LEGISLATIVE COUNCIL

Tuesday 6 November 1990

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.20 p.m. and read prayers.

ASSENT TO BILLS

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

Appropriation,
Financial Institutions Duty Act Amendment,
Land Tax Act Amendment,
Marine Environment Protection (No. 2),
Pay-roll Tax Act Amendment,
Stamp Duties Act Amendment (No. 4),
Tobacco Products (Licensing) Act Amendment.

PETITION: SELF-DEFENCE

A petition signed by 1 789 residents of South Australia concerning the right of citizens to defend themselves on their own property, and praying that the Council will support legislation allowing that action taken by a person at home in self-defence or in the apprehension of an intruder is exempt from prosecution for assault, was presented by the Hon. Diana Laidlaw.

Petition received.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos. 52, 54 and 56.

STUDENTS' DRUG USE

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

1. *(a)* What surveys into illegal drug use have been conducted in South Australian schools under the direction of the Minister of Education in the last five years?

(b) What were the major findings of those surveys?

2. What departmental procedures are required to be followed when allegations of illegal drug use or dealing are made in a school?

3. For each of the last two years (1988 and 1989) and the first six months of 1990—

(a) On how many occasions have police officers been involved in investigating illegal drug use or dealing cases in schools?

(b) How many allegations of illegal drug use or dealings in schools have been investigated by school authorities?

(c) How many students have either been charged or subjected to disciplinary action as a result of any investigation?

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

1. *(a)* In 1986, with the consent and support of the Minister of Education, the Drug and Alcohol Services Council (DASC) commenced a three year longitudinal and cross-sectional study of school children's drug use. The study was conducted from 1986 to 1988 with annual surveys of more than 3 000 students aged 11 to 16 years attending both Government and non-government primary and secondary schools.

As a result of the studies, two reports have been released in 1990:

'Trends in Alcohol and Other Drug Use Amongst South Australian School Children: 1986-1988', 'Final Report 1988: Survey of Alcohol, Tobacco and Other Drug Use by South Australian School Children'.

(b) The 'Trends 1986-1988' provides the following summative information concerning the use of various drugs including:

Alcohol

- The percentage of students who reported weekly use of alcohol declined by about six per cent, from 30 per cent in 1986 to 24 per cent in 1988. The proportion of students who had ever used alcohol did not change significantly.

Tobacco

- The percentage of students who reported ever having used tobacco declined by about 10 per cent between 1986 and 1988, from 66 per cent to 56 per cent.
- While rates of regular (that is weekly) tobacco use did not change significantly over the two year period, there was a near significant trend towards lower rates of weekly tobacco use.

Sedatives

- The percentage of students who had ever used sedatives declined from approximately 19 per cent in 1986 to 15 per cent in 1988.

Painkillers

- While nearly all students had used painkillers, there was a trend towards higher rates of weekly painkiller use between 1986 and 1988, but this trend was not statistically significant.

Marijuana, Inhalants, Tranquillisers and Stimulants

- All these drugs showed lower rates of usage in 1988 than in 1986, but this change was not statistically significant.

Narcotics and Hallucinogens

- Rates of narcotic use were very low and fairly static across the time period.
- Rates of hallucinogen use rose slightly but these changes were not statistically significant.

The trends report also indicates that:

- painkillers are the most frequently used drugs by school children although the survey did not differentiate between the various types of painkillers and their related purposes.
- alcohol and tobacco use by school children has declined somewhat (6-10 per cent, respectively).
- marijuana in regular weekly use was relatively infrequent (5 per cent).

2. The Education Department publication 'Schools and Drugs—Some Guidelines' gives details of procedures to be followed in the event of drug related incidents.

3. Teachers and school authorities are vigilant in their efforts to prevent drug abuse. School authorities hold inquiries related to suspicions and allegations of possible drug abuse. It is not possible to quantify these inquiries as they are part of the usual duty of care and student discipline procedures that apply in each school. Where circumstances or allegations produce information to suspect the commission of an offence the police are informed and involved in investigations. In such cases parents are also informed and involved. I have been advised by the Minister of Emergency Services that statistical data is not maintained by the South

Australian Police Department which would identify either the number of allegations of illegal drug use, the number of investigations conducted or the number of students charged with drug offences.

BUS LANES

54. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Local Government:

1. Which arterial roads in the metropolitan Adelaide area incorporate an exclusive bus transit lane, and in each respect what is the distance covered and what are the estimated time savings for passengers travelling into the city?

2. What plans, if any, are there for the designation/introduction of further special transit lanes for buses?

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

1. A short section of exclusive bus lanes exists on North East Road, Holden Hill, a remnant of much longer lanes which were discontinued following the opening of the north-east busway. No time savings results for the remaining lanes are available. An evening peak 'bus lane' exists on the western side of King William Street, over a distance of .6 kilometres. This was created by banning parking and loading in the lane. The lane results in a small but significant time saving. All day bus lanes exist over a distance of some .4 kilometres on both sides of Botanic Road. No time saving results are available.

Other exclusive bus lanes on main roads in Adelaide are limited to short approaches to intersections, generally designed to allow buses to pass queues of vehicles to reach the intersection. In some cases buses obtain priority traffic signal phasing by means of 'B' lights. Locations include the following:

Location	Includes 'B' Light
Peacock/Greenhill Roads (southbound)	Yes
Glover Avenue/West Terrace (eastbound)	No
Payneham/Portrush Roads (westbound)	Yes
Main North Road/Robe Terrace (north/southbound)	Yes
Unley Road/Greenhill Road (southbound)	Yes
Modbury Centre/North East Road (northbound)	Yes
Goodwood/Greenhill Roads (southbound)	Yes
Rundle Road/Dequetteville Terrace (eastbound)	Yes
Main North Road/Regency Road (southbound)	No
Main North Road/Nottage Terrace (southbound)	No
Sudholz/North East Roads (northbound)	Yes
Hackney Road/North Terrace (southbound)	No
Park Terrace/Bundeys Road (southbound)	Yes
Portrush Road/Glen Osmond Road (westbound)	Yes
Magill Road/Osmond Terrace (westbound)	Yes
Mann Terrace/Robe Terrace (northbound)	Yes
Dequetteville Terrace/Fullarton Road (eastbound)	No
Prospect Road/Fitzroy Terrace (northbound)	Yes

In most cases travel time benefits are unknown, as most schemes were introduced as part of other changes to the intersections, and the time savings due to the bus priority are therefore not separately quantifiable. A major benefit of any bus priority scheme is the improvement in bus timetable reliability, which is often of more assistance to the passenger than the time savings, which may be minor.

2. Durings its current corporate planning process the State Transport Authority is considering the introduction of fast high frequency, longer distance services as part of a service concept called 'Transit Link'. The concept will depend on the introduction of priority lanes on selected arterials yet to be identified.

RARE EARTH PLANT

56. **The Hon. M.J. ELLIOTT** (on notice) asked the Minister of Local Government:

1. What role will the State Government play in site acquisition, transport methods and short and long-term management details of the shallow ground burial low level radioactive waste repository, a disposal option considered for radioactive monazite residue containing thorium and uranium wastes, outlined in the draft environment impact statement prepared by SX Holdings for Stage 3 of the Port Pirie rare earth plant?

2. Has the Government authorised construction of a pilot monazite cracking plant during stage 1?

3. Has the Government under consideration the establishment of a marine park in the immediate vicinity of the site proposed for SX Holdings rare earth plant?

4. Is the Minister concerned that the draft EIS ignored the effect the proposed development may have on the intertidal zone it is sited on, the mangroves, sea grasses and fish breeding grounds?

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

1. The extraction site has already been acquired by the proponent. The tailings dam site is the subject of a mining lease application at present under consideration by the Minister of Mines and Energy. Proposals for the transportation and storage of monazite residue will be evaluated through the EIS procedure. Government will have no other involvement than that required under the Planning Act and the Radiation Protection and Control Act.

2. A pilot monazite cracking plant, to process up to 10t/a of monazite or xenotime minerals, was proposed in the statement of environmental factors for the initial development of the Port Pirie rare earth plant. A full scale monazite cracking plant is stage 3 of the rare earth proposal and no submission has been received for approval to operate such a plant.

3. A marine park was suggested for Port Pirie but it was not intended to be sited near the proposed rare earth plant.

4. The draft EIS for the proposed rare earth plant is under consideration and the siting of the development is one of many issues under active review.

PUBLIC WORKS COMMITTEE REPORT

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

RN4601 Flagstaff Road, Bonneyview Road to Black Road Reconstruction and Widening—Report (Paper No. 176).

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 1989-90—
- Attorney-General's Department.
- Casino Supervisory Authority.
- Department of Correctional Services.
- Correctional Services Advisory Council.
- Court Services Department.
- Government Management Board.
- Long Service Leave (Building Industry) Board.
- Parole Board of South Australia.

Supreme Court Act 1935—Rules of Court—Export Reports and Costs.

Legal Practitioners Act 1981—Regulations—Indemnity Insurance.

Pollution of Waters by Oil and Noxious Substances Act 1987—General Regulations.

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

Credit Union Deposit Insurance Board—Report, 1989-90.

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

Reports, 1989-90—

Chiropractors Board of South Australia.
Department for Family and Community Services.
Foundation South Australia.
Nurses Board of South Australia.
Central Eyre Peninsula, Central Flinders, Eastern Eyre Peninsula, Gawler Ranges, Goyder, Hummocks, Kangaroo Island, Lower Eyre Peninsula, Lower North, Marla-Oodnadatta, Murray-Mallee, Murray Plains, Northern Flinders, Southern Hills, West Broughton and Yorke Peninsula Soil Conservation Boards.
South Australian Health Commission.

Forestry Act 1950—

Kuitpo Forest Reserve—Variation of Proclamation—Hundred of Kondoparinga.
Second Valley Forest Reserve—Revocation of Proclamations—Hundred of Encounter Bay.

Regulations under the following Acts—

Metropolitan Milk Supply Act 1946—Licence Fees.
Retirement Villages Act 1987—Forms.
South Australian Health Commission Act 1976—
Out patient Fees.
Pharmaceutical Fees.
Prostheses Fees.
Veterinary Surgeons Act 1985—Practice Fee.

By the Minister of Consumer Affairs (Hon. Barbara Wiese)—

Commercial and Private Agents Act 1986—Regulations—Grand Prix Security Agents.
Liquor Licensing Act 1985—Regulations—Liquor Consumption—Thebarton Oval.

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

Reports, 1989-90—

Children's Services Office.
Environmental Protection Council.
Goods Securities Compensation Fund.
Office of Transport Policy and Planning.

Regulations under the following Acts—

Clean Air Act 1984—Backyard Burning (Amendment).
Industrial and Commercial Training Act 1981—Declared Vocation (Amendment).
National Parks and Wildlife Act 1972—Permit System.
Planning Act 1982—Retail Showroom Definition.
Road Traffic Act 1961—Mass Limits.
Waste Management Act 1987—Medical Waste.

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

History Trust of South Australia—Report, 1989-90.

MINISTERIAL STATEMENT: NATIONAL CRIME AUTHORITY

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: The Minister of Emergency Services foreshadowed on 24 October 1990 that he would table the report received by him from the Commissioner of Police dealing with his response to the recommendations contained in the document prepared under Mr Justice Stewart in relation to Operation Noah in 1989. For members' convenience the Commissioner has cross-referenced the recommendations of the official NCA report on this matter under Mr Faris, QC, and the recommendations of the Stewart document.

I should add, Mr President, that the report of the authority, that is, the Faris report and the police response to its recommendations, was first released publicly by me on 25 January this year. The recommendations in the Stewart document were publicly released on 31 January. I seek leave to table the response from the Police Commissioner.

Leave granted.

MINISTERIAL STATEMENT: TAFE COURSES

The Hon. ANNE LEVY (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. ANNE LEVY: During the debate on the Appropriation Bill, the Hon. Mr Lucas asked a question relating to statistics on the unmet demand for TAFE subjects and courses. The Bill has since been passed and my colleague the Minister of Employment and Further Education has now provided the following details for the information of the honourable member. The methodology used in determining TAFE unmet demand incorporates a survey of all colleges during the February enrolment period. The procedures and instruments used have not changed during the period 1985 to 1990. Part of the instructions forwarded to colleges reads:

> The importance of accurate information on unmet demand cannot be overstated. Consequently, the data forwarded should relate to students who, upon applying for enrolments into subjects (or courses), are subsequently not offered a place. This includes students placed on waiting lists, where such students should be especially noted on the unmet demand forms within the '*WL columns'.

For 1990 the data is:

	Unmet demand	Number on waiting list
Subjects	5 113	2 774
Courses	5 373	1 770
	10 486	4 544

The unmet demand data for the years 1988 to 1990 are strictly comparable.

QUESTIONS

CONCERT PROMOTERS

The Hon. R.I. LUCAS: I seek leave to make an explanation prior to directing a question to the Minister of Consumer Affairs about a voluntary code of practice for concert promoters.

Leave granted.

The Hon. R.I. LUCAS: I am pleased that the Minister has given me a note to the effect that she has an answer to a question I asked earlier about concert promoters. Over the years there have been a number of complaints from patrons about a range of issues, including their inability to see a performer or the fact that a performance has been too short. Most patrons would accept that if, when they purchased their ticket for, say, $30 to $40, they were told that the concert would last only 50 minutes, and that they would be one among 60 000 patrons on a school oval, they could make a conscious decision whether or not to purchase the ticket.

In the past hours I have been contacted by a small number of people who were very critical of the Cher concert conducted last Sunday after the Australian Formula One Grand Prix. These patrons were great fans of Cher and purchased tickets solely to see Cher and not the Grand Prix. In doing so, they actually positioned themselves at the foot of the

stage early in the morning to ensure that they had the best view of the concert, which did not start until 5 p.m. To say that they were disappointed would be an understatement. In particular, they were disappointed that the concert lasted only about 50 minutes.

In raising this matter again, I do not want to be critical of the Grand Prix Board, as for the vast majority of patrons at the concert it was an add-on or an extra benefit to the enjoyment of the motor race. However, for a very small number of patrons—those who just wanted to see the concert and were not interested in the Grand Prix—it was the only way for them to see that performance.

As I said, without intending to be critical of the Grand Prix Board in its role as a concert promoter, I believe that this again raises the question of the need for a voluntary code of practice in relation to these events. My questions to the Minister are:

1. Does the Minister accept that patrons who spend $30 to $40 for a concert performance are entitled, in normal circumstances, to know about how long the performance is expected to last?

2. Given that the Minister has informed me that she has an answer to my earlier question, will she provide that answer as well?

The Hon. BARBARA WIESE: In general terms my answer to the question that the honourable member asked me previously would probably suffice as a response to this question as well; that is, the Office of Fair Trading has, in fact, received very few complaints over the years from patrons who have attended concerts and other forms of live entertainment. Most notable in recent times were complaints from people who were dissatisfied with the Richard Clayderman concert held at the Adelaide Convention Centre in June 1988.

I have not been informed over the past two days whether the Office of Fair Trading has received complaints regarding the Cher concert, which was part of the Grand Prix. However, no doubt, if there has been a large number of complaints, it will be drawn to my attention. As it is not common for the Office of Fair Trading to receive complaints about concerts in South Australia, I expect that that means that the majority of people who attend these performances are either satisfied with the arrangements that are made for concerts, or that they do not consider that the inconvenience they have suffered is sufficient to warrant complaint.

In those circumstances, it would not be my intention to initiate discussions with people in the entertainment industry about a code of practice. However, should there be an interest in that matter, and should members of the industry be interested in developing a voluntary code of practice, then, of course, I would be very willing to provide whatever support and assistance I can through the Department of Public and Consumer Affairs in order to bring that to fruition.

I think that some of the criticism that has emerged in the media over the past couple of days about the concert that accompanied the Grand Prix is perhaps a little overstated. Although I appreciate that a number of people attended the Grand Prix on race day to see Cher, it must also be remembered by those people and by members in this place that that concert was a part of the Grand Prix; the Grand Prix was the main event; and that this concert following the race was a free add-on. I do not think that patrons can expect to have exactly the same sort of conditions applying to a concert in those circumstances as they would if they were going to a normal concert that is organised and promoted by people in the industry who do these things in the usual way.

I would also be surprised if many people who attend normally organised concerts would have very much idea about how long a performer is likely to be on stage prior to attending concerts of that kind. I know that over the years when I have attended concerts myself, on occasions I have been disappointed about the length of time that people have been on stage, and others have expressed the same sort of disappointment. However there would have been little or no chance in those circumstances for individual patrons to discover just how long these people were likely to be on stage, anyway. So, I do not really think that this is or should be a consideration in this case, either.

Whilst it is regrettable that a number of people have expressed disappointment about the duration and nature of the Cher concert, they must bear in mind that this was a free entertainment which was an add-on, in effect, to their one day pass in attending the Australian Formula One Grand Prix, and in that sense it should be considered to be extremely good value.

GRAND PRIX BUILDINGS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Local Government a question about Grand Prix buildings.

Leave granted.

The Hon. K.T. GRIFFIN: Some controversy has erupted over a possibility that the Australian Formula One Grand Prix Board may be permitted to leave, as a permanent fixture on the Victoria Park Racecourse, the multi-storey building in pit straight. If that is proposed, then it was never identified as a possibility when the Parliament considered a number of Grand Prix Bills over the years. On each of those occasions, and particularly on the first occasion when legislation was before us, it was envisaged that all the facilities except the tarmac would be removed after each Grand Prix and re-erected before each Grand Prix.

Generally, the Adelaide City Council has the care and control of the Victoria Park Racecourse, over which a lease has been granted to the South Australian Jockey Club. That is to some extent overridden by the provisions of the Grand Prix Act. As I understand it, there is a reasonable relationship between the SAJC and the Grand Prix Board about the coordination of activities leading up to and immediately after the Grand Prix.

Any permanent structure such as that proposed would, I presume, be given some consideration by the Adelaide City Council, but more particularly by the Government, and I presume that such consideration, because it essentially relates to local government, would be through the Minister of Local Government. My questions to the Minister are:

1. Has there been any formal or informal approach to the Minister or any member of the Government or its officers to consider allowing some of the Grand Prix buildings to remain permanently on the Victoria Park Racecourse?

2. Does the Government propose to agree to the proposal or can the Minister state categorically that in no circumstances will that proposition be approved?

The Hon. ANNE LEVY: I can quite categorically state that no approach whatsoever has been made to me, as Minister of Local Government, regarding such a proposal. I do not know whether any approaches have been made to other Ministers since the Grand Prix on Sunday. It certainly has not been discussed by the Government, and I am not

aware of any approach having been made to any other Minister. Certainly I have received none.

This matter would obviously have to be discussed by the Government and the Adelaide City Council if any such proposals were coming forward, but I am unaware of them and I do not wish in any way to foreshadow what the Government's reaction might be to a completely hypothetical proposal.

The Hon. K.T. GRIFFIN: As a supplementary question, will the Minister inquire of other Ministers whether or not there has been an approach, formal or informal, with a view to considering this matter; and can the Minister say whether as Minister of Local Government she is likely to support it?

The Hon. ANNE LEVY: I will certainly inquire of my fellow Ministers whether an approach has been made to any of them. However, I should have thought that such a question would be better directed to the Leader of the Government than to me as Minister of Local Government. I will inform the honourable member when I have any information that I can provide to him.

STATE LIBRARY LENDING SERVICE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the State Library Lending Service.

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday, the Acting Secretary of the PSA accused the Government of failing to consult over the decision to dismantle the State Library lending service. Mr Butterworth, in an article in the *Advertiser*, indicated that library staff were 'pretty worried about their jobs'. This unhappy situation has been reported to me in telephone calls over the past week and such calls have been prompted to my office principally following an interview between the Director of the department, Miss Dunn, and Mr Keith Conlon on 30 October. I want to quote a little from this extensive interview. First, Miss Dunn said:

> I'm sort of happy to talk about it. We haven't gone public because in fact we're just putting a report together which will be out, and I mean as soon as we've written it it will be open for people to comment on.

She goes on to say:

> It's not about closing the lending service. In fact, there's a plan that's being developed with the staff—

I repeat, 'with the staff'—

> that proposes a completely new look for the library on North Terrace and that will give it a quite different way of operating and that will incorporate some lending functions.

Mr Conlon asks:

> What's your estimate when you say that there'll still be a function? Would it be half as many books that would turn over or a quarter as many?

Miss Dunn says:

> I don't quite think I can answer that, Keith. If I knew, or when I know the answer, I'll be happy to let you know.

She continues:

> There won't be a lot of things existing as they currently exist in the library . . . And, yes, I will be recommending to the Libraries Board and the Government that we change the way the services are provided because it's not economical and sensible and practical. We can do just as well cheaper in a different function, in a different way. It is also true that the city council can pick up some of its responsibilities and therefore get us sorting out between State and local government about who's providing what.

In the Year of Literacy that interview is interesting to try to read and to comprehend. My questions to the Minister are: First, is the Minister able to confirm the statement by Ms Dunn that a plan for lending services 'is being developed with the staff of the library' or is it correct, as she suggested later in the references that I have just read out, that she has already made up her mind on the conclusions that she will incorporate in her report to the Libraries Board and to the Government in respect of cheaper, more sensible, more economical and practical services?

Secondly, is the Minister confident that the Adelaide City Council will agree to pick up some of the responsibilities for the adult lending services and, if not, does the Government intend to continue to fund the full range of lending services as at present?

Thirdly, when will the report be finalised and will the report be open for the public to comment on before it goes to the Libraries Board and to Cabinet, as I note that Ms Dunn offered two options on this matter?

The Hon. ANNE LEVY: I, too, heard the interview which the honourable member has quoted and, contrary to her comments, I found the interview extremely lucid and illuminating. I can certainly confirm that there have been many discussions with library staff regarding a possible reorganisation of the services provided by the State Library on North Terrace. I can also confirm that, as I understand it, no conclusions have yet been reached and there is no finalisation to any plans that are being developed.

With regard to the Adelaide City Council, discussions are proceeding between officers of the department and officers of the council. At this stage I am not aware of any firm agreements having been reached although I hope that conclusions can be achieved in the not too distant future. I am unable to say when the report will be available. I am expecting a couple of important reports and I expect to receive one of them this week but the other report may not be received for a fortnight.

The Hon. Diana Laidlaw: Both on the library?

The Hon. ANNE LEVY: No, not both on the library. I am not sure in which order they will be completed and presented to me and to the Libraries Board. It is a report to the Libraries Board and I imagine that the board will want to consider such a report before releasing it for public comment. I think that the board should have the right to consider a report written for it, before the report's contents are made available to the public. I stress that no decisions have been made at this stage; consultation is occurring. The reorganisation which it is hoped to achieve will enhance the library and information services which will be available to the people of Adelaide.

PARAFIELD AIRPORT

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister of Local Government, representing the Minister for Environment and Planning, a question about noise pollution and low flying aircraft at Parafield Airport.

Leave granted.

The Hon. I. GILFILLAN: In recent weeks I have received a number of calls from concerned residents in the suburbs surrounding Parafield Airport. It appears that in the past six months, since the establishment of the Hawker-Dehavilland flight training school, there has been a considerable increase in air traffic (reportedly around 30 per cent) and consequently a corresponding increase in noise levels. According to officials at the flight school, there is a lower ceiling limit of approximately 450 metres below which training aircraft are not permitted to fly because of noise levels.

However, some officials have admitted privately, the ceiling is often breached and difficult to police with inexperienced pilots at the controls and concentration levels of instructors concerned with other aspects of flight at the time. A number of residents have complained that an increasing proportion of flights are 'buzzing' residential areas, often flying as low as 150 to 200 metres. They claim this is making it increasingly intolerable for many residents and elderly people are especially vulnerable to sudden noise increases over their homes.

Another concern relates to the danger associated with low level flying in built-up areas. In addition, it has been reported to me that many homes in the area have private swimming pools and on a number of occasions flights have come in very low over backyard pools in what can only be termed a flagrant violation of flying guidelines by both novice pilot and experienced instructor. One can only guess at what could prompt these violations. My questions to the Minister are:

1. Is the Minister aware of the problem of an increase in noise pollution for many residents in the Parafield area in relation to the flight school and, if so, has she taken any steps to investigate the matter and ensure that noise level restrictions are not breached through low altitude flying?

2. If not, will the Minister intervene on behalf of local residents and approach airport officials about noise level problems and the dangers associated with low level aircraft?

3. Finally, if necessary will the Minister contact the Federal Minister responsible for aviation and inform him of the problem of increased noise pollution levels associated with the flight school?

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

RAIL SERVICES

The Hon. I. GILFILLAN: I understand that the Minister of Local Government has an answer to a question I asked on 6 September 1990 regarding South Australian rail services.

The Hon. ANNE LEVY: I seek leave to have the reply to that question inserted in *Hansard* without my reading it.

Leave granted.

My colleague the Minister of Transport has provided me with the following answers:

1. No. Arbitration will be sought under the transfer agreement. To do otherwise would put both the State and the Commonwealth in an untenable position. AN might want to introduce new, innovative services from which it might, at a later date, want to withdraw if they prove to be inappropriate.

2. No. The Government will determine each case on its merits. The Minister has already indicated that the Government is prepared to proceed to arbitration over the Mount Gambier passenger rail service.

3. Yes. The arbitrator will be asked to consider all aspects, as stated in Section 23 (2) of the transfer agreement. This section states, 'The arbitrator shall in his deliberations take into account, amongst other things, economic, social and community factors'.

ADELAIDE CHILDREN'S HOSPITAL AND QUEEN VICTORIA HOSPITAL (TESTAMENTARY DISPOSITIONS) BILL

The Hon. C.J. SUMNER (Attorney-General): I move:

That the Adelaide Children's Hospital and Queen Victoria Hospital (Testamentary Dispositions) Bill be restored to the Notice Paper pursuant to section 57 of the Constitution Act 1934.

Motion carried.

The Hon. R.R. ROBERTS brought up the report of the select committee on the Bill, together with minutes of proceedings and evidence.

Ordered that report be printed.

The Hon. R.R. ROBERTS: By leave, I move:

That the Adelaide Children's Hospital and Queen Victoria Hospital (Testamentary Dispositions) Bill be not reprinted as amended by the select committee and that the Bill be recommitted to the Committee of the whole Council on Wednesday 7 November 1990.

Motion carried.

QUESTIONS RESUMED

SOUTH AUSTRALIAN ECONOMY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Small Business a question about the South Australian economic downturn.

Leave granted.

The Hon. L.H. DAVIS: I have conducted a survey of seven pawnbrokers operating in the City of Adelaide and the metropolitan area. Pawnbrokers have long been regarded as providing a weather report on the economy. The only conclusion that can be drawn, after examining the comments of pawnbrokers, is that the weather report for Adelaide is one of heavy depression and very stormy weather.

Mr Robin Tredrea, the manager of Adelaide's largest pawnbroking business, Laurie Tredrea, has been in the business for 21 years. He reports that this is the worst economic climate he has seen. He says that high interest rates, unemployment and general economic policies have seen a sharp increase of at least 20 per cent in the volume of goods being pawned in recent months. In particular, he said—and this will of course be of grave concern to the Minister—that, for the first time he could remember, small business proprietors are coming in to pawn office equipment such as fax machines, photocopiers and videos, because of the desperate financial plight of their business.

Another pawnbroker who has been in business for well over 20 years also said that this was the worst situation he had seen, and that pawns were up 40 per cent in the past six months. Some people who already had four or five pawns were running out of items to pawn, and were down to toasters, irons and Mixmasters and, in fact, he was running out of space for pawned goods. He said that there was a glut of everything like consumer items, televisions, microwaves, videos, tools, cameras, jewellery and watches.

One pawnbroker to whom I spoke claimed that his business had doubled in the past month and that people were now pawning anything for which they could get money. He said that they were absolutely desperate. Every pawnbroker had stories reflecting the economic collapse. One woman had wheeled a pusher in to the pawnbroker's, taken her young child out of the pusher and pawned the pusher.

Another pawnbroker said that the amount of pawned goods which had been lost or forfeited because they were not being redeemed or repawned is increasing. The Federal and State budget strategies, both set in August, quite clearly are now in need of review in relation to the assumptions on which they are based and the assistance given to small business. In light of the facts presented which show that Adelaide has become 'pawn city', will the Minister advise whether there has been any change of strategy in the State budget, particularly with respect to assisting small business in these difficult times?

The Hon. BARBARA WIESE: If one listened to the Hon. Mr Davis and the stories of doom and gloom he is spreading furiously all over the State, one could be led to believe that almost everyone in this State was on their knees. In fact, that is not the case.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Many people in this community, who are spokespeople for business, will testify to the fact that, as I have indicated in this place previously, South Australia is holding up much better in this time of economic downturn in Australia than the other States in this country. That is evident. I would like to refer the honourable member to comments made just in the past few days by people such as Rod Nettle, from the Housing Industry Association, who indicated on radio in an interview that the housing industry in South Australia was doing 'extremely well'. He indicated that, in his view, because the housing industry was doing so well and because it had been assisted by such programs as HomeStart, that meant that other sectors of the South Australian economy which are dependent on the housing industry were holding up much better than is the case in other parts of the nation where the housing industry has all but collapsed.

When questioned, he indicated further that he expected some slow down in the housing industry next year but would not expect the figure to drop by any more than about 10 per cent, and that he did not consider that to be a serious matter. On the same morning, Mr Ian Harrison, an economist employed by the Chamber of Commerce and Industry, was also interviewed, and he, too, indicated that the South Australian economy is holding up much better than other parts of the Australian economy, for a range of reasons. These people are the spokespeople for South Australian business.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: They have confirmed the statements that I have made in this place in the past few weeks as a result of questioning by the Hon. Mr Davis and others. I think, too, it is worth pointing out that, on a State by State comparison, in relation to such things as bankruptcy statistics—which is something the Hon. Mr Davis frequently likes to refer to—South Australia is much better off than other States in respect of bankruptcies.

Members interjecting:

The PRESIDENT: Order! The honourable Minister has the floor.

The Hon. BARBARA WIESE: In the September quarter South Australia had the second lowest figures for increases in bankruptcies of any State in Australia. I also point out that, when the economy is in very serious trouble, one would expect the Small Business Corporation to receive a very large increase in the number of inquiries by businesses in financial distress. However, during the course of this year—apart from an increase immediately after Christmas, in those early months of the year when so many small businesses suffer from cash flow problems in the normal course of events—the number of inquiries has been very comparable to last year's figures. In fact, to date some 20 more inquiries have been received this year than last year. These are indications of the state of things in South Australia. Whilst I acknowledge again—as I have on every other occasion when such questions have been asked of me—that there are some sectors and some businesses in our economy that are experiencing difficulties, the problems here are nowhere near as severe as they are in other parts of Australia.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: In relation to many sectors, the spokespeople for business in this State do not expect to see the same sort of downturns that have occurred in other parts of Australia. The honourable member would have to acknowledge that South Australia is not immune to the things that are happening in Australia as a whole, but if we can—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —maintain the current levels of activity and, indeed, if we can continue to encourage the levels of activity that are occurring in key sectors of our economy, we can hope that the associated industries will also hold up with their business activity and that South Australia will be able to ride this current storm and emerge at the other end in a much stronger position than most other parts of the country.

LAW AND ORDER

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Attorney-General a question relating to law and order.

Leave granted.

The Hon. J.C. IRWIN: Like most honourable members in the Parliament, I receive advice from members of the public about matters of law and order. We try to deal with them as best we can. Sometimes what appears as isolated incidents can aggregate into something which gives a far more serious picture. For instance, I hear that the emergency telephone number 000 at times has not been answered at all. I have heard more than once that the 11 444 number for police attendance will not answer. One irate person who had his shop in Topham Mall robbed had to find, in desperation, a departmental number to ring because 11 444 kept ringing out. When a patrol car eventually arrived, he was told that those delays were commonplace.

A man rang me yesterday to relate his tale of 27 phone calls to the police following a house robbery last Thursday, most of which rang out. Despite being told by the Elizabeth police that they would call by 3.30 on Friday, and not to touch anything because fingerprinting had to be done for police and insurance purposes, no-one had called by Sunday. The only explanation he has been given is that it was because of a lack of police manpower and resources. He was told that two officers covered the Smithfield/Parafield Gardens area.

Further, I have been told of an incident regarding the Elizabeth police station. An off-duty policeman rang the Elizabeth police station for an appointment for a friend at 7.30 in the evening. After 10 minutes there was no answer. The phone rang out repeatedly. He phoned Telecom to check for faults, and was advised that there were none. He phoned the communications centre, and was advised by the operator that the Elizabeth police station switchboard had been pulled out, and that calls were being diverted to her because of staff shortages. At 8 p.m. he attended the station, the two officers were busy, the plug of the telephone handpiece had been removed from the console, and eight people were at the counter all wanting to report incidents. At 8.50 people were still waiting at the counter. A traffic patrol arrived that was investigating a fatal accident. One of those officers assisted at the counter, while trying also to deal with the fatality.

I believe the phone was connected by 9.30 p.m. At 10 p.m. two more members of the public were looking for assistance, but the officer was still busy, the phone was still ringing and not being attended to. No person had answered the telephone since 9.30 p.m. When this story was told to senior policemen, they commented that they were aware of the workload and explained that staff shortages have existed for some considerable time. They said that they were just trying to do the best they could under the circumstances. Telephones are not being answered and the public is not getting the service that the police would like to provide—in fact, which they should provide. I am advised that this situation in regard to Elizabeth is now commonplace, and probably far more widespread.

From the Police Commissioner's annual report, we see that reported crime rose by 17.8 per cent in the Elizabeth area, that breaking offences were up 10 per cent in the Tea Tree Gully area and that serious arrests were up 13.5 per cent. In the northern and north-eastern metropolitan area total reported offences were up 12.5 per cent. The Attorney-General told me in this place a couple of weeks ago that if we get more police on the ground the crime rate will go up further. I suggest that the Attorney-General should try to float that theory with the many people who are frustrated with the lack of policemen and resources and the increasing number of people who are victims of robbery and assault in this State. Police numbers are now no more than they were in 1987, and the crime rate is still rising. My questions are:

1. Is the Attorney-General aware of the unacceptable situation in some metropolitan police stations where police manpower and resources are clearly not enough to attend to the needs of the public?

2. Does he know that the police phones are just not being answered?

3. Does the Attorney-General believe that we do not have enough policemen and women or backup resources to protect the people, and that the situation is unacceptable?

The Hon. C.J. SUMNER: I am not aware of the specific instances to which the honourable member refers; nor, indeed, am I aware whether or not they are correct. However, I will refer them to the Minister of Emergency Services for reference to the Police Commissioner. Obviously, the Police Commissioner has responsibility for the conduct of the Police Force. I will take those complaints on notice and refer them to the Minister for a report.

As to the general question that the honourable member raised, I do not think I said that if we have more police the crime rate will go up. It may be that, in fact, the reported crime rate will go up—that is a phenomenon—but whether it means that the actual crime rate will increase if we have more police is another question. However, if there is one area to which this Government has given its attention in recent years, that is the area of the increasing crime and the response to it. There have been significant increases in police numbers and in the budget allocations to the police for both increased staffing and equipment. In the budget for the past financial year, if my memory serves me correctly, I think there was an allocation for an extra 122 police officers, and in the budget for this financial year there is an allocation for a further increase in police numbers.

South Australia already has more police per capita than any other State of Australia. In other words, our Police Force is better resourced than any other Police Force in Australia except, I think, the Northern Territory.

The Hon. J.C. Irwin: Tell the public that.

The Hon. C.J. SUMNER: It is true, and the honourable member can sit there and interject if he likes.

The Hon. JC. Irwin interjecting:

The Hon. C.J. SUMNER: Well, I will get onto that in a minute. The second point that needs to be made is that as far as our allocation for criminal justice agencies is concerned, we provide more to those agencies than the National Grants Commission average in Australia. So, the Government's financial commitment is there to increase police numbers and to maintain them at a level that has ensured that this State has a greater per capita number of police than any other State, except, I think, the Northern Territory.

So, the commitment has been made in terms of staff and equipment. What I have said, and what I will repeat, is that if one relies exclusively on the criminal justice system—if one relies exclusively on police, courts and prisons—one will not deal adequately with the crime problem. I would have thought that that was patently obvious to any member of this Council.

In the United States of America 1.04 million people are incarcerated—locked up—in prisons. That number constitutes a city greater than the size of Adelaide effectively having its citizens locked up in prison. The USA has the death penalty in a majority of States, yet its crime rate, particularly in relation to violent crime, is increasing at a more rapid rate than in other western industrialised nations. That must lead to some conclusion.

The emphasis in the USA has been, and still is, on traditional law enforcement measures, that is, more police, court proceedings, corrections and the death penalty, to the extent that it has ended up with a city the size of Adelaide locked up in its prisons. At the same time, it has an increasing crime rate. That must surely lead to the conclusion that if one just relies on the criminal justice responses to the crime rate, one will not achieve a reduction in it.

The Hon. J.C. Irwin interjecting:

The Hon. C.J. SUMNER: The Hon. Mr Irwin interjects and points out that the United States has a population of 250 million people. That is true. However, the point I am making is that it has six times the imprisonment rate of South Australia. The United States of America has traditionally had a higher crime rate and a crime rate that is increasing more rapidly than other western industrialised nations.

Surely that indicates that, if one just relies on more police, courts and incarceration as a response to the increasing crime problem, one will not be successful. That is the experience not just in the USA but in every western industrialised nation. The problems that South Australia has are not unique to this State. Increasing crime and delinquency is a phenomenon of western industrialised nations. Every nation except, I think, Switzerland—but certainly every western European nation, North America, Canada, Australia and New Zealand—has recently, and particularly since the Second World War, had increasing crime rates. It is a phenomenon of our times and, if the honourable member wants to look at the reasons for that, they have been well identified and documented. In fact, they are contained in reports that I released last year when launching the Coalition Against Crime strategy.

The Hon. J.C. Irwin: What are you doing about it?

The Hon. C.J. SUMNER: We are ensuring that there are adequate resources for the traditional criminal justice approach and, in that sense, we are better resourced than any other State in Australia.

The Hon. J.C. Irwin: It's not good enough.

The Hon. C.J. SUMNER: I will check those matters, but that is the first point. The second point is that we have established a Coalition Against Crime and a broadly-based crime prevention strategy, in which the Opposition was

invited to participate. So far, however, it has refused to participate or, for some reason or another, has refused to answer our letters about the matter. I should have thought that the experience overseas, where community crime prevention strategies such as the so-called Bonnemaison scheme in France have been successful, has occurred because there has been a bipartisan political approach to dealing with crime through the community—through local government, local agencies, government departments and by trying to involve the community in reducing crime.

The inner-city action group, which has been established to deal with the Hindley Street area, is an example of a community crime prevention initiative. The Government has allocated $10 million over a five-year period to develop community crime prevention initiatives, that is, those based on the community similar to the Neighbourhood Watch scheme, and the like, but with funds to back them up: $10 million over five years.

The Hon. J.C. Irwin: If we aren't stopping kids from becoming street kids—

The Hon. C.J. SUMNER: I am trying to explain to the honourable member that one has to deal with crime at its roots: one has to look at the factors that are leading to criminal behaviour. The honourable member would like to think that it was just South Australia and that the terrible Labor Government has been responsible for it. I know that is what he would like to think.

Members interjecting:

The Hon. C.J. SUMNER: That is rubbish. The fact of the matter is that in the United States, under Mr Reagan, who was probably the greatest law and order President the country could have had in the past 10 years, although there was at some stage a suggestion that the crime rates had levelled off, they went up.

Try Mrs Thatcher's Britain! One could not get a harder line person than Mrs Thatcher in relation to law and order. She wants to bring back the death penalty; she has a completely traditional line of rhetoric in relation to law and order and to crime. What has happened? The crime rate in Britain has gone up. So, while I know that the honourable member would like to think that the increasing crime rate is the fault of the terrible Labor Government in South Australia the fact is that in every western industrialised nation, virtually without exception, irrespective of the ideology of the Government in power, the crime rates have increased.

Therefore, it clearly indicates that a more deep-seated phenomenon is operating in these communities which we must try to get at. That is what the crime prevention strategy is all about. It is looking at designing out crime; it is looking at removing precipitating factors such as drugs and alcohol; it is looking at Neighbourhood Watch and greater surveillance by the community. There is a whole range of strategies, and I commend to the honourable member for his consideration the documents that were put out as part of the community crime prevention strategy.

So, that is what we are doing more than any other State in Australia in this area: a crime prevention strategy endorsed by Ministers of police for adoption throughout Australia; a crime prevention strategy which has picked up on experience in Western Europe, in particular, the Bonnemaison schemes in France; and a crime prevention strategy which has recently been endorsed by the United Nations Congress on the Prevention of Crime and Rehabilitation of Offenders. In other words, this is a crime prevention strategy which talks about prevention, not just enforcement, and which says that we cannot just rely on criminal justice enforcement, but must look at up-front prevention of criminal activity.

That is what we are trying to do: we are trying to harness the community into getting involved in those community crime prevention strategies. What we are doing is more than is happening in any other State in Australia. It is a difficult issue, but we will continue to deal with it. What we would like from members opposite, which we have not got so far, is their cooperation in participating in this crime prevention strategy.

DEMENTIA SUFFERERS

The Hon. CAROLYN PICKLES: Has the Minister of Tourism an answer to my question asked on 14 August regarding dementia sufferers?

The Hon. BARBARA WIESE: This question relates to Alzheimer's disease and the reply is as follows. In response to the honourable member's questions, the Minister of Health has advised that the current National Dementia Research Register shows that there are 23 active researchers carrying out 54 projects on Alzheimer's disease and related disorders. Twenty-two of the 54 research projects are directly funded through Commonwealth Government grants. A total of $1.3 million has recently been provided for research into dementia and the provision of quality care.

Through the Home and Community Care program there are a number of projects in place and they are targeted towards dealing with the increasing number of dementia sufferers:

- Dementia teams operate through each of the four metropolitan Domiciliary Care Services and are funded in excess of $1.2 million per annum.
- $240 000 per annum is allocated to the Alzheimer's Disease and Related Disorder Society (ADARDS) to operate a family resource centre.
- The Riverland Community Health Service receives $40 000 per annum to provide respite care for clients with dementia.
- Under the Commonwealth Unmatched Moneys program a $367 710 per annum dementia respite brokerage project has just been approved. This will operate in the southern and eastern suburbs and the Adelaide Hills.

The Federal Government this year has allocated an additional $3.3 million to provide an additional 1 300 hostel places for people with dementia. This brings the total grants for the dementia hostel program to $14 million annually. There will also be an allocation of $9.2 million over the next four years to provide residential respite services to help the carers of people with a high degree of dependence such as those with dementia. The level of the nursing homes respite supplement will be increased by 43 per cent to recognise the additional costs of providing respite care, especially for dementia sufferers.

The State Government has made provision in the current budget to expand the Home and Community Care program by $710 000 to provide for the development of an emergency respite care service for people with dementia living in the community.

BUDGET PAPERS

Adjourned debate on the question:

That the Council take note of the papers relating to the Estimates of Payments and Receipts 1990-91.

(Continued from 4 September. Page 753.)

The PRESIDENT: I remind members that this is the honourable member's maiden speech.

The Hon. BERNICE PFITZNER: I support the motion that this Council take note of the papers relating to Estimates of Payments and Receipts. Before commenting on the papers, I would like to pay tribute to my predecessor in this House, the Hon. Martin Cameron. Martin Cameron was energetic, politically astute and a good debater in the Chamber. He had 25 years parliamentary experience and will be sorely missed by his parliamentary colleagues and Party, and also by this Council. He was and of course still is a personality, both in and out of politics, and I feel sure that this Council will join with me in wishing him all the best in his future endeavours.

When the Liberal Party elected me to replace Martin Cameron, it vested in me a great responsibility, in part because I am the first Australian of Asian origin to serve in the South Australian Parliament. Not since arriving in Adelaide as an overseas student at the tender age of 17 years have I felt so overwhelmed and excited as I have over the past two weeks. Thirty five years ago, when I started my medical course at the University of Adelaide, people of Asian origin were few in number and something of a curiosity. When I married a caucasian Australian fellow medical student 28 years ago, it was a calamity. Today, people of asian origin are no longer a curiosity but a part of our colourful multicultural society.

Returning to the papers relating to Estimates of Payments and Receipts, there are several aspects which stand out. They are evidence that the present State Labor Government's economic strategy is one of high taxing and high spending. Superimposed is a failure to implement micro-economic reforms appropriate to the present day and age of free market economics.

The Government's high taxing strategy is reflected in the considerable increases in the revenue derived from State Government taxes and charges: payroll tax collections have increased by 19.3 per cent; land tax collections have increased by 11.3 per cent; and financial institutions duty (FID) collections have increased by 129 per cent. The South Australian FID rate has increased from 4c per $100 to 10c per $100, which is now the highest rate in Australia. Queensland has no FID, and the rate in the other states is 6c per $100.

In South Australia, the stamp duty on bank cheques is 10c per cheque, whereas in New South Wales and Victoria there is no stamp duty on a cheque. The bank accounts debits tax (BAD tax) may be introduced at 2c per $100 in time for Christmas and in addition to the FID.

Mr President, I seek leave to incorporate into *Hansard* without my reading it table 8 (page 37 of the Treasury Information Paper) which shows taxation receipts for 1989-90 and estimated levels for 1990-91.

Leave granted.

Taxation Receipts $m

	1989-90	1990-91 (est.)
Land Tax	71.9	80.0
Gambling	111.7	128.0
Motor Vehicle Registration Fees and Drivers' Licences	110.9	120.0
Payroll Tax	324.1	386.6
Financial Institutions Duty	49.4	109.1
Stamp Duties	310.6	335.3
Business Franchises	180.4	216.0
Business Undertakings	38.7	39.6
Levy on Sales—ETSA Fire Insurance Levies	35.7	37.9
Other charges and Levies less Refunds and Remissions	50.0	63.9
	1 283.4	1 516.4

The Hon. BERNICE PFITZNER: It will be noted that taxes are increased by 18.15 per cent (nominal), which relates to an increase in revenue of $233 million. The present Labor Government needs these high taxes and charges because it also has the highest increases in spending of all the States and Territories. In the *Financial Review* of 29 October 1990 there is a comparison of recurrent outlays in the different States. Western Australia was given the Institute of Public Affairs award for the tightest budget with a drop in recurrent outlays public sector of 3.7 per cent (real). South Australia, on the other hand, has a recurrent outlay pubic sector increase of 2.3 per cent (real).

In particular, looking at the increase in the number of public servants in administrative units over the period June 1989 to June 1990, we see that there was an increase of 782 full-time equivalents. That is hefty, especially for this day and age, an increase of 1.7 per cent, when one might be hoping for greater efficiencies and an attrition reduction in the numbers of administrators. Over the same 12-month period, the total number of public servants increased by a worrying 2 444 full-time equivalents.

I seek leave to include in *Hansard* Table 8, 'Appendices of the Commission for Public Employment in the Department of Personnel and Industrial Relations', which shows the major changes in full-time equivalents in the State public sector agencies.

Leave granted.

Table 8—Major Changes in Full-Time Equivalent Employment in State Public Sector Agencies from June 1989 to June 1990

Agency	Number of Full-Time Equivalents June 1989	June 1990	Change	Change %
Administrative Units				
Major Increases:				
Agriculture	1 074.8	1 194.2	+119.4	+11.1
Attorney-General's	238.1	287.9	+49.8	+20.9
Children's Services Office (1)	1 012.5	1 065.5	+53.0	+5.2
Correctional Services	1 176.6	1 210.6	+34.0	+2.9
Court Services	659.2	703.6	+44.4	+6.7
Education	18 479.9	18 780.3	+300.4	+1.6
Employment and Technical and Further Education (2)	2 860.3	3 046.9	+186.6	+6.5
Personnel and Industrial Relations	215.3	347.6	+132.3	+61.4
Police	4 048.1	4 174.0	+125.9	+3.1
Treasury	317.3	353.8	+36.5	+11.5
Major Decreases:				
Engineering and Water Supply	3 992.4	3 894.2	98.2	−2.5
Housing and Construction	1 806.2	1 762.3	−43.9	−2.4
Marine and Harbors	674.2	611.2	−63.0	−9.3
Road Transport/Transport Policy and Planning (3)	3 043.5	2 999.4	−44.1	−1.4

Agency	Number of Full-Time Equivalents June 1989	June 1990	Change	Change %
State Services	823.5	777.3	−46.2	−5.6
Total Administrative Units	47 132.3	47 914.1	+781.8	+1.7
Other State Public Sector Organisations				
Major Increases:				
Adelaide Festival Centre Trust	230.0	284.0	+54.0	+23.5
Colleges of Advanced Education	2 276.0	2 398.0	+122.0	+5.4
Cultural Trusts	8.0	52.9	+44.9	+561.3
Health Commission	25 062.9	25 761.2	+698.3	+2.8
South Australian Totalizator Agency Board	299.0	355.0	+56.0	+18.7
SAMCOR	493.5	548.0	+54.5	+11.0
State Bank of South Australia	3 590.1	3 787.7	+197.6	+5.5
State Government Insurance Commission	741.0	842.0	+101.0	+13.6
State Transport Authority	3 372.4	3 456.9	+84.5	+2.5
Universities	2 999.0	3 073.0	+74.0	+2.5
WorkCover	343.7	521.6	+177.9	+51.8
Major Decreases:				
Electricity Trust of South Australia	5 829.0	5 701.0	−128.0	−2.2
State Clothing Corporation	44.0	29.0	−15.0	−34.1
Total Other State Public Sector Organisations	48 893.8	50 555.3	+1 661.5	+3.4

(1) The Children's Services Office is not an administrative unit, but has historically been included with the administative units.
(2) Includes Office of Employment and Training for 1989 employment level.
(3) Comprises Highways Department and Department of Transport for 1989 employment level, and Department of Road Transport and Office of Transport Policy and Planning for 1990 employment level.

The Hon. BERNICE PFITZNER: In particular, failure to implement appropriate micro-economic reforms is another concern that I have in the State Labor Government's economic performance. For example, the State Bank has approximately $900 million of taxpayers' money, and the expected return in terms of revenue to the State is zero. The State Transport Authority has an expected deficit of $130 million. WorkCover levies, which cover work-related injury insurance, are the highest in Australia. In South Australia, the average levy rate is 3.8 per cent, compared with 3 per cent in Victoria and 2 per cent in New South Wales.

Lately we learn that call out charges for St John Ambulance Services are set for a large increase. Call out charges may be more than double in the metropolitan area and more than triple in the country areas. Once again, the rural people are especially hard hit. First, their hospitals are closed, or are threatened with closure, and next the ambulance charges skyrocket.

Even someone like myself, not particularly adept in economics, can see that the papers relating to estimates and receipts do not demonstrate the restraint and direction required by the present economic climate.

As a newcomer to politics, I feel that the justification for political actions is often concealed and confused. When this is so, direction and purpose can easily be subordinated or lost. It is the same with truth. When the end becomes so important that the truth is disguised or becomes lost, the perception of truth takes over.

The Lebanese poet and philosopher, Khalil Gibran, wrote a sweet poem on how easily truth can be disguised. The poem is called 'Garments', and it reads:

Upon a day Beauty and Ugliness met on the shore of the sea. And they said to one another, 'Let us bathe in the sea.' Then they disrobed and swam in the water.

And after a while Ugliness came back to shore and garmented himself with the garments of Beauty and walked his way.

And Beauty, too, came out of the sea and found not her raiment and she was too shy to be naked.

Therefore, she dressed herself with the raiment of Ugliness.

And Beauty walked her way.

And to this very day men and women mistake the one for the other.

Yet some there are who have beheld the face of Beauty, and they know her notwithstanding her garments.

And some there be who know the face of Ugliness and the cloth conceals him not from their eyes.

I am confident that the poet did not intend any sexist connotation when he ascribed gender to Beauty and Ugliness.

I have suggested, newcomer to politics though I am, that the present State Government is big taxing, big spending, has failed to implement the appropriate micro-economic reforms, and is lacking in direction and purpose. Since people in glass houses should not throw stones, perhaps I should look at my own role in this Council, and this I have done in a theoretical sense at least.

I have been helped to a very great extent by a summary of the role and function of the Upper House, prepared in 1953 by the Hon. Sir Collier Cudmore, MLC, and by Lord Bryce in the Bryce Report (1917). An adaptation of their summaries of the functions of the Upper House are:

(1) To examine and amend, if necessary, Bills brought from the Lower House in a dispassionate atmosphere.

(2) To initiate Bills dealing with subjects of a comparatively non-controversial character.

(3) To exercise the discretion of delay in passing extreme legislation so as to enable the opinion of the people to be adequately expressed.

(4) To promote full and free discussion of large and important questions.

(5) To provide continuity and stability to the Government. By the fact that half the Council remains in at each election, the State is assured that legislation introduced on a popular wave of feeling will be reviewed by members not elected on that wave. This is a vital safeguard against hasty or hysterical legislation.

(6) To safeguard the independence of the judges, the Auditor-General and Public Service Commissioner. They cannot be dismissed without a resolution of both Houses of Parliament.

I would imagine that over the course of the next seven years I will learn whether this Upper House fulfils these or different functions.

Mr President, I am led to believe that in a maiden speech a new member of the Legislative Council is given latitude to speak on topics of special interest, even though those topics may not necessarily be directly related to the subject matter of the motion. I should like, if I may, therefore, to say a few words on issues of special interest to me.

The first issue is development and environment. I believe that South Australia needs development. In today's free market world South Australia needs competitive manufacturing industries, it needs competitive high technological industries, it needs competitive agricultural and mining activities, and it needs appropriate development to foster the desired expansion of the tourist industry. But all of

these developments, as well as being economically viable and able to withstand free market competition, must also be ecologically sustainable.

Ecological sustainability should not be a glib term which slips easily off the tongue when required. The environment is precious and we must protect it. The issues are air, water and land degradation, loss of species, inadequate waste control and global problems such as ozone depletion and potential climatic changes as in the greenhouse effect.

Ecological sustainability of existing and new developments must be addressed conscientiously and effectively if our environment is not to be drastically degraded, as it has been in so many other developed countries. It must be appreciated that economic growth and a well managed environment are fundamentally linked and a well managed environment must not be forgotten. If development degrades the environment, the long term economic viability of the development will be put at risk.

A second area of interest is immigration and immigrants. Being an Australian born overseas, I have a special understanding of immigration and the problems faced by newly arrived immigrants. Immigration issues, which are faced in the main but not exclusively by Federal Governments, should be well researched in a logical, rational and dispassionate manner.

A recently released book, entitled *Australian Immigration—A Survey of Issues*, by authors mainly from the Flinders University, explores four main areas. First, it looks at the demography and geography of immigrants. Studies looking at sites of immigration settlement in Australia and the impact of settlement on Australian society and economy is a neglected area of research. Certainly there is a strong tendency for the overseas-born to concentrate in larger cities. The authors feel that ethnic enclaves and their role need to be investigated.

Secondly, the book refers to the economic impact of immigration and suggests that immigration generally confers more positive than negative economic benefits on the Australian economy but that the benefit is not great.

Furthermore, it is suggested that immigration has not increased unemployment; the immigrant work force has been more skilled and therefore more productive; a preference among immigrants for home ownership has resulted in stimulation of the building industry; and immigration has probably not adversely affected living standards as there has been little evidence of congestion or negative environmental consequences.

Thirdly, in dealing with the social aspects of immigration, the book suggests that immigration has posed little threat to the general social cohesion. There are concerns expressed, however, about the high youth unemployment, the high rates of occupational injury, the extent of racial violence, and the problem of recognition of qualifications.

Fourthly, in regard to labour market experience of immigration, the book also suggests that immigrants as a whole have been more likely to be unemployed than their Australian born counterparts. A perceived high level of unemployment which is more apparent than real, is blamed upon poor English language skills and lack of qualification recognition. The occupation status among immigrants generally has not been high, but this has not been indicative of discrimination. Interestingly enough, it is suggested that there is no difference in eventual vocational and financial achievement between the offspring of immigrants and the offspring of parents who were themselves born in Australia.

So members can see that the book contains some thought-provoking material. The data and studies reported are encouraging to those who support multiculturalism in that there does not appear to be a significant adverse effect of immigration. However, when immigration policies are formulated, Governments must take into account two broad aspects: the volume and nature of the intake, namely, the size, timing, composition and selection rules; and the distribution of settlement of the new immigrants, with special regard to the provision initially of the necessary socio-economic infrastructures.

A third issue is that of our children. Being a mother myself and after working closely with children for the greater part of my working life, I am greatly interested in the well-being of children. They are our country's future. Society must invest its time, effort and finances to provide quality services to children. Without wanting to appear immodest, I feel I have a special knowledge of and affinity with the children of this State. About 10 years ago I devised and validated, as part of my post-graduate degree, an assessment system for kindergarten children. The system is still being used today and is known as the Adelaide Psychomotor Screen.

The assessment is used to check children in the areas of coordination, speech and intellectual ability. If an individual child needs help, the need is identified and the child directed to appropriate services early rather than late. This Chamber may be interested to know that in South Australia up to 95 per cent of four year old children are currently assessed by the Adelaide Psychomotor Screen.

Undeniably our children deserve the best to promote their health, welfare and education. A poem by G. Mistral, a Chilean poet, reads:

> We are guilty of many errors and many faults.
> But our worst crime is abandoning the child.
> Neglecting the fountain of life.
> Many of the things we need can wait.
> The child cannot.
> Right now is the time his bones are being formed.
> His breath is being made
> And his senses are being developed.
> To him we cannot say 'tomorrow',
> His name is 'Today'.

A fourth issue is that of women in society. I believe that because of their traditional role of housekeeping and child-rearing, women have often not had the time or the energy to pursue a satisfying career. However, although their traditional role is at times a handicap, it is also a source of their strength. This strength is shown in their ability to be more practical in the real world, more compassionate, and more discerning. Women should, therefore, be encouraged in their attempts to move to non-traditional areas of activity. It is good to see, for instance, that there are now five female members in this Council.

I am not what one might regard as a feminist, but I do believe in the concept of affirmative action. This chiefly American term describes action taken to provide equality of opportunity, as in job appointments for members of previously disadvantaged groups. I feel that women have in fact been traditionally disadvantaged in many areas of society and the work force, and I am also of the opinion that until this situation no longer pertains, women should be given special encouragement to broaden their horizons.

A final issue is the current plight of our people on the land. Governments both Federal and State must be encouraged to do everything in their power to keep the farmers on their land through these extremely difficult times.

In closing, I would like to put some thoughts forward—possibly controversial—regarding us as a nation. We must get away from the colonial mentality which possibly puts us as being less than a nation. We may be looked upon as being inadequate in being a nation that does not yet have

its own head of state, but maintains in that position someone who is not resident and is not an Australian.

The countries which are most successful today are those which are technologically sophisticated, not those with vast resources of raw materials. It is obvious that the dictum of yesteryear, 'populate or perish' must be replaced by 'think or perish'. Above all, we must not be afraid to be Australian.

Motion carried.

WILPENA STATION TOURIST FACILITY 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 objectives of this Bill are very clear. They are to provide a key tourism asset for South Australia which will:

- Rectify the current level of damage caused by visitors.
- Cope with the number of people wanting to visit this outstanding location.
- Replace the existing tourism facility and enable the regeneration of the site beside the sensitive Wilpena entrance.
- Provide accommodation, interpretive, educational and other services to meet the varying needs of a range of people who want to enjoy the Wilpena Pound and other attractive areas of the park.

There has been tourist interest in the Flinders Ranges for a very long period of time. The existing facility at Wilpena Pound dates back to 1947 and has served the needs of the growing numbers of visitors to the area for many years. Since the early 1980s visitors to the area overloaded the capacity of the facilities and the environmental impact caused by people has been increasingly evident. In a Department of Tourism survey in 1983, 57 per cent of visitors surveyed cited poor facilities at Wilpena among the least appealing features of the Flinders Ranges region.

While the site has historically served the needs of visitors well it was not designed to cope with visitor needs into the next century. The location of the facilities at the very entrance of Wilpena Pound has created environmental problems.

The use of the Wilpena Station land as an alternative accommodation site was canvassed in the 1983 Plan of Management for the Flinders Ranges National Park. The purchase of Wilpena Station was prescribed as the highest acquisition priority in that plan.

The tourism needs of the Flinders Ranges were further investigated by a Department of Tourism study in 1985. This report studied seven regional sites, and selected Wilpena Station as the preferred relocation site some three kilometres away from the present site near the entrance to Wilpena Pound. The report also foreshadowed a 33kv power line to Wilpena and the upgrading of air services at Hawker to jet standard. This report was released by the Minister of Tourism in 1986 and received wide publicity.

Wilpena Station was purchased for addition to the national park in 1985. Investigations for the tourist facility site continued through 1986 and 1987 including detailed design, feasibility and infrastructure investigations by Ophix Finance Corporation. In 1987 the Government announced that approval had been given to Ophix to take the project to the environmental impact assessment stage. At the conclusion of the impact assessment and planning studies the Wilpena station lands were added to the national park in June 1988. The EIS and accompanying statutory planning process documentation was released for public comment on 16 July 1988.

The current litigant against the project, the Australian Conservation Foundation, did not make a submission to the environmental impact statement or Flinders Ranges National Park Plan of Management when it was released for public comment in July 1988.

The ACF initiated litigation before the Supreme Court in 1989 and the full bench found in favour of the development process. Subsequently leave was sought and granted for the ACF to appeal to the High Court. The matter remaining under dispute is the interpretation of the position of a lessee in carrying out the Government's actions through the operation of a lease granted under the National Parks and Wildlife Act.

The appeal action to the High Court had a major impact on investment interest in the Wilpena project. Confidence in the project, indeed in investment interest in South Australia, was seriously affected. Of particular concern to the Government was advice on 23 April 1990 from solicitors acting for the ACF that three further matters in relation to the project gave rise to, in their view, legal considerations and that their clients were addressing the need to consider whether to institute further proceedings, distinct from the already initiated litigation.

The crisis in investment confidence in the Wilpena project generated by the ongoing litigation was of very serious concern to the Government. The rules had been followed by the Government, there had been detailed environmental impact assessment and protracted public consultation.

The District Council of Hawker made strong representations to the Government to move immediately to ensure the project and associated infrastructure could commence and action was urged by the local representative body of the Aboriginal community and the Port Augusta and Flinders Ranges Development Committee.

The Government's objectives in relation to the Wilpena project relate to sound management of the Flinders Ranges National Park and are:

- To provide quality visitor facilities and services and ensure that the existing level of visitor damage to the park is rectified.
- To facilitate infrastructure to cope with the ever increasing numbers of visits to the turn of the century and beyond.
- To rehabilitate the existing facility site astride Wilpena Creek in the Wilpena Pound entrance area.
- To provide a range of facilities suitable for and affordable to the large range of people who wish to use and enjoy the park.
- To provide interpretive and educational opportunities about the park's natural and cultural features.
- To provide an attraction that will form a key part of the tourism assets of the State.

Associated with these objectives are important opportunities for the local Aboriginal community:

- Employment will be available during both the construction and operational phases of the resort for Aboriginal people.
- Opportunities for commercial activities including the sale of artifacts and tours have been protected by the terms of the lease.
- The Government is discussing with the local community plans for a resource and interpretive centre for the preservation, and where appropriate, the display of cultural material.

The development site was chosen, among other reasons, because of its highly modified condition. There has been

widespread public discussion about the location of the site in a national park with a wide assemblage of native plants and animals. The reality is that the site was the homestead paddock of a property used for agricultural purposes for over 130 years. There is extensive erosion, infestation of rabbits and wide coverage of exotic plants.

I do not intend to repeat the contents of the project's environmental impact statement except to mention that issues such as water supply, landscape protection, sympathetic architecture, pest control and facilities layout were described in great detail and will be adhered to.

A very detailed lease for the project was signed after the statutory planning process was concluded. This lease was immediately released for public inspection, includes the prescribed scale of the resort, a development approval process, security guarantees, environmental protection measures, further water investigations, and a level of rental that will bring in an estimated $37 million over the first 20 years of operation.

The Wilpena Station Tourist Facility Bill authorises the construction of the Wilpena project and related infrastructure. For this purpose it sets the scale of the development and an upper limit on peak numbers of visitors on any one day. The lease area will be recognised as the Wilpena Station Development Zone within the Flinders Ranges National Park. The National Park Plan of Management in fact recognises the uses intended for the lease area and it is consistent with the Plan of Management that the lease area be recognised as a development zone. The peak visitor level will only be reached on infrequent days of maximum usage.

The Bill also provides for authorisation by Hawker District Council for the construction of the Hawker airport and powerline subject to environmental impact assessment. While all care will be taken during construction to ensure that there is a minimum disruption to the habitat of native fauna it is inevitable that some minor disturbance may occur. The Bill provides for this circumstance.

It is unfortunate that the enabling legislation is needed at all. An investigation and public consultation process has now extended for seven years in relation to this project. The Government cannot contemplate an endless process of dispute, particularly when the park visitor impacts on the Wilpena area continue to worsen and the full properly managed potential of the tourism asset and boost to the local and state economy continues unrealised.

The Government readily acknowledges the need to sensitively manage this outstanding example of the South Australian landscape. Doing nothing is not a responsible option. The accumulating problems will get worse as ever increasing numbers visit the area. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for interpretation of terms in the Bill. The airport land will be selected by the District Council of Hawker and must be within 20 kilometres of the Hawker Post Office. The land in this area is Crown lease land. After selection, negotiations will be entered into with the lessee of the land for a sublease. If agreement cannot be reached on the terms of a sublease the land may be resumed by the Minister administering the Pastoral Land Management and Conservation Act 1989, or the Crown Lands Act 1929, and in that event compensation is payable to the lessee under the appropriate Act. These comments apply equally to land required for the power lines. Subclause (2) refers to the different circumstances in which the use of land may be changed. A later clause of the Bill (Clause 3 (3) *(a)*) provides that the tourist facility buildings must not exceed one storey if the establishment of the facility is to be protected by the Bill. Subclause (3) of clause 2 specifies two building designs that will be taken not to constitute more than one storey for this purpose.

Clause 3 provides for the construction etc. of the tourist facility. Subclause (1) sets out the acts and activities in relation to the establishment of the facility. Subclause (2) specifies the accommodation and other facilities comprising the tourist facility. Clause (2) *(b)* refers to incidental works such as roads. Subclause (3) restricts buildings to one storey and restricts the height above sea level at which they can be built. Subclause 4 requires the Minister to increase the capacity of the facility at the request of the lessee if the lessee has complied with subclause (5). Subclause (6) enables the Minister to further increase the capacity of the facility subject to the requirements of subclause (7). Subclauses (9) and (10) allow the Minister to vary the mix of the different forms of accommodation without exceeding the maximum allowed by subclause 6. Subclause (11) provides that a golf course must not be established in the development zone.

Clause 4 requires copies of the public information plan and the environmental maintenance plan prepared by the lessee under the lease to be laid before both Houses of Parliament. The Minister must report to Parliament annually in relation to the lessee's compliance with both plans.

Clause 5 provides for the establishment of the airport. Subclause (3) provides that an environmental impact assessment must be prepared and officially recognised before the airport is established.

Clause 6 provides for the construction of the powerline to Wilpena and the airport. As mentioned in reference to the airport land, the land required for the powerlines will either be sublet from the lessees through whose leases the lines are to be constructed, or resumed. If the land is resumed the lessee will be entitled to compensation in an agreed amount or an amount determined by the Land and Valuation Court if agreement cannot be reached.

Clause 7 provides for the preparation and official recognition of environmental impact assessments in relation to the airport works and the powerlines.

Clause 8 provides for the imposition of conditions in relation to the airport works and the powerlines.

Clause 9 provides for the relationship of this Act to other legislation. Subclause (3) recognises the fact that some activities related to the construction of buildings, such as excavation and clearing of dead timber, will inevitably result in the destruction of or injury to small lizards and snakes.

Clause 10 provides that Crown lease lands may be resumed pursuant to the Pastoral Land Management and Conservation Act 1989 or the Crown Lands Act 1929.

Clause 11 provides that no act or activity may be undertaken pursuant to the Bill in contravention of Commonwealth law.

Clause 12 underlines the fact that this Bill does not affect the exercise of rights under the lease between the Minister for Environment and Planning and Ophix Finance Corporation for the development of the tourist facility. However if Ophix exercises rights under the lease outside the provisions of the Bill clause 9 (1) of the Bill will give no protection in relation to the exercise of those particular rights.

The Hon. R.I. LUCAS secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

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

STATUTES AMENDMENT (SHOP TRADING HOURS AND LANDLORD AND TENANT) BILL

Second reading.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

The purpose of the amendments to the Shop Trading Hours Act is to permit general retail trading until 5 p.m. on Saturday afternoons in the central, metropolitan and all country shopping districts, and includes in that extension the sale of red meat. The Bill also provides for the repeal of two sections of the Act which limit the sale of foodstuffs or convenience store items in conjunction with a motor fuel outlet. An administrative simplification of the mechanism provided to create or abolish country shopping districts on the application of local government authorities is also included.

The proposal to extend retail trading hours until 5 p.m. on Saturday was clearly announced as part of the Government's election policy, and this Bill is introduced in a climate where community support for such a change is even more overwhelming than it was when the Government last attempted to extend trading hours in 1988.

The most significant change since 1988 has been the wages deal struck under the award restructuring process between the Retail Traders Association and the Shop Distributive and Allied Employees Association which provides for the rates that will apply under extended trading. That deal was negotiated with the general support and encouragement of the State Government, and it is to the credit of both parties to the negotiations that an amicable agreement has been reached.

It is the Government's strong belief that a similar wages outcome would have been reached in 1988 had the Government's earlier Bill been successful. It is a pity therefore that the South Australian public has been needlessly denied the convenience of extended trading for the past two years when other States have enjoyed such extended trading over that period with no adverse effects on prices or on the number of small businesses that have continued to operate.

Under the wages deal that has been negotiated, the labour costs associated with working on a Saturday have been reduced by approximately 35 per cent when compared with the provisions of the old award. There have been compensating adjustments to the rates paid on weekdays but overall the package will have a negligible impact on prices beyond what would in any case have occurred had Saturday trading not been at issue.

Under this Bill it is proposed that red meat be sold during the extended trading hours. This provision has not been proposed lightly and has followed lengthy discussions with representatives of the industry generally, and the Government has been encouraged by the significant shift in attitude by industry representatives from one of previous strong opposition to a general recognition that such an extension was inevitable and that the industry would adjust to the proposed change in trading hours.

The retail motor vehicle industry has long been opposed to an extension in trading hours, and much of that opposition relates to the non-availability at this time of essential security and registration facilities during extended hours. Whilst the Government is of the view that consumers expect an extension of available hours in this area, given the importance of the purchase of a car to families, it is not the Government's intention to extend trading hours for motor vehicles until the concerns raised by motor trading organisations have been considered and, where appropriate, have been rectified. For that reason, the extended hours of trade for motor vehicles will not operate until those matters have been addressed and a proclamation subsequently issued.

With regard to the sale of foodstuffs or convenience items from motor fuel outlets, the Bill repeals sections 15a and 15b of the Act, thereby removing an unduly restrictive prohibition on the sale of such items. Those sections were included in the Act in 1980 by the then Liberal Government. These restrictive anti-competitive provisions, however, are not appropriate particularly in the light of the unrestricted trading hours now applying to motor fuel outlets generally and the wide availability of products which may be purchased from such outlets at the present time. Demonstrated consumer support for the availability of such goods from service stations is available for all to see and it is the Government's view that changing marketing trends should not be inhibited by outdated legislative restrictions.

Finally, the Bill makes minor administrative amendments to section 12 in respect of the creation and abolition of proclaimed shopping districts, that is, districts outside the metropolitan area. Previous legislative requirements have obliged local government authorities in making application to conduct polls, sometimes at expense or inconvenience. The amendments seek to lessen that burden on applicant authorities, and provides that the views of interested persons as defined be sought and given due regard in the course of a decision without the necessary formality of the conduct of a poll. The general issues raised by this Bill have been the subject of lengthy discussions with interested organisations and it has been the subject of much interest by the media and consumers. The provisions in this Bill are long overdue and have the support of the majority of South Australians.

Part II of the Bill amends those provisions of the Landlord and Tenant Act which deal with the forced opening of shops. It is an important corollary of any moves to extend shop trading hours that the rights of retail tenants to run their businesses as they see fit are appropriately protected. In conjunction with moves to extend shop trading hours at the end of 1987, the Government introduced a Bill to amend the Landlord and Tenant Act 'to ensure that shopkeepers in shopping centres cannot be compelled by landlords to open for extended shop trading hours'. The Opposition supported the amendments in principle but argued that they lacked precision. The Bill lapsed with attempts to deregulate trading hours but one consequence of its attempted passage was the establishment of a working party to attempt to reach a consensus on how shopping centre general expenses should be divided between lessees who open on Saturdays and those who do not.

The working party reported that its informal discussions:

> ... seem to indicate that lessors and lessees agree shopping centre owners should be permitted to require lessees in centres to open if a majority of lessees in that centre agree (on a 'one vote' for each separate leasehold interest basis) that the lessees should all open. If a majority did not favour opening, the centre could still open, but in that case the general running expenses for the centre would have to be divided between the lessees of premises who do resolve to open.

This agreement was to be embodied in a code of practice. The recent breakthrough in industrial negotiations has added impetus to the need to embody this agreement in legislation. The Government recognises that it is appropriate that it be included in legislation rather than as a code of practice.

It is proposed that the existing general prohibition of a term a commercial tenancy agreement that purports to impose an obligation on tenants to keep their premises open for business at particular times should remain and that the exception to this general rule should be narrowed to recognise the special situation of enclosed shopping complexes. In these complexes it is recognised that the interests of all tenants demand some fetter on their right to open and close at will. A major part of the attractiveness of such complexes to consumers is the ability to enjoy a total shopping experience with a full range of shops in one convenient location all open at the same time.

A mechanism has therefore been proposed to establish, by democratic vote, the views of the tenants in a complex as to the appropriate hours of opening and closing the whole complex (outside of a 'core' of hours which preserve the current situation). It will be lawful for landlords to require tenants to open during those agreed hours. Outside these agreed hours tenants in enclosed shopping complexes (and all other complexes) may open and close as they wish and if they are closed they need not contribute to the cost of opening the whole complex for business.

The Government recognises that some existing tenants may be concerned that the rules under which they trade are being changed during the course of their tenancy. Although they will be given a chance to convince their fellow traders of the benefits of existing trading hours, they may be outvoted and forced to open during extended hours. New tenants will be well aware of this possibility and can have no illusions about the possibility of being forced to trade longer hours. It is therefore proposed that the protection afforded by this amendment be subject to a sunset clause and that the need for this form of regulation be reviewed before it is renewed. This will give a potential minority of disgruntled retailers time to make alternative arrangements including, if necessary, selling their businesses to new tenants who will be fully aware of and committed to the possibility of extended trading hours. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for commencement. Subclause (2) provides that clause 11 will come into operation three years after clause 10 comes into operation. This provision together with clause 11 comprises a sunset provision for the amendments made by clause 10 to the Landlord and Tenant Act. Section 65 inserted by clause 11 is the same as the existing section 65 of that Act and therefore the exiting law will be reinstated automatically at the end of three years unless further amendments are made.

Clause 3 is formal. Clause 4 inserts definitions of 'caravan' and 'trailer' in section 4 of the Shop Trading Hours Act 1977. The need for these definitions is consequential on new section 13 (3a) inserted by clause 6. The clause also provides that where part of a shop is devoted solely to the sale or display of motor spirit and lubricants the area of that part of the shop will not be taken into account when determining floor space.

Clause 5 amends section 12 as already discussed. Clause 6 extends the trading hours prescribed by section 13 of the principal Act. As already mentioned, it is intended that subsection (3) will be amended to extend trading in motor vehicles and boats to 5 p.m. on Saturday. For reasons already explained the new time can come into operation immediately for boats and caravans and trailers but not for cars. Paragraphs *(c)* and *(d)* of clause 5 achieve the staggered commencement of 5 o'clock closing. Paragraph *(c)* will come into operation when the other provisions of the Bill commence. Paragraph *(d)* will be suspended until the concerns of the retail motor vehicle industry have been addressed. When it does come into operation, it will replace subsections (3) and (3a) inserted by paragraph *(c)* with a single subsection that once again prescribes the same closing time for boats and all kinds of motor vehicles.

Clause 7 makes a consequential change to section 13a of the principal Act.

Clauses 8 and 9 repeal sections 15a and 15b respectively.

Clause 10 replaces section 65 of the Landlord and Tenant Act 1936. The new provision outlaws terms in commercial tenancy agreements that require the tenant to keep premises open at particular times. The exception to this is enclosed shopping complexes where tenants can be required to keep premises open during core hours. Core hours are from 8.30 a.m. to normal closing time on a weekday and 8.30 a.m. to 12.30 p.m. on a Saturday unless the tenants have agreed to other hours by a two-thirds majority. Subsection (4) is a transitional provision that preserves existing terms requiring shops to be opened in enclosed shopping complexes to the extent of core trading hours. Subsection (7) protects tenants against having to contribute to opening costs when their premises are not open in respect of periods when it is unlawful for them to open or outside core hours.

Clause 11 reinstates existing section 65 of the principal Act and will come into operation three years after section 65 inserted by clause 10 comes into force.

The Hon. K.T. GRIFFIN: I come to a consideration of this Bill with mixed feelings. Within the community, the question of extended shop trading hours on Saturday afternoon has been particularly controversial, and it becomes more so in times of difficult economic circumstances. The controversy about shop trading hours has been with us for at least the past 20 years. I can remember that when the Liberals were in Government some major amendments were made to shop trading hours legislation to give greater opportunity for smaller shops to open without being constrained by what at that stage had been regarded as the normal trading hours. For example, hardware shops were permitted to open on Saturday afternoons and on Sundays. Some limitations were placed on their activities, but they were essentially artificial and designed to ensure that they did not go beyond what at that time were regarded as reasonable business and trading activities.

In addition to that, arrangements were made to allow shops of up to 400 square metres to trade without the restrictions that applied to larger trading areas. Since that time there have been developments in other States that have allowed extended trading hours on Saturday, in particular, and South Australia is the last of the mainland States to embrace that extension.

My concern in relation to extended trading hours really comes about because, on the one hand, there are many consumers who, for a variety of reasons, wish to undertake their shopping activities outside the 9 a.m. to 5 p.m. or the 9 a.m. to 9 p.m. shopping periods on weekdays and Saturday morning. Of course, that is evidenced with hardware-type stores and the growing popularity of convenience stores or supermarkets, which are flourishing around metropolitan Adelaide. Of course, with open trading or extended trading hours, there is a benefit to the consumer that must be recognised. Governments which do not come to terms with it do so at their peril.

On the other hand, even at the time of considering extended trading hours for hardware shops, there was a resistance to Saturday afternoon and Sunday trading because most of those businesses were family operations, and extended trading hours would put considerable pressure on those families, intruding even more into their family life than had previously occurred. That intrusion would result essentially from the fact that insufficient revenue was derived from the extended trading hours to pay for non-family staff at overtime rates, which frequently were double time. It was the penalty rate wage structure which caused them a great deal of concern.

In times of difficult economic circumstances, pressures are even more on small businesses and the families which operate them. There are increases in taxes and charges; pressure of competition from large operators who have the capital available unreasonably to bid down on particular goods and services to force small operators out of the market; and pressures from large operators in the conduct of business generally and their capacity to open and to carry losses to attract custom in the longer term.

A number of areas that impinge upon small business are now covered by fair trading practices under State and Federal legislation which, of course, did not exist 10 years ago. However, there is no doubt that extended trading hours will cause a great deal of concern for small family businesses, which will not be able to afford even the rearranged and renegotiated rates of pay which recently came into operation and which will enable the larger operators, in particular, to more comfortably come to terms with Saturday afternoon trading.

One of the reactions to extended trading is the concern that there will be no more dollars around and that it will merely result in a restructuring of trading hours with more people conducting business towards the end of the week rather than earlier in the trading week and that there will be a migration of funds from the small operators to the large operators, particularly those in major shopping centres.

The Liberal Party's position on shop trading hours in the past two years has been clear. The Opposition has indicated that it would be prepared to support Saturday afternoon trading provided that the penalty rate question and terms and conditions of employment were amended to reduce the potential cost to small business. We wanted to ensure that some protection was given to tenants against them being compelled to operate outside what, to the present time, have been normal trading hours.

In respect of those small businesses and their lease requirements, already there has been comment in the House of Assembly about the nature of leases. Usually landlords require, as a term or condition of a lease, in a shopping area that the lessee will conduct the business in such a way as to ensure that it is open for the usual or lawful trading hours. That is particularly so in relation to shopping complexes, whether they are enclosed or open, or partly enclosed or partly open.

So, in existing leases, a change in the law that would enable Saturday afternoon trading would mean that automatically those leases would result in the application of the condition that usual or lawful trading hours shall be the mandatory obligation of the tenant to open and that that would then operate to compel the tenant to open the shop for the extended trading hours.

As I indicated earlier in relation to longer hours of work, there is concern about the prejudice to the family as a result of those extended hours. It is therefore proposed in the Bill that some relief be given to lessees against the obligation to open for those usual or lawful trading hours so that Saturday afternoon trading will be optional in most respects.

The Opposition certainly supports the concept of a core set of hours being required by a landlord for the shopping complex to be open. The Opposition is certainly supportive of such a provision which will enable the tenant to have some measure of control over his or her destiny, particularly in a shopping complex that is enclosed. I will deal with the Government's provisions in the Bill in a few moments. They do create some difficulty.

From the perspective of landlords and developers, there is, of course, a dilemma. On the one hand, we want development in South Australia; we want landlords who are reasonable; we want the money spent here to provide shopping and office accommodation; we want that development in a wide range of areas; and we want that accommodation to be top quality. But in the current economic climate there is a risk with legislation of this sort that it will act as a deterrent to developers and landlords from undertaking the extension activity which is necessary for a revival in development expenditure.

One has to acknowledge that landlords and developers spend their money and frequently money of their shareholders (and, if it is a public company, it involves thousands of small shareholders, superannuation funds and others) in undertaking the development. In an ideal world one should expect that such developers would be able to determine the basis upon which they provide facilities for occupancy by commercial, business or professional tenants.

So, on the one hand, there is that practical position, which philosophically I would subscribe to, and, on the other, the concern about small businesses and the pressures which are placed on them, particularly after they have entered into their leasing arrangements. Therefore, it is important from both points of view, from that of small business and of landlords and developers, to try to achieve a balance. That is difficult to do because of the conflicting and competing claims and counterclaims.

A number of the matters which have been addressed in the Bill are supported by the Opposition. In fact, in the House of Assembly amendments were moved by the Opposition and accepted by the Government; regrettably, others were not.

In essence, the Bill seeks to amend the hours of trading and also to make changes with respect to petrol stations and the small convenience-type supermarket shops and the number of employees which they are permitted to have. It is important to recognise that, in relation to the commercial tenancies aspect of this Bill, present section 65 provides that only commercial tenancies of premises constructed or adapted to accommodate six or more separate businesses may contain an obligation on a tenant to have the premises open for business at particular times.

The new section 65 in the Bill repeals this provision for three years or, I suppose, more accurately, it suspends its operation for that period. New section 65 allows a tenancy agreement to provide an obligation to open at particular times, limited to core trading hours or standard trading hours, only if the agreement relates to premises in an enclosed shopping complex of three or more shop premises that share a common area that is locked when closed for business so as to prevent public access to any of them.

What the Bill does not do is address the situation of the shopping complexes where part of the complex is an enclosed shopping complex and part is not, or with a complex where no part is enclosed (as it is described in the Bill) but

nevertheless needs to have the shops open together to attract custom. There are a number of those.

My colleague, Mr Graham Ingerson, the member for Bragg in the other place, referred to the Burnside Village, where some of the shops are in an enclosed shopping centre and others in the same complex are open. Nevertheless, it would be incongruous to have one set of rules applying to the shops in the enclosed part of that complex and another set of rules applying to those which are not enclosed. One can also say the same about Parabanks, or even Hallett Cove, where part of the complex is enclosed and part is open.

The issue which the Government has not addressed is the desirability of those shops which are not in the enclosed part of any complex being required to open for at least a core set of hours at the same times as the enclosed part of the shopping complex to ensure that the maximum advantage is achieved, not just for the landlord but, more particularly, for the complex as a whole.

Tenants of shops rely upon each other to ensure that they provide a comprehensive service to the shopping public. It seems to me that it would be quite wrong to believe that dealing only with enclosed shopping complexes will look after the interests of all tenants in that context or, for that matter, the interests of the landlord.

The Bill does not seem to address the issue of tourist facilities, such as hotels, where specialty shops are leased to provide goods and services, or to such facilities as, say, the Old Clarendon Winery, where shops under cover are leased out to provide a service, particularly at peak visiting periods.

I would like the Government to indicate how this Bill will deal with those situations where flexibility is required by the proprietor in an international hotel, for example, where it is important to have specialty shops open at particular times. I think it would be rather ludicrous to allow those shops to open when they like or at times which may not necessarily be the most appropriate times in terms of visitor patronage. The same applies to complexes such as the Old Clarendon Winery where it is in the interests of the whole operation that the shops be open at times when there is likely to be peak visitor attendance. However, the way in which those shops and their proprietors can be compelled to open is not adequately addressed by this Bill, and I would like some consideration given to that issue.

One of the other areas which the Bill does not address is that issue where commercial tenancies presently contain a provision which requires the tenant to open for less than standard trading hours but in fact outside those hours, possibly to suit a particular convenience or community need.

I will deal with some specific aspects of the Bill. An amendment was passed in the House of Assembly identifying the limit of the verge of petrol stations. In fact, clause 4 of the Bill as it came to us defines the floor area in a way which is differently defined from that of other shopping facilities. Some preference appears to be given to motor spirit suppliers in relation to the way in which they can operate. During the course of the Committee stage that issue ought to be further explored.

I acknowledge that the repeal of sections 15a and 15b remove a number of quite complex provisions which related to petrol stations but which, generally speaking, were incapable of enforcement.

However, to go from some restrictions on food-plus type petrol stations where they can now have not only an area selling motor spirit and motor products and an area which might supply some delicatessen-type items to a situation where an area which dispenses motor spirit and motor lubricants is independent of the other area which may sell a variety of other products is to go from one extreme to another.

I have referred to the proposed section 65, and there are several aspects of that about which the Liberal Party is concerned. The first is that the comprehensive scheme dealing with enclosed shopping complexes and their standard trading hours and core trading hours is subject to a sunset clause. Our view is that that sunset clause ought not to be supported. One appreciates the reason for the sunset clause: that over three years the tenants will have an opportunity to work out their position without being faced with compulsory extended trading hours. However, that situation will create concern at the end of the three-year sunset period.

In any event, it is interesting to note from the second reading explanation that the Government says that the protection afforded by this amendment—that is, section 65—is to be subject to a sunset clause and that the need for this form of regulation should be reviewed before it is renewed. That suggests that the sunset clause will not be a sunset clause, but that it might be extended after a period of review. The Liberal Party believes that the sunset clause is unnecessary. If there is to be a review, it can be undertaken and then the provisions in clause 10 can be amended or repealed, but it ought to come back to Parliament for that purpose rather than be repealed automatically and then brought back to Parliament to re-enact it. That in itself would create a great deal of confusion.

The scheme in clause 10, generally speaking, deals with enclosed shopping complexes. We would propose that that be extended to all shopping complexes of three or more shops for the reasons to which I have already referred.

In respect of meetings of tenants to deal with the issue of core shopping hours and changes to core shopping hours, one of the issues which has been put to us by landlords is that there is no right for the landlord even to attend the meeting and put a point of view. It seems to me that, at the very least, landlords ought to be given an opportunity as of right to attend tenants' meetings and to put a point of view. After all, the landlord is generally the manager of the complex and the landlord's investment is at stake. Therefore, if nothing more, the landlord ought to have an opportunity to put a point of view to a meeting of tenants.

In respect of a change in the core trading hours, it is interesting to note that any resolution to make a change must be supported by two-thirds of the total number of tenancies in the enclosed shopping complex. That seems to the Liberal Party to be unreasonably restrictive, because a number can just stay away from the meeting to defeat any proposition. It would be preferable to encourage attendance at meetings and for all of the tenants to participate in the decision. For that reason, and on the basis of equity, it seems to us that it is preferable that the two-thirds be two-thirds of the number of tenancies represented, either personally or by proxy, at the meeting and that that two-thirds would be sufficient to change the core trading hours.

The issue is complex. The Government has not done a particularly good job in coming to terms with the issues or the competing claims and counterclaims between landlords and tenants, nor has it addressed the issues which arise in the real world in respect of shopping complexes. It is for those reasons that, whilst we recognise the dilemma for small business, we are no longer inclined to resist the tide of change in this area, but wish to ensure that there are some safeguards for small business in an area of considerable controversy. Therefore, the Liberal Party will not oppose the second reading, but it will be moving some further amendments beyond those which were accepted in the House

of Assembly to provide greater equity in the legislation and some further recognition of the balance that needs to be achieved between tenants, small business and landlords.

The Hon. J.C. BURDETT: I do not support the second reading of this Bill. Most of us support the concept of deregulation, provided that it does not destroy people in the process. The great majority of business people who operate in the area where I live and work, namely, the north-east suburbs, are opposed to this Bill. I do not need to say 'small business people' because large business operators and their families are very small in number and, in general, do not live in the area anyway.

The proposal for extended trading would have been quite hopeless if something had not been done about penalty rates. Something has been done and, while it does not cover the situation completely, it is an improvement. Most small business people find that the effects of the Bill would be oppressive. In order to compete they would have to operate over a longer period without selling more goods. In most cases, this would involve stretching their own very long working hours and those of their families still further.

This is perhaps particularly the case with butchers who have a long clean up period after the shop closes. In one way it is good to see the meat industry selling products from our beleaguered rural sector able to take advantage of extended shopping hours, but the problem is there for the butchers and they will not sell more meat.

Hairdressers are another area where special problems arise from the extended hours. Operations like the corner deli and the seven day supermarket are opposed to the Bill because they will now be competed against by the big chains, which have lobbied the Government for this change. This is in a time of economic downturn. There is no doubt whatever that we are in a recession, and perhaps with a depression of quite considerable magnitude around the corner, because of the fiscal policies of the Federal Labor Government. There is no doubt that after the passage of this Bill—and I believe it will pass despite my opposition—many small businesses will go to the wall and this Bill will not be the only reason for that. There are a whole heap of problems and I suppose, generally speaking, they can be said to be tied up in the general economic downturn. But the effect is cumulative. All of these features which are negative for the business community add up, and this Bill will be a nail in the coffin of many small businesses which, certainly, will go to the wall in the future.

It has been said that the majority of consumers support this Bill. I have always had a great concern for the views of consumers. But in the first place no professional survey has been conducted in South Australia in this regard. Of course if you ask a consumer if he or she would like to be able to shop 24 hours a day seven days a week they will say 'Yes', if you do not raise other issues. The only surveys that have been conducted have been conducted by the press and similar people. There has been no professional survey and it is worth noting that this measure is nothing like 24 hours a day seven days a week. It only extends to Saturday afternoons. In the area where I live, the big supermarket chains took up a petition in favour of extended Saturday trading. It was heavily subscribed. The small traders took up a petition against it which attracted even more signatures. When consumers realised what the effect would be on their retailers, they were opposed to the move.

Put another way, consumers, generally speaking, support extended trading hours, if asked, but they are not very fussed about it. Twenty-four hours trading seven days a week is a luxury for consumers but Adelaide is a small city on international standards and it is a luxury which we are not big enough to afford. Very few more goods will be bought because of Saturday afternoon trading and costs will be increased. Saturday afternoon trading will not materially affect the tourist trade. A significant number of tourists in the city come for sporting fixtures and they will be at those fixtures on Saturday afternoons, not shopping.

Supporters of extended hours, including the press, talk about bringing us into line with other places in the world. This is rubbish: there is no general pattern of trading internationally. There are great differences in different places. In the United Kingdom there are different trading days in different cities, and the tourist will not know until he arrives in a city whether or not the shops will be open. Switzerland, usually regarded as a fairly sophisticated and tourist oriented country, does not have extended hours.

I have indicated that I will vote against the second reading. However, as I read the numbers, the Bill will pass. I wish, therefore, to comment on an aspect of the Bill that I consider to be appalling legislative practice. As to the closing time for shops, the business of which is solely or predominantly the sale of motor vehicles, clause 6 *(c)* provides for 1 p.m. on a Saturday. The following paragraph, *(d)*, is totally contradictory and inconsistent with its predecessor. It provides that the closing time of used car yards be 5 p.m. on a Saturday.

The Bill as it stands is a nonsense. It is completely internally contradictory. One has to turn to the explanation of the clauses, which was incorporated in *Hansard* without the Minister's reading it, to find the reason for this amazing piece of bureaucratic legislative nonsense. It is explained in the explanation of clauses that it is intended that the operation of paragraph *(d)* will be suspended until the Government is satisfied that the concerns of the car selling industry, which are mainly in the security and registration facilities area, have been addressed. Then the provision will be proclaimed and will take the place of proposed subsection (3a) *(c)*. What a way to go!

The correct procedure, of course, is to omit paragraph *(d)* from the Bill and to introduce an amendment when the Government is satisfied that the problems of the industry have been overcome. The question of whether or not the problems of the industry have been properly dealt with should be in the hands of the Parliament, not the Government. We are supposed to be dealing with legislation: there should be a distinction between legislative and Executive acts.

I am amazed that, at a time when we hear about the desirability of legislation in plain language that anyone can understand, we find a provision which is internally inconsistent and contradictory. It could not possibly be understood by reading the Bill, and I find this quite appalling. One would have to read the explanation of the clauses to make any sense of it. This is particularly objectionable because car salesmen, essentially, operate in the practical area. They will not have the explanation of the clauses in their back pockets.

They will not be able to read the Act—if it becomes an Act—and know what it means. As I have said, this is completely appalling legislative practice. The situation should be left to the Parliament and to the process of amendment. It is a well recognised process that has been with us, I guess, for as long as Parliament has been with us. This is not a criticism of Parliamentary Counsel. I have spoken to Parliamentary Counsel, and I am quite sure that the drafting instructions were to do it this way.

The result is an insult to the intelligence of anyone who sets out to read the Bill or the resulting Act. I oppose this

Bill for the substantial reasons I gave in the first part of this speech. Because it appears likely that it will pass, I will address the internal inconsistency in this Bill during the Committee stage by way of amendment.

The Hon. DIANA LAIDLAW: I strongly support the second reading of this Bill which aims to extend trading hours to Saturday afternoons. I support this aspect of the Bill without reservation and, certainly, without the reservations expressed by the Hon. Mr Burdett. I do have reservations, however, in respect of the detail of that part of the Bill which introduces rules for leases to enable tenants to vote as a group on compulsory or agreed hours in a group of shops, whether that group of shops be a shopping centre as such or what is euphemistically called a strip shopping centre or complex.

I also have concerns about the provisions in the Bill about shopping in regional areas. Those matters have been discussed by the Hon. Trevor Griffin in this place and earlier at greater length by the member for Bragg in the other place, so I will not go through them now but will pursue them during the Committee stage. I welcome this Bill. It has been a long time coming, a long time during which the Liberal Party has received support for it. The Liberal Party did have reservations with the earlier Bills in relation to extended shopping hours that were presented in this place, because of concerns that the Bills meant the extension of shopping hours at almost any cost.

Since the last Bill was introduced some two years ago, agreements have been reached with the Shop Distributive and Allied Workers Union and the Retail Traders Association on the issue of penalty rates, therefore the Liberal Party's concern of the past that the Government Bills represented extended shopping at any hours and at considerable cost to consumers and the small business operators has now been addressed.

I have been a long-time advocate of extended shopping hours in this State. I remember being invited to address a meeting of shadow Cabinet when John Olsen was Liberal Party Leader in 1983. That was my first full year as a member of this place, and I argued then that shadow Cabinet should accept the extension of shopping hours. I was not successful at that time in persuading my colleagues to endorse the issue, but I remember also outlining my general support for the extension of shop trading hours in 1985, I think it was, when the Hon. Trevor Griffin introduced a Bill and, later when the Hon. Ian Gilfillan introduced a Bill on the extension of hours for the sale of red meat.

Certainly, within the confines of my own Party and also in this place on various occasions I have been a long-time advocate of this move. My views on this matter stem from the fact that I believe that the extension of hours will create more employment in this State, and one sees on the horizon very few opportunities for employment generating ventures in this State. Certainly, our very high level of unemployment—the highest of any mainland State—requires members in this place to address this issue.

I believe that the extension of hours is one option for doing so. Unlike many other options for looking at employment opportunities, whether they be submarine bases or pie in the sky schemes such as the MFP, extended shopping hours will be an immediate employment generating measure. That, therefore, will have immediate benefits and is another important consideration. There has been strong community support for many years for an extension of hours, and I should like to refer to the shop trading hours royal commission of 1977 which recommended late night shopping in South Australia. At that time, an ANOP poll conducted on behalf of the commission indicated that, of those who responded, 48 per cent would be happy to see a change and 49 per cent would like to see things as they were at that time.

In 1984 opinion polls indicated that in that seven-year period there was a marked change in preference to extension of shopping hours, with 59 per cent indicating that they were in favour, and 30 per cent indicating that they were opposed. I note that the more recent polls (in the *Advertiser*) indicate that response rate in favour has increased even further in recent years. Certainly, last Saturday following the pageant and during the Grand Prix period, retailers generally expressed enormous support for the extension of shopping hours, as did the consumers.

I stress this point concerning consumers, because I feel that, throughout the very heated debates on the issue in this place and in the community in general in recent years, members of Parliament, the media, and the like, have focused on the interests of big business, small business and the unions and have forgotten the interests of consumers. That has been my focus throughout the period that I have strongly advocated an extension of shopping hours. As a woman with a job that demands my time at the office or in the community with hours that do not fit neatly into the normal shopping hours, I suppose that is one of the reasons why I have supported an extension of trading hours. I find increasingly interesting the number of people one sees doing their shopping on Thursday nights and Saturday mornings, as well as on Saturday afternoons and Sundays at smaller supermarkets and other facilities within the Adelaide metropolitan area. In Whyalla, and in some other places in country areas, extended hours on Saturday afternoons—and even Sundays in some places—has been a fact of life for a considerable time and is popular there for both big and small businesses and for consumrs in those country centres.

In this debate it is important to consider the fact that women, who traditionally have been responsible for domestic management, have increasingly been carrying two loads in terms of paid work, while continuing on with their domestic responsibilities. It is on their behalf that I am pleased to see the introduction of this Bill and I will be even more pleased when it has passed and is in operation in this State. I also welcome the measure from a tourism perspective. There is no question that at the moment trading hours are a handicap in promoting South Australia as a good place to visit, and a place that does capitalise on the fact that tourists do wish to spend money when they are on holiday. It is particularly important in respect of our ability to meet the expectations of Japanese tourists. I want to refer to a report by the Bureau of Tourism Research released in January this year, which found:

> Japanese tourists are becoming increasingly unhappy with the standard of facilities and shops in Australia . . . The survey shows that more than half of Japanese visitors, who each spend an average $1 072 on shopping, were dissatisfied with Australia's shopping hours, and 21 per cent were unhappy with facilities at Australian airports.
>
> It also warns the tourist industry and the Government that Australia must work harder to ensure that it continues to increase its share of Japanese tourists, who accounted for 16 per cent of all short-term visitors last year.
>
> The bureau questioned 873 Japanese visitors as they left the country through Australia's main airports in 1988.
>
> Asked whether they were satisfied with aspects of their stay in Australia, 50 per cent said they were dissatisfied with the times when shops are open.

In 1986, a similar survey undertaken by the Bureau of Tourism Research found that 43 per cent were dissatisfied with the same hours. It is interesting to note that that increase in level of dissatisfaction, and therefore our failure to meet the expectations of Japanese tourists, coincides with

the recognition by other popular tourist destinations around the world that they must be more flexible with their shop trading hours.

A further report on this subject of tourist shopping in the 1990s was released in June of this year by the Tourism Shopping Implementation Committee, which was established by the Federal Government to comment on and recommend the course of action for implementation of the findings of an earlier committee on the same subject, the Bradbury committee. I will refer briefly to some of the remarks of the Chairman (Mr Antony Coote, of Angas and Coote). He says:

Tourism has become one of Australia's fastest growing and most economically significant industries. Tourism emerged in the 1988-89 financial year as Australia's top export earner, with a record $6.2 billion in foreign exchange earnings. Tourism is capable of making a major and increasing contribution to redressing Australia's balance of payments deficit. However, recent experience has shown that the contribution that tourism can make to the Australian economy will not happen automatically.

Even more than the other major export earners, which are the products of primary industry, Australia's tourism industry must contend with a very competitive international market which is influenced by a wide range of factors. In the past 18 months the industry has felt the impact of the absence of major events, for example the 1988 Bicentennial celebrations and Expo, the effect of the stronger Australian dollar making the country a more expensive destination, and the disruption and adverse publicity brought about by the pilots' dispute.

The Tourism Shopping Implementation Committee became aware that in order to deal with factors such as these and the strong competition from overseas tourist destinations it was necessary for there to be close cooperation between public agencies and the private sector, combined with a clear policy on the part of the Government to provide a supporting infrastructure for the industry.

The Chairman's report continues:

The realisation of the full economic potential of the industry relies not merely on the number of international arrivals but also on the amount of money spent by these tourists while in Australia. Together with expenditure on accommodation and internal transport, shopping represents a major outlay by overseas tourists, estimated at 20 per cent of their expenditure in Australia.

Tourism shopping not only is a major source of income from inbound tourists but it can itself provide a powerful attraction to bring them to Australia. In 1988-89 tourists spent $1.4 billion on shopping. There is the potential to increase this figure substantially by improving the goods and services available to tourists, by making certain structural changes—

to the hours, and we are addressing this matter at the moment—

and by promoting Australia as an excellent tourism shopping destination. The committee is pleased to report a record of achievement and progress in the task it was given.

A significant improvement has been observed in levels of awareness of the potential benefits of tourism shopping. This has been increasingly noticeable in the retail sector. Of equal importance is the recognition by Commonwealth agencies of the special needs of Australian tourism shopping. This is particularly important because, although Australia has a locally-owned world class retail industry, there is a real danger that an appropriate share of the substantial benefits of shopping by overseas tourists will not accrue to the locally-owned retail industry.

This is because the important duty free sector is largely controlled by several wholly-owned foreign companies and the structure of tourism shopping at Australia's international airports disadvantages Australian-owned companies.

So, in respect of extended shopping hours and tourism, it will not be as easy for the retail industry to receive the benefits of the reforms that we are debating today until the Federal Government also addresses the subject of duty free shopping centres, particularly at airports because, as this report went on to discuss in some detail, while duty free shopping outlets in this country—particularly those at our airports—remain in the hands of foreign-owned companies, our own retail sector is at a severe disadvantage. I hope and trust that this is one matter that the Minister of Tourism will take up with her Federal colleagues in relation to this very important report on tourism shopping.

The report goes on to discuss a whole range of other matters in relation to tourism shopping that I will refer to briefly, because it is not simply the matter of opening hours that is important in meeting the expectations of tourists and receiving the maximum benefit for our retail sector: there is also the issue of education and training for the retail industry and the standard foreign language signs to be adopted by our retailers. Stimulating retailer interest is also discussed in this report and our retailers must come to understand increasingly that there is a market out there amongst tourists, many of whom do not speak English and who can well be catered for if our retailers were prepared to take an interest in this area.

The teaching of Asian languages is also discussed in the report. We have emphasised and we should continue to emphasise not only the Japanese market but also other Asian markets. Overseas promotion is discussed at great length in this report as is promotion through the Australian Tourism Committee. I noted also that earlier this year John Martin's featured a very prominent advertisement in the *South China Daily*, referring to the Pageant and other quality of life issues in South Australia and linking tourism and retailing. I commend John Martin's for that initiative. However, there is also a need to look at the review of printed shopping promotional material.

I will refer briefly to the subject of producing goods for the tourism market. Recently when I went to Tandanya I was thrilled to see a large number of overseas visitors at the centre. In fact, I sought and purchased a scarf produced by Jimmy Pyke, one of Australia's Aboriginal artists who is gaining great acclaim across the world. The scarf had a very prominent tag saying, 'Made in Japan'. I have certainly cut off that tag from my scarf, but I noticed a number of other people at the centre picking up objects such as koalas, boomerangs, and the like with 'Korea', 'Japan', 'Hong Kong' and 'China' printed on them and putting them down with some disgust. One would have hoped that an environment such as Tandanya would promote Australian-made goods produced by Aborigines.

However, the issue does not end there. We certainly find in almost every retailing outlet in this State and in this country that most manufactured products available for tourists in Australia are produced overseas. In terms of extended shopping hours and tourism, if we are to gain the maximum benefit from this initiative we must also look at the production of goods for tourists in this country and ensure that that issue is a priority in relation to employment creation in this State.

Finally, I refer again to the fact that the Shop Distributive and Allied Employees Association reached an agreement with the Retail Traders Association on the issue of penalty rates. That agreement is the reason why we have this Bill before us today. However, it is my very earnest hope that the initiative reached by those associations will be a precedent for discussion and agreement in relation to penalty rates throughout the entire hospitality industry. The National Director of the Australian Hotels Association recently commented on the issue of penalty rates saying that the system is outdated. He stated:

The unions, work force and the public, as well as employers, must come to grips with the fact that we are operating in a seven-day-a-week industry.

We do not shut down on weekends or on public holidays, nor do we close our doors at 6 p.m. The whole concept that working Saturday, Sunday, public holidays and after 7 p.m. is unsocial and places a disability on employees at work during these periods is no longer appropriate.

The fact is that customers want service, whether it be accommodation, food or beverages, and they want it on Saturdays, Sundays, public holidays and after 7 p.m. at night as well as at other times.

The issue of penalty rates in the hospitality industry has been addressed in other countries, which have recognised the need to satisfy the expectations of tourists in the very competitive world of tourism. If we are to meet the expectations of this Government—the expectations that it has promoted widely in terms of the benefits to be gained from tourism—we will also need to have the courage to address the issue of penalty rates in the hospitality industry generally.

I indicate again that I welcome this Bill to extend shop trading hours to 7 p.m. The Liberal Party will move amendments to the legislation. Anomalies remain in our shop trading hours legislation in this State that will have to be addressed on another occasion and, I suspect that in time—whether or not I am still in this place—we will be addressing the issue of extension of trading hours to Sunday. Perhaps a small step at this time, but it is something for which we can be thankful. I believe it is long overdue, not only for families in this city and in this State, but also from a tourism perspective. I support the second reading.

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

WILPENA STATION TOURIST FACILITY BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1479.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the second reading of this Bill and, in doing so, I acknowledge from the outset that the whole Wilpena debate has certainly been a controversial one. Strongly divergent views have been held not only in the community but also certainly within the Liberal Party and, I presume, within other political Parties. Whilst recognising those strongly divergent views in the community, I respect the fact that people within the Liberal Party and within the community generally have strong views on the Wilpena issue. All political Parties, when confronting difficult decisions like Wilpena, must balance conflicting interests in attempting to establish a policy for their Party on the issue. In this case, the Liberal Party and, I guess, other Parties have had to attempt to balance the need for development—

An honourable member interjecting:

The Hon. R.I. LUCAS: It's thunder. The wrath of God.

An honourable member: It is the ultimate interjection.

The Hon. R.I. LUCAS: It is the wrath of God come down upon us.

The Hon. Diana Laidlaw: In support of Wilpena.

The Hon. R.I. LUCAS: Exactly. He is obviously on side. In this case and on this issue the political Parties have had to try to balance the need for development, to create wealth and to create jobs, particularly in a climate where in South Australia and Australia we move into a recession, and in South Australia where we move into a climate where our unemployment level is the highest of all the mainland States. As I think I indicated in the Appropriation Bill debate, we are potentially looking at an unemployment rate in South Australia of some 10 per cent early next year, when the tidal wave of school leavers comes onto the job market. So, we need to balance the need for development together with the concern of all within the Liberal Party, I guess the Labor Party, and the community, to do as much as we can to protect the environment.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: It is the common phrase of the day in the Liberal Party. It is Federal-State relations cooperation. On some issues, such as the Marine Environment Bill which we have debated on a number of occasions in the Parliament, the Liberal Party, supported by, in that case, the conservation movement and the Australian Democrats in this Chamber, led the charge to toughen that Bill. There was, however, the exception that there was some dispute in the end for the move to ban sludge going into the marine environment as, I guess, the final point of distinction between the Democrats, the Government and the Liberal Party in relation to that Bill.

However, on that difficult issue the Liberal Party made the judgment that it believed there should be no compromise in relation to the protection of the marine environment. Indeed, that was a difficult decision and debate within the Liberal Party and the business community, particularly when we were talking about moving amendments for penalties of up to $1 million for offending companies that might pollute the marine environment.

Similarly, on the Wilpena issue, the Liberal Party has had to try to balance the competing interests and it has been announced by the Leader of the Party, Mr Dale Baker, and even before that by the former Leader, Mr John Olsen, prior to the last election, that it finally adopted a position of supporting a development at Wilpena with some conditions placed upon it. We would have to concede, certainly in the second reading of this debate, that that decision might not be supported by many within the conservation movement.

However, as one who has been involved in the debate within the Liberal Party, I know that that position has been reached not because the Liberal Party does not care about the environment, but because in the end the Liberal Party decided that it believed that the competing interests of development and protection of the environment could be so balanced to ensure support for the development without, in the opinion of the Liberal Party, doing irreparable damage to the Flinders Ranges National Park.

As I will seek to argue in my second reading contribution, one can also put forward a case that support for some form of development in the Flinders Ranges National Park will have strong environmental advantages, which all who are interested in the environment ought to at least consider in their attitude to the Bill.

So, in instancing those two recent debates on conservation issues—first, the marine environment, where we have been as a Party in sync with the broadstream of the conservation movement and the Wilpena issue where, as I said, many within the conservation movement may well be disappointed at the final position of the Liberal Party—I would like, at the second reading, to urge the conservation movement to accept that there have been differences between the movement and the Liberal Party on the Wilpena issue, but that there has been agreement on many other important issues like the Marine Environment Bill and there will, indeed, be agreement on many other important issues that we will need to address. On behalf of the Liberal Party, I indicate that we will be looking to working harmoniously and productively with representatives of the conservation movement in addressing those other issues.

In considering the legislation and the arguments for Wilpena Station I believe that we ought to consider the current position at Wilpena. In my view, it is certainly not a position where one can say that the environment is being pro-

tected. There are conservative estimates that at the moment some 55 000 to 60 000 visitors are staying in the Wilpena area every year. Those unmanaged visitors are doing considerable damage to the Wilpena area. We have campers indiscriminately cutting down trees for firewood; we have four-wheel drive vehicles wandering all over the place causing damage to the environment; we have campers and people up there using creeks as private toilet facilities; and we have campers dumping rubbish after they have camped for a night or a number of nights in the Wilpena area. I can quote from the Tourism South Australia document 'Wilpena Station', which addresses this issue on page 5, as follows:

> Visitor numbers alone are not the problem. Unmanaged visitor impacts are, and, if allowed to continue, will reduce the conservation values of the park.

Further on, it states:

> Many of these visitors camp indiscriminately within the bushlands, resulting in irreparable damage to the flora and natural environment. In addition, significant numbers of day visitors also impact on the natural environment.

I would argue, and the Liberal Party would argue, that a policy of doing nothing would in fact be a policy of environmental vandalism. It is now really a question, I believe, where the Parliament has to consider what types of development and control techniques ought to be employed to control the unmanaged visitors who are currently visiting the Wilpena area to try to control and minimise their impact on the environment.

It is also worth noting again the survey quoted in the Tourism South Australia document and, I think, in the Minister's second reading explanation today, although there was a 1 per cent difference in the percentages. I presume, however, that it is the same survey. This document states:

> In a recent survey 58 per cent of visitors complained about poor facilities, especially campers waiting hours to use basic shower and toilet facilities during peak periods. Also, the camping ground has no powered camping sites at all.

We have to note that there are people in the community—and I guess that I am representative of a particular group—who do not particularly like roughing it and camping out. I know there are many like yourself, Mr President, who do enjoy that, and many others in the Legislative Council on both sides prefer that as their way of holidaying and enjoying areas such as the Flinders Ranges National Park. I do not know how big a group I represent, but I know there are others like me who would prefer some home comforts whilst at the same time being able to take a stroll and enjoy a nice look at the Flinders Ranges National Park. Therefore, my strong view is that people like me should be able to enjoy the Flinders Ranges National Park, and such people will form part of the market for any development in the Flinders Ranges. I refer to people who perhaps are not currently attracted by the joys of camping and roughing it.

As regards visitor numbers to the Wilpena area—earlier I used a conservative figure of 55 000 to 60 000 visitors per year—it is important to get as accurate an estimate as possible to gauge the impact of visitor numbers on the Wilpena area. The data available to me are very poor. There have been varying estimates of the numbers of visitors who visit the Wilpena area. The management plan in 1983 talked in terms of 40 000 visitors to the Wilpena area.

In February 1988, a report, 'Tourist Impact on Aboriginal Cultural Sites in the Flinders Ranges, South Australia' was prepared jointly by Fay Gale, who is now vice-chancellor of a Western Australian university, the name of which escapes me, and who has risen to prominence in the last two years, Jacquie Gillen and Kristin Scott from the Department of Geography, University of Adelaide. I want to quote from that jointly co-authored report by those three persons. I seek leave to have incorporated in *Hansard* Table 3.2 *(a)* which is purely statistical.

Leave granted.

TABLE 3.2 *(a)*

Number of different individuals staying within the Flinders Ranges National Park boundaries per month during 1985-86, using N.P.W.S. Calibrations† (from 1971 to 1981)

Date	Wilpena Chalet Motel (people)	Wilpena Camping Grounds (×5.68/3.6) (people)	Oraparinna Permits N.P.W.S. (×5.68) (people)	Wilpena Permits N.P.W.S. (Ora/4) (people)	Total (people)
July 1985	726	868	227	57	1 878
August 1985	1 186	3 790	1 659	415	7 050
September 1985	1 044	5 063	5 964	1 491	13 562
October 1985	1 063	4 309	3 221	805	9 398
November 1985	777	1 185	missing	missing	1 962*
December 1985	334	880	170	43	1 427
January 1986	510	920	114	28	1 572
February 1986	194	334	28	7	563
March 1986	664	1 691	1 568	392	4 315
April 1986	641	1 720	750	187	3 298
May 1986	994	4 175	3 113	778	9 060
June 1986	688	1 100	1 255	314	3 357
Total (people)	8 821	26 035	18 069*	4 517*	57 442*

† Calibrations are 5.68 people per camp site. In the case of Wilpena Camping Grounds, each camp site was used for 3.6 nights (refer p. 18, 1983).

* Note: These figures are less than the actual numbers as information is unavailable for the number of N.P.W.S. permits distributed from Oraparinna in November 1985.

The Hon. R.I. LUCAS: I also seek leave to have incorporated in *Hansard* Table 3.2 *(b)*.

Leave granted.

TABLE 3.2 *(b)*

Number of different individuals staying within the Flinders Ranges National Park boundaries per month during 1986-87, Using N.P.W.S. Calibrations†

Date	Wilpena Chalet Motel (people)	Wilpena Camping Grounds (×5.68/3.6) (people)	Oraparinna Permits N.P.W.S. (×5.68) (people)	Wilpena Permits N.P.W.S. (Ora/4) (people)	Total (people)
July 1986	695	743	324	81	1 843
August 1986	994	4 350	2 692	673	8 709
September 1986	1 101	6 358	1 818	454	9 731
October 1986	1 034	4 654	3 448	862	9 998
November 1986	794	1 204	1 999	500	4 497
December 1986	432	849	51	13	1 345
January 1987	489	996	68	17	1 570
February 1987	232	407	17	4	660
March 1987	527	885	62	16	1 490
April 1987	852	4 104	2 408	602	7 966
May 1987	768	1 952	437	109	3 266
June 1987	562	2 446	460	115	3 583
Total (people)	8 480	28 948	13 784	3 446	54 568

† Calibrations as for previous Table 3.2 *(a)*; 5.68 people (average) per camp site. In the case of Wilpena Camping Grounds only, staying for 3.6 nights.

* Note: These figures are less than the actual numbers as information is unavailable for the number of N.P.W.S. permits distributed from Oraparinna in November 1985.

The Hon. R.I. LUCAS: Those two tables represent estimates made by those representatives of the Department of Geography, University of Adelaide, of the numbers of individuals staying within the Flinders Ranges National Park boundaries each month. However, the figures have been totalled for the years 1985, 1986 and 1986-87, using National Parks and Wildlife Services calibrations from 1971 to 1981. Without going into all the detail of the assumptions made by Fay Gale, Jacquie Gillen and Kristin Scott. I point out that their conclusions in February 1988 were that in 1985-86 there were 57 442 visitors staying within the park and in 1986-87 there were 54 658. That is at the top end of their estimates. There are other tables within the report which give the bottom range of their estimates. For the sake of completeness, I should quote those. The bottom range of their estimates was that in 1985-86 there were 40 236 visitors and in 1986-87 there were 38 203. Therefore, they vary between 40 000 and 56 000 in their estimates in the mid 1980s of the number of visitors to the Flinders Ranges National Park. Looking at those tables, one sees that they have taken some of the figures from the numbers of permits issued at Oraparinna and at Wilpena by the National Parks and Wildlife Service. For some months the figures are missing, and they indicate that these figures are less than the actual numbers, as information is not available for a particular month in the collection of the statistics.

Another reason for the variation is that varying assumptions are made. One is that on average 5.68 people stay at each camp site, and the low estimate figure is that 3.75 people on average stay at each camp site. Those University of Adelaide scholars use those varying assumptions to reach a figure of between 40 000 and 56 000.

Another point I would note from this report by Gale, Gillen and Scott is a notation at the bottom of table 3.4 *(a)*. Actually, under the heading of table 3.4 *(b)*, it says that the rate of growth percentage per annum between 1971 and 1987 is 5.85 per cent for those 16 years. If one uses that growth factor of between 5.5 and 6 per cent, at the top end of the estimate that have been made by Gale, Gillen and Scott, one finds that, using their assumptions, updating them to 1990-91, one could come to a figure of approximately 70 000 visitors per annum visiting the Wilpena area. Again, I stress that would be if one assumed a continuation of that average growth rate of 5.85 per cent for the 16 years between 1971 and 1987 continuing for the four years from 1987 to 1990-91. Again, I can place no greater weight on that estimate than on some of the other estimates that have been made as to the numbers of visitors.

We also have to bear in mind that in those tables some of the camping record books have been lost and have not been able to be recorded. A notation was made by the authors of a lot of illegal camping—camping without permits—in the Wilpena area. Therefore, the estimates by the experts would not include that illegal camping in the Wilpena area.

Other estimates have been provided by the developer, Ophix, and by people working for Ophix. At the outset, one must accept that they obviously have an interest and that their estimates are likely to be on the high side. Ophix is certainly an interested party and I do not argue that its estimates are necessarily correct but, again, given that we have a number of other estimates, we might as well throw its estimates into the ring also. Its estimates, using the two assumptions used by Gale, Gillen and Scott in their report, of the 5.68 average per camp site or the 3.75 average per camp site and a range of other assumptions, is that the estimated number of current visitors per year to the Wilpena area at the moment is somewhere betweeen 58 000 and 92 000 persons.

So we have a range of estimates; as I said, 40 000 in the management plan; 55 000 to 60 000 is, I think, the figure that the Government is using. Gale, Gillen and Scott estimate somewhere between 40 000 and 56 000. If one updates the Gale, Gillen and Scott figures to 1990-91, one gets a figure of about 70 000 visitors; and Ophix has estimated 58 000 to 92 000 visitors. Without accepting any of those estimates as being necessarily the most accurate, one can certainly say that a figure of somewhere between 60 000 and perhaps 75 000 would fit comfortably within reasonable estimates of the number of visitors, both legal (with permits) and illegal (without permits) currently visiting the Wilpena area.

When one looks at the scale of the development and the number of overnight visitors that might be included in the proposed Wilpena Station development, one needs to bear in mind the number of people currently visiting the Wilpena area in an unmanaged way.

Throughout the debate on this issue, a number of people representing the conservation groups have put very strong points of view to me that the key determinant we need to

consider is the question of the number of overnight visitors who might be able to stay in any development. They have tended to argue strongly to me that that is the important measure as opposed, perhaps, to the total number of visitors per year, as I have just been discussing or, indeed, when we move on to the debate as to what the component parts of the proposed development might well be.

It is important to note that what appears to be, in the original Bill moved by the Government in another place, stage 1 and stage 2 of the original Bill, bore no relationship at all to the environmental impact statements, stage 1 and stage 2, and, indeed, neither of those bore any relationship at all to what the developers, Ophix, and the operators, All Seasons, wanted or intended over the next 10 years in what I will describe as Ophix phase 1 through to Ophix phase 3. In fact, what the Bill did when it was introduced in another place was to reflect the minimum and maximum conditions on a development as outlined under the lease and in particular under schedule 2 and schedule 4 of the lease document. The Bill, as it was introduced, reflected, in effect, schedule 2 with some amendment—not in numbers but in phrasing of words—and schedule 4 of the lease.

I seek leave to incorporate in *Hansard* a table on the total overnight visitors and their component parts as outlined in the Bill, the lease, the environmental impact statements and Ophix phase 1 through to Ophix phase 3.

Leave granted.

OVERNIGHT VISITORS

	Bill and lease min.	Ophix phase 1	EIS stage 1	Ophix phase 3	Bill and lease max.	EIS stage 2
Hotel	120	182	120	280	220	200
Bungalow	40	60	60	180	120	90
Cabin	—	—	30		45	45
Dormitory	30	180	60	240	60	60
Camping	325	400	400	400	600	600
Coach	10	10	15	10	20	20
Total overnight visitors	1 781	2 328	2 406	2 924	3 631	3 640

The Hon. R.I. LUCAS: That table, in a simplified, tabular form, highlights the differences between the environmental impact statement stages 1 and 2, Ophix phase 1 through to phase 3, the Bill and the lease. It shows the Bill and the lease minimums indicating that the total overnight visitors would be some 1 781 through to the maximum under schedule 4 of the lease—and what looked to be stage 2 of the Bill—3 631 overnight visitors. That figure is very close to the EIS stage 2 which was, in effect, 3 640. EIS stage 1 was 2 406 and then the developers were arguing with the Government, and to anyone else who would listen, that they did not want to start at 1 781 but that the viable development, in their view, was to start at 2 328, moving through to 2 924.

It is important to go into that sort of detail because, prior to the last election, the Liberal Party, under the leadership of John Olsen, formed a position of support for the Wilpena development, in effect, to EIS stage 1 with conditions and that was, therefore, support under this interpretation for total overnight visitors up to some 2 406 visitors which plonked it squarely in the middle of what the developers were seeking to do whilst we sought to debate this Bill, starting at 2 300 and moving through to about 2 900.

As members of the community will be aware, the Liberal Party policy was reaffirmed some time in the middle of this year and some two weeks ago was restated in a different form during debate in another place.

In considering that table, I again indicate that the important aspect is in fact, from my point of view, the number of total overnight visitors. As the Conservation Foundation and others have pointed out to me and to others in correspondence over the past day or two, the Minister has the power under various subclauses of the proposed legislation to vary the component parts of those total overnight visitor figures, whether it be 3 631 or 1 781 at the minimum or the amendment that the Liberal Party moved in another place in relation to 2 924.

Under the original structure of the Bill, the developer would have to have activated what was then, I think, subclause (3) (vi) which was, in effect, an automatic ministerial approval to increase the size of the development from the Bill minimum or the lease minimum as outlined in schedule 2 of 1 781 up to what Ophix describe as Ophix phase 1 of 2 300. Under the original structure of the Bill there would have been no assurances in relation to water supply at all and, indeed, the developer together with the Minister could have automatically activated three-sixths—I think it was then—to take it right through to the maximum stage envisaged under the Bill or lease, 3 631, again, without any assurances in the legislation of assured water supply.

The Liberal Party amendments moved in another place and accepted by the Government were that there should, in effect, be no automatic increase; that there should be an increase through to 2 924 overnight visitors, with the Minister being able to make that decision, but only if there is an assurance in relation to water.

The second aspect was that there would be no increase from the 2 900 to the maximum of 3 600. In this case, it would be a decision to be taken by the Parliament and not by the Minister, and the Parliament would have to be satisfied that there was adequate water to enable the development to move from the 2 900 through to the 3 600. In effect, the Liberal Party's amendments, supported by the Government in the other place, have placed greater controls and restrictions on the size and scale of the development on the critical issue of the total number of overnight visitors.

There must be assurances of water for both moves—the first to 2 900, the second to 3 600—and for the second move a decision must be taken by the Parliament and not by the Minister. There has been, in effect, approximately a 20 per cent reduction in the automatic increase possible in the size of the project; that is, instead of being able automatically to go to 3 600, it can only go automatically, subject to water questions, to 2 900.

I repeat that the view put to me by most conservation representatives has been in terms of the impact on the park and on the Wilpena area. The critical question is the number of overnight visitors and not necessarily the component parts of that total. I stress again that the Minister, under other provisions in the Bill, has the power to amend the various component parts of that total figure. I believe that the Liberal Party has achieved significant amendments to the Wilpena Bill during the debate in the other place.

Whilst considering the scale of the development, I want to answer some of the questions that have been put to me by representatives of the Australian Conservation Foundation. The first question asked why there was a figure of 34 000 visitors per annum, the figure mentioned in the environmental impact statement for stage 1 (which was done in 1988 although the figures related to 1990), yet a figure of 55 000 visitors per annum is now being used. The answer to that is that the environmental impact statement talked in terms of 34 000 by 1990, but on the basis that the project would be up and running by 1988. The figures in the environmental impact statement for 1992 were 49 000 visitors per annum to the Wilpena area, and that figure is

the one that should be compared to the 55 000 figure now being used by the Government, by the developer and by others. The reason for the difference between 49 000 and 55 000 is that new information has become available, in particular, information that Ophix, the developers, believes to be the case in relation to the number of visitors to the area, and also because of the information available through the Gale, Gillen and Scott inquiries.

The second question put to me by the ACF was the suggestion that the 55 000, in effect, doubles the 27 000 annual visitors to the Wilpena Chalet. I believe that that is an apples and oranges argument. The 55 000 refers to the total number of visitors to the Wilpena area; the 27 000 only talks about the numbers to the Wilpena Chalet. As I indicated earlier, if one looks at visitors to the chalet, campers and at all the other estimates done earlier, the figure is much higher than 27 000, and at the moment is somewhere between 60 000 and 75 000 visitors per annum to the Wilpena area.

Thirdly, Mr Dale Baker has received (and he has given me a copy) a letter from Jacquie Gillen on behalf of the Australian Conservation Foundation dated today. In that letter, Jacquie Gillen states:

> In short, we consider that the Opposition has acceded to a development which, whilst constrained in terms of the total number of overnight visitors, is larger in physical terms than contemplated in the lease or the Government's original Bill, and which is capable of being made much larger again in the future. Ironically, further expansion would almost certainly be at the expense of the traditional forms of camping facilities which the public have enjoyed most in the Flinders Ranges until now.

The reference to the Opposition's having supported something which was larger in physical terms than was contemplated in the lease or in the Government's original Bill is, I believe, factually incorrect. The situation is that the original Bill would have allowed—and, indeed, the Government in discussions with the developer would have allowed—the approval of Ophix phase 1 which was 2 300, moving through to Ophix phase 2, which was 2 900 at the seventh year of development, and Ophix phase 3, according to all the financial documents that were circulated to potential developers, included the 280 hotel rooms.

We understand that there had been an agreement between the Government and the Minister that, under that automatic activation clause, the Minister would have approved a movement from 2 300 through to 2 900, under the provisions of the Bill. For those reasons, I do not believe that it is correct to say that the Opposition's amendments were larger in physical terms than what was contemplated in the lease or in the Government's original Bill.

The Government's original Bill and the lease allowed the Minister unimpeded to approve what she might like in relation to the development, and in discussions with Ophix, as we understood it, she would have been approving Ophix phase 1 through to Ophix phase 3, because Ophix was arguing that that was the only viable size of development, and indeed their potential financiers were arguing the same points. In another section of the letter to Mr Dale Baker is the following suggestion:

> It is very tempting to assume that these amendments reflect a behind-the-scenes deal between the Opposition and Ophix to enable more people to be channelled into the built accommodation.

I do not accept that argument. There has been nothing behind the scenes in relation to our discussions with Ophix. We have happily met with Ophix, with the Australian Conservation Foundation and other conservation representatives, with independent legal advisers, with Government representatives and, indeed, with anyone else who wanted to put a particular view to the Opposition. The Opposition, in its normal, democratic way voted and arrived at various policy decisions which were eventually moved by way of amendment.

The other suggestion made in the letter is that the Opposition might consider, in effect, not stipulating in clause 3 anything other than the overall number of overnight visitors of 2 924. The suggestion was made that we might consider a position where we outlined in our amendment only the total number of overnight visitors and that we do not outline in the amendment the component parts of that figure of 2 924.

Certainly, I must concede that, on the surface of it, when one looks at the component parts of the 2 924 figure and one sees 280 hotel bedrooms, and when one looks at what was potentially the maximum of 220 under the lease (although as I have indicated earlier that would have been altered by the Minister under her automatic activation clause) it does look a little confusing. The Liberal Party will not have to debate amendments until next Tuesday. I indicate that during the present debate we will certainly consider the suggestion made by the Australian Conservation Foundation. We will happily meet with representatives of the Conservation Foundation as they seek to discuss a potential amendment along the lines suggested.

However, as I indicated earlier, the letter from the Conservation Foundation continues to point out that the Minister, under the legislation, retains the option as the Minister to re-jig the forms of accommodation as long as it remains within the overall limit on the number of overnight visitors.

[*Sitting suspended from 5.58 to 7.45 p.m.*]

The Hon. R.I. LUCAS: I now want to make some comments in relation to the style of the proposed hotel development. I note that, if the development was to go to the projected Ophix phase three number of 280 rooms (or using the formula 1.8 persons per room, 504 persons), that number would be some 14 per cent of the total number of overnight visitors in Wilpena, if the development was to reach the maximum level of 3 631. So, whilst we need to address the size and scale of the physical facilities, if the number of potential overnight visitors within the hotel development reached the projected maximum of 280 rooms, and if the development was to eventually go, with sufficient water and parliamentary approval, to 3 631, it would be 14 per cent of the total number.

During the debate, and before I had really looked into the whole issue, I had a perception, I guess conveyed by some of the media comment, that what we were talking about was some form of multi-storey, five-star hotel out of the price range of the average South Australian, and from some people there was the notion of a prime market of Japanese visitors descending in hordes from the north to overpopulate the Wilpena development. From the information I have been able to glean from what has been provided from the Government and developers, and from looking at the sketches that have been done for the developers and the operators—and it is described in the Wilpena Station facility booklet put out by Tourism South Australia—the character and style of it is to be outback homestead character with verandahs, wooden posts and pitched corrugated iron roofs. One has to accept that sketches always put the best gloss on houses—I remember a house that I once bought certainly looked a lot better in the sketch from the real estate agent office than it did when I bought it—and one has to accept those sorts of biases.

The Hon. G. Weatherill: You were conned when you bought your house?

The Hon. R.I. LUCAS: Not the recent one, anyway; I am very happy. In fact, the market, from documents that I have been able to look at, is not five-star, but will be pitched at principally three-and-a-half-star (as I have seen in some documents) or four-star hotels. I understand the operators, All Seasons, has tended to work in that section of the tourism market. They certainly argue that they have a reputation within that market. Certainly, they argue that they have moved from fiftieth on some measure of the excellence in that area up to the seventh biggest Australian operator within that area. Primarily, I am told that it will be pitched to the Australian market. The figures provided to us indicated that, at least in the initial stages, only 4 per cent of the total overnight visitors will be overseas visitors, perhaps going through to about 10 per cent during the first seven to 10 years of the development. We were certainly told in no uncertain manner, that the overseas market, which as I said will be a small component of that, will not be pitched towards the Japanese or the Asian market.

The developer and the operator made that quite clear. They had distinct business reasons for that: they believed that the Japanese market was a difficult market to cater for in the environment that they were talking about. The Japanese tended to want to see everything in a day and then disappear; they have holidays for only one or two weeks and they want to hop from site to site and see what they can in a day or two, at the most, and disappear. The operators want to pitch the particular market to people who are prepared to stay for a bit longer and they want to have an average of about five nights if they can get it, rather than people coming from overseas to stay for just a night and then disappearing the next day. They certainly see it as better business to attract fewer visitors for a greater number of nights each, than having to attract many more visitors on short-term stays. They also believe, as we all understand, that there are, for example, significant language problems, with the Japanese market, and there are also, as they put it, health and hygiene issues that would necessitate building bathing facilities and things like that which would require extra expenditure that they are not prepared to countenance as a major part of their market.

All Seasons has had experience in Europe—I forget which part of Europe, but it was the European market—and in North America. It sees those two markets as being principally the key components of their overseas visitors and not the Japanese or the Asians. Again, as I said earlier, I think the 3.5 star facility is likely to appeal to many South Australians who, perhaps, do not like roughing it but who like to enjoy some of the comforts of home whilst, at the same time, wanting to enjoy the beauty and splendor of the Flinders.

The next major issue that I want to address has been, I guess, one of the key issues, certainly in the Liberal Party debate and, also, in community debate on Wilpena; that is, the question whether there is enough water in the area for the development, whether it be the first stage or phase or, indeed, the whole development. It has been a major debating point, and it has been one of our principal concerns. As the Minister would realise from amendments which the Opposition moved and which were supported by the Government in another place, we believe that decisions taken about moving the project through the various stages or phases should be done only after, first, the Minister satisfies herself that water is available for the first stage movement and, secondly, and importantly, that the Parliament satisfies itself that there is sufficient water available for the final move from 2 924 to 3 631 overnight visitors.

In gathering the information on this question of water, I have looked at information from the E&WS Department, the Department of Mines and Energy, Water Search—the company that was employed to look at the issue—Ophix itself and from the person who, I guess, has been seen as the independent guru, Dr Gordon Stanger, from the Centre for Research into Groundwater Processes at Flinders University. Many within the debate, including the Aboriginal communities—who, I understand looked into this earlier this year—have looked on Dr Gordon Stanger as being an independent expert in the area. Certainly, conservationists have been happy to accept the judgments that Dr Stanger has made or the questions that he has raised about the availability of water resources for the Wilpena development. Equally, whilst I do not know Dr Stanger personally, I have had contact with his office, and I must place on the public record my gratitude to him for making available for some considerable time his complete file on Wilpena and its water resources; this has been of great assistance to me personally and to the Liberal Party in making judgments on questions of water.

I will quote from a letter from Dr Stanger to one of my parliamentary colleagues in relation to the question of water. Dated 9 April 1990 the letter states:

> Thank you for your letter of 6 April concerning the Wilpena water supply. I think the figures quoted by Ms Lenehan are mostly about right, although I would regard the figures of 331 megalitres per year (as combined borehole yields) and recycled water of 100 megalitres per year as overestimates (in the long term) possibly gross overestimates. Nevertheless, she is correct in stating that the phase one water supply is adequately assured.

I wish to clear up the terminology in the letter. At that stage, in April, Dr Stanger was using the phrase 'phase one water supply' and, in the next sentence, he goes on to refer to 'stage two'. I am presuming that he was using the phrases 'phase one' and 'stage one' interchangeably and, in effect, he was talking about the EIS stage one. He is saying that he believes that the Minister is correct in stating that the phase one, or stage one, water supply is adequately assured.

Dr Gordon Stanger goes on, in a more definitive report, which was produced in June and July of 1989 and which was headed 'Review of water resources for the new Wilpena Station resort', to raise a significant number of questions. To do justice to Dr Stanger and his independent status, I want to quote from one or two sections of his report. First, on page one of the summary, he states:

> Good short-term groundwater supplies and a long-term surface water supply have been identified and developed. Under normal (average) conditions, and the proposed water conservation measures, these may be entirely adequate for the expected demands. However, doubt still remains concerning both the reliability of the long-term groundwater supply, and the effects of the worst case drought conditions. At least one further groundwater supply will be needed before the long-term projected water demand can be met with confidence. It is unlikely that such a source can be obtained within the ABC quartzite without prejudice to existing sources. Thus the next stage of groundwater exploration will have to consider more distant aquifer formations.

Again, on page four of Dr Stanger's report, there is a table headed 'Water balance—two estimates of the balance between supply and demand at the Wilpena project', and there are some explanatory notes at the bottom of that table. I seek leave to have that table incorporated in *Hansard.*

Leave granted.

THE WATER BALANCE

Two estimates of the balance between supply and demand are given in the following table:

	Existing estimated: EIS, supplement. etc. (Alternative units)				This Review
	litres/sec	ML/day	ML/month	ML/year	ML/year
	Existing estimated: EIS, supplement. etc. (Alternative units)				This Review
	litres/sec	ML/day	ML/month	ML/year	ML/year
Water Demand					
Domestic	2.6	0.215	6.45	78.5[a]	78.5
Woodlot	3.3	0.288	8.63	205 (−100)[b]	220 (−50)[c]
Total	5.9	0.503	15.08	183.5	248.5
Water Supply					
Wilpena Spring	3.5	0.307	9.21	112	80[d]
Boreholes	10.5	0.907	27.22	331	331[e] or 158[f]
Total	14.0	1.214	36.43	443	411 or 238
Balance				+259.5	+163 to −10

Notes

a 350 000 visitors/year at 225 litres/person/day.

b Figures in parentheses refer to recycled domestic water. The apparent excess of output over input has been justified on the assumption of 'wet weather inflow from sewage trenches'.

c 220 ML/year is an upper bound assuming a normal rainfall year. No allowance is made for conveyance losses or for the leachate requirement. The latter could be as much as 100 ML/year, depending upon soil conditions, but is assumed to be met by occasional high rainfall. The present writer concurs with the DME opinion that 50 ML/year is a more likely value for recycled water.

d 22 kL/hour over a 10 hour day, as per E&WS 1979 report.

e Assuming that the existing boreholes are both pumped with a long-term sustained yield of 5.5 and 5 litres/sec. This would preclude long-term monitoring of the water level esponse by the stand-by/observation well.

f Assumes that only one borehole is operational at any one time.

The Hon. R.I. LUCAS: When one looks at this water balance, because, indeed, it is this water balance equation upon which Dr Stanger bases his summary of judgments, one needs to look at the various assumptions that he has made in his judgments of water demand and water supply. In the water demand area, Dr Stanger looks at the judgments or the estimates made in the EIS and the supplement and shows that the total water demand, as estimated in the EIS, was 183.5 megalitres per annum and the water supply was 443 megalitres per annum, giving a net surplus, or positive water balance, of 259.5 megalitres per annum. That is the estimate done for the EIS and supplement.

Dr Stanger's estimate is much more conservative, as one would expect. He indicates in his figures the component parts of a water demand, first, of the domestic water demand of 78.5 megalitres per year. That estimate seems to have been commonly accepted by most people involved. It is based on a figure of 225 litres per person per day. Ophix has argued to me that the recommended desirable estimate by the Australian Water Resources Council is in fact only 200 litres per person per day and that the domestic figure in Adelaide is 175 litres per person per day. Nevertheless, they are prepared to accept the estimate that is being used by the experts of 225 litres per person per day. Using that estimate, one comes to a figure of domestic water demand of 78.5 megalitres per year for EIS stages one and two, that is, the full-blown development in relation to numbers up to 3 631 overnight visitors, on any understanding of Dr Stanger's paper.

The woodlot is an important and integral part of the development up there. Dr Stanger disagrees with the EIS calculations and says that the woodlot water demand will be 220 megalitres per year, minus 50 megalitres which will come from waste water recycling plant and some run-off, giving a net figure of 170 megalitres and a total of 248.5 megalitres per year. Dr Stanger again has a more conservative estimate of water supply per year from the Wilpena spring. Instead of 112 megalitres per year, he uses a figure of 80 megalitres. That is based on a more conservative reading of an E&WS Department document which dates back to 1979 and which has been updated by various experts through the 1980s.

In relation to the boreholes, Dr Stanger has provided two estimates: 331 megalitres or 158 megalitres per year. To consider why Dr Stanger has mentioned both those figures, one needs to look at two further pieces of information. First, the company called Water Search did its own assessment of the boreholes up there, and they made a judgment that a supply of 331 megalitres per year was coming from the boreholes. The Director-General of the Department of Mines and Energy, in February 1988, in a letter to Michael Williams and Associates, a company associated with Ophix, indicated that he felt that only about one megalitre per day had been developed (that is, in effect, 365 megalitres per year), which is of the order of the estimates being put forward by Water Search on behalf of Ophix. However, in October 1988, some six or seven months later, the Director-General of Mines and Energy, on behalf of the Department of Mines and Energy, downgraded his estimate on water resources from this 365 megalitres per year to about 158 megalitres per year. Anyway, the Department of Mines and Energy, between February and October 1988, downgraded from 330-360 megalitres to 158 megalitres what it thought was a reasonable estimate of the permanent water supply from the boreholes.

Dr Gordon Stanger, rightly, has used both the high and the low estimates to give a total water supply on his calculations of somewhere between 238 and 411 megalitres per year. That gives rise to the important final two figures from Dr Gordon Stanger in his independent report. Looking at the full blown development (not just the first stage, because he said that the first stage was assured) on his calculations it could vary between minus 10 megalitres—that is a negative balance—up to potentially a positive water balance of 163 megalitres per year. Quite sensibly, and quite obviously on the basis of that calculation, Dr Stanger made his cautionary notes that I have quoted in the summary of this document, that is, that in the long term something more needs to be done in relation to water supply.

I want at this stage to introduce one or two further matters into this water supply debate, because I believe we can now update that water balance calculation by Dr Gordon Stanger in the light of further developments since June or July of last year when Dr Stanger did his calculations. First, we need to note that some of the water demand figures in the environmental impact statement need to be discounted

because of the decision by the developers, the Government, the Liberal Party and virtually everybody else not to proceed with the golf course as part of the development. Certainly, not all the figures have to be discounted, but those that rely solely on the EIS figures for water balance will need to be aware or cautious that they are still not including water demand figures which include a significant demand for water from a proposed golf course which is no longer part of the project.

Secondly, those who are looking at this important question of water balance need to be aware of the major change in relation to *(a)* the development and *(b)* the size of the woodlot. That is certainly why, in the discussions that I, and I guess others, will have with the Australian Conservation Foundation, when we talk about this critical question of the balance between hotel rooms and camping sites, we will need to take into that calculation the effects on the water balance equation at Wilpena.

The estimates that have been done show that the water demand figures will need to be reduced because of the decision to reduce by some 25 per cent the size of the woodlot. The woodlot was intended to be some 20 hectares in size. Because of the changed scale and nature of the Wilpena development, the developers are saying that the woodlot will now be reduced by some 25 per cent, from 20 hectares down to 15 hectares; that reduces by a significant portion the amount of water that will be required, in effect, to supply the woodlot. If one goes back to the independent expert, Dr Gordon Stanger, one sees that he was arguing that with a 20 hectare woodlot one needs 220 megalitres per year, of which he thinks 50 megalitres per year can be supplied by recycled water or run-off, giving a net demand of 170 megalitres for the woodlot.

The reason for the reduction in the size of the woodlot is partially affected by the decision to reduce the number of campers and coach sites at Wilpena, because clearly the people who have the demand for wood, camp fires, etc, are those who are camping and, indeed, those who may pull up at a coach site and want to enjoy the outdoors.

In some of the calculations there have been significant reductions in the number of campers, camp sites and coach sites; potentially, the number of persons has been reduced under the maximum size of the development from 1 800 back to 1 200. On my calculation, the number of persons involved on powered and unpowered camp sites and coach sites reduces from 880 to 440. If that decision were to proceed, it would reduce the demand for wood. It therefore would reduce the size of the woodlot from 20 hectacres to 15 hectacres and by up to 25 per cent the demand for water in the long term at the Wilpena development. I seek leave to have incorporated in *Hansard* a table that I have calculated headed 'The Stanger review of water balance', which has been amended to take into account a 25 per cent reduction in the size of the woodlot.

Leave granted.

STANGER REVIEW OF WATER BALANCE

(Amended to take into account 25% reduction in size of woodlot)

Water demand	*Ml/yr*
Domestic	78.5
Woodlot	165.0 (-50)
Total	193.5
Water Supply	
Wilpena Spring	80
Boreholes	331 or 158
Total	411 or 238
Balance	+217.5 to +44.5

The Hon. R.I. LUCAS: According to that calculation, the water demand now drops significantly by 55 megalitres per year and the total water demand, with this new factor introduced into the debate, is now 193.5 megalitres per year, down from 248.5 megalitres per year. I have used the same calculations as Dr Stanger has used for water supply; that is, a low estimate of 238 megalitres and a high estimate of 411 megalitres. Therefore, that gives the critical final figure of the water balance for the full-blown development, if it were to get to that stage. I think that we have to bear that in mind. As I understand it, these calculations are done on going to a scale of development of 3 631. According to the amendments before us, it will go to 2 924 only. It can go to 3 631 only if the Parliament agrees.

Looking at that, we now have a positive water balance on both calculations; that is, a positive water balance varying from plus 44.5 megalitres per year up to 217.5 megalitres per year. That has to be contrasted with the table in Dr Stanger's independent report, which shows that, prior to making those adjustments and the changes in the scale of the development, there might have been a negative water balance of minus 10 megalitres per year. That is why Dr Stanger obviously and sensibly argued in his summary in June and July of last year that more work needs to be done in the long term to shore up the long-term water supply.

I am but an amateur hydrologist and mathematician and I do not profess to be an expert. Therefore, in what I have contributed to this debate on water, I do not profess to be the repository of all knowledge. All I am attempting to do is to update the Stanger table and to provide some further information for all members to debate. I would be interested in whether Dr Stanger agrees or disagrees with my attempt. I am sure that, before this debate is concluded next week, we will get some sort of response from Dr Stanger. I was unable to get one, because my calculations were done in the very early hours of this morning and I did not think that Dr Stanger would appreciate a telephone call to check my calculations.

Again, even if Dr Stanger were to agree with my calculations, it would be prudent for the Parliament, in considering whether it ought eventually to go through to 3 631 overnight visitors, to ensure that we have a bigger positive water balance than the small calculation of plus 44.5 megalitres per year. Again, I do not suggest that what I have attempted to do in this table means that there are no long-term problems and that, as a community and Parliament, we need not continue to look closely at the question of water and whether there are adequate supplies for the development at Wilpena.

I would make only one other comment in relation to the woodlot, which I confess I struggled to understand. Therefore, I will read some of the information that was provided to me. I understand that the water demand figures for the woodlot can be further manipulated, depending on the climatic conditions of the year. The water demand figures, even with this figure of a 15 hectare woodlot, can be further manipulated and be very flexible, depending on the climatic conditions. That is because the river redgums will take as much water as they are given. I forget what the figure was, but it was incredible—about 80 feet of growth in seven years if one pumped in as much water as one could. However, in dry years, if they have a very good pumping mechanism, one can reduce to a minuscule amount the amount of water that one has to put into the woodlot over and above the waste water treatment water and any runoff. Therefore, one can make the water demand figure more flexible than the figure which appears in the Stanger report and in my adaptation of the Stanger report. For example, if water is plentiful, one can maximise the wood production by pumping as much water into the river redgums as one wishes. If it is a dry year, or if water is sparse, one needs

to adopt other management techniques and reduce the amount of water other than recycled water and runoff.

I want to read into *Hansard* a document provided to me by one of the environmental consultants to Ophix in relation to the woodlot program. It reads:

If the woodlot is managed to maximise wood production rather than as a reuse of sewerage water, then extra water is required for the woodlot. Maximising the volume production of the woodlot is being proposed to try to reduce the biological impact of fire wood collection.

Since the display of the EIS, the campground has been reduced from 600 sites to 400 sites and 20 coach sites to 10 coach sites thereby reducing the potential demand for wood. The woodlot is proposed to be 15ha rather than 20ha to compensate for the reduced potential demand.

It is very important to realise that the woodlot will be managed in phase with the prevailing climate (rainfall and flow in Wilpena Creek). The woodlot will always receive all recycled water available from the sewerage treatment works. The extra water to maximise wood protection will be undertaken so that water from the aquifer is managed on a sustained yield basis. This has been conveniently overlooked by many but explained in the environmental impact assessment process.

If Wilpena Creek does not flow in any one year, therefore recharging the ABC Range aquifer, use of the water from this aquifer can be dropped accordingly and firewood demand managed accordingly by:

- increasing the use of communal fires;
- placing extra BBQ in campground;
- hire of gas cooking appliance;
- encouragement and/or requirement to bring or hire gas appliances.

A little sophisticated management can therefore reduce the need to supply extra water over and above potable water requirements.

I read that into *Hansard* to indicate that there are other management techniques that we need to consider that the developers and their consultants argue are available to the project in times of low water supply. Some of those examples, while perhaps not as romantic as the outdoor camp fire, may well, if the development is to go ahead on the scale that is envisaged and if there were to be occasional problems with water, have to be considered by the developers and the operators at Wilpena.

I want to address two final matters. The first relates to finance. During the debate and the leadup to the debate in Parliament on the question of the Wilpena development, many claims have been made about the financial viability of the Ophix development. There have been a number of stories about Ophix, such as that it has been unable to finance the development or, if it is to finance the development, that it would be done by the State Bank or one of its subsidiaries. There were also suggestions that, if it could not get money locally, the Japanese would come in and take over and finance the development.

In a limited way, I want to place on record my knowledge of some discussions which have been held with a member of the Liberal Party—not myself—and a leading financial institution in South Australia in relation to the Wilpena development. The argument from Ophix has been that it believes that finance was available if a number of matters could be resolved. One was that there could be an agreement on a viable size for the project and, secondly, that there would be some end to the continuing litigation that had been entered into by third parties. That referred not only to the present case on appeal to the High Court, but to a letter from the Conservation Foundation to the Minister indicating three further areas of potential litigation should the appeal to the High Court not be successful from the viewpoint of the Australian Conservation Foundation.

My knowledge is really only third-hand knowledge as I was not there as part of a meeting with a leading financial institution. With the agreement of Ophix, the leading financial institution in South Australia was prepared to say to a representative of the Liberal Party that it was seriously considering financing the Ophix development as long as those two aspects were dealt with—a viable size for the project (and that in the view of the financier and the developer was Ophix phase 1 of 2 300 to Ophix phase 3 of 2 924) and in some way an end to the continuing litigation.

Given all the other third-person stories that we have heard about Ophix being unable to find finance or it being done by the State Bank or Japanese interests, I have added a balancing story. I guess that none of us is in a position to make a judgment as to what the exact circumstances are in relation to the developers and their relationship to their financial institutions.

The last issue is, from my point of view, the most difficult and that is the question of retrospectivity. I will leave the detailed argument about whether, indeed, the original Bill was retrospective or retroactive (and, as a non-legally trained person, I struggle to understand the difference between retrospective and retroactive) to the lawyers in this Chamber. There is no doubt that provisions in the original Bill created problems for all of us. Speaking personally, in an ideal world, the position I would have liked to see adopted was to be able to support the development, which is Liberal policy and I support that policy. I certainly would have been prepared to fast-track the development from hereon in. During my seven years as a member of this Parliament we have fast-tracked other significant developments in South Australia. The two that spring to mind are the ASER project, which we fast-tracked through the City of Adelaide development plan, and the Grand Prix which we fast-tracked through a whole range of potential pitfalls and problems in its establishment.

So, as I said, I would have been happy to support a fast-tracking process from here but, in the ideal world, if I had had my preferences, I certainly was not keen on what I saw to be the retrospective element of the legislation and, if I had been in a position to control the ideal solution, I would have liked to see a situation of the developers having to accept the result of the current appeal to the High Court but that we would have protected them from the threats of continuing further litigation that had been announced by the Australian Conservation Foundation. As I indicated earlier, this whole issue, along with a lot of political issues for Parties and members of Parliament, is a question of balances, compromise and making judgments, as a Party, as to what is the best position for the Party and indeed for the State.

So, we have been successful in removing some aspects of the retrospectivity. The original clause 7 (2) provided:

The Planning Act 1982 does not apply and will be taken never to have applied to or in relation to the lease.

The Liberal Party, in its amendments, removed that retrospective provision. Indeed, it was the provision that we were most asked to remove by most of the submissions that we received.

Speaking frankly, we have been only partially successful. Certainly, the legally trained people of the Parliament tell me that with the revisions that have been achieved as a result of agreement in another place, whilst we have removed that element of retrospectivity, we really do leave the current appeal to the High Court in such a position that it is unlikely to continue. Of course, as a result of that, the Liberal Party in another place unsuccessfully moved an amendment to try to reimburse the Australian Conservation Foundation for the cost of its legal action.

Whilst those amendments are not at the moment on file, they soon will be, and the Liberal Party will be moving in this Chamber for that particular amendment. We believe that, if the Parliament is going to make the decision that

the current right that the Australian Conservation Foundation has exercised to take an appeal to the High Court is to be stopped, then the Parliament ought to reimburse the Australian Conservation Foundation for the costs incurred in its legal action.

I urge not only the Australian Democrats but also the Minister in charge of the Bill in this Chamber to respond more sensibly to this amendment. I should hate to be put in the situation of having a conference between the Houses over one small amendment which may well cost $40 000 or $50 000, I am not sure, in relation to a development of some tens of millions of dollars that the Government and Liberal Party have supported to be established at Wilpena. I urge the Minister in charge of the Bill in this Chamber to enter into discussion with her colleagues in another place to see whether, if the amendment is successful here, the Government representatives there will graciously accept the will of the Legislative Council in this matter and agree to the amendment.

I apologise to members in this Chamber for what has been, I think, my longest speech in four years, going back to my old ways. This has been a very difficult and controversial issue for the community, for the Liberal Party, for the Labor Party and for me personally. As I said at the outset, we do not always have the ideal solution to any particular political issue. This is not my ideal political solution either, but in the spirit of compromise and to support Liberal Party policy enunciated prior to the last election, and reaffirmed since then, I indicate on behalf of the Liberal Party my support for the second reading of the Bill, and indicate further that I will be moving a number of amendments during the Committee stage. They are the amendments moved unsuccessfully in the other place; an amendment we are considering in relation to a submission from the Australian Conservation Foundation, relating to the makeup of the 2 924 persons; and one other amendment that I understand one or two of my colleagues are considering in relation to the Committee stage, which we will not reach until next Tuesday.

The Hon. R.J. RITSON: I will speak briefly, since the matter has been very well canvassed by my colleague and is probably, from now on, largely a Committee Bill. I want to indicate the way I will be voting, and lay down some of the principles that guide me in my view of this legislation. I want to make some general remarks about conservation and about retrospectivity, which has become a sort of catch-cry, as if it were both a simple thing and a sacred cow. It is neither.

I will then offer my support to my colleague and leader, the Hon. Mr Lucas, for the principle of reimbursement for the people who have invested some sums of money in standing up for their legal rights as they saw them. First, in regard to this matter people are of different opinions, but I am not one who wants the world never to change, and I am not one who believes that every intrusion on nature is a disaster. I do not adhere to a sort of mystic love of the earth separated from practicality. Of course, many of the people who oppose the Wilpena development are very practical people. Many are hard headed people who like camping and have liked having the place pretty much to themselves, and resent development that will change that part of the country they are used to enjoying.

Many years ago, I went to the barricades when I was the medical officer at the naval college at Jervis Bay, which was a lovely sylvan beach. It was Commonwealth territory; I had it to myself; you could eat oysters off the rocks to your heart's content, and suddenly there came a proposal for a steelworks and a nuclear power station—and I suddenly went as green as green could be. In fact, neither the steelworks nor the power station was built, but the area was opened up to the public, and now there are no oysters on the rocks and the fish are harder to catch. I always feel sad when that sort of change comes with progress, but I believe that a certain amount of controlled progress is inevitable.

On the larger scale, of course, the continent of Australia has been under the sea and peaked up as a chain of islands, been out of the sea to the extent where the River St Vincent entered the sea south of Kangaroo Island, and back down again. Huge geological changes are occurring that we will not stop. All we can do within our lifetime is try to behave sensibly to control our immediate environment for the greater good of the people of that time and for foreseeable generations.

I am aware that the matter has been debated with great heat and has included a small amount of anonymous hate mail. It has also been debated with a great deal of light. Members will see from the Hon. Mr Lucas's speech that we have looked at the fairly fine technical detail of the project. In a sense, we are looking at this detail through a crystal ball. None of us can foresee the end point with fine accuracy, but from the debates that have been put before me over weeks and months I believe that this is a controlled development. It is not going to destroy the Flinders Ranges or the parks. It will alter the region to some extent, just as my little sacred place at Jervis Bay was altered—not by the steelworks or nuclear power station but by the admission of the general public in a controlled fashion.

When I go there now, I cannot have the sort of solitude, the free oysters and the many easily caught fish that I used to have, and there are lots of families in controlled camping spaces there, with rangers preventing people from picking the flowers and shooting the parrots. I guess that gives a greater good for a larger number of citizens of this country—

The Hon. T.G. Roberts: And the parrots!

The Hon. R.I. RITSON: And the parrots, yes; I know someone who used to shoot them with an air pistol to preserve the peaches. So, it is my loss of my favourite environment in the sense that that is a place I love, which has been irreversibly changed, probably for the greater good of the larger number of families that use the area in a controlled way. It has certainly done less harm than a nuclear power station. I think we have to accept that a small part of the Flinders Ranges will be changed in this way. But having considered the matter, I do think that the controls will be there—so it will not be their 'steelworks', although many people who are used to camping with the Range Rover may feel that it is not the same thing anymore.

I do not know how to balance those interests. I do know that if I succumbed to the intensity of lobbying, I would be opposing this Bill entirely, and I may expect to receive a lot of criticism for giving it a measure of support. However, I honestly believe that it is basically responsible development, which is being debated openly and extensively. We have achieved some amendments, and we will be trying for more. Therefore, I support the second reading of the Bill.

I want to talk a little about retrospectivity and fairness, because the word 'retrospectivity' has been put up almost as a sacred cow. There are all sorts of different retrospectivities. The most objectional form of retrospectivity is the penal statute that retrospectively punishes someone; that is, it tells people that, although what they did was lawful when they did it, it is now declared to have been unlawful and they are now to be punished, even though it was lawful when they did it.

That sort of retrospective legislation was passed during the Second World War, punishing a company which was exploiting the war effort by charging very high prices for food supplies. But that is rare. Then there is retrospective legislation which, although not punishing someone, removes the right retrospectively.

Also, there is retrospective validating legislation. For instance, early in the Dunstan years there was petrol rationing by proclamation with penalties inflicted upon people who breached those rules, and they were not provided for in any legislation, and after the event the Parliament passed validating legislation so that the Executive acts, which had no legal basis when they were performed, were deemed to have always been legal. There was not too much of an outcry about that because it was indeed validating legislation.

Although I do not really regard this legislation, even in its earlier form, as retrospective, I consider it unfair. Unfairness has not been the property of one age or one Party. In the Government of John Gorton, Gordon Barton wanted to use aircraft for his IPEC parcel express, and the Federal Government raised the two airline policy as a legal barrier to him. He contested it. He took it as far as the Privy Council, won, and then Parliament convened to take that judgment away from him.

Recently in relation to workers compensation this Parliament passed a law which denied the effect of a court judgment which would have allowed a cerebral haemorrhage on the way to work to become a journey accident for compensation purposes. We were quite careful not to take away the judgment relating to the person whose case was pivotal to all this. From memory, we were also careful—and I will stand corrected if I am wrong—not to take away the rights of those people who already had actions commenced. But there would have been people who perhaps had suffered the condition and, therefore, had a right of action which was pre-empted by that law.

This Bill, in its original form, was definitely retroactive in a technical sense, but what it did in practice was what the Australian Conservation Foundation said it did, namely, it prevented effectively its chance to get a favourable future judgment to change the law from the apparent present state of the law. That is what it was trying to do; it was trying to get a judgment in the future which would declare the law not to be the way it seems to be at the moment.

I think that retrospective penal law is almost always objectionable. There may be an extreme case where once in a half century it is indicated. In other cases with a retroactive effect one has to judge exactly how fair and just it seems to be and how expedient the public interest seems to be.

It must be determined in each case. It is not possible just to have a fixed rule that anything with a retrospective effect to it is anathema to the Parliament. In any case, the real effect, in practical terms, of this Bill is to say to a group of people, 'You want to try to get a declaration that the law is not the way it appears to be at the moment by taking an appeal to the High Court and we are going to stop you by any means.' That is really what this says. I do not deny the Parliament the right to do that, and I do not think that it is truly the sort of retrospectivity that I find objectionable, yet I find it objectionable on the ground of unfairness.

The body that brought the action had a right to do so. Everyone knew it was bringing the action. It was expensive; it was not just its own funds, there were public donations to it. Sure, there was a political component, but the Government also has a political interest in this: it knew that it was going to stop that. The Government knew, probably before the expenditure of all the money that has already been expended. So, just as it seemed to me that the IPEC decision was unfair all those years ago, as a matter of principle I believe that, for whatever reason the Government felt the need to do this in this way, it was unfair to the conservation groups to be—

The Hon. Peter Dunn interjecting:

The Hon. R.J. RITSON: Well, I think there is a lot of unfairness there too, Peter. I am just supporting the Hon. Rob Lucas's amendment. So, when we come to this issue I will be right behind him in seeking compensation for this group. My difference about the meaning of the word 'retrospective' is rather technical, and it does not alter the fact that I think it has resulted in a particular injustice to the coffers of the Australian Conservation Foundation; I think the foundation should be compensated.

Finally, I will address the question of the viability of the project in order to dismiss it. There has been so much argument about viability, forecasts of tourist numbers, costs and the finances of the group. I do not believe that it is really any business of a member of the Liberal Party to determine the viability of someone else's business. I do not think it is our job to stand up here in this place and say that we are going to interfere legislatively with someone on the grounds that we do not think they can make a go of it or on the basis that we believe the project might fail.

I think it is the job of the Parliament to create just laws within which anyone who wants to have a go at anything can go out and do it. Good luck to them if they win and bad luck if they fail. It is not our task to ensure viability; we should merely provide a framework of just laws within which people can conduct their business as they see fit. True, there is some infrastructure support that will consume funds, but, of course, that is an asset to the State and I am sure that in the future, come what may, that will be the case at Wilpena.

In summary, I do not have any fundamental belief that the Flinders Ranges must never be touched, as long as it appears that there are adequate safeguards for the environment. It seems to me that there are. Although there is an argument about just what is retrospectivity, I think that the Australian Conservation Foundation has been dealt with unfairly. I support Mr Lucas's amendments to compensate the foundation and look forward with interest to the Committee stage of the Bill, where further examination will occur. I support the second reading.

The Hon. J.F. STEFANI: The Liberal Party has maintained a highly qualified support for stage one of the Wilpena Station tourist development. This is in line with the serious concerns which we, as a Party, have held and which have also been expressed to Liberal members of Parliament by many members of the South Australian community in relation to visitor numbers to the area and, more particularly, to the availability of a long-term reliable water supply, as well as other issues.

On 11 October 1990, the Minister for Environment and Planning introduced the Wilpena Station Tourist Facility Bill to facilitate the establishment of Wilpena Station tourist facility, an airport near Hawker, and the installation of electrical powerlines to the facility and the airport. Prior to the introduction of this legislation, the Labor Government has sought to exempt the development from normal planning procedures under the Planning Act. This action was challenged by the Australian Conservation Foundation and the Conservation Council of South Australia, resulting in the High Court giving leave to hear an appeal on issues raised in the proceedings.

This Bill is designed to override those legal proceedings and to provide all the necessary approvals for the development, while preventing retrospectively the application of the Planning Act to the Wilpena development. For a very long time, the Liberal Party has been opposed to retrospective legislation. Our Party's policy on this issue is well known. In its original form, the Bill provided for the Minister, at the request of the lessee, by notice in the *Gazette*, to increase substantially the accommodation capacity of the development. The Bill made no mention of the requirements to ensure that adequate potable water is available for the first stage of the development. The requirement under the environmental impact assessment study, requiring further investigation to ensure the availability of potable water prior to the approval being given for stage two to proceed, has also been waived.

Reference to the siting of the airport and powerlines, and the requirements under the Government's Bill regarding approval for their construction have been totally inadequate and inappropriate. Under the legislation introduced by the Government, the Minister may resume pastoral lands selected for the purpose of establishing the airport, the Wilpena powerlines and the airport powerlines. The Government's Bill has been very poorly drafted and, obviously, has been prepared in considerable haste and with very little thought. If the Government were really serious about its support for this development, it could more appropriately have achieved its goal by adopting section 50 of the Planning Act as the most appropriate vehicle, thus ensuring that the development proceeded many months ago without the assistance of this Parliament.

In relation to the water supply, I acknowledge that perhaps a good short-term ground water supply and a long-term surface water supply have been identified and developed. Under normal, average conditions, this supply may be entirely adequate for the expected demands. However, doubt still remains concerning both the reliability of the long-term ground water supply and the effects of worst-case drought conditions. Under these conditions at least one further ground water supply would be required before the long-term project water demand could be met with confidence.

Traditionally, the main source of water in the area has been the Wilpena spring, which is essentially the sole drainage point for the Wilpena catchment area, which is approximately 170 square kilometres in area. This source is fed both by perennial ground water flow and, following large rain events, the attenuated surface runoff from the pound itself. Extraction rates from this source have been recorded, but apparently no attempts have been made to measure the total spring discharge. Consequently, the retention rate of the spring is not known; hence, assessment of this most important resource is dependent on anecdotal evidence.

Boreholes 94775 and 94776 have been drilled in exactly the most favourable sites where maximum recharge and groundwater accumulation would be expected. Unlike borehole 94778, which is located where no stream recharge occurs and therefore is a failure, the positions of boreholes 94775 and 94776 are unique in so far as they are sited close to the Wilpena creek and are the only two points where the potential exists for direct recharge of surface water into the ABC quartzites.

In the short term, while more water could be extracted from the creek or from the ground water adjacent to the ABC quartzite ridge, this may prove to be at the expense of existing water resources and, hence, would be counter productive in the long run. It will be most important, therefore, that more water resources are identified and investigated to ensure that a more reliable and long-term water supply is established for this project.

I personally have serious reservations about this matter and some other issues which the Liberal Party will attempt to address in a series of amendments. I support the Bill.

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

LANDLORD AND TENANT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 23 October. Page 1250.)

The Hon. K.T. GRIFFIN: This Bill is a bit of Government imagery, and false imagery at that, developed to try to curry favour with the small business community. It is, I suppose, akin to the political thimble and pea trick where the issue of land tax liability is shuffled around under the thimbles but ultimately has to be paid by the tenant in one form or another.

The Bill avoids the real issue. The real issue is land tax, the extent to which it ought to be levied at all and the amount of such tax. It is an attempt to adopt a political ploy to remove the direct liability of tenants under leases for payment of land tax and place it on landlords. The Government, in its revenue measures, has of course made some modifications to the land tax liability, but it really has only fiddled at the fringes and has not come to grips with the substantive issue of the imposition of land tax and the extent to which it should be charged on property.

The effect of this Bill is merely to shuffle it so that ultimately the land tax will be passed on to tenants. Under some commercial leases at the present time land tax is, generally speaking, required to be paid by the tenant, because it is a cost of the landlord in providing facilities to a tenant to carry on a commercial, professional or other activity. Of course, whilst there is concern about the extent of land tax, which has risen quite astronomically in many instances, beyond even 100 per cent in many cases, the blame is sought to be applied by the Government to landlords—those persons who will require the tenants to pay it, and attempt to slip out from under the responsibility for the hardship which the Government has caused by virtue of the imposition of land tax.

One has to recognise that tenants do find in the current economic climate the land tax burden to be quite severe, but one cannot blame the landlords for that. One can only blame the Government, because it is the Government which has imposed it. It is the Government which has not sought to relieve the burden. One can understand, on the other hand, that landlords, in providing facilities for lease, are providing a service to those who wish to carry on a business or profession, and of course they want to recover the costs of such facilities and obtain a reasonable return on their investment.

As I said earlier today during the debate on another Bill, each time there is a fiddling with the normal relationship between landlord and tenant, it tends to distort the costs and the relationship and, ultimately, potentially the market situation. This is another one of those instances.

The rental market is competitive. Certainly, at the moment it could be described as a tenant's market, but at times of stronger economic activity the landlords will be in a stronger position because they will have premises which, generally speaking, will be well and earnestly sought after and, because

limited facilities will be available for rent, the rents may increase. However, in the current economic climate tenants do have an opportunity to bargain for premises, although landlords cannot afford to allow premises to be rented for something less than a modest return or at least to cover operating costs.

What we have in the current situation is a Bill which seeks to prevent the landlord passing on land tax directly. It does not say anything about indirectly, although the small business community seems to believe, for a reason which I am not able to appreciate, that there is something miraculous in this Bill and that, by the mere fact of a legislative provision that the land tax will not be passed on, somehow that will not occur indirectly. In fact, as I am informed by valuers, by landlords and by those who have a much closer relationship with this area of business activity, a means will be found by which the land tax will be passed on, most likely in addition to the rent and, although it will be paid over a period of time, a compensating factor will be built into that to adjust for the periodic payment rather than the up-front payment of land tax in a lump sum. So one way or another, the land tax will be passed on.

It is quite obvious from the second reading explanation that the Government's attitude towards land tax is typically socialist. The Minister, in the second paragraph, said:

> The practice of incorporating in leases a clause which requires the tenant to meet the cost of land tax defeats the purpose for which land tax was devised. It is the owner who benefits from the increment to value and it is the owner who should be responsible for contributing a share of that increment to the community.

I suggest that it is nonsense to say that the land tax system, devised so many years ago, was devised to place a burden upon an owner of land and a disincentive to ownership with the intention that there should be a spreading of the capital wealth reflected in the ownership of land. That paragraph does not take account of the fact that values of land do go down. Nor does it take into account the fact that other items of capital are not subject to that sort of wealth tax which land tax embodies and which in some respects can more properly be regarded as easy and speculative gain.

That paragraph in the second reading explanation indicates that the Government is still shackled by its hackneyed and ancient belief that those who own land must be penalised, that they somehow are wealthy and that a land tax or a wealth tax is the way to ensure that, even though it may not be productive land, its value to the owner will gradually be whittled down.

That is also reflected in the Government's proposals for a restructuring of the Engineering and Water Supply Department rates. From 1991 there will be a new system which, in part, imposes a wealth tax unrelated to the use of water. It will be charged at a rate per $1 000 of value of the land over $100 000. As I said, it is unrelated to the provision of water or its use by the owner of that property. In fact, one could easily suggest, without stretching a point, that the Government, under the Engineering and Water Supply Department's proposed rating changes for next year, is proposing to impose yet another land tax.

The Government must be criticised for the way in which it has dealt with the issue of land tax. The Government must also be criticised for its attempted ploy to divert criticism from itself by requiring landlords to pay the land tax rather than tenants directly, although it will not in the longer term affect the indirect impost on tenants through the rent structure of land tax.

The other disadvantage for the community, but advantage for the Government, is that, if this Bill passes, no longer will the Government cop the flak, each time the land tax increases by a substantial margin, from small business, because it will be able to say, 'We relieved you of the direct obligation'—although it will couch it in more Government friendly terms—'and we are requiring the landlords, those ogres of the community, to pay this impost through which it is sought to redistribute wealth.'

That is the agenda for this Bill. The Opposition will not stand in its way, but the Government must be condemned for the way in which it has sought to delude the community about what it is achieving as a result of this legislation.

The only other matter to which I wish to refer on this Bill is that, when it was introduced into the House of Assembly, it provided for the provision to apply to every commercial tenancy agreement entered into on or after the commencement of the section. The Government has accepted some amendments drawn to its attention and to the attention of the Opposition by lawyers practising in this area. The Government has amended the Bill to ensure that, when there is a renewal on the basis of a right to renew incorporated in a lease executed before the commencement of this Bill, that is not caught. With an option or a right to renew, the terms of such renewal are clearly specified in the lease. In my view, it would be quite wrong in principle for any landlord or tenant to be subject to this legislation in respect of agreements which had been entered into before the commencement of the legislation.

I repeat that I do not believe that the legislation will save tenants anything, even in the short term. They will continue to pay land tax. The Government's responsibility is clear: it must come to grips with the whole issue of land tax because that is where the responsibility and the blame should lie and the criticism should be made in relation to the high land tax bills which tenants have been required to pay up to the present time.

The Hon. R.J. RITSON secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Second reading.

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

That this Bill be now read a second time.

The main purpose of this Bill is to amend the Motor Vehicles Act 1959 to enable the Registrar of Motor Vehicles to authorise certain persons and employees of certain organisations to handle various transactions under the Act. Police cadets and public servants stationed at police stations will be authorised to issue permits to drive unregistered motor vehicles. Australia Post employees will be authorised to issue temporary driver's licences and collect driver's licence renewal payments and motor vehicle registration renewal payments.

These amendments to the Act extend existing arrangements by which police officers issue unregistered motor vehicle permits (see section 16 (2) of the Act). Permits to operate unregistered motor vehicles are issued by police officers at locations outside the metropolitan area where the community is not serviced by a local Motor Registration Office. Unregistered vehicle permits provide a means of giving temporary registration and insurance cover to allow a vehicle to be driven while an application for registration is processed by Motor Registration.

This Bill will ensure the validity of unregistered vehicle permits issued by police cadets and public servants employed

at police stations. This is a matter of convenience for the Police Department and also minimises inconvenience to clients seeking permits where a police officer is not available to issue permits.

The second aspect of this Bill relates to the move towards authorising agents to handle other transactions. Since the introduction of photographs on drivers' licences in September 1989, Australia Post has acted as an agent for Motor Registration, receiving driver's licence renewal payments, taking photographs and issuing temporary licences. This Bill will ensure the validity of temporary licences issued by Australia Post.

It is proposed to allow the payment of motor vehicle registration renewals at Australia Post Offices. Australia Post will issue a receipt and forward details of the transaction by electronic medium to Motor Registration. A windscreen label and certificate will be prepared and posted to the owner. A regulation will be made to enable a motor vehicle to be driven where the previous registration has expired between the time of payment of the renewal fee and receipt of the new registration label, provided a receipt issued by the agent is carried.

In the longer term these amendments to the Act will empower the Registrar to further extend the network of agencies that may conduct Motor Registration business. It is proposed that certain motor vehicle dealers be authorised to handle new registrations and the transfer of registration of vehicles they buy and sell. This arrangement will significantly increase the level of service provided to clients purchasing both new and second-hand vehicles. Arrangements under which dealers are able to register motor vehicles are currently working successfully both in Victoria and New South Wales.

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

Leave granted.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1 is formal.

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

Clause 3 amends section 5 of the principal Act, an interpretative provision, by inserting a definition of 'authorised agent' and by providing for references in certain provisions of the principal Act to extend to an authorised agent.

Clause 4 amends section 7 of the principal Act to empower the Registrar to authorise any person or body to exercise or discharge any prescribed powers or duties under the principal Act.

Clause 5 makes a minor consequential amendment to section 52 of the principal Act.

Clause 6 declares valid the exercise or discharge of a power or duty under the Act by a person or body purportedly authorised by the Registrar, before the commencement of this measure, to exercise or discharge that power or duty.

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

ADJOURNMENT

At 9.18 p.m. the Council adjourned until Wednesday 7 November at 2.15 p.m.