LEGISLATIVE COUNCIL

Tuesday 13 November 1990

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 53, 55, 58, 59, 60, 61 and 62.

TOURISM SOUTH AUSTRALIA

53. **The Hon. DIANA LAIDLAW** asked the Minister of Tourism:

1. Who are the regional managers for Tourism South Australia and when was each person appointed?
2. What are their salaries and employment classifications?
3. How many applicants were there for each position?
4. Who was on the selection panels for each of the appointments and in what capacity were they on the panel?

The Hon. BARBARA WIESE: The replies are as follows:

1. 2. and 4. Mr Gordon Porter, AO1 classification, salary $38 437, appointed December 1981. The selection committee consisted of: Mr L. Penley (officer in charge of division), Ms E. Warhurst (senior representative TSA) and the late Mr B. Wickham (industry representative).

Mr Vance Thomas, AO1 classification, salary $38 437, appointed August 1983. The selection committee consisted of: Mr L. Penley (officer in charge of division), Mr David Nightingale (industry representative) and Mr R. Barnes (Human Resources Manager TSA).

Mr William J. Pycroft, AO1 classification, salary $38 437, appointed June 1985. The selection committee consisted of: Mr L. Penley (officer in charge of division), Mr R. Hand (senior member TSA), Mr K. Whitehead (industry representative) and Mr R. Barnes (Human Resource Manager TSA).

Ms Barbara Kretschmer, CO6 classification, salary $33 342, appointed August 1990. The selection committee consisted of: Mr M. Fisher (officer in charge of division), Mrs P. Cramey (staff representative) and Ms J. Lambert (industry representative).

Ms Alison Webber, CO6 classification, salary $33 342, appointed August 1990. The selection committee consisted of: Mr M. Fisher (officer in charge of division), Mrs P. Cramey (staff representative) and Ms J. Lambert (industry representative).

3. For the appointments made prior to 1990, extensive research of records would be required to ascertain the number of applicants for each position. I do not believe that the time and effort is justified in searching for this information. For the two appointments made this year a total of three applications were received.

SOUTH-EAST GROUNDWATER

55. **The Hon. M.J. ELLIOTT** asked the Minister of Local Government, representing the Minister of Water Resources:

1. What testing of groundwater has been carried out in the South-East of South Australia?
2. Will the Minister make all results of testing carried out by or for Government departments publicly available?

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

1. In the South-East of South Australia, testing or monitoring of groundwater quality is undertaken to investigate the effects of point sources of contamination, ambient groundwater quality which can change with time, to provide a service to private water users and for assessment of potential pollution problems. Samples have been collected from 12 networks of point-source observation wells, from all wells which are used for municipal water supply and from three networks designed to monitor ambient groundwater quality. Water testing services and investigations have also generated in excess of 200 samples per year. Data is collected at least biannually from municipal water supply and two of the regional monitoring networks and at varying frequencies, normally at least annually, from the point-source networks.

2. Most of the results of testing are publicly available from the Engineering and Water Supply Department. However the release of this information may need to be accompanied by scientific interpretation. The results of testing undertaken for and paid by outside organisations would not be released without the permission of the organisations involved. The report 'A Review of Groundwater Quality and its Management in the South-East of South Australia' recently completed by Australian Groundwater Consulting Pty Ltd has considered these and other aspects of water quality management in this region. The report will be released shortly.

SAFIAC

58. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts:

1. During the period Mr Rob George served initially as a member and later as Chairman of the South Australian Film Industry Advisory Committee, what funds and fees did he and/or his production company receive for the following purposes:
   (a) script development;
   (b) script editing on other people's projects; and
   (c) project development;

and what were the names of the projects in each instance?

2. What funds and for what purposes did Mr George receive from SAFIAC for the purpose of *The River Kings* and at what date were the funds authorised?

3. Did SAFIAC, the Department for the Arts and/or the Film Financing Committee act as guarantor for the Sydney broker Dewhursts to underwrite a $500 000 shortfall on the production budget for *The River Kings*?

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

1. During the period Mr Rob George served initially as a member and later as Chair of the South Australian Film Industry Advisory Committee, he received funds and fees for the following purposes:

(a) Script development (where Mr George was the applicant)

Project:	*Percy and Rose*, feature film
Date:	6 October 1987
Investment:	$10 000 (writers fee $7 000)
Project:	*The Humble Doctor*, feature film
Date:	17 October 1988
Investment:	$9 500 (writer/producer fees $9 000)
Project:	*The River Kings*, 4 part mini series
Dates:	16 March 1989, 3 October 1989

Investment: $39 400 (including an amount of $26 000 in fees allocated to the writer/producer)

Script development (where Mr George was not the applicant but received a fee as the writer)

Project: *Pal's*
Date: 24 January 1986
Producer: Australian International Picture Pty Ltd
Fee: $5 000

Project: *The Jelly*
Date: June 1987
Producer: Australian International Picture Pty Ltd
Fee: $3 000

Project: *Captain Johnno*
Date: June 1987
Producer: Australian Children's Film Foundation
$8 000

Project: *Mall Brall*
Date: July 1989
Producer: Fast Forward Productions
Fee: $3 300

(b) Script editor (where Mr George was contracted independently to edit a script)

Project: *Due Vie*
Contractor: Light Image Productions
Date: June 1986
Fee: $1 000

Project: *One Little Lie*
Contractor: Tony Brooks/Polly Sims
Date: July 1987
Fee: $500

Project: *Sustini's Bolt*
Contractor: Mike Meehan
Date: November 1987
Fee: $1 000

(c) Project development is covered by projects where Mr George was the applicant for script development.

2. Investments received by Prospect Productions for *The River Kings* were as follows:

Two script investments were made for consecutive screenplay drafts totalling $39 400. $19 700 was authorised on 16 March 1989 and a further $19 700 was authorised on 3 October 1989. These funds were due to be repaid on the first day of principal photography, with interest.

SAFIAC recommended an equity investment of $200 000 once the project had secured a presale with the Australian Broadcasting Corporation, a distribution guarantee and production investment from the Film Finance Corporation. The allocation was authorised on 21 June 1990.

Due to a budget shortfall SAFIAC recommended that the script investment in *The River Kings* be rolled over into equity investment. Including interest, the total investment which is to be recouped from the sale of the series is $247 600. The maximum investment allowed in any one project is $250 000. Rolling over development investments into equity is within SAFIAC's guidelines. The allocation was authorised on 20 September 1990.

3. No.

SOUTH AUSTRALIAN FILM CORPORATION

59. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts: In relation to the additional $378 000 required as the South Australian Film Corporation's share of overage costs for refilming the 'men in suits' sequence, from what sources were those funds found and what arrangements applied to the funds?

The Hon. ANNE LEVY: Following a request from the Department for the Arts, a special one-off allocation of $400 000 was made available to the South Australian Film Corporation in the 1989-90 financial year to meet the cost of the 'men in suits' production process which was not met by Tsuburaya. Other than directing the corporation to utilise this money for the 'men in suits' production process, there were no conditions placed on the special allocation.

60. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts: In relation to the *Ultraman* contract—

1. Did the South Australian Film Corporation production team and the board consider the series could be produced within the negotiated budget?

2. Was the corporation board concerned at any stage up to the time Tsuburaya determined that the 'men in suits' sequence must be refilmed in December 1989, that the production would not be concluded within budget?

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

1. The South Australian Film Corporation production team and the board did believe that *Ultraman* would be produced within the negotiated budget.

2. Up until Tsuburaya determined that the 'men in suits' sequence would replace the previously negotiated special effects production technique the corporation board believed that the production would be concluded within budget.

3. Tsuburaya as the Japanese production company was not subject to the usual conditions placed on Australian production to engage a completion guarantor. While the South Australian Film Corporation requested that a guarantor be put in place, Tsuburaya would not agree to this request.

4. It was considered that the production of *Ultraman* would principally provide employment opportunities and substantial business links with Japan more so than any significant returns from the sale of this first series. The potential for returns was seen to be from the possibility of securing a second series with an improved share of the television distribution rights. As this first series was principally a 'try out' for both parties Tsuburaya would only release the Australian and New Zealand television rights against the South Australian investment.

5. Because Tsuburaya is the production company contracting the South Australian Film Corporation to undertake the production of the series, the corporation was not eligible to receive a provisional certificate so that private investment could be raised from the tax incentives under Division 10BA of the Income Tax Assessment Act.

6. Tourism South Australian provided $10 000 toward the initial cost of bringing representatives from Tsuburaya to Adelaide to negotiate the initial production agreement.

61. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts: In relation to the South Australian Film Corporation why did the Minister—

1. Not appoint Managing Director Mr Richard Watson as a member of the board?

2. Fail to ensure the appointment of a chairman to take effect from the date of the retirement of former Chairman, Mr Robert Jose?

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

1. Given the relatively small size of the board of the South Australian Film Corporation (six members), combined with the long-standing convention that a staff representative be a member of the board, it was felt, to assist Mr Watson to undertake his duties as the then newly-appointed Managing Director, that the widest possible film industry experience was required. Ms Jane Scott, who is an experienced filmmaker, was appointed to the board in line with the recommendations of the Milliken report.

2. At the time of Mr Jose's retirement as the Chair of the board of the South Australian Film Corporation, the

Government considered a number of experienced people to take up the position. Following extensive discussions with several of these people, Mr Hedley Bachmann was appointed to the position. The Government was determined to appoint the very best person possible to the position and, in the process of finalising negotiations, there was a delay in the appointment of some four weeks.

62. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts: In relation to the Milliken review of the South Australian Film Corporation 1988—

1. Why has the Minister not released the report?

2. Why has no action been taken on the recommendations to abolish various full-time positions including that of legal adviser and marketing manager; the creation of a number of contract positions including Head of Production, Head of Documentaries and Head of Administration and Business Affairs?

3. Why did the Minister not act on the recommendations in relation to the organisation of both the Government Film Committee and the Sout Austalian Film Financing Advisory Committee?

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

1. The Milliken report was not released as it was felt that, given the references to individual people in the report, it was not appropriate for a public release. The Milliken report was, however, made available to all members of the board of the South Australian Film Corporation and the South Australian Film Industry Advisory Committee. Following the restricted release of the report to the abovementioned film industry groups, the Government was able to receive informed assessments on the report's recommendations.

2. Although the Milliken report recommended that certain positions be abolished, the board of the South Australian Film Corporation expressed strong support for the organisational structure that existed at the time and confidence in the abilities of the senior officers employed by the corporation. It was the view of the board of the corporation that it was necessary to ensure there was a solid base of expertise within the corporation, upon which it could build for the future.

It must be remembered that at the time the Milliken report was prepared, the film industry in Australia was very depressed and, while the board of the corporation acknowledged that there had been a downturn in activity, this organisation was not alone. Certainly since the establishment of the Australian Film Financing Corporation, the South Australian Film Corporation has been able to secure funding for two major productions, namely, *Shadows of the Heart* and *Golden Fiddles.*

3. In respect to the recommendations which affected film funding programs other than the South Australian Film Corporation, the Government believed it was appropriate to undertake a more detailed study. As a result, a review of South Australian film funding programs was established late in 1989 with a broad charter to examine the effectiveness of the current South Australian Film Industry Advisory Committee structure and to recommend options to improve decision-making processes and the management arrangements for the allocation of Government funds within the film industry. As a consequence of this review, the Government recently made significant changes to the membership of the South Australian Film Industry Advisory Committee.

OMBUDSMAN'S REPORT

The PRESIDENT laid on the table the report of the Ombudsman for 1989-90.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner)—
Country Fire Service—Report, 1989-90.

By the Minister of Tourism (Hon. Barbara Wiese)—
Reports, 1989-90—
South Australian Meat Hygiene Authority.
Occupational Therapists Registration Board of S.A.
Department of Recreation and Sport.

By the Minister of Local Government (Hon. Anne Levy)—
Reports, 1989-90—
Geographical Names Board.
Libraries Board of South Australia.
Planning Appeal Tribunal.
South Australian Institute of Technology—Report, 1989.

By the Minister for the Arts (Hon. Anne Levy)—
South Australian Film Corporation—Report, 1989-90.

NATIONAL RAIL FREIGHT ORGANISATION

The PRESIDENT: I wish to advise honourable members that I have received the following reply from the Parliamentary Secretary to the Prime Minister concerning the resolution passed by the Legislative Council on 22 August 1990:

The Hon. G.L. Bruce, MLC
President
Legislative Council
Parliament House
Adelaide, S.A. 5000
Dear Mr Bruce

Thank you for your letter of 23 August 1990 bringing to the Prime Minister's attention a resolution passed by the Legislative Council on 22 August 1990 about the establishment of a national rail freight organisation.

The Prime Minister has noted the contents of the resolution and that you have also conveyed this motion to the Hon. Bob Brown, Minister for Land Transport.

Yours sincerely (signed)
Ross Free

MINISTERIAL STATEMENT: SEWAGE OUTFALL PIPE

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 Marine Environment Protection Bill, I undertook to obtain information sought by the Hon. Mr Stefani concerning the disposal of treated sewage at Port Adelaide. My colleague the Minister for Environment and Planning has advised that the treated sludge outfall pipe, which extended 4.5 kilometres offshore from Semaphore Park, has experienced three breaks since it was commissioned in 1978. It has been necessary on only one of these occasions to pump treated sludge through the emergency pipeline to the Bolivar sewage collection system. The first two breaks were detected by people in boats. The third break, in the main, was first sighted from the police helicopter. Reports from pilots have been received on two occasions with one being associated with the third break as mentioned previously.

QUESTIONS

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT

The Hon. K.T. GRIFFIN: My questions are to the Attorney-General:

1. When will the Government be bringing into effect the amendments to the Children's Protection and Young Offenders Act passed in February 1990 which provide for up to 90 hours community service for young offenders, opening Children's Courts to the media, victim impact statements, and increasing the amounts of fines and compensation that may be awarded?

2. Why have those amendments not yet been brought into effect?

The Hon. C.J. SUMNER: I expect them to be proclaimed shortly. I think 1 January was the date that was given to me most recently. If that is not the case, I will advise the honourable member. The simple reason why they have not been brought in earlier is that, as I am sure the honourable member would be fully aware, when legislation of this kind is passed, which requires staff to be employed to supervise the people who are carrying out the community service orders, as in this case, first, the money has to be obtained to employ those staff and, secondly, the staff have to be employed and trained and everything has to be in order so that, when the legislation is proclaimed and the courts give community service orders, staff are in place to supervise those who are doing the community service orders. Provision for staff was included in the budget and has been approved. It is now a matter of getting them on deck. As soon as that occurs, the amendments will be proclaimed. As I said, I expect that to be 1 January.

The Hon. K.T. GRIFFIN: As a supplementary question, in due course could the Attorney-General indicate the number of additional staff required to be in place in order to service the requirements of the amendments?

The Hon. C.J. SUMNER: I will obtain that information for the honourable member.

FILM INDUSTRY INQUIRY

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for the Arts a question on the subject of film industry inquiries.

Leave granted.

The Hon. DIANA LAIDLAW: In answer to a question I asked on 8 August about the fate of the report of the inquiry into the operation of the South Australian Film Industry Advisory Committee, the Minister indicated that she had received a copy of the report a couple of days earlier. She also said:

> Whether or not it will be released is not a decision that I can take at this stage. Obviously, I will want to read and consider its content before making any such decision.

Over three months have now passed since the Minister received the SAFIAC report and still it has not been released, although I understand that changes have been made to the membership of the board in more recent times. Within that three-month period, however, the Minister has also received but not released a copy of a further report, this one investigating the operations of the South Australian Film and Video Centre based at the Film Corporation's Hendon studios. This report was initiated last year in response to concerns about the capacity of the Department for the Arts to continue providing about $1.2 million per annum to the centre, which some people in the department considered to be more appropriately associated with the public library lending service.

On 2 August the Minister announced that she had commissioned a further film industry inquiry, this time into the operation of the South Australian Film Corporation. I note from the annual report of the corporation, tabled by the Minister today, that the Chairman indicates that the adverse financial impact that *Ultraman* has had on the corporation is one that will cause difficulties to the corporation for the foreseeable future. This inquiry commissioned by the Minister on 2 August will be of some interest in terms of the reorganisation that is proposed. On 21 August, some 20 days after the Minister commissioned this inquiry, she indicated in reply to my motion to establish a select committee that:

> I am confident that, over the next six to eight weeks, with the assistance of an independent consultant, it [the corporation] can restructure its organisational and management arrangements.

Based on the Minister's six to eight week timetable as at 21 August, the consultant's task should have been finalised last month, on 2 October at the earliest or 16 October at the latest. My questions to the Minister are:

1. In relation to the SAFIAC report, when will the Minister be announcing her acceptance of some or all of the recommendations? When will she be releasing the report and, if not, why not?

2. In relation to the South Australian Film and Video Centre report, when will the Minister be announcing her acceptance of some or all of the recommendations? When will she be releasing the report and, if not, why not?

3. Finally, did the Minister receive in October, as anticipated, the consultant's report on the South Australian Film Corporation? If so, when will she be releasing the report and, if not, why not?

The Hon. ANNE LEVY: The report on SAFIAC has been released to the public and copies of it were made available to the press and any interested bodies.

An honourable member: When?

The Hon. ANNE LEVY: Several weeks ago. If the Hon. Ms Laidlaw has not seen it yet, I am happy to provide her with a copy. It is a public document that has been available to the media for quite some time. The honourable member stated that I have received the report on the Film and Video Centre. I have no memory of that. I do not think it has reached me because, had I received it, I would have given it close attention. With regard to the report of the consultant on the South Australian Film Corporation, I understand that it has not yet been completed. Officers of my department have been having discussions with the consultant as to when it will be available but I understand that it might be another week or two before it is completed and presented to me.

In her explanation, the honourable member mentioned that the overages on *Ultraman* had posed problems for the Film Corporation. I assure her, as I have done in the Council, that the overrun on *Ultraman* has been accommodated with a contribution of $400 000 from Tsuburaya, an extra grant of $400 000 from the South Australian Government and from redirection of other arts funds, in particular, from the documentary film allocation, about which the honourable member has made complaints in this Chamber. While at the time the Chair wrote the report for the South Australian Film Corporation there may or may not have been concern remaining regarding the financing of the *Ultraman* overage, as a result of the financial arrangements which have been put into operation, *Ultraman* no longer has any effect on the Film Corporation.

The Hon. DIANA LAIDLAW: I ask a supplementary question. In respect of the Chairman's comments that he

anticipated that there would be difficulties for the corporation in the foreseeable future because of the financial impact of *Ultraman*, will the Minister confirm that the financial arrangements made to cover the overage problem do not involve the corporation in any long-term pay-back arrangements and that the debt has been completely wiped out with no long-term ramifications for the corporation?

The Hon. ANNE LEVY: As I have indicated previously and as I just reiterated, the overage on *Ultraman* was financed by $400 000 from Tsuburaya, $400 000 as a special grant from the South Australian Government and the rest by reallocation from within the Arts Department, most of which came from the Government documentary film program.

The Hon. Diana Laidlaw: Grants?

The Hon. ANNE LEVY: They were grants to the extent that, if there is any profit from selling the *Ultraman* series within Australia or New Zealand, the profit will be put back into the Government Documentary Film Fund. The Film Corporation will not make a profit on *Ultraman* from any reimbursements: they will go to that fund.

MEALS ON WHEELS

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Tourism, representing the Minister for the Aged, a question about Meals on Wheels.

Leave granted.

The Hon. L.H. DAVIS: The Meals on Wheels organisation was established in South Australia by Doris Taylor in 1954 and is now an organisation well known in many countries throughout the world. In fact, in 1989-90 it served 1 020 000 meals in South Australia. Since its formation in 1954 it has in fact served over 19 million meals. In this year just passed Meals on Wheels in South Australia served 4 200 meals a day, using 8 500 to 9 000 volunteers. I understand it is the only Meals on Wheels operating in Australia which is on a truly voluntary basis.

Meals on Wheels uses 260 private motor vehicles per day for deliveries and, obviously, saves millions of dollars in terms of delivering meals. This saves on institutional and nursing care. With the State's aging population, Meals on Wheels is projecting a 5 per cent increase in the demand for meals in the current year and each year throughout this current decade. In other words, it is estimating an increase of 50 000 meals to be served in this current financial year. The organisation is also very determined to preserve its capital, to improve its kitchens and its building programs, and in fact has raised over $670 000 from branches throughout the year. So, it is very active in fund raising, too.

However, in reading the annual report for Meals on Wheels, it is clear there is great concern about the fact that the Government has frozen its funding at the 1989-90 level. Meals on Wheels receives funding from the Home and Community Care program (HACC) and the State Government. The annual report, the report of the General Manager, the Chairman and the State executive all allude to the fact that they believe that Meals on Wheels is in jeopardy because of the freezing of funding at 1989-90 levels, notwithstanding the fact that there will be an increase of 50 000 meals estimated in this current year. So, Meals on Wheels' ability to continue its magnificent service may well be in jeopardy. Obviously, this is disheartening to volunteers. Although Meals on Wheels has said that no-one who needs a meal will go without in this current year, obviously that situation cannot go on forever.

My question to the Minister is as follows: is the Government aware of this concern within Meals on Wheels? Is it reviewing the current level of funding to ensure that Meals on Wheels will not have to curtail its magnificent service?

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

NATIONAL CRIME AUTHORITY

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General a question about the NCA Act secrecy provisions.

Leave granted.

The Hon. I. GILFILLAN: I have been known to be critical of the operations of the NCA in South Australia, and that has been the subject of much criticism from within Government circles and from some members of the NCA. In the past weeks, however, there have been growing levels of criticism of the authority from police, members of Government, the Opposition, former and current members of the NCA and, of course, the media.

Most recently, the South Australian Police Commissioner, David Hunt, criticised the authority for unsatisfactory delays in some of its investigations, and made some constructive observations about the uncomfortable mixture of legally trained personnel working in an investigative policing authority.

The Law Council of Australia claimed that the effectiveness and efficiency of the authority seemed poor when arrest and prosecution figures were examined in detail. In Melbourne, a member of the NCA since its inception, Mr Henry Rogers, was reported in the *Advertiser* this morning as being critical of its operations, saying that its success rate was based on rubbery figures and that it was not cost-efficient or effective in battling organised crime.

The media have been highly critical of the secrecy surrounding the authority, its multi-million dollar cost to South Australian taxpayers and its questionable performance. I wrote to former NCA member, Mr Mark Le Grand, and other members of the authority who were named in a motion moved by the Hon. Trevor Griffin, to elicit their likely response to such an invitation. His reply to that inquiry as to his likely response to appearing before the bar of the Legislative Council was in part:

> . . . there are a number of matters of which I have direct knowledge which have been the subject of media speculation . . . I should like to set the record straight by making this knowledge public. Unfortunately, as you will appreciate, the National Crime Authority Act prevents me from doing this.

I have also received a reply from Mr Justice Stewart, saying that he considers he would be precluded by section 51 of the National Crime Authority Act from appearing before the bar of the Council, being restrained by the secrecy provisions.

I ask the Attorney whether he believes that the secrecy provisions within the NCA Act override the privilege of the Legislative Council and/or its committees. If he is uncertain as to that question, would he undertake to get a legal opinion? If it does prove to be the case as spelt out by Mr Le Grand and Justice Stewart, namely, that they are precluded from speaking, although willing to speak, will the Attorney urge his Federal colleagues to amend the NCA Act so that Mr Le Grand, Mr Justice Stewart and others can provide information to appropriate committees and bodies, if they offer to do so, provided that it does not relate to the investigative detail of the NCA?

The Hon. C.J. SUMNER: I think I dealt with the first question in my speech on the motion moved by the Hon. Mr Griffin, and I do not think I have anything more to say about that. There is obviously a difficulty. I would have

thought that a Federal Parliamentary Act that required secrecy would override the State Parliament's right to call individuals who do not live in the State before the bar of the House. I dealt with that; I am surprised that the honourable member, even though he was present in the Chamber, did not realise that. I said that the individuals concerned would be placed in a situation where they would be either subject to citing for contempt by the South Australian Parliament or potentially breaching the National Crime Authority Act provisions. I do not think that is a position in which those people should be put. I dealt with this issue in the speech; I suggest that the honourable member read it.

The Hon. I. Gilfillan: Did you give a legal opinion?

The Hon. C.J. SUMNER: I gave what I considered to be the position as far as I was concerned. I think I referred to the Crown Solicitor, but the honourable member can check the speech; he should have done so before he asked the question. However, if he bothers to go back and look at the response I made on that matter, he will see that I did deal with it. The honourable member has already spoken, but if he is not satisfied with the manner in which I dealt with that matter, perhaps he can ask another question about it.

Whatever the honourable member says, I still do not believe that calling these individuals to the bar of the South Australian Parliament is a particularly fruitful exercise. It will be a circus of monumental proportions, as the honourable member would know, even if the individuals were interested in coming. Obviously, some of them are not. In any event, it seems that this question is anticipating a matter which is already on the Notice Paper and with which the honourable member can deal tomorrow, if he wishes.

In relation to the first question, if after perusal of my speech the honourable member is still in some doubt about the situation, he can ask me again about the question. But my recollection, without having the speech in front of me, is that I answered the question about conflict between State parliamentary privilege and the National Crime Authority Act in responding to that debate.

I said that the National Crime Authority Act, being a Federal law, would override the privilege of the South Australian Parliament and, in any event, it would place the people called before the bar of the Council in an extremely difficult position: if they chose not to answer questions, they might be subject to citing for contempt of Parliament and, if they chose to answer the questions before the bar, they might be the subject of prosecutions at the national level.

I do not think that I can take that matter any further. There is a Federal parliamentary watchdog committee, and it has examined this matter and determined that there is no point in going over the history of the Stewart/Faris dispute, and I agree. What possible use could be served by going over what was obviously a difference of approach within the authority? There is a new Chairman, and I think the authority should be allowed to get on with its job under his leadership.

What can be served by getting Mr Faris, Mr LeGrand and Mr Stewart here, or anywhere else, to go through all their past differences of opinion? None! No purpose whatsoever could be served, except to gratify the voyeuristic instincts of people like the Hon. Mr Gilfillan and members of the Opposition. There is a Federal parliamentary committee which can look at it and which has looked at it, and it has decided that there is no point in pursuing the question of the Stewart/Faris dispute any further. I am not sure what the honourable member is attempting to achieve by pursuing it and by calling people before the bar of this Council.

As to the general question about the secrecy provisions of the NCA, a review of the authority is being conducted at present. Obviously, I have already raised the question of the reporting mechanisms of the NCA, and no doubt the question of the secrecy provisions will be looked at by the joint parliamentary committee. The community has to decide, if eventually it decides that it will retain the NCA (and I think that some body of that kind is probably necessary), whether it will be a permanent Royal Commission, in effect, which has public hearings and exposes innocent people continually to unsubstantiated allegations, smears, innuendo and the like.

Frankly, if that is the way the honourable member wants our society to go, good luck to him. He has turned out to be a past master in this Council at getting up and smearing people and using information that he obtains from criminal elements to do so. In my view, it is about time that he took stock of the situation. One either has a permanent royal commission, with every allegation that is made to the Hon. Mr Gilfillan getting into the public arena, having innocent people condemned by the sorts of smears that criminal elements will get up to, or one can have an investigative body that carries out investigations, as does the Police Force, in relative secrecy.

The fact of the matter is that when the police carry out an investigation, we do not announce that it is doing so; we do not call for public submissions on the investigation; and there are no public hearings on it. One can make up one's mind: one either goes for a permanent royal commission model, where everything is out in the open all the time—which, frankly, I would think would be a significant detraction from civil liberties of individuals in this community—or one has to have an NCA, which has some constraints on the information that it is able to provide about a particular investigation.

Regrettably in the NCA, as I have said before, there have been factions and the NCA has been involved (as indeed Police Forces tend to be involved) in the leaking of information to people to serve their own factional ends. I think that is regrettable, as I have said before. It is about time that the NCA, including the people who work in it, got their act together and started getting on with the real job that they have to do, which is either chasing and bringing to prosecution criminals or, if allegations are made which are unsubstantiated, making sure that the public is aware that the allegations are totally unsubstantiated.

The Hon. I. GILFILLAN: As a supplementary question, do I understand the Attorney's answer to include, amongst a lot of other material, an acknowledgment that, in fact, the secrecy provisions of the NCA Act are to be reviewed by the Joint Parliamentary Committee? His statement appeared to me to accept that that was an appropriate area for review. Is that true or false?

The Hon. C.J. SUMNER: No, that is not true. Whether it is an appropriate area for review is a matter for the Joint Parliamentary Committee. I am just assuming that, if it is conducting this inquiry, one of the major issues that has been raised from time to time is the secrecy provisions. They have raised the question of the secrecy provisions themselves at various times and there has been an ongoing debate between the NCA and the Joint Parliamentary Committee about what the NCA can tell the Joint Parliamentary Committee. I just assume from that that in their inquiries they will examine those provisions, but I have no particular information on that topic.

The Hon. I. GILFILLAN: I desire to ask the Attorney a further supplementary question, Mr President. Does he per-

sonally believe that it is an appropriate area of review of the NCA Act, that is, the secrecy provisions: 'Yes or no'?

The Hon. C.J. SUMNER: I am not going to comment on that. After the Joint Parliamentary Committee has produced its report, obviously it will be considered by the Intergovernmental Committee of which I am a member, and any changes to the Act would have to be discussed in that forum, and that is where I would intend to discuss them. If after discussing them decisions are made, they will be made public and the Hon. Mr Gilfillan will be aware of them.

IMMUNISATION

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about immunisation.

Leave granted.

The Hon. BERNICE PFITZNER: Immunisation, as we all know, is a preventive strategy to render persons immune to certain diseases by artificial means. The immunisation program commences when infants are two months of age and carries on throughout life. The main diseases immunised against are diphtheria, tetanus, whooping cough, mumps, measles, polio, and hepatitis B for those who are at risk. Because of these immunisation programs these diseases are virtually eliminated, except for hepatitis B.

The State's immunisation program has always been poorly coordinated, and various unrelated agencies have been responsible for implementing the program. The main agencies providing immunisation services are the South Australian Health Commission, some councils—for example, Munno Para—and some groups of councils, which are represented by the Eastern Metropolitan Regional Health Authority. These councils are St Peters, Burnside, Norwood, Campbelltown, Payneham and East Torrens. Immunisation services are provided by some medical practitioners, and also, lately, they have been provided by the Child, Adolescent and Family Health Service in the Salisbury council area. There is a growing concern that certain events which have occurred or which will occur will throw the State's immunisation program into confusion by the uncertainty as to who will continue to provide the program. Such events are:

1. The repeal of the Public Health Act 1935 and its replacement by the Public and Environmental Health Act 1987. In that Act there is now no specific stipulation that councils should be responsible for immunisation.

2. Councils are now opting out of providing immunisation.

3. Some council administration strategies are reflecting a low priority as regards immunisation.

4. Medical practitioners' provision of Commonwealth funded vaccines is being limited.

5. The South Australian Health Commission is in the process of cutting out its immunisation service.

6. The Child, Adoloscent and Family Health Service, whose nurses do not traditionally provide an immunisation program, is now being requested to provide the immunisation service.

As immunisation is a very important preventive health measure for our children, with these subtle changes the questions that I put to the Minister are:

1. Who will now be the main provider of the immunisation service?

2. Is there a strategy in place to improve the coordination of the different agencies providing the immunisation program?

3. At present the vaccines are provided by the Commonwealth and the service by the various agencies: now that the South Australian Health Commission is possibly closing down the service arm of immunisation, who will pick up the service and who will finance it?

4. What plans are in place to upgrade this essential service so that the whole immunisation program will not only involve the delivery of the injection but will also include education, follow-up, data collection and evaluation—in other words, a proper comprehensive immunisation program?

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

DRIVERS LICENCES AND VEHICLE REGISTRATION

The Hon. PETER DUNN: I seek leave to make an explanation before asking the Minister of Local Government, representing the Minister of Transport, a question about the rejection of drivers licences and vehicle registration applications on the basis of post codes in respect of people living along the New South Wales border.

Leave granted.

The Hon. PETER DUNN: When I visited the North-East area of the State the other day it was brought to my attention by people who have recently set up a small station post at Cameron's Corner, which is the corner of Queensland, New South Wales and South Australia, that they are encountering certain problems. These people have established a small shop where one can buy drinks, eats and so on. This also applies to Mr and Mrs Ron Hyde, who are managers of Quinyambie Station, which is below Cameron's Corner but very close to the border. These people are provided a mail service that comes via Broken Hill. It runs up through New South Wales to Tibooburra, Fort Gray and into Cameron's Corner, before finally reaching Quinyambie Station. Their complaint is that they are not getting notification of their drivers licences or registrations of their vehicles, which are registered in South Australia.

When they inquired about this, the reason given to them was that the computer in the Motor Registration Division rejects any post code that does not start with '5'. The case arose when Mr and Mrs Hyde were at the World Expo and they wanted to cash a cheque. They took out their licences to use as identification and found that one was three months and one was three weeks out of date and that they had not been notified. They realise that not being notified is no excuse for not having a current licence. They understand that it is their obligation to keep their licences current. However, it is the norm that people are notified about licence or vehicle registration renewals. That procedure was therefore expected by these people, that they would be given that notification.

The notification did not come and in both cases, involving Mr Nall of Cameron's Corner and Mr and Mrs Hyde of Quinyambie Station, problems were experienced in getting their car registration numbers renewed and their drivers licences renewed. I am not sure whether this problem occurs along the Victorian border; I suspect not, but it could occur. Therefore, will the Minister have vehicle registration and drivers licence numbers that are rejected on a post code basis reviewed by hand so that renewals can be sent to

people living in such areas of South Australia, or is this something that is beyond the ability of a computer to work out?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply, but I can assure the honourable member that computers do what they are told by humans.

CRIMINAL PROCEDURES

The Hon. J.C. BURDETT: I seek leave to make an explanation before asking the Attorney-General a question on the subject of criminal procedures.

Leave granted.

The Hon. J.C. BURDETT: My question arises out of charges which were laid against one Philip Allen Hollis, and I refer to a letter from his solicitors dated 22 May 1989 addressed to the Attorney-General. The first part of the letter states:

> We advise you that we act for the abovenamed who was tried in the Supreme Court of South Australia on 27 and 28 February 1989 for the following alleged offences:
>
> 1. Common assault.
> 2. Rape.
> 3. Threaten life.
> 4. False imprisonment.
>
> Our client was acquitted of all four charges at the end of the prosecution case. He was not called upon to give evidence.
>
> The history of this matter is, to say the least, disconcerting. All of the charges brought against Mr Hollis related to alleged offences committed against his wife. He had also been charged with assaulting his two children but these charges were not proceeded with. The 'evidence' against Mr Hollis was basically the testimony of his wife with some 'corroboration' being provided by her 'friend' . . . and the two children of our client.

Further, on page 2, the letter states:

> We ask you to note that the only response we received to our letter of 13 January was oral advice from the Crown Prosecutor's Office that the majority of the charges alleged against Mr Hollis would be proceeded with, notwithstanding the submissions contained in our letter. We would have thought that the scope of the submissions we made warranted some more detailed response than we received. At this stage we cannot comprehend why it was that proceedings were continued against Mr Hollis, given the state of the evidence. Our understanding is that the Crown Prosecutor uses the same guidelines as have been laid down by the Commonwealth Director of Public Prosecutions. We note that part of those guidelines include the propositions that:
>
> (i) 'The resources available for prosecution action are finite and should not be wasted pursuing inappropriate cases.'
> (ii) 'A wrong decision to prosecute or, conversely, a wrong decision not to prosecute, both tend to undermine the confidence of the community in the criminal justice system.'
> (iii) 'The necessity to maintain public confidence in such basic institutions as . . . the courts' and
> (iv) 'Ordinarily the public interest will not require a prosecution unless it is more likely than not that it will result in a conviction' . . . (and this) 'must take account of such matters as the availability and credibility of witnesses and their likely impression on a jury.'

On page 3, the letter continues:

> In our submission, the decision to prosecute Mr Hollis amounted to a total miscarriage of justice. Quite unnecessarily, an innocent man was subjected to the stress and expense of a criminal trial where no reasonable person could have believed that it was 'more likely than not' to result in a conviction. We do not mean this criticism to be a personal attack upon whoever it was that decided the prosecution should proceed. However, clearly in our submission, they made an error of judgment.

It further states:

> Our submission is fortified by the end result of Mr Hollis' trial. As Ms Bolton (who conducted the trial for the Crown) can no doubt verify, the proceedings degenerated into a farce.
>
> Before the completion of the Crown case the jury were openly laughing and deriding the evidence of the Crown witnesses and, so obvious was the eventual failure of the prosecution, that Ms Bolton elected not to call the last witness for the prosecution and simply closed her case. She conceded to the learned trial judge that the case was 'not an inappropriate' one for the Prasad direction to be given to the jury. When the direction was given the jury adjourned for approximately 10 seconds before asking to return to the court to give their verdict. The transcript shows that the jury left at 3.57 p.m. and returned at 3.59 p.m. The only reason it took that long was because His Honour had adjourned from the bench and had to be recalled before the jury came back in.

The letter went on to make the unusual request that, in these extraordinary circumstances, the Crown bear the costs of Mr Hollis, and that was declined. My questions are:

1. Will the Attorney reconsider this request as to whether, in the circumstances, costs should be paid?
2. Was the Crown lobbied by any person or groups to proceed with the prosecution?
3. Will the Attorney consider changing the criteria for a committal applying at a preliminary hearing?
4. Will the Attorney consider a Director of Public Prosecutions procedure?

The Hon. C.J. SUMNER: I will examine those matters raised by the honourable member. I am not quite sure what the last question has to do with any of the previous questions. A question relating to the Director of Public Prosecutions seems to be a complete *non sequitur*. Whether there was a Director of Public Prosecutions or not, I do not see that the result would have been any different in this case. As the honourable member knows, the Crown Solicitor is, in effect, the Director of Public Prosecutions by a different name and is responsible for conducting the prosecutions in this State. Matters of policy and certain individual matters that are of importance are referred to me. Basically, prosecutions are conducted by the Crown Prosecutor who, if you like, could be called a Director of Public Prosecutions.

I am not quite sure what point the honourable member is making in his question in the context of the queries he raised in this matter. It seems to me that, whether there was a Director of Public Prosecutions or not, that would not have made any difference to the decisions taken in this case. I have addressed the question of Directors of Public Prosecutions and so-called independent Directors of Public Prosecutions in this Chamber on previous occasions. I am of the view that there needs to be some accountability to the Parliament, through the Attorney-General, for prosecution policies and decisions. Whether there is a Director of Public Prosecutions or Crown Prosecutor or whatever, in the final analysis, there has to be some accountability for prosecution policy through an elected official, which is why I prefer our current system which is modelled on the United Kingdom system where there is a Director of Public Prosecutions, who is ultimately responsible to the Attorney-General.

I assume that the people who made the complaint to the honourable member have decided that a Director of Public Prosecutions would solve the particular problems in this case. Frankly, I cannot see how, and I really do not see how the Hon. Mr Burdett could see how. As I said, it seems to be a total *non sequitur* but, since the honourable member has raised it, I repeat my previous position which I have put in this place on a number of occasions, including in a ministerial statement which I gave some couple of years ago, if I recollect correctly, about the role of the Attorney-General. I do not accept, and I think it is quite wrong in principle, for there to be a Director of Public Prosecutions who is completely independent of the Attorney-General. I have said that before and I will say it again, because for example, the Hon. Mr Burdett would have no recourse to any elected official in terms of the accountability for prosecution policies or decisions.

I would have thought that, in a democracy, that is a desirable situation. That is my view on the so-called independent director of public prosecutions. In this modern day and age there might be a case for changing the name of the Crown Solicitor to the Director of Public Prosecutions but I suspect that, in this particular case, whether he was Crown Solicitor or Director of Public Prosecutions would not have made a scrap of difference.

As to the earlier questions, I do not recall precise circumstances of the matter. The matter was raised apparently by letter of 22 May 1989, over 18 months ago, and I am not sure what has prompted the honourable member to raise it at this time. Nevertheless, I will have another look at the file and bring back a reply.

CONSULERE

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question regarding building licences.

Leave granted.

The Hon. J.F. STEFANI: Recently, the building firm Consulere was placed in receivership. Many subcontracting companies operating in the building industry that had completed work for Consulere have been advised that it is highly unlikely that they will receive any payment for their work. To further aggravate the position, it has been discovered that Consulere acted as a builder without a building licence. Consulere undertook construction work on a number of Government projects which were negotiated on a design and construct basis. My questions are:

1. Is the Minister aware that Consulere was breaking the law when working for the Government?

2. What steps are being taken to upgrade the resources of the Builders Licensing Board to enable it to carry out its duties more efficiently in this important industry?

3. How many Government projects have been completed by Consulere in the past five years?

4. How many Government projects are subject to construction guarantees which may now be unenforceable?

The Hon. BARBARA WIESE: Some of those questions do not fall within my area of responsibility; therefore, I am not able to provide the information, but I am sure that I can seek reports from relevant Ministers as to Government contracts and other matters involving the company named by the honourable member. As to whether or not Consulere had a builders licence, I advise that I will have to seek a report on that. No matters relating to Consulere have been brought to my attention in recent times, so I will seek a report from the Department of Public and Consumer Affairs about that issue.

UNEMPLOYMENT BENEFITS

The Hon. I. GILFILLAN: I am advised that the Minister of Local Government has an answer to my question concerning unemployment benefits asked on 18 October. I am prepared for her to seek leave to have the answer incorporated.

The Hon. ANNE LEVY: I have been provided with a reply, and I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

My colleague the Minister of Employment and Further Education has advised that the matter of Government financial support to persons undertaking voluntary work whilst unemployed is a matter of Commonwealth Government policy and practice. In providing guidance to officers of the Department of Social Security and the Commonwealth Employment Service, the Commonwealth Government has had to draw a balance between encouraging unemployed persons to remain active in the community, on the one hand, and their ready availability for work should a job become available, on the other. However, a very narrow interpretation appears to have been applied to Dr Johnson's case. My colleague has written to the Hon. Peter Baldwin, Commonwealth Minister of Employment and Education Services, asking that a speedy review of the circumstances surrounding Dr Johnson's case be undertaken.

COMMUNITY HEALTH

The Hon. R.J. RITSON: I understand that the Minister of Local Government has an answer to a question I asked on 18 October on the subject of community health.

The Hon. ANNE LEVY: I have been supplied with a reply, and I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

My colleague the Minister of Aboriginal Affairs has advised that there were a number of inaccuracies in the explanation to the question asked by the honourable member. Sacon and the State Government are not directly involved in the maintenance of Nganampa health facilities. Sacon is responsible solely for the maintenance of Education Department, police and Office of Government Employee Housing facilities on a fee for service basis. Sacon may be available for any other contracted work by other agencies on the lands on the same fee for service basis. Two Sacon officers, a plumber and an electrician are currently stationed at Marla. They are available to handle all emergency breakdown maintenance associated with water, power and sewerage with respect to utilities that service the communities, specifically the bores, sewerage pumps and power houses. It is therefore not the case that, in order to fix a blocked toilet, Nganampa is required to contact the South Australian Government, which sends up an officer from Sacon, and then the officer comes back to Adelaide and the quantity of work to be done is assessed and put out to tender.

The maintenance of community facilities such as community-owned assets, housing, stores and offices is the responsibility of the community itself under the budgets administered by the community. It should be noted that Anangu Pitjantjatjara, the land holding and administrative body set up under the Pitjantjatjara Land Rights Act, employs a building officer, a works manager and various contracted staff to administer and service community needs. The Pitjantjatjara Council also currently employs tradespersons to carry out maintenance services in the communities. The Nganampa Health Council, which is an important incorporated agency and in receipt of considerable Commonwealth and State grants, can engage whoever it likes to undertake maintenance as required. The council does not have to work through or get permission from Sacon. However, it may engage Sacon's services on a fee for service basis if it so wishes.

PORT AUGUSTA CURFEW

The Hon. K.T. GRIFFIN: I direct my question to the Minister of Local Government. As the Minister has ruled

out any support for Port Augusta for a curfew on young people at night, what initiatives does the Government propose to help the Port Augusta community deal with their concern about law, order and personal safety issues and the problems of dramatically escalating juvenile crime in that city?

The Hon. C.J. SUMNER: First of all—

The Hon. K.T. Griffin: I directed it to the Minister of Local Government.

The Hon. C.J. SUMNER: I am taking the question.

The Hon. Anne Levy: I have no responsibility.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Well, if you don't want the answer, I'm sorry. As Ms Levy said, it is quite a normal practice for the Minister who has the responsibility to take the question if the Minister to whom it was directed is not the appropriate Minister. I note that the Opposition has opposed the introduction of a curfew in Port Augusta and, presumably, has opposed giving local government the power to impose a curfew and, in that respect, it has been very wise. I have already indicated the objections to a curfew. First, there are objections by way of principle, and I have said that I hope we have not reached the stage in this community in which people can be arrested, apprehended and detained for walking along a street when going about their business in a perfectly innocent way just because they happen to be doing it at a particular time of the day or night.

The second objection is one of practicality. The notion of giving local government the power to impose a curfew on the basis of individual local government areas seems to be an impractical one and, to say the least, it would raise extreme difficulties in enforcement. The council that decided to impose the curfew would have to employ its own inspectors, subject to the town clerk, to implement it. Presumably, it would have to purchase cars to enable the inspectors to drive around the local government area in which it operated and it would also need lockups of some kind or some facility in the council chambers to deal with the people who had been apprehended and detained. That indicates the extreme difficulties of giving local government this power.

Town clerks and inspectors would be responsible for arresting and detaining people who could be innocently walking along the street and taking them to the council chambers. The second problem would be obvious to anyone who thinks about it, that is, the difficulties that would arise in the metropolitan area if one council decided to impose a curfew and employ inspectors to implement it, while the adjoining council decided not to impose a curfew.

The Hon. Mr Griffin's children, who end up in the council area in which a curfew is imposed on coming home after 10 o'clock from a school function, would be arrested by council inspectors, detained and, presumably, taken to Mr Griffin's place or the council chambers, if the inspectors feel that is what they want to do.

On the other hand, if those children had got off the bus when coming home from a school function or sporting event after 10 o'clock and happened to land on the other side of the road where the curfew was not in place, they would not be subject to the arrest and detention which the curfew implies. Such a proposal would be difficult to implement. As to Port Augusta particularly, I recognise and have recognised the problems of crime in that city. However, it is worth noting that, generally, from the figures I have seen, the problems are not worse than they are in other towns in the area, certainly in some categories of crime.

Essentially what we are talking about, regrettably, is the behavour of Aboriginal young people who may have the potential to cause problems, and there is no doubt that any curfew of this kind would be used to deal with those Aboriginal youths. It is also worth noting that most of the crime in the community, in any event, is committed by people who are over the age of 16. So, it raises the very obvious question: why is the curfew not directed at youths who are over the age of 16? But it is not; it is only directed to those under the age of 16.

However, that is not to say that there are not problems in Port Augusta and elsewhere with rising crime rates, although it is probably fair to say that the juvenile crime rate in South Australia, taken over the past 10 years or so, has not increased to a great extent, although in the most recent set of figures there was an increase.

I recognised the concerns of the Port Augusta community and was quite prepared to enter into discussions with the Port Augusta council about the development of a crime prevention policy for the Port Augusta area. Regrettably, in my view, the council was not interested in the development of that policy. However, I reiterate: whether it be Port Augusta or other local government areas in South Australia, through the Together Against Crime program, which was announced last year and which is now operating, the Government, the police, Government agencies and, hopefully, voluntary and welfare groups would like to work with local government to develop crime prevention policies and programs which can be put into place in particular areas and which will deal with the causes of crime in those places.

I am sure all members who think about it would have to agree that a curfew in Port Augusta, will not deal with the problem of Aboriginal juvenile criminality. All it will do is remove the problem, and it may in fact make the situation worse for the community and for those individuals than it is at the present time. The crime prevention policy is designed not to rely exclusively on the criminal justice system, that is, the police, the courts and imprisonment. That is very important; the crime prevention policy is designed not to rely exclusively on those things, or indeed on curfews, but to look at broad-based crime prevention measures.

That approach to criminality, as I said in the Council in response to a question asked by the Hon. Mr Irwin last week, is one that has recently been endorsed by the United Nations, and it is quite clear in every country in the world, as well as in South Australia and in Australia, where crime has increased, that if you rely just on the criminal justice system then you will not reduce crime. The United States has over a million people in prison, six times the imprisonment rate of South Australia, and yet a higher and escalating crime rate. The United Kingdom has had a Conservative Government—a Liberal Government in our terms—in office for 10 years. Recent reports are of escalating crime rates in that country as well.

So, it means that the question of criminality has to be dealt with in a more fundamental way. We have to look at designing-out crime, which is what the project we are currently looking at in the Hindley Street area is all about, making it less amenable to criminal behaviour. We have to look at eliminating where possible precipitating factors, such as drugs and alcohol. We have to look at active recreational activities for young people in particular, so they are not involved in anti-social or criminal behaviour.

That is what the crime prevention program is all about: Together Against Crime. A number of initiatives have already been taken. I hope that local crime prevention committees can be established around the metropolitan area, and in the country areas as well, including Port Augusta. Port Augusta was given the opportunity to be involved in the development of such a policy, but they chose, for reasons best

known to themselves, to go along the route of a curfew. However, I am still prepared to discuss issues with the Port Augusta community in an attempt to overcome the problems that they see in their town, in particular, with the anti-social behaviour of youths and, of course, as we all know, the anti-social behaviour of Aboriginal youths. However, I will talk to them on the basis of looking at a broad crime prevention program for Port Augusta, and indeed for other places in the metropolitan area.

The fact that local government is interested in it is desirable, but there is no point trying to deal with it by things such as curfews; you have to look at it in a more positive and constructive way. The Together Against Crime proposal, which I have outlined, provides the opportunity for that. $10 million has been allocated specifically for this purpose over a five year period. It is a five year strategy. There is a Coalition Against Crime, chaired by the Premier, including community groups, Government agencies and the like, which is oversighting the introduction of the policy.

The Opposition has been invited to become members of that coalition, but it will not reply. I do not know why. I can only suggest that if it has any genuine concern about these issues—law and order and criminality—it will get involved with the Government and the rest of the community to try to combat them. It will be an indication of its sincerity in relation to this matter as to whether or not it is prepared to join the coalition. If not, we know that it is only interested in playing politics about this issue, and that is regrettable, because if it does play politics it will not win; it will not solve the crime problem. If it gets into Government by doing it, it will be no better off and still will not be able to resolve the issues relating to criminality.

We have asked it to become part of the Coalition Against Crime; so far it has refused to even reply. I think that is regrettable and, as I said, is in my view a reflection on its own commitment and sincerity for dealing with what is undoubtedly a difficult social problem.

WILPENA STATION TOURIST FACILITY BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1670).

The Hon. M.J. ELLIOTT: The Australian Democrats are totally opposed to both this Bill and the proposed Wilpena tourist facility. That does not mean we are anti development, but we are certainly anti inappropriate development, and I might also say in relation to this Bill that we are also anti illegal development. The conduct of both the Labor and Liberal Parties throughout the debate on the resort and this Bill has been characterised by double standards, broken promises, misrepresentation of issues and panderings to vested interests.

This Bill is an attempt by the Government retrospectively to set itself, this development proposal and the developer above and beyond the laws of South Australia, and to deny natural justice to the people of the State. The Government is so desperate to save its face, after the hash it has made of other development proposals and processes, that it will resort to anything to get this Bill through.

This debate has exposed the lengths to which public debate can be clouded by a Government's pursuing a single line, unable to look at alternatives. The contempt in which the Government holds the processes of Parliament is illustrated by the fact that the Minister for Tourism, while introducing this Bill to this Council, read the same flawed and inaccurate speech as was read by the Environment Minister in the Lower House.

The Liberal Party has been exposed for what it is: a Party with a philosophy based firmly on profits at any cost. Its complete lack of concern for the environment was displayed by its contemptible amendments, supported in the House of Assembly by a cowardly Government, which increased the physical size of the resort at the expense of low-impact and low-profit camping sites.

More people in built accommodation will mean greater profits for the developer. Either Ophix has done some extremely persuasive lobbying or it was pleasantly surprised that the Liberals, out of the good will of their hearts, wanted to increase their profitability. Whilst saying beforehand that it would protect that park, the Liberal Party, in fact, set about increasing the rate of destruction by actually increasing the size of the resort over that which the Government itself had planned and included in the legislation. The Liberals proposed more high impact hotel rooms rather than low impact camping.

For all their grand statements about opposing retrospectivity, the Liberals have completely missed the point. The Leader of the Opposition, Dale Baker, said in a press release on 23 October 1990:

> This Government Bill is unfairly retrospective and, if passed in its present form, would totally deny those who have already initiated court action against the project the right to proceed with their High Court action.

That is the Leader of the Opposition, speaking on 23 October.

Retrospectivity cannot be removed from the Bill because, by aiming to exempt the development from the Planning Act, the whole document is inherently retrospective. The Bill is saying that, even though that legislation may have applied when the resort was proposed, it no longer does so, by virtue of this Bill.

By not rejecting this Bill outright, the Liberal party is aiding and abetting the Government in pre-empting the High Court's decision on the question of whether the Planning Act applies. To do so may put the resort in jeopardy, and Ophix would not be happy with them if they did that, would it?

The few Liberal politicians who have had the courage to take a wider view than their leadership and really consider the environmental issues involved here, rather than just pay lip service to them, have my admiration. Quite frankly, I am surprised that even the members of the Liberal Party who do not have a good record on environmental issues, at the very least, did not stick to their guns on the issue of retrospectivity, on which their Leader expressed such noble sentiments on 23 October.

I will canvass the many reasons for the Democrats' opposition, and there are many, in an attempt to shed some light on a debate which has been clouded by Government propaganda and Liberal double-speak from the start. The route taken by this development proposal from idea to reality is an interesting one, and for the Government in some ways an incriminating one. In 1986, John Slattery, the man behind Ophix developments, by chance met Bruce Leaver, the South Australian Director of the National Parks and Wildlife Service, in King William Street.

According to the *Advertiser*, Mr Leaver floated the idea of developments within national parks in South Australia with Mr Slattery at that meeting. The men had previously worked together over the Mount Blue Cow ski resort in New South Wales when, coincidentally at that time, Bruce Leaver was employed by the national parks service there. Four years after that chance meeting, we have before Par-

liament a retrospective Bill aimed at granting an exemption for a development proposed for a national park from the due legal processes under the Planning Act, the Native Vegetation Management Act and the National Parks and Wildlife Act.

The Government believes that it, as the proponent of the Wilpena Resort, and Ophix, as the developer, should not have to be bound by the laws of South Australia, nor the rulings of the High Court. The Bill does not require any staging of the 1.5 kilometre-long development which, thanks to amendments proposed in the House of Assembly by the Liberal Party, allows it to accommodate many more people than currently visit the area, although there have been studies suggesting that these increases may not in fact occur.

In the years between the announcement of the resort proposal, which grew from that chance meeting in King William Street, and today, considerable and specific objections and concerns have been raised. The Government has, throughout the objections and while ignoring the issues and questions raised by many groups, maintained its line that: Wilpena Station was purchased in order to build the resort; the proposed resort is needed to manage park visitors; building the resort solves the management problems of the park; the resort will be profitable; legislation is necessary for the resort to be built; and it is democratic for the resort to proceed.

In the 1983 plan of management of the Flinders Ranges National Park these reasons were given for the acquisition of the Wilpena Station: to rationalise park boundaries; to preserve the historic Wilpena Station homestead; to terminate the grazing lease in Wilpena Pound; to provide for better camping; and to protect worthwhile habitat. Within those reasons, certainly, is an intention to use the site for accommodation—but only camping.

The present camping area at Wilpena is unsatisfactory, and no-one denies that. It needs to be relocated and properly managed, while the present site needs rehabilitation. A new camping ground may well be established at Wilpena Station. There is no need for a large resort to be built for that to happen; there is a need for extra staff and more resources for management.

That the present camping ground is in poor condition is an indication of the State Government's neglect of national parks generally. That is a story that needs to be told at another time. The 1983 management plan identified the need for 10 extra staff members to take to 16 the staff level at the park. The extras were to include a ranger-in-charge and five additional rangers, for the long-term care and maintenance of the park. Of those five additional rangers, one was to be a member of the Adnjamathanha tribe, whose major responsibilities would be related to the care and interpretation of items of Aboriginal heritage. Those additional rangers were never appointed, and the situation in the park has steadily deteriorated.

The Government is now selling the resort as the answer to the park's management problems and the way to end the slow deterioration of Aboriginal sites, yet, if the Government has seen fit, many of those problems could have begun to be tackled in 1983. Good park management, as the 1983 management plan set out to identify, does not need a large resort. It is claimed that damage is done to a national park by a few people, and more can be accommodated with fewer problems. The building of a resort will not necessarily undo the damage already done, unless the appropriate management resources are invested in the park. It is simplistic to think that only if a large resort is built will those resources be available.

That brings me to the widely-held belief that the resort will be profitable and money will be ploughed back into park management to make up the shortfalls in National Parks and Wildlife Services funding. Large-scale developments of the sort proposed for Wilpena will undoubtedly attract large numbers of visitors, but experience from the Eastern States and overseas indicates that this form of recreation is declining in popularity and that most vistors will use resort facilities only once.

Ophix has done its calculations on the basis that the resort will have an occupancy rate of 80 per cent. This is despite the fact that the reality for operators of existing facilities in the area is 30 per cent. The Cameron McNamara report prepared for the South Australia Department of Tourism in 1985 stated:

> . . . current trends in visitation to the Flinders indicate that there is unlikely to be any substantial growth to support a general expansion of tourism accommodation and services in the region . . .

Findings from two other different Government-initiated surveys, namely the 1983 South Australian National Parks and Wildlife Services Flinders Ranges Plan of Management and a 1984 Department of Tourism report, concurred with that view. Many people have predicted that this proposed resort will not attract the profits optimistically predicted by the developer, and therefore be unable to contribute to park maintenance, even on the meagre scale that is being foreshadowed.

Not every commercial venture is destined for success and, with so many uncertain factors in the tourism industry generally and in the environment and location in which this development is to be located, this proposal should be placed under far more scrutiny than it has been before the future of a National Park is aligned to it.

That is clearly what has happened: the future of the national park is now aligned, forever more, with a resort that may or may not work, in every sense of the word. The experience in the Northern Territory with developments at Alice Springs and Yulara indicate that the Northern Territory Government has had to make large contributions to keep them going.

The Northern Territory Labor Opposition Leader, Mr Smith, in the *Centralian Advocate* of 16 May 1990, is reported as saying:

> . . . the Government was locked into grants totalling $25.9 million for the two Sheraton hotels and Yulara—$9.2 million more than the initial budget.
>
> A revised estimate for the year involves $10.9 million for Yulara, $8.9 million for Darwin Sheraton and $8.1 million for Alice Springs Sheraton.
>
> Basic Government services are going to be punished to the tune of $28 million this year—and there is no end of the punishment in sight.

In fact, he predicted that in the long run the Northern Territory Government would end up with a bill of something like $250 million. To be certain that the State Government is not underwriting in any direct sense the development here as happened in the Northern Territory, but, if resorts adjacent to Ayers Rock, Yulara and resorts in the north of the Territory are suffering and needing that sort of contribution from the State Government, one would have to ask what sort of optimism we can have that this large resort area in the largely unknown Flinders Ranges will do any better? One would have to be a very great optimist to believe that this resort will be a major money spinner for this State and that it will provide the sorts of money that the Government says it is hoping for to look after the park.

Expansion of the resort is a ploy to increase or ensure profitability, and it has been suggested that this is the reason why the staging of the proposed Wilpena resort has been

omitted from the enabling legislation, as at stage 1 it would not have been viable. It may be viable with a different mix of accommodation facilities, that is, more people in motel units and bungalows and fewer in unpowered camp sites. At least it may be more viable in the view of the developers and the Government. However, if they are wrong, they are, of course, succeeding in further denying access to the site by ordinary South Australians and more and more are turning it over to those who can afford to stay at a resort.

Legislation is not necessary for the resort to proceed. Were it not for the delay caused by the uncertainty surrounding the outcome of the High Court action taken by the Australian Conservation Foundation and the Conservation Council of South Australia, the developer could, at any time, begin work at the site. This action was taken following the Government's decision to try to get the resort established under the National Parks and Wildlife Act and not the Planning Act. As a number of Opposition members have noted, the Government did have another way to go, that is, using section 50, but it decided not to do so. The motivation for that could be greatly questioned and I rather suspect that the Liberal Party has fallen into an enormous trap in this regard. The uncertainty of the court decision is the reason behind this desperation Bill. It is an attempt to make legal past actions which were considered by some to be illegal.

The Government has, within the Planning Act, the power to make a declaration about a development under section 50. In doing so, the Minister would have accepted total responsibility for the project, a responsibility that she has obviously felt she could not risk shouldering; hence the introduction of this enabling legislation. The Minister is trying to spread the blame for the damage that the resort will cause. The Liberal Party will not be able to complain in years to come if the resort fails or if more damage is done to the park because at this stage it appears likely to support the Bill.

This legislation is not democratic. What is proposed in the present legislation is that the Government and the developer be exempted from complying with the Native Vegetation Management Act and provisions of the National Parks and Wildlife Act. It is an example of there being one law for the Government and the developers and another for the people. It is not democratic when a Government does not have to be bound by its own legislation, and is not prepared to listen to the High Court's interpretation of that legislation.

It is also not democratic to attempt, retrospectively, to outlaw a court challenge that has been taken in good faith and then, to compound the problem, to refuse to bear the costs involved for those people. The Liberals' amendment calling for the Government to pay the costs of the ACF and the Conservation Council will, quite obviously, have Democrat support.

The basic philosophy behind the establishment of national parks is being compromised by the Government's grubby grabs for development dollars. In 1970, Council of Conservation Ministers defined the national park as:

> ... a relatively large area set aside for its feature of predominantly unspoiled natural landscape, flora and fauna, permanently dedicated for public enjoyment, education and inspiration, and protected from all interference other than essential management practices.

To even consider the construction of resorts on the scale as has been proposed within the boundaries of a national park implies a deviation from that definition which has been accepted by all State Governments. Over the past few years, there have been proposals for commercial developments in the Flinders Chase National Park on Kangaroo Island, the Innes National Park on Yorke Peninsula and the Cleland Conservation Park. Serious questions are raised over the role that national parks are expected to fulfil, and whether large scale commercial development is compatible not only with the concept of a national park but also with the desires of park visitors.

The continuing protestations from the Government and Liberal Party about making national parks more accessible to the public are seen for what they are when it is remembered that a 680-hectare area, within which the resort is to be sited, has been gazetted off limits to the public since the middle of last year. Should a member of the public stray into that area, which technically has been dedicated for public enjoyment, education and inspiration, a fine of $2 000 could be levied. The Government may do well to reflect on these words from earlier this century from American, Aldo Leopold, who said:

> Recreational development is a job, not of building roads into lovely country, but of building receptivity into the still unlovely human mind.

Neither does the Flinders Ranges proposal sit well with the national parks policy. Section 18.5 of the policy document reads:

> In order to minimise possible habitat modification and degradation of natural areas, accommodation facilities such as hotels, motels and cabins for the public will be encouraged outside the logical boundaries of reserves rather than within them. The service will not sanction the excision of land or the creation of new reserve boundaries which would be illogical from a land management point of view.
>
> The service will cooperate with local government and other bodies in planning to achieve this objective in such a way as to benefit the total community whilst minimising impact on reserves.

The Government and the National Parks and Wildlife Service have not rewritten NPWS policy—they have simply chosen to ignore it.

In the case of the Flinders Ranges National Park, it appears that the Government came up with the development proposal as a means of justifying the acquisition of Wilpena Station in 1985 at a cost of $600 000. It was not, as the Government has often claimed, purchased in order to establish a major tourism resort on the property. In the final analysis, however, it matters little whether or not the site is in a national park. What does matter is that the land is unable to support the kind of pressure that will be placed on it by what will essentially be a town with a population greater than that of Hahndorf. The long-term sustainability of enough water in the Wilpena Station area to service a resort of the size proposed has not been substantiated.

In its submission on the environmental impact statement, the Quorn council said the water situation was fickle, uncertain and impossible to predict. In its submission, the Flinders Ranges Regional Tourist Association noted that the EIS study team did not consult with local landowners who could have provided them with data on water supply for the past 100 years. These, being local organisations, are made up of people with considerable local knowledge. But it was not only local knowledge the Government chose to ignore.

Dr Gordon Stanger of Flinders University conducted a review of water resources for the proposed Wilpena Station resort in June and July 1989. Throughout his report he identifies areas for which data is lacking and inadequate, and in his summary states:

> ... doubt still remains concerning both the reliability of the long-term groundwater supply, and the effects of the worst case drought conditions.

In a letter to Bruce Leaver he repeats his concerns as follows:

> I strongly believe that before the development is implemented the constraint of long-term water supply should be both proven

and quantified to the satisfaction of a qualified independent assessor.

If this Bill is passed, it will be recorded in history that this Parliament did not see fit to ensure those warnings were heeded and that the proper background work was carried out. The inadequate scrutiny of the sustainability of water supplies in the Wilpena Station area could indirectly lead to the destruction of the very river red gums that the tourists travel to see. What a tragedy and an irony that would be.

Directly, the erection of this resort would result in the destruction of well over a thousand native trees, many of them native pines. Any similar development proposed outside of a national park—and of course by a developer without the special above-law status the Government is affording itself and Ophix—would not be able to proceed on native vegetation clearance grounds alone. What a tragedy it is that, because the proposed development area is within a national park, these trees are under threat. Perhaps the Government should look at what the Native Vegetation Authority has done in other areas where even a small number of River Red Gums have not been allowed to be cut down for vineyard development. Here we have a thousand trees, predominantly native *Callitris* inside a national park. What use is it to South Australia to have native vegetation clearance laws if the Government can simply ignore them in an area supposedly set aside for conservation and protection of native vegetation? It appears that national parks are the one place where trees are no longer safe.

The *Callitris* pine trees of the Flinders represent a remnant element of an ancient forest which is said to have covered much of Australia 10 million years ago. These trees are well adapted to arid areas and they conserve water better than eucalypts because of their lower transpiration rate. They are therefore important in assisting the prevention of desertification and soil loss, while promoting the groundwater retention in semi-arid areas—features which may increase in importance when climatic change resulting from the greenhouse effect begins to be felt. In pure stands, some grand examples of which exist at the proposed resort site, *Callitris* trees are fire resistant.

The Flinders Station area, after four good seasons, is being revegetated, naturally, by the indigenous plants of the region. With the implementation of proper management practices and adequate resources, neither of which have been available to the Flinders Ranges National Park, both Wilpena Pound and the Wilpena Station area could be rehabilitated to a near original state. It is probably worth looking at the sort of work that private people such as Dr Womersley have achieved in the Adelaide Hills and other areas around the State, much more cheaply than the Government ever seems to be able to achieve. Perhaps the Government should learn a lesson from that.

One must include Wilpena Pound in that statement, because, while the Government described the station area as highly modified due to pastoral activity and the pound a significant tourist attraction, both areas were subjected to a similar degree of pastoral activity during the time the station was operational, and both suffer from the effects of erosion and exotic animals and plants. Making a distinction, and underrating the condition of the station area, has been a ploy of the Government in its attempts to substantiate the siting of the resort. The size of this resort, the number of visitors it will accommodate and the types of accommodation it will offer have been rubbery, to say the least, from the day the resort proposal was made public.

It has been increasingly difficult to comprehend the final scale of the resort and the possible impact of visitors on the park because the figures and the format under which the resort will be constructed are constantly changing. The environmental impact assessment looked at a two-stage resort with the potential to accommodate up to 64 500 people per annum. A recent Tourism South Australia brochure describes it as a two-stage development with a maximum capacity of 110 000 visitors annually. The Bill presented to the House of Assembly, using the same figures as appear in the lease document, give a maximum daily figure of 3 631. It is difficult to translate that figure into a number of visitors per annum, but it is reasonable to say that the capacity would be significantly higher than the 65 000 originally mooted.

As amended by the Liberal profiteers, the Bill now allows for a resort of the scale and accommodation mix never before publicly considered. The precise site of the resort, which will be 1.5 kilometres (roughly from North Terrace to Greenhill Road) in length, has been changed, subtly, at least twice. Once was after an independent count of the number of trees which would have to be removed was made public. The second time was after heavy rain made the proposed site exceptionally boggy. To remain viable, a resort needs to have a consistent occupancy rate that generates enough income to maintain adequately the facilities provided.

I have already mentioned the chasm between the occupancy rates Ophix is expecting at its resort and the rates which are a reality for operators of existing facilities in the Flinders Ranges, and the finding of Cameron McNamara that tourism in the Flinders will not grow to the extent that will support an expansion of services. From a business-oriented position, the resort proposal does not look to be a sure-fire winner. Too many variables and uncertainties in the tourism market, coupled with the extremely optimistic occupancy rate predicted by Ophix, could leave South Australia with a very expensive white elephant.

In a May 1990 *Adelaide Review* article, Kay Hannaford repeated comments made at a Sydney tourism conference by Jacqueline Huie. She said that people were now increasingly looking for authentic experiences, not overtly touristy gimmicks. She also said that the industry should not look for trends in tourism overseas because Australians were actually setting the trends. There have been many studies into what tourists in South Australia want and most of them have been ignored in respect of the proposed Wilpena development. Three independent surveys conducted both on and off parks in South Australia have found that a clear majority of visitors to parks in general:

- support the conservation role of the park system;
- are opposed to intrusive recreational activities such as trail bike riding; and
- are firmly opposed to most commercial activities, particularly those which require major developments or are likely to disrupt the natural setting.

The South Australian National Parks and Wildlife Service conducted surveys in the Flinders Ranges and these were recorded in the 1983 plan of management. These surveys stated that strongest opposition was expressed against larger camping grounds, vehicle access inside Wilpena Pound, and and a bigger hotel/motel complex at Wilpena. Perhaps the most damning study, both because it has been kept a secret and because the results have been so utterly ignored, was undertaken at Easter this year by the Geography Department of Adelaide University under contract to the Department of Environment and Planning. I seek leave to have the results, in tabular form, incorporated in *Hansard*.

Leave granted.

ADELAIDE UNIVERSITY SURVEY

Question: Do you agree with the proposed new Wilpena development?

Site where questioned	Yes	No	Qualified Yes	Undecided	Other
Arkaroo Rock	8	42	4	8	1
Sacred Canyon	5	53	6	8	3
Wilpena	24	100	9	31	5
Rawnsley Park	4	6	—	1	—
Totals	41	201	19	48	8
	12.9%	63.2%	6%	15.1%	2.8%

The Hon. M.J. ELLIOTT: The question was asked at several sites around the Wilpena Pound area. People were questioned at Arkaroo Rock, Sacred Canyon, Wilpena and Rawnsley Park. The important result was that 63.2 per cent, an absolutely overwhelming majority of people questioned, were not in favour of the Government's resort proposal. Only 12.9 per cent said 'Yes', 6 per cent gave a qualified 'Yes' and 15.1 per cent were undecided. The Government commissioned the survey and then decided both to ignore it and also to deny the public access to the results. I might add that the survey was undertaken with public money.

Much to-do has also been made in the press of the support supposedly given to the resort by local Aboriginal groups. Simplistically, this support could be put into the context of continual deterioration of their historical sites due to years of Government neglect. The resort offers a solution to that degradation because Aboriginal interpretative officers will be employed and tours conducted by them. But like the rehabilitation of the current camping ground, it does not need a resort to be built before it can happen. All it needs is a will on the part of the Government to implement the recommendation from the management plan that an Aboriginal ranger be employed to undertake the task of caring for the historical sites.

Once again, the Government has chosen to distort reality and has set the resort up to be the only solution to a problem. There are claims that consultation with Aboriginal people was selective and that at meetings the head of the NPWS told them they really had no choice in the matter. The truth is that bureaucracy and Public Service ambitions interfered and the Adnjamathanha people were denied access to both a proper consultation process and the assistance to which they were entitled to determine the effect the resort may have on sites of significance. During the EIS process a written suppression order was issued preventing senior archeologists and anthropologists, employed by the Department of Environment and Planning, from speaking with the Aboriginal people of the Flinders Ranges, although at times help was requested by them.

The same senior Public Service experts were denied access to the proposed resort site, so they were unable to identify possible sites of both archaeological and anthropological significance which may be affected by the resort. Independent archaeological and anthropological surveys commissioned for the EIS were never completed. No site records, or analysis of the work done, exist. The Minister and Ophix claim that there are no sites of significance at the resort site—but the truth is, they do not know. No-one knows because the proper work has not been undertaken.

Understandably, many Aboriginal people, and those with an interest in Aboriginal history and culture, are distressed that the very body vested with the care of sites of significance can so blatantly abuse the processes. Heritage and conservation should be sacrosanct, and the Government entrusted with those issues should not get away with playing around with them for short-term political and personal gains.

In her second reading speech, the Minister refers to a seven-year consultation process. This is yet another distortion of the truth. The Australian Conservation Foundation and Conservation Council, I believe correctly, put the start of the consultation period at July 1988 when responses to the environmental impact statement were called for. A majority of the 139 responses to the EIS either did not support the proposal or expressed serious concerns. The process through which the EIS was written is also questionable.

The EIS process in South Australia has been recognised as a farce for years. When will the Government ever get around to implementing the recommendations of a committee of review that it set up? Most certainly, if we had that sort of process in place, we would not be facing this sort of sham in Parliament at present. In its submission to the EIS, the Flinders Ranges Regional Tourist Association states:

> It was assumed that in the preparation of the EIS local input would be essential to ensure that the vast local knowledge of the region would be understood by those who wrote the report. Unfortunately, local consultation was almost zero . . . Virtually no consultation was held with the tourist industry or other local people other than a selected few.

The appointment of Ophix Investments as developers of the proposed Wilpena Station resort has also caused much concern because the Government never publicly called tenders for the proposed resort. No other developer was given the chance to put forward a proposal. That at least should have concerned the free-traders in the Liberal Party. Even the study which was carried out to identify accommodation options in the Flinders Ranges canvassed nothing but sites for a large resort.

No work was done on the feasibility of small-scale projects near existing towns or community-based accommodation, both of which would offer far greater economic prospects for advancement to the local community. This particular proposal will not do that. It is not difficult to conclude that the Government, perhaps at Ophix's suggestion, had already decided that it wanted a resort at Wilpena and that the studies were mere formalities. Ophix, following the chance meeting in King William Street I mentioned earlier, carried out investigations for the tourist facility site during 1986-87, including detailed feasibility and infrastructure investigations prior to the 1987 announcement that Ophix would take the project to the environmental impact stage. The construction of the resort itself is expected to cost more than $50 million with infrastructure set to cost another $2 to $3 million.

Since the announcement that a major tourism development would be established within the Flinders Ranges National Park, the public has been told that it will enable tourists to be better managed and that funds raised by the resort will be used for park management. However, a Tourism South Australia document on the resort, produced this year, states:

> Beyond the $1.1 million which the State Government has approved for the airport, it is proposed that the remaining $2.5 million would be loaned to the District Council of Hawker by the Local Government Finance Authority. This loan would be repaid from the balance of the income stream from the Wilpena Station resort lease, after the park management requirements have been met, and would be guaranteed by the Government.

That puts those promises about funds to the park in serious doubt. The EIS and Plan of Management for the proposed resort states:

> . . . all revenue derived from the lease is directed towards natural and cultural conservation and the provision of facilities and services within the Flinders Ranges National Park.

There is no guarantee anywhere that the money will in fact go towards the cost of managing the park. In 1983 those costs were put at $223 000 per annum, with works costing

$4 million needing to be done. Little of that work has been carried out and, with increasing visitation, the cost of adequately and effectively caring for the park is sure to have risen beyond what is expected to be collected from the developer.

According to the lease agreement under which Ophix will lease the land from the NPWS for 45 years, Ophix will pay $100 per annum until the earlier of either the completion date or 30 June 1994, $300 000, multiplied by CPI, per annum up to 1999; and after that a percentage of gross receipts will be paid. The operators of the Wilpena Chalet paid $100 000 per annum which goes not to the park but into general revenue. The question could be asked why the Government did not consider the option of diverting this money to park management and supplementing it with modest entry fees. It is an option which does not appear to have been examined. That would have guaranteed the income necessary for park management rather than the option taken by the Government. The construction of the resort has once again been put up by the Government as the only solution to a problem, this time the underfunding of the park.

The Government claims it does not have enough resources to properly manage the park without the resort to boost revenue, yet it appears not to have any difficulty in promising $3.5 million for the construction of an airport at Hawker. The $4.5 million tab for transmission wires to get electricity to the resort site and the bill for the upgrading of roads in the area, which is sure to be needed if tourist numbers do grow to the level predicted by Ophix, would also be borne by the Government. This, I might add, will be happening in a climate of recession when the Government is closing country hospitals, planning to axe more than 700 teaching jobs, and defunding many community service organisations.

The Government's desperation in resorting to circumventing the law to get this project through can easily be understood when it is remembered that it will lose $18 million if the plug is pulled. Members of the Liberal Party can no doubt see shades of Marineland in this situation. The involvement and behaviour of the State Government and Ophix in this issue raises many questions. The Government is acting as the proponent of the development, the environmental protector and the arbitrator of disputes between development and environmental protection. That is a near impossible task and the Government has handled it extremely badly.

Ophix was the only company ever to have the chance to put forward a proposal for a development in the Flinders Ranges. I am talking not only about development in the park but other developmental options that may have occurred. There was no tender process, open public consultation before the resort announcement or even consideration of other accommodation options, such as small-scale developments within or near existing towns. The whole scenario sounds like one of which Queensland, under Sir Joh Bjelke-Petersen, would have been proud.

It is common knowledge that an Environment Department employee resigned from the Public Service merely hours before starting work on the EIS for the project as an independent consultant. He still has an office within the Department of Environment and Planning and, now that the EIS is completed, is employed by Ophix. Once the EIS was completed, it was the subject of internal assessments undertaken by units within the Department of Environment and Planning. I have heard that some units had as little as one day in which to consider the EIS and prepare a report, and many of those assessment reports were heavily censored by management at different levels, in some cases rendering them useless.

That the Government's own experts were given so little time to consider the implications of the resort is a further example of the undemocratic and inadequate path taken by this Government in its attempt to steamroll the project through out of absolute fear that its shambly approach to development would be exposed and a proposal would once again fail. There are no excuses for circumventing the law and abusing legislated processes and safeguards. The Minister does not have the right to authorise a private developer to break laws that every other citizen in this State must comply with. Neither does this Parliament have that right.

We live in a democracy, governed by laws and processes which have all been put in place for good reasons. A democracy also implies openness, debate and public access to the decision-making process, things this Government unfortunately has difficulty coming to grips with in regard to this development. This Parliament must reject that approach and not allow the Government to cover up and back pedal to save its face.

There is no anti-development flavour in deciding that a development of a process through which that development is being considered is inappropriate. At this stage it appears that the majority of members of the Liberal Party have fallen for the Government's bait. That is unfortunate, but I hope it is not too late for them to reconsider their position. Quite clearly, at least, the Australian Democrats have been consistent throughout this process. We oppose the Bill and we oppose the way that the Government has handled this whole process.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

LAND ACQUISITION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1220.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. With cases in which money is paid into court, that money is credited with interest every six months which compounds every successive six months at a rate fixed by reference to the State Bank. When a disputed claim is resolved by agreement or court order for an amount larger than originally offered and paid into court, that further amount of compensation is increased by simple interest pursuant to section 33 of the Act at the rate prescribed by regulations as the long-term Commonwealth bond rate that was payable on the day on which the offer or compensation was paid into court. Because of a change in Federal financial policies, it is difficult to ascertain what is the bond rate. Therefore, the Bill makes the interest rate on any additional sum the same as it would have been had it been paid into court in the first place. That makes sense.

It was ridiculous that, for amounts which were basically taken together with a compensation for land which was acquired pursuant to the Land Acquisition Act, the rate of interest depended on the accidence of how it came about. There was one rate if the money was paid into court and another rate if any additional sum was agreed on or was ordered by a court. It makes sense to make the two the same rate. I have consulted with the bodies I thought appropriate and no-one has any objection. However, one important issue was raised, and I will read from a letter that I received from the Real Estate Institute, as follows:

Our only concern is the method of interest calculation. In our view, the interest should be at a rate and on conditions which the money would be able to attract in the commercial marketplace. Given the amounts in terms of investment involved, the Real Estate Institute submits a compound rate should therefore apply, compounding at least monthly.

I suggest that is reasonable, especially when one considers that the amounts involved are usually substantial. Sometimes, a relatively small piece of land is involved, such as with a road widening. However, a case involving a domestic house would involve anywhere from $100 000 to $500 000 and cases involving industrial or commercial premises or broad acres would be very much larger still. Sometimes millions of dollars would be involved.

If such a sum were invested commercially, it would be compounded monthly or even more often. In this situation, people are deprived of that benefit because the money compounds only every successive six months. I will address that question in the Committee stage. The Bill is reasonable and is an improvement on the present situation because it takes away the anomaly of applying different provisions for interest according to whether or not the money was paid into court. As I said, I support the second reading and will address the question I raised in the Committee stage.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 6 November. Page 1500.)

The Hon. DIANA LAIDLAW: Essentially, this Bill is in two parts. The first part seeks to enable the Registrar of Motor Vehicles to authorise certain persons and employees of certain organisations to handle transactions under the Motor Vehicles Act. It provides that police officers at police stations situated outside a radius of 40 km from the GPO can issue permits authorising a person to drive an unregistered motor vehicle. Such permits provide temporary registration and insurance cover, while an application for registration is processed by the Motor Registration Division.

In addition to the police officers who already have such powers, it is envisaged that police cadets and public servants who are employed at such police stations will also be able to issue such permits. The amendment is supported by members of the Police Force with whom I have spoken. It is recognised by them, as it is by the Liberal Party, that it will help to minimise inconvenience to officers and clients where a police officer is not available to issue permits. In discussions with the Registrar of Motor Vehicles I have confirmed that, in terms of a defence under the Act, if a person has applied for registration of his or her vehicle and has not yet received that registration, a receipt will be issued in respect of referral notices and that can be used to indicate that the business has been transacted. That was one concern that has been raised with me about this provision.

The other part of the Bill relates to transactions handled by Australia Post. These have been going on for some time, where Australia Post has been the agent for the Motor Vehicle Registration Division receiving drivers licence payments, taking photographs and issuing temporary permits. Although those actions have not been valid under the Act, there is retrospective provision in the Bill, I suppose, validating those actions by Australia Post on behalf of the Motor Registration Division.

I understand that, while it is retrospective in that sense, it has not been prompted by a number of outstanding claims where a person has been issued with a licence renewal through Australia Post, and the validity of the renewal has been challenged. No such claims have been made; so, while it is retrospective, validating those past renewal notices, it would not be denying people claims, compensation or legal redress, because there have been no such claims to date.

Related to transactions handled by Australia Post, it is also envisaged that further agencies will be allowed by the Registrar to extend the network of facilities that can conduct motor registration business. For example, certain vehicle dealers may be authorised to handle new registrations and the transfer of registration of vehicles they buy and sell. I understand that such arrangements with dealers are working successfully in Victoria and New South Wales, although it has been pointed out to me that this provision, if it had been in operation at the time Medindie Car Sales collapsed, may have caused a lot of drivers a lot of anxiety. For instance, with Medindie Car Sales, people may have been under the impression that they had registered their vehicle but that company had not done so.

So, with respect to this plan by the Motor Registration Division to authorise vehicle dealers to be their agents in respect of the registration of vehicles, great care and caution must be exercised in this matter to ensure that the vehicles of motorists who believe that their vehicles have been registered are in fact registered, and that the agents are authorised and there is oversight of their activities.

There are a number of questions that I would like to place on record and perhaps the Minister would be prepared to provide me with answers to these matters in summing up the debate. I do not see any great difficulty with this Bill going through all stages. There are certainly no amendments that the Liberal Party will be moving. However, I have a number of questions and, after I have spoken on this Bill, I believe it would be helpful if the debate be adjourned and the Minister provide me with answers before we proceed to the Committee stage.

I am keen to know whether the Motor Registration Division intends to provide people, at the time that renewals are posted to them, with a notice that payment can be made at offices of Australia Post. I believe it is important that people be made aware of this facility for the renewal of payments for licence fees and registration fees. At present, as the Minister of Transport indicated during the Estimates Committee, an enormous bottleneck is created at the Motor Registration Division during the lunch period. The Minister indicated on 18 September that he was not quite sure what to do about the enormous number of people who tend to use the Wakefield Street office during the lunch period, requiring a considerable number of additional staff at that time, compared to any other time in the day, and certainly more computer terminals and the like for the processing of this business. It would be sensible when posting the renewals in future for advice to be provided to applicants.

I would also like to know whether the Motor Registration Division pays Australia Post a fee or commission for transacting its business and, if so, how much is involved, and also whether such funds are required for more staff at Australia Post offices so that there are not long waiting times at those offices for people not only transacting Australia Post business but now also transacting motor vehicle registration business. It would be of interest to me to know what staffing implications there will be from this extension of agency networks on the operations of the Motor Registration Division offices. Certainly, that would be of some interest in respect of the Wakefield Street office. If these

measures are successful in cutting back at least the lunch-time load of people, what staff savings does the Government expect over a year? Will those savings be distributed in terms of payments or commissions to Australia Post for the conduct of that business?

I am also interested to know whether the Government has plans to close down more outer suburban, regional and country offices of the Motor Registration Division. Certainly, there has been some uproar in the past in respect of the Nuriootpa office in the Barossa Valley. I understand that position was put on hold for a while, but I have no doubt that, with this Bill to enable not only Australia Post but other agencies to transact Motor Registration Division business, we may see the closure of further offices in outer suburban and country centres. I would like some advice on that matter.

I noted from the *Australian* at the weekend, under large headlines on the front page, that Australia Post intends to close down about one-third of its offices across Australia. Many of these will be outer-suburban and country centre offices. If this is the case, has the Government, in its plan to make Australia Post the agency to handle new registrations and licensing in future, taken into account Australia Post's plans to close down at least one-third of its outlets in the future? I think this is an important consideration for the division's future planning.

I am also very keen to clarify how Australia Post and any other agencies plan to provide the information and money that they have received on a daily basis to the Motor Vehicle Registration Division in Wakefield Street so that these transactions can be conducted efficiently and effectively. Certainly, those transactions are in the clients' best interests, which is certainly the motivation for the amendments in this Bill. I would like one of my colleagues to adjourn this debate in the hope that the Minister will provide the answers I have sought to a number of questions and, while the Liberal Party supports this Bill, we would appreciate some answers before we proceed to the Committee stage.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 8 November. Page 1656.)

The Hon. DIANA LAIDLAW: We do not have the Bill, although my amendments are on file.

The PRESIDENT: The Bill that was circulated did not include the Government amendments from the other place, and it has been withdrawn for that reason.

The Hon. DIANA LAIDLAW: I am not suggesting that the Liberal Party wishes to be other than cooperative; I merely point out that, although the Bill is not before us, my amendments are on file. Notwithstanding those hitches, the Liberal Party is keen to facilitate debate on this Bill. This Bill is in seven parts, and I will speak to some particularly important provisions in a moment, although I do acknowledge that it is essentially a Committee Bill.

The first of the seven parts relates to the regulation of sporting events on roads. The Bill introduces a new definition of 'event' to mean:

> An organised sporting, recreational or other similar activity whether those taking part in a competition with another person or not . . .

The Bill also allows organisers of events to apply to the Minister of Transport for appropriate orders for the closure of roads and exemption of participants from the application of relevant road rules. As I understand it at the present time, there are a lot of small races, other than major events, which are conducted on a regular or semi-regular basis and for which orders are not made at the present time. However, wittingly or unwittingly, participants are breaking traffic rules.

There is also concern on the part of police, local government and others about the safety of those participants, and it is believed—and the Liberal Party agrees—that these amendments will help to address both those aspects. The Bill does require that, in approving applications and giving orders in terms of conditions, the Minister will act through the Commissioner of Police and will consult with relevant councils.

No reference is made in the Bill to councils consulting with local residents. I must admit that I have a personal interest in this matter. Living as I do in McKinnon Parade in North Adelaide, I have found that, on two occasions in the past few years, I have left to attend various appointments and I have been land-locked, in a sense; the roads have all been closed off and I have been unable to use my vehicle to leave my home to attend those appointments.

Before the Committee stage of this Bill, I will consider further possible amendments to provide that, where councils agree to close a road for such an event, they provide prior notice of that closure to local residents so that they can make other arrangements for that time and date. This matter is of particular interest to inner city residents, I suspect, but certainly it is not confined to them. I would note, however, that with respect to road closures related to the Grand Prix, the Grand Prix Act exempts the board under section 25 (1). That section exempts the Grand Prix from the provisions of the Road Traffic Act, so the provisions that I have just been discussing do not in any way affect the conduct of the Grand Prix nor, necessarily, help the residents affected by it.

The other matter that I am still canvassing in terms of possible amendments is imposing a time limit on the conditions that the Minister can apply in closing those roads. The second part of the Bill deals with breath testing stations. The Bill extends from three to six months the time after which, at the end of the calendar year, the report on the operations of these breath testing stations are to be laid before the Houses of Parliament.

The Liberal Party does not take any exception to that provision, although in each case, in terms of accountability, we would like to see these reports provided to Parliament as soon as possible so that the information contained therein is as relevant as possible to the year to which the information relates.

Also, with respect to breath testing stations, the issues are so topical at the present time, particularly because of the debates about the .05 and .08 blood alcohol limits. Road safety measures altogether certainly would be important if and when we debate these issues of legal blood alcohol limits, so it is important that honourable members have available to them the most up to date information available.

The third part of the Bill deals with radar detectors and jammers, and the Liberal Party believes that this is one of the two most important provisions in this Bill. I will deal with radar detectors first. They are used to identify the presence of a traffic radar unit by emitting a visual and/or audio warning in advance of the radar beam, and this enables a driver to alter speed according to the legal limit. In respect of jammers, these operate by emitting impulses

that jam the radar unit and prevent a recording of the speed. In this case, the driver merely continues at the same speed and avoids apprehension.

I understand that the subject of the legality of jammers was addressed by the Federal Parliament some years ago and amendments were made to the Radio Communications Act, which dealt with the operation of those jammers, although there has been some difficulty in enforcing that ban. The use of radar detectors was debated early this year by the Australian Transport Advisory Council, which decided, in its wisdom, that each State and Territory Minister would introduce legislation in his or her respective State or Territory to make illegal the ownership, sale, use or possession of a radar detector, and the Bill reflects that recommendation made by ATAC in May this year.

The Bill also proposes strong measures to enforce the ban. First, there is the evidentiary assumption that, in the absence of proof to the contrary, the specified device is a radar detector or jammer. Therefore, there is an owner onus provision. Secondly, the Bill proposes mandatory confiscation of the device if a person is found to be using or to be in possession of a device suspected of being a radar detector or jammer. Thirdly, the Bill provides the police with the power to enter land and/or premises suspected of containing radar detectors or jammers. The Liberal Party has received very strong representations from distributors and owners of radar detectors. They are certainly opposed to these provisions; they have argued that the amendments are retrospective, infringe on civil liberties and will be unduly harsh on persons who depend on their vehicle for their livelihood.

I have received equally strong representations from the South Australian Road Transport Association, the Livestock Transport Association, the South Australian Taxi Association and the RAA. It is the view of those organisations, as it is the view of the Liberal Party, that the measures in the Bill should essentially be accepted. There was one exception in the Liberal Party with respect to all the provisions in the Bill. However, the Liberal Party believes very strongly that excessive speed is a major cause of the incidence and severity of road accidents, especially on roads that are not of top quality in many respects, particularly in the outer metropolitan areas and certainly on road surfaces that require expenditure in relation to maintenance. Therefore, poor road surfaces, combined with speed, certainly are a factor in road fatalities. Yet, the devices that are the subject of this Bill enable drivers who habitually speed, no matter the condition of the road, to avoid detection and to exceed speed limits with virtual impunity.

As I said, the Liberal Party supports the banning of radar detectors and jammers. However, we will be moving amendments to the Bill. First, we will move an amendment to delete reference to ownership. We believe in that, although there is no doubt that people have purchased and are continuing to purchase these detectors to thwart the law, at this time ownership of the devices is not illegal, and we believe that they should not be made illegal retrospectively.

However, we believe it is proposed that this Bill will take effect on 1 January, and from that date it will be illegal to sell, offer for sale or use these detectors. In addition, it will be illegal to drive a motor vehicle that contains a radar detector or jammer. The Liberal Party has indicated that it will move an amendment to remove the word 'own' and the single reference to 'possess' because we believe that the reference to 'possess' should be related to the purpose for which one purchases such a device in the first place, and that is in respect of use within a motor vehicle.

That leads me to the enter and search provisions. The Liberal Party finds these provisions absolutely obnoxious and will move—I hope successfully—for the deletion of those provisions. I note that the Minister in another place acknowledged the validity of many of the arguments put by Liberal members about the enter and search provisions and assured the Committee at that time that, before the matter was considered by the Legislative Council, the Government would confer again with interested parties, most particularly with police, in relation to the strength of the provisions. The Minister went on to say:

> I can assure the Committee that it will be thoroughly canvassed with various parties before it is brought on in the Legislative Council.

I am not sure whether that is one of the reasons why we do not have the Bill at the present time, but I look forward to advice from the Minister of Transport in respect of those discussions that he has had with the police and other parties in relation to these enter and search provisions.

The fact is that the Bill provides for enter and search. With a warrant the police will be able to enter and search any land or premises. That means any residence, shop, car or whatever, yet it is quite obvious that these devices cannot be used other than in a moving object such as a car. The Liberal Party therefore finds it most unacceptable for the Minister to suggest that the police have the power to enter and search one's home or business to confiscate these devices. We do not believe that the enter and search provisions are an inevitable consequence of the Parliament's move to ban the sale and use of these devices.

Certainly, we will be aiming to make the devices illegal. As a consequence their use will be illegal, but we do not believe that there is any logic in claiming that because they are illegal the police should have the right to enter a person's home and search for and seize these detectors. Certainly, such powers should be used with care. The Liberal Party has supported the use of such powers for criminal offences in the past. But, by their very nature, these devices cannot be used for a criminal activity or, at least, not such an activity within the home. If the police suspect that a person has such a device within a residence, it cannot be used in that residence but, if there is such a device in a car, the Bill—certainly in our amendment—would provide that it would be illegal for a motor vehicle containing such a device to be driven.

I have read the debate on this subject in another place with some interest. The Minister sought to argue that, because it is difficult to detect these devices and enforce the provisions in terms of banning the use of them in cars, he therefore needs the power to enter and search a residence. I find that argument illogical. If it is difficult to detect such devices in a car, I am not sure how the Minister believes it will be possible to detect them within a house, and certainly the Liberal Party remains to be convinced on that argument. On that score the Minister in this Chamber will certainly have to do better than the Minister in another place to convince us of the merits of the provisions in the Bill as it now stands. As I indicated, the Minister in another place said that he would be having further discussions on this matter, and I look forward to learning of the consequences of those discussions and debating this matter further in the Committee stage.

The fourth matter deals with the use of bicycles and low-powered motorcycles on footpaths. This provision reflects a national move to provide Australia Post with the legal power to use low-powered motorcycles on footpaths, to a speed not exceeding 10 km/h. The Liberal Party supports that provision. There is also a small amendment concerning traffic lights and signs, where the Bill extends to riders of pedal cycles an obligation to comply with the general requirements for traffic signs and marks. Again, the Liberal

Party supports this provision but, in respect of pedal cycles and the like, we will be pleased to see the Government providing more for pedal cyclists in this State, especially for the safety of cyclists. Cycling on our roads is quite a hazardous business, as I know from personal experience, and, while I can certainly endorse the fact that the Government now seeks to require that pedal cyclists act responsibly in terms of traffic lights and signs on our roads, the Government also has a large responsibility to make our roads safer for cyclists.

The next matter that I want to address briefly concerns photographic detection devices. In this State we have the red light camera system that has been operating since July 1988. In recent times we have seen the introduction as a pilot program of two speed cameras on our roads. These provisions seek to extend the owner/onus provisions of this legislation. Essentially, the current provisions state that a person is guilty of the offence until they prove otherwise. Liberal Party members have received considerable agitated comment from a variety of individuals across the State over some time about the operation of red light and, more particularly, speed cameras.

There is no doubt that most of the people who have contacted our offices have been shocked to receive the expiation notices. Certainly, most of them have indicated that they were in the wrong and have quite happily paid up, but they are concerned that there has been no effort made by the Government to provide any warning that the speed camera has been sited in that locality. Certainly, in respect of red light cameras, there are signs up adjacent to the traffic lights which, in part, are a deterrent. Certainly, in respect of normal radar operations in our streets, police officers are normally wholly or partly visible and that visibility is a deterrent in itself. If motorists have their eyes open and notice the police officers, they will slow down immediately.

From my own experience, most drivers on detecting a police car on the road—whether or not it has radar capacity and such facilities—slow down. Such action will be wise in the future because police cars will have these radar speed guns. There is a need to question the Minister on many parts of the operation of these speed cameras, and this is not only because there is a tendency by the Government to use them more and more as a revenue raising device, although certainly the Government's counterpart in Victoria states quite openly that it is a revenue raising device for the Victorian Government.

I do not necessarily object to the fact that a fine and, therefore, revenue, should be seen in isolation and seen to be an obnoxious practice, because there is merit in the fining system to be a deterrent against speed. However, in terms of gaining cooperation with long-term road safety initiatives, the police and the Government must deal with this matter with some sensitivity and not with a zeal to the extent that it appears to be simply revenue raising to make up for other Government inefficiencies in management.

Most people would agree that, if such fining was being used increasingly for revenue raising, they would be happy if the money was returned to the provision of more police in our community. However, when people cannot contact the police on emergency phone numbers or get the police to come to their house to deal with break-ins and the like and yet see the police increasingly on our roads collecting money from motorists travelling 5, 6 or 7 kilometres above the legal limit, they do have some justification in being upset about those priorities.

I understand that in Victoria it is proposed that by the end of the year there will be 56 speed cameras. I am not sure of the South Australian Government's plans for the installation of more red light and speed cameras, but I would be interested to receive that advice and also information on the projected expenditure and revenue gains this year. Also, I understand that it is intended that the Government will either be testing or introducing laser cameras that will overcome a number of the difficulties that the police have found in operating the radar cameras, with the diffuse beam that is emitted from those cameras; therefore, with the laser camera there is the potential to take a more accurate and confined photograph of the offending vehicle.

The figures from Victoria indicate that there has been considerable success in lowering the speed limit in that State over the past year. In fact, I understand that there has been a drop in the number of road deaths in the nine months to 30 September this year of about 200. Last year there were 255 deaths in the period that they term 'non-alcohol times', which is during the morning and early afternoon periods, except on weekends. That figure has dropped to 184 this year. In the alcoholic period of time—during the afternoons, in the evenings and on weekends—the number of deaths has dropped from 364 to 242.

It is considered that the overall drop of 200 in fatalities in Victoria during the past nine months is due to an enormous increase in random breath test facilities, supported by a multi-media campaign, and also to the speed camera campaign which was announced in January and which became fully operational in April this year, again accompanied by a major publicity campaign.

With respect to the speed cameras and their effectiveness, not only in filling Treasury coffers with fines but also with respect to the number of deaths, it is interesting to note that, even in the non-alcoholic times (which one would normally associate with the speed cameras), there has been a 28 per cent drop in the number of deaths in the nine months, but equally, if not more importantly perhaps, is the fact that speeds overall in the metropolitan and country areas of Victoria have dropped. Thirdly, the percentage of drivers exceeding the speed limit by 20 kilometres or more in an area in which they have been picked up has also dropped markedly during the past nine months.

Recently I drove from Melbourne to Mount Gambier. It was my perception that everyone was driving much slower than they did in South Australia. Therefore, I was interested to receive these figures earlier today which confirm my suspicion that Victorian drivers are far more cautious on their roads than one experiences in South Australia. The 100 km/h maximum speed limit may be a factor in that, but the perception that they will be detected by speed cameras is, without question, a deterrent.

With respect to the speed cameras and the owner/onus provisions in this Bill, we believe that, because the Government is now proposing to require that a registered owner who is a natural person must state the name of the person who was driving the vehicle at the time (which has not been the practice to date), it is important that we help that registered owner in every way possible to identify the driver before they incur the fine. Therefore, as in Victoria, we believe that the police should be photographing from the front and the rear of the motor vehicle, not just from the rear as occurs at present.

There is nothing in the current legislation which requires the vehicles to be photographed from the rear. It is merely a policy decision of the police. We would like to indicate to the police that it is the belief of this Parliament that it is possible to change that policy decision and photograph, as they see convenient, from the back or the front of the vehicle. In terms of the civil liberties argument, it is not

possible, from photographs I have seen, to detect the actual person in the car. It is more sort of a blurred image. One could certainly detect whether it was yourself, by the body weight and the like, but apparently it has been suggested in the past that the reason photographs have been taken from behind is that some people have reason to be coy about being caught with—

The Hon. Peter Dunn: Your secretary!

The Hon. DIANA LAIDLAW: Yes, going out with somebody with whom one should not necessarily have been going out. If you are caught by these cameras doing the wrong thing, with respect to the owner/onus provisions on the Bill you should have every right to be able to nominate the driver, and the police should be helping to accommodate that identification. Likewise, we also believe that, in terms of access to a photograph of the number plate of the vehicle and the time and date of the alleged offence, if a person is not able to attend the Holden Hill Police Station to actually see the record of the alleged offence, the police should forward a photograph for identification by the registered owner of that vehicle.

The Minister in the other place indicated with respect to this amendment that some cost would be involved. I agree that some cost will be involved, but the Government is making plenty from the operation of the speed cameras and the red light cameras. I believe it is very important that, in terms of the owner/onus provisions, if we are going to deem an owner guilty before they can prove themself innocent—and therefore reverse the whole role of justice—we must help that person prove themself innocent. That means if they cannot get to the Holden Hill Police Station for any reason—and perhaps those reasons can be stated as they can with respect to electoral matters, when a person cannot attend a polling booth—that photograph should be provided to the person. This is particularly important for those who are self-employed, elderly or living in the country. I believe it is a reasonable amendment in terms of enabling people to meet the owner/onus provisions of this Bill.

The last of the seven areas covered by this Bill concerns regulations. The Bill specifies that a fee may be prescribed by regulation for the inspection of vehicles by a State department for the purposes of the principal Act. The Liberal Party will be moving an amendment to this provision so that a fee can also be charged for inspection of vehicles by an authorised agent, not only for the inspection of vehicles by a State department. We believe that that would simply reinforce a monopoly situation through the vehicle inspection unit.

When one considers the Government's Bill to amend the Motor Vehicles Act, a Bill which is before the other place, with respect to the inspection of defective vehicles before they are reregistered, it is very important, at a time when we may be seeing the compulsory inspection of 9 000 or 14 000 vehicles in this State as a result of that Bill, that all those inspections do not need to be undertaken by the vehicle inspection unit and, in respect of people living in the outer metropolitan and country areas, that facility could authorise agents to conduct those inspections, and that those agents would be able to charge a fee.

On that note, I indicate that the Liberal Party has a number of amendments to this Bill, particularly to the areas concerning radar detectors and jammers, and photographic detection devices. We believe that the amendments are extremely important and we look forward to debating them in the Committee stage.

The Hon. PETER DUNN: The Opposition supports this Bill but I have a few problems to highlight because I do not think that some of the measures are anything other than fund raising provisions. The Government is good at that. Indeed, not only the South Australian Government but all Governments are finding it hard to raise money to run the schemes that have the priority of the day. As I have said in this place over the past couple of months, this Government has its priorities back to front: it has got it wrong. The Government needs a lot of money to run the State as well as to fund its pet projects.

One way of raising money is via motorists. Just about everyone drives a motor car so one small increase in the fees paid by motorists in breaking the law, which Parliament makes, means big income for the Government. I will read from an article in the *Bulletin* of 13 November under the heading 'The road toll: why road crashes are not accidents'. It is an excellent article and I recommend it to all members because it has scientific background as well as some very good observations from people who spend a lot of time dealing with road accidents. To give members an idea about why I am complaining a bit about this Bill, I read from the article, as follows:

> About 300 000 people are booked for speeding each year in New South Wales; State Government revenue from speeding is roughly $90 million.

That is very handy. It would build us two entertainment centres. No-one can tell me that this Bill is not just a fund raising exercise. I am not convinced otherwise, particularly by clause 6, which states that it is an offence to own, sell, use or possess a radar detector or jammer.

I will spend a few seconds dealing with a number of clauses in the Bill. The first measure concerns road closing and exemptions for road events. That is a sensible provision. Motoring is a big part of what we do in this world and just about everyone drives a vehicle just about every day. Naturally, there is interest in road use and motor sport of some sort, not necessarily road racing but point to point or restoring and exhibiting old motor cars. Often those groups of people have noble objectives and they should be allowed to demonstrate their prowess with respect to motor vehicles. I have no qualms about that and this clause sets out those rules clearly. That is to be commended.

However, my pet aversion is the provision in clause 6 which makes it an offence to own, sell, use or possess a radar detector or jammer. About six weeks ago I asked a question about why a section of road between the city and Gawler (within the city limits) has an 80 km/h section, then a 60 km/h section and then an 80 km/h section, and why the police always set up the radar in the 60 km/h zone. In my opinion, it is purely a fundraiser.

Police spend so much time performing these tasks, trying to slow people down. However, they do not slow them down at all; they just raise revenue for the Government and, in so doing, make the Police force objectionable in the eyes of the public. That is the saddest part of it. Because of these duties, police are not able to administer the law, give directions and help where needed. Instead, they are out on the roads, facing the public, making big Bs of themselves, fining people for speeding.

Sometimes, given the conditions of the road and the number of vehicles travelling on it, speeding can be justified. However, because the sign says that the limit is 60 km/h, drivers who exceed that limit by 8 km/h or 10 km/h, whatever it is, receive a heavy fine. That all goes to help run the State, and police are part of that. I do not think the police like doing it but it is part of their job. It has put our police in the position of being hated by the rest of the community, and that is very wrong.

I will quote a little more from the *Bulletin* article about speeding because I am not convinced that speeding in itself

is always dangerous. That can be supported by the statement in the article about German autobahns. I do not like speeding and I rarely drive over 100 km/h. My skills are not high enough to drive much faster than that but on rare occasions I will. Professor Alan Drummond is quoted in the article as maintaining that the problem is a major skills fault in drivers, combined with the design of the roads. He states:

> While some US studies show that States which lifted their freeway limit from 88 km/h—

that is just over 50 mph—

> to 105 km/h suffered an increase in fatalities, German autobahns—which have no speed limits and are used for 27 per cent of the kilometres travelled by German drivers— account for just 7 per cent of the road fatalities.

Members who have been on an autobahn, even if they have not driven on one, know full well that the Germans like to get their Mercedes, Porsches and even Volkswagens wound up to a fair speed. The *Bulletin* article states that, regardless of the design of vehicles, only 7 per cent of road fatalities occur on those well designed roads which, I point out, drivers pay to use. We have not thought of that yet, but I have no doubt that it will come up in the future. Professor Drummond goes on to say:

> The relativity of speed to the road environment and traffic conditions is probably more important: research shows that vehicles which travel 15 per cent to 20 per cent faster or slower than the average traffic speed are more likely to be involved in crashes.

The average speed of traffic on a section of road might be 85 km/h to 90 km/h. When drivers see a radar, they immediately slow down to 80 km/h. By changing their speed, accidents could be caused. I am not entirely convinced that speeding is a problem. That continues to be considered in this article, and it talks about speeding in rural areas. We all consider that most of the accidents occur in rural communities. Rural people are always adjudged as having these horrific accidents. It is quite understandable that you do have a good accident in the country, because you are usually doing 100 or 110 km/h, and when you collide or overturn at that speed the process of slowing down causes a great deal of harm to vehicles. That brings in another argument as to the design of vehicles, and maybe we should be looking at that aspect in trying to reduce the accident rate. The article continues:

> Speeding in Australia is widely perceived to be a rural problem, but RTA surveys show that fewer than 4 per cent of cars have been found to travel at more than 20 per cent beyond the speed limit. By contrast, 15 per cent of cars on major urban roads exceed the 60 km/h speed limit by more than 33 per cent despite the much higher traffic density and incidence of intersections.

People in the country are blamed for a lot of these road accidents, and radar is set up just on the outskirts of the towns and the cities, usually just after there is a speed limit sign which refers to a limit of 110 km/h. I guess that is because you have been driving at 60 km/h; you drive out of the city and you see 110 km/h so you zip up to that speed and you may just over-run it a little; and the radar people know that that is where they will get the most money.

It is not so much the devices for catching people that are required; it is money that ought to be spent on skills training. Drummond says that in this article. He says that the Accident Research Centre at Monash University 'believes we have a major skills problem on our roads'. I would support that. This can be seen by anyone going for a Sunday afternoon drive. The Hon. Ron Roberts from Port Pirie could verify this better than I, because I guess he drives a lot more miles a year than I do, but there is nothing more irritating than to have somebody who is either going very slowly in a fast lane of traffic or very fast in a slow lane of traffic, or switching from lane to lane in the traffic. There is not a better road to demonstrate that than the road to Port Pirie, as I can affirm quite unequivocally. Driver skills are important. People must learn how to change from driving at 60 km/h to 110 km/h. Drummond also states:

> At one level driving is relatively easy. It doesn't take the average learner driver many lessons to acquire basic skills.

We know that is right. We all know that kids can drive quite well at age 14, 15 or 16. In fact, I have a letter on my desk at the moment from a 15 year old complaining about the fact that he has to have L plates for a couple of years. I have to write back to him and explain to him that it is necessary for young people to have some supervision. He is fine, this lad. He has been driving on a farm, riding motorbikes and driving tractors, cars and four-wheel drives. He probably has quite well-developed skills.

However, his city cousin does not have that opportunity. Therefore, it is necessary for him to have an L plate and be observed. Furthermore, a great advantage is that L plate drivers cannot drink while they are driving, and that is pretty important at that very young age. There has been a lot of argument as to whether advanced training in driving is of benefit. I suggest that it is, and some of the figures coming out lately would verify that. The argument that has always been used by the knockers of advanced training for driving is that it will make anyone who has been through the course go out and drive as he has been taught. Some of the research coming out now indicates that that may be the case, but one does not always go out and want to drive like that. However, if something happens in an emergency, you are more likely to have a skill which will get you out of a dangerous situation. An interview in this article with a Jim Murcott states:

> The long time driver-training exponent, Jim Murcott, claims that fleet owners who have sent their drivers to courses have had their vehicle crash repair work reduced by up to 80 per cent.

Surely, that is an indication that they are having less accidents. If there is less repair work on those vehicles, that must indicate that advanced driver training is of some benefit. The article goes on at some length to explain how the accident rate has dropped in general driving, particularly in Germany where they have made a study of it. Another interview in this article states:

> Borries von Breitenbuch, head of BMW International Driver Training, says the crash rate in BMW's long-distance test department—it covers about 10 million kilometres a year—has dropped from one every 260 000 kilometres to one every 430 000 kilometres after advanced driver training.

Surely, there again is an indication that, where advanced driver training has been undertaken, that person has less likelihood of having an accident. I would think that the Government would have been wiser to put the money it will put into electronic surveillance machinery into some of this advanced driver training. I would be the first to commend the Government if it headed in that direction.

When it comes to an aeroplane, you cannot get a licence to fly until you have satisfied a relatively advanced licence requirement, which involves a considerable amount of theory as well as practical flying. I can assure members that flying is much easier than driving a car. When you are driving a car the attention to detail and the job around you is absolutely second by second. In an aircraft there is not that requirement. You have a high skills load on take-off and landing, but in the meantime a lot of it is very easy. It is a very simple operation. With highly technical aircraft today, with auto pilots and so on, it is very simple. That is not the case on the road.

I would suggest that flying an aeroplane is more like driving a train; it is harder to get off the tracks. If you get off the tracks you are in a bit of bother; if you are on the

tracks you have no problems. With cars, you only have to drive off the road just a little and you are in all sorts of trouble. In relation to corners, it is interesting to note that research shows that most accidents take place on the inside of the corner. The same von Breitenbuch says:

> . . . statistics in Germany have shown that 85 per cent of single-car cornering crashes involved leaving the road on the inside of the corner.

He says that 'speed is not to blame' because, if it was, the centrifugal force would force you off the road. He goes on to explain that if the car entered the corner at high speed it would go off on the outside of the bend. What happens is that in a lot of cases drivers are seated incorrectly in their cars. They lose their balance when turning the corner, or they lean on the steering wheel and the car oversteers and gets out of control; they then finish up on the inside of the bend and roll the car over. That is purely a matter of design; it has nothing to do with speed. Had those drivers been travelling at high speed when they lost control, their vehicle would have gone off on the outside of the bend.

So, a lot of good data exist suggesting that speed is not necessarily the killer. Once into an accident, speed becomes of primary significance, and we would all maintain that we should not get to the stage where we are involved in an accident. However, this Bill attacks the issue from that angle. It provides that it is an offence to own, use, or sell a radar detector or jammer. If a person has a radar detector in his car, surely that will slow him down, I would have thought.

This Bill is making criminals of us, because I could perhaps have a transistor radio on the dashboard or a pager stuck in the sun visor and, if a policeman pokes his head in through the car window and says, 'Aha, sir, I think you have a radar detector or jammer in the front of your car,' this Bill provides for a reverse onus of proof and I must then prove to the police officer that it is not such a device. If not, I am up for a very heavy fine. That is just ridiculous; it really is pedantic. I have got eyes and I can read the sign that says 60 km/h; the next thing that will happen is that we will be told that we must shut our eyes when we go past them; otherwise we cannot be caught. That is about as silly as this sounds, to me. It really is being pedantic, and it is aimed at raising more money. If having a radar detector slows one down, surely that is what we are after, namely, to slow people down.

The argument used is that we slow down past a radar and speed up again. The police are not altogether silly and they are likely to set up another radar down the road to catch us the second time. I do not believe that that is very clever legislation at all. The money spent on trying to detect speeding would be better spent in many cases on driver training, on better road construction and better education through the State, through our schools—particularly through driver training. I am quite convinced that not enough effort is put into driver training to teach everybody how to handle a car when it gets into unusual situations.

Some technical advances are being made in the braking systems of cars today, and they are extremely expensive. However, a little while ago I happened to have the opportunity of driving a car fitted with this system and, certainly, on dirt roads they are amazing pieces of machinery. They have been fitted to aircraft for some time and are called automatic braking systems, which stop any number of wheels on the vehicle from skidding; they will continue to turn and will therefore allow the car some form of steerability, which gives the car the maximum stopping rate. Very skilled drivers and racing drivers are able to drive cars not fitted with this mechanism and still get results equivalent to those provided by an automatic braking system. However, they are not fitted to every vehicle today and we need to train our young and present drivers.

More money should be put into teaching driving skills and less into this draconian system of prohibiting radar detectors and, for that matter, installing red light cameras. I remember a couple of years ago when legislation was passed regarding putting cameras on posts and photographing people who are going too fast; it really is a fund-raising effort for the Government. I would not mind if that money was dedicated to driver training or stopping accidents or stopping situations causing accidents, but it is not. Half is going into consolidated revenue, and the police do not see it; all it does is put the police offside in the eyes of the public.

One of the other things addressed by this Bill is driving on footpaths by Australia Post employees. That is necessary. Good heavens! They cruise around on their little bikes loaded up with parcels and, if we want rapid deliveries today, we must accept that. I agree with that; it is a sensible approach. We are not back in the days of horses and drays; we have small motorised cycles which are quite safe and which usually make enough noise to enable people to hear them coming. I have no objection to that whatsoever. I have heard some people complaining about it, but Australia Post is the principal group that delivers mail and other communications that many people use today, so I have no objection to that; I approve of it wholeheartedly.

I refer to interference with photographic detection devices. I agree that one should not be allowed to interfere with detection, but to impose a $4 000 fine or one year's imprisonment is really another example of overkill. I can find hardly any logic in that at all. Is the same offence applicable to other Government equipment? Somebody may be fined because they may have been looking at or interested in or, by accident, interfered with a photographic detection device. Let us face it; these devices will be the object of many people's derision, and people will be rather interested in them.

However, to impose a fine of $4 000 or one year's imprisonment seems to be a great overkill, in my opinion, and it is crazy to raise money through penalties relating to radar detectors and camera detectors. As the Hon. Diana Laidlaw said when she made her very good contribution to this debate, soon we will have infra-red detectors and, I guess, as technology gets more advanced, we will have automatic governors in our cars that allow us to drive only at the speed allowed by the road. That is something in the future; I do not wish to get into this.

In the meantime, this third-degree method of determining how fast we go by using cameras without people near them so that these cameras can take photographs of us while we are unaware of it would make anyone want to go back to see the cameras and check whether anyone is operating them. I find that rather objectionable; I do not think it is sensible in today's society, and it does not help the image of the police. I agree with some of the provisions in the Bill; I must agree with what it is trying to do. However, I object to two or three or of its provisions.

The Hon. G. WEATHERILL secured the adjournment of the debate.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 7 November. Page 1591.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. It repeals the Pawnbrokers Act 1888, and I suppose that immediately raises in one the reaction that surely it is about time that it was repealed. I think it is quite fascinating to compare the attitude to the needs of consumer protection 100 years ago, when the parent Act was first introduced, to now. The reaction 100 years ago was that if there were an occupation that seemed to need some sort of control, one licensed it and those in the occupation had to pay a fee—which at the present time is $50—and one also had to make an application to the local court.

One had to satisfy the local court that one was a fit and proper person to hold a licence, that one was of good character and not a felon, bankrupt or things of that sort. There was no requirement to establish that one had any expertise in the particular area. Once the licence was granted, that was it: one paid one's annual licence fee; the licence was issued by the Treasury; and the fee went to the Treasury, to general revenue. There was no provision that the money received from licence fees was to be used as a resource to help the consumer or anyone else, including the operator, in that area.

This previously applied to a whole host of occupations—quite along time ago it included land agents and quite a number of other occupations. Of course, that is quite contrary to the current consumer affairs approach, where there is a fairly sophisticated series of consumer legislation, if we look at land agents, land brokers and a whole host of occupations, each tailor made, each with their own requirement about licensing, usually involving a board or the Commercial Tribunal, to provide remedies for aggrieved consumers or for the operator himself or herself. We have gone a long way from the approach of satisfying a court that one is of good repute and good character and where paying a licence fee was enough to justify one's operating in that area.

By and large, occupational licensing has moved from the Treasury Department, where it never really seemed to me to be appropriate, to the Department of Public and Consumer Affairs, which is where it ought to be. I might say that in the three years I was Minister of Consumer Affairs I enjoyed my time, and I found the area of occupational licensing a challenge and most interesting, although quite often it was difficult. I am sure that the present Minister finds the same. I certainly support this move to get away from the antiquated situation that applied under the Pawnbrokers Act of 1888, and to move secondhand dealers and consumer credit into the modern world.

I have only one question that I hope the Minister can answer, either in her reply or in the Committee stage. My question relates to pawnbrokers being required to be licensed under the Consumer Credit Act when the Pawnbrokers Act is repealed. The second reading explanation gives an undertaking that no pawnbroker will be prosecuted under the Consumer Credit Act as a result of losing the exemption consequent upon the repeal of the Pawnbrokers Act. A code of practice is to be developed between pawnbrokers and the Consumer Affairs Commissioner.

In the new Credit Act, which the Government proposes to introduce later in the session, it is recommended that pawnbrokers will not be regulated. In these circumstances the Government ought to be asked to delay proclamation of the Bill to repeal the Pawnbrokers Act because, even though there is an undertaking that pawnbrokers will not be prosecuted for failing to have a credit providers licence, the fees payable by those who leave goods with the pawnbroker will be prejudiced.

It is also stated in the second reading explanation that a move will be made to work out with pawnbrokers a code of conduct and that, if a voluntary code of conduct cannot be worked out, a compulsory code will be formulated. Because the fee is payable by those who have left goods with the pawnbroker and because that will be prejudiced, will the Minister consider not only giving the undertaking that she has already given but also to not proclaiming the Bill until these matters have been considered?

The Hon. I. GILFILLAN: I will speak briefly to the Bill to raise a couple of matters that could be explained by the Minister, either in her reply to the second reading or in Committee. I would like some explanation as to what resource the public can turn if they feel that they have not been treated properly by a pawnbroker. The voluntary code of practice will, I imagine, evolve patterns and procedures. However, where a member of the public feels that he or she has not been properly or fairly dealt with, to whom will that person turn and with what hope of getting some redress or some justice in the hearing of that grievance?

Secondly, in the draft I have of the second reading explanation by the Government, there is a paragraph which reads:

> The Commissioner for Consumer Affairs has indicated his support for repeal of the Pawnbrokers Act. He has advised that a new uniform Credit Act is expected to be introduced into Parliament shortly to replace the Consumer Credit Act.

When does the Government expect that to take place? The Commissioner then goes on to state that, in his view, the new Act should not regulate the operations of pawnbrokers. Why? Perhaps the paragraph does not clearly explain what will be the effect of the legislation on pawnbrokers or perhaps it does not properly explain the full view of the Commissioner. Therefore, will the Minister expand on the interpretation of that paragraph, either in her second reading concluding remarks or during the Committee stage?

The Hon. BARBARA WIESE (Minister of Consumer Affairs): The Hon. Mr Gilfillan asked a question about the introduction of consumer credit legislation into the South Australian Parliament. I would hope that we would be in a position to introduce such legislation in the autumn session next year but, of course, it is dependent upon a final national agreement being reached at the Standing Committee of Consumer Affairs Ministers (SCOCAM) meeting to be held in early December this year. As the honourable member may be aware, we have agreed on all of the major issues which were outstanding and that will enable uniform legislation to be introduced across the country.

In the past few months work has been carried out on the details of that national agreement. As long as we are able to put the final stamp of approval on those arrangements at our December meeting, I would expect to be able to introduce legislation in the autumn session because, by and large, the broad outline of the Bill is already drafted and it should not be difficult to introduce it shortly after agreement has been reached.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: I understand that some questions were asked in the second reading debate but, unfortunately, I was not present in the Chamber. I can undertake to get a reply to the questions. If members want a reply before allowing the passage of the Bill. I will have to report progress. I understand the Hon. Mr Burdett has some.

The Hon. I. GILFILLAN: The question that I asked—which was not answered in the Minister's second reading

reply—related to the new Credit Act. I quoted a sentence from the second reading speech, as follows:

In his view [the Commissioner for Consumer Affairs] the new Act should not regulate the operations of pawnbrokers.

Why is that? However, this relates to the new Act and, as far as I am concerned, there is no need for the Committee stage of this Bill to be held up for an answer to that question.

The Hon. C.J. SUMNER: The Minister of Consumer Affairs has undertaken to get a reply to the question and respond directly to the honourable member.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill read a third time and passed.

STATUTE LAW REVISION BILL (No. 2)

Second reading.

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

That this Bill be now read a second time.

It seeks to make sundry minor amendments to the Correctional Services Act and the Leal Practitioners Act in order to correct several small errors of a drafting or clerical nature that occurred in recent amendments to those Acts. The Bill also contains amendments arising out of a revision of the Wills Act carried out for the purposes of rendering its language gender neutral and for generally bringing it a little more into line with modern expression. The Strata Titles Act is also amended for the purpose of converting its penalties into divisional fines. It is intended to publish a reprint of the Wills Act and the Strata Titles Act shortly. As always, this Bill does not seek to make any substantive changes to the law contained in the four Acts in question. 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 allows for the amendments to the Correctional Services Act to come into operation on assent. The amendment to the Legal Practitioners Act is deemed to have come into operation when the last amendments to that Act came into operation (that is, 1 August 1990) as the error occurred in those amendments. This has been done at the request of the Law Society of South Australia, as the amendments affects a provision dealing with the powers of auditors and inspectors. The amendments to the Wills Act and the Strata Titles Act will come into operation by proclamation to enable, as usual, the reprints of those Acts to be published at the time that the amendments become effective. Clause 3 and the four schedules effect the various amendments.

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

[Sitting suspended from 5.54 to 8.38 p.m.]

WILPENA STATION TOURIST FACILITY BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1725.)

The Hon. BARBARA WIESE (Minister of Tourism): I want to spend a few minutes responding to a small number of issues that were raised by members during the course of the second reading debate. I certainly do not intend to cover comprehensively the range of issues that were addressed by members, because I am sure that most of those issues will arise for discussion when we reach the Committee stage, and I do not want to take up too much time of the Council.

In their contributions to this debate a number of members suggested that the Government should have used section 50 of the Planning Act in order to pursue that development. I would like to explain why section 50 was not used. Section 50 is used where:

The Governor is of the opinion that a declaration under this division is necessary to obtain adequate control.

Section 7 (2) of the Planning Act provides:

Where a Minister of the Crown or a prescribed instrumentality or agency of the Crown proposes to undertake development it must, subject to subsection (3), give notice.

Regulation 59 of the regulations under the Planning Act provides:

The following kinds of development are excluded from the provisions of subsection (2) of section 7 of the Act, namely, *(e)* the development of land dedicated under the National Parks and Wildlife Act, where such development is carried out in accordance with an adopted plan of management for the park.

So, clearly, the Government had adequate control of the development through the plan of management. Had the Government used section 50, it is highly likely that the opponents to this development could have considered taking court action to question the very use of section 50, when adequate control was already available through the plan of management.

I think that the Hon. Mr Griffin addressed this matter correctly, when he observed, in relation to Justice Jacobs' comments on section 7:

The judge concluded, as I say, that even under those provisions, the development was not subject to the provisions of the Planning Act.

So, the court has upheld the Government's view that the Planning Act does not apply to the Wilpena development. The Australian Conservation Foundation had advised the Government of the possibility of continuing litigation, and the use of section 50 would not have overcome this threat of ongoing litigation. For that reason, the Government has acted as it has.

Three matters were mentioned by the Hon. Mr Elliott during his second reading speech. There are a number of issues about which the Government would take issue with the Hon. Mr Elliott, and no doubt during the course of the Committee stage there will be opportunity to do that, but there are a couple of myths that the Hon. Mr Elliott continues to peddle about the origins of this development. It is worth placing the truth on record.

First, the Hon. Mr Elliott suggested that the involvement of Ophix in this development grew out of a chance meeting between John Slattery of Ophix and Bruce Lever of the National Parks and Wildlife Service, allegedly in King William Street. This story, I might say, was included in an article in the *Advertiser* at one stage. As I understand it, there was a rebuttal from Mr Lever about this matter at the time, which was subsequently printed in the *Advertiser*. Mr Lever has indicated that there was no chance meeting in King William Street or any other street; any dealings with Ophix have been in writing, with ministerial approval and according to statute. Commitments were approved by Cabinet at each stage. The exchange of letters with Ophix was made available to the Australian Conservation Foundation during the discovery process associated with the Supreme Court case, and nothing was made of it there.

The second point to which I would like to refer is the aspersion that was cast upon another person, who was unnamed, but who was alleged to be an officer who left the Department of Environment and Planning and one week later was employed by Ophix to undertake the environmental impact assessment process for the Wilpena development. The facts are that the EIS was prepared by the department and the said person was in fact employed by the department to prepare the environmental impact statement.

So, a couple of stories seem to have been peddled around which have no relationship to fact and which are therefore worthy of correction here. I would like to place a third matter on record, and it relates to the Cameron McNamara study, from which the Hon. Mr Elliott quoted. The quote he uses about the Flinders Ranges tourism potential and prospects was used in a pamphlet distributed by the Australian Conservation Foundation. The quote that he used read:

> Current trends in visitation to the Flinders indicate that there is unlikely to be any substantial growth to support a general expansion of tourism accommodation and services in the region—

That is certainly what the report said, but the second half of the sentence was omitted. The report went on to state:

> unless a large scale integrated resort development acts as a catalyst in tapping new markets.

So, the Hon. Mr Elliott has taken up an inaccurate quote which appeared in an ACF pamphlet and which quoted selectively, inaccurately and, dare I say, dishonestly, from the study that was undertaken by Cameron McNamara for the then Department of Tourism about the tourism potential of the Flinders Ranges. So, the accurate quote ought to be placed on the record. As I indicated, other issues could well be responded to but, no doubt, I will have the opportunity to do that during the course of the Committee stage, to which we should move as soon as possible. I thank members for their contributions to the second reading.

The Council divided on the second reading:

Ayes (17)—The Hons J.C. Burdett, T. Crothers, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Diana Laidlaw, Anne Levy, R.I. Lucas, Bernice Pfitzner, Carolyn Pickles, R.J. Ritson, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese (teller).

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

Majority of 15 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Interpretation.'

The CHAIRMAN: The House of Assembly has advised that a clerical correction is necessary to line 18, namely, to delete 'section 4' and insert 'section 5'.

The Hon. M.J. ELLIOTT: I would like to put a couple of questions to the Minister, and I think that probably clause 2 would be as appropriate a time as any in which to do this. The Minister was keen to dispel some myths earlier and a number of what the Government might call myths have been floating around. So, we might as well air those and explore them now, in order to sort out what the Minister sees as myth from fact. Could the Minister please tell this Committee how the first contact between Ophix and the Government, or Ophix and her department, came about?

The Hon. BARBARA WIESE: No, I cannot answer that question at the moment, but I hope that later in the evening another officer will be present who may be able to throw some light on that question, if the honourable member can find another place in which to ask it. Otherwise, I can undertake to provide an answer to that question for him at a later time.

The Hon. M.J. ELLIOTT: I will ask a few more questions and see how many can be answered at this stage. I think that some of these questions are relevant to the whole Bill. The Minister has said that there was a myth about how the contact originated. I have asked about that and have been told that—

An honourable member: Does it matter?

The Hon. M.J. ELLIOTT: I think it does matter. I think there are some important questions that need to be asked. Can the Minister give any information about the financial structure of Ophix? I understand that it is a $2 company, without any asset backing. That may be incorrect. Can the Minister say whether or not that is accurate?

The Hon. BARBARA WIESE: I cannot describe accurately the financial structure of Ophix. I can say that, as I understand it, it has already invested some $5 million of its own money in the proposed Wilpena Station development and issues relating to it.

The Hon. M.J. ELLIOTT: Once again, I may have to pursue that question later. Can the Government give this Council any information as to how much Government money has been spent already, directly or indirectly, on this proposal?

The Hon. BARBARA WIESE: I cannot assess accurately what has been spent so far. The vast majority of the costs so far would be what I would term indirect costs, which would be ascribed to staff time in negotiation with numerous parties and the preparation of appropriate documents and material. Then there would be other incidental direct costs such as printing. For example, Tourism South Australia recently produced a document that cost about $5 000 to prepare and have printed. Those sorts of amounts of money have been spent so far, but I cannot be any more accurate than that about the total costs.

The Hon. M.J. ELLIOTT: I understand that a staff member of Ophix is using facilities within the Department of Environment and Planning. If that is the case, who is paying for those facilities? Are they being leased by Ophix, or are they being provided by the Government? Are secretarial and other resources being provided by the Government to Ophix, or is it also leasing those in some way?

The Hon. BARBARA WIESE: I am advised that that is inaccurate. I am advised that no member of the Ophix staff is operating from the Department of Environment and Planning office or being supported by the department.

The Hon. M.J. ELLIOTT: Is that the case at the moment or at any time?

The Hon. BARBARA WIESE: That is the current situation. I do not have any information about the past in respect of Ophix staff members. However, I am not sure what particular relevance this has to the Bill before us.

The Hon. M.J. ELLIOTT: Does the Government have any information as to whether or not finance has yet been arranged for the development, presuming that it does proceed?

The Hon. BARBARA WIESE: As I understand it, negotiations with potential financiers are in progress. Of course, whether or not they will be successful depends very much on the outcome of the debate on this legislation in the Parliament. I remind honourable members from the outset that the purpose of this Bill is to create investor confidence and to ensure that there is a clear proposal and project that can be presented to financiers in a way in which they can have some confidence and know that the matter can proceed.

We have this legislation before us now because notice has been served by the Australian Conservation Foundation that every available opportunity will be used to test and

frustrate the progress of this proposed development. In that sort of climate it is extremely difficult for the proponent to attract the financial support that is needed to bring this project to fruition. The Government's objectives in presenting this legislation to the Parliament are to take away any doubt about those questions and to provide certainty for prospective financiers about the project.

The Hon. M.J. ELLIOTT: Can the Minister inform the Committee what liabilities the Government would have if the proposed development did not proceed?

The Hon. BARBARA WIESE: I cannot think of any liabilities that the Government would have if this development did not proceed. I am assuming, in saying that, that the legislation will have passed the Parliament and that that certainty will have been provided for the proponents. However, as I understand it, there is a lease agreement between the Government and the prospective developer. If the development does not proceed because the developer is not able to go ahead with it for one reason or another, then it would be the developer who had broken the terms of the lease, and I cannot envisage any liabilities that would accrue to the Government in those circumstances.

The Hon. M.J. ELLIOTT: My question really related to a situation where the Government, and not the lessee, decided not to proceed and reneged on the agreement.

The Hon. BARBARA WIESE: I suspect that, if the Government decided at this stage that the development should not proceed, it might very well be subject to a damages claim from the proponent, as the Government had peviously entered into a lease agreement which provided for a development to occur. However, of course, I am not a lawyer and I am not giving a legal opinion; that would have to be a matter upon which I sought more detailed advice. However, from a lay person's perspective, that would be the position as I understand it.

The Hon. M.J. ELLIOTT: Can the Minister say whether the Government is satisfied that adequate anthropological and archaeological surveys have been carried out on the site of the proposed development?

The Hon. BARBARA WIESE: The answer to the question, in short, is 'Yes'. These studies have been undertaken by Dr Roger Lubers and there have been surveys and excavation. As a result of those surveys alterations were made to the plans to avoid key sites.

The Hon. M.J. ELLIOTT: Does the Government deny that there was a written suppression order issued to prevent senior archaeologists and anthropologists employed by the Department of the Environment and Planning from speaking with the Aboriginal people of the Flinders Ranges?

The Hon. BARBARA WIESE: I am advised that the department's archaeologist is based at Port Augusta and not in Adelaide and, indeed, it is denied that there was any such suppression order.The department's archaeologist continues to be involved in the project.

The Hon. M.J. ELLIOTT: My question referred not only to archaeologists but also to anthropologists. There are several people in the employ of the department and I ask specifically whether any of them were instructed in any way not to become involved.

The Hon. BARBARA WIESE: I am advised that there have been no directions made one way or the other to anthropologists employed by the department.

The Hon. M.J. ELLIOTT: I refer to a survey carried out by the Department of Geography, as I understand it, for the Department of Environment and Planning at Easter this year, the results of which were never released. Will the Government acknowledge that such a survey was carried out and explain why the results were not released?

The Hon. BARBARA WIESE: I am not aware of the survey. I am advised that others are not aware of the survey. Unless the honourable member can provide further information, I am not able to comment on it.

The Hon. M.J. ELLIOTT: It appears that I will be refreshing memories at a later date on a few of these matters, as I do not have the information before me now. I have already had incorporated in *Hansard* today the results of a survey in respect of one question. Can the Government provide further information about water studies? As I understand it, the only work undertaken has been done over the past two or three years, which have all been high rainfall events. What information can the Government supply about its confidence about water supply in the long run? Should there be a shortfage of supply, who would then take on the responsibility of supplying water to the resort, whether it be by tanker, pipeline or whatever else?

The Hon. BARBARA WIESE: As the honourable member would be aware, the studies relating to water were undertaken by a private firm known as Water Search during the course of the environmental impact assessment process. They were described fully in the EIS. Subsequently, the claims made by the Water Search study have been assessed and checked by the E&WS Department, which has confirmed that the level of water supplies as outlined in that study are accurate and adequate.

The Hon. M.J. ELLIOTT: Can I take it that the Government believes that there is no likelihood whatsoever that there may be a shortfall in water during dry years, which we have not had during those years of study?

The Hon. BARBARA WIESE: This matter was dealt with at great length by my colleague the Minister of Environment and Planning in another place. In response to a similar question she indicated, as I recall, that no cast iron guarantees can be given about what would happen in an extended period of prolonged drought. The Government is not in a position to be making promises about what might occur in those circumstances. We should note that those circumstances would be rare, and what we do know about the proposed development and the current knowledge of the water supply is that there is quite adequate water available for the purposes of this development.

The Hon. M.J. ELLIOTT: While there will be some drought years where there will be clearly problems with water supply in terms of getting enough, what controls will there be in place in those intermediate years where there may be sufficient water for the resort to continue, but where the drawdown of that water may have environmental implications in terms of the river red gums, etc. growing further along the creek? At what point will, or can, the Government intervene to say that the drawdown in that moderate year, or perhaps slightly worse than moderate year, whilst it keeps the resort going, is environmentally non-tolerable? Are there any controls in place for the Government to intervene and say that water must be brought from elsewhere?

The Hon. BARBARA WIESE: The environmental maintenance plan, which must be put in place when this development occurs, provides for the question of water supply to be further studied, and in depth. Included in that study will be proving and testing of further sources of water and also the question of the drawdown of water will be tested as well, so that although at this point the Government would agree with the findings of Dr Stangers, for example, who in his report indicated that the situation in periods of prolonged drought could not be predicted, the real issue to concentrate on is the fact that the environment maintenance plan is going to require the developers to study this question in greater depth over a period of time. The steps that need

to be taken in the intermediate periods that the honourable member described will be the sorts of issues that will be studied, and appropriate plans of action will be developed.

The Hon. M.J. ELLIOTT: It is worth noting that this Council is being asked to rubber-stamp a development where further studies are yet to be made. That is an interesting notion in itself. The Minister indicated earlier that she could not answer some questions but I suspect that she may now have the person by her side who can assist with those answers. Can the Minister say how the original contact between Ophix and the Government, or Ophix and the National Parks and Wildlife Service, came about?

The Hon. BARBARA WIESE: Before I answer that question, I will make one further comment on the question of water. The honourable member suggests that Parliament is being asked to endorse a development in a situation where further studies must be undertaken. I am not quite sure what the honourable member suggests would be the alternative in this situation because it is very difficult to study conditions that have not yet occurred. I do not think that the honourable member takes proper account of that. Certainly, when the sorts of conditions that he outlines come about, appropriate action will be taken as a requirement of the maintenance plan that will be developed.

As to his second question about the initial contact by Ophix with the South Australian Government, I am advised that the initial contact came about as an initiative of the company itself. As I understand it, John Slattery contacted Bruce Lever in the National Parks and Wildlife Service and indicated to him that he was looking for investment opportunities in South Australia. As I also understand it, Mr Lever advised Mr Slattery that, if he was interested in pursuing investment opportunities in this State, he should put his interest in writing and place it before the Government. In fact, that was the action that he subsequently took.

The Hon. M.J. ELLIOTT: Could the Minister inform the Council as to when this contact occurred?

The Hon. C.J. Sumner: What does it matter?

The Hon. M.J. ELLIOTT: It does matter. When?

The Hon. BARBARA WIESE: As I understand it, although we cannot be absolutely accurate about this, the contact took place somewhere between mid and late 1986.

The Hon. M.J. ELLIOTT: Tying that in with the mythology, the expansion of the park occurred so that a resort could occur, it is interesting that we now find that coincidentally a phone call is received from a company looking for something to do. When a decision was made by the Government that it would like to see such a resort development in the Flinders, why was there not some sort of open tendering process to see what other companies may be interested and what sorts of options and alternatives they could have offered to the Government in terms of size, scale and types of developments?

The Hon. BARBARA WIESE: Referring to the issue that the honourable member raised earlier, he seemed to be suggesting that the current preferred site for this development only emerged as a result of the contact that Ophix initiated with the Government. That is totally inaccurate. I just want to make that perfectly clear. The honourable member should be aware that a study was commissioned by the then Department of Tourism and undertaken by a company known as Cameron McNamara. The site upon which this development is proposed to be built was the site recommended by that study. That study was completed, as I understand it, in November 1986 but the views of the people preparing that study about the preferred site were known, at least to people in Government, much earlier than that—certainly early in that year and possibly late the year before. So, there is absolutely no link whatsoever with the emergence of Ophix and the identification of this site as a possible site for a future tourism development. Also, it has just been drawn to my attention that that study was in fact commissioned in April 1985, so the matter had been under consideration for a very long time before Ophix came on the scene.

As to the question about the selection process for this development, as I recall, following the release of the Cameron McNamara study, the Government was very reluctant to call for tenders for a development in this area because many issues were still unresolved, even after the study had been undertaken.

As recommended by the report, numerous issues required further study. Some major infrastructure cost implications accompanied the proposal for a future tourism development in this area and the Government was very concerned about how those matters would be financed. However, subsequently, Ophix came forward, recognised the opportunity that existed in the Flinders Ranges and offered to undertake some of the further studies at its own expense, with no guarantees being given, as I understand it. That offer was attractive to the Government because it was not in a position at that time to finance the sort of work that needed to be done. Subsequently, as the honourable member knows, an agreement was reached with Ophix that it would have the opportunity to work up its proposal. The rest is history.

The Hon. M.J. ELLIOTT: I will repeat my question. Why was no other developer or any other company given any opportunity to become involved with a development on that site or any other site within the Flinders Ranges? Without agreeing or disagreeing with the Government as to whether any development was a good thing I would have thought that, with such a significant project, other people might have been interested in it, and I am sure that the Minister is aware that rumours are bouncing around as to how the deal originated. It would have been sensible to make sure that the air remained clear and that it was a process open to other developers. Why was that not done?

The Hon. BARBARA WIESE: I have answered that question and it has been answered by numerous members of the Government on numerous occasions. The honourable member does not seem to want to accept the Government's answers to this question, but I cannot be any more specific. That is the answer. Whether he likes it or not, there is nothing further that I can add. He will just have to accept it.

The Hon. M.J. ELLIOTT: I suppose that question remains unanswered. I also asked the Minister whether she could give the Committee some information about the financial structure of the company that has undertaken the project. It is a very relevant question. Parliament is about to rubber stamp a Bill which relies upon a lease. If the project does not proceed, it has clear financial implications for the National Parks and Wildlife Service and for the State as a whole. Will the Minister give the Committee some information about this company?

The Hon. BARBARA WIESE: I am not sure what the honourable member expects me to report to him about this company, and probably the company would say that it is none of his business, anyway. In addition to the information that I provided earlier, I advise that not only has the company already spent $5 million on the project, that $5 million was its own money. My understanding is that it has not borrowed a cent in meeting the costs associated with this development so far, which probably indicates that there is a certain amount of substance behind the company in question. As to the *bona fides* of the company, at the time the

lease was signed, inquiries were made by the Government about the company. Contact was made with the company's bankers, who verified that it was a sound company with a large asset base. Government officials have satisfied themselves that it is a company of substance that will be capable of undertaking a development of this kind.

The Hon. M.J. ELLIOTT: A company search that I carried out, admittedly two years ago, suggested that it was a $2 company. The question about its structure is relevant because it has financial obligations to the State. I am interested to know whether, if it came to the crunch, it could fulfil its obligations to the National Parks and Wildlife Service. If the development fails, will the State be left holding the development with nowhere to go with it? These are relevant questions.

I understand that Ophix is not involved in any other developments. It was a shelf company and this is its first project. I am aware that Mr Slattery is involved in other companies that have been involved in major developments such as the Blue Cow tube. He has also been involved in other companies such as Permasnow, which owns Mt Thebarton and which has been in some difficulty. These questions are relevant and the Committee should be informed about the company's real financial state.

The Hon. BARBARA WIESE: The honourable member does not seem to have much of an understanding of the financial arrangements of private companies. If he went to the records of a huge company such as Transfield and tried to discover some information about it, he would probably find that it is a $2 company, as well. One does not find from those sorts of records anything about the financial backing or substance of a private company. That is the nature of the beast. All I can do is repeat that the information that has been made available to the Government indicates that Ophix is capable of undertaking a development of this kind.

As the honourable member indicated, Mr Slattery has been involved with a number of very large developments in Australia, some of them tourism-related developments, and they have been successful undertakings. Tonight and previously in a question without notice the Hon. Mr Elliott asked about Mr Slattery's involvement with a company called Permasnow and the development of the Mt Thebarton complex at Thebarton. I place on record here that I understand that Mr Slattery was not involved with Mt Thebarton. That development was established by some other group using the Permasnow technology on licence from the company known as Permasnow.

Mr Slattery in fact had something like a .05 per cent shareholding in Permasnow, so it was not a terribly big involvement. Perhaps if the honourable member referred to back copies of the *Financial Review* and other trade papers, he might find that Mr Slattery, far from being a shady operator, as the honourable member wants to paint him, while being involved in that company, in fact undertook some court action against other people involved in that company whom he considered to be operating inappropriately under company law.

If the honourable member were a little fairer, a little more open minded and really undertook some proper research about Mr Slattery and his company and his previous associations in business, he might find that the situation is very different from the sort of picture he has been trying to paint about Mr Slattery in this place.

The Hon. M.J. ELLIOTT: When the Goverment was setting up the lease for this particular development, why did it not include a commencement date for construction within the lease itself?

The Hon. BARBARA WIESE: At the time the lease was signed the question of financial support for the development had not been completed and it was considered undesirable for a specific date to be set for construction. However, there was an agreement and an obligation on the part of the company to have the schedule 2 stage of the development completed by 30 June 1994. I guess, in a sense, there was a deadline provided but, as to a particular date of construction, it was considered at that time to be inappropriate to set one, except to ensure that there was an outer limit by which we would expect a development to be on the ground. Of course, if it was possible for Ophix to construct that stage of the development earlier than that, then it would have been free to do so. In the meantime, there has been considerable litigation and all sorts of uncertainties created about the development, and that has led to this Bill being introduced into Parliament.

The Hon. R.I. LUCAS: During the second reading debate I noted a number of varying estimates that have been made of the annual number of visitors to the Wilpena area and I quoted the management plan of 1983 which estimated some 40 000. The report that was done by Gale, Gillen and Scott in about 1987 estimated a low estimate of around 39 000 or 40 000 visitors annually to a high estimate of around 56 000 or 57 000 visitors a year. Those estimates were done for 1985-86 and 1986-87.

The other thing I noted in the Gale, Gillen and Scott report was the average growth factor for the 16-year period—of about 5.8 per cent. If one was to apply that factor through to 1990-91, then one might be talking about 65 000 to 70 000 visitors at the top end of the Gale, Gillen and Scott report and, certainly, it would be lower if one went down to the lower end of the estimates. I conceded that Ophix was an interested party and, therefore, its interests were likely to be on the high side rather than the low side; nevertheless, after a considerable amount of work, it came up with a figure in 1990 of around 58 000 at the low side up to 92 000 on the high side. Certainly, in all the discussions I have had with people, there are not too many who are arguing that there are 92 000 annual visitors to the Wilpena area. As I have said, we have to accept that perhaps those estimates, at least at the top end, are on the high side.

The most recent figure the Government has been using was somewhere between 50 000 and 60 000 visitors annually. I would be interested—in the Minister's response to the latest information from Ophix and, more importantly, from the National Parks and Wildlife Service records, because the argument from the developmer was that those figures were taken from National Parks and Wildlife Service figures, camping permit records and also the Rasheed figures, and varying assumptions are made at the low end and at the high end. Similar assumptions were made by Gale, Gillen and Scott in their report of 1987. They used a figure of 3.75 persons per permit at the low end and 5.68 at the high end. That gave the low figure and the high figure which Gale, Gillen and Scott were able to devise, and Ophix, using those figures, as well as the National Parks and Wildlife Service camping permit records and the Rasheed figures, supposedly came up with this new estimate of 58 000 to 92 000. So, I am interested in the Minister's response, given all the information that has come in over recent years, as to what the Government currently considers is a reasonable estimate of the annual number of visitors going into the area already.

The Hon. BARBARA WIESE: The Government agrees with the honourable member's assessment of the numbers of visitors for the area. It is difficult to be precise about the number of people who are entering the area, because such

a lot of indiscriminate and illegal camping is taking place in that area, so all of these figures that have been used at one time or another are based on estimates. Certainly, the Government agrees with the summary that the honourable member outlined in his second reading contribution to this debate, that the level of visitation is around the mark that he indicated. I also believe that if you accept that, as we do, it is important to note that the visitation projections made by Ophix for the next few years are probably somewhat conservative.

The Hon. R.I. LUCAS: The other aspect on which I would be interested to have the Minister's perspective is the advice that was provided to me in relation to the nature and type of overseas visitors who might be attracted to the Wilpena development, should it get under way. The point of view that I put in the second reading is that there has been a lot of public argument and it has been put to me privately that we were likely to see hoards of Japanese swarming over the Flinders Ranges with their cameras and indulging in various other unsavoury practices, despoiling the environment. That was certainly the view being put to me.

For the reasons I outlined during the second reading debate, my understanding was that the developers and the operators were putting the point of view—and I am interested not in the Minister's comment on their position but in the attitude of the Minister and of the Government from the point of view of tourism marketing—that the project was not looking for the Asian market in particular, because it tended to comprise persons or tourists who stayed for only one or two days and who then tended to want to go somewhere else very quickly. They did not have a lot of time to spend in Australia and would want to stay at Wilpena for only a very short period, and the developers and operators were looking for persons who were likely to stay for three to five days. They are more interested in attracting people who are prepared to stay for a longer period than attracting greater numbers of persons staying for a shorter period and, for those reasons, they are interested in attracting in the main from the European and North American market rather than from the South East Asian market in particular.

The other reasons given from the developer's and operators' viewpoint were the language and cooking problems, and so on, that they would have to address. However, I would be interested to know from Tourism South Australia's point of view from where the Government sees the majority of the overseas market coming and, secondly, what percentage of the total number of visitors to Wilpena under the proposed development is likely to be from overseas.

The Hon. BARBARA WIESE: It is rather difficult to put a percentage figure on what the international component might be for a development of this kind, primarily because what will happen here and who will be attracted to the development will depend very much on the marketing effort of the operators. However, what we do know about the company that will be the operator, that is, All Seasons Resorts, is that it now has extensive experience in managing properties in remote areas, and that there will certainly be a real incentive for that company to promote the Wilpena station tourist facility, and it will be in its interests, too, to encourage overseas visitors to move from one property to another one under its control. So, we would expect, without putting percentage figures on it, that the major market for this development would be domestic; that would be by far the largest component of visitors, and a smaller percentage of people would be visiting from overseas.

I would agree with the assessment that the honourable member has made that certainly in the early years we would be more likely to see Europeans and people from North America visiting such a development in larger numbers than people from Japan or other parts of Asia. The experience in Australia so far is that people from that part of the world are more likely to go to the more settled parts of Australia, although I would expect that over time that too will change quite significantly, and we may find that as Asian visitors become more familiar with the attractions of Australia, they too will be interested in exploring some of the more remote parts of Australia.

In the early stages I think this tourist facility will be very popular with North Americans, as I indicated, and also with travellers from Scandinavia and German-speaking countries generally, where already over the past few years we have seen quite considerable growth in visitations. Many independent travellers from those parts of the world are now coming to Adelaide specifically, viewing it as a gateway to the outback. Depending on the budget on which they are travelling, they will fly from Adelaide to the more remote centres in the central, north-south strip, or will travel by coach or car northwards from Adelaide or, indeed, vice versa, coming through from Darwin or Kakadoo and stopping on the way to see such attractions as Ayers Rock, Coober Pedy and other places. In future, we would expect that the Wilpena station development tourist facility will be one of the places that people will feel is essential to visit and they will have the opportunity there to explore the attractions of the district.

The Hon. R.I. LUCAS: The question of water obviously has been foremost in most members' minds in discussing an attitude towards the Bill and, indeed, it is the reason the Liberal Party has moved a number of amendments both in another place and in this place. I think most people concede, as I indicated in the second reading, that probably, the most independent person to speak on the question of water is Dr Gordon Stanger from Flinders University. Indeed, there are many other water studies; the E&WS, Uncle Tom Cobbley and all have expressed views on the quality of water but Dr Stanger has been accepted by most—the developers and those opposing the development—as being a reasonable and independent judge in relation to this question of water.

As the Minister would know, Dr Stanger believed that the water supply was assured for EIS stage 1, which is therefore a development of some 2 400 overnight visitors and which puts it right in the middle of at least the first seven years of the proposed development by Ophix which, if it gets under way, starts at 2 300 overnight visitors and after seven years goes to 2 900 overnight visitors.

In his June/July 1989 report, Dr Stanger also indicated that there were clearly some medium to long-term questions that had to be resolved in relation to water, and in that report he prepared a table on the water balance, in which he summarised in the megalitres per year the water demand and supply and gave a water balance at the end. His conclusions were based on the fact that, under certain circumstances, depending on assumptions that he made, there was a small negative balance at the low end up to a positive balance at the high end if the development has to go through to EIS stage 1 and stage 2.

During my second reading contribution, I indicated that some new factors needed to be taken into account in relation to the critical question of water. One of the major points is, obviously, the fact that the proposed wood lot is to be reduced in size by some 25 per cent. As I indicated, and without going over all the detail again, it is being reduced in size because the number of campers and people who

might stay there as a result of coaches visiting Wilpena have been reduced, and the developer and operators have therefore proposed that the 20 hectare wood lot be reduced by 25 per cent to 15 hectares, partially as a result from that change in the accommodation mix. As I frankly conceded during my second reading contribution, as an amateur hydrologist and mathematician—

The Hon. R.R. Roberts: Still wet behind the ears.

The Hon. R.I. LUCAS: Still wet behind the ears, at least as an hydrologist, but not as a mathematician. However, I am frank enough to concede my weaknesses. I sought to amend Dr Stanger's water balance calculations, which, indeed, are critical to this whole debate. As I said, I sought to do so on the basis of the 25 per cent reduction in the size of the wood lot. As a result of what I admit are my calculations, the water balance then comes on the low side to a positive water balance of 44.5 megalitres per year to a high side of 217.5 megalitres per year. The reason for the wide divergence in the estimates by Dr Stanger originally was the two varying estimates of capacity of the bore holes.

Varying views were given as to the capacity, and Dr Stanger used on the high side a capacity of 331 megalitres per year that had, indeed, originally been supported roughly by Water Search, and in a February 1988 letter from the Department of Mines and Energy. There was a low side figure of 158 megalitres per year, which had been supported in an October 1988 letter from the Department of Mines and Energy, in which it reduced its estimate of the megalitre per year capacity of the two bore holes.

If one takes into account the Stanger assumptions, or attempts to make an adjustment because of the smaller size of the wood lot, one could—and I frankly concede once again that I am an amateur in this area—using the Stanger assumptions and the other assumption, come to a positive water balance of 44 megalitres per year to 217 megalitres per year. Has the Minister or her advisers considered the effects of the reduced size of the wood lot on the development and the water supply, and what is the Government's view as to that effect on the water balance?

The Hon. BARBARA WIESE: I cannot provide answers to that question off the cuff. We would need to check the figures to be able to reply accurately on that issue. However, I would like to reinforce the point that I made earlier about the question of water; that is, it is acknowledged that there are some conditions under which we cannot predict accurately the water supply availability. That has been quite publicly and openly acknowledged.

The point I want to reinforce here is that the subject of water will be a matter of further detailed study as required by the environmental maintenance plan. As soon as this development gets under way work on further water studies will commence. It will be possible then to have available much more information upon which appropriate action plans can be put together that will protect the water supplies in the area. Decisions can then be taken about what needs to be done in the medium to long term.

The Hon. R.I. Lucas: Can you give me a response to my question?

The Hon. BARBARA WIESE: I also point out that under this legislation a copy of the environmental maintenance plan, once it is produced, will have to be laid before both Houses of Parliament. Therefore, there will be the opportunity for all members of Parliament to study that document and to raise issues as appropriate. As to the specific question asked by the honourable member, I will certainly ensure that we get a reply to it so that he has that information on hand.

The Hon. L.H. DAVIS: I want to pursue a matter that my colleague the Hon. Robert Lucas has touched on in part; that is, visitor numbers to Wilpena and the anticipated benefits that will accrue to tourism in South Australia as a result of the establishment of an airport at nearby Hawker. As has been clearly expressed, this airport will have a capacity to accept jet aircraft—a BAE146, capable of carrying 90 passengers. I suppose one could style it a 'whispering jet', which arguably has as little noise as has, perhaps, the Hon. Peter Dunn's small one engine Cessna, which, of course, is a very acceptable advance on some of its noisier predecessors.

To what extent has Tourism South Australia been advised of the potential of the development of that tourist facility at Hawker to bring passengers into Hawker and then, beyond Hawker, either way, through to Adelaide, Alice Springs or some other tourist destination? Have tourist operators expressed any interest in developing packages to take advantage of this new facility at Hawker?

The Hon. BARBARA WIESE: The first point I want to make about the development of this airport is that it is very much in keeping with the State Tourism Development Plan and the Tourism Development Strategy for the northern part of the State. Whilst this proposed airport facility will be of considerable importance to the Wilpena Station development and its capacity to maximise visitation to that project, the airport facility will also be of considerable benefit to surrounding districts. It is to be expected that people will use the facility provided by the Hawker airport to further business interests and for other visitation purposes and thus it will be of much broader benefit than simply the Wilpena Station development itself.

So, we can expect that Hawker, Quorn and various other parts of the State will see the benefits that will flow from having this improved access to their part of South Australia. As I understand it, so far there have been no detailed discussions with any tour operators who might ultimately take an interest in putting together package tours that would include a stop at Hawker airport and perhaps a visit to the Wilpena Station tourist facility, but I fully expect those discussions to take place once the future of this project is known. Of course, that rests on the passage of this Bill through the Parliament.

I have had at least an informal discussion with one of the regional airline operators here in South Australia who has expressed a strong interest in this project and the opportunities that it provides for the development of packages that would include Wilpena Station and points further north in South Australia, say, Coober Pedy and perhaps points further north again into the Northern Territory, with perhaps a stop at Yalara and beyond.

There are significant opportunities for the development of packages. Already informal interest has been expressed by people who ultimately are likely to come forward with some serious proposals and, therefore, I would expect that the gains that will accrue to the South Australian tourism industry will become reality. It has been estimated that the airport facility itself could add about $3.5 million in additional tourism to the State just by being there.

The Hon. L.H. DAVIS: Obviously, one of the challenges facing a new tourist facility such as this is to attract sufficient visitors to make the project viable. As I indicated in my second reading contribution, I do not believe that it is for this House to look behind the economics of the project too closely. I accept what the Minister has said: that the Government does not stand to lose any money if the project does not get off the ground, and I also understand the lease advantages for the Government if the project down the

track does not succeed for one reason or another. However, one of the difficulties that always faces a project of this nature, located where it is, is in attracting visitors to that destination in what would be styled off-peak periods. Obviously, I refer to the summer months of November, December, January and February, principally.

I have not made any inquiries about what the occupation levels are at Wilpena Chalet. One would imagine that the superior facilities that we are talking about with the new development at Wilpena Station will be perhaps more attractive to a prospective visitor, but clearly that is one of the big challenges for the developer and the operators, to attract visitors into what can be a quite inhospitable region in the summer months. One of the curious facts, as I remember about the Wilpena area, having been there on many occasions, is that in fact the summer temperatures are cooler at Wilpena than they are in Adelaide, something that certainly State and international tourists might not be aware of. Clearly, there is a marketing challenge there, but I am interested to know whether the Minister has any information about that aspect, for example, by drawing on information that might be available from the Yalara development.

The Hon. BARBARA WIESE: I am not able to provide statistics for the honourable member, but I can provide anecdotal support for the fact that in recent times the Yalara development has been successful in boosting its summertime occupancies. I do not have full details as to how that has been achieved, but I understand that the marketing approach that has been taken by Yalara to boost the summer months, which traditionally in the centre of Australia have been the down time in tourism, have been successful. I would anticipate that, with the package tour links etc. that will be capable of being developed, it would include Yalara with the Wilpena Station tourism facility, and that that development will be able to piggy-back on the efforts that have been made at Yalara to encourage people to come to the region during the summer months.

In fact, from what I understand, there may well be some clear climatic evidence that can be presented by the Wilpena Station tourism resort marketing people about the advantages of being in the area during the summer months, contrary to public perception of those parts of Australia during that time of the year. I see this very much as a marketing issue, but it would be difficult to market that part of the State successfully as a destination during summer months unless the facilities provided were suitable to provide the degree of comfort that people are looking for at times of the year when it is hot. Certainly this development will do that and, for that reason, I expect that considerable emphasis will be placed on boosting occupancies at that time of the year.

The Hon. L.H. DAVIS: One of the attractions of national parks around the world is an ability to educate people who may not necessarily be familiar with the fauna and flora of the area which, in many cases, they will be visiting for the first time. With my colleague the Hon. Peter Dunn, last year I was fortunate enough to visit Cradle Mountain, a world heritage listing in Tasmania. Just a few months ago, I was fortunate enough also to visit Mt St Helens in the north-west of the United States, the famous volcanic mountain surrounded by a very significant area of national park and with very memorable vistas. Both Cradle Mountain and Mt St Helens had something which I found of special value to visitors; that is, they offered—

The Hon. M.J. Elliott interjecting:

The Hon. L.H. DAVIS: My colleague is suggesting that a by-election might have been useful—it was a very uncharitable remark. One of the features of both Cradle Mountain and Mt St Helens which I found very attractive and very helpful in learning about the environment of those regions was a ranger service which enabled visitors to be taken on a tour. The Hon. Peter Dunn and I went on a two hour trek through Cradle Mountain, which was absolutely free. It was an invigorating experience. The guide, who was obviously familiar with the area, pointed out features that we would never have seen ourselves.

As the Minister knows, I have expressed support for the development at Wilpena because I believe that a sensitive and sensible development of an appropriate scale can be valuable, not only in controlling the people in a very delicate environment but also in educating people. Given the intention that has been expressed that moneys flowing into the Government as a result of rental from the Wilpena Station development would be funnelled into the National Parks and Wildlife Service to enable it to better cope with the increased visitation to that region, is it anticipated that a similar service will be available to visitors to the Flinders Ranges? Whether one is camping up-market at the motel development or in the camping site, will a regular ranger service be available to show people the beauties of the Flinders Ranges—the fauna, flora and vistas of the ranges?

The Hon. BARBARA WIESE: This is a very important part of this whole development. In fact, it is critical to the future of the preservation of the Flinders Ranges area that the development occurs as soon as possible in order that the Government will have access to the flow of income from the lease agreement which will enable the Government then to channel resources into better park management and into the employment of rangers who will be able to police the area more effectively and who will be in attendance to provide support and information to visitors to the area.

Whilst talking on this matter, I can indicate that very extensive discussions have taken place already between Ophix and the local Aboriginal community about the ways in which it will be possible for the operators of the development and the Aboriginal community to work together in order to employ Aboriginal people to provide a service to visitors to the area and to provide information about matters of significance to Aboriginal people in the area.

Further to that, it is an obligation under the lease for the developer to put into practice an information plan relating to the area and to provide information and education activities to park visitors. The plan to be put in place must be of a quality that satisfies the Director of the National Parks and Wildlife Service and, as I have indicated, it will be provided at no cost to the Government. It will be financed through the lease arrangements.

In addition to that, last year Tourism South Australia through its tourism development fund embarked on a two-year $400 000 program to improve interpretive signposting in the Flinders Ranges area. I know this is a matter close to the heart of the Hon. Mr Davis, and he will be pleased to hear that a suitable signposting program is already underway in that region. As part of that program, some work will be undertaken to improve other facilities, including parking and other things, in the region of the Flinders Ranges National Park.

So, a number of things are already under way which are easing some of the pressures in the Flinders Ranges region, but by far the most extensive work will begin once this development is commenced. The developers will be embarking on a very extensive program of support and information for visitors to the park which will encourage

people to enjoy, appreciate and respect the environment they are visiting.

The Hon. K.T. GRIFFIN: I refer to a couple of the definitions. The clause provides:

'The lease' means the lease dated 16 January 1989, between the Minister for Environment and Planning and Ophix Finance Corporation Pty Limited.

I am not aware that that lease has actually been tabled in either House for the purpose of identifying it in relation to this definition, nor am I aware that it has actually been lodged at the general registry office which would then make it an identifiable document available for public scrutiny, and no-one at any time in the future could have any doubt that the lease referred to in this Bill is in fact the lease which has been deposited or tabled. Can the Minister give some indication of the way in which the Government intends to ensure that the lease is on the public record, not merely available but on the public record for the purpose of identification?

The Hon. BARBARA WIESE: The lease document is already a public document in the sense that, on the day of its signing, 40 copies were released to members of the press and anyone else who wanted a copy of it. I am not sure what the honourable member would consider an appropriate way of designating this as the official lease document. If tabling of the document in Parliament would suffice, I am happy to do so. I suppose that the lease could be registered in some way or another. It is not really an issue that has been considered, as I understand it.

The Hon. K.T. GRIFFIN: I have a recollection that, with other pieces of legislation such as for ASER and the Hilton Hotel, there have been leases in registrable form and they have been registered because the land was freehold land on identifiable titles at the Lands Titles Office. The lease can be deposited at the general registry office. That makes it publicly identifiable and no-one can question which lease is involved. I am not suggesting that, in the short term, there will be any difficulty but there may be difficulty in 45 years' time, when all of the copies circulated at the press conference may have been dissipated, perhaps because they were on biodegradable paper. It seems to me that there needs to be some public depositing of the lease to ensure that, in the longer term, it is readily identifiable.

The Hon. BARBARA WIESE: I do not think that the Government would have any problem with the suggestion that the honourable member made. I will raise it with the Minister for Environment and Planning and I am sure that she will agree to have a copy of the lease agreement deposited at the general registry office.

The Hon. K.T. GRIFFIN: That is important, and I must say that I am surprised that it has not been done because I do not see that 45 (or however many) copies released at the press conference is adequate identification of the lease for the purpose of the legislation. I hope that the Minister for Environment and Planning will proceed to that more formal identification of the lease through deposit at the general registry office. My second area of questioning relates to the definition of 'airport land', as follows:

(a) land (not exceeding 600 hectares in area) within 20 kilometres of the Post Office at Hawker selected by the council for the establishment of an airport pursuant to section 4;

(b) land for the purposes of navigational beacons or other navigational aids;

and

(c) land (if required) for the purposes of a road giving vehicular access to the land referred to in paragraphs *(a)* and *(b)*;

The land within 20 kilometres of the post office at Hawker is a very large area within which to place an airport of 600 hectares. Will the Minister indicate whether any possible sites for the airport have been identified and, if so, will she identify those sites for the purpose of this debate?

The Hon. BARBARA WIESE: A study commissioned by Tourism South Australia and completed in July of this year undertook an analysis of the site options for the proposed Hawker airport. The study identified seven possible locations in the area but concluded that one particular site was probably the most likely to be suitable. That site is approximately five kilometres north-east of Hawker and across the road from the existing Hawker airstrip. Whether that site will become the site for the airport is a matter that will be the subject of an environmental impact study. It would be improper to pre-empt the outcome of that study. The report undertaken on behalf of Tourism South Australia will be a very useful document to be included in the environmental impact study.

The Hon. K.T. GRIFFIN: Is the Minister prepared to table that document which deals with those options?

The Hon. BARBARA WIESE: I am happy to table a copy of the document. It, too, has been a public document since August of this year and has been available for anyone who wanted access to it.

The Hon. K.T. GRIFFIN: If the site to which the Minister referred across from the existing airstrip is the preferred site, does she have any timetable within which work will commence on that airport? What is the time frame within which the EIS procedures and the work will commence?

The Hon. BARBARA WIESE: As soon as Ophix Finance Corporation is in a position to guarantee that it has finance for the development and is in a position to commence construction, work on the environmental impact statement for the airport will commence and all of the usual procedures will be undertaken. As soon as possible thereafter, construction of the airport will commence.

The Hon. K.T. GRIFFIN: Will the Minister indicate whether the option preferred by the working party is on pastoral land, Crown land, lease perpetual or miscellaneous lease?

The Hon. BARBARA WIESE: I understand that the land is perpetual lease land.

The Hon. K.T. GRIFFIN: I take it that, if it does stand up to scrutiny under the EIS procedures, it is proposed to resume the land from the current lessee and pay appropriate compensation for that resumption.

The Hon. BARBARA WIESE: It would be the intention of the Government to negotiate with the existing leaseholders of this land on a suitable package that would satisfy their needs and those of the airport development.

The Hon. K.T. GRIFFIN: The other aspect in relation to the airport relates to the beacons or navigational aids. Does the report to which the Minister referred earlier identify locations for those beacons or navigational aids and, if so, what is envisaged about their location in relation to the proposed airport?

The Hon. BARBARA WIESE: When the EIS has been completed there will be a master plan and the sites for the beacons and other navigational aids will then be determined.

The Hon. K.T. GRIFFIN: Reverting to the lease, my recollection is that the requirement of the lease was that the work should commence by 1 November this year—obviously, that is not possible. Can the Minister give any indication as to the likely date, subject to finance being available, by which the Government will require the work to be commenced?

The Hon. BARBARA WIESE: No commencement date is contained in the lease itself. The lease simply requires

that the schedule 2 stage of the development should have been undertaken by 30 June 1994. However, in August this year, when I announced the commitment of the Government to the airport construction plans and the proposal for undergrounding part of the powerline to the development, I also indicated that this would be conditional upon the developer commencing work by 30 November. Of course, since that time legal action has been taken on this matter, and it has not been possible for that commencement date to be realised. The Government has not in fact considered a future possible commencement date but, as I understand it, it is the view of the proponents that if this Bill passes in the reasonably near future, and they are able to put in place their financial arrangements as required, they would hope to get construction under way by the beginning of March next year.

The Hon. PETER DUNN: Regarding the airport, has the State Government determined whether the navigational beacons and navigational aids will be put in by the Commonwealth Civil Aviation Authority, Ophix, the State Government or the Hawker district council, and will there be any assistance to whichever authority puts it in, under the Australian Local Ownership Plan (ALOP) scheme?

The Hon. BARBARA WIESE: Exactly who would be involved in the construction of the beacons and navigational aids has not been determined at this point. There would not be assistance under the ALOP scheme to which the honourable member referred, because I understand that the Commonwealth Government has ceased to operate that scheme which, of course, is one of the reasons why the State Government has become involved in this project and has committed a sum of money towards the construction and financing of the airport facility.

The Hon. PETER DUNN: My reason for asking that question is that the ongoing cost of running those navigational aids is quite considerable. The Tumby Bay council has had a similar situation: just to test an NDB, for example, costs more than $2 000 and that needs to be done each year. I suggest that perhaps the Government ought to look into this a little more deeply, because of the ongoing costs. If they are run by the CAA the costs are picked up by the Commonwealth. If they are run by the Hawker council that will be a very big burden on that council.

The Hon. BARBARA WIESE: The question of the ongoing maintenance costs for the airport was a topic addressed in the analysis of site options for the proposed airport there that was conducted on behalf of Tourism South Australia earlier this year, and that question will be further considered when the master plan is being drawn up at a later date and following the environmental impact statement process. However, it is envisaged that there will be landing charges for use of the airport and they will help to recoup some of the costs. As to other issues, I cannot be more specific at this stage, but certainly the Government and the council are aware of the fact that these costs exist and further study will be undertaken to determine how they will be financed.

The Hon. M.J. ELLIOTT: The question of the airport has been raised. I wanted to explore with the Minister what it means in the Tourism South Australia document when it says that the $2.5 million is to be loaned to the District Council of Hawker by the Local Government Finance Authority. The document goes on to say that the loan will be repaid from the balance of the income streamed from the Wilpena situation resort lease; that is assuming there is a surplus beyond the park management requirements. It also says that it would be guaranteed by the Government. In what way will this guarantee operate? If there is no surplus after park management requirements, will the Government pick up the difference, or does it mean that, if there is no surplus and the Hawker council itself cannot meet it, then the Government will finally guarantee it? At what point does that guarantee operate?

The Hon. BARBARA WIESE: It is envisaged that the repayments for the loan that the Hawker council will obtain from the Local Government Finance Authority will be repaid from the balance of the income stream after the park management needs have been satisfied, and we would not expect those repayments to commence until after year 10 of operation.

The Hon. M.J. ELLIOTT: Who picks up the tab in the meantime?

The Hon. BARBARA WIESE: In the meantime, the interest will be capitalised. The Government guarantee means what it says; namely, that if sufficient money was not available from the income stream after park management needs had been satisfied, the Government guarantee would be activated and, presumably, the Government would pick up the repayment costs, and in any other circumstances where the plan had not been realised.

The Hon. M.J. ELLIOTT: Is the Minister saying that the implication therefore is that the Hawker council has no real obligation?

The Hon. BARBARA WIESE: That is what I am saying; the Government recognises that the Hawker council does not have sufficient financial resources to be able to embark on this project on its own and, in a sense, the council's borrowing from the Local Government Financing Authority is a vehicle for achieving the outcome that is desired.

Clause passed.

Clause 3—'Construction, etc., of tourist facility.'

The Hon. BARBARA WIESE: I move:

Page 2—
Line 28—Leave out 'The Minister, or a' and insert 'A'.
After line 38—Insert subclause as follows:
(1a) The Minister may authorise the lessee or any other person to undertake the acts and activities referred to in subsection (1).

These are essentially drafting amendments to make perfectly clear that the Minister may authorise the lessee to undertake the construction of the facility and the associated acts and activities. It is obvious that the Minister would not be engaging in construction activities, so these amendments, making changes to lines 28 and 38, make the relationship between the Minister and the lessee perfectly clear in this respect.

The Hon. R.I. LUCAS: Under the original drafting of the Bill, it was possible for the Minister, and therefore the Government, to develop the project. Is the import of this amendment now that the Government and the Minister are no longer able to develop the project?

The Hon. BARBARA WIESE: I do not think it was ever intended that the Minister would undertake the development, and we want to make that quite clear by way of this amendment.

The Hon. R.I. LUCAS: I accept that that it was never intended, but certainly the drafting of the Bill, as I understand it, allowed for the Minister to be the developer and, by this amendment, we are removing that possibility.

The Hon. BARBARA WIESE: That is as I understand it, yes.

The Hon. K.T. GRIFFIN: I would like to pick this up, because the clause provides that the Minister may authorise the lessee or any other person to undertake the acts and activities. Would the Minister indicate why it is necessary to insert the words 'or any other person'?

The Hon. BARBARA WIESE: This would be to provide for the Minister to authorise a contractor to actually engage

in the act of construction. I think that the intention of this clause is to provide sufficient flexibility that the parties that would be engaged in the act of constructing the facility will be so empowered, whilst removing the unintended implication that the Minister might actually undertake this activity.

The Hon. K.T. GRIFFIN: When the Minister says that it may be necessary to authorise a contractor, is she talking about a contractor to the developer—the lessee—or a contractor to the Government?

The Hon. BARBARA WIESE: We intend this to mean a contractor to the lessee, rather than a contractor to the Government.

The Hon. K.T. GRIFFIN: I make the point that it is interesting that in the House of Assembly the Minister for Environment and Planning, when talking about this clause, and subclause (1) in particular, and when she was asked questions about other developers beside the lessee, ruled that out absolutely. Might I suggest that the drafting does envisage or allow that not only the lessee or a contractor but, in fact, someone else undertaking some other part of the development, even apart from the lessee's rights, might be authorised?

The Hon. BARBARA WIESE: I think this amendment provides for all circumstances that can be envisaged at this time. It may be that the Minister wants to authorise a lessee or the contractor that is employed by the lessee. I think this sort of wording will also provide for the circumstances where, for some reason or other, the current lessee is not able to proceed. There would still be the power under this clause, as I understand it, for the Government to proceed with a development, but perhaps with a different lessee.

Amendments carried.

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

Page 2, lines 41 to 43—Leave out these lines and insert '(i) the forms of overnight accommodation set out below—'

I have made clear from the outset that I am most unsatisfied with the whole Bill in a number of regards. I have certainly been opposed to the chosen location of the resort, and I have certainly objected to the methods that have been used to make that decision. Finally, this Bill, very much involves retrospectivity in an attempt to stop a High Court challenge. So I have been objecting to this Bill on all those bases. However, as this Bill appears likely to be passed, I think it would be irresponsible of me at least to make this as good a Bill as is possible in the circumstances.

I have a particular concern that an EIS was carried on a particular proposal which in fact only matches a development that approximates the scale of development that we are looking at in Clause (3) (2) *(a)* (i) and that the scale of the development, which is mentioned further, later on in this same clause, goes well beyond that of the EIS. We have a Minister in this Chamber who is admitting that there is a serious lack of knowledge in relation to water availability. In fact, I would suggest that there is a serious lack of knowledge in a number of other areas, and certainly the EIS was not pitched at the larger scale development that is referred to in this later clause.

I am suggesting to the Committee that, if it feels that a development should proceed, the sensible thing to do at this stage is accept a development of the size, extent and type that was envisaged in the original EIS and that, if at a later date, it is requested that there be a further expansion, the Government should be able to come before this Chamber and give the information that it is not capable of giving us now, for example, information about water.

Perhaps by then we will also have some experience with the existing development before we decide to go to something of a greater scale. The clause as we now look at it gives the Government a great deal of discretion, and the Parliament then has really lost its power to intervene further. I think that would be a tragic mistake. This Parliament would be approving a development beyond the size and scale that really has been proven to be suitable for the area.

I suggest that the Opposition look very seriously at the amendment which I am moving and which, at this stage, accepts that we may have a hotel with up to 120 bedrooms, 40 separate bungalows, dormitories providing a total of not more than 30 single beds, etc, as envisaged in subclause 2 *(a)* (i) and that further development beyond that should come back to this Chamber for approval. My amendment, involving lines 41 to 43, is the first of a series of amendments that set about doing precisely that. It states that this Council will approve a scale of development that meshes in with the EIS and that, if we are to go further than that, this Council should grant approval for such further expansion. I think that that is a reasonable thing to ask for, whether or not people agree with the overall concept of a development at this location, or in parks at all. I hope that my amendment is supported.

The Hon. BARBARA WIESE: I strongly oppose this amendment on behalf of the Government. This amendment would limit the scale of the Wilpena Station development to schedule 2 of the lease, which is 1 781 overnight visitors. The environmental impact statement described the environmental impact associated with the development with a capacity of 3 640 overnight visitors. The lease and the Bill provide for 3 631 overnight visitors. No argument or purpose has been advanced to limit access to the park's facilities forever to the current visitor levels at the existing development. This amendment is seriously retrospective, as it limits the provisions of the lease, which are protected elsewhere in the Bill.

In addition, schedule 2 is the absolute minimum required of Ophix by the Government. It sets a minimum accommodation mix to provide for visitors a range of accommodation, from camping, to dormitories, to cabins and to hotel rooms. Limiting the development to this scale would destroy its financial viability. The infrastructure costs—the costs for water, sewerage and power—all of which are being met by the developer, require a scale of visitor use to cover such an investment. Limiting the scale would also perpetuate the level of congestion that is currently experienced at the existing accommodation facility. Therefore, there are many good reasons for opposing this amendment, and the Government very strongly recommends to the Committee that it be opposed.

The Hon. R.I. LUCAS: I guess it should come as no surprise to the Hon. Mr Elliott that the Liberal Party also opposes this amendment. I believe that the amendment and some of the supporting comments from the Hon. Mr Elliott arise out of a misunderstanding of what is involved in the environmental impact statement and, in particular, in relation to EIS stage 1, which envisages a development of some 2 400 overnight visitors. If, as the Hon. Mr Elliott indicated in his comments supporting this amendment, he is seeking to restrict the development to that figure, that is not the case because, as the Minister indicated, the import of his amendment is to restrict it to 1 781 overnight visitors, some 600 or 700 fewer than EIS stage 1.

The other point I note is in relation to water, to which the Hon. Mr Elliott referred. Again, as I indicated earlier, Dr Gordon Stanger has indicated that, in his professional and independent view, the water supply of EIS stage 1 is assured, that is, for a project of the scale of, I think, 2 406 overnight visitors. So, I do not think the supporting com-

ments of the Hon. Mr Elliott are correct. I guess that even if they were the Liberal Party's position, which we have made clear throughout the second reading contribution, is that we would not support the honourable member's amendment.

The Hon. DIANA LAIDLAW: I would like to say just a few words in respect of this clause and the amendment moved by the Hon. Mr Elliott. I appreciate the sentiments that he has expressed. Like the Hon. Mr Elliott, I have indicated my opposition to this Bill, but I also indicate my opposition to the amendment. I am not sure quite what he is trying to do when one considers not only the comments made by the Hon. Mr Lucas but also the fact that he is seeking to restrict the size of this development, notwithstanding the provisions in the lease which the Government and Ophix have been already signed and the fact that (and I draw this to the Hon. Mr Elliott's attention) clause 12 provides that nothing in this legislation varies the lease or in any way restricts the exercise by the lessee of the lessee's rights under the lease. I note that the Hon. Mr Elliott has not sought in his amendments to address, amend or even delete that provision. So, I think that his exercise now, in addition to the comments made by the Hon. Mr Lucas, is somewhat superficial in the light of clause 12.

In respect of the Minister's comment, I suppose that no other matter that was discussed in relation to this debate could come as a surprise to anyone. However, when the Minister raises the subject of retrospectivity and says that she opposes the clause because of its retrospective nature, the hypocrisy of the Government knows no bounds, because the whole Bill is retrospective in its impact. For the Minister to argue that as the central point against this amendment shows some sense of despair and frustration and, certainly, a lack of understanding of the Bill and control of the whole process.

The Hon. M.J. ELLIOTT: The Hon. Mr Lucas suggested that the amendment as I now have it allows a development which is below that envisaged in stage 1. Of course. What is envisaged in subclause (4) envisages something that goes beyond stage 1. That is the choice I had as things stood. So, at this stage I was seeking, to limit the development to a size below that which was envisaged in stage 1 of the EIS. For that reason I was seeking to delete subclause (4) eventually with consequential amendments, because that would have been done solely at Ministerial discretion.

One notes that it has to be done at the request of the lessee. It seems quite clear to me that it is the intention of the lessee to apply almost immediately for that larger scale development. I do not believe that we will see a staged development at all. My suspicion is that it has already been decided that we will go straight to the second stage. Further to that, I would like to know exactly what some members of the Opposition know about this, because the amendments that they moved in the Lower House are quite amazing.

I know that even some members of the Opposition were amazed by these amendments. In fact, the Opposition moved amendments to increase the size of the hotel, the number of bungalows, the number of dormitory beds and so on and to decrease the number of camping sites. No-one knows why the Opposition did it or from where it plucked those figures; except it is quite clear that someone from Ophix has had detailed conversations with some members of the Opposition and said, 'This is what we need now.'

It is my expectation that we will see a development that will proceed almost certainly straight to stage 2, which is envisaged within this clause. What we are being put through is an exercise of absolute hypocrisy, once again. There has been some attempt to mislead. I believe that it will go straight to stage 2, with many questions still not properly answered in respect of a development of this size. The Opposition should reassess what it is doing. At times it has tried to establish some green credential—that is in tatters now. It is an absolute disgrace. I would hope that the Liberals reassess what they are going to do; but it is clear that most of them will not.

The Hon. R.I. LUCAS: I do not want to delay the debate in Committee. The Hon. Mr Elliott has indicated that the Liberal Party was trying to mislead. I know that he was not present during the second reading debate but, if he takes the time to read my second reading contribution, he will know whence the figures came. The intention is that the development would commence at a stage of 2 300 and move through by the seventh year to a stage of 2 900. There has been no attempt to mislead. That was in the second reading contribution made in this Chamber. It was made clearly and openly, and that is the position that the Liberal Party has put down. I reject the allegation or assertion by the Hon. Mr Elliott that in any way the Liberal Party is seeking to mislead. It has indicated openly during the debate in this Chamber the background and reasoning for the amendments that have been moved.

The Committee divided on the amendment:

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

Noes (18)—The Hons J.C. Burdett, T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Diana Laidlaw, Anne Levy, R.I. Lucas, Bernice Pfitzner, Carolyn Pickles, R.J. Ritson, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese (teller).

Majority of 16 for the Noes.

Amendment thus negatived.

The CHAIRMAN: We have amendments on file from both the Hon. Mr Lucas and the Hon. Mr Elliott. I call on the Hon. Mr Lucas.

The Hon. R.I. LUCAS: I am looking at the amendment circulated by the Hon. Mr Elliott, and I wonder how it impacts on the amendment I am about to move. Perhaps the Hon. Mr Elliott will clarify the position.

The Hon. M.J. ELLIOTT: The amendment I had on file to page 3, lines 21 to 44, was consequential on the amendment just lost. Having lost that initial amendment, I do not intend to proceed with the consequential amendments, but I do now have on file a second set of amendments, which were irrelevant until the loss of my first amendment. These amendments contemplate stage 2 being of a scale that was in the original Bill introduced into another place. The change in wording is significant. Rather than saying that the Minister 'must', my amendment provides that the Minister 'may' at the request of the lessee increase the capacity. There are some consequential amendments that then require that the two Houses of Parliament have an opportunity to approve or disapprove of such expansion in a way similar to that envisaged in clause 3 concerning the stage 3 expansion.

At the moment we have stage 1 and stage 2 before us. Stage 2 is within clause 3 (4). There is a further expansion in clause 3 (5) which is subject to certain other matters. In fact, I have made stage 2 subject to the sorts of conditions that the stage 3 expansion was to be subject to.

The Hon. R.I. LUCAS: Having had a quick chat with the Minister during the last division, I think it might be a useful time to report progress shortly. On the surface of it, this amendment is a bit bizarre. It may well be the lateness of the hour and the fact that I missed out on a basketball game tonight that have contributed to my lack of understanding. That is perhaps why we ought to report progress. On my initial reading of this amendment, which I have not

seen before, it appears that the Hon. Mr Elliott is allowing the automatic increase to the maximum size of the project of 3 631 overnight visitors, which was envisaged under the fourth schedule of the lease and the second part of the Government's original Bill. He is deleting the provisos included by the Liberal Party under subclauses (5) and (6).

The Hon. M.J. Elliott: That does require the resolution of both Houses of Parliament to approve the increase, which is what was in subclause (7).

The Hon. R.I. LUCAS: The Hon. Mr Elliott seeks to delete subclauses (4), (5) and (6) and make no amendment to subclause (7), which in fact refers to subclause (6) which he seeks to delete.

The Hon. M.J. Elliott: It is intended that subclause (6) be altered to subclause (4).

The Hon. R.I. LUCAS: It is either bizarre or the drafting needs improvement, because there is no amendment to subclause (7) which refers to subclause (6), and the Hon. Mr Elliott is now seeking to delete subclauses (4), (5) and (6).

The Hon. M.J. Elliott: You are quite right. There is a line missing from those amendments.

The Hon. R.I. LUCAS: If a line is missing, I would have thought that now is probably a fairly good time to report progress and tidy up the drafting. We could then consider the Hon. Mr Elliott's amendment in the light of the amendments that I have on file as well. Otherwise we must wait for the Hon. Mr Elliott to tidy up his amendment.

The Hon. BARBARA WIESE: I agree with the Hon. Mr Lucas. I am certainly having trouble trying to work out what this amendment is intending to achieve. If it is the case that something has been missed from it, it would be desirable to tidy that up before the Committee considers it in greater detail tomorrow.

Progress reported; Committee to sit again.

CORRECTIONAL SERVICES 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

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ACTS INTERPRETATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 11.27 p.m. the Council adjourned until Wednesday 14 November at 2.15 p.m.