accident report to commission.	100	Division 9 fine ($500)
s. 57b (2)—provision of health services by private hospital at unlicensed premises.	5 000	Division 5 fine ($8 000)
ss. 57f and 57i (5)—breach of condition of licence by private hospital.	5 000	Division 5 fine ($8 000)
ss. 57k (3) and (4)—hindering inspector.	500	Division 8 fine ($1 000)
s. 64 (1)—breach of confidentiality by health service employee.	5 000	Division 5 fine ($8 000)
s. 66 (2) *(h)*—max. fine that may be imposed for contravention of a regulation.	200	Division 8 fine ($1 000)

The Hon. R.J. RITSON: The Opposition supports this Bill and my only purpose in speaking is to put on public record the history of the Bill, because it is a culmination of a great mess, a great face saving exercise by the Health Commission which caused the Anaesthetic Mortality Committee to down tools and refuse to sit for more than two years. The Minister's second reading explanation in this place is vastly different from the explanation which accompanied the introduction of the Bill in another place, and is a glowing tribute to the bicameral system and to the ability of this Council to correct mistakes that have been made.

In respect of the machinery clauses (1 to 7) of the Bill, I let them pass without comment, the Minister's explanation is quite satisfactory and the Opposition has no further comment. However, I want to make it clear to members what actually happened, because the second reading explanation does not tell the story. Prior to 1987, the old Health Act made it absolutely clear to the ordinary, non-legally trained person that the procedures and evidence of this committee were absolutely privileged.

In 1987, when the matter was placed in the Health Commission Act, the wording was changed, and the new wording then referred plainly to the confidentiality of matters before the committee. Arguably, by implication, it dealt with the compellability of evidence and it was silent as to admissibility. Immediately—not last week but two years ago—the committee began to lobby the Health Commission, saying that it wanted to see the prohibition of compellability and to see the issue of inadmissibility in the legislation before it would sit, but the Health Commission dug its heels in. It was proud of the wording. It argued that, by necessary implication, a court would not exercise its discretion in favour of admissibility because of the confidentiality provisions of the legislation.

It argued that anyone who knows the rules of evidence, court procedure and statutory interpretation ought to know that. The anaesthetists had a QC's opinion which differed from the opinion of Health Commission officers. So, for two years the Health Commission kept sticking to its guns about the meaning of its words, the QC maintained his opinion and the committee did not sit. Clause 8 of the Bill (which I believe was clause 7 in the Bill before the House of Assembly) was introduced into the other place with the confidentiality wording of the previous Bill and added wording which prohibited the disclosure of the evidence, proceedings and reports of the committee to anyone (including a court, tribunal or board), but it still did not say that, if that statute was breached and the evidence did get before a court board or tribunal, it would not be admissible in evidence.

I understand that, during the negotiations between the Anaesthetic Mortality Committee and the Health Commission, a stage was reached prior to the introduction of this Bill into another place where the words appeared to be satisfactory to that committee. I do not really blame the Government for bringing in the Bill in that form, except it is not only the Anaesthetic Mortality Committee that has to be happy with the wording—the body of anaesthetists who have to give evidence to that committee need to have confidence in the absolute privilege of that committee. There was no consultation with the general body until the evening of 26 September this year when the South Australian anaesthetic society met and members of the Anaesthetic Mortality Committee reported that the QC retained by it to provide a legal opinion on the matter was still of the opinion that the wording was unsatisfactory. That was on 26 September—three weeks ago.

So, the Council's second reading explanation has been somewhat sanitised. The average reader looking at the speech would imagine a long period of cooperation and early consultation instead of a two year stand off culminating in a meeting on 26 September which rejected the words originally introduced. In the days following, a multi-pronged lobby was set up. I was lobbied, as were other people, and the Government was placed in a position where, the committee not having sat for two years, it had to decide whether it wanted the committee to ever sit again and save the face of Health Commission officers or whether to put arguably unnecessary words into the Bill to make it plainly clear to non-legally trained people that the committee was absolutely privileged.

I was in the process of having an amendment drafted to introduce in this place when the Minister in the other place suddenly saw the light and introduced the amendment there. The Bill has now come to us in a vastly different form with a vastly different second reading explanation which nearly tells the whole story.

However, I want to say that legislation that is designed specifically for particular professional groups to work with should be cast in language which is plainly understood by those people and which does not depend on their being legally trained and knowing the rules of statutory interpretation and evidence. It does not hurt to have a dozen extra words included in a clause to make it plainly understood by the people who have to work with that legislation.

I support these changes and the Bill in its present form. I also support the principle of casting legislation in understandable terms. I deplore the face-saving stand taken by

the Health Commission which nearly destroyed this committee. I commend the Bill to the Council.

The Hon. BARBARA WIESE (Minister of Tourism): I suspect that members of the Health Commission may want to argue with some of the detail of the process that the honourable member has described in the lead-up to the preparation of this Bill. Nevertheless, I thank the honourable member for his support and I particularly thank him for agreeing to deal with the Bill on the same day as its introduction.

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

DENTISTS ACT AMENDMENT BILL

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.

The purpose of this short Bill is to strengthen the principal Act with respect to illegal dentistry. Honourable members may recall that the legislation was introduced towards the end of the last session, but was not debated. Members will recall that in 1984 a new Dentists Act was passed. It provided a more modern framework for registration and greater accountability for the profession through revised disciplinary procedures. The legislation also provided for the first time for registration of clinical dental technicians, taking account of recommendations by a select committee of the Legislative Council.

The Act has now been in operation for several years, and experience has shown that there is a need for some fine tuning in relation to illegal practice. As the Act stands, unregistered persons cannot hold themselves out as being registered, nor can they seek to recover a fee in court. However, they are not actually prevented from practising. While it can be argued that the public is safeguarded (by the 'holding out' provisions) against being misled into believing that a person providing treatment is registered, the Dental Board has found this to be inadequate. The board has, for instance, received a complaint about an unregistered person who was believed to be registered and who provided dental treatment at substantial cost. The patient subsequently required attention from a registered dentist. While such complaints are very much in the minority, the board nevertheless feels inadequately equipped as the Act stands to deal with them satisfactorily as they do occur.

A similar problem arises in relation to clinical dental technicians. As members would be aware, there are now a number of registered clinical dental technicians in South Australia. As envisaged by the select committee, they have undertaken a specific course and are now registered to deal directly with the public in the supply of full dentures. Unfortunately, however, some persons who are not registered continue to operate in apparent contravention of the Act. If they do not hold themselves out or attempt to recover a fee in court, the legislation does not provide a means of stopping that practice. This is obviously unsatisfactory, particularly from the point of view of the clinical dental technicians who have met the requirements for registration and are operating within the terms of the legislation. The Dental Board, the Australian Dental Association (South Australian branch) and the clinical dental technicians have all sought a strengthening of the Act. The Bill therefore makes the necessary amendments. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 38 of the principal Act. The effect of the amendment is that a person who provides dental treatment for fee or reward is guilty of an offence unless he or she is authorised by the Act or another Act to provide the treatment.

The Hon. R.J. RITSON: This Bill has the support of this side of the Chamber. A number of areas of professional regulation and practice have sought to curtail undesirable activities by the device of preventing people from recovering fees at law, but that is of little use if people press donations upon them. The Bill seeks to prohibit the practice of dentistry by unregistered persons rather than to provide indirect disincentives to such activities. Not only with the Dentists Act, but other professional Acts there still remains some difficulty in defining what is the practice of dentistry or of medicine. One area of difficulty is to try to determine the practice of psychology. Anybody who gives emotional advice may be thought to practise psychology and anybody who gives advice on how to care for their teeth may as well. To some extent, this problem will always be with us.

In relation to the Dentists Act, I think that undesirable practices by unregistered people will continue, but to the extent that the Bill switches from an indirect disincentive to a direct prohibition it is a good thing, and we will support the Government.

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

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

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.

This Bill proposes various amendments to the South Australian Ethnic Affairs Commission Act 1980. The primary purpose of the amendments is to include an expanded role for the commission in facilitating the realisation of economic and cultural benefits from the diversity of the State's population. In the past 40 years immigration has accounted for half of Australia's population growth, so that immigrants and their children constitute 40 per cent of the present population.

Since the proclamation of the commission's Act in 1980 views on multiculturalism and ethnic affairs have developed considerably. The focus of the Act in its original form was on ethnic affairs issues relating to migrant settlement and welfare. In 1983 amendments were made to the Act giving the commission an active role in advocating the rights of ethnic groups and placing responsibilities on all Government departments for ethnic affairs policy advice and review.

It is now considered that the focus should shift so that public policies give proper weight to the diversity of the population and the need to manage the consequences of that diversity. Such public policies as have already emerged have been grouped under the general term 'multicultural-

ism'. Accordingly, the proposed amendments to the Act include a definition of multiculturalism and alter the title of the commission and revise its functions to reflect this new emphasis on multiculturalism.

The commission's proposed new functions have two primary thrusts: to increase community awareness and understanding of multiculturalism and its implications for the whole community; and, to play an effective part in the advancement of multiculturalism and ethnic affairs through the programs of Government agencies.

The Bill also proposes changes to the constitution of the commission to increase its membership and to allow for separation of the roles of Chairman and Chief Executive Officer. The maximum number of members of the commission is to be increased from 11 up to 15 to allow additional contributions from perspectives such as economic development, employment and training.

The functions of the Chairman may now be separated from that of the Chief Executive Officer allowing a separation of the responsibility for the commission's corporate leadership and public advocacy role and its internal administrative role. This has been achieved by the creation (under the Government Management and Employment Act) of a new administrative unit, entitled the Office of Multicultural and Ethnic Affairs, which is the operational arm of the commission. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 amends the long title to the principal Act so that it reflects the proposed renaming of the South Australian Ethnic Affairs Commission as the South Australian Multicultural and Ethnic Affairs Commission.

Clause 4 makes a corresponding amendment to the short title of the principal Act.

Clause 5 amends section 4 of the principal Act which sets out definitions of terms used in the Act. Of most significance is the proposed new definition of 'multiculturalism'. The term is defined as meaning policies and practices that recognise and respond to the ethnic diversity of the South Australian community and have as their primary objects the creation of conditions under which all groups and members of the community may—

(a) live and work together harmoniously;

(b) fully and effectively participate in, and employ their skills and talents for the benefit of, the economic, social and cultural life of the community;

and

(c) maintain and give expression to their distinctive cultural heritages.

Clause 6 makes a consequential amendment to the heading to Part II.

Clause 7 provides for the new name of the commission.

Clause 8 amends section 6 of the principal Act which provides for the constitution of the commission. The clause provides that the commission may consist of not more than 15 members rather than the present maximum of 11 members. The clause no longer requires that there be a full-time Chairman and a full-time Deputy Chairman although it continues to allow for such an arrangement. Under the clause, the deputy of the person appointed to chair the commission may be, but is not required to be, a member of the commission.

Clause 9 replaces the present section 7 with a new provision providing that the salary (if any) and allowances and expenses for members of the commission are to be as determined by the Governor. The present section requires the remuneration of the Chairman and Deputy Chairman (as necessarily full-time office holders) to be determined by the Remuneration Tribunal. The current arrangement could however be maintained or restored by the making of an appropriate regulation under the Remuneration Act.

Clause 10 amends section 9 of the principal Act which deals with meetings of the commission. The clause allows for greater flexibility by providing that a meeting of the commission may, in the absence of the person appointed to chair the commission, be chaired by his or her deputy if that deputy is also a member of the commission or, if not, by a member chosen by the members present at the meeting.

Clause 11 makes a consequential amendment to the heading to Division II of Part II.

Clause 12 replaces sections 12 and 13 of the principal Act (which set out the objects and functions of the commission) with a new section setting out the primary and other functions of the commission. The proposed new section 12 provides that the primary functions of the commission are—

(a) to increase awareness and understanding of the ethnic diversity of the South Australian community and the implications of that diversity;

and

(b) to advise the Government and public authorities on, and assist them in, all matters relating to the advancement of multiculturalism and ethnic affairs.

The functions of the commission are also to include the following:

(a) to assist in the development of strategies designed to ensure that multicultural and language policies are incorporated as an integral part of wider social and economic development policies;

(b) to work with public authorities to ensure that there is a coordinated approach to the advancement of multiculturalism and ethnic affairs;

(c) to keep under review and advise the Government and public authorities on the extent to which services and facilities are available to and meet the needs of minority ethnic groups;

(d) to assist public authorities to devise effective methods for the evaluation and reporting of policies and programs for the advancement of multiculturalism and ethnic affairs;

(e) to develop in conjunction with other public authorities immigration and settlement strategies designed to support and complement the State's economic development plans and to realise the potential and meet the needs of individual immigrants;

(f) to advise, assist and promote cooperation between ethnic groups and organisations concerned in ethnic affairs;

(g) to inform and consult with ethnic groups and other interested groups and organisations about the work of the commission and issues relating to multiculturalism and ethnic affairs;

(h) to provide or assist in the provision of interpreting, translation, information and other services and facilities for the benefit of ethnic groups and others;

and

(i) to publicise generally the work of the commission.

The principal changes to the commission's functions reflect a new emphasis on the wider concept of multiculturalism and an increased emphasis on the integration and coordination of multicultural policies as part of wider public policy making and administration. The proposed new section retains the present provision that the commission should, wherever possible, encourage participation by local government bodies and voluntary organisations.

Clause 13 makes an amendment consequential to the amendment proposed to section 16 of the principal Act.

Clause 14 replaces the present section 16 (which provides for the staff of the commission) with a new section that reflects changes in this area resulting from the enactment of the Government Management and Employment Act in place of the former Public Service Act. The proposed new section makes it clear that the commission may appoint employees, but only with the approval of the Minister and on terms and conditions approved by the Minister on the recommendation of the Commissioner for Public Employment.

Clause 15 contains transitional provisions designed to make it clear that the commission continues as the same body corporate despite changes to its name and constitution and that the present members may continue in office.

The schedule makes amendments of a statute law revision nature only with a view to the publication of a reprint of the Act in consolidated form.

The Hon. L.H. DAVIS secured the adjournment of the debate.

DOG FENCE ACT AMENDMENT BILL

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.

The Dog Fence Act 1946 provides for the maintenance of the dog-proof fence. The body responsible for the maintenance and inspection of the fence under the Act is the Dog Fence Board. This Bill seeks to make two changes to the institutions or persons that can nominate members of the board. At present one member is nominated by the Vertebrate Pest Control Authority. The responsibilities of that authority were taken over by the Animal and Plant Control Commission under the Animal and Plant Control (Agricultural Protection and Other Purposes) Act of 1986. This Bill formally recognises that change. It replaces the right of nomination of the Vertebrate Pest Control Authority with that of the new commission.

At present a second member of the board is nominated by the Minister from a panel selected by local dog fence boards created under the Act. On 4 March 1986 the then Minister of Lands, the Hon. R.K. Abbott, undertook to give that right of nomination to an appropriate incorporated association established to represent local dog fence boards. The Far West Dog Fence Boards Association Incorporated has since been incorporated for that purpose, and this Bill seeks to give that body a right of nomination in place of the existing right of the Minister. The Bill also makes one consequential amendment to the Act and corrects an unrelated cross-reference in section 41 (2) of the Act. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 amends section 6 of the principal Act. Section 6 deals with the membership of the Dog Fence Board. Clause 3 substitutes the Animal and Plant Control Commission for the Vertebrate Pests Control Authority as the body entitled to nominate one member of the board. It also specifies the Far West Dog Fence Boards Association Incorporated as another body entitled to nominate one member to the board, in place of the existing right of the Minister to nominate one such member from a panel selected by local dog fence boards.

Clause 4 is a consequential amendment to section 11 of the principal Act. As the right of local boards to nominate to a panel is being replaced by the direct nomination to the Dog Fence Board by the Far West Dog Fence Boards Association Incorporated under clause 3, the reference in section 11 of the principal Act to local boards is no longer necessary.

Clause 5 amends an incorrect cross-reference in section 41 of the principal Act. This change is unrelated to the amendments in clauses 3 and 4.

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

[*Sitting suspended from 5.56 to 7.45 p.m.*]

SOIL CONSERVATION AND LAND CARE BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 1168.)

Clause 3—'Interpretation.'

The Hon. PETER DUNN: I move:

Page 1, after line 29—Insert new definition as follows:

'fertility' of soil means the level of essential nutrients in the soil necessary for plant growth:.

I have moved the amendment because there is no definition of 'fertility' in the Bill. This makes it clear. We have used the term before, and I believe it is important when dealing with soils. I would have thought that a definition which spelt that out was necessary in the interpretation of this Bill.

The Hon. M.J. ELLIOTT: This amendment is consequential on two other amendments that were moved previously by the Hon. Mr Dunn, one of which has been defeated. A second one was carried, but since this Committee last met discussions between all parties have occurred. A further agreement has been reached on the definition of 'degradation'. This means that a definition of 'fertility' becomes irrelevant, because it will not now be used in the way that the Hon. Mr Dunn first intended. I believe that, being consequential on an amendment that will not remain in the Bill, it will serve no purpose. In fact, there were even problems with the purpose for which it was intended, because I believe that the definition that the Hon. Mr Dunn wanted to apply was wider than this amendment. For those reasons, I will not support the amendment.

The Hon. BARBARA WIESE: The Government opposes this amendment.

Amendment negatived.

The Hon. PETER DUNN: I move:

Page 1, after line 31—Insert new definition as follows:

'land' means both dry land and submerged land, and includes water on the land, whether in watercourses or storage on the land.

My reasons for including this amendment are quite clear. This involves the whole breadth of land use. Land is sometimes used in its dry state and sometimes when it is partly submerged, for rice growing, for example. In other cases, watercourse areas are used for pasture, and sometimes land is used for water storage. This definition covers all the uses to which land can be put. I believe it improves the interpretation provisions.

The Hon. BARBARA WIESE: I oppose the amendment. The Bill already includes a definition in this regard, in clause 6, namely:

> The objects of this Act are as follows:
> *(a)* to recognise that the land and its soil, vegetation and water constitute the most important natural resource of the State and that conservation of that resource is crucial to the welfare of the people of this State . . .

The Government believes that that is sufficient to cover the points that the Hon. Mr Dunn is attempting to address with his amendment.

The CHAIRMAN: Does the Hon. Mr Elliott care to indicate his position? It makes it easier for the Chair on the call if we know where the Democrats stand.

The Hon. M.J. ELLIOTT: I do not support the amendment. I was simply waiting to see whether the Hon. Mr Dunn had something more eloquent to add than that which he has already contributed.

Amendment negatived.

The Hon. BARBARA WIESE: I move:

> Page 2, after line 10—Insert the following definition:
> 'pastoral land' means land of the Crown that is subject to a pastoral lease.

The Government believes that the inclusion of a definition of 'pastoral land' is needed to ensure that such lands are clearly identified, in particular in clauses 34, 35 and 46 of part IV of the Bill.

The Hon. M.J. ELLIOTT: The Democrats support the amendment.

Amendment carried; clause as amended passed.

Clause 4 passed.

New clause 4a—'Right to be heard.'

The Hon. M.J. ELLIOTT: I move:

> Page 2, after clause 4—Insert new clause as follows:
> 4a. 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.

I will not speak to the amendment at length. It relates to a matter that I first pursued when debating the Pastoral Land Management and Conservation Bill, namely, third party standing in the courts in relation to the administration of Acts. The Democrats do not believe that it should be necessary for a person to have a financial interest, that that should be the only reason that a person need have before exercising in court the matter of administration of an Act. We will be doing this consistently in relation to quite a number of Acts. I will not prolong the debate now, as I have detailed this issue previously.

The Hon. PETER DUNN: The Liberal Party does not support this measure. The argument has been well and truly canvassed during the debate on the Pastoral Land Management and Conservation Bill. This would lead to impediments on the landowner, because he would always be looking over his shoulder in relation to someone who might be on his property, and there could be vexatious claims. I know what the Hon. Mr Elliott is getting at; had he put the argument more eloquently I probably could have supported it.

The Hon. BARBARA WIESE: The Government opposes the amendment. I do not intend to canvass the reasons at length, either, since this matter was addressed at great length during the pastoral debate. The reasons for the Government opposing this amendment at this time are the same as for a similar amendment moved in relation to the pastoral legislation. I am pleased to see that the Liberal Party also opposes the amendment.

The Hon. M.J. ELLIOTT: It is quite clear from the Hon. Mr Dunn's response that he does not understand the implications of such a move. There would not be a vast number of vexatious claims having any impact upon individual landowners. It is unfortunately true that very few real debates of substance take place inside this Chamber: most happen outside. I hope that, at some time, other members of Parliament will look at this issue, perhaps outside the Chamber, give it a great deal more depth of thought and understand the issues before saying 'No'.

New clause negatived.

Clauses 5 to 9 passed.

Clause 10—'Power of Minister to delegate.'

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

> Page 3, line 27—After 'Part' insert 'and section 35'.

This clause deals with the Minister's power to delegate any functions under the Act except for those set out under Part III. It is correct, as the Minister pointed out in her reply to the second reading, that the clause as presently drafted means that the Minister may not delegate the power to appoint authorised officers or to acquire land under the Land Acquisition Act, and may not enter into agreements with the owner of land for the purpose of carrying out certain works. One has to be very careful about the power of delegation to ensure that the power which is the subject of the delegation is properly and conscientiously exercised.

Whilst I do not want to reflect on any of the servants or agents of the Minister, it seems to me that there is more likely to be full public accountability and attention to the responsibilities of the legislation by the Minister if the Minister is required to make a decision and exercise a power. My amendment seeks to add one other power to the powers which may not be delegated. Clause 35 of the Bill provides that the Minister will cause such land as may be recommended by the council to be assessed on a regular basis for the purposes of determining the classes into which the land falls, the capability and preferred uses of the land, and the condition of the land. They are significant decisions which, in my view, ought not to be capable of delegation. There is no reason at all why the Minister cannot cause the land to be assessed by officers, by experts, but it seems to me that the actual decision to cause the land to be assessed ought to be the decision only of the Minister.

A report may come from one of the Minister's officers to the council, the council will make a recommendation and the Minister should make the decision whether or not an assessment should occur. It may be that the recommendation comes directly from the council to the Minister, but I am strongly of the view that the actual decision to cause the assessment to be made should be made by the Minister and should not be the subject of delegation.

There are other aspects of delegation by the council and, by boards to which I will refer in relation to later clauses of the Bill, because, as I said at the beginning, I believe that there needs to be a very strong direction within the legislation that the Minister must accept responsibility and cannot delegate those decisions that will impact significantly on individuals in the community.

I suggest to the Minister who is responsible for the passage of this Bill that my amendment, which ensures that the powers under section 35 are not delegated by the Minister, is an appropriate amendment and should be supported. As I said, I believe that the power to delegate should be exercised with some constraint. There are occasions on which

it is proper to delegate, but not where it is likely to have significant ramifications.

On the other hand, the prohibition against delegation does not mean that the Minister cannot take advice. All Government Ministers are in a position where they will have to take advice on all of these sorts of issues, but my experience is that, with issues of importance, whilst the Minister will take into consideration the advice given by officers, ultimately that decision must be taken by the Minister, and that is quite properly so.

The only suggestion I make to the Minister on this matter is that, if there is any reservation in her mind as to the desirability of supporting this amendment, I would urge her to support it on, perhaps, a conditional basis, because that does not mean that that is the end of the matter. There may well be some other discussion when this Bill is returned to the other place with any amendments. Certainly, on previous occasions, when Ministers in this place have handled Bills for Ministers in the other place, they have adopted this course, and it is a course that the Opposition would appreciate as one way out of a very difficult dilemma, rather than making a decision on the run, particularly as the amendments came on file just before the dinner break.

The Hon. BARBARA WIESE: My concern relates to the interpretation of the word 'cause' in clause 35(1), which provides:

> The Minister will cause such land as may be recommended by the council to be assessed on a regular basis . . .

If the intention of this was to prevent the Minister from taking advice from professional scientific staff on matters such as making an assessment of soil types, slope, land type, vegetation and land use issues, it clearly would not be workable or satisfactory.

If the matter relates only to the decision making process itself, once such advice has been provided by appropriate professional staff, I do not think that the Government would have a problem. Subject to being able to clarify the meaning of these things with Parliamentary Counsel, I indicate support for the amendment.

The Hon. K.T. GRIFFIN: I do not intend to prevent the Minister doing any of these things or getting advice, because the emphasis is on 'the Minister will cause such land as may be recommended by the council to be assessed', so it is just a prohibition against the Minister's delegating the power to cause such land to be assessed. The Minister can still cause it to be assessed by experts, and I do not intend to stifle the power of the Minister but merely to ensure that, because of the possible consequences which flow from it, it is the Minister who ultimately makes the decision rather than delegating it down the line to a range of people who can say, 'The council has recommended this: we will go ahead without talking to the Minister and cause it to be assessed.' That is the emphasis I seek to place on this amendment.

The Hon. M.J. ELLIOTT: I do not as yet see the problem the Hon. Mr Griffin is getting at. I do not know whether or not he would like to demonstrate by way of example. What we are talking about in the final result is an assessment to be carried out. What does the Hon. Mr Griffin see as the dire consequences of an assessment? Where is the problem at the end of the line?

The Hon. K.T. GRIFFIN: It is not easy to forecast all the possible problems. What is happening here is that the Minister causes the land recommended by the council to be assessed for the purposes of determining the classes into which the land falls, or the capability in preferred uses of the land, and the condition of the land. It seems to me that it is a step in the process towards putting land into a category upon which other decisions may depend. Whilst I am not able to put my finger on the possible ultimate consequences, it seems to me that commencing a procedure which causes that ultimate categorisation ought to be a decision taken by the Minister rather than being left with officers, because I put it into the same category as other powers referred to already in part III of the Bill.

The Hon. M.J. ELLIOTT: I read the clause as saying 'the Minister will cause'. It appears to me that, once the recommendation has been made by the council, the Minister does not really have a choice but to cause that to occur. If that is the case, whether it is the Minister or a person to whom the Minister has delegated the responsibility, what is the legal difference? There is the word 'will'.

The Hon. K.T. GRIFFIN: I have previously raised the very same question about the difference between 'will', 'shall' and 'must'. Even if we look at the Equal Opportunity Act Amendment Bill, the schedule of amendments changes 'shall' to 'must' and 'will' to 'must'. Parliamentary Counsel has a view, I understand, that it is not mandatory in the sense that the honourable member is indicating. Maybe it is academic but, subject to the reservations the Minister has indicated, I suggest that it can be looked at in the context of the Bill as it passes. If there is unhappiness about it, there is still an opportunity to revise it before the Bill becomes law.

The Hon. M.J. ELLIOTT: It appears that the potential problems outlined by the Hon. Mr Griffin may be for or against the interests of individuals or the cause of conservation itself. There is still a question that I would like to see addressed further. I will support the amendment, with large reservations simply to keep the question alive for the time being.

Amendment carried; clause as amended passed.

Clauses 11 to 13 passed.

Clause 14—'Establishment of the council.'

The Hon. M.J. ELLIOTT: I move:

> Page 4, line 25—Leave out '12' and insert '13'.

This amendment is a precursor to a series of amendments I will be moving later in relation to the structure of the Soil Conservation Council. It is my belief that it is not unreasonable to expand the council by one person to incorporate two members of the public with an interest in conservation matters. If we look at the overall structure of the Soil Conservation Council we note a large number of people within Government departments and a large number of persons representing farming interests from various parts of the State, from the various soil types, pastoral activities and so on. It is not unreasonable for there to be two voices from the public on conservation matters—two voices out of a total of 13. In many cases two voices on a matter are useful so that certain ideas can be explored.

The Hon. Diana Laidlaw: Sounds like the Democrats!

The Hon. M.J. ELLIOTT: That is right. There is value in having a seconder so that ideas can be explored. It is not unreasonable and does not alter the balance of the board. I hope that both Parties will see their way clear to support the amendment.

The Hon. BARBARA WIESE: The Government opposes the amendment. The matter has been considered at great length by the Government. The matter of the composition of the council was addressed in a green paper which was the subject of considerable community concern. I understand that the original membership of the council was seven; it grew to 10 and finally 12, as now included in the Bill. There is a good balance of representation on the council comprising 12 members, which is already a rather large

body. We can see no good reason for changing the balance by including an additional representative.

The Hon. PETER DUNN: I can understand the aim of this amendment, but there is an opportunity for a pastoralist, a horticulturalist, a dryland cropping person or an intensive agriculture person to be included. Only one person from environmental conservation has been included but, in light of the fact that people from environment and planning and water resources are included, I do not think that is unreasonable. There is a good cross-section. The fear I have is that the cost will blow out to such an extent that no money will be available to correct land degradation, because it will all go towards administration. If this group is to meet quarterly—

The Hon. Barbara Wiese: Every six weeks.

The Hon. PETER DUNN: That is even worse. It will cost a great deal of money to bring these people from the four corners of the State. I suppose the meetings will eventually be convened after longer intervening periods, but the costs are high. I was a member of the Advisory Board on Agriculture and the cost of running that was very high.

The Hon. M.J. Elliott: Cut out the people who live a long way away.

The Hon. PETER DUNN: I am not saying that at all. I am saying that it is a great cost. I do not want money to be soaked up in administration when it should be put towards land reclamation if there is a need for it. We do not support the amendment.

Amendment negatived.

The Hon. M.J. ELLIOTT: I move:

Page 4—

Lines 31 and 32—Leave out 'one or more organisations representative of pastoralists' and insert 'the United Farmers and Stockowners Association of SA Incorporated'.

Lines 35 and 36—Leave out 'one or more organisations representative of horticulturists' and insert 'the United Farmers and Stockowners Association of SA Incorporated'.

Page 5, lines 2 and 3—Leave out 'one or more organisations representative of farmers' and insert 'the United Farmers and Stockowners Association of SA Incorporated'.

These amendments are consistent with those which I moved in the Pastoral Act and which were accepted by the Government and the Opposition whereby we actually prescribed the organisations who would nominate certain members of the board. The persons representing the pastoralists, horticulturalists and farmers will be nominated by the UF&S.

The Hon. BARBARA WIESE: The Government supports these amendments.

Amendments carried.

The Hon. M.J. ELLIOTT: The next amendment on file is consequential upon one that has already been lost. In the previous case I sought to have two people representing distinct conservation interests. The Government and the Opposition opposed that amendment, so it was lost. I express my disappointment at the outcome and I am sure that the Government will also receive expressions of disappointment. However, I will not proceed with that amendment. I move:

Page 5, lines 10 and 11—Leave out 'one or more organisations formed to promote conservation and environmental issues' and insert 'the Conservation Council of South Australia Incorporated'.

This amendment is similar to ones which I have already moved and which have been accepted, except that in this case we are talking about a person representing conservation interests and here, as I did in the pastoral legislation, I suggest the suitable body to nominate such people is the Conservation Council of South Australia.

The Hon. BARBARA WIESE: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clauses 15 and 16 passed.

Clause 17—'Procedure at meetings.'

The Hon. M.J. ELLIOTT: I move:

Page 6, after line 20—Insert new subclause as follows:

(5a) Meetings of the council must not be held before 5 p.m.

There are two issues involved in the amendment as on file, the first relating to the timing of meetings. I suggest that meetings be held not before 5 p.m. Unfortunately, many bodies hold meetings during business hours during the week and that causes problems for some people who are immediately precluded from membership of such councils. That is why many local government bodies have decided to have evening meetings. Otherwise, they would preclude a large body of people from being involved.

The Hon. K.T. Griffin: What about public holidays and weekends?

The Hon. M.J. ELLIOTT: If the honourable member is suggesting that I should include weekends, perhaps he should agree with the amendment and we can consider the matter later.

The Hon. BARBARA WIESE: The Government opposes this amendment. I have some sympathy for the concept put forward by the honourable member. Nevertheless, it would make the business of the council very difficult if the amendment were accepted. It would also increase the administrative costs of the operation of the council. If meetings were to be held only after 5 p.m., it would be necessary to restrict the duration of meetings to four or five hours at most. The Advisory Committee on Soil Conservation holds meetings on a six-weekly basis, each meeting lasting up to eight hours. If it were allowed to meet only after 5 p.m., it would need to meet more regularly—possibly monthly—to cope with the anticipated work load. Day meetings of the council generally allow rural members to attend and to return home on the same day. If meetings were to be held at night, it would probably involve an overnight stay and significantly increase costs. For that reason, the Government opposes the amendment.

The Hon. PETER DUNN: At least we are consistent. We objected to this provision in the Local Government Act and we are objecting to it now on the basis that meetings held after 5 p.m. would involve overnight accommodation. The cost will be horrific, because some of these people have to travel a long way. It is not so much the cost of arranging a meeting as the cost to a person who has to take leave from his employment. It is fine for a public servant, because he still gets paid, but a pastoralist or a potato grower from the South-East has to give up a day's work at which he earns his money. The member might get a sitting fee, but that will probably not offset, at a crucial time of the year, the time he should be at home working.

If meetings are held after 5 p.m. it means that one has to travel nearly all day and attend the meeting which lasts half the night. Primary industry works by the sun; one has to be able to see to be able to work, if one is to be a safe worker (although there are many night-time jobs, but they are specialised). I am not sure that this amendment fits the psyche of those people who will have to travel to the city and work half the night to try to come to a sensible conclusion. Although I can see what the honourable member is getting at, my opinion is that it is not terribly consistent.

Amendment negatived.

The Hon. M.J. ELLIOTT: I move:

Page 6, after line 20—Insert new subclauses as follows:

(5a) Meetings of the council must, subject to subsection (5b), be held in a place that is open to the public.

(5b) The council may order that the public be excluded from a meeting in order to enable the council to consider in confidence any matter that it considers to be confidential.

This amendment is more fundamental than the previous one. I will call for a division if it is not supported, as I consider it to be that important. I believe that meetings of these sorts of bodies should be open meetings, although I realise that it may be necessary from time to time for such meetings to consider matters in confidence. Members should note proposed new subclause (5b), which allows the council to exclude the public from meetings at times in order to carry out business that it deems should be considered in confidence.

About 12 months ago I visited the United States and saw committees in action. I was most impressed by the openness of the meetings and the fact that the public could attend and the media could see what was going on. I expect the Liberal Party to support these proposed new subclauses because it has been pushing for freedom of information legislation for so long; it would be highly inconsistent for it to not support a move for open public meetings, taking into account the fact that confidentiality is provided in proposed new subclause (5b).

I will outline the distinction I draw about what would and would not be confidential. The council would spend a great deal of time looking at regional plans, discussing general issues, setting policy, and so on, and on all such occasions I believe that such discussions should be fully public. However, when the council considers individual properties, clearly things may be said in confidence, and I would expect on such occasions those meetings to be closed. I think that general discussions should be open to the public. That would inspire confidence from all concerned and, instead of getting second-hand information as to what occurred in a meeting, people could directly hear what happened.

The Hon. BARBARA WIESE: The Government certainly supports the principle of meetings being open to the public. I have no objection to the concept that the honourable member puts forward. The reason it took me a few minutes in consultation with officers to decide a position on this issue is not related to the principle of open meetings itself but to the administration problems that would emerge as a result of such a decision being taken.

The concern is that in some areas it would present something of a headache in determining the venue for meetings if public space needed to be made available in order to allow members of the public to come and hear the business of a council. However, that seems to me to be an administrative issue that should be capable of resolution. As long as the rider is present that would allow a council to deal with matters in confidence, should it determine that such a practice is desirable, I certainly have no objection to the proposition that is being put by the Hon. Mr Elliott. I will therefore support his amendment.

The Hon. PETER DUNN: Although I believe that the idea is all right, I give a word of caution about it. One could be inundated with a group of people, particularly if one is going to change land use. That is an area of discussion that will obviously get publicity. With that many people on a council, information will be disseminated; that is quite likely. Provided that these people play no part in the meeting I am not concerned. The meeting can sit in camera when discussing individual and sensitive cases, and I have no problem with it. Local Government does this and most select committees do it. I am not concerned, as long as it is quite clear that these people cannot partake in the meeting or cause hassles in any way. They can be excluded when a sensitive issue is to be discussed.

Amendment carried; clause as amended passed.

Clause 18—'Conflict of interest.'

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

Page 6, after line 32—Insert as follows:

'not being a benefit or detriment that would be enjoyed or suffered by the member in common with a substantial class or group within the community'.

This Bill contains two clauses which deal with conflicts of interest. The first is clause 18, which deals with conflicts of interest of a member of the council. The second is in clause 28, which deals with a conflict of interest of a member of the board. In this amendment, I want to focus on the issue of conflict of interest of a member of the council, and deal with boards later. This conflict of interest clause is one of the most comprehensive that I have seen in legislation.

Every time we see a Bill which deals with conflict of interest, there seems to be something more added to it, and that causes me concern. I support very much the principle that a conflict of interest must be identified and be recorded, and that in certain circumstances the person with the conflict must not participate in the discussion and decision relating to the issue about which the conflict exists. Clause 18 provides:

(1) A member of the council has an interest in a matter before the council if—

(a) the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment . . .

The term 'closely associated', which is defined in subclause (2), is very extensive. The interest must be disclosed; the disclosure must be recorded in the minutes; and a member with an interest must not take part in any discussion by the council, must not vote in relation to that matter and must, unless the council permits otherwise, be absent from the meeting room when any such discussion or voting is taking place. This is unless, of course, the council makes a formal decision that the member may be present for the discussion.

During the second reading debate I raised the matter whether that request by the council is taken to a formal vote preceded by a discussion in which the member with a conflict may participate. However, I think that is peripheral to the major issue. It is quite likely that one of the 13 members may be affected, either generally or specifically, by deliberations of the council. It seems to me that a conflict of interest should be identified but that, if the conflict is likely to result in a benefit or detriment that would be enjoyed or suffered by the member in common with a substantial class or group within the community, there should not be a prohibition against participation in the debate and discussion.

It is not uncommon in relation to conflict of interest, involving a benefit or detriment that would be enjoyed or suffered by a substantial class or group within the community, that that would not necessarily result in the member, in this instance of the council, being prevented from participating in deliberations. It seems to me that where an interest is shared by a substantial class or group of people it dissipates the impact of the decision, and is not then so much personal to the member or a member closely associated with him or her.

It is for that reason that I want to narrow the impact of the conflict of interest clause in relation to the council. It becomes even more important with the clause relating to boards, because all board members must come from within the district, and it is more likely then that there will be a conflict where a decision is likely to create a benefit or detriment to a substantial class or group within that community. In an attempt to ensure that the provisions do not become unworkable, I believe we ought to recognise that in

this area of the law a member may be affected by a decision but that that member may be one of a substantial class or group within a community.

The Hon. BARBARA WIESE: For a person concerned about the expansion in the information that is being inserted into clauses of this kind relating to pecuniary interests, it seems peculiar to me that the honourable member should want to take it even further with the sort of addition that he wants to make now. However, having said that, I acknowledge that the addition that the Hon. Mr Griffin wants to make certainly clarifies the Government's intention anyway. We would certainly not intend that people who had an interest in common with a substantial class or group within the community should be affected in this way, although I believe it is not necessary to include this expression within the Bill. Nevertheless, if the honourable member feels that it is important and it clarifies the point to his satisfaction, I am prepared to accept the amendment.

The Hon. M.J. ELLIOTT: The Democrats also support this amendment. In fact, it would be a nonsense not to have the amendment included. It is also worth commenting that by the very addition of this amendment, it recognises a very real conflict that the council and the boards will have anyway, being substantially composed of people with a direct interest. That is the reason they have been put in there at this stage, but it is also a reflection of the way this Bill is intended to operate. It is intended very much to have people at the grass roots, if you like, very much involved in the day to day operation of this Bill. We are yet to see whether or not the move in this direction is successful but, as I said earlier, not to have this amendment would make the clause, if not the Bill, a nonsense.

Amendment carried; clause as amended passed.

Clause 19 passed.

Clause 20—'Delegation by the council.'

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

Page 8, line 3—After 'other than' insert 'its functions under sections 12, 19 (2), 35 (1) and 36 (4) and'.

This is another clause relating to delegation of powers or functions, this time involving delegation by the council. The council may, with the consent of the Minister, delegate any of its powers or functions other than the function of advising the Minister on the policies that should govern the administration of this Act. I recognise that the power of delegation may be exercised only with the consent of the Minister, but I feel very strongly that there are some powers and functions which ought not to be the subject of delegation even with the consent of the Minister.

I am seeking to specifically exclude from the power of delegation the functions under clauses 12, 19(2), 35(1) and 36(4). That means that the council will have to make those decisions. I will identify the relevant sections. Under clause 12, presently the Minister may, subject to and in accordance with the Land Acquisition Act, and on the recommendation of the council, acquire land for the purposes of this Bill. Theoretically, at least, but probably not in practice, the Minister may not delegate his or her power to acquire land on the recommendation of the council but the Minister could give approval to the council to delegate its responsibility to make that decision.

As I said, it is unlikely, but I want to put it beyond doubt so that, in relation to acquisition, it is the council itself that makes the recommendation. Clause 19 (2) provides:

The council may require a board to investigate and report to the council on any matters relating to the administration of this Act within the board's district.

Again, I think that the power to require a board to investigate ought to be a decision taken only by the council and not by any delegate of the council. Whilst that delegation would be subject to the consent of the Minister, I want to put it beyond doubt that the power cannot be delegated. In addition, clause 35 (1)—on which we have already had a discussion in relation to assessment of land—provides:

The Minister will cause such land as may be recommended by the council to be assessed on a regular basis . . .

Again, the Minister may say to the council, 'Well, I approve the delegation by you of that power.' I want to ensure that that is not delegated by the council. The council can still get advice and have work done on this, but the decision has to be taken by the council. Clause 36 (4) deals with the approval, by endorsement, of a district plan and a three-year program. Whilst the Minister may approve the delegation of that responsibility, I take the view that only the council ought to exercise that power.

In practical terms, it is probably unlikely that a Minister would delegate, but I think we have to remember that this legislation is likely to be in operation for quite a long period: Ministers will change, officers will change and members of a council will change. Therefore, I think we ought to set out very clearly, right from the start, the sorts of functions and powers that are not to be delegated in any event. I have picked out the most significant powers of the council, which it ought to exercise, without any suggestion at any time in the future that any aspect of them may be delegated. I do not think that this creates any problems for the council. This still enables the council to undertake work through agents, but the final decision is to be taken by the council. It is in that context that I move this amendment.

The Hon. BARBARA WIESE: The Government opposes this amendment, as we do not believe that it is necessary. As the honourable member himself has indicated in some of the examples that he has given, it is highly unlikely that such action would be taken. In fact, the Government believes that the amendment would make this legislation too authoritarian and much too complex to administer. For that reason I oppose it.

The Hon. M.J. ELLIOTT: I am not convinced by the Minister's arguments. It is always very useful if the Minister can demonstrate by way of example the sort of problems that might be created. Does the Minister feel that she can do so?

The Hon. K.T. GRIFFIN: I do not see how this amendment can make the Bill any more authoritarian, because the Minister has said that it is most unlikely that the Minister would allow the council to delegate these functions. In those circumstances, what my amendment does is put that beyond doubt. It does not add to the complexity of the Bill or make it more authoritarian, because, on the Minister's own admission, the council will undertake these functions. In those circumstances, my amendments merely affirm beyond any doubt what will happen in practice according to the Minister and, therefore, that cannot make the Bill more authoritarian.

The Hon. BARBARA WIESE: As I indicated, this would be difficult to administer. To illustrate the point being made, I have a couple of examples. First, if we look at clause 19 (2), the intent of the honourable member's amendment would mean that the council would not be able to ask its executive officer to work with the board in the preparation of financial reports and issues of that kind, which would not be satisfactory. It would mean that the council would have to run around doing all these things itself.

If we look at clause 36 (4) *(b)*, which allows for plans to be referred back to the board for modification, in such a situation a council may very well want officers of the department to undertake work to modify such a plan. It would be desirable for that sort of delegation to be allowed, oth-

erwise we would have the council tied up with a whole lot of administrative work that would sensibly be delegated to more appropriate people to undertake. Other examples could be presented. If members think about it, they could probably come up with examples of their own to indicate that an amendment of the kind being moved by the Hon. Mr Griffin would make the business of the council very difficult to administer.

The Hon. K.T. GRIFFIN: With respect, I refute that. Let me refer to clause 19 (2) which provides:

> The council may require a board to investigate and report to the council on any matters relating to the administration of this Act within the board's district.

The council might say to a board, 'This council wants you (the board of a particular area) to investigate and report to the council on a particular matter relating to the administration of this Act and it is within your district.' That does not mean that the council cannot say to its executive officer, 'The council makes this decision: you go out and see that it is complied with', because the executive officer is the agent or instrument of the council. If the council, under clause 19 (2), were to delegate its power to its executive officer, it would mean, in my view, that the executive officer would then be able to say without reference to the council, 'I want you (the board of this district) to investigate and report to me, the delegate of the council, on a particular matter within your district.' The distinction is between the council's making the decision to require a board to do something and then having it implemented by the executive officer on the one hand and, on the other hand, having the executive officer make the decision to require the board to do something. Clause 36 (4) provides:

> The council may—
> *(a)* approve, by endorsement, a district plan and three year program;

I should not have thought that the Minister was suggesting that the council would delegate to the executive officer the power to approve a district plan and three year program. That function goes to the essence of the legislation.

In my view the delegation of that responsibility to an executive officer would be an abdication by the council of its responsibility to look at it, examine it, take advice and then formally approve, so I suggest that the council exercises the power or function and does not delegate that because of the consequences of doing that. There is no restriction on the council's requesting its executive officer to do certain things which lead towards the implementation of that decision or a preliminary to the council's making that decision.

With respect to the Minister, I do not agree that my amendment makes it cumbersome. I think that my amendment puts it beyond doubt that the council is the body responsible for making the decision, but it may do so on advice. Obviously, its executive officer and other employees may carry out that decision.

The Hon. M.J. ELLIOTT: I appreciate that these powers are unlikely to be delegated, but I also appreciate the point that they are the sort of powers that, as far as I can ascertain, one would not want to delegate and would certainly wish to prevent being delegated. I do not believe that either of the examples given by the Minister stood up and I think that the Hon. Mr Griffin has addressed both those situations.

In the light of that, I shall support the amendment unless the Minister comes forward with a more persuasive argument. I am concerned that in Government at various levels officers, who, strictly speaking, do not have responsibility, sometimes take responsibility upon themselves and are given more than they should have. We should be careful about defining the responsibilities of which the council is capable of divesting itself. That is what the honourable member is attempting to do in the amendment.

The Hon. BARBARA WIESE: In practice there is no doubt that councils want to maintain the important decision making powers that they are given. It is human nature that people who are appointed or elected to a decision making body will want to maintain control of the major decision making powers, but they may wish to delegate some functions, related to the collection of information, research and other activities that would assist them in their decision making, to appropriate people in order that those matters can be attended to properly. That is the intention of the Bill and that is what we would like to see enacted. I can only repeat that the Government therefore opposes the amendment.

Amendment carried; clause as amended passed.

Clauses 21 to 23 passed.

Clause 24—'Membership of boards.'

The Hon. BARBARA WIESE: I move:

> Page 9, after line 41—Insert new paragraph as follows:
> *(ab)* that at least three members are owners of land used for agricultural, pastoral, horticultural or other similar purposes;.

The Opposition in another place sought inclusion of a paragraph which required that at least three members of a district soil conservation board should be practising farmers. The Government opposed the amendment, having some difficulty with the word 'farmer', but gave an undertaking to introduce an appropriate amendment when the Bill arrived in this place. This amendment provides that at least three members of a district soil conservation board should be 'owners of land used for agricultural, pastoral, horticultural or other similar purposes'. That reflects the farmer representation on the Soil Conservation Council and picks up the point that was made by the Opposition in another place, whilst not confining the definition to only one category of person who may have something to do with the land.

Amendment carried; clause as amended passed.

Clauses 25 to 27 passed.

Clause 28—'Conflict of interest.'

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

> Page 11, after line 11—Insert as follows:
> ', not being a benefit or detriment that would be enjoyed or suffered by the member in common with a substantial class or group within the community'.

This amendment picks up the point that I have made about membership of the council and conflict of interest of members, and it applies equally to members of district soil conservation boards. This is even more appropriate here than in relation to the council because all the members of the board must be resident within the boundaries of the district of the Soil Conservation Board, and it is quite likely that a number of those members, if not all of them, will suffer a detriment and thus have a conflict of interest in common with a substantial class or group within the community. For this reason I want to put beyond doubt that that does not disqualify them from participating in the decision on that particular issue.

The Hon. M.J. ELLIOTT: The Democrats support this amendment for the same reason that was stated previously.

The Hon. BARBARA WIESE: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clause 29 passed.

Clause 30—'Delegation.'

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

> Page 12, line 30—Leave out '(except the power to make and enforce conservation orders).' and insert '(other than its functions under sections 36, 38, 39 and 42)'.

This again picks up the debate on delegation; it relates to the power of a board to delegate any of its powers and functions. This clause provides that a board may, with the approval of the Minister, delegate any of its powers and functions except the power to make and enforce conservation orders. Those orders are referred to in clause 38, and that is a very wide-ranging power. So, already that is excluded from delegation, and my amendment maintains that exclusion although in different words. I exclude it by reference to clause 38.

There are three other clauses that I think need to be referred to specifically. Clause 36 provides that a board must, within five years from the commencement of the Act, develop a district plan of all land within its district. The board must make the decision ultimately on the district plan. Nothing in my amendment prevents officers, contractors and others from assisting in the development of the district plan, but my amendment ensures that it is the board only that makes the decision about the adoption of such a plan.

Clause 38 deals with soil conservation orders. Clause 39 relates to compulsory property plans, the approval of such a plan, the rejection of such a plan, or the reference of such a plan back to the landowner for modification. Again, clause 39 envisages that the board may take any of those three courses of action. It is important, in my view, to insist that the board do it and not delegate it to an officer. Again, it does not prevent the board from seeking and receiving assistance from its officers or from other persons in the process towards approval, rejection or reference back of that plan.

The most significant power of the board is under clause 42, and it is an extraordinary power for a board to have—it could impose a maximum fine of $10 000 with the consent of the Minister (we will debate the substance of that later) and the board may cause work to be carried out on the land referred to in the order, as full compliance with the soil conservation order may require. So, it is exercising quasi-judicial powers. It seems to me to be extraordinary that, even with the consent of the Minister, it can delegate that power.

I believe it ought to be put beyond doubt that the board makes that decision, accepts the responsibility for it and does not delegate to someone else even the power to cause work to be undertaken. Again, it can obtain advice, but the decision, ultimately, is the board's, and the board may cause the work to be carried out by contractors or others. So, the board does not have to do the work: the board makes the decision. The arguments are the same as those in relation to the power of delegation. It is in that context that I move my amendment.

The Hon. BARBARA WIESE: On the basis of the honourable member's description of his amendment, I will accept it.

Amendment carried; clause as amended passed.

Clause 31 passed.

Clause 32—'Soil Conservator.'

The Hon. BARBARA WIESE: I move:

Page 13, after line 15—Insert new subsclause as follows:

(3) It is an essential requirement for appointment to the position of Soil Conservator that the appointee has had experience in the field of soil conservation or land management.

The Opposition in another place sought inclusion of a new subclause which required the person appointed to the position of Soil Conservator to hold appropriate tertiary qualifications in the field of soil conservation or land care. The Government agreed with the spirit of what was proposed in the amendment; however, the wording caused some concern, as it precludes someone who has experience in soil conservation but does not have the appropriate tertiary qualifications for holding the position. An undertaking was given to introduce in the Council an appropriately-worded amendment further defining the nature of the Soil Conservator. The Government believes that the wording of the amendment deals with the question that was raised by members in another place and also with the reservations that were expressed by the Minister during that debate.

Amendment carried; clause as amended passed.

Clause 33 passed.

New clause 33a—'Review of board's operation.'

The Hon. M.J. ELLIOTT: I move:

Page 13, after clause 33—Insert new clause and heading as follows:

DIVISION V—REVIEW OF ADMINISTRATION

33a. (1) A person who is of the opinion that a board is not performing its functions under this Act adequately or in the proper manner may apply, in writing, to the Conservator or the council for the operations of the board to be reviewed.

(2) An application under subsection (1) must set out the grounds upon with the request for review is made.

(3) Subject to subsection (4), the Conservator or the council, as the case may require, must, on receiving an application under subsection (1), carry out, or cause to be carried out, a review of the operations of the board to which the application relates.

(4) The Conservator or the council, may refuse an application under this section if of the opinion, after a preliminary investigation, that the application was made frivolously or vexatiously.

(5) An applicant for a review must be notified in writing of a decision of the conservator or the council to refuse the application pursuant to subsection (4).

(6) The Conservator and the council have, for the purposes of carrying out a review under this section, all the powers of a royal commission under the Royal Commissions Act 1917.

(7) The results of a review under this section must be embodied in a report a copy of which must be furnished to the Minister, the applicant and the board the subject of the review.

This relates to a major concern that I have about the Bill and the need for some checks and balances. I have already attempted to have inserted in the Bill a 'right to be heard' clause, a 'third party standing' clause, but that was rejected. This proposed new clause is a tamer version of the same concept. I ask members to look at it very carefully. It gives a person who feels that a particular board might not be carrying out its functions under the Act the opportunity to lodge, in writing, a complaint to either the Conservator or the council, asking for the operations of that board to be reviewed.

I am very mindful of the possibility that there could be frivolous or vexatious complaints from people and thus I have provided, in subclause (4), that the Conservator or the council may refuse an application if, after preliminary investigation, it is considered that the application has been made frivolously or vexatiously. At that point a person's complaint can be cut off dead. If a person makes a habit of lodging complaints, if they are obviously being a nuisance, or if a very cursory examination of a person's complaint indicates that there is nothing to it, at that point that can be the end of the matter.

It is important to recognise that, while at this stage the Bill recognises the need to involve people at the coalface, as it were, who are intimately involved in the workings of the boards, there is a risk that from time to time a board might be derelict in its duty, either in a minor way or a major way. Members of boards might not perhaps be willing to tell certain people who happen to be their neighbours that they really are not doing their job properly. It is only reasonable that some sort of check or balance be provided, whereby an approach can be made to the council or the Conservator in relation to cases where a board may not be doing its job properly. This is simply a structure; perhaps something of an Ombudsman type role being allocated to

the council or the Conservator. I think this is a reasonable request. I cannot see that it will create any headaches. I will insist on this measure. If there is no support I will divide on it—because I think it is that important.

The Hon. BARBARA WIESE: The Government opposes the amendment. It is considered that the ability to review a board's operation currently exists in the Bill. Clause 19 (1) *(g)* identifies the following function of the council:

> . . . to perform the other functions (including the approval of district plans and three-year board programs) assigned to the council by or under this Act or by the Minister.

Therefore, if there is concern about the operations of a board an investigation can be sought. If a person is concerned that a board is not addressing significant land degradation issues, that person can seek intervention by the Soil Conservator. Clause 40 provides that the Soil Conservator has the ability to direct the board to exercise its powers. In relation to this amendment two review processes are already included in the Bill. The first relates to the Minister's requesting the council to review a board's operations and, secondly, the Soil Conservator has an overview role of the operations of a board in relation to land degradation and the application of soil conservation orders. It is the Government's view that there already exists in the Bill sufficient power to enable anyone who is concerned about the operation of a board to have their concerns taken up and considered appropriately.

The Hon. M.J. ELLIOTT: I think the Minister is really missing the point of this amendment. It sets up a formalised process by which a person can lodge a complaint. One would think that, in a democracy, we would be opening up Acts as far as possible to make their functioning accessible to the public. If an act has not been carried out properly—and in this particular case if a board is not carrying out its functions—it is only reasonable that members of the public (who in many cases may be farmers) should be able to go to the Conservator or the council and bring the matter to their attention; and it would be recognised in the Act that they have the right to draw attention to the fact that there may be a problem. Otherwise, there is no formalisation of that and, whilst the council or the Conservator has the power to investigate, etc., there is no formalisation of any way by which a complaint can be made to them. I do not think this is an unreasonable request, particularly as it recognises that any request which is frivolous or vexatious can be dismissed immediately.

The Hon. PETER DUNN: The Opposition opposes this amendment. The Hon. Mr Elliott has been at this one for a long time, but this is socialism gone mad. It is an intrusion; it will antagonise—

The Hon. M.J. Elliott: It is democracy!

The CHAIRMAN: Order!

The Hon. PETER DUNN: Democracy my foot! Who would know who had made a complaint? If someone writes an anonymous letter, the board has to sit down and make a determination on whether it is right, wrong or vexatious. That is silly! If a person had a fire and a terrible drift problem resulted thereafter, an outsider could come along and say, 'This soil board is not doing its job,' and write to the board. The board members would then have to spend their good time on the matter, trying to explain it to the Conservator or anyone else. After all, most of these people are self-employed in the area, and this intrusion into private lives has gone far enough. We are in and out of it all the time. People who have absolutely no pecuniary interest in it are making the situation worse. They may have an interest in it to make the country look a little nicer, but this really does involve an intrusion into something that is not their business. They might be a neighbour who, as the honourable member said, determines whether it is vexatious, but how will the board determine whether or not that neighbour is vexatious? The Committee will put itself into a minefield if it lets this amendment pass, and for those reasons we object to it.

The Hon. M.J. ELLIOTT: I am gravely concerned at the attitude being displayed on this question of the right of members of the public to get involved in a whole range of issues. In the long run, the Liberal Party will come around to the same point of view because not only is this important in matters of conservation but also the public should be given access to a whole range of areas to ensure that the intention behind an Act of Parliament is carried out. Frequently, by acts of omission, things which are required under Acts are not done. There need to be mechanisms by which the intention of Parliament is carried out. I cannot see the problem when, if somebody is failing to do their duty, there is a requirement for them to carry it out; that is all that this would involve.

The Committee divided on the new clause:

Ayes (2)—The Hons M.J. Elliott (teller) and I. Gilfillan.

Noes (14)—The Hons J.C. Burdett, M.B. Cameron, T. Crothers, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Diana Laidlaw, Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese (teller).

Majority of 12 for the Noes.

New clause thus negatived.

Clause 34—'Application of this Part to pastoral land.'

The Hon. M.J. ELLIOTT: I move:

Page 13—Leave out this clause and insert clause as follows:

34. This Part does not apply to or in relation to land that is subject to a pastoral lease under the Pastoral Act 1936.

The Liberal Party agrees with part of the argument that I will put, that there is clearly some conflict between the pastoral and soil legislation, even though there is a clumsy attempt within this Bill to give some separation between the two by suggesting that the powers of the Pastoral Board override any powers under the Soil Board.

Nevertheless, some real conflicts are set up in the way in which things operate. Here we have set up soil boards operating in pastoral areas, which boards operate under the Soil Conservation Bill. Their operation is under the purview of the council and the Soil Conservator, yet any decisions they make are worthless, because decisions in the area are made by the Pastoral Board. That will create confusion. In many cases we will probably have the local boards coming up with a set of plans which are in direct conflict with the Pastoral Board, and the Pastoral Board theoretically will have the final say. I can see it leading to a great deal of conflict.

There is no line of communication between the local soil boards and the Pastoral Board. I believe that the more sensible thing to do as far as the pastoral lands are concerned is not to have the Soil Conservation Bill operate in the pastoral lands but, under the pastoral legislation, to set up local boards similar to the soil boards but with a much wider and very clear responsibility in relation to all matters dealing with the pastoral lands, because the pastoral legislation is more wide-ranging than the soil legislation and it would be sensible for the soil boards to operate directly under the Pastoral Board and not have this strange structure we have set up.

There will be conflict between the two Acts. There is a very clear indication of politics being played within Government departments. There is no doubt that the Department of Agriculture has been nobbled; no two ways about it. The word is out in the community, and we know what has been going on: there has been a power play at work and

the Department of Agriculture, which previously had not been involved in the pastoral lands, has tried to become involved. We now have a Pastoral Land Management and Conservation Act, which was passed in this place (following a select committee) only a couple of months ago, being undermined by another Act, and it is the work of public servants who had no right to become as involved as they have in mucking up the process in this place.

They have been very persistent, and their actions have been outrageous. I hope that something will be done to delineate and separate the two Acts, instead of having this messy grey area which will leave a great deal of uncertainty about what will happen in the pastoral lands. I am not at all satisfied with the clause currently in the Bill, nor are a great many other people, and I strongly urge that we act to separate the soil legislation from the pastoral legislation, which as I have said before is a very holistic measure in that it takes everything into account. It is a much better Act than the Soil Conservation and Land Care Bill, which is much narrower. We are not doing the people in the pastoral lands any favour in the long run by giving them soil boards when they could have been given much more wide-ranging boards operating, perhaps, directly under the Pastoral Board.

The Hon. PETER DUNN: I have a slightly different viewpoint. I would go the other way. I agree that a conflict exists between the two departments, but I have always held the view—and maintained it with the pastoral legislation—that the Lands Department should be dealing with land tenure and should have nothing to do with land management. That is the prerogative of the Department of Agriculture—it does it in this country. The Department of Agriculture has officers in Port Augusta and has worked in the pastoral area for many years. If we speak to the pastoralists, we find that they believe that those people do a good job, just as they believe the Lands Department does a good job in handling land tenure. They are not sure what will happen now that the Lands Department has the job of handling land management. For that reason the two ought to be separated.

However, the Minister has put an amendment on file to soften the effect of the overriding powers that the pastoral legislation had over this Bill because it got to the stage where a chairman of one of the boards set up in the north said that he would not be bothered putting forward cases and information to have it knocked out by the Pastoral Board.

So, the Minister quite rightly has amended it and I agree that the amendment meets the requirements of the people in the north. For those reasons I cannot agree with the amendment moved by the Hon. Mr Elliott because he is saying that the Pastoral Board should take over land management, and I have never agreed with that.

The Hon. BARBARA WIESE: I move:

Page 13:

Line 18—After 'in relation to' insert 'pastoral'.

Lines 22 to 24—

Leave out subclause (3) and insert subclauses as follows:

(3) A board the district of which includes any pastoral land must—

(a) in developing or revising a district plan (but before making it available for public inspection and comment);

or

(b) before taking any action under Division III in relation to any such pastoral land,

consult with the Pastoral Board and give due consideration to the board's views on the matter.

(4) Before the Council approves any such district plan or revised district plan, it must consult with the Pastoral Board and give due consideration to the Board's views on the matter.

The Government opposes the amendment moved by the Hon. Mr Elliott. This matter was debated in another place and since then the Australian Conservation Foundation has sought clarification of the interaction between the Pastoral Land Management and Conservation Bill and the Soil Conservation and Land Care Bill. The pastoral legislation has been designed to operate at a property level and manage properties through lease provision. Clause 34 allows for the pastoral legislation to take precedence when dealing with any individual leaseholder and overrides any action taken by a Soil Conservation Board.

The area of district planning involves the establishment of broad management criteria for land—a principle common to all land in South Australia. The amendment is proposed to make clear that the Pastoral Board should be consulted and its views given due consideration in the production of a district plan. This amendment has the support of the United Farmers and Stockowners Association but does not go far enough for the environment groups, which sought to have the Pastoral Board approve the district plans after obtaining the advice of the Soil Conservation Council. To take this away from the Soil Conservation Council would destroy the common principles which have been developed for all land managed by a well balanced council.

We are concerned that, if the Pastoral Board took on this role, the community involvement established will fail because the pastoralists see the Pastoral Board as having strong regulatory powers rather than a community focus. The Pastoral Board may also be better not being compromised by approving a district plan and not being able to take action outside of that plan when it is felt necessary. Section 36(1) of the Pastoral Land Management and Conservation Act provides the Pastoral Board with the powers it requires to take action where land degradation is occurring.

The Hon. M.J. ELLIOTT: Sir Humphrey would be proud. It is a slight understatement to say that the Conservation Council says that it does not go far enough. The council is bitterly disappointed with what is happening here. The argument that conflicts may arise between the district plan and the plan for an individual property as required by the Pastoral Board is a nonsense. That is more likely to happen because we have two separate bodies: the Pastoral Board produces the property plans and, under the soil conservation legislation, local boards produce district plans.

In relation to community involvement, I have made clear that I think it is unfortunate that the pastoral legislation did not incorporate the concept of local boards, because I believe that it would have developed very good communication between the bureaucrats (the people who operate the Bill), the Pastoral Board and the pastoralists. It is a pity that we could not pursue that course. I did raise the issue during select committee deliberations, but at that stage I could see that I would not receive much support, so I did not persist.

However, I must admit that I was very surprised when a decision was made to allow the Soil Conservation Act to overlap into the pastoral areas and to create the sort of conflict that we should avoid. We should really look at producing district plans, which would provide a very clear guide to pastoralists as to likely individual behaviour and, if they did not behave, then that is when an individual property plan is likely to be applied to them. I believe that we are missing a golden opportunity to clarify matters. Instead, we will make the situation murkier and that is a very great pity.

The Hon. PETER DUNN: Does this Bill take precedence over the native vegetation legislation?

The Hon. BARBARA WIESE: One Bill would not take precedence over another. The Bills have separate functions which are complementary.

The Hon. PETER DUNN: I can think of a number of cases where one will conflict with the other.

The Hon. T.G. Roberts: Name them.

The Hon. PETER DUNN: A heritage agreement could be applied to a property that virtually locks it up but, for some reason, this Bill could require water to be distributed through that property. The heritage agreement could be negated for soil conservation reasons, for weed control or for some other reason. Once the heritage legislation is applied to a property, scrub is not permitted to be cleared. However, the board may require scrub to be cleared. I can think of other instances where native vegetation might have to be cleared for very good reasons. If the board requires such a course of action, who then has precedence?

The Hon. BARBARA WIESE: No conflict has arisen in the past. However, there have been recommendations about soil conservation issues and there have not been problems with native vegetation legislation. It is not envisaged that problems of that kind would arise. Under this legislation recommendations may be made relating to soil conservation issues, but they would be considered in conjunction with other matters that would need to be taken into consideration, including native vegetation issues, when a decision is being made about what should happen in a particular location.

Amendments carried.

The Committee divided on the clause as amended:

Ayes (14)—The Hons J.C. Burdett, M.B. Cameron, T. Crothers, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Diana Laidlaw, Anne Levy, R.I. Lucas, Carolyn Pickles, T.G. Roberts, G. Weatherill and Barbara Wiese (teller).

Noes (2)—The Hons M.J. Elliott (teller) and I. Gilfillan.

Majority of 12 for the Ayes.

Clause as amended thus passed.

Clause 35—'Assessment of land.'

The Hon. BARBARA WIESE: I move:

Page 13, line 27—After 'such land' insert '(not being pastoral land)'.

The amendments to this clause have been proposed since the Bill was considered in another place to make clear that there was no duplication between the land assessment conduct under the Pastoral Land Management and Conservation Bill and the Soil Conservation and Land Management Bill. This clarifies what was administratively envisaged. It has the support of the Australian Conservation Foundation and the United Farmers and Stockowners, but not the Advisory Committee on Soil Conservation which did not want the council compromised.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 13, after line 34—Insert new subclause as follows:

(3) The information resulting from the assessment of pastoral land by the Minister of Lands must be furnished by that Minister to the council and to each relevant board.

I spoke to this amendment previously.

Amendment carried; clause as amended passed.

Clause 36—'District plans.'

The Hon. PETER DUNN: I move:

Page 14, after line 14—Insert new subclause as follows:

(1a) A board must, within three years of the commencement of this Act, consult with each owner of land within its district in relation to the preparation of the district plan and, in particular, in relation to the application of the plan to the landowner's land.

This amendment is self-explanatory and provides that the board keep its nose clean and go back to the landowners of a district to explain the district plan and the plans for individual landowners where applicable. It is clear: there is nothing ambiguous about it.

The Hon. BARBARA WIESE: The Government opposes this amendment. Although the spirit of what the honourable member is trying to achieve is appreciated, I understand that the intent of the amendment is that the boards would have to consult individually with each of the land-holders in a particular district. This would mean that in some locations about 2 000 land-holders would have to be consulted individually, which would be unworkable. In this Bill it is the intention of the Government to ensure that the method of consultation with land-holders should be by way of public meeting. In fact, clause 36 (2) provides:

A board must give the community within its district a period of at least 90 days within which to inspect and comment on a district plan and three-year program, and must give due consideration to modifying the plan or program in light of those comments.

It is the Government's intention that land-holders be given the opportunity to comment by way of attendance at a public meeting so that those views can be taken into consideration appropriately and amendments made. Although I appreciate the point being made by the Hon. Mr Dunn, in summary it is believed that his method of achieving those ends would make the work of the board almost impossible to perform.

The Hon. PETER DUNN: I would hope not. The intention was that every three years they be advised by letter what has happened over that period. Even though they are given 90 days in which to inspect a district plan, once that has been agreed to and the 90 days has expired, it is in concrete and not much can be done about it. I believe that the farmers whose property plan (and it might be a voluntary plan) would be affected by this district plan should be notified of the changes made to the district plan in the past three years and asked whether they wished to have some input. I would have thought it was a good communication exercise.

The Hon. BARBARA WIESE: Each district is really very different, and it is the intention that each board will make its own decisions about how to consult with the land-holders in its area. One could envisage that in some areas the most appropriate way of reaching people would be to write to them about the intentions and give them an opportunity during that 90-day period to determine a position on the issues being considered; however, in an area like the Adelaide Hills, for example, where, as I understand it, there are some 2 000 land-holders, the process might be conducted in rather a different way. As I indicated, it is the view of the Government that each board should make decisions on how to notify people about the intention to hold meetings for discussion that would be appropriate and suitable to the area that they represent.

The Hon. PETER DUNN: That poses the question: what is the minimum size for an area to which this legislation will apply? The Minister referred to 2 000 people. What will be the criteria for this Bill? Will it involve a half acre block of land with a house on it, or must the land be used primarily for agricultural purposes? Will the owner have to earn 60 per cent of his income from primary production on that land? Pray tell me, what are the criteria?

The Hon. BARBARA WIESE: Groups of local councils will come together to form boards or to discuss these issues. The area that a board will cover will not be based on the area of land or the number of land-holders: rather this relates to a more convenient drawing together of local government authorities which feel that they can work together and start to achieve some of these goals. The southern Hills

group, to which I referred previously, covers the Fleurieu Peninsula and some of the Hills area. In that district there is a large number of hobby farmers, as well as other people, who are making a living from their land-holding and so probably in that area, as opposed to most other areas being covered by boards in this State, there will be a considerable number of people in a category that will not apply in other board districts.

The Hon. Peter Dunn: There must a minimum size in relation to land. There must be some criterion.

The Hon. BARBARA WIESE: The provisions of the Bill apply to all land except land in townships. Thus, this will apply to all farms whether they be farms from which people derive the majority of their income or hobby farms. It will apply to properties whether they be 100 hectares or 100 000 hectares in size.

The Hon. M.J. ELLIOTT: I appreciate what the Hon. Mr Dunn is trying to do here. I feel that there could be problems where there are very large numbers of property owners in some of these areas under the boards. 'Consultation' is a word which is already rather badly abused in Government circles. I am not really sure whether the amendment would achieve what the Hon. Mr Dunn is setting out to achieve. Perhaps what he is aiming to achieve is not achievable in the first place because too many properties would be involved. I do not support the amendment, although I support the general principle behind what the honourable member is trying to do.

Amendment negatived; clause passed.

Clause 37 passed.

Clause 38—'Soil conservation orders.'

The Hon. PETER DUNN: I move:

Page 16, after line 10—Insert new subclauses as follows:

(8) Where—

(a) a soil conservation order is made in relation to land that is being used by the owner for the purposes of primary production;

and

(b) the effect of the order is to reduce permanently by more than 10 per cent the total area of land available to that owner for use in primary production,

the owner of the land is entitled to compensation for loss of the use of the land subject to the order.

(9) The amount of the compensation will be determined by agreement between the Minister and the landowner or, in default of agreement, by the Land and Valuation Court.

This clause relates to compensation. If more than 10 per cent of a property which was legitimately being used as a method of earning an income is taken for whatever reason, and if the soil board or Conservator deemed that it be locked up, revegetated or whatever—and there could be a dozen reasons—compensation ought to be paid. I refer to the Native Vegetation Act, under which compensation is paid when a certain area is stocked away, and the same criteria should apply here.

A farmer might have plant and equipment which he has purchased and which is suitable to till his land, but, having had 10 per cent knocked off, he does not require that amount of machinery. Somehow he has to pay for it, and that is where compensation would be appropriate. It is fairly clear. It involves an agreement between the Minister and the land-holder but, if that does not work, the Land and Valuation Court would become involved. It is a fair inclusion in the Bill.

The Hon. M.J. ELLIOTT: The Democrats were very supportive of compensation payments under the Native Vegetation Act. In fact, on one occasion I appeared before the tribunal itself arguing for a farmer who had quite clearly been made unviable by a decision not to allow a clearance. I argued for much greater compensation than he had been given. There is an important difference between what happens under the Native Vegetation Act and what happens here. Under the Native Vegetation Act, a decision denying the use of certain land for farming was made for conservation purposes relating not to farming but to the need to preserve certain species and ecosystems. The State made that decision, and it was not the farmer's fault in any shape or form that he happened to have on his property vegetation which the State decided it wanted to preserve. Here we are looking at land that has been degraded due to human activity.

This amendment provides that a person should be compensated when his land is so severely degraded that a decision is made that it cannot be worked for a period of time, whatever that may be. In fact, it is even worse than that because, as this amendment is constructed, it relates to when a soil conservation order has been made. Where a farmer does the right thing and decides at his own expense to close off an area for a period of time no compensation is paid at all. When a recalcitrant farmer whose land is degraded does nothing, as a result of which an order is placed on the property, compensation follows. It really is an absurd proposition.

I am not saying that there might not be some cases where some sort of compensation was not worthwhile. Taking the Mallee area as an illustration, we now realise that the salinisation is occurring because of rising water tables caused predominantly by overclearance. One farmer's property may be affected by what is happening with his neighbour's property. For the good of the general district, a decision may be taken that certain areas should be revegetated. In that case there is an argument for some form of compensation to be paid, because one person is being asked to bear a load that was not due to anything that he or she did.

He is being asked to do this for the good of the wider community. In that case, I think there is a very good argument for compensation. However, as this amendment is presently structured, it gives compensation to some of the wrong people as well. That simply is not acceptable at all.

I would like to see some sort of mechanism whereby the Minister may, in some circumstances, grant compensation, because I have not at this stage picked up in the Bill anything that does that. I would be interested to hear the Minister's response on whether we could have some sort of mechanism to provide compensation to a farmer who is being asked to carry out land care actions or to have certain lands closed off, not for the good of their own farm and not necessarily because of their own actions, but for the good of the wider community.

The Hon. PETER DUNN: I point out that paragraph *(b)* provides that the effect of the order is to reduce 'permanently'. It is not a temporary thing: I am not asking for compensation in that case. I am asking for it where 10 per cent of a property has been taken out of production permanently. That is a pretty high figure.

The Hon. M.J. Elliott interjecting:

The Hon. PETER DUNN: The compensation is commensurate with that. However, the compensation to which I am referring relates to the type of case that the honourable member mentioned. The land might be at the bottom of a hill, where the farmer would like to have vegetation because there is a wash, or for some other reason. Where the farmer was legitimately using the land for production, it would have to involve a permanent order.

The Hon. BARBARA WIESE: The Government also opposes this amendment. The Hon. Mr Elliott explained very well why the amendment should be opposed. I would simply like to add a couple of points. The onus is on the

owner to correct the problems that may appear on his land through human activity. In fact, avenues are available to encourage good soil conservation practices other than by way of compensation in this way. Clause 13 provides for the Minister to give financial assistance to an owner by way of grant or loan for the carrying out of works for the conservation or rehabilitation of land.

The Bill also provides for the establishment of a fund which would be available for application to soil conservation works. In addition, a review of the Taxation Act is currently under way in relation to methods of helping to improve degraded land. So, a number of measures are already in place, or under review, which would provide some assistance to land-holders who are forced to take some action in this area.

Finally, this Bill does nothing to change the terms of orders from the provisions of the existing legislation. Compensation provisions do not apply under the existing legislation, and there does not appear to be any good reason why they should apply under the new legislation.

The Hon. M.J. ELLIOTT: I may be proven wrong, but I rather suspect that in the current climate people are recognising that there will be a need, in some areas, for quite significant orders to be placed, unlike anything we have seen so far.

I do not know whether the proposal for a band of vegetation either side of the Murray is likely to be covered by something like this, or whether it includes work to be carried out in Mallee areas where decisions might be made to cause revegetation to occur. Those things have been talked about and may be necessary, but it seems to me that, if decisions on that sort of scale are to be made, clause 3 is not quite up to it. I have already pointed out what I think are severe deficiencies in the proposed amendment. I will not support the amendment, but I have indicated privately to the Hon. Mr Dunn that I am at least willing to support an adjournment of the debate at the end of the Committee stage so that we have a chance of tackling that problem.

I am not sure there is a way of tackling it, but I would like a chance to exercise the possibility before the Bill finally passes in this place.

The Hon. PETER DUNN: There has been talk in broad terms of depopulating, in a sense, some of the drier areas of this State. There are two ways of doing that: first, economically, which is happening now or, secondly, it may be decided to remove some farmers from the Murray-Mallee, parts of Eyre Peninsula or the higher part of the Mid-North. If we do that, we might want to change the land tenure and go into pastoral areas, some of the areas which now border the pastoral areas. The Government or the board might say that this is better pastoral country than it is agricultural country, and there is nothing in this Bill to allow that to happen. There is nothing that would compensate the farmer although, if it got to that stage, compensation would be fairly minimal anyway. It would not be highly priced land, but the Bill makes no provision for that at all, and I should have thought that it ought to be considered.

The Hon. BARBARA WIESE: If the matter came to the point that the honourable member is suggesting, it would be much more likely that the Government would have to acquire the property under consideration because we would be, in effect, putting the land-holder out of business. There may also be scope, if the matter were as substantial as the issues being discussed here, for there to be an argument for assistance being provided under the rural assistance scheme. It would be a major restructuring project, so avenues of that kind would be more appropriate to deal with the sorts of questions being discussed here than using the provisions of the soil conservation legislation.

Amendment negatived; clause passed.

Clause 39 passed.

Clause 40—'Power of Conservator to make soil conservation orders.'

The Hon. PETER DUNN: I move:

Page 16, line 27—After 'the Conservator may' insert ', with the approval of the Minister'.

This amendment provides that the Conservator must obtain the permission of the Minister. We have argued that long and hard. Under our system of Government the Minister should take responsibility for particularly severe directions given under conservation orders. Where a single public servant can direct an individual to do something, the Minister should take responsibility.

The Hon. BARBARA WIESE: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clause 41 passed.

Clause 42—'Enforcement of soil conservation orders.'

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

Page 17—

Lines 13 and 14—Leave out paragraph *(a)*.

Lines 22 to 24—Leave out ', ranking in priority before all other charges and mortgages (other than a charge in favour of the Crown or a Crown instrumentality)'.

This is probably one of the most potent of the clauses in this Bill because a soil conservation board may, with the consent of the Minister, impose a fine on the landowner amounting to a sum not exceeding $10 000 and may cause such work to be carried out on the land referred to in the order as full compliance with the soil conservation order may require. In ordinary circumstances it would only be a properly constituted court that could impose a fine and only after the complainant had established beyond reasonable doubt that there was a case against the defendant. The defendant would have had a right to be represented, to have made submissions and to have called evidence. In fact, in a court the rules of evidence would be clear. The decision would be subject to an appeal, if necessary to the High Court of Australia, and the rules would have been clearly defined.

This clause allows a board—an administrative policy body comprising seven local people—to impose a fine on a landowner of an amount not exceeding $10 000. There is no indication as to what sort of basis it should be necessary to establish before the fine is imposed. The board is both prosecutor and judge. The board makes the rules; the board can act in circumstances akin to a kangaroo court if it so wishes without having regard to the proper basis or proper evidence for a judgment to be made.

It may not even be required to hold a proper hearing and give the landowner a right to appear. That is the worst possible situation in which a citizen can be placed—being subject to a penalty of quite substantial proportions without any rights being guaranteed. As a result of the debate in the other place and a proposition by the Opposition in that place, a tribunal has been established comprising a District Court judge and two other persons appointed by the Governor on the nomination of the Minister. A right of appeal exists, but what is to be appealed against? Is it the basis upon which the board arrived at its decision? Is it the fact that some information was improperly considered? Is it the fact that no right of audience or representation was given to the landowner?

There is no guarantee of even basic natural justice and, if a fine of this magnitude or any magnitude is to be imposed, it should be imposed only by a court after proper

process has been followed and the long established rules of evidence have been satisfied. For that reason I move my amendment as vigorously as possible. As I said, it is an objectionable provision. I do not cast a reflection on the Minister or her officers in this respect but, rather, I state that, as a matter of fact and as a matter of justice, it is objectionable in the extreme.

If there is a desire to impose fines on landowners, it should go through the proper process where the onus of proof, the evidentiary rules and the rights of the accused are set out clearly in the legislation. Nothing in this Bill does that to satisfy natural justice.

The Hon. BARBARA WIESE: The Government opposes this amendment. The provision contained in the Bill is a measure of last resort. The power to impose a fine is given to the board only after a land-holder has refused to comply with an order and all other reasonable efforts by the board have failed. Provision is therefore given for a fine to be imposed, but it can be applied only with the agreement of the Minister, so a check is built in to ensure that the decision being taken by the board is reasonable.

As the honourable member acknowledged, there is a further check, since a person who feels that the fine is being imposed inappropriately can take an appeal to a tribunal, so there are numerous opportunities to scrutinise a decision of a board. A power identical to this was inserted in the Pastoral Land Management and Conservation Bill recently passed by Parliament.

The Board also has power to impose an identical fine of $10 000. The matter has been considered in a similar context in this Parliament recently. The Government believes it to be a reasonable measure, but I stress that it is to be used only as a measure of last resort.

The Hon. K.T. GRIFFIN: Nothing in the Bill says that it is to be used as a measure of last resort. The Minister says that she hopes that is how it will be used, but there is no guarantee that is the case. The fact that it is in the pastoral legislation is of no consequence. Perhaps I should have been alert to that. The pastoral legislation was before us at the end of the last parliamentary session when there was a tremendous number of Bills and I did not read them all, as perhaps I should have done.

The Hon. Barbara Wiese: It went to a select committee.

The Hon. K.T. GRIFFIN: I do not care whether it went to a select committee. The fact that it is there does not mean that it is right. The Pastoral Board should not have that power. I would do all in my power in Government to see that it was repealed so that it did not apply. If we want to ensure that there is a right to take a recalcitrant landowner to a court and have the court impose a fine, that is an appropriate course to follow because it is then with a court, not an administrative body. The Minister said that the consent of the Minister would have to be obtained and that ensures that it is not unreasonably imposed. However, there is no certainty that the Minister's involvement will necessarily guarantee that it is applied in reasonable circumstances. It does not say, even in that context, that the landowner has a right to appear. It can be done in the absence of the landowner and without his being given any rights of appearance or of making representations. It is an objectionable provision.

If there is a desire to provide some mechanism to ensure that a recalcitrant owner is brought to heel, it is appropriate for an offence to be created and for the proper procedures to be followed in bringing the owner to court.

The alternative is to take it out of the criminal area of the law and to provide that the board may apply to a court for an order compelling a landowner to take a certain course of action and, in default, to impose a penalty. In some other way there is a mechanism to ensure that natural justice is satisfied, that the rights of a landowner are protected, and that all the procedures are properly established. There is none of that in the Bill. If it is in the pastoral legislation, it is as objectionable in that Act as it is in this Bill. I oppose this most vigorously, because it is improper.

The Hon. BARBARA WIESE: I want to address the issue that I raised earlier—namely, that the intention of the Bill is that a measure of this kind would be used only as a last resort. The honourable member has suggested that nothing in the Bill would lead him to believe that that was what is intended. Therefore, I want to draw a couple of clauses to his attention. Clause 29 deals with the functions of boards. One of the functions of the board is 'to implement and enforce this Act (including the making of soil conservation orders) within its district and to endeavour to do so as far as possible on the basis of first seeking the cooperation of owners of land within the district'. Furthermore, clause 38 (5) provides:

> Before making or varying a soil conservation order, the board must endeavour to negotiate with the landowner with a view to the contemplated action being undertaken by the landowner on a voluntary basis.

That makes clear the intention of the Bill with respect to seeking cooperation and getting a landowner to act in a responsible and reasonable way before any decision is taken by a board to impose an order and, subsequently, a fine if all those endeavours to achieve reasonable action have failed. I do not think it is reasonable that the honourable member should make these claims on this issue. I stress again that this measure, as we envisage it, will be used very sparingly by boards. I am sure that any board undertaking its responsibilities with respect to this legislation will seek to resolve a matter without ever thinking about imposing a fine. Fines will be imposed only in very exceptional circumstances.

The Hon. M.J. ELLIOTT: It is unfortunate that the amendment appeared only a few hours ago; I do not think there has been an adequate opportunity to explore it fully. A couple of issues are involved in this clause. I appreciate the problems involving natural justice, and I think that those problems are very real. Unfortunately, the amendment is inadequate in some ways in that, having deleted clause 42 (1) *(a)*, it does not place that power elsewhere. It is very important that we have a means of enforcing soil conservation orders. I cannot accept the deletion, but at the same time I can see some of the natural justice problems that are created by the way in which the clause is currently structured.

It is interesting that there seems to be a fear in this clause that the boards might be over-zealous and there is a need to ensure that that does not occur and that proper justice occurs. However, when I previously attempted to amend a clause to make boards under-zealous, if you like, that was quickly knocked on the head by the Opposition. I suggest that that is inconsistent. I cannot support the amendment because of its failure to put up an alternative. As I indicated in relation to another Liberal Party amendment, I can see some merit in it and I think it is worth further exploration. The Liberal Party has to decide whether or not to recommit this clause later. I do not support the amendment.

The Hon. J.C. BURDETT: I support the amendment. Clause 42 in its present form is totally objectionable in providing that boards can impose a fine of $10 000. As the Hon. Mr Griffin pointed out, fines, particularly of that magnitude (or of any magnitude) are imposed by courts, and rules of justice apply in that there has to be a charge, the charge has to be proven beyond reasonable doubt—

The Hon. M.J. Elliott: A football tribunal.

The Hon. J.C. BURDETT: No, not a football tribunal—a court. I am talking about a court. In a court an alleged matter, under the rules of evidence, has to be proved beyond reasonable doubt. If it is not, it is presumed the person is innocent until proven guilty. None of this appears in clause 42, which provides:

If a board is satisfied—

on what basis is not said—

that an owner of land has failed, without reasonable excuse, to comply with a soil conservation order, the board—

(a) may, with the consent of the Minister—

which, in my view, makes it worse because it takes it out of the area of the judiciary and puts it in the hands of the executive Government or the Minister—

impose a fine on the landowner of an amount not exceeding $10 000.

I find that totally unacceptable. It is quite contrary to the principles of the rule of law, to natural justice and the system of justice. Fines of this order are imposed by courts, where a charge is laid and a matter is proven under the rules of evidence.

I agree with some of the matters raised by the Hon. Mr Griffin and the Hon. Mr Elliott that there could be another way of doing this. Instead of imposing a fine, there could be provisions about the enforcement of orders and matters of that kind. I believe that this clause should be reconsidered and approached in a different way. However, until that is done, I support the Hon. Mr Griffin's amendment and I am totally opposed to the present clause. I disagree with what happened in respect of the pastoral legislation whereby a board was given the power to impose a fine without the provision of any criteria on the basis for imposing a fine, the right of a land-holder to appear and to be represented and so on. If a person is to be fined, particularly on a matter of this magnitude, I believe the ordinary procedures of justice ought to be complied with. I support the Hon. Mr Griffin's amendment.

The Hon. PETER DUNN: There is nothing in this which resembles the pastoral industry. The board could consist of seven neighbours of a particular farmer who, for some reason or another, are out of sorts with him. Under this clause, I can see that such a board could convince a weak Minister that the farmer does not want his property and he could be made bankrupt over night. To add insult to injury, having taken $10 000 out of his pocket and bankrupted him, the Government puts it into its own fund. If that is not adding insult to injury, I do not know what is. Of course, the Minister has the right to administer the fund. I believe that is wrong.

The pastoral legislation has a board that is relatively remote from the pastoralist. This is not; this is a very local board consisting of seven men or women who come from a particular area and could be neighbours of the farmer. Having done it once, I bet that they would not be on it in the future. I hate to think what would happen. It is just not on. That just cannot be done. The Government will take the fine of $10 000 and put it in its own fund. I imagine that, if the Government's coffers get a bit low, it may come up against a stroppy bloke like myself who will object and will not do what the order says, so the Government fines me $10 000 and puts it in its own fund. By the sound of it, it is a good way of raising funds. I cannot agree with this clause under any circumstances.

The Hon. K.T. GRIFFIN: The Hon. Mr Elliott has made a valid criticism of the amendment. I should have addressed this matter when I was considering deleting paragraph *(a)* of subclause (1). I am prepared to have an amendment drafted which would allow action to be taken in the event of default by an owner of land—to create an offence—which would then mean that all the power of the law could be brought to bear on that person. I think that would overcome a lot of the problems. I suggest to the Minister that, in accordance with Standing Orders, it is possible to postpone consideration of this clause. The other option is to deal with it and defeat the amendment, or support it, however it goes, and then recommit the clause. However, if consideration of the clause is postponed, this matter can be further dealt with at the end of the Committee stage, whether that is tonight or tomorrow. This will not take a large amount of time, because we have already canvassed the issues involved here in debate so far.

The ACTING CHAIRPERSON (Hon. Carolyn Pickles): The Hon. Mr Griffin would need to withdraw his amendment.

The Hon. K.T. GRIFFIN: If the Minister is amenable to postponing consideration of the clause, I will seek leave to withdraw my amendment.

The Hon. BARBARA WIESE: I am happy to further consider this clause at a later time.

The Hon. K.T. GRIFFIN: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Consideration of clause deferred.

Clause 43—'Registration of soil conservation orders.'

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

Page 17, line 35—After 'a copy of the' insert 'variation or'.

It seems to me that there is a possible argument that, if a soil conservation order was varied, that variation could not be registered. I simply want to put this matter beyond doubt.

The Hon. BARBARA WIESE: The Government supports the amendment.

Amendment carried.

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

Page 17, line 36—Leave out 'cause the' and insert 'or on varying or revoking a soil conservation order, cause the variation or'.

This amendment is moved in the same context.

The Hon. BARBARA WIESE: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clauses 44 and 45 passed.

Clause 46—'Control of driving of stock.'

The Hon. BARBARA WIESE: I move:

Page 18—

Line 33—Leave out 'land within the jurisdiction of the Pastoral Board' and insert 'pastoral land'.

Lines 34 and 35—Leave out 'land within its jurisdiction' and insert 'pastoral land'.

The words 'land within the jurisdiction of the Pastoral Board' and 'land within its jurisdiction' appearing in this clause can be replaced with the words 'pastoral land', as such lands are now defined in clause 3 as amended.

Amendments carried.

The Hon. M.J. ELLIOTT: My next amendment is consequent on an amendment I lost earlier, so I will not pursue it.

Clause as amended passed.

Clause 47—'Establishment of the tribunal.'

The Hon. BARBARA WIESE: I move:

Page 19, line 11—Leave out 'a farmer' and insert 'an owner of land used for agricultural, pastoral, horticultural or other similar purposes'.

This amendment reflects the outcome of the debate in another place on this question and also reflects the wishes of both the Opposition and the Government.

The Hon. M.J. ELLIOTT: We are referring to farmers and people carrying out agricultural pursuits of various sorts. How will this amendment affect people who have

tracts of land on which they run horses but which is not used in any way for profit? This is really a general question about the Bill.

The Hon. BARBARA WIESE: As I indicated earlier, this legislation is intended to cover all land except land within townships, so an area of rural land on which horses were kept, whether it be for profit or otherwise, would be included within the purview of the legislation.

Amendment carried; clause as amended passed.

Clause 48 passed.

Clause 49—'Powers and procedures of the tribunal.'

The Hon. BARBARA WIESE: I move:

Page 19, lines 24 and 25—Leave out ', bank statements or banking records'.

Page 20, line 30—Leave out 'the Minister,'.

During the debate in another place, a new clause was accepted establishing a tribunal to deal with appeals by landowners who are dissatisfied with decisions of the district soil conservation board or the Soil Conservator. A power of the tribunal is to require production before the tribunal of any relevant books, papers or documents not being income tax returns, bank statements or banking records. It is considered essential that the tribunal be able to establish the financial ability of a land-holder to undertake degradation control work as required by a soil conservation order. A defence by a landowner against meeting the requirements of an order could be lack of finance, and the tribunal would need to be able to verify such a claim. The proposed amendment deletes the words 'bank statements or banking records' from clause 49.

During debate in the House of Assembly, the Opposition sought the ability of the landowners to appeal against a decision of the Minister to acquire land compulsorily. An amendment was negatived on the understanding that the Land Acquisition Act covered such situations. There is, therefore, no right of appeal to the tribunal by landowners against the Minister and the tribunal should not have the ability to make orders for costs against the Minister. The proposed amendment deletes the word 'Minister' from the clause enabling the tribunal to make orders for costs.

Amendments carried; clause as amended passed.

Clause 50 passed.

Clause 51—'Right of appeal.'

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

Page 21, line 5—After 'to' insert 'reject or'.

The purpose of this amendment is to widen the right of appeal to the tribunal not only to allow an appeal against a decision of a board or the Conservator to revoke an approved property plan but also to reject a property plan and to appeal against a variation of a soil conservation order as well as a variation. The amendment to line 8 provides for a right of appeal against a decision by a board to cause work to be carried out on land.

It seems to me that that ensures, in each instance, proper accountability to an appeal body and protects the rights of a landowner against over-zealous use of the powers of a board or Conservator.

Subject to what happens in relation to clause 42—consideration of which we have postponed—it may be necessary later to recommit the clause anyway, because of the reference in subclause (1) *(c)* to a fine being the subject of an appeal. I do not intend to address that now. These amendments widen the rights of appeal for the purposes that I have indicated.

The Hon. BARBARA WIESE: The Government opposes these amendments. It is not considered necessary to provide an avenue of appeal to a tribunal in this case because, if a land-holder were putting forward a property plan that had been rejected by the board, a line of appeal would already be available because the operations of the board are subject to review by the council and the Minister. Therefore, a board would not be in a position to disregard a reasonable plan when two lines of appeal were open to a land-holder who felt that he or she had not been dealt with reasonably by the board. In view of that, the Government will not support an amendment of this kind.

The Hon. K.T. GRIFFIN: With respect to the Minister, that is not quite right. Certainly, the operations of the board can be reviewed by a Minister and the council, but that does not mean that the landowner has what is effectively a right of appeal. The review is by grace and favour, not by right. There is quite a significant difference in those circumstances. I would very much like to see included a right of appeal to a body that is independent of the administrative structure of making and enforcing soil conservation orders. That is what it is: the Minister is part of the structure; the council is part of the structure; and the board is part of the structure. A review by one of the other does not seem to me to guarantee a properly independent review of a decision which has been taken and which can be a burdensome decision on a particular landowner.

Amendment negatived.

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

Page 21, line 6—After 'make' insert 'or vary'.

This amendment is more important than that which has just been defeated, because a variation of a soil conservation order has a significant impact and, if the making of a soil conservation order is subject to appeal, it ought logically to follow that a variation should also be subject to appeal.

The Hon. BARBARA WIESE: The Government supports this amendment.

Amendment carried.

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

Page 21, line 8—After 'landowner' insert 'or to cause work to be carried out on land pursuant to section 42'.

This amendment also gives a right of appeal where a board decides to cause work to be carried out on land pursuant to section 42. I have no quarrel with the board causing the work to be carried out, but there may well be substantial argument as to whether it is doing so properly and whether it is pursuant to a soil conservation order, or that the owner has failed, without reasonable excuse, to have the work done. For that reason, there ought to be a right of appeal, as I have indicated in my amendment.

The Hon. BARBARA WIESE: It is the Government's view that this matter has been dealt with, because it would already form part of the order. However, in a spirit of compromise, if the honourable member feels strongly about it, we are prepared to accept the amendment.

Amendment carried; clause as amended passed.

Clause 52 passed.

Clause 53—'Powers of entry.'

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

Page 21, after line 36—Insert new subclause as follows:

(1a) Powers under subsection (1) cannot be exercised—

(a) by a member of the Council, except with the prior approval of the Council;

or

(b) by a member of a board, except with the prior approval of the board.

This amendment seeks to clarify the right of a member of the council and a member of a board to go onto land to carry out inspections, take samples and photographs and, with the consent of the owner, erect markers or photo points for the purposes of survey or research. Unless the right to enter is qualified, we could well have a member of the council just walking onto a property without even a decision of the council approving that. There is nothing to stop a member of a board wandering over anyone's property because that member can say, 'I am here because I am a member of the board and have responsibilities under the soil conservation legislation.'

I would have thought that it was intended that a member of the council should be able to enter premises only with the authority of the council and that it would be the Government's intention that a member of a board should enter premises in pursuance of the Act with the approval of the board. That is what my amendment seeks to achieve. One cannot go in there without the board or the council having considered it. The council or the board, as the case may be, gives prior approval. That does not restrict the rights of authorised officers. They have a proper authority granted by the relevant authorising body. It is important, in relation to members, to have that clarification included.

The Hon. BARBARA WIESE: The Government opposes the amendment, although I understand what the honourable member is trying to achieve. The Minister of Agriculture would view these provisions very seriously. It is considered necessary to provide seven days notice for entry onto a property in order that the spirit of the legislation can be carried forward. It is important that appropriate officers have the opportunity to talk with land-holders about the issues contained in the legislation as they relate to the land-holders' land. If for some reason the power contained in this legislation was being inappropriately used or abused, sufficient power exists within the Bill to enable the offending officer to be dealt with. The Minister of Agriculture has the power under clause 25 (2) to remove a person who is acting inappropriately, and the Government believes that that is sufficient protection against abuse of power.

In practice the intention always would be to authorise only people who are considered persons who would use the power appropriately and who would not abuse the trust placed in them. On those rare occasions that such a person did act inappropriately, power would exist within the legislation to deal with them appropriately and quickly.

The Hon. K.T. GRIFFIN: I do not agree that the Minister's power of removal for misconduct is an adequate precaution. One of my concerns is that, with a soil conservation board (comprising seven persons within the district), if without reference to the board one member may decide that he or she wants to walk through a property and gives notice, there is no way of preventing that member from going onto the property, even though there may be nothing relating to the soil conservation board work relevant to the examination.

There is nothing to stop a member of a board going to the landowner and saying, 'Can I look at this?' If the owner says 'No', one can obtain appropriate approval from the board, or an authorised officer can give notice and go in without that subsequent authority. I am concerned that members of the board have rights to go into premises and exercise powers without the board's having any knowledge of what is happening. This does not restrict the rights of authorised officers. They are not encompassed by this, but this seeks to ensure that a member of the council or a member of the board has the appropriate authority of the body to which he or she belongs before these very significant powers are exercised.

Amendment negatived.

The Hon. BARBARA WIESE: I move:

Page 22, line 24—Leave out 'Division 7 fine' and insert:

(a) for an offence against paragraph *(a)* and *(b)*—a division 7 fine;

(b) for an offence against paragraph *(c)*—a division 7 fine or division7 imprisonment.

This amendment provides for the penalty for persons guilty of assault to be either a division 7 fine (maximum $2 000) or division 7 imprisonment (maximum six months). The imprisonment penalty was previously omitted and is now included.

Amendment carried; clause as amended passed.

Clause 54—'Offence of hindering, etc., person exercising powers under this Act.'

The Hon. BARBARA WIESE: I move:

Page 22, line 34—After 'Division 7 fine' insert 'or division 7 imprisonment'.

The argument is the same as that which I put for the previous amendment.

The Hon. PETER DUNN: I move:

Page 22, lines 29 to 34—Leave out subclauses (2) and (3).

I believe that a slip of a tongue can often be offensive, and it is unreasonable to say that people who use a little blue language should incur a division 7 fine, particularly if they are on their own property. The situation would be somewhat different if people were intruding. Nevertheless, this situation is covered by the general law, and one cannot offend or assault people. I am just being consistent.

The Hon. BARBARA WIESE: I do not understand why the honourable member has moved this amendment to clause 54 in view of the fact that he did not move his amendments to clause 53. I should have thought that they are either in or out. If we are to have one, we should keep the other or take them both out. As paragraphs *(b)* and *(c)* of clause 53 have been left in, it seems appropriate to retain subclauses (2) and (3) of clause 54. Therefore, I oppose the amendment.

The Hon. PETER DUNN: I do not wish to go to the wall on this. If a person intrudes into my domain, I do not see why, if I use ordinary language that is familiar to me on my patch, it should be an offence to him.

The Hon. K.T. GRIFFIN: As the Minister said, this applies to clauses 53 and 54. The essence of it is that using offensive language is an offence under the Summary Offences Act, and assault is covered by the criminal law. We do not need either of them. The point has been made that if we believe in one, we believe in the other. However, if we take out one, we should take out the other. I do not agree with having them in the Bill, but it has to be one or the other.

The Hon. Mr Dunn's amendment negatived.

The Hon. Barbara Wiese's amendment carried; clause as amended passed.

Clauses 55 and 56 passed.

Clause 57—'Service of notices.'

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

Page 23, line 22—Leave out 'or' and insert 'and'.

This clause deals with the service of notices. Paragraph *(d)* deals with the circumstances in which a person's whereabouts are not known. In those circumstances, paragraph *(d)* provides that a notice may be affixed in a prominent position on the land to which it relates or published in a newspaper circulated generally throughout the State. In remoter areas it may be that, even if the notice is placed on the land, it may not come to the attention of the landowner. For the sake of a few extra dollars, it is desirable to do both; that is, to place a notice on the land and to publish it in newspapers circulating generally throughout the State.

The Hon. BARBARA WIESE: The Government agrees with this amendment.

Amendment carried; clause as amended passed.

Clauses 58 and 59 passed.

The Hon. BARBARA WIESE: In view of the fact that some clauses have to be recommitted, I ask that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT

At 11.27 p.m. the Council adjourned until Wednesday 18 October at 2.15 p.m.