LEGISLATIVE COUNCIL

Wednesday 20 March 1991

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

QUESTIONS

AUDITOR-GENERAL'S REPORTS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking you, Mr President, a question on the subject of Auditor-General's reports.

Leave granted.

The Hon. K.T. GRIFFIN: The Auditor-General stated in his report for the year ended 30 June 1990, tabled in September last year, that:

> . . . because of the nature of their operations, and for other reasons, some agencies are unable to complete their accounts in time for inclusion in this report. In those cases they will be included in a supplementary report to be presented to Parliament later this financial year.

The agencies listed in the report were: Central Linen Service; Enterprise Investments Limited; Sagric International Pty Ltd; South Australian Finance Trust Ltd; South Australian Finance Trust; South Australian Superannuation Board; and State Government Insurance Commission and subsidiary bodies.

With Central Linen Service, the problem was reported to be that a large number of source documents supporting the information detailed in its financial statements was held by the Police Department and that the method by which those documents were filed had inhibited the audit process. With other agencies, the accounts had not been completed, or there were other reasons not stated for the delay.

So far, the Auditor-General's report in respect of these agencies has not been tabled in the Parliament. Will you, Mr President, take up with the Auditor-General the issue of filing his report on these agencies and ascertain the reasons why the report has not been able to be presented to the Parliament, and when it is likely to be presented? Secondly, will you endeavour to ascertain this information and report to the Council tomorrow?

The PRESIDENT: Yes, I will be happy to undertake that task.

TOURISM RESTRUCTURING

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Tourism a question about restructuring tourism in South Australia.

Leave granted.

The Hon. DIANA LAIDLAW: The Minister's submission to the Government Agency Review Group (GARG) last November noted that South Australia was losing its tourism market share.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: Perhaps the Minister cannot recall the submission. I have the submission in front of me, and it notes on page 5, most clearly:

> Despite the encouraging growth in visitation and the progress of air access and strategic developments, South Australia is currently really only holding its historically low Australia market shares of interstate and international (export) visitation and experiencing declining market shares of export visitor nights.

Essentially, what this means is that while visitor numbers are increasing in South Australia—and I acknowledge that—visitor numbers in other States and Territories are increasing far more vigorously, with the result that our historically low position in terms of visitor numbers is simply being maintained and not increased. This has encouraged a number of people in the tourism industry in this State to canvass the possibility of establishing a tourism commission in South Australia. They note that in all other States, and including the Commonwealth, the Governments operate tourism through a commission, and that South Australia, I believe, remains the only State with a departmental structure.

I have also been advised that the industries in those States that are outperforming South Australia in terms of tourism are very satisfied with the commission structure and strongly endorse such a structure, because they believe that it better reflects the entrepreneurial nature of the tourism industry. I have also been advised that, in recent weeks, if not perhaps at the last two meetings of the board of the Convention Centre, board members have been questioning the constraints under which they operate under the umbrella of Tourism South Australia. They have been canvassing at board meetings the possibility of freeing the convention centre from the structure of Tourism South Australia. I ask the Minister: what is the Government's current view on the establishment of a commission in South Australia, acknowledging that commissions operate in all other States and federally? Will the Minister continue to require the convention centre to operate under the ambit of Tourism South Australia?

The Hon. BARBARA WIESE: The honourable member is misinformed. Dealing with the second point first, the Adelaide Convention Centre does not operate under the umbrella of Tourism South Australia at all.

The Hon. Diana Laidlaw: The budget lines.

The Hon. BARBARA WIESE: For the purposes of the budget papers that are presented to Parliament—

The Hon. C.J. Sumner: Put it in the Attorney-General's.

The Hon. BARBARA WIESE: Yes, it could just as easily go under the Attorney-General's lines.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: If I might have the opportunity to explain, the fact is that the Adelaide Convention Centre is an independent body, established by the State Government, which happens to be responsible to the Minister of Tourism.

Because it is responsible to the Minister of Tourism for the purposes of the budget papers that are presented to this Parliament, the convention centre's lines appear in the same section of the budget papers as do those for Tourism South Australia, but they are not in any way linked; the budgets are framed separately and the Government considers the Convention Centre budget and the Tourism South Australia budget independently. The Convention Centre could just as easily be attached to the Attorney-General's lines, or anyone else's lines for that matter. It is purely for the purposes of presentation of information to the Parliament.

I hope that clarifies the point. Certainly, the Government felt that the Minister of Tourism is the most appropriate Minister of Government to which the Adelaide Convention Centre should be responsible, since there is such a strong link with tourism in the work that the Adelaide Convention Centre undertakes, it being responsible for attracting many thousands of people to this State from all over the world for the purposes of meetings, exhibitions and conventions. From time to time, the Adelaide Convention Centre board has raised the question whether it ought to function as an administrative unit of Government, as opposed to having, for example, the position of statutory authorities which are

established under independent pieces of legislation and which in some areas therefore may have greater flexibility in administering their affairs.

Whilst that discussion has taken place from time to time, and in relation to specific matters that have arisen, I think that the general view over time has been that the current situation does not to any large extent inhibit the convention centre in its operations. However, I am sure that if at some stage in the future the Adelaide Convention Centre, after proper study, felt that some other structure was more appropriate, it might well recommend to me as Minister that such a change should occur. At this point, no such recommendation is before me. I believe that, if a detailed examination were made of these matters, it is likely to show that very few benefits would flow from, say, a statutory authority structure of operation, as opposed to the situation that currently exists because, in fact, the board has considerable autonomy in structuring its affairs.

Certainly, at the moment we are looking at alternative means of funding the Adelaide Convention Centre, or at least dealing with its accounts, and discussions are taking place with Treasury on that question, so something may well flow from that in time. However, I think that the initial premise upon which the honourable member bases her question is inaccurate.

As to the question of the desirability or otherwise of establishing a tourism commission for South Australia, this matter has been examined on at least two occasions in South Australia during the past decade. The first occasion involved a review which was established by the former Liberal Government and which recommended to the then Government that a commission was not desirable or necessary, and that Government acted on that advice, which came from a review conducted by an independent consultant.

The Hon. L.H. Davis interjecting:

The Hon. BARBARA WIESE: It was around 1982, maybe 1981. Since that time—

Members interjecting:

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

The Hon. BARBARA WIESE: Since that time there has been a second examination of this question which took place about 1987, as I recall, and that was part of a review that I established to look at the role and function of Tourism South Australia. It led to a number of changes taking place. One question examined was whether or not the time or the conditions were appropriate for the establishment of a commission.

By that time the review also had the benefit of examining the effects of the establishment of a commission in at least two other States in Australia, and it came down saying that it was not desirable to establish a commission here. I must say that little has changed to influence me that the establishment of a commission would be desirable.

I say that because in the intervening period changes have been made to the Government Management and Employment Act, which enables chief executive officers of Government agencies to have much greater autonomy over their own budgets and staffing arrangements, and many of the constraints that previously existed in the Public Service are not now there to anywhere near the same extent.

The other, much more important point is that any organisation is only as good as the people working within it. I truly believe that tourism commissions in Australia have staff that are no better or worse than the staff employed within our own State Government tourism authority. For that reason, there is little to be gained from moving from our current structure to a tourism commission.

There is also no doubt that to move from this structure to another would set back by at least two years the progress of the excellent improvements that are taking place in South Australia, because none of these organisations in other States has been established without considerable disruption to the work for which a tourism organisation is responsible, that is, primarily the role of marketing the tourist attractions in their own parts of Australia.

Considerable disruption has resulted from the establishment of these organisations. One other State in Australia does not have a tourism commission, and that is Tasmania. It has stuck with the structure that it has had traditionally, although along the way there have been changes to the way it operates, just as there have been changes here in South Australia. Tasmania has stuck to that structure because it believes that it is likely to bring results that are at least as good as those that exist in other parts of Australia. Those members who have looked at some of the work produced by Tourism Tasmania would have to agree that that is so. I am aware that the honourable member believes that a tourism commission should be established in South Australia and—

The Hon. Diana Laidlaw: On what basis do you understand that?

The Hon. BARBARA WIESE: I have been informed by members of the industry that the honourable member has addressed industry meetings suggesting that a tourism commission is the most appropriate structure for South Australia, and that she would be interested in pursuing such a structure should she be successful in becoming Minister of Tourism in a Liberal Government.

If there really was support for this notion in South Australia, it would have been raised with me in no uncertain terms by members of the industry. I have to say that, whilst it is a topic that is discussed from time to time in the State by members of the tourism industry, it is not one of those burning issues that occupies the mind and time of people in the industry. They would much rather that the existing organisation had the ability to get on with the job of marketing the State in the best possible way in order to assist them in their job as tourism operators.

STATE SUPPLY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of State Services a question about State Supply.

Leave granted.

The Hon. L.H. DAVIS: Members opposite would be well aware that, over the past one or two years, other State Governments generally have had a policy of winding down areas of operation in government that can be more effectively and efficiently handled by the private sector. However, I have learnt that State Supply in South Australia, from its Seaton warehouse, is going in quite the opposite direction. It has been winding up both the size and scale of its operations to the point where it can be said it is decimating the many private sector suppliers of medical and surgical equipment.

State Supply supplies syringes, needles, bedside trays, bandages, cotton wool, tissue sheets and incontinence pads, not only to public hospitals but also to private and community hospitals. It has gone well beyond its original mission which, as the industry explained, was to supply public hospitals with volume medical products at good prices. It now supplies community hospitals and private hospitals, as well. For the past 18 months to two years, State Supply has

had travellers or sales representatives with catalogues drumming up business from any hospital. There is a widespread view that it is damaging the wholesale medical supply market in South Australia because it is using its clout as a Government agency to influence or persuade hospitals to buy from it. The strong message from State Supply is: 'We are the official Government supplier to hospitals; you should buy from us.'

It is also suggested that State Supply does not always win contracts on price. Apparently, State Supply acts as an agent or distributor for medical or surgical suppliers from interstate or overseas, often in competition with the private sector. One supplier told me that now only 10 per cent of his annual sales was to hospitals, compared with 80 per cent a few years ago. Another distributor has been forced to retrench staff. An examination of the State Services annual report for 1989-90 reveals that State Supply lost $340 000 last year, tending to confirm what many private sector operators believe, that it is cutting margins to win business. In fact, I understand that a questionnaire has been sent from Steidl, Smith and Associates to private sector operators—medical and surgical suppliers—asking them for their views. I have been given permission by McNeil Surgical, a South Australian medical and surgical supplier, to read its response to Steidl, Smith and Associates about the impact of State Supply. And, I just want briefly to—

The Hon. Barbara Wiese: Shouldn't this be a second reading speech?

The Hon. L.H. DAVIS: It is much shorter than your answer, Minister, and I would think much more pertinent.

The Hon. Anne Levy: Is it relevant?

The PRESIDENT: Order!

The Hon. L.H. DAVIS: It is very relevant, as you will find out. The response states:

> Dear Sir/Madam, Please find enclosed your questionnaire on which we have indicated our views. We have produced some interesting figures which show a dramatic downturn in hospital business through this company over a five year period. We have been wholesaling in South Australia for the past 20 years, with our main focus on hospital and general practitioner business. Hospital business can be split up into three groups: country, public and private.

It then indicates a table which shows its share of country hospital sales has decreased from 21.6 per cent in 1985 down to 10 per cent and public hospitals from 10.5 per cent down to .03 per cent. So country hospitals and public hospitals have decreased from 32 per cent of its sales down to 10.3 per cent in the past five years. The letter continues:

> In 1985 we had a staff of 16 and our sales representatives were calling on all country hospitals, as well as the metropolitan public and private hospitals. The following years have seen both Flinders Medical Centre and the Queen Elizabeth Hospital pursue the same warehousing and distribution policies which has again affected our sales in these areas. Given that these hospitals are having a devastating effect on our business as it is, it does seem to be ludicrous to say the least that State Supply have now set up warehousing and distribution both in competition to other Government instrumentalities and the private sector medical warehouses. As a privately owned small business we feel it is not the Government's role to enter into any private enterprise which threatens to extinguish the very source of its own income, that is, taxation. We put the following questions to State Supply to see if it does compete on a fair and equitable basis with private enterprise:
>
> 1. Who owns representative vehicles and are they subject to sales tax?
> 2. What price do they pay for petrol?
> 3. Who pays salaries?
> 4. Are the salaries subject to:
> *(a)* Payroll tax?
> *(b)* WorkCover?
> 5. Who carries out deliveries and are these vehicles subject to sales tax? Are delivery costs subsidised?
> 6. Who pays rent of premises, that is, store and office? Who pays land tax, council rates and water rates?
> 7. Occupancy costs, for example, lighting, heating, insurance, who pays and are they subsidised?
> 8. Finance:
> *(a)* How is business financed?
> *(b)* What interest is paid on capital?
> *(c)* Is this subsidised?
> 9. Repairs and maintenance of vehicles and premises, is this Government subsidised?
>
> We welcome and indeed thrive on competition; however all parties in a free enterprise system must be on an equal footing, or Government purchasing monopolies such as now exists in South Australia will eventually drive private business out of existence or at least out of the State or offshore. We estimate our turnover for June 1991 would be 66 per cent greater if we were operating at 1985 levels. This would obviously have greatly improved the Government's revenue from our business by way of taxation, as it is we have had to put off two people over this period and we see little hope of growth in the foreseeable future. Yours faithfully, Antony L. Palmer.

That letter, I suggest, is a damning indictment of duplication of warehouses in the Government sector, competition by State Supply on an unfair and inequitable basis, and a clear attempt by a Government agency to monopolise the warehousing and distribution of medical and, indeed, non-medical lines.

My questions to the Minister are: first, why does the Government, and why does the Minister in particular, allow State Supply to compete against the private sector in the warehousing and distribution of medical and surgical suppliers on what is far from a level playing field? Secondly, could the Minister advise the Council what was the purpose of the questionnaire from Steidl Smith and Associates to private sector medical and surgical suppliers? Thirdly, will the Minister advise whether the Government has any intention of winding back the unfair competition from State Supply?

The Hon. ANNE LEVY: I think the quotation which the honourable member has read out and his own comments completely misunderstand the limited area in which State Supply operates. State Supply operates—

The Hon. L.H. Davis: You're only blowing 10 firms away.

The Hon. ANNE LEVY: Mr President, if he wants an answer I will give it to him; if he does not want it, I am happy to sit down. I will now try to answer what took him 10 minutes to explain, and I would expect him to listen equally quietly and equally politely for 10 minutes, if I choose to take that long to answer his allegations.

Members interjecting:

The PRESIDENT: Order! The honourable Minister.

The Hon. ANNE LEVY: State Supply has, as its charter, the provision, at the most economical price available, of materials required by Government agencies and statutory authorities, and beyond that to organisations which are either sales tax exempt or which depend considerably on Government grants for their existence. State Supply does not compete in the private market. Its charter restricts it to supplying materials for Government, statutory authorities and other organisations which can be generally classed as benevolent organisations, the criteria used being that they are exempt from sales tax or they exist with considerable grants from Government. So, they do not compete throughout the community for business from private suppliers. Their market is much more restricted than that which is available to any private suppliers who are free to compete against the Government within Government if they are able to do so.

Furthermore, no instruction to use State Supply is given to any Government agency or any outside organisation. If they choose to do so, it is entirely because they feel they get better value for money in so doing and thereby save the taxpayer money, because the Government agencies and outside organisations financed by Government grants are

obviously costing the taxpayer money. If they can undertake their supply and procurement requirements without calling further on the taxpayer, that is surely to the advantage of everyone in this State.

It is true that State Supply has been appointed a distributor for certain overseas and interstate suppliers, not only in medical services but in some office materials. This has not been sought by State Supply. It has been requested to become the distributor by these interstate and overseas organisations, and it has been glad to do so. It is a recognition of its efficiency and the good value which it provides to its customers.

State Supply has instituted a 'customer first' program. It has been undertaking a lot of training and development in relation to its staff and procedures so that it gives a better service to all its customers, and this is recognised by the large number of organisations, either sales tax exempt or Government funded, who apply weekly for permission to use the services of State Supply. The lists of them come across my desk regularly, and would include fairly well every benevolent society in South Australia which chooses to use State Supply. There is certainly no compulsion on them to do so, but they choose to because of the good value for money which State Supply provides.

With respect to medical supplies particularly, State Supply has improved its efficiency to the extent that it has a turnaround time of one day for metropolitan orders and three days, I think, for country orders, but I will check on that figure—I would not like to guarantee its accuracy. It is this excellent service which the hospitals appreciate and wish to use. It means they can order something one day and it arrives the next day. They do not require large storerooms themselves with enormous supplies waiting for several weeks. They do not have to carry several weeks supply to cover a lengthy time between their ordering and any supplies arriving. I stress again that no agency of Government or outside society has to use State Supply; they do so entirely of their own volition because of the good value that they receive.

With regard to the honourable member's question about the questionnaire, I am not aware of any questionnaire and I will certainly make inquiries and bring back a report to him on that matter. We should all be proud of the remarkably good service that State Supply is providing to its limited market and, in doing so, it is saving the taxpayers of this State large amounts of money.

ARTS ASSISTANT DIRECTOR

The Hon. CAROLYN PICKLES: Has the Minister for the Arts and Cultural Heritage any further information regarding the advertisement for Assistant Director in the Department for the Arts and Cultural Heritage, this matter having been raised yesterday by the Hon. Ms Laidlaw?

The Hon. ANNE LEVY: Yes. I took up the matter with the Commissioner for Public Employment, who informs me that the Hon. Ms Laidlaw has obviously not read the advertisement, which makes perfectly clear that the position advertised is not a one-on-one position but is in fact the senior finance and administration executive officer in a new department. He informs me that discussions took place regarding establishing such a position soon after approval was given to amalgamate the previous Department for the Arts and sections of the Department of Local Government.

A new structure for the new department was agreed jointly by the then CEO of the Department of Local Government, Ms Dunn, and the then CEO of the Department for the Arts, Mr Len Amadio. This structure and the necessity for this new position in the amalgamated department was agreed by all parties, and it will be filled as soon as possible, following the normal selection process with a properly constituted panel and recommendations made to the Commissioner for Public Employment, as always occurs in this situation. I emphasise that, as Minister, I do not involve myself in any way in senior officer selections, which is completely covered by the Government Management and Employment Act.

RURAL SUPPORT

The Hon. M.J. ELLIOTT: I seek leave to make an explanation before asking the Minister of Tourism, representing the Minister of Agriculture, a question about rural support.

Leave granted.

The Hon. M.J. ELLIOTT: Because of the ramifications of my questions, they may also need to be asked of the Treasurer. This year it is expected that somewhere between 5 000 and 5 500 farmers are going to be refused carry-on finance by banks. Apparently, something like 80 per cent of farmers this year are showing negative incomes, and 50 per cent of rural loans held by banks in South Australia are currently non-performing. As a result, within a 12-month period we could see up to 35 per cent of the State's farms forced on to the market one way or another. That compares with an average rate of farm sales of about 3 per cent a year.

The amount in relation to non-performing loans being carried by banks in South Australia is apparently in the region of $1.1 billion, which very conservatively suggests a loss in interest of income of $140 million, probably a good deal more. The implications of the situation are wide and drastic. If a large number of farms are forced on to the market, the cost to the State will be great in terms of human suffering, dislocation and economic loss. Banks are certain to lose more money than they are currently losing through non-paid interest, because farm values have plummeted, and, quite clearly, will continue to do so if a lot more are put on to the market.

It is not far-fetched to see some banks being brought down, and it is of particular interest to us in South Australia, because the State Bank carries 25 per cent of the rural loans. There will also, of course, be the loss of productive capacity and income for the State, and I have seen figures suggesting that as much as $800 million in income could be a lost, and the loss of markets which cannot be supplied because farmers cannot afford to operate their farms.

The United Farmers and Stockowners has proposed a scheme, whereby carry-on finance worth $260 million would be made available to South Australian farmers, largely by banks, with some Government input, for a period of 12 months only. It has suggested that the money be provided at 8 per cent and that the loans be underwritten by the State Government. The UF&S told me today in discussions that the reaction from the banks so far has not been very encouraging but, unless there is Government underwriting, there is no chance at all that such a scheme can get off the ground.

Under the scheme, the Government would be protected by way of a lien on the crop or other products from the farm. The risk to the Government, as it has been explained to me, is that, should 10 per cent of the loans fail totally at the end of 12 months, it would face a loss of $26 million. However, should the scheme not proceed, the losses to the Government and the State would be much greater in financial and social terms over a very long period of time. People

with whom I have spoken about the scheme have stressed the urgency of the situation. For instance, farmers may be in the position of wanting to put crops into the ground very soon. They need the carry-on finances to purchase the necessary grain, fertiliser, chemicals, etc. The longer the Government takes to respond, the more farmers will go under, and the greater the problems caused by those failures will be. I am told that, while there are already farmers in trouble, and a significant number, by August this year the crunch will come, so that we have very little time left indeed. I ask the Minister:

1. When does the Government intend to respond to the UF&S proposal, in the light of the urgency of the matter?

2. If the Government has already decided not to support the proposal, does the Government have any alternative proposals, other than to stand by and watch?

3. Has the Minister had discussions with the Commonwealth Government and, if so, what reaction and resolve did those discussions bring?

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

COUNCIL AMALGAMATIONS

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister for Local Government Relations a question about council amalgamations.

Leave granted.

The Hon. J.C. IRWIN: Over recent weeks I have received the two letters sent to residents by the steering committee representing the councils of Woodville, Port Adelaide and Hindmarsh. Any person with more than a passing interest in the general amalgamation debate and the workings of the Local Government Advisory Commission would be alarmed by the content of the letters, I assume, compiled and sent out with the blessing and the guidance of the commission.

I have often referred to the *modus operandi* of the commission under its new guidelines, arrived at after the committee of review process. This process includes extensive consultation with the proponents, as well as with the community. The contents of the two letters indicate that either the proponents or the commission, or both, have paid little attention to the considerable bank of experience now available to the commission. Both letters are littered with comments like:

> The proposal offers significant benefits to everybody, including access to better services at less cost . . . Yearly savings to ratepayers in the three existing council areas can be expected to be—Hindmarsh, $112 per head and $358 per assessment; Port Adelaide, $47 per head and $150 per assessment; Woodville, $18 per head and $58 per assessment.

They are extraordinary claims, considering that no-one in the three communities knows the details of the proposal—extraordinary because the commission reported on page 19 of its findings in the first Mitcham decision:

> . . . the accompanying material from the Mitcham council failed to give a balanced view of the options for the restructuring of local government in its area.

The Hon. Anne Levy: You are quoting Mitcham now?

The Hon. J.C. IRWIN: If you listen, Minister, I am quoting the commission criticising the Mitcham council for not being balanced in seeking the views of its constituents. The second householder letter, notable for its intrusive tear-off slip for those wanting a poll—that ought to be a democratic right—made no provision for two, three, four or five or more people living in one household. It had just one tear-off slip and took the unbalanced point of view of the proponents even further. I quote question 7, under 'What happens to my rates?':

> For the first two years after the merger there will be no increase to any rate in the dollar. Over a three to four-year period they will progressively reduce to a uniform rate throughout the new council.

I put it to the Minister and members here that no council can make that sort of promise, let alone a steering committee which does not represent those who may be elected to an amalgamated council if the proposal goes ahead. It is an outrageous statement or promise for anyone to make, let alone publish. It is especially dangerous when property values are falling. This question 7 statement links to question 6, which relates to council debts, where the 30 June 1990 figures are given as fact, with the Hindmarsh current debt to annual income ratio given, in brackets, as 23.5 per cent, down from the 30 June figure of 31.8 per cent. I know that one of the councils in that group of three has just had a major debt increase, but no mention whatsoever is made of its debt to ratio change for the worse. I could go on and draw to the attention of the Minister many other examples where the letters have transgressed a number of statements made by the commission during the course of the two major amalgamation proposals in the metropolitan area.

My questions are: first, is the Minister aware of the contents of the two householders' letters sent out by the steering committee to residents in Hindmarsh, Port Adelaide and Woodville; secondly, does she believe they are biased and not in the best interest of a community trying to make up its mind about its future and a serious amalgamation proposal; and thirdly, will the Minister undertake to get advice from the Local Government Advisory Commission that the commission is in control of the amalgamation proposal, now that it has a proposal before it, and that it is not having its expensive work jeopardised by one-sided actions that leave out the people completely?

The Hon. ANNE LEVY: The answer to the first question is 'No'; the answer to the second question is 'Not applicable'; and the answer to the third question is 'Yes'.

RURAL PROPERTIES

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General, representing the Premier, a question about the State Bank and rural properties.

Leave granted.

The Hon. I. GILFILLAN: A long-time neighbour of mine on Kangaroo Island, Mr Alex Buick, whose family has owned his farm for more than 100 years, had his property valued by the State Bank at $1.3 million approximately two years ago. He found himself in financial stress in the middle of last year. The State Bank acted on that, and sought and got from the Supreme Court an eviction notice in August 1990. In September, a notice for action was sent to the Kingscote police station but it was not acted on; it was not followed through. In November—one month later—Mr Buick paid $140 000 to remove his indebtedness to the State Bank, and he assumed (with some justification, others felt) that this payment stalled and invalidated the eviction notice.

Mr Buick also has a scrub block, which is on the market at the moment. It is generally recognised that the bank's demand for him to refinance is economically impossible. The point that has been brought most starkly to my notice by Mr Buick and others advising him is that the bank refuses to write to Mr Buick to give him any indication of its actions or intentions. It contacts him by telephone, often

using intimidating or stand-over conversations to force him to sell the property against his will.

Last Friday night an officer of the Sheriff's Office of the Supreme Court rang Mr Buick and told him that that day the bank had filed a warrant of possession and (in further conversations) that it was the intention of the Sheriff's Office to get him off his property and forcibly evict him straight after Easter. On receiving this news, both Mr Buick and his professional farm adviser, Mr Bird, approached the bank to have access to Mr Buick's file. Both Mr Buick and his adviser have been refused access to Mr Buick's file, held by the bank, on the grounds that State Bank valuations and certain notes are confidential and not to be made available to the client or to his adviser.

It is not a question of my personal opinion; it is widely known that a forced sale at this stage would be financially disastrous. The bank will lose money, and Mr Buick will be left with virtually no equity at all in this situation. The treatment of Mr Buick by the bank has been inhumane, callous and counterproductive. The crisis committee on Kangaroo Island is concerned that this is an example of the sort of approach by the State Bank that will be repeated over and over again. I ask the Attorney-General: is the Government aware of the State Bank's policy of eviction and forced sale of rural properties; does the Government believe that this policy is in the best interests of South Australia and the bank; and will the Premier seek immediate discussions with the bank about its policy of eviction and forced sale of rural properties? In particular, I ask for the specific details surrounding the case of Mr Alex Buick, who will soon, I believe, be the first martyr of quite thoughtless, counterproductive banking policy in rural South Australia.

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

RURAL MEDICAL SERVICES

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 the coordination of rural medical services.

Leave granted.

The Hon. BERNICE PFITZNER: It has been brought to my attention that there is poor coordination in the delivery of rural medical services. An example of this concerned an elderly woman living at Venus Bay on Eyre Peninsula. On one day she was visited by a domiciliary care worker from Port Lincoln, which is 200 kilometres away, a HACC worker from Streaky Bay, 60 kilometres away, and another worker from Elliston hospital, which is 100 kilometres away. With the reported restrictions in rural medical services, the rural community is concerned that this type of duplication of services should not occur.

My questions are: first, who coordinates the outreach medical services that are provided from the different health programs; and secondly, if there is no coordinating agency, will the Government, through the Health Commission, look into this problem?

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

STAMP DUTIES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General a question about stamp duties.

Leave granted.

The Hon. J.F. STEFANI: Recently, the New South Wales Government announced its intention to abolish all stamp duties payable on share transactions. I have been informed that other States are also considering similar moves. Business leaders are saying that any State Government that is prepared to abolish stamp duties applicable to share transactions is likely to be in a favourable position to attract more business enterprises and become a preferred financial destination for business generally. Has the Bannon Government considered the abolition of stamp duties on share transactions, and will the Government undertake to review its policy in relation to stamp duties as they apply to share transactions, so as to ensure that South Australia is not disadvantaged in the future?

The Hon. C.J. SUMNER: This is a difficult issue which has been around for some considerable time. As I understand it, there is a suggestion that New South Wales might be removing this stamp duty, but whether or not this would be followed in the other States I cannot say at this stage. I know that the matter has been examined; I will have to get a report on it and bring back a reply.

PREMIER'S VISIT

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about the Premier's proposed visit to Eyre Peninsula.

Leave granted.

The Hon. PETER DUNN: In the light of the Premier's visit to Eyre Peninsula, which has now become a publicity issue, and the refusal by those people to see the Premier, their argument being that the previous visit took up much of their time, it appears that the Premier has lost some face. My questions are: how is the Premier's face; is he carrying any sweeteners; if not, what is the purpose of his visit; and what listening devices has the Premier employed to enable him to gain a clearer understanding of the rural depression?

The Hon. C.J. SUMNER: I will not answer those questions.

PERSONAL EXPLANATION: MINISTER'S REMARKS

The Hon. DIANA LAIDLAW: I seek leave to make a personal explanation.

Leave granted.

The Hon. DIANA LAIDLAW: During Question Time earlier today, the Minister of Tourism said, first, that she was aware that I supported the establishment of a tourism commission and, secondly, that if I was Minister (and I suspect that that might be sooner than later), I would be establishing a commission.

I do not wish people in the industry to be misled by the Minister. I raised the issue at a Yorke Peninsula tourism meeting at which I was asked recently to be a guest speaker. In fact, I raised a whole range of issues. I said that the Liberal Party would be keen to receive feedback on this and any number of other subjects, and indicated that no firm position had been made by the Liberal Party or me.

The Hon. Barbara Wiese: Obviously, this is a sensitive issue.

The Hon. DIANA LAIDLAW: No. I don't want—

The PRESIDENT: Order! There will not be an exchange across the Chamber.

The Hon. DIANA LAIDLAW: No, I am not sensitive on the issue. There was a whole range of issues on which I was keen to receive feedback, and I thought I would get to my feet today to put the record straight and suggest also that the Minister gets better sources of information.

The Hon. ANNE LEVY: Mr President, I rise on a point of order. A personal explanation cannot refer to another member in that way.

The PRESIDENT: I take the point of order.

Members interjecting:

The Hon. Anne Levy: It is a point of order; it is under Standing Orders.

The PRESIDENT: That is true. The point of order is noted. I hope the honourable member takes it on board.

OPEN ACCESS COLLEGE

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That this Council condemns the Bannon Government for its failure:

(i) To ensure the Open Access College was fully operational at the commencement of the school year.

(ii) To guarantee a high quality of education for all students studying with the Open Access College.

I ask the Council to contemplate the prospect that at, say, Norwood High School—one of the major high schools in the metropolitan area servicing marginal seats—in the fifth week after the commencement of the school year of 1991, 15 students are sitting around in the classroom waiting for resource and textbook material to arrive, not having had any contact with the teacher and, in effect, not being able to do much productive work at all in year 11 or 12. Also, I ask honourable members to bear in mind that a student in that position would be 10 to 15 per cent of the year's work behind all other year 11 and 12 students in all other high schools throughout South Australia.

I am sure that members would know the storm that would be seen and heard in all parts of the State. The media would be tripping over themselves to cover the story. The story would be on television and radio and covered in large chunks in the metropolitan press. That imagined circumstance at Norwood High School is occurring now in many country high schools throughout South Australia. We have had a number of examples over the past three to four weeks of students at various country high schools complaining bitterly that in the fourth, fifth or sixth week of the 1991 school year they have still not received materials, resources or texts from the Open Access College to enable them to undertake their year 11 and 12 studies.

As a result of this debacle, individual students are 10 to 15 per cent of the year's work behind all other year 11 and 12 students in South Australia. Because this situation is occurring in the main away from the focus of the metropolitan media, away from the electoral and political focus of a city-dominated Bannon Labor Government and away from the personal interest and focus of a city-based Minister of Education, there is no concern from a Labor Government and its Education Minister, and sadly there is little concern from a generally metropolitan-dominated electronic media in South Australia.

A disaster in educational terms is brewing in rural South Australia, and this at a time when it is absolutely critical in respect of rural families that alternative career options and employment opportunities are provided for their young men and women. Perhaps 20, 30 or 40 years ago, when the Hon. Peter Dunn was a lad, there was the prospect of being able to take on the family farm and continue that family business but, as the Hon. Mr Dunn, the Hon. Mr Gilfillan and others have indicated by way of questions about the rural crisis at present, those options are diminishing fast for many of our young men and women in rural South Australia.

They will not in future have that option of being able to continue employment on the family farm, whether as an employee or eventually taking over the control and operations of the farm. Farming families know that they must provide for their young men and women quality education to enable them to compete with all other students in South Australia for further education opportunities, whether that be at one of our three universities or at a technical and further education college.

But, country families know that their young men and women will be in a competitive market at the end of year 12 examinations. They will be judged on their performance in that State-based examination. Indeed, they will have to compete with city-based students who start studying as of day one or day two in the school year, and in the end they will have to perform as well as or better on a State-based examination or assessment in order to gain access to a TAFE college or university course.

As I intend to demonstrate by way of practical examples, our young men and women in rural South Australia are not being given a fair go, and their needs and those of their families are being ignored by a disinterested city-based Labor Government and Minister of Education. I want to make clear at the outset that the blame for the situation that prevails in country South Australia at the moment in educational terms rests with the Minister of Education and the Bannon Government.

It is the Bannon Government and the Minister who are to blame for the problems that I will detail. It is not the teachers of the Open Access College who are to blame for the concerns that I intend to demonstrate. I make that point at the outset, because for the past four to five weeks—and each week I have heard a new example of woe from a school or student in South Australia—the Minister of Education has indicated or tried to imply that I was attacking the good men and women teachers at the Open Access College here in Adelaide.

I make clear again that there is no attack on the hard-working teachers of the college: it is a full frontal assault on a Labor Government and a Labor Minister of Education who are not interested in or do not give a damn about our country students because there is no political upside for the Labor Government or the Labor Minister of Education.

I now want to detail a few of the literally dozens of examples of problems that exist in rural South Australia to demonstrate the problems that confront us. The first example relates to the Wudinna Area School. In the fifth week of the 1991 school year, I received the following information about the access of Wudinna students to distance education at the Open Access College, as follows:

As of today, the following subjects and students have not received any materials or texts: year 11 media studies, three students; year 11 business studies, three students; year 11 ancient studies, three students; year 9 French, four students; and year 11 general mathematics, two students.

That indicates that by the fifth week of the school year 15 students in years 9 and 11 had not received any materials or texts to enable them to undertake their studies. The information about Wudinna students further detailed:

Students studying year 12 electricity, power technology, Australian studies, SAS biology, PES accounting and year 11 German only received textbooks this week.

That refers to the fifth week of the school year. It can be seen that, in just one area school on Eyre Peninsula, which is one of the areas of rural South Australia that is suffering the most, some 20 to 25 students, essentially in years 11 and 12, but including some in year 9, have suffered for four, five or six weeks as a result of the inadequacy of the service provided by the Open Access College. It is for that reason and, I guess, for other reasons, that I am not surprised that the local council that covers the Wudinna area has gained some publicity in the past 24 hours about its lack of interest in meeting with a publicity seeking Premier and Minister of Agriculture, when they treat country students in this way. I am sure that the council has criticism of other aspects of Government policy, as well.

Last week, again in the fifth week of the school year, my office was contacted by a father of a student in the Coonalpyn area. His son is doing open access German, but he had had his first lesson only in the fifth week of the school term. No teacher was available prior to that time and the Open Access College had lost his son's original application to study the subject, which was lodged in November. In the fourth week of the school year, I was contacted by a distraught father of a year 11 student at a West Coast school who had received no course material from the Open Access College in three of her five key subjects. She had received nothing in mathematics, English and technical studies. How can one expect a year 11 student who, in the fourth or fifth week of the school year, has not received any material in three of her five or six subjects to compete with all other students in year 11?

More importantly, as there is no Statewide assessment in year 11, how can one expect that student in year 12 to catch up on the period that she lost at the start of year 11? One cannot expect a country student, who is at a disadvantage anyway in having to study mathematics and English by distance education technique, to compete. As I said, these students are already at a disadvantage but they are being placed at a further disadvantage by these unnecessary delays in the provision of course material.

I have never studied mathematics by distance education technique, correspondence, over the telephone, by DUCT or some new technology that has been developed. Whatever one might say about them, they are no substitute for quality face-to-face teaching, for quality communication between a student and his or her teacher. It is important to be able to eyeball your teacher and understand what your teacher is talking about, to question your teacher during a lesson, and to talk to your teacher before or after the lesson, or before or after school, about a particular matter that you are concerned about. I know that the advocates of open access education will say that you can have dialogue, and I agree that you can have limited dialogue, but they do not understand that it can never be a replacement for face-to-face teaching of a quality nature, for the reasons I have indicated and for a whole variety of other reasons as well.

As I said, country students start off at a disadvantage and we cannot countenance or accept as a community or members of Parliament that our country students should be further disadvantaged by these inordinate delays in the provision of materials and resources. Let me give two further examples in country areas. One area school in the Far North summarised its problems in relation to open access with two examples:

Year 11 English: no video, no information booklet, no explanation, no introduction to the teacher;

Chemistry: chemicals not in the pack, delay in procuring necessary items, only faxed work so far, no information booklets.

In all, the school has 11 subjects adversely affected in this way. Those students are suffering because of delays in the provision of resources and materials. One further example from the Institute of Teachers *Journal* that I note lists a country high school in the Mid North of South Australia. It forwarded a letter of protest from its school council to political and community leaders registering 'its absolute disgust at the way the Open Access College has been so far operating in 1991 and the detrimental effect that poor management is having on both the quality of education . . . students are receiving and . . . the morale of students and staff involved'.

In the main the problems are in relation to country students, but there are problems, and they will increase in the future, in relation to city students in city schools. Increasingly because of Government cutbacks in teacher numbers, more city students will have to use the Open Access College. Perhaps that will be a good thing because perhaps, when the screams from city schools become as loud as the screams from some country schools, this city dominated Labor Government might then be prepared to address seriously the problems that exist at the Open Access College.

My office received a call from a father in the Woodville South area who had a daughter doing open access year 10 German through the Findon High School, and by the sixth week of the school year his daughter had had contact with her German teacher, so she is doing relatively well, but still had received no course material. This student had had to borrow her classmate's material.

My office was also contacted by a mother from Athelstone whose son was attending Marden High School doing two subjects in matriculation through open access. Her son was in week six of the school year and still did not have an economics book required for his course, although he had received some assignments. He was having a phone lesson last week and the teacher told him that he would be handing him over to someone else as he was moving on. These parents had to go out and buy books needed by the son because of delays in the provision of material by the Open Access College.

Another call to my office was from a former Correspondence School teacher of some 20 years' experience. That teacher claimed that the staff at the college had been muzzled about speaking out about the problems that exist at the Open Access College.

These are but seven or eight examples, mainly in the country but a few in the city, of the problems now being experienced by year 11 and 12 students in South Australia. In trying to struggle through their important studies they are being hindered, obstructed and impeded in any way possible by the Bannon Government through the lack of resources being provided through the Open Access College. In the last few weeks the Institute of Teachers has conducted a widespread survey of 67 schools in South Australia in relation to their concern about attitudes to the service being provided by the Open Access College. I quote from the Institute of Teachers *Journal* survey summary as follows:

The main findings are as follows:

Most schools responding reported at least some difficulty with the use and availability of technical and other facilities.

There is a lack of training in the use of equipment facilitating distance education in mainly city and country high schools.

Most schools responding report a lack of training in the methodologies needed for distance education.

An increase in teacher workload resulting from the presence of the OAC is a feature of mainly city and country high schools. The same schools report that this increased teacher workload means that time and energy is being diverted away from face-to-face teaching.

Frustrating clashes between country schools and OAC timetables are disrupting the organisation of student courses in rural areas.

A large majority of schools responding report a major problem with delays in receiving materials and in achieving OAC teacher contact into the fifth week of term. Ninety-five per cent of these schools reported delays in the first four weeks of term 1.

I repeat that 95 per cent of schools reported delays in the first four weeks of the term.

The Hon. Peter Dunn: That's an outrage.

The Hon. R.I. LUCAS: True. Let us not hear the Minister of Education or his apologists here in the Council stand up and say that the Liberal Party has quoted isolated examples. Ninety-five per cent of the 67 schools contacted reported delays of up to four weeks. I am sure the Hon. Ron Roberts, coming from a provincial city such as Port Pirie, knowing something about areas outside the metropolitan area, would have some concern about the effect of Bannon Government policies on students in the Iron Triangle and country areas surrounding it. The Institute of Teachers *Journal* continues:

The overwhelming majority of schools reported extra costs being imposed by open access education. These are costs not being met by the OAC and which are hurting schools with resources already stretched to the limit. Seventeen schools reported parents picking up the full cost of OAC enrolment on top of the other costs associated with their children's education.

I want to refer briefly to a letter I received this week from the Jamestown High School Council which outlined the costs of open access education for schools such as that high school. Its letter states:

We believe that the Education Department must support schools who are relying on open access to maintain a broad senior secondary curriculum in their schools. It is essential that schools have the necessary technology and facilities of open access as a mode of learning if it is to be successful. At this stage at Jamestown High School, technology which we have is a DUCT system which is 15 years old and very unreliable. We believe that some schools in other areas have been given large sums of money to assist them in purchasing technology and developing suitable facilities. We have received no such support.

The Jamestown High School goes on to argue a case for some contribution from the Government to the initial cost of providing open access education to its senior secondary students. When one looks at the Institute of Teachers survey one can see that it is a very wide survey and covers a large number of schools. In summary, the survey illustrates a marked failure in open access education at a time when the department is heavily relying on distance education as an ongoing service for students in remote areas, and increasingly as a second option for students deprived of courses by teacher cuts and reduced face-to-face curriculum offerings.

In particular, the findings highlight the damage being done to the future of country children as the recession bites deeply in the State's rural areas. In looking at that survey, I did not note one point, that of the 67 schools, 21 were city schools, and in fact 12 of those 21 city schools had students enrolled with the Open Access College. That is a trend, as I said, which is slowly developing. I am sure that 10 years ago there would not have been 12 out of 21 city high schools with students undertaking correspondence lessons with the old Correspondence School. Increasingly the services of the Open Access College will be required by city students, and it is therefore imperative that we get the service right, that we ensure that there is a quality service being provided by the Open Access College to those students who have to undertake studies through the college.

The first, significant reason for the debacle before us—and, as I have said, it is a criticism not of teachers but of the Government and the Minister of Education—is that some fool or combination of fools within the Education Department, up to and including the Minister of Education, decided to move the Open Access College from its site in the city centre to its new site at Marden at the busiest time of the school year, the start of the school year.

I cannot imagine why anyone would contemplate moving such a big operation at the busiest time of the school year, particularly when the decision was one completely the prerogative of the senior bureaucrats in the department and the Minister of Education. Nevertheless, for whatever reason, the Government chose to go ahead.

I am advised, from senior sources within the Education Department, that the Minister and the department were told by those expert in distance education that the college should not be moved at the busiest time of the school year. Either it had to be in and settled completely well before the start of the school year or else the move had to be left until after the busy period. But, no, the Government and the powers that be chose to go ahead contrary to promises made—and I have a copy of a letter to the secretary of a branch of the Isolated Children's Parents Association (ICPA), which indicates clearly that that organisation had been promised that the Open Access College would be completely operational by the commencement of the school year. Irrespective of what the Minister might say, that was not the case.

I have highlighted some complaints from people at schools who tried to ring the Open Access College in the first two weeks of the school year and who were told that various extension numbers for teachers had not been connected and that they could not speak to teachers because of that problem. They were also told that material and resources had not been unpacked from boxes, as a result of the transfer from their previous location.

I will not expand at great length on the second reason, being the Government's decision to break its election promise and cut 800 teachers from Government schools. The flow-on effect from that is that many country high schools in particular, but also some in the city, were unable to offer subjects to their senior secondary students, and there has been a massive increase in the number of students undertaking studies at the Open Access College. Again, any fool would have known, as soon as the decision was taken soon after the budget last year, that to slash 800 teacher positions from our Government schools would result in a massive flow-on effect to the Open Access College enrolments.

However, this Government and the Education Department just seem to wander along aimlessly, lurching from crisis to crisis, waiting for a problem to eventuate before an attempt is made to do anything about it. Clearly, they wandered along until the start of the 1991 school year before they finally realised there would be a massive increase in enrolments at the Open Access College, something which cannot be described as a surprise. It was wholly predictable, as a result of a decision taken soon after the budget.

The third reason, and not as significant as the first two, was the decision by the Government to dump surplus teachers at the Open Access College, teachers who had no expertise or experience at all in open access education and to require them to draft curriculum materials and, without any training at all, to become expert in the difficulties of open access education students throughout South Australia. They are the reasons, and they all rest on the shoulders of the Minister of Education and the Bannon Government. It is clearly their responsibility. They cannot blame the hard-working teachers at the Open Access College for the problems that confront students in country and city high schools at the moment.

I urge members in this Chamber to support the motion. I am certainly expecting support from the Australian Democrats, and perhaps even support, within the heart, from

the Hon. Ron Roberts and the Hon. Terry Roberts, two members of the Labor Party who have had some life experience outside metropolitan Adelaide. Even though the Caucus system will not allow them to support the motion that is now before us, I would hope they would have some sympathy for the students in their old stamping grounds, the students in the country areas of South Australia. Perhaps they will be prepared to lift a telephone in their office and try to batter some sense into the Minister of Education and some of his city-based advisers in an endeavour to resolve as quickly as possible the problems existing at the Open Access College, to try to give some of these country students a fair go.

What we need from the Government spokesperson on this issue, when he or she responds, is an indication as to what the Government is prepared to do to try to redress the disadvantage that has been suffered by these students who, as I said, have lost four, five or six weeks of the 1991 school year whilst they await the arrival of resources and materials at the Open Access College. I urge members to support the motion.

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

TANDANYA

Adjourned debate on motion of Hon. Diana Laidlaw:

That, recognising the high hopes Aboriginal people attached to the establishment of Tandanya as a facility—

1. to help restore the pride and identity of Aboriginal people through cultural activities, self-help and training programs; and
2. to build bridges and remove barriers between Aboriginals and other Australians,

this Council censures the Bannon Government and in particular the Minister for the Arts and Cultural Heritage for failing to facilitate the management structure and appointment of personnel for failing to insist upon the financial practices which would have helped to ensure that Tandanya realised its noble objectives and fulfilled its vision for all Aboriginal people.

(Continued from 13 March. Page 3513.)

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): In responding to this motion, first, I wish to state quite clearly that this Government is committed to the ideals of Tandanya. We believe that, in its short life, it has achieved much for Aboriginal culture, despite the obvious problems it has had recently. It is the only Aboriginal cultural institute in Australia. It is a brave and imaginative step forward for all Aboriginal people in this country, particularly in South Australia. This Government is proud of establishing Tandanya and we believe it will eventually do much to enhance and enrich all our lives.

I have been the first to recognise that Tandanya has had some problems, and this has been very disappointing. The Hon. Ms Laidlaw may have noticed that there have been staff and board changes at Tandanya. These changes represent positive steps for ensuring the future viability of the institute. I wish to make very clear that this Government will not tolerate financial mismanagement by anyone, and since July last year we have been ruthless in trying to ascertain the financial facts from Tandanya.

We will be reassessing our relationship with Tandanya. It obviously has not worked well. While we contribute a large grant to the operations of Tandanya, there has not been the accountability we would have liked with respect to those funds. As the new Chair of Tandanya, Garnet Wilson, has said publicly:

There will be tighter control over that management. The board in future—whoever it is—will be informed and kept up-to-date. There will be no more open cheque books to any section, any people, managers of exhibitions or whatever it be. Everything will be controlled. In the past there have been things that have occurred there that the board has had no knowledge of until the things were done.

That was said on the Keith Conlon program yesterday. It is very pleasing indeed that the board recognises its problems and has already made some tough decisions about rectifying them. Keith Conlon himself yesterday made the comment:

It has been said that the incoming Chair has a Herculean task ahead of him . . . that it is a cultural tragedy in the making for the Aboriginal community . . . and can it survive?

Tandanya will not be a cultural tragedy because the Government is taking steps to ensure its survival. This is not because the Government will fund Tandanya unconditionally, but because it will work with the board of management to get Tandanya's affairs in order. Tandanya will get its affairs in order, because it will have to apply for funds, in the same way as all other publicly funded cultural institutions.

Honourable members may recall that the State Opera found itself in financial difficulties in 1987. Where were the calls for blood then? Where were the Opposition's screams? Although the State Opera had significant problems, and needed a $400 000 advance to continue operating, it has, through the reorganisation of its management and staffing structure, comfortably repaid the debt, and has done so ahead of time. No-one could argue that the quality of the State Opera Company's performances today have in any way been compromised as a result of its previous financial difficulties. In fact, it is generally considered that the Opera Company's artistic performance is better now than it has ever been.

One may ask: what is the difference in principle between helping State Opera and helping Tandanya? In many respects, the financial problems being experienced at Tandanya mirror those of the State Opera of four years ago. Both companies were operating without appropriate accounting systems and both made imprudent financial decisions. What is important now is the fact that we have put in place a series of strategies to overcome Tandanya's current financial position but, more importantly, to give it a sound base upon which to plan and manage its future. What saddens me is that the Hon. Ms Laidlaw so obviously delights in dragging Tandanya through the mire for her own shallow and blatant political motives.

The Hon. Diana Laidlaw: What rubbish!

The Hon. ANNE LEVY: She exhibits no desire at all to see Tandanya back on its feet.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: She insists on using Tandanya to criticise the Government.

The Hon. Diana Laidlaw: The Government is worthy of criticism.

The Hon. ANNE LEVY: Her actions contradict her oft-repeated claims of concern for the pride and identity of Aboriginal people and for the building of bridges and the removal of the barriers between black and white Australia.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: From the outset, the Hon. Ms Laidlaw has used her privileged position in this Parliament to slam and slander Aboriginal people. She has attempted to use Tandanya for her own political purposes, but the result of what she has done was that Tandanya has been used as a whip with which to strike out at all Aboriginal people.

The Hon. Diana Laidlaw: Yes, that's right: they are still coming to see me.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: She is trying to shatter the dream of Tandanya.

The Hon. Diana Laidlaw: Oh, you are desperate.

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

The Hon. ANNE LEVY: I would perhaps point out *inter alia* that when the Hon. Ms Laidlaw made her attack on me last week I did not interject.

The Hon. Diana Laidlaw: I did not call you racist. I called you 'incompetent'.

The Hon. ANNE LEVY: If the honourable member has the self-control, I would ask that she give me the same courtesy. The honourable member said:

> ... Aboriginal people were hopeful that Tandanya would help rid the Aboriginal community of the stigma that whatever venture they embarked on ended in failure.

That is her quote. But what she has purposefully and wilfully done is use Tandanya for her own political motives, because she knows it is easy to bash an Aboriginal organisation.

The Hon. Diana Laidlaw: Oh, you are desperate!

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The honourable Minister.

The Hon. ANNE LEVY: It is interesting that the honourable member does not have the self-control that she expects other people to have, Mr President.

The Hon. Diana Laidlaw: I've certainly got the accountability that you haven't got.

The Hon. ANNE LEVY: She knows that some people want to believe that Aboriginal people cannot manage, so she has tossed around in this House accusations and rumours—of gambling, for instance—because she knows that if she starts throwing the mud around—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —an Aboriginal venture, some of it will stick, and some people will believe it, true or not. Tandanya is an easy target for her.

The Hon. Diana Laidlaw: That's because you have left it vulnerable.

Members interjecting:

The PRESIDENT: Order! There are too many interjections across the Chamber. Order! The honourable Minister.

The Hon. ANNE LEVY: I wonder if Ms Laidlaw's attacks and the gossip which she has raised in Parliament will help bridge the gap between black and white Australians—as she professes to want to do. Surely, this would have been a chance for her to show bipartisan support for Tandanya, and all that it will achieve.

The Hon. Diana Laidlaw: What, and excuse your incompetence?

Members interjecting:

The PRESIDENT: Order! How many more times must I call for order? There are too many interjections across the Chamber. The honourable Minister has the floor.

The Hon. ANNE LEVY: Thank you, Mr President. The honourable member's efforts are only making it harder in the future for Tandanya to re-establish its position as a major cultural institution in Adelaide. Her attacks have not only damaged Tandanya, but have also damaged the reputation of many hardworking Aboriginal people who have worked for many years to see the Tandanya dream come to fruition. She claims that this motion has been moved out of concern for the dreams of all Aboriginal people. One may look back—

The Hon. R.R. Roberts interjecting:

The Hon. Diana Laidlaw: Why are they still coming to my door seeking help, then, Mr Roberts?

The Hon. ANNE LEVY: She has no self-control at all, Mr President. One may look back and ask what did the former Liberal Government do for the development of Aboriginal arts and culture? There is nothing that I can remember, absolutely nothing. Ms Laidlaw was herself a ministerial adviser to the Minister for the Arts of the time, Murray Hill. One might have thought that in this position she could have shown some support for Aboriginal arts and culture, but there appears to be nothing on record.

In contrast, this Government has, as well as setting up Tandanya, established an Aboriginal Arts Advisory Committee to recommend grants for Aboriginal artists. We have established the position of Aboriginal Arts Project Officer within the department to promote the development of Aboriginal Arts in South Australia.

This officer has developed a project grants scheme to ensure that talented Aboriginal artists are given opportunities to increase their expertise in their chosen fields. It is tragic that even now, when the honourable member has a chance to show some support for Tandanya, she chooses instead to use it politically. What she is really saying is that we should not have trusted Aboriginal people to be involved in Tandanya. I would like to quote the actual words from her speech—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: She said:

> The Government was duty bound to be even more cautious and even more diligent than it may normally wish ... or seek to be when determining whether or not and on what terms it would financially back any other ... Aboriginal venture.

The honourable member is saying that when it comes to any venture involving Aboriginal people we should have taken away the independence of that organisation purely because it involved Aboriginal people.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Hon. Ms Laidlaw will come to order.

Members interjecting:

The PRESIDENT: Order! This is not a private debate in society; it is a House of Parliament and members are expected to be heard in silence. The honourable Minister.

The Hon. ANNE LEVY: Thank you, Mr President. What the Hon. Ms Laidlaw is saying in that quotation from her speech is that we should have expected Tandanya to fail because Aboriginal people were involved in its conception, management and future. Mr President, the history of Tandanya is outlined in the recently released review of the institute, and I would refer members to it if they wish to see an account of its history.

The honourable member's cynicism continues further. She claims that Tandanya was intimidated into employing the former Director. What she is implying is that the committee that originally interviewed and approved him—a working party of the Aboriginal Australian Bicentennial Authority; a working party of Aboriginal members—was not capable of making a decision itself. The honourable member's implication is that they were able to be influenced by other people. Let me list the members of the working party: John Moriarty (then a senior public servant in this

Government), Fred Kelly, Joy Jackson and Garnet Wilson—all respected members of the Aboriginal community, one of whom is now Chair of Tandanya.

The Hon. Ms Laidlaw has a clear assumption that, because the committee comprised Aboriginal members, they were able to be easily swayed. What an insult. Would she make these same accusations about a white interview panel? It is true to say that the board should have been more responsible but its members acknowledge that themselves. It is true to say that the former Director should have been much more responsible. Everyone agrees about that. May I stress yet again that the previous Director is no longer at the institute? This must reveal something to members about the will of the board to overcome Tandanya's financial and other problems.

We are looking to the future. The recently published review of Tandanya's operations sets an agenda for the organisation's future role and function, as well as setting out a number of recommendations designed to improve the institute's planning and management.

A number of recommendations made by the review committee have already been put in place, and I have outlined these to this council on numerous occasions. Further to the recommendations of the review committee and the board's decisions, which it has already taken, the Government has also taken various steps to right Tandanya's current inadequacies.

We have appointed an interim Administrator, with the concurrence and at the request of the board, to put in place effective management and operating systems. We have also developed a new financial accounting system for the organisation which will ensure that it receives timely and accurate financial information. We have requested the Auditor-General to undertake a special investigation of the institute's past practices.

Let me again make clear that, if there is any evidence of any misappropriation, we will take the appropriate action. We have made clear we will not give Tandanya extra grant money to pay for its overspending. We have already advanced $80 000 so that the institute can continue paying its day-to-day costs while the Administrator reorganises the institute.

To suggest that the Government was not attempting to assist with Tandanya's problems is simply fanciful. Officers of the Department for the Arts, as it was called then, made very clear that the trip to Edinburgh was not supported. I myself wrote twice to the former Chair of Tandanya to express my concerns, and met with him and the then Director.

The Hon. Peter Dunn: Before or after they went?

The Hon. ANNE LEVY: Long before, as I have announced to this Council on numerous occasions.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: The Hon. Mr Dunn has obviously never listened. In addition, when it became clear that Tandanya's accounting systems were not satisfactory, the department, with the agreement of Tandanya, appointed a financial consultant to develop a new system. Tandanya's management did not respond to numerous requests for information about the Edinburgh trip, as far back as July 1990.

Similar requests for other financial information met with the same fate. The previous Director was far from cooperative, right from the time he returned from Edinburgh. Consequently, departmental officers began investigating Tandanya's financial position. By December last year they had come to the conclusion that Tandanya's financial affairs needed considerable rectification.

Since then, we have put in place the strategies I have already mentioned. The Tandanya review referred to previously has made a number of recommendations for the future of Tandanya which we will be discussing with the board.

While many of the recommendations relating to financial and budgetary matters have already been put in place by the board, recommendations regarding the role of the board will now be closely looked at. We will raise with the board questions about the voting rights of ministerial representatives on the board. As members would know if they had listened to what I have been saying, those representatives do not currently have voting rights.

We will be discussing the membership of the board, particularly in relation to having members with skills in arts administration, business and finance, law and marketing. We will also discuss Tandanya's constitution and whether it should be interpreted or, if necessary, amended to entitle associate members to vote for board members or to stand for an additional position on the board.

There is also the wider question of the level of accountability of the board of management to the Government. This will obviously need to be changed. As to the future, the board of Tandanya is determined that it will no longer be denied information as and when it is wanted. It will work with the Government to ensure that sound management and financial accountability is assured, and will shortly begin discussions regarding new relationships both with the Aboriginal community and with the Government.

I urge honourable members to reject this motion, and to support Tandanya in its fight for survival, despite the Opposition's innuendo and muck raking. I hope we can all endorse the enormous contribution which Tandanya has made, and will continue to make, to Aboriginal cultural development and to better understanding between all South Australians.

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

COMPENSABLE PATIENT FEES

Order of the Day, Private Business, No. 9: Hon. M.S. Feleppa to move:

That the regulations under the South Australian Health Commission Act 1976 concerning compensable patient fees, made on 22 November 1990 and laid on the table of this Council on 4 December 1990, be disallowed.

The Hon. M.S. FELEPPA: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

OUTPATIENT FEES

Order of the Day, Private Business, No. 14: Hon. M.S. Feleppa to move:

That the regulations under the South Australian Health Commission Act 1976 concerning outpatient fees, made on 1 November 1990 and laid on the table of this Council on 6 November 1990, be disallowed.

The Hon. M.S. FELEPPA: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

PHARMACEUTICAL FEES

Order of the Day, Private Business, No. 15: Hon. M.S. Feleppa to move:

That the regulations under the South Australian Health Commission Act 1976 concerning pharmaceutical fees, made on 1 November 1990 and laid on the table of this Council on 6 November 1990, be disallowed.

The Hon. M.S. FELEPPA: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

PHARMACEUTICAL CHARGES

Adjourned debate on motion of Hon. R.J. Ritson:

That the regulations under the South Australian Health Commission Act 1976 concerning pharmaceutical fees, made on 1 November 1990 and laid on the table of this Council on 6 November 1990, be disallowed.

(Continued from 13 March. Page 3521.)

The Hon. R.J. RITSON: I move:

That this Order of the Day be discharged.

This motion was moved in November and was spoken to on several occasions. There was no apparent response from the Government, and I felt that I would have to take the matter through to a vote. However, yesterday I received a letter from the Minister of Health (Hon. Dr Hopgood), and I wish to read part of that letter in explanation. Amongst other things in his letter, the Minister states:

Parliamentary Counsel have been requested to draft the regulations, and a final version is expected within the next few days. It is anticipated that these will be implemented shortly after the beginning of next month.

The regulations will incorporate the details of the State pharmaceutical safety net provisions currently set down in the South Australian Health Commission administrative circular.

The Minister went on to state that:

Patients receiving prescription items from a public hospital outpatient department pharmacy would be required to only pay for the first three items. Evidence of prescription items purchased in that month would be recognised at other public hospitals, and prescription items dispensed to all dependent family members would be recognised.

In addition, the Minister refers in the letter to an Australian Health Minister's Advisory Council, which is considering coordination of the Commonwealth Pharmaceutical Benefits Scheme in relation to pensioners and the State provision of pensioner prescriptions to coordinate those two systems. I gather by implication that we may see credit for expenditure in the one system granted with the other, but that is not explicit in the letter.

In summary, the Government has undertaken to redraft the regulations in terms of the changes that I asked for in my motion.

Order of the Day discharged.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 17 October. Page 1069.)

The Hon. T.G. ROBERTS: The Government opposes the proposals contained in the Bill on the basis that the State Government Insurance Commission has been the sole third party insurer in South Australia since 1974. In the early 1970s, private compulsory third party insurance providers withdrew from the scheme as a consequence of the area's becoming unprofitable. Insurance companies, private sector agencies and businesses tend to do that in any activity in which Governments are involved. The private companies like to socialise their losses and capitalise their gains. In this case, third party compulsory insurance got to the stage at which it was quite unprofitable for the private sector to be involved, so private insurers have concentrated their efforts in many other areas of insurance.

For the past 15 years or more, South Australia has had a single insurer providing third party insurance and a very satisfactory service to the South Australian community. Some problems were associated with its introduction, but many of those problems have been ironed out. Customer service and satisfactory provision of those services are seen by the South Australian public as more than adequate. It has only been in the past two years that applications have been received to join the system. One could speculate that the reason for private insurers wanting to come back into the business is that SGIC appears to be showing some profit margin in this area.

In her contribution, the Hon. Ms Laidlaw seemed to assume that benefits arising from open competition would lead to accountability, but she did not say by whom and/or whether it would lower the premiums for consumers. If it is the insurers who are to become accountable, it will be accountability to company shareholders, and that is natural. That accountability must be aimed at reducing costs, that is, reducing the benefits and services to the insured. If it is the insured who are to become accountable, one assumes that an effect of the proposal would be to facilitate the detection of fraud and exaggerated claims. It does not matter in which State problems occur or whether it is a private or Government insurer: those problems are inherent.

The proposed multiple insurer situation would do exactly the opposite. At the very least, detection of fraud would be substantially complicated as a result of the proposal. At worst, some insurers might, for business confidence reasons, decide not to cooperate with across industry fraud and detection schemes. The SGIC has claimed considerable success in the detection of fraud in recent years. Much of this success appears to result from the SGIC's complete command of the claims data relating to all compulsory third party accidents. It is much easier for single insurers, with their computerised systems, to detect fraud. In some States where fraud has been uncovered, predictions can be made by computers which are based on geographical zoning and regions. In some cases, the streets from which claims might be made are projected. That is one of the benefits of having a single insurer.

The problems of confidentiality and containment of information come from multiple insurers and, in the case of compulsory third party insurance, there are no provisions under any State or Federal Government Acts to compel insurers to provide that information. It would be seen as a breach of confidentiality if that information were shared on the basis of trying to uncover fraud. Outside agencies might be able to have that information but the insurance industry itself would have difficulties dealing with fraud if multiple agencies were set up. I understand that SGIC has benefited from successful fraud prosecutions undertaken by the Victorian Transport Accidents Commission. The Transport Accidents Commission is the only insurer serving the Victorian compulsory third party market. On the question of lower premiums, the State Actuary has reported that there is a high level of cross subsidisation between different classes

of vehicles. In addition, there are different risk groups within any one class.

One result is that an insurance company with a broad base of other insurance products may be able to secure low risk business at the expense of the SGIC or other insurers. An example could be an insurer which currently holds a large percentage of the private medical insurance market. It is generally agreed that those people carrying private medical insurance fall into the category of lower risk groups. Thus, by marketing heavily to existing private medical insurance clients, that organisation may be successful in securing a fairly large component of the low risk business.

In some cases you can see the direction in which the advertising pitches are made, particularly in the private health insurance field—towards people at the lower risk end and consequently the lower claim end. The result of that would be that Government health insurance would have to pick up the high risk, thereby handing over some of the profits in those areas and leaving the Government scheme unable to compete.

Those same people would not want to be picked up under compulsory third party insurance because it is the younger people aged between 18 and 26 years who are at the high risk end of such claims. So, insurance companies would make their pitch at people probably over the age of 35 years and up to 65 years, who would be the potential low risk claims. Thereby there would be an uneven balance in the cross-subsidisation program that any single or private insurer would be able to run.

The issues referred to above, and the proposal for competition, raises a series of questions. Should insurers be allowed to decline certain applicants for insurance, as I understand that some insurance companies do? Should they be allowed to offer different benefits from one another? How else are they able to differentiate the insurance products they sell? And, how are they expected to offer different premiums?

Further, how much uncertainty should an accident victim endure? High premium compulsory third party policies, with high levels of benefit protection, would only be attractive to those in the community with substantial assets which may be placed at risk in the event of an accident. Conversely, low premium policies with low benefits are likely to be taken out by those who do not have the ability to meet their obligations under a proven negligence claim.

In pursuit of competition, and one would hope reduced premiums, it is interesting to note that the New South Wales Motor Accidents Act of 1988 has more than 30 provisions relating to the licensing and control of insurers. Part 8, the licensing and control of insurers, contains the following clauses:

Offence—unlicensed insurers;
Applications for licences;
Determination of application for licence;
Determination of market share of each insurer;
Duration of licences;
Suspension of licences;
Cancellation of licences;
Assignment of policies following cancellation of licence, etc., and
Records and evidence relating to licences.

In division 2, the supervision of licensed insurers, the clauses are as follows:

Business plans of licensed insurers;
Re-insurance arrangements of licensed insurers;
Investment of funds of licensed insurer;
Accounts, returns, etc., of licensed insurer;
Audit of accounting records relating to insurers' funds;
Information and documents as to business, etc., to be supplied to authority by insurers and former insurers;
Power of Supreme Court to deal with insurers or former insurers unable to meet liabilities, etc.
Notification to authority of certain defaults in relation to insurers;
Powers of entry and inspection by authorised officers of authority; and
Proceedings for failure to comply with licence.

Division 3, insolvent insurers, contains clauses as follows:

Interpretation;
Insolvent insurers;
Liquidator to notify nominal defendant of claims;
Delivery of documents, etc., to nominal defendant;
Appointment of nominal defendant as agent and attorney of;
Payments to insured or liquidator;
Application of nominal defendant's fund;
Recovery of amounts under contracts or arrangements;
Payments of compensation when insolvent insurer dissolved;
Borrowings for the purposes of the nominal defendant's fund;
Inspection of documents, etc., by person authorised by Minister;
Nominal defendant may take certain legal proceedings;
Insurers, etc., may act for nominal defendant; and
Regulations.

As members can see, many controls under the New South Wales Act place restrictions on private companies which have entered the field. The result is a very highly regulated environment for a so-called competitive system.

In the current situation, revisions to the scheme introduced by the Government in 1988 and aimed at providing a reasonable level of benefit to the community while containing total costs have resulted in two developments. The first is that the cost of third party insurance has been contained. In fact, the premiums when last adjusted came down by 10 per cent, and the business is now perceived to be profitable again.

It is not surprising therefore that in 1990 three private insurers applied for entry to the compulsory third party field. The Minister addressed each of these applications individually. However, as is now a matter of public record, none of them was approved. Ms Laidlaw quoted a view from the RAA in her second reading speech that 'the writing of CTP insurance is a complex and broad ranging matter which should not be changed from the current circumstances in any quick or rash way . . .'

Regarding support for a sole insurer, it is quite clear that a sole third party insurer exists. The SGIC is responsible for all costs resulting from negligence in motor vehicle accidents. There are no company-to-company contests of responsibility under the existing system. Thereby one removes that complication from the already difficult circumstances whereby insurers have become involved in those sorts of traumas. Therefore, there is no significant obstacle to an injured person's seeking rehabilitation.

Regarding legal costs, under a multiple insurers system, particularly in the case of a serious injury accident, the incentive for separate insurers of the various drivers involved in an accident to contest degrees of relative responsibility will be increased. Each insurer will have the objective of minimising their own costs. The result will be an increase in legal costs and further delays to settlements. I understand that the legal costs already incurred are quite considerable.

In relation to uncomplicated relationships between the third party insurer and WorkCover, at present the SGIC is responsible for work related injuries resulting from negligence in vehicle accidents. The introduction of multiple insurers complicates to a significant extent the interface between third party insurance and WorkCover. The potential for contest between different insurers involved in a single accident could add to legal costs and complicate WorkCover's dealings with compulsory third party insurers.

In summary, the present position is quite sustainable and quite appropriate. The SGIC has been the sole insurer since 1974. The other compulsory third party insurance providers withdrew as the business was not profitable. The SGIC has

achieved a reduction in fraudulent claims. The present scheme has removed the uncertainty for the accident victim, and unnecessary delays emanating from company-to-company contests.

A reasonable level of benefits has been achieved whilst containing costs, and the cost of compulsory third party insurance has been contained. When the premiums were last adjusted, they were reduced by 10 per cent. I agree that those facts in themselves would lead one to believe that a single insurer in this difficult area has those benefits as outlined and, as a consequence, the Government opposes the Bill.

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

ENERGY SOURCES

Adjourned debate on motion of Hon. J.C. Irwin:

1. That a select committee of the Legislative Council be established to inquire into, consider and report on—
   (a) alternative sources and types of energy for electricity generation and heating to those currently used to provide the majority of South Australian consumers with their personal, domestic and industrial needs;
   (b) methods of conserving this energy and the comparative economic costs and advantages in doing so;
   (c) the truth, or otherwise, of claimed environmental and economic consequences of using, or not using, any of the suggested alternative sources and type of energy which are drawn to the attention of the committee;
   (d) the Government decision to establish wind driven electricity generating equipment at Coober Pedy and the National Energy Research Development and Demonstration Council (NERDDC) and other expert opinion and recommendation relating to it;
   (e) the effectiveness or otherwise of the process of 'wide public consultation' to have been undertaken by the Government, in keeping with the commitment to do so given in the Address of His Excellency at the opening of the first session of the Forty-Seventh Parliament;
   (f) any related matters.
2. That Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

which the Hon. I. Gilfillan had moved to amend as follows:

Paragraph 1—
Subparagraph *(a)*—
Leave out 'sources and types of',
Leave out 'personal'.
Subparagraph *(b)*—
Leave out 'this',
Leave out 'economic'.
Subparagraph *(c)*—
Leave out 'the truth, or otherwise of claimed'.
Subparagraph *(d)*—
Leave out 'the Government decision to establish',
Leave out 'and other expert opinion and recommendation relating to it'.
Subparagraph *(e)*—
Leave out 'the effectiveness or otherwise of',
Leave out 'to have been undertaken by the Government',
Leave out 'to do so'.
After subparagraph *(e)*—Insert the following new subparagraph;
(f) amendments to the Electricity Trust of South Australia Act 1946, appropriate to subparagraphs *(a)*, *(b)*, *(c)* and *(d)*.
Subparagraph *(f)*—Leave out '*(f)*' and insert '*(g)*'.

(Continued from 17 October. Page 1092.)

The Hon. T.G. ROBERTS: I rise to oppose the motion of the Hon. Mr Irwin, even though I do understand the way in which the numbers in this place operate and the fact that the Democrats have put forward amendments to the motion. I expect there will be some consultation about a final motion in the setting up of the committee, but I rise to oppose it on the basis that a previous select committee that ran for some considerable length of time did investigate and raise many of the issues that have been included in the committee's proposed terms of reference, outlined by both the Hon. Mr Irwin and the amendments put forward by the Hon. Ian Gilfillan.

I suppose it is a select committee that could run forever. Energy is one of those resources that needs to be monitored all the time to ensure that the non-renewable energies are effectively used. Probably it would not hurt to monitor it, but not in the way suggested in the form of the select committee. A number of organisations and strategies can be developed to make sure that the efficient use of energy and alternate energy systems are put in place. We are probably one of the most wasteful generations that has ever breathed on this planet. We are using up the non-renewable energy resources at a rate far greater than any of our predecessors could have imagined. I suspect that we and our children whom we are training in exactly the same way will develop serious problems.

It has been acknowledged by the Government, and by others in their contributions in this place, that matters such as the greenhouse effect, the running out of non-renewable resources, the wasteful use of some of the renewable resources in the generation of electricity, as well as issues surrounding the nuclear fuel cycle, have been raised previously.

The Hon. Peter Dunn: A very clean, good fuel.

The Hon. T.G. ROBERTS: The Hon. Peter Dunn says that it is a good, clean fuel. I hope he has the chance to watch the SBS program shown last night on Sellarfield which was previously Windscale. I hope he read the international press on its reporting of the Three Mile Island meltdown and the Chernobyl disaster. Although the implications associated with fossil fuels—and witness the recent debacle in the Middle East—are dangerous to the extreme, the technologies associated with the nuclear fuel cycle certainly leave me with many doubts as to whether the technologists are as clever as they think they are.

In Europe, the cost of Chernobyl is still being borne, not just in human terms but in relation to long-term health problems associated with plant and animal life—the whole of the food chain. It is my personal view that the nuclear fuel cycle, although it does not have the same hazards as fossil fuel burning, certainly has its own hazards, and we should be very cautious. Where alternatives are available, they should be looked at and used. As an alternative, the nuclear fuel cycle should not even be considered. Nevertheless, if a select committee is set up, I am sure that that would be one of the areas investigated.

The Hon. Peter Dunn interjecting:

The Hon. T.G. ROBERTS: The honourable member suggests a visit to Chernobyl! Well, he would be going without me if I was on the select committee. We might be able to arrange a six-month inspection of Chernobyl for the Hon. Mr Dunn. The problems associated with Chernobyl maybe one of the things the committee would look at—the dangers associated with technology. The benefits flowing from the education process alone should be enough for me to support the setting up of a select committee to allow that to happen. However, I oppose that proposal on the basis that those matters can be looked at in other ways. However, acknowledging that a select committee will probably be set up, I hope that the select committee will view the nuclear fuel cycle in this light.

The Government has been promoting the development of alternative energy sources for electricity generation, and the State Government's approach has been to target those options which appear most economic, particularly for consumers in remote areas. One of the terms of reference suggested by the Hon. Jamie Irwin in the setting up of the select committee was:

> . . . alternative sources and types of energy for electricity generation and heating to those currently used to provide the majority of South Australian consumers with their personal, domestic and industrial needs.

I notice that the Hon. Mr Gilfillan hopes to delete 'sources and types of' and 'personal' and refer only to the first part of paragraph *(a)*. The Hon. Mr Irwin refers in *(d)* to:

> . . . the Government decision to establish wind-driven electricity generating equipment at Coober Pedy and the National Energy Research Development and Demonstration Council (NERDDC) and other expert opinion and recommendation relating to it.

I notice that the Democrats want to leave out, 'and other expert opinion and recommendation relating to it.' I am not quite sure why they want to take out that, but I guess it is to make *(d)* a little simpler, so that it is not as restrictive.

The Coober Pedy generator was put in place just recently and the Government made funds available for that project. Considerable publicity was given to the Nordex 150 wind turbine, which has a capacity rating of 150 kilowatts, for anyone who is interested in reading *Hansard*. It was manufactured in Denmark and should be commissioned by the end of March.

I suspect that the Hon. Peter Dunn will probably be at the commissioning. He will be able to fly up in his fossil fuel fed plane and he will probably take some of his colleagues with him. One of the problems that was raised about the siting of the wind turbine at Coober Pedy was the fact that Coober Pedy did not have a high wind factor.

The Hon. M.J. Elliott: We could have one in here!

The Hon. T.G. ROBERTS: Yes, certainly we could run a 150 kilowatt one here at times. However, one of the reasons why it was set up there was to save on the cost of diesel fuel. There is a balancing factor between cost benefit ratios, which certainly economists and accountants work in. You could run one, for instance, at Cape Northumberland on a daily basis, because there is enough wind down there in the South-East to run one continually, 24 hours a day, seven days a week, 52 weeks of the year—but we may not be saving money due to alternative forms of energy down there. We certainly need to look at complementing the energy grid, by saving in batteries or by running into the grid those alternative energy programs operated by either wind or the solar system.

A number of groups in the community are already looking at the environmental impact of alternative energy and conservation options. In this State an interdepartmental committee on climate change is presently reviewing the strategies for limiting greenhouse gas emissions, and I guess a select committee could take advantage of the information and expertise of that group and call it before the committee and thus learn what it has uncovered.

As a member of the Public Works Committee, the Hon. Mr Dunn is probably aware that, from time to time, we do ask departmental officers coming before us with major projects whether greenhouse factors have been built into some of the planning programs that have been put forward by some of the departments, particularly in the lower areas on the Salisbury-Elizabeth plains. Although they were sluggish in the early days on some of the greenhouse investigations, the departments are now certainly in there doing their work. They are able to answer quite fluently what studies they have done in anticipating what the greenhouse effect will be on some of those low lying areas on the Adelaide Plains.

At a national level, the Australian Minerals and Energy Council and the Australian-New Zealand and Environmental Council have both released reports on this topic, and there is a lot of information around to pick up and collect. Such work should be closely examined by the select committee to ensure that, as far as possible, unnecessary duplication is avoided. I guess that is another role that the select committee can play; the pulling together of information that has been collected in various departments and agencies in the State and to constructively put together, I suppose, in one document or one report to Parliament the information that is available.

So, in that respect, while opposing the setting up of a committee, I do acknowledge that the information that is inherent in the recommendations by the Hon. Mr Irwin, and the amendments, could possibly be helped by compiling that information in one report, rather than perhaps either members of Parliament or the public having to go through various organisations and departments to get the same information.

In relation to the fourth term of reference, it is a little perplexing why the selection of the Coober Pedy site for the South Australian wind turbine generator should warrant a separate term of reference. The first three terms of reference are sufficiently broad to enable that matter to be considered, I would have thought. However, I suspect that, if it has one particular term of reference set aside for it, it will be given greater emphasis. That project was funded with a $200 000 grant from the National Energy Research Development and Demonstration Program and with $300 000 from State Treasury, with commitments of up to a further $100 000 from the Electricity Trust of South Australia and the Energy Planning Executive. It will be managed jointly by the officers of Energy Planning, ETSA and the Coober Pedy District Council.

There has been some criticism of placing the wind turbine generator at Coober Pedy but, as I pointed out earlier, it was for reasons of cost saving rather than technical considerations about placements where there are the most consistent winds. Based on the results of the demonstration project at Coober Pedy, there is a significant potential for extending the use of wind energy—and that is acknowledged by the Government—in a cost effective manner, and gaining experience with the technology which will facilitate its introduction into the grid if circumstances should warrant this. I suppose, if we get into the technology in its early days there could be some spin-off for the manufacturing sector as well, although it appears that the Danes are further advanced than us, if they are out in the field now building them and putting them in place. South Australia was well advanced in some of those technologies, but it appears that others have rapidly overtaken us and have taken the technology out of the research and development stage and put it into the application stages. Not just South Australia, but Australia itself, is sluggish in picking up a lot of its own ideas.

In relation to the fifth term of reference—the suggestion that the Governor made reference to a process of wide public consultation in energy planning during his address at the opening of the forty-seventh Parliament—although it is reported and printed accurately, I suspect that it is slightly out of context. He did mention the increasingly complex nature of the energy planning process and the Government's desire to open this issue to full public debate through release of a comprehensive State energy plan green paper. This paper was released by the Minister of Mines and Energy in

January and was the subject of an extensive consultation process which is being coordinated by the Office of Energy Planning.

It is acknowledged, of course, that wide public consultation must be a key element of the energy planning process, since the State now faces some major choices in securing its energy future. In recognition of this fact, the Minister of Mines and Energy moved, in October 1987, to establish the South Australian Energy Forum, a community-based body with the objective of ensuring that key issues relating to energy management are considered in a public forum, having regard to the broad and often conflicting views of the community, industry and other groups. I am sure that, if the select committee is set up, the information contained within that community body would be drawn upon, as well.

The Energy Forum is an independent group, with members appointed by the Minister of Mines and Energy. Members represent a cross-section of the community, such as education, utilities, trade unions, commerce and industry, consumers, conservation and rural interests. The forum reports directly to the Minister of Mines and Energy, with the Office of Energy Planning providing executive and research support.

Since its establishment, the Energy Forum has addressed a variety of issues, including remote area energy supplies, utilities connection policies, assistance to low-income consumers in meeting energy costs, the greenhouse effect, solar water heating, and transport energy issues. The consultation processes adopted include soliciting views from professional groups and societies, public advertising, sponsoring of workshops and the convening of a series of public meetings between February and May 1990 to assess public concern about energy issues.

The Government is committed to continuation of this process of public consultation, and I expect that the select committee will uncover a lot of information about the conformity of the Government's view to the Governor's statement about broader consultation with the community over issues associated with energy, because of its importance to everybody. I suspect and hope that, when the energy committee is set up, many of the individuals, groups and community organisations that I have mentioned are contacted so that that information can be put together into a full and comprehensive report as to the future of this State's energy resources which can be presented to Parliament.

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

The Hon. ANNE LEVY: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

NATIVE VEGETATION BILL

Adjourned debate on second reading.

(Continued from 12 March. Page 3463.)

The Hon. PETER DUNN: In the absence of the Hon. Diana Laidlaw, I will proceed. This Bill is back before Parliament five years after the original legislation was introduced in 1985 to provide compensation to people who wished to clear native vegetation. The Bill is significant. I believe it has now been accepted by the public and by the rural community that the clearing of further vegetation is not necessary and that any further clearance is expected to be only of a minor nature anyway. However, this Bill is very interesting in that it totally turns around the compensation clauses that were in the original legislation.

Our memories do not have to go back very far for us to realise that a long series of select committees endeavoured to fix up what was seen at the time to be a problem with native vegetation legislation when it was introduced in 1983, namely, that people were being disfranchised of their country and their businesses. In 1985 a Bill was introduced that allowed compensation to be made to those people who had large tracts of native vegetation on their land and it was seen that, if the public wanted the vegetation retained, and the Parliament said it did, the public should pay some compensation to those people.

We are not five years down the track since that Bill was introduced, and the Government has withdrawn what was then a promise to pay compensation for that land. I understand that the Government is in trouble with its financial dealings; it has been anything but prudent in keeping a controlling hand on some of the major players in the financial field of this State. In fact, it has made some fundamental mistakes, which it should not have made and, because of that, it has decided to take away that compensation from the people who may wish to avail themselves of that facility, that is, the few farmers who have land left to clear.

Over the past five years, more than 1 000 people have made application, and a number of those have entered into heritage agreements and have received compensation. The compensation has amounted to about $40 million, and it is to be paid over a period of up to 10 years. So, it is quite obvious that this Bill cuts that out and, therefore, those people who still have native vegetation in large quantities on their properties cannot avail themselves of that. Even though some of their neighbours will be paid for up to 10 years for vegetation on their land, this Bill stops those who still have native vegetation from being paid any compensation or any moneys at all. I suggest that most of those people who still have native vegetation on their properties have said that they do not want the Government to tell them how to run or look after their properties.

Those people do not want to enter into heritage agreements. That does not mean to say that further down the track their sons or daughters, or whoever inherits or buys that property, may not wish to enter into a heritage agreement and thus avail themselves of the compensation. However, the Government believes it can save itself about $10 million through this measure.

As country people normally do not vote for the Labor Party, it sees this as an easy way out, but I do not look at it in that light. I believe that the Government has broken a promise. That is what this Bill is about: breaking promises. The Government has broken a promise which was made to people that they would be given compensation if they retained vegetation on their properties. Certainly, the Bill allows for the establishment of heritage agreements. However, the compensation factor in the new Bill is negligible and is peanuts in comparison to what was available under the old Bill.

Turning to the Bill generally, I would like to ask some questions. In the interpretation clause reference is made to the burning of native vegetation. That provision is not in the Act. If a fire were to get away once this Bill was proclaimed, perhaps the Minister would have the right to ask the landowner whether the fire got away deliberately or otherwise, and thus would have a chance to cause the landowner to explain why the fire got away. As a result, the landowner could finish up with a severe fine.

I am not sure whether the Minister understands that fires can get away for all sorts of reasons. Indeed, they are started

for all sorts of reasons. A landowner could have difficulty under this Bill proving that he did not start the fire. I doubt that it is a terribly clever thing to include that provision in the interpretation clause because, in many cases, fire is a useful tool to control the understorey, vermin and so forth.

Some people may say that mosaic or controlled burning can be used in certain conditions but, as I read the Bill, every time a farmer does that he will have to apply to the council before he can do so, and that will be cumbersome, clumsy and messy and it will not be done.

The Bill refers to waters of the sea in its interpretation provision, and elsewhere it excludes vegetation that grows close to the shoreline. That is an interesting provision, and I am not sure why it has been included, although I note that the Crown is bound. So, there may be some insidious reason for its inclusion; for example, along the coast north of Outer Harbor the Minister is killing vegetation by letting effluent out into the sea, and I do not think the Minister wants to be held responsible or caught up in that. Probably, that is why that exclusion is in the Bill: because the Minister realises that, through the disposal of effluent into Gulf St Vincent, she is killing a huge amount of native vegetation growing along the shoreline.

Turning to the membership of the council, this is an interesting provision. The Minister has the right to nominate two members. Council membership has been increased from five to seven members. The Minister is increasing from one to two members her power of direct nomination. Clause 8 (1) *(a)* provides:

> One (who will be the presiding member of the council) must be nominated by the Minister.

Paragraph *(g)* provides:

> One must be a person with extensive knowledge of, and experience in, the preservation and management of native vegetation nominated by the Minister.

Why the Minister's two nominations are not put together, I do not know. Is there something to be hidden? Another member shall be nominated by the United Farmers and Stockowners from a panel of three persons. The same conditions apply in respect of the Conservation Council and the Soil Conservation Council. However, I believe that the Department of Agriculture should nominate that member, because the department is in charge of the Soil Conservation and Land Care Act and, therefore, the Soil Conservation Council.

The department should nominate that member, and the Minister for Environment and Planning need not have her imprimatur on that member. Another member must be nominated by local government, and that is fair enough. Paragraph *(f)* is interesting, as it provides:

> One must be nominated by the Commonwealth Minister for the Environment;.

Why would the Minister for Environment and Planning want someone nominated to a State body by the Commonwealth Minister for the Environment? I understand that the reason is to attract funds from the Commonwealth, but is that not another case of blackmail, just as we saw in respect of the Road Traffic Act the other day? I do not know what is going on, but this Government seems to capitulate day after day to the Federal Government, which is getting further and deeper into the mire as each day goes on. I find that difficult to accept. Why should South Australia be giving its power away and accepting that someone from Canberra can tell us how to run our State?

Members interjecting:

The Hon. PETER DUNN: The Hon. Ron Roberts shakes his head and says that that is not so, but it is. It is very clear. Paragraph *(f)* provides that one member must be nominated by the Commonwealth Minister for the Environment. Under that provision we are giving the Commonwealth one-seventh of the power when it has no right to that power. The Commonwealth has the right to tax us and the obligation to give back our share of taxes but, under Commonwealth law, it does not have the right to demand representation in respect of the running of our State, no matter in which area it is.

This Bill is wrong and it will always be wrong if we continue to allow the Commonwealth Minister representation, no matter what the reason. In respect of road funding, we have already seen under the black spot system where the Commonwealth Minister demanded that speed limits and the blood alcohol content be reduced. Now, the Commonwealth is seeking representation on some of our boards, and I do not agree with that. Certainly, it reflects weakness on behalf of the Minister to allow it. It is very weak. We know that our State Government here is pretty weak, anyway, but this is just capitulating to a demand from the Commonwealth to have a say in how we will run our State and look after our own native vegetation. The system ran well in the past without that influence, and I do not see any reason why this provision needs to be included in the Bill.

It is interesting that all members of the Council must have some knowledge of and experience in the preservation and management of native vegetation. That is fair and reasonable. Given the criteria laid out in the Bill the Minister might find it hard to find seven people with that knowledge. It is well understood that the former Native Vegetation Authority did not have experience and knowledge in the preservation and management of native vegetation. Several members came from Yorke Peninsula and I do not think that they had seen very many mallee trees because they have knocked them all down. They did not have extensive knowledge of the management of native vegetation.

It is also interesting to note that the presiding officer of the new council shall have been a member of the Native Vegetation Authority. I guess that is right because of the need for continuity of function and operation. That person should have some knowledge of the people with whom the authority was dealing, the applications received and how they were dealt with, and I agree with that.

The functions of the council are interesting because they are repetitive to the degree that they are boring. The council has the following functions: to keep the condition of the native vegetation of the State under review—fair enough; to advise the Minister in relation to the preservation, enhancement and management of existing native vegetation—fair enough; the revegetation of land that has been cleared of native vegetation—that is fairly obvious; and research into the preservation, enhancement and management of native vegetation and the revegetation of cleared land—that is exactly the same as the previous two functions. The only difference is the word 'research', which appears to be an afterthought. Another function is to determine applications for consent to clear native vegetation. That is fair enough, but I cannot understand why the Minister needs that advice twice. Clause 14 *(c)* provides that the council must keep the principles of clearance of native vegetation under review, as above, and to advise the Minister of any changes to the principles that it considers necessary or desirable.

The Hon. T.G. Roberts: Fair enough!

The Hon. PETER DUNN: The Bill has done that; it does not need to be spelt out again. I do not believe it is fair enough. I think it is repetitious and unwarranted. It is not a terribly clever function. I understand that my colleague the Hon. Di Laidlaw will have something to say about the

delegation of powers. Clause 18 sets up the Native Vegetation Fund, for which money is to be appropriated from Parliament. It will also consist of fees payable in respect of applications to the council for the clearing of native vegetation. I want to know how much will be charged for those applications. Later provisions in the Bill ensure that no clearance of native vegetation will be possible under this Bill; yet fees will be charged for making an application.

The fund will also be built up by penalties payable in respect of offences against this Act. I will have a little more to say about that later, but that is the best way that the fund will be built up, because the fines in this Bill are outrageous. Once two or three people are fined Division 2 fines for knocking limbs off trees, it will be a lovely fund, but there will not be any farmers. That is another matter.

I agree that money should be appropriated by Parliament because it is the public who are asking for people to retain native vegetation. The Bill applies to the country, but it does not apply to the city. None of its provisions applies to the city, although I admit that it comes under the Planning Act. However, the Bill is specific in its exclusion of the city and the hills face zone. Here again, the poor old bush and country people are getting clobbered by this Government, but getting little reward because this Bill removes any compensation.

The Bill mentions heritage agreements, which have been part of native vegetation controls for a long time. When David Wotton was Minister for Environment and Planning in the Tonkin Government, he introduced heritage agreements. They did not take off very well but, when the 1985 legislation was introduced, they became very popular because it was under those agreements that compensation could be paid. This Bill virtually makes heritage agreements useless. There will not be any more. The Bill contains pages of information about heritage agreements, but they will not be taken up. Who will want to take up one of the few heritage agreements available now when all it will do is cause you pain and cost you more?

The Bill deals with compensation and allows a little money for heritage agreements and advice. Public servants are brilliant at giving advice but, when it comes to practical application, they are fairly useless. Clause 20 (3) *(a)* provides that a heritage agreement may include an agreement on the part of the Minister to pay to the owner of land an amount in respect of the decrease in the value of the land. If ever anything was esoteric, that has to be it. How you can determine that, I will never know.

The Hon. T.G. Roberts: Not only is it esoteric—it is hard to understand.

The Hon. PETER DUNN: I know, it is very hard to understand. The Hon. Terry Roberts hit it on the head. I think it is just a form of words that someone thought up to fool the Opposition, but it has not, not one skerrick of it. All it does is pour heaps on the Government because it shows it to be shallow and to be dishonouring an agreement that it signed just five years ago. The big change in this Bill is provided in clause 20 (3) *(a)*, and I will repeat it so the Hon. Ron Roberts and the Hon. Terry Roberts understand what it is about. It provides that a heritage agreement may include:

> An agreement on the part of the Minister to pay to the owner of the land an amount in respect of the decrease in the value of the land resulting from the execution of the heritage agreement and registration by the Registrar-General of the fact that it has come into force.

That is a lovely paragraph. It is a lovely piece of gobbledegook, which means that, if you sign a heritage agreement, you do not get any, or little, money. That is the effect of it. Previously, if a landowner took out of production or agreed to look after a piece of land that retained over and above 12.5 per cent of vegetation and agreed to enter into a heritage agreement, that landowner received compensation for the loss of the use of that land. This Bill provides that it will be the decreased value of the land. When I hear words like that I get a warm inner glow. I can hear Government members jingling the money in their pockets because they will not have to pay out any money when this Bill has been passed.

I hope the Democrats are listening; I do not see any in the Chamber. They are probably not interested in this legislation. It is a fact that this clause totally castrates the previous legislation, and that is a pity. It demonstrates to me that the Government and the Minister are not genuine about the retention of native vegetation. Paragraph *(b)* provides:

> An agreement on the part of the Minister to pay to the owner of the land an amount as an incentive to enter into the heritage agreement.

How much will that be? I suspect that it might be $10 or $20, but I would like an answer from the Minister as to what she considers would be an incentive to enter into the heritage agreement, bearing in mind the previous compensation that was paid.

If there were to be a challenge to the incentive to enter into the heritage agreement, no appeal mechanism is provided in the Bill—and there should be. Surely, if the Minister makes a statement and someone challenges it they ought to have the right to another opinion. That really is the crux of this Bill. I do not believe that the Government has been honest with the public. If it had said, 'We want to cut out compensation for land that you keep', then I would not have minded. But, it did not; it introduced this Bill by the backdoor and, as I have said, it virtually denies any further compensation for those people who, it was agreed five years ago by a select committee comprising all Parties, ought to receive it.

I believe that the compensation issue is all but cleared up. I believe that the people who now own native vegetation do not want to clear it; they want to keep it and look after it themselves. A number of people have a very close affinity with native vegetation. They care for it and do not want the Government putting its sticky little fingers into their operation. I do not believe that these people will apply for compensation. But, the Minister panicked and thought that they might, and if that were the case it had better be stopped quickly. The Government did not want to pay $10 million in compensation because it had to build an entertainment centre, velodrome and other circuses around the place. It had to spend the money in the city, not in the country, and doing so would make the people who do not vote for it fat. So, it introduced a Bill to save itself $10 million.

I do not believe that that $10 million would be paid out. In fact, I think the $40 million that has been paid out for compensation is as far as the matter will go. I do not think there will be any further claims. What the Government has done is take that opportunity away; it is breaking a promise. It is a pity in my opinion that the Government does not have the guts to continue with this scheme. It could have, and it would not have meant any more money over a long period of time. In fact, as I read the Bill it contains a retrospective clause—that is, if someone clears some country or knocks down a tree, for six years that person can be asked to explain why it occurred.

The Hon. T.G. Roberts: Sounds fair to me.

The Hon. PETER DUNN: The honourable member opposite says that it sounds fair to him. I guess that if he wants retrospectivity in the legislation which can cause a person to have to pay $40 000—and that is what a Division

2 fine is—for an incident that happened six years ago, so be it on his head. I do not think that that is very fair under any circumstances. I would not even ask city people to pay that. While those people in the country are having a very tough time the Government has decided to give them another belt under the ear and take away a promise that was given to them just five years ago. Let us look at the clearance of native vegetation under Part V of the Bill.

The Hon. T.G. Roberts: You said it would never happen.

The Hon. PETER DUNN: No, this may happen by accident, not by design. Under this legislation a person has to prove that they did not do it. Clause 23 (3) provides:

> In this section—
> 'land in relation to which the offence was committed' means—
> *(a)* land on which the vegetation is or was growing or is or was situated;
> and
> *(b)* land that has been, or will be, affected in any way (including by an increase in its value) by reason of the commission of the offence:.

Subclause (2) provides:

> A person must not contravene or fail to comply with a condition attached to a consent granted under this Part.

Subclause (1) provides:

> A person must not clear native vegetation unless the clearance is in accordance with this Part.

'Must not clear native vegetation' is quite unclear. It could mean lopping a tree, chopping off a bough or, for that matter, backing into it with a truck thereby causing the tree to die. That could be seen as clearing native vegetation, and the penalty is a Division 2 fine. In the original Bill in the other place it was a Division 1 fine, and a Division 1 fine in the schedule at the back of the Bill is given as $60 000. That is not bad for clearing a part of a hectare or a hectare. However, there has been some commonsense; that fine has been reduced to $40 000. But I find even that quite extraordinary. That provision is not clear, and I would like the Minister to explain what it really means.

Also, I would like to know whether this provision applies to the Pitjantjatjara lands? If it does there will be some difficulty in policing it. The Bill has a clause which allows one to clear native vegetation. Clause 24 provides:

> Subject to any other Act or law to the contrary—
> *(a)* native vegetation may be cleared with the consent of the council given in accordance with section 26;
> *(b)* native vegetation may be cleared—
> (i) if the vegetation is of a prescribed class;
> or
> (ii) in prescribed circumstances.

Under the provisions in schedule 1, it is impossible to clear native vegetation. I will not go through the schedule because it is fairly clear as to what it intends to do. If the council abides by all these criteria, there is no way that the native vegetation could be cleared. So, that part of the Bill is certainly somewhat facetious. It may allow one or two trees to be cleared or it may allow some specific circumstances to apply, but I can hardly think what they would be, in the strict application of schedule 1—in other words, the criteria to be abided by before vegetation is cleared.

I suggest that it is included in the legislation for dressing up purposes rather than for anything of any consequence. If the council wants to clear, it must consult with all other boards in the area, such as the Soil Conservation Board and the Pastoral Board if it is in pastoral land, so that would become complex. Clause 26 (10) provides:

> Subject to subsection (13), no appeal lies against a refusal of consent or a condition attached to a consent under this division.

So, if an application is refused, there is no appeal mechanism at all. It does not even provide for a re-application. I suspect that that can prevail, but you would have to pay again. If something has turned up in the meantime that the council might decide could be cleared—maybe some criteria has come to hand—another application would have to be made which would mean you would have to pay again to have the case considered by the council. Clause 26 (13) provides:

> Where an applicant satisfies a District Court that the council has failed to observe the rules of natural justice, the court may quash the council's decision and direct it to reconsider the application.

Therefore, it can only consider natural justice and not whether the case was right or wrong or whether the application for clearance was legitimate or otherwise.

The Bill breaks a number of promises made in 1985. There was no necessity to introduce it, and the Government will not save itself very much money. In fact, it has lost a lot of credibility, if it had any, with those people in the country. If a promise is made, at least it ought to last for some reasonable time, but this Bill does not allow that. In 1985, after long considerations by the select committee, with everyone agreeing to its recommendations, the Government has turned around and said that there cannot be any compensation. Even the long title of the Bill, the way it carries on to provide incentives and assistance to land-holders, is a nonsense. There is no incentive or assistance in this Bill. That has been taken away. For all those reasons, I do not agree with what the Bill is trying to achieve.

The Hon. DIANA LAIDLAW: I have a somewhat different contribution to make to that which has been provided with enthusiasm and vigour by my colleague the Hon. Mr Dunn.

The Hon. Anne Levy: Divison in the ranks!

The Hon. DIANA LAIDLAW: No, just a different emphasis, and that may be because of our different backgrounds and different experiences. It may be even a factor of age—I do not know! However, I indicate that I do not see this Bill as a nonsense. In fact, I support it and see it as an important step forward in terms of managing our native vegetation in this State. That point was made by our lead speaker and shadow Minister for Environment and Planning in the other place (the member for Heysen) and by most speakers when this Bill was debated there last week.

I remember participating in a debate on native vegetation in 1983 when the Government had considered changing the regulations under the Planning Act to deal with the clearance of native vegetation. That was not even one year after I had entered this place. The division in the community and the anger and heated debate in this place came as something of a surprise to me, as such a new member at that time. I remember attending a meeting on Kangaroo Island and being perhaps naive enough to say that I thought there should be legislative action to deal with the matter of the clearance of native vegetation. Whilst I was not literally hung, drawn and quartered, verbally I was!

The Hon. R.R. Roberts: You didn't lose your preselection?

The Hon. DIANA LAIDLAW: No, I was very pleased at that time that there was six years before pre-selection, and there were only a few votes for pre-selection on Kangaroo Island. It is very interesting to me to see how the tone of the debate has changed and how the climate in which we are debating this measure has changed. I believe there is now a great deal of good feeling in the community towards the need for native vegetation clearance controls and management incentives. I have certainly detected that amongst many of the farmers whom I know. Many of them are participating in the Federal Government's current land care program. They are very keen to do more, and certainly more about soil conservation, because they believe it is a commercial decision on their part. It is not just a greenie

decision—it is a hard-nosed commercial decision to look after their land with different farming techniques and different practices than they were encouraged to use in the past.

Also, I have been most heartened to see the degree of common ground between the United Farmers and Stockowners and the Nature Conservation Society. That degree of accord which I have witnessed in my recent discussions could not have been imagined six or seven years ago. I commend all those who have been involved not only in the UF&S and the Nature Conservation Society in particular but in the general community and amongst farmers, who, perhaps with time, understanding, discussion and the general commonsense that people on the land have, have come to realise that the divisions we have seen in the past are not necessarily in their own best interests or in those of the community. They have been prepared to give an inch, and so has the Nature Conservation Society. As a legislator, I am very heartened to see that and I commend those efforts. I encourage them in the future.

That does not mean, of course, that all forces and all parties agree on all the details in the Bill. However, disagreement on some of the practical implications of general principles is a matter that I readily accept, and I have been happy to try and cooperate with all parties to reach some common agreement.

I do not believe that there is other than broad agreement to the four principles or goals in the community today which I have mentioned: retaining our native vegetation, promoting biological diversity, encouraging reafforestation, and soil conservation and the like. It is important that we do pursue these matters. People have been dismissed as being a greenie if they happen to enjoy trees and believe and recognise their merit as regards the environment and our lifestyle in general. These people have been dismissed by many people. The conservationists have also dismissed the farmers as rednecks, and miners as being hopelessly out of touch and irrational human beings who are simply after a dollar.

I just look for more common ground to be found in that debate on a national level, and perhaps the work that is being done in South Australia in respect of native vegetation between the UF&S and the National Farmers and Stockowners can be an example for others in Australia to follow, and particularly I hope we will see that in the forestry industry and in the mining industry. I have a number of other comments to make on this Bill in addition to speaking at the Committee stage, and I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 5.59 to 7.45 p.m.*]

MARINE AMENDMENT BILL

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

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That this Bill be now read a second time.

This short Bill has two objectives. One is to alter the composition of the 'State Manning Committee', the other being the removal of sexist language in this Part of the Act.

At present the 'State Manning Committee' consists of two qualified master mariners and one qualified marine engineer who are appointed by the Governor, and a maximum of two people nominated by the owner or the agent of the owner.

This Bill proposes equal representation on the committee by employers and employees by allowing the Governor to appoint one person nominated by the Seamen's Union of Australia and one person jointly nominated by the Merchant Service Guild of Australia and the Australian Institute of Marine and Power Engineers.

In eliminating sexist language the Bill changes the 'Manning Committee' to 'Crewing Committee' and 'Chairman' to 'presiding member'.

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

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 amends section 26a which sets out the membership of the State Manning Committee. (The name of this committee is changed to the State Crewing Committee in the schedule to the Bill.) The committee currently consists of three members appointed on the nomination of the Minister and one or two members nominated by the owner of a ship in respect of which the committee is to make or review a determination under the Act. The amendment adds two new members to the committee—one appointed on the nomination of the Seamen's Union of Australia and the other on the joint nomination of the Merchant Service Guild of Australia and the Australian Institute of Marine and Power Engineers—and requires those members to have relevant qualifications and expertise.

Clause 4 amends section 26c which relates to quorum and other administrative matters. The quorum of the committee is to remain at three. The only substantive change is a requirement that the quorum include the presiding member or deputy presiding member of the Committee.

The schedule makes amendments to Part IIIA of a statute law revision nature.

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

COOPER BASIN (RATIFICATION) (ROYALTY) AMENDMENT BILL

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

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Following a series of complex negotiations which were initiated on 15 August 1989 agreement has been reached between the State and 10 of the 11 Cooper Basin Indenture area producers to a new royalty regime to apply throughout their licence areas for 10 years from 1 January 1991. The dissenting producer is Delhi Petroleum Pty Limited, owned 100 per cent by Esso which is in turn owned 100 per cent by Exxon Corporation.

The central thrust of the State's position during negotiations has been that South Australia should not receive less royalty than would apply under equivalent interstate regimes.

Forecasts prepared by the Department of Mines and Energy of future royalties payable under the existing regime have shown that from a basic 10 per cent royalty rate the State would receive less than 5 per cent of the net present value of future Cooper Basin petroleum sales revenue compared to 6.5 to 7 per cent which would be received if equivalent interstate royalty regimes applied. This is clearly an unsatisfactory situation. The agreement now reached with the 10 Cooper Basin producers will ensure that South Australia achieves parity with other States.

The agreement maintains a wellhead royalty rate of 10 per cent, but involves a significant reduction in certain allowable deductions for both capital and operating expenses used to calculate the wellhead value.

The principal concession by the 10 consenting producers is the reduction in their entitlement to undeducted capital as at 1 January 1991 from approximately $1 200 million to $800 million and for no interest component to apply to the deduction of this capital in future. Other concessions include a reduction in deductible overheads, monthly instead of six monthly royalty payments and an interest component on future capital expenditure of 50 per cent of the long-term bond rate, compared to the 120 per cent which previously applied. The State conceded the deductibility of downstream restoration costs and drilling costs for non-petroleum producing wells. These concessions will facilitate rehabilitation of the sites of abandoned production facilities and help encourage enhanced oil recovery schemes.

It is forecast that implementation of the new royalty regime will result in $18 million additional royalty collections in 1990-91, comprising $8 million due to the agreed decrease in allowable royalty deductions, $1 million from royalty owing on gas paid for but not taken by AGL in the 1970s and $9 million as a 'one off' benefit due to the agreed change from six monthly to monthly payments.

Royalty collections in 1990-91 have also exceeded budget expectations by approximately $12 million due to increased oil prices and production rates ($11 million) and $1 million arising from adjustments to pre-1990-91 royalty returns.

Under the terms of the gas sales contracts, that portion of any increase in royalties applicable to PASA gas flows on to the South Australian gas price. As a result, the price of gas will increase from $1.99376 per gigajoule to $2.03762 per gigajoule, a rise of 4.386c per gigajoule or 2.2 per cent. This increase will apply from 1 January 1991 as agreed with the producers and result in additional gas costs to Sagasco and ETSA of about $3.5 million in 1991.

If this price increase were to be fully passed on, the impact on final consumers of gas will range from less than .5 per cent increase for domestic consumers to approximately 1.5 per cent increase for the largest industrial consumers. However, some improvements in efficiency may cause a lesser increase than these figures. The impact on electricity consumers will be less than that for gas consumers. The royalty increase will have no impact on petrol, diesel or LPG prices.

Implementation of the new royalty regime requires legislation to amend the Cooper Basin (Ratification) Act 1975 and clause 12 of the Indenture and this approach has been agreed with 10 of the 11 Indenture area producers.

It has been similarly agreed that the new arrangements shall apply throughout the Cooper Basin licences. Guidelines, the effect of which will be similar to the agreed Indenture area provisions, will be established for payment of royalty outside of the Indenture area, where three small fields are in production.

Clause 1 is formal.

Clause 2 provides that the measure will be taken to have come into operation on 1 January 1991.

Clause 3 revises section 10 of the Act to delete a reference to section 35 (3) of the Petroleum Act 1940. The application of section 35 (3) in relation to the Indenture is now to be dealt with under the terms of the Indenture.

Clause 4 provides for the amendment of the Indenture under the Act. The amendments will be taken to have had effect, and to have been ratified, on and from 1 January 1991.

The schedule sets out the proposed amendments to the Indenture. The principal amendment is to replace clause 12 of the Indenture with a new clause relating to the calculation and payment of royalties.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE (MISCELLANEOUS POWERS) AMENDMENT BILL

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

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Government wishes to amend the South Australian Metropolitan Fire Service Act. The amendments relate to three main areas of the Act:

(1) The power to enter and inspect a public building to determine the adequacy of fire and emergency safeguards.

(2) Powers in relation to places at which danger of fire may exist.

(3) Payment of costs and expenses where a vessel or property is uninsured.

In relation to the first main area, the principal amendment is the insertion of an additional division dealing with fire and emergency safeguards. In its present form the Act merely gives the Chief Officer powers to enter and inspect any building and to report to the corporation any contravention or non-compliance with the Act. In the event of the presence of a life-threatening risk, the current powers of the Chief Officer are totally inadequate. Circumstances have occurred in the past where immediate measures to rectify a dangerous situation should have been taxen but the Chief Officer did not have the necessary powers.

The new division broadens the powers of the Chief Officer or an authorised officer to inspect a public building to determine whether there are adequate safeguards against or in the event of fire or other emergency. Provision is made for rectification where safeguards are deemed inadequate or, in certain circumstances, temporary closure of the public building. A court order may be obtained in the most serious circumstances for extended closure of the building. By amending the Act in the manner proposed, the risk of fatalities in the future will be considerably reduced.

In relation to the second main area, the principal amendment relates to section 51b of the Act which deals with powers in relation to places where danger of fire may exist. Currently, this section does not provide sufficient powers to

the Chief Officer to ensure that immediate action is taken to rectify a source of danger to life or property.

The amendment provides for similar powers to the rectification order outlined in the previous amendment. It is essential that provision be made for immediate response to the more serious exposures to explosives or other dangerous materials.

In relation to the third main area, the principal amendment relates to section 69 of the Act which deals with payment of costs and expenses where a vessel or property is uninsured. The amendment clarifies the powers of the Chief Officer in this area and introduces new subsections dealing with the financial accountability of ship owners for the provision of emergency services.

These subsections provide the power to distrain a vessel or associated goods in respect of which any costs and expenses are owed. This amendment is necessary due to the huge costs of fighting a ship fire. As there are currently no powers to provide security for the costs incurred, there is a real risk of substantial financial loss to the State.

An example of such circumstances occurred with the incident involving the *Mukairish Alsades* in November 1989. In this case, considerable difficulty was experienced in obtaining security for costs in excess of $1 million. It was only the threat of taking proceedings under the Admiralty Act and the subsequent arrest of the ship under that Act which moved the owners to provide the necessary security.

In order to deal more effectively with such problems in the future, it is more appropriate to make a charge upon the ship for the provision of emergency services for which the ship may be detained until those costs are paid or secured to the satisfaction of the State.

The other amendments are of a minor, general nature to bring the Act into line with Statutory Law Revision principles. I commend the Bill to members.

Clauses 1 and 2 are formal.

Clause 3 substitutes section 4 of the principal Act, the section that sets out the arrangement of the Act that is now obsolete? The substituted clause provides that the Crown is bound by this Act.

Clause 4 amends section 20 of the principal Act, dealing with the powers of the South Australian Metropolitan Fire Service Appeals Tribunal, in a statute law revision manner, and by upgrading the penalty for an offence under subsection (3) from a fine not exceeding $5 000 or imprisonment for three months, to a division 5 fine ($8 000).

Clauses 5 to 11 make extensive amendments to Part V (headed 'Officers and Firefighters') of the principal Act and divide this Part into three divisions.

Clause 5 inserts, after the heading to Part V, the heading 'Division I—Appointment and Responsibilities of Officers and Employees'.

Clause 6 inserts, before section 45 of the principal Act, the heading 'Division II—Powers and Duties at Scene of Fire or Other Emergency'.

Clause 7 amends section 45 of the principal Act which deals with the powers of a commanding officer at the scene of a fire or other emergency.

The substituted subsection (1) sets out more clearly than was previously provided the occasions on which a commanding officer may assume control.

The substituted subsection (4) provides that where, at the scene of a fire or other emergency, a commanding officer engages a contractor to demolish, contain, neutralise, dispose of or remove a dangerous structure, object or substance, the costs of engaging the contractor are recoverable from the owner of the dangerous structure, object or substance, as a debt owed to the corporation.

Subclause (5) is an evidentiary provision and provides that a certificate apparently signed by the Chief Officer as to the costs of engaging the contractor is, in the absence of any proof to the contrary, proof of those costs.

Clause 8 substitutes sections 48 to 52 of the principal Act. To avoid unworkable numbering in this part of the Act, section 52 and part of sections 51 and 51a are re-enacted with statute law revision changes.

The new section 46 is a re-enactment of section 51 of the principal Act, with some very minor changes. This section allows the corporation to recover from the owner of property on which or in which a fire or other emergency occurs, the costs and expenses incurred by a fire brigade or salvage corps in attending the fire or other emergency where that property is outside a fire district. The only substantive change to this section is in the inclusion of an evidentiary aid (see new subsection (4)).

The new section 47 is a re-enactment of section 51a of the principal Act with changes made so that it accurately reflects the Country Fire Service legislation.

The new section 48 is a re-enactment of section 52 of the principal Act. This provides that the authority of the Chief Officer and commanding officers must be recognised by all members of the Police Force as well as by other persons. The only changes made by this re-enactment are of a statute law revision nature.

The next six sections come under the new heading 'Division III—Fire and Emergency Safeguards'.

The new section 49 defines words and expressions used in this division. In particular, 'public building' is defined very widely.

The new section 50 provides that, for the purposes of determining whether there are adequate safeguards against, or in the event of, a fire or other emergency, the Chief Officer or an officer authorised by the Chief Officer may enter and inspect a public building at any reasonable time. If there is reason to believe that urgent action is required, he or she may use such force as is reasonable in the circumstances. This section replaces the repealed section 48.

The new section 51 provides that if after inspecting a public building safeguards against or in the event of a fire or other emergency are found to be inadequate in certain respects, then the officer may take whatever action is necessary to rectify the situation or order the occupier to take specific action. This rectification order may be given orally or in writing, but, if given orally, a written order must then be served on the occupier.

The new section 51a provides that if after inspecting a public building the Chief Officer or authorised officer is satisfied that the safety of persons in the building cannot reasonably be ensured by other means, he or she may order the occupier to close the building for a specified period not exceeding 48 hours. If the order cannot be given to the occupier or if the occupier does not immediately obey the closure order, the officer may close the building himself or herself for a specified period not exceeding 48 hours.

This new section provides further that a closure order may be given orally or in writing, but, if given orally, a written order must then be served on the occupier or if for any reason the occupier is not served with the order, then a notice containing the order must be affixed to the building near the main entrance. Where the danger is such that it is unlikely to be alleviated within the time specified in the closure order, the officer may apply to a local court for a longer period of closure. Until such an application is determined, the closure of the building continues. An application to have a closure order rescinded may be made to the court at any time.

The new section 51b provides, in subsection (1), that the Chief Officer or an authorised officer may, at any time using such force as is necessary in the circumstances, enter and inspect any building, vehicle, vessel or place at which there is reason to believe that explosives or dangerous combustible or inflammable materials or substances are being kept, or that conditions exist that are a likely source of danger in the event of a fire or likely to cause an outbreak of fire.

The new subsection (2) sets out the action the officer may take upon finding a dangerous or potentially dangerous situation following an inspection, while the two remaining new subsections provide that an order under this section may be given orally or in writing, but, if given orally, a written order must then be served on the occupier or person apparently in charge of the building, vessel, vehicle or place. (This new section contains the essence of what was contained in the repealed section 49, but has broadened that section to include situations where conditions exist that are likely to be a source of danger to life or property in the event of a fire or that are likely to cause an outbreak of fire.)

The new section 52 provides that the Chief Officer or an authorised officer may, when exercising the powers conferred by this division, be accompanied by one or more officers of the corporation or members of the Police Force.

Clause 9 amends section 58 of the principal Act that deals with annual returns by an insurance company that is a contributor to the corporation. Subsections (3) and (4) are struck out (general provisions have been enacted in this Bill which replace these subsections—see sections 68b and 68c contained in clause 13). Subsection (3) has been substituted and the new subsection allows the corporation to treat the latest return of a contributory company as the return for the purposes of the corporation until the due return is provided to the corporation.

Clause 10 amends section 59 of the principal Act by upgrading the penalty for failure by a company secretary or officer to allow an authorised person to have access to or to obtain extracts from the company books from a fine of $10 to a division 7 fine ($2 000).

Clause 11 repeals subsections (2) and (3) of section 60 of the principal Act.

Clause 12 repeals subsections (6) and (7) of section 60a of the principal Act.

Clause 13 repeals sections 66 to 68 of the principal Act (the general offence provisions) and substitutes sections 66 to 68e. These substituted sections also deal with general offences. Clause 13 also replaces those parts of the principal Act repealed by clauses 11 and 12 with provisions of more general application (see new sections 68b and 68c).

The new section 66 provides that it is an offence to hinder or obstruct an officer or employee of the corporation, a person accompanying or assisting an officer or employee of the corporation or any person acting under the authority of, or in compliance with, the orders of the corporation pursuant to this Act. The penalty for an offence against this section is a division 6 fine ($4 000). The penalty under the repealed section 66 was a fine of more than $4 but less than $100 or imprisonment for up to six months.

The new section 67 makes it an offence for a person to fail to comply with an order given by a local court or an officer pursuant to this Act. The penalty for an offence against this section is a division 6 fine ($4 000).

The new section 68 makes it an offence for a person, without reasonable excuse, to conceal, remove or interfere with—a fireplug, hydrant, mark or sign indicating the presence of a fireplug or hydrant, fire alarm or signalling device, or to give a false alarm of a fire or other emergency. The penalty for an offence against this section is a division 6 fine ($4 000). This section replaces the repealed sections 67 and 68 and upgrades the penalties.

The new section 68a provides that where a person has been convicted of an offence against this Act but does nothing after conviction to remedy the situation which gave rise to the conviction, that person is guilty of a further offence and is liable to an additional penalty of not more than one-tenth of the maximum penalty for the offence of which the person was originally convicted for each day on which the situation continues. An obligation to do something remains until the obligation has been carried out.

The new section 68b makes it an offence for a person to make a statement that is false or misleading in a material particular when providing information under this Act. The penalty is a division 6 fine ($4 000).

The new section 68c makes it an offence for a person to fail to furnish a return or statement required under this Act. The penalty is a division 7 fine ($2 000).

The new section 68d makes it an offence for a person to fail to pay a contribution required under this Act. The penalty is a division 7 fine ($2 000).

The new section 68e provides that where a body corporate is guilty of an offence against this Act, then each member of the governing body of the body corporate is guilty of an offence and liable to the same penalty as that provided for the principal offence. It is a defence to a charge under this section if the member can prove that he or she exercised reasonable care in carrying out his or her responsibilities and that the offence was in no way attributable to any intentional act or omission on his or her part.

The offences enacted in sections 67, 68a, 68d and 68e are new.

Clause 14 repeals section 69 of the principal Act. The substituted section 69 deals with the payment of costs and expenses incurred by a fire brigade or salvage corps attending at the scene of a fire or other emergency occurring on a vessel (whether at sea or elsewhere) when that vessel is not insured with a contributory company. The costs and expenses incurred are recoverable as a debt from the owner of the vessel and the owner of any property not insured with a contributory company that is in the vessel at the time of the fire or other emergency.

The corporation must serve on the owners of the vessel and property a written notice apportioning the costs and expenses between them. This notice is final and binding. The Crown is not, under any circumstances, liable to pay any of the costs and expenses referred to in this section. A certificate of the Chief Officer of the costs of the attendance is, in the absence of any proof to the contrary, to be accepted as proof of the costs incurred.

The Chief Officer or an officer authorised by the Chief Officer may, with the approval of the corporation, distrain a vessel or the tackle or goods of a vessel in respect of which any costs or expenses are owed to the corporation pursuant to this section. The corporation may cause the distrained property to be sold if the costs and expenses are not paid within seven days of the distress and may take from the proceeds the costs and expenses owed to the corporation as well as the costs and expenses of the distress, keeping and sale.

It is an offence for the owner of a vessel or personal property to evade or attempt to evade the payment of costs and expenses owed to the corporation. The penalty for this offence is a division 6 fine ($4 000).

Clause 15 amends section 70 of the principal Act by striking out subsection (2) and substituting a new subsection (2) that upgrades the penalty for an offence of a person

failing to comply with a request of an officer of the corporation made under this section from a fine not exceeding $40 to a division 7 fine ($2 000).

Clause 16 amends section 73 of the principal Act by striking out subsection (2). This section deals with the power of an officer or employee of the corporation to enter, search and remove objects from. (Subsection (2) is no longer required as there is now a general offence of hindering provided in clause 13—see the new section 66).

Clause 17 amends the regulation-making provision of the principal Act (section 77). A new paragraph *(e)* is inserted into subsection (1a) enabling the regulations to prescribe fines not exceeding a division 6 fine ($4 000) for contravention of or non-compliance with a regulation. The enactment of this new paragraph makes the current subsection (2) (which provides for a penalty not exceeding $40 for a breach of a regulation) obsolete and it is struck out.

The schedule to the Bill contains consequential amendments to the Expiation of Offences Act 1987.

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

PHARMACISTS BILL

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

CHIROPRACTORS BILL

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

STATE BANK OF SOUTH AUSTRALIA (INVESTIGATIONS) AMENDMENT BILL

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

NATIVE VEGETATION BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3773.)

The Hon. DIANA LAIDLAW: Before the dinner adjournment I was making a few general comments about how the debate on the subject of native vegetation had become more rational, and certainly more mature, in the eight years that I have been in this place, and I was commending the UF&S and the Native Conservation Society for their contribution to the more mature debate. Perhaps it is appropriate that I also place on record my personal thanks to Mr Nicholas Newland from the department. He has certainly assisted me in recent days with respect to this Bill.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: It was a very personal reflection on my part. I want to make a general comment about the reason why my views differ to a degree from those of my colleague. It is a fact that some 80 per cent of native vegetation in the agricultural areas of our State has been cleared, that many types of wildlife habitat have been eliminated or severely reduced and that, in the arid zone, vegetation habitats have been changed, sometimes markedly, by stock and feral animals. I have scanned a report entitled 'The State of the Environment for South Australia', which was released in 1987-88 and which identifies that over a quarter of South Australia's agricultural land is in need of remedial treatment, especially in the cereal belt, due to water and wind erosion, that land salinisation is increasing, that some 20 per cent of the arid region is suffering from substantial to severe erosion, and that most of these major problems are related to the clearing of native vegetation. The same report notes—

The Hon. G. Weatherill interjecting:

The Hon. DIANA LAIDLAW: Well, with respect to the comment from the Hon. Mr Weatherill, I believe that those facts do not reflect badly on farmers of the past. I think that they were doing what they had to do to make a living and do the best by themselves, their families and the State. They did not have the communication, knowledge or research that we have today with respect to the overall impact of what they as individuals were doing. It does not help the debate today to reflect on those past practices in a vindictive manner as suggested by the honourable member. I raise these matters because I believe that, with the greater maturity of rational debate to which I referred earlier, we can state them as facts and move forward.

The same report to which I referred notes that, in the South-East, 35 per cent of all categories of vegetation are either not conserved or are poorly conserved as a percentage of the total, while in the western pastoral district the figure is 80 per cent; in the Murray-Mallee it is 48 per cent; in the eastern pastoral district it is 47 per cent; in the Flinders Ranges it is 53 per cent; and in the Mount Lofty Ranges district, which includes Kangaroo Island, the figure is 59 per cent. These figures also help to account for the horrific and shameful fact that, since European settlement 154 years ago, seven species of plants have been rendered extinct, as have 28 species of mammals and five species of birds. A further 190 plant species, 30 mammal species and 108 bird species are at risk, due mainly to the loss of or change in their habitat.

These matters were recognised by the former Tonkin Liberal Government, when the Hon. David Wotton introduced the voluntary heritage agreements. It was an innovative step which I am very heartened to see this Government has recognised, built upon and promoted, because it is a fact today that in the 1989-90 year alone 121 agreements were entered into, involving 98 814 hectares, with a further 15 918 hectares to be protected by heritage agreements when properties purchased by the Government are resold.

The area of the new heritage agreements in 1989-90 was of the same magnitude as was the area of native vegetation clearance applications received during that same year. The total area now protected under heritage agreements and properties purchased comprises 237 930 hectares, so there is no doubt that the heritage agreement scheme, started by my colleague the member for Heysen when he was Minister of Environment and Minister of Planning, has indeed been most successful. I commend him and the current Minister for developing and building on this initiative. The fact is that not only our generation but also many generations to come will benefit from their foresight.

There are a number of aspects of the Bill on which I wish to comment. The first is clause 5 and the fact that the Act binds the Crown. This is an important inclusion in the Bill, as long as it is honoured. Many times in private members' debates, whether they were about built heritage or native vegetation, I have raised the fact that the Government has

not honoured the responsibilities with respect to our environment that it would expect all other people in our community, whether they be farmers or private developers, to honour in respect of land on which they are operating. So, I draw attention to this point in relation to clause 5 (the legislation binding the Crown) and hope that the Government exercises its responsibilities through that clause and that it also sets a better example to farmers and the community at large than it has done in the past.

I agree with the emphasis in this Bill, which is essentially that we must move on from the presumption of land development where there is broad acre vegetation, to the management of those heritage agreement lands to which I referred earlier. It is to the credit of the UF&S that its council has recognised that broad acre clearance is no longer appropriate. The management is the issue for the future, and that is the matter on which the UF&S and the Native Conservation Society have been able to agree, in principle.

As I indicated earlier, there are a number of points of practical politics and the application of that principle where there is a disagreement. However, the principles are not in doubt. First, I refer to the question of commencement, because clause 2 provides:

> This Act will come into operation on a day to be fixed by proclamation.

The Liberal Party has no difficulties with that, although I note that in another place we were keen to see the date of proclamation established as February 1992. It is not our intention to move such an amendment in this place but, in respect of schedule 2, I will move an amendment to clause 2 (1) to provide that any application to the Native Vegetation Authority prior to the repeal of the Act at a date to be proclaimed can still be determined by the authority.

I will attempt to insert in that schedule the date to be proclaimed rather than as is stated in the schedule 'on or before 12 February 1991'. The Liberal Party believes strongly that the date of 12 February 1991 is a most unsatisfactory and unfair provision. It is retrospective, of course, which is an issue that some members may wish to debate more fully. We also believe that when the Act was introduced after an extensive inquiry by a select committee of this Council there was an understanding that for some 10 years at least compensation would be available to farmers whose applications for clearance were not approved or who had agreed to enter into a heritage agreement. That understanding was a loose one, but it was a so-called gentlemen's agreement.

This Bill seeks to limit the compensation payable to farmers. It is only fair in the circumstances that the Bill should apply not retrospectively but with the date to be proclaimed. I believe that the Minister in another place, perhaps unwittingly, did mislead the Parliament on the question of compensation not only when she indicated that the UF&S Natural Resources Division, comprising some 12 farmers, and then later the UF&S governing council, comprising some 40 members, had agreed to the limitation and curtailment of the principle of financial compensation but also when she said they also agreed that the financial compensation program should be concluded on 13 February.

I have received advice that certainly the UF&S has agreed to limiting the financial compensation provisions of the current Act but that it did not accept that the compensation arrangements should end on 12 or 13 February and that it had always been the position of the Natural Resources Division and the governing council of the UF&S that those provisions would extend at least until the proclamation of the Act. I have on file an amendment to that effect.

I know that my colleague the Hon. Mr Dunn has a more broad sweeping amendment in respect of compensation and that his amendment will be moved before the one that I intend to move to the second schedule. Certainly, I can understand both the motivation and the inclination of the Hon. Mr Dunn to seek to honour the so-called gentlemen's agreement in respect of compensation extending for at least 10 years from the proclamation of the previous legislation. That was some five years ago, so the Hon. Mr Dunn's amendment has a sunset clause of five years.

The issue of appeal is one that the Liberal Party wishes to explore in greater detail in Committee. At present section 26 of the Act provides a limited ground of appeal to the District Court in instances where an applicant is aggrieved on the basis of natural justice. The Liberal Party will seek to extend those appeal provisions, and I have on file an amendment which reflects an amendment moved in the other place that would provide an applicant with the opportunity to appeal to the Land and Valuation Court.

As to the amendment standing in my name, there is provision for both conciliation and arbitration. In respect of conciliation, there is provision for a conference between the applicant and the Native Vegetation Council at which a Master of the court must preside. That conference must take place before the court can commence any hearing of an appeal. I emphasise that the amendments that I will move not only extend the grounds for an appeal but also provide the process for both conciliation and arbitration.

The Minister has on file amendments which extend a current ad hoc arrangement where conciliators can reflect on decisions of the council. The Liberal Party is not satisfied with the ambit or strength of the Government's amendments. We believe that conciliators should also be able not only to consider a decision of the council but also to vary or revoke that decision and then, having determined that matter, refer it back to the council. The council must have regard to the findings of the conciliators.

The Government's amendment will be considered before the amendments standing in my name. Therefore, a great deal of the debate about the right of appeal and the appropriate appeal mechanisms will be concentrated on the Minister's amendments, which add a new division of conciliators to clauses 17a, 17b and 17c. I suspect that if those provisions pass, I will not proceed with my amendment, but it is the form in which they pass or fail that will determine what the Liberal Party will do about the amendments that I have on file and our final attitude to the conciliation arrangements that the Minister believes are appropriate for the Bill.

Another issue about which the Liberal Party is most concerned is that of isolated plants. Clause 26 (4) provides:

> The council may give its consent to clearance of native vegetation that is seriously at variance with the principles if—
>
> *(a)* the vegetation comprises only one plant;
>
> . . .
>
> and
>
> *(c)* in the opinion of the council, the retention of that plant would put the applicant to unreasonable expense in carrying on that business . . .

The Liberal Party believes that this should be extended from reference to one plant to isolated plants because there may be a small grouping of plants over some distance that might have an effect on business and primary production. It is absolutely unrealistic to believe and to provide that the council could give consent to clearance where one plant is at stake. In one respect, that does not recognise the reality of primary production and business economics. In terms of nature itself, it is foolish to believe that one plant will always be in blessed isolation and that the situation will not exist where there is one significant plant and a variety of other smaller plants adjacent to it. This provision should be more flexible than it is at present.

In the other place, the Minister seemed sympathetic to the Liberal Party's argument, which the UF&S has also argued strongly. Whilst the Minister was sympathetic, she also wanted the reference to isolated plant to be defined. The Liberal Party has sought to accommodate a definition of 'isolated plant'. That amendment will be put on file, but I question whether it is necessary to have such an amendment or whether we give some grace to the council to use its discretion in this matter.

I raise the issue of discretion and the Liberal Party's willingness to place confidence in the council to make such decisions because, if one tried to define 'isolated plant', there would always be the difficulty of being out by millimetres or centimetres between one plant and the next, and that could become the basis of a legal challenge, which is not in the spirit of the concerns expressed by the UF&S and the Liberal Party. It could become a technical issue and an irrelevance to the principal cause. At this stage, the Liberal Party will put on file an amendment about 'isolated plant' and will argue for its acceptance with vigour, although I hope that the Minister will see the practical reason for our moving such an amendment but be prepared to leave out of the Bill the definition of 'isolated plant' and to accept the wisdom of the council in these matters.

The Liberal Party will also move amendments that reflect amendments moved in the other place. A further amendment refers to the Pastoral Board. We believe very strongly that the Pastoral Board and the Soil Conservation Board should be a reference for a number of decisions by the council. However, where the Pastoral Board is involved in such a reference, its decision should not become binding on the lessee in terms of the board's ratifying that decision for land management plans. We will move a simple amendment to indicate that we are keen for the Pastoral Board to be consulted in these matters, but that its views would not be binding on the lessee, recognising that, if it did become binding on the lessee and the lessee's plan was ratified by the board, under the Pastoral Act, the lessee could lose that lease or be subject to a substantial fine. We believe that to be inappropriate; so, we will move a clarifying amendment on that matter.

I also have considerable concerns about the definition of 'clearance'. In the past few hours I have received a great deal of correspondence from people involved in the fencing and brush industry who are concerned about this definition and how it will affect their industry. They are keen to see in the Bill reference not only to clearance but also to harvesting, and negotiations on this matter are continuing between the Liberal Party and many people involved in the brush and fencing industry. I understand that there has been correspondence between the industry and the department, if not the Minister's office, over some months on exactly the same issues, although the Minister did not seem to recall such correspondence or representations when this Bill was before the other place.

I understand that the advice from the department and/or the Minister's office has been that the concerns of fencing contractors will be addressed in amendments to the National Parks and Wildlife Act, which might be introduced in the budget session. In the meantime, we have concern for the plight of persons involved in the fencing industry, who harvest tea-tree and a range of other native plants that are not cleared in a permanent sense but rejuvenate when they are lopped or harvested for fencing purposes.

In addition to those matters, we will also explore the issue of penalties. The Liberal Party remains to be convinced about the penalty structure, and this matter was raised by my colleague the Hon. Mr Dunn. We believe that there is need for some grading of penalties. We are also concerned about the practical application of this Bill to a variety of other Acts. In the second reading explanation, the Minister went to some pains to indicate that this Bill has been worked so that it is compatible with the Pastoral Act and the Soil Conservation Act, but our concerns relate also to provisions in the Country Fires Act.

This Bill does not apply in the metropolitan area, but the metropolitan area is narrowly defined. This legislation will apply to a host of near Adelaide Hills areas. They are the same areas where, each year at the height of the fire danger season, the CFS pleads with landowners to not only lop but also cut vegetation and clear the land around their house so they are as safe as possible from potential fire risk.

I think that there has to be some clarification in this Bill with respect to the responsibilities of the CFS. I will leave my remarks at that point and explore some of the matters that I have raised and other matters during the Committee stage of this Bill, which I essentially see as a Committee Bill. I indicate again that I support the second reading and believe this Bill to be important legislation.

The Hon. M.J. ELLIOTT: I will keep my contribution brief at the second reading stage. The Democrats support the Bill. The Democrats have supported the introduction of controls for the clearance of native vegetation since the beginning, although those who remember the way in which the first controls were introduced will remember that that occurred in a manner that was improper. It should have been done by legislation, although I suppose some controls needed to come in quickly because otherwise the bulldozers would have got to work and we would have lost a lot of the native vegetation that we still have. In any event, we have been very supportive.

One concern that the Democrats had in those early days was that a decision had been made by the State that it wanted to preserve native vegetation, but the burden fell unfairly on some parts of our community. I do not think that that meant that every farmer, just because they had native vegetation, suffered. Clearly, quite a few farmers suffered badly, particularly those who had bought scrub lots with the reasonable prospect at the time of purchase of being able to develop and those who invested a great deal of time and effort into their blocks, the further clearance of which was necessary to make them economic.

The Democrats have been very strong advocates of reasonable compensation to those who had native vegetation on their land and who clearly suffered a real loss. Our great fear over the past four or five years has been that, although the Government has put such a fine effort into saving vegetation from the bulldozer, vegetation was still degrading. Many of these plots of native vegetation were not large, and anyone who understands the issues relating to species and genetic diversity and so on knows of the difficulties genetically; in terms of the invasion of weeds, pests, etc., when one has small blocks of land. So, just having saved native vegetation from the bulldozer was never going to be enough, and it is most important that we moved to the next stage—putting an effort into maintaining the biological health of that native vegetation.

The compensation process has been very expensive for the State. At the end of the day some people have probably received compensation for scrub they never had any intention of clearing, but the State had to err in favour of the farmers. Trying to make the compensation requirements too restrictive would have meant that legitimate cases would have missed out. An acknowledgment that we needed to go to the next phase also recognised that we needed the money,

and the question then was, 'Where will it come from?' It appears that there was a general consensus between farming groups and others that people who had a legitimate interest in clearning land would have applied by now. There was an agreement that there should be a cut-off of applications for clearance and the compensation that applied to that so that we could then free up the cash to go to the next stage. We are now facing the argument as to what is the proper cut-off point.

Anybody who has been reading the rural press, such as *Farmer and Stockowner*, would be well aware that there is to be a cut-off. That had been the warning, certainly well into last year. I would have thought that any farmer who had a legitimate interest in clearance would have applied straight away. Certainly, the rate of applications accelerated. If we do what the Opposition appears now to be proposing, which is to put the date back further and further, we will certainly get more applications and the State will spend a lot more money. I am not personally convinced at this stage that the people who have a legitimate interest are the ones who are applying; it is my fear that such people would have applied long ago.

Certainly, some people—and I will be seeking a reaction from the Minister on this matter—who applied back in the early days of native vegetation clearance controls were rejected and have never reapplied. I understand that those people still have a claim for compensation, and that those claims continue for 10 years after the original application. This means that those people are still in a position to apply for compensation even now. I will invite the Minister to comment on that either at the end of the second reading stage or during the Committee stage.

I have spent some time on one particular issue, that is, what we can and should allow in relation to isolated trees in a farm paddock. We are not talking about scrub at this stage with its under-storey intact or a great diversity of species; we are talking about isolated trees in a farm paddock that a farmer may want to remove for agricultural reasons. The most common reason right now is where farmers want to put in centre-pivot irrigation; it does not work really well when you have a tree in the middle of your paddock.

Under the old legislation, as I understand it, a great number of those applications were getting through, and I suspect that a great number will continue to do so under this new Bill. However, it is something of an *ad hoc* process. Recognising that many applications will be improved anyway, I would like to suggest at this stage—and I am still working through with a number of groups my proposed amendment to see whether it will work—that, having defined what isolated plants are, where the Native Vegetation Council grants approval for the clearance of isolated vegetation, the council is also required to give a direction to the landowner that there be a composite tree planting of vegetation. That sort of thing has happened to some extent under this Act, but there is some question as to how much teeth the native vegetation authority has in a case where one tree has been removed and others have been put in its place, not at the same location but elsewhere on the property.

It appears to me that it might be possible to come up with a situation essentially where there are no losers. Whilst we may lose some trees, we may get in their place a patch of regenerated scrub with a great deal of biological diversity in it. Where we might lose three, four or five trees, all of one species that is common in the area, we might get in their place a patch of scrub of maybe one hectare which has quite a few species of trees and a large number of understorey plants. Therefore, it could be argued that the farmer who is trying to get his centre pivot in should be happy with the result. Further, the overall balance has been positive for the environment.

That is just a very brief description of the sort of system I would like to see in place. While nobody wants to see a mature red gum, which is a home for parrots, possums etc., go down—and sometimes they are aesthetically important—if a decision is made that it come down, there is some comfort if you know that, in its place, there will be quite a few of the same species, although a good deal smaller for the next few hundred years, and also a diversity of other species growing with them. One would have to see that as a gain, particularly in some areas of the State where much of the native vegetation has been lost, although there are still many isolated trees. In that case, to be able to pick up—it could not be called a replica—at least some scrub that has most of the species that were originally in the area would have to be seen as a bonus.

I have an amendment drafted along the lines to which I have just referred. I have tabled it but I am not sure whether or not it has been circulated. It is not my intention to move it during the Committee stage tonight. I would like to report progress, as there is still a number of groups with whom I am speaking, and I hope that we can get it right before we vote on the measure. If we can get it right, we may have something with which both farming groups and conservation groups will be happy. If that is the case, I do not think that the rest of us have much to complain about.

I express some concern about something in clause 3 which was not in the old Act. There is an attempt to remove from the Act native vegetation growing in the marine environment. The old Act covers native vegetation, although I am not sure that it was ever used or applied. In the absence of any other legislation which, to me, has any teeth, it is very dangerous to preclude the native vegetation of the marine environment. As I understand it, there have been some applications from people wanting to harvest seaweed from the sea. Some operations are being carried out on the beaches, but some have been interested in harvesting at sea, and that is not on. People may be carrying out certain activities which will be very harmful to native vegetation.

If we are putting forward strict controls on vegetation on dry land, why do the same rules not apply to native vegetation of the marine environment? Maybe the Government feels somewhat susceptible in the light of what it has done in Gulf St Vincent, that it is guilty of breaking its own laws. That is an interesting thought but, in any event, the Democrats will be opposing the move to preclude marine environment from the body of the Act. I know there is some suggestion that the provision may be re-admitted by regulation, but I do not believe that that is the way it should happen. It should remain in the body of the Act. Not until the Government has come up with a very clear alternative for handling the marine vegetation should we be removing it from the body of this Bill.

I noted the comments of the Hon. Ms Laidlaw in relation to the conflict between Acts. It is something which causes me a great deal of concern. It is very hard for people who live in the Adelaide Hills to understand why they have such strict controls about what they can do to a tree on their property, and then watch ETSA come in and kill trees with their lopping process. That is exactly what they do. They are probably killing off trees a good deal faster than Bob Hawke is planting them. Then, when ETSA has finished, the CFS moves in. The CFS has a very poor understanding of native vegetation yet it is a law unto itself. There is a very clear need to integrate the various legislation that impacts on native vegetation. It is quite outrageous that we

have such strict controls on almost all our community and then allow Government bodies such as ETSA and the CFS to do what nobody else in our society is allowed to do.

I have had a very clear indication at this stage that there is unlikely to be very much support in this matter, so I will not waste the time of the Council pursuing that matter further at this stage. I said that I intended to make only a short contribution. I do not think there is a need to recount the whole history of native vegetation protection in this State, as most people know what it is. I will leave any further comments until the Committee stage.

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

NATIONAL PARKS

The House of Assembly transmitted the following resolution to which it requested the concurrence of the Legislative Council:

That this House requests Her Excellency the Governor—

(a) to make a proclamation pursuant to Part III of the National Parks and Wildlife Act 1972 that—

(i) abolishes the Belair Recreation Park and constitutes as a national park the land formerly comprising the Belair Recreation Park and assigns to it the name 'Belair National Park';

and

(ii) abolishes the Katarapko Game Reserve and constitutes as a national park the land formerly comprising the Katarapko Game Reserve and assigns to it the name 'Murray River National Park';

and

(b) to make a proclamation pursuant to Part III of the National Parks and Wildlife Act 1972 on or after 1 January 1993 that abolishes the Coorong Game Reserve and alters the boundaries of the Coorong National Park so as to include in the park the land formerly comprising the Coorong Game Reserve.

FREEDOM OF INFORMATION BILL (No. 2)

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

Consideration in Committee.

The Hon. ANNE LEVY: I move:

That the Council no longer insist on its amendments.

I will not go into any detail, as I am sure we are all aware that this legislation will end up in a conference. So, I merely move the motion and hope it can be dealt with speedily.

The Hon. K.T. GRIFFIN: Quite obviously, I believe the Council ought to insist on its amendments and, for that reason, we will certainly not be supporting the motion of the honourable the Minister.

The Hon. M.J. ELLIOTT: When the legislation first arrived I made it quite clear that I believed it was deficient. When it left this Council, while there were a few clauses that perhaps needed a little tidying up, the amendments that had been made were essential to a proper Freedom of Information Bill. I believe that we must insist on our amendments.

Motion negatived.

NATIVE VEGETATION BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3781.)

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): In closing this debate, I thank all honourable members for their contributions. I have certainly listened with interest to the views of the members of the Liberal Party and the Democrats on various sections of this Bill. It seems to me that there is general support for the concept of what the Government is trying to achieve through this important conservation legislation. As has been stated often before, South Australia is leading the way in its arrangements for the preservation of biological diversity outside the traditional national parks system.

The objects of the Act, as contained in clause 6, set the scene for the Bill as a whole. The Bill is designed to provide incentives and assistance to landholders for the preservation of the native vegetation already on their properties, provided it is under heritage agreement. This is a substantial change of emphasis from the existing Act, which contains provisions for the payment of financial assistance for landholders who are denied approval to clear. The whole emphasis is changed in the current Bill.

The Government has recognised the increasing desire for landowners to be able to avail themselves of assistance and advice for the management of native vegetation, as distinct from the decreasing demand for the clearance of native vegetation for agricultural development purposes. As the objects set out in the Bill indicate, limited clearance of vegetation can still proceed, and the Government has been continuing to have discussions with the conservation movement, with the United Farmers and Stockowners, and with others, as to the nature of these limitations.

The objects make particular reference to the need for research into the management and conservation of native vegetation in the longer term. The conservation movement has been very keen to see provisions contained within this Bill to ensure that research is undertaken. The Government recognises this need and wants to have appropriate provisions in the Bill reflecting this recognition, and there are amendments on file relating to this.

Following the debate in the Lower House, and some of the comments from the Hon. Mr Dunn tonight, it seems that there may be some confusion on the penalty provisions in the Bill. The Government has examined these provisions in further detail since it left the Lower House and believes that no alteration to those provisions is required. Those penalty provisions provide a mechanism for a fine of up to $40 000 to be made against a person contravening the provisions of the Act, or, as an alternative, to have a penalty arrangement which reflects the increasing value of the land which a person may benefit from by undertaking illegal clearance. The Government believes that this is an appropriate and responsible way of dealing with this particular issue, as we have long held that people should not benefit from illegal activity.

That principle has been debated in this House on numerous occasions, particularly in relation to those who deal in drugs. In the debate on the Bill in the other place, considerable time was devoted to whether the Bill should contain provisions for appeals against decisions by the Council. Honourable members will be aware that the existing Native Vegetation Management Act contains no appeal provisions, even though it has the flexibility to allow applicants to reapply for clearance of vegetation for which they may have been denied approval for clearance. We are opposed to any formal appeals mechanisms which involve the courts in legislation of this type, because of the real potential for courts to become involved in making decisions in relation to environmental matters in which they have no knowledge or expertise.

The Government believes that a properly constituted council, as will be set up by this Bill, operating under agreed conditions, is the most appropriate body to make these environmental decisions. Having said that, the Government does recognise in the Bill the need for natural justice to prevail. Clauses were inserted during the debate in the other place to provide for this.

In further recognition of dealing with those issues of conflict between the council and landowners, the Government is prepared to insert provisions in the Bill involving a conciliation process, and I have amendments on file to that effect. This conciliation process has been used successfully under the existing legislation, not with statutory authority, but as an administrative procedure. Formalising it within the legislation itself, as we are now proposing, the conciliation process can clearly be set out and the council will be quite aware of the ability of landowners to seek review of applications for minor clearance for land management purposes to be reviewed using the conciliation process.

We make no apology for the fact that this legislation is good conservation legislation, and this must continue to be its emphasis. However, in dealing with issues of small scale clearance, the Government is aware of some of the problems that can arise in relation to clearance of isolated plants. This problem has manifested itself in a number of ways, the most obvious of which relate to single trees, or two or three trees within a paddock which may be suitable for development as an irrigation enterprise and which could include viticulture, potatoes or other such crops.

In an attempt to ensure that the legislation is as workable as possible within the constraints it applies, the Government recognises the attempts being made by the Democrats to come up with a way of dealing with isolated plants and for the Native Vegetation Council to make decisions seriously at variance with the clearance principles to allow for increased flexibility in dealing with these occasional situations, and I look forward to amendments from the Hon. Mr Elliott on this matter.

In my introduction I made the point that the Government has recognised the change of emphasis of this legislation to concentrate its financial provisions on the management of native vegetation which is retained under the heritage agreement scheme. To do that the Government has also recognised that continuing to pay the financial assistance package to landholders denied approval for broad scale clearance, as is provided for under the existing legislation, is no longer appropriate.

The Hon. Mr Dunn suggested that the financial assistance package contained under the existing Act should continue to be paid for some period into the future to allow landholders to avail themselves of that financial assistance package. The honourable member expressed concern that the five years that has been provided for taking up the provision of financial assistance is not long enough. I think he is implying that a promise has been made to pay financial assistance forever, but this is not the case.

I point out to the Council that over the past five years the Government has been paying financial assistance to any land-holder who has been denied approval to clear and who has availed himself or herself of a heritage agreement. The Government believes that this arrangement has been very generous, and the facts show that such an arrangement has in fact injected more than $40 million into the rural sector of this State. Any suggestion that bringing to an end the payment of financial assistance to landholders is being unreasonable cannot be sustained.

We recognise that some landowners will choose not to avail themselves of the advantages that heritage agreements offer. In some cases, biologically significant native vegetation may be involved. I draw the attention of members to the transitional provisions, which allow any land-owner denied approval to clear the right to enter into a heritage agreement and receive financial assistance under the provisions of the existing legislation for a period of two years after 13 February 1991, when the change was publicly announced.

I would like briefly to consider a few other matters that were raised by speakers opposite. The Hon. Mr Dunn was worried about the effects of burning. Burning has always been covered by the definition of 'clearance' under the present Act, and that will not change in the Bill before us. In the case of an accident occurring, there is a general defence provision in the Bill before us; also, regulations will provide for burning to take place in accordance with an agreed prescription, and these proposed regulations have been made available to the Opposition for some time.

The Hon. Mr Dunn also said that the council's functions as set out in the Bill show a tendency for repetition. This is true, and it arises from amendments that were moved by the Liberals in the other place. As introduced in the other place, there was no such repetition, but the Minister in the other place accepted the amendments moved by the Liberals, thus resulting in the repetitions to which the Hon. Mr Dunn now objects.

The Hon. Mr Dunn also referred to the degree of incentive that would be offered to land-owners. In response, I indicate that the incentive mechanism will partly be up to the Minister and will depend on the biological importance of the vegetation. That can be the determining factor—the significance of the biological vegetation to be protected.

With regard to the comments from the Hon. Ms Laidlaw, I was glad to hear that she is generally supportive of the Bill and that she agreed that the management of native vegetation is the appropriate emphasis for legislation now. I note, too, that she supports bringing the current program to a close but differs as to the time of closing it off, suggesting the time of proclamation as opposed to 13 February, the date on which these moves were made public. I would take issue with her when she suggests that the Minister in the other place misled Parliament regarding the UF&S support for the cut-off date. I reiterate that the UF&S to our knowledge has not formally objected to the provision in the Bill as it stands.

The Hon. Ms Laidlaw is also seeking an appeals mechanism. I have already mentioned that I have amendments on file dealing with conciliation. The Government believes that the provisions contained in this Bill provide the opportunity for moving the native vegetation management program to the second stage, involving the management of areas under heritage agreement for the maintenance of their biological diversity. The Government believes that this is an extremely important step forward in the program and looks forward to rational debate and a positive outcome from the Committee stages of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. PETER DUNN: Does paragraph *(c)* in the definition of 'clearance' mean that no more broom bush will be cut for brush fences?

The Hon. ANNE LEVY: This will have no effect provided that permission has been given by the Native Vegetation Authority, which now exists, or the Native Vegetation

Council, which this Bill sets up. The definition of 'clearance' is the same as that in the principal Act, except that more information has been provided concerning burning. With regard to 'the severing of branches, limbs, stems or trunks of native vegetation', it has not caused any problems, in that the Native Vegetation Authority can give, and indeed has given, permission for brush fence material collection. The new council will be able to continue to give that permission.

The Hon. PETER DUNN: Will collectors have to reapply and pay for their application to be processed by the Native Vegetation Council?

The Hon. ANNE LEVY: Any applications that have been made and granted under the existing legislation will continue to apply. People with permission from the authority will not have to reapply, although any new entrants to the industry would have to apply to the council and pay the appropriate fee.

The Hon. PETER DUNN: Paragraph *(d)* refers to the burning of native vegetation. Will people no longer be able to burn off under native vegetation in the Adelaide Hills, or wherever, for fire protection purposes?

The Hon. ANNE LEVY: This is a new paragraph in the definition of 'clearance' to make clear that burning is covered, although it has always been taken to be covered in the previous legislation, without having been specifically mentioned. The burning of native vegetation for fire control can occur. Exemptions are given for fire control but, if large-scale burning is desired, application can be made and permission given for it to occur. Authority to give such permission could be delegated from the council to bushfire prevention committees and other local bodies.

The Hon. PETER DUNN: I am not clear on that. If I have native vegetation on my one acre property and I want to clear it because it is relatively close to the house, the Bill does not allow me to clear that timber. Do I have to make an application—

The Hon. M.J. Elliott: Under the CFS Act, you are forced to.

The Hon. PETER DUNN: That is a totally different situation. The CFS can force me to clean it up but, if I want to clear it under my own steam, under this Bill I have to go to a fire control authority of one sort or another or to the council to get permission to do that. There are likely to be thousands of applications, and that is bureaucratic claptrap.

The Hon. ANNE LEVY: That is not correct. The regulations provide for situations such as that described by the honourable member. A clearance does not have to be applied for in such cases because a general exemption exists in the regulations.

The Hon. Peter Dunn: How big an area?

The Hon. ANNE LEVY: I understand that there is no set area in the regulations. The regulations provide that burning off can be done where it is a question of protection of assets such as those around the house. Clearance has to be applied for where it is burning off on a broad scale.

The Hon. PETER DUNN: The clause does not say that. There had better be some pretty good explanation in the regulations if that is the case, because the Bill is very clear in what it says. It says that there will be no burning of native vegetation. From the Minister's answers, it appears that it is not known what area is involved—it could be any area. We do not even know to whom we have to apply. It is unsatisfactory.

The Hon. ANNE LEVY: Regulation 4h spells this out very clearly. Any land-holder can read the Act and also get the regulations. The regulations have been available to all members for some time, and regulation 4h makes this perfectly clear.

The Hon. DIANA LAIDLAW: I have a number of questions relating to paragraph *(c)* of the definition of 'clearance', which relates to the severing of branches, limbs, stems or trunks of native vegetation. In my second reading speech, I mentioned that, in the past few hours particularly, we have received most agitated representations from the Fencing Industry Association of South Australia and various members of that association about the impact of this Bill on their future activities. They acknowledge, as I do, that the reference to the severing of branches, limbs, stems and trunks is a provision of the Act that this Bill seeks to repeal. However, they are aware that the framework and motivation of this Bill are different from the one in operation. They are also aware that the Government is considering amendments to the National Parks and Wildlife Act to be introduced sometime in the budget session. They do not know what those amendments will be; they have not seen them in specific terms.

I am aware that there has been correspondence that outlines a variety of areas but, as I understand it, they have not seen the specifics of those amendments and, to relate the expression used by the person who spoke to the member for Heysen a short time ago, they are 'scared stiff' about how this will affect their operation and whether they will have access to the properties and the range of vegetation that they have enjoyed in the past. I also have a number of specific questions in relation to applications that have been granted for such clearance, but I will ask them after I have received a comment from the Minister about my general statement.

The Hon. ANNE LEVY: The phrase in the Bill is the same as that in the existing legislation. There is no change whatsoever. The process will also be the same; there is no change as far as people who cut brush are concerned. In the past, they have applied for permission to clear and, where appropriate, that permission has been granted. Under the new legislation, there will be no change. They will apply to the council for permission to cut brush and, if appropriate, they will receive it. There is no intention to change the situation regarding brush cutting. It is obvious that there must be an application process and approval given, otherwise it would be *carte blanche* to brush cutters to cut brush wherever and whenever they pleased. I doubt whether the honourable member would approve of that. In terms of the general principle for brush cutters, there is no change from the previous situation.

Regarding the possible amendments to the National Parks and Wildlife Act, negotiations are occurring and there have been detailed discussions. The brush cutters have not seen any specific amendments, because there are none for them to see. However, as I said, there have been extensive discussions on the principles that will apply to those amendments, but that is not the Bill before the Committee now.

The Hon. DIANA LAIDLAW: I understand and appreciate the Minister's reply. I emphasise that the Government was confident of broad agreement between the UF&S and the Nature Conservation Society on the principles in the Bill that we are debating but, with respect to the practical application of the Bill, many amendments have been proposed by the Government and the Liberal Party in both places, and the Government accepted many of those amendments in the other place.

The Government sounds so reasonable because there is discussion, and broad frameworks have been agreed to; I acknowledge all that. But, it is the detail that the brush cutters are worried about, and I think with good reason,

because they have a considerable livelihood at stake and they are nervous after having seen what happened in Victoria with the blanket ban with respect to harvesting.

We will be watching with intense interest to see that the principles agreed to date between the Government and members of the Fencing Industry Association are actually translated into provisions in a Bill where there is agreement between the two parties. That has not been the case in this Bill where principles were agreed but the details of the Bill left a considerable amount to be desired. I do not know how many cutters of broom brush have received grants to participate in this business, nor do I know how long that grant period applies, whether it is for one, five or 10 years, or for life.

The Hon. ANNE LEVY: I understand that the period in general is 10 years, unless some other specific period has been mentioned. I am not aware at the moment of the actual number who are involved, but that detail can be provided. With regard to the honourable member's earlier comments, I suggest that it is probably not very productive at this stage in this Bill to start discussing what might happen in another Bill as yet undrafted. But, I am sure the Department of Environment and Planning would be very happy to provide a briefing to the honourable member at a convenient time to her on the discussions that have occurred so far relating to that other legislation.

The Hon. PETER DUNN: Does that proviso also apply to charcoal producers and growers?

The Hon. ANNE LEVY: The same general principles apply. I move:

Page 2, after line 4—Insert definition as follows:

'conciliator' means a person appointed and holding office as a conciliator under Part III Division IA:.

This is the first of a number of consequential amendments that relate to the process of conciliation. As I indicated earlier, a process of conciliation has been used by the Native Vegetation Authority for a number of years where there has been disagreement between the authority and an applicant for clearance on a small matter. This conciliation process has worked extremely well, and it is felt that it is desirable to give this process statutory authority instead of its merely being an administrative process. Hence, the definition of a 'conciliator' in this clause, and later clauses have amendments specifying the procedures used in the conciliation process.

The Hon. DIANA LAIDLAW: I find this issue rather difficult to deal with in light of the variety of amendments that the Liberal Party moved in another place which were unsuccessful and which again I have on file in this place, in terms of an appeal by applicants against a decision of the council. The Liberal Party believes very strongly in strengthening the right of appeal against decisions of the council. The current provisions under clause 26 are simply for an appeal on the ground of failure by the council to observe rules of natural justice, and that appeal is to the District Court. There are a whole range of other grounds for appeal that the Liberal Party believes an applicant is entitled to exercise if the council does not act in what the applicant believes is a fair and reasonable way in applying the principles of this Bill. We believe that the most appropriate manner to deal with this is by our amendments, which provide for an appeal to the Land and Valuation Court.

Progress reported; Committee to sit again.

FREEDOM OF INFORMATION BILL (No. 2)

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 11 a.m. on 21 March, at which it would be represented by the Hons M.J. Elliott, K.T. Griffin, R.I. Lucas, Carolyn Pickles and C.J. Sumner.

NATIVE VEGETATION BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3784.)

The Hon. DIANA LAIDLAW: As I indicated earlier, I find myself in a rather invidious position in relation to making comment on this proposition, because the Liberal Party has amendments which we believe are far preferable to a mere conciliator and conciliation process where an applicant is aggrieved and wishes to appeal against a decision of the council. Amendments to section 26 provide for an appeal to the Land and District Valuation Court and that, prior to a hearing of that court where arbitration would occur, there is a process of conciliation between all parties with the Master of the court. We believe that that is the fairest and most appropriate process in terms of appeal by the council, which has—as all members who have participated in this debate have acknowledged—very wide powers.

We do not believe that that council should be entrusted with those powers without appropriate checks and balances, and we believe that the Minister's consequential amendments do not provide for appropriate checks and balances; there are only checks and no balances. There is only a superficial review process of the council's decision, and the conciliators have no teeth. There is certainly no arbitration system, which means that the council, with the powers at its command, is essentially all powerful in these matters. We just do not believe that it is fair in terms of natural justice, social justice—or on any other ground of legal justice that one can bring to bear on this matter.

The Liberal Party is not keen on the idea of a conciliation process. I wish to move my amendments at a later stage which, of course, are dependent and conditional upon what the Democrats may decide to do. In terms of this conciliation process, if the conciliation process is agreed to by the Democrats, the Liberal Party will seek to recommit the clause at a later time for the purpose of trying to strengthen the role of the conciliators. That is the broad (and flexible) position of the Liberal Party at this time.

The Hon. M.J. ELLIOTT: The Democrats support the Minister's amendment to insert a definition of 'conciliator' and support the consequential amendments. We will not be supporting the sorts of appeal provisions that the Liberal Party is proposing in their stead.

The Hon. PETER DUNN: This is one of the weakest amendments I have ever seen in my life. My great grandfather has more teeth than this! The amendment states that the conciliator can be asked to make an assessment. Proposed new section 26a (4) provides:

After making the assessment, the conciliator must submit a written report to the council setting out his or her recommendation as to the determination that the council should make pursuant to this Act in relation to the application and the reasons for that recommendation.

Upon receiving the conciliator's report, the council must reconsider the application. It does not say that it has to do

anything. Seven people could make a decision at 9.00 a.m.; it goes to the conciliator at midday; surely they will not change their minds at 4.00 p.m. That is a nonsense. This is just a sop. It is a weak old thing. It is not an appeal provision at all. If someone is aggrieved and they believe they have a case, the matter goes to a conciliator. However, all the conciliator can do is go along on his bended knee and say to the people on the council, 'Please will you look at this?' If they thumb their noses at the applicant nothing more can be done. It is as weak as water.

The Hon. ANNE LEVY: I do not wish to prolong this debate. I merely point out to the Hon. Mr Dunn that the current legislation has no appeal provisions. Under the current legislation, a conciliation process has been developed and used very satisfactorily without statutory authority. My series of amendments put into statute what has been in existence as an administrative process under the old legislation. I point out that the conciliators must be people who have wide knowledge and experience in the preservation and management of native vegetation, unlike Masters of the court or average-run lawyers or judges. They are people who are experienced in these matters. Consequently, there will be a consistency to their conciliation reports, unlike what might occur through the much more expensive legal system.

The Hon. PETER DUNN: But if they contravene the Act, they are headed off to the court immediately. They get no choice. They do not go to a conciliator then. It is one law for one lot and another law for the other.

The Hon. ANNE LEVY: I protest! There is a clear difference between conciliation and reaching agreement on a particular clearance plan and flagrantly breaking the law.

Amendment carried.

The Hon. M.J. ELLIOTT: I do not intend to move my amendment on file concerning the 'isolated plant' definition. I have indicated to the Government and the Opposition that I have put my amendments on file at this stage so there is an awareness by both the Government and the Opposition of the sorts of amendments that I contemplate moving. I anticipate that we will report progress at the end of the Committee stage tonight. I want to do a little further work on some of my amendments. I indicate that later I will be seeking to re-consider this clause and some other clauses. As to the substance of what I am trying to achieve, I have talked about the relevant matters during the second reading debate and I will do so again when we are considering clause 26. That, I think, will be the most appropriate time to indicate what the intention of my amendments is.

The CHAIRMAN: Will the honourable member please come to the table and specify which of his amendments on file he intends to proceed with at this stage?

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

Page 2, lines 13 to 20—Leave out these lines and insert:

including a plant or plants growing in or under waters of the sea but does not include—

(a) a plant or part of a plant that is dead unless the plant, or part of the plant, is of a class declared by regulation to be included in this definition.

I am concerned that the clause changes the existing Native Vegetation Act, which clearly applies to marine vegetation as much as to vegetation on dry land. It would probably be true to say that the Native Vegetation Authority has not been particularly active in the area of marine vegetation; nevertheless the power exists under the present Act, and I believe it should continue, but under the Act itself. The Government is suggesting that it can be picked up by regulation, but it is my personal belief that that should remain within the body of the Act. It is quite clear that what we are to do about marine vegetation has not been addressed adequately in this State, and a number of things happening in the State now present threats to native vegetation in the marine environment. Those threats will grow as a consequence of various activities. However, it would be remiss of us to remove that application from this Act. This amendment ensures that marine vegetation continues to be covered directly within the body of the Act.

The Hon. ANNE LEVY: The Government opposes this amendment. As it stands, the Bill excludes marine plants unless they have been prescribed in regulation. What the Hon. Mr Elliott is proposing is that all marine plants be included under the legislation.

Our view is that the Fisheries Act contains numerous measures for controlling undersea vegetation and that it is unnecessary to cover that in this legislation as a general matter. If it is felt that there are marine plants that should be included, they can be included by regulation. However, as a general principle, we feel that the controls under the Fisheries Act are adequate at this time.

The Hon. M.J. ELLIOTT: It really is inappropriate that the Department of Fisheries should administer controls over native vegetation in the marine environment, as some fishing activities are directly responsible for damage. I am sure that the Department of Environment and Planning is aware of that. One example where there is conflict is Coffin Bay, where the activities of oyster growers can be a direct threat to the native vegetation in that bay. To ask the Department of Fisheries to administer that legislation, when it has a direct interest in trying to expand fisheries, is not sensible: there would be a clear conflict of interest. No sensible person when it was introduced would have suggested that the Department of Agriculture should control this Native Vegetation Act, given that there was great resistance from some quarters. It really is a nonsense.

While the Department of Fisheries will protect much of the native vegetation because of the impact upon fisheries—for instance, its concern about seagrass beds and so on would make it a strong proponent in this area—there are times, particularly in relation to aquaculture, where it has a clear conflict of interest that I do not think it can resolve. Protection should be embodied in an Act administered by the Department of Fisheries: it should remain within the body of this Act.

The Hon. DIANA LAIDLAW: I appreciate the difficulties under which we are all operating towards the end of the session. It was my understanding that this Bill would be debated in Committee tomorrow. On behalf of the Liberal Party, I support the amendment to amend the definition of 'native vegetation', although I have had no opportunity to speak with anybody about the ramifications of the amendment. The shadow Minister, the member for Heysen in another place, responsible for the Bill has been tied up with a Bill in another place since I received these amendments just after dinner. I will support the amendment to keep it alive as I believe, from the explanation given by the Hon. Mr Elliott, that it has some merit.

I hark back to the reference that I made in my second reading contribution to the fact that the Bill binds the Crown, and it is very important, in terms of the Government's own practice in relation to effluent drainage, sewage disposal, sludge and the like and the debates that we had on the Marine Environment Protection Bill (No. 2), that we toughen up the legislation. Perhaps the Government can be encouraged to be more responsible than it has been in the past in a whole range of issues, and this amendment may have that result. I will therefore support the amendment on the basis that we wish to keep the issue alive at least for another 24 hours.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 3, after line 3—Insert subsection as follows:

(2) The burning of native vegetation in the normal course of managing land does not constitute clearance for the purposes of this Act.

The Democrats also have on file an amendment after line 3 in respect of isolated plants, but perhaps they are not moving it at this stage. Paragraph *(d)* under the definition of 'clearance' refers to the burning of native vegetation. My amendment seeks to establish that the burning of native vegetation in the normal course of managing land does not constitute clearance for the purposes of this legislation. There are many instances in which the management of land requires, for a variety of sound reasons, the burning of native vegetation in the normal process. As that process has not already been provided for by the Government in this Bill, the Liberal Party seeks to clarify the matter and strengthen the Bill by this amendment.

The Hon. ANNE LEVY: The Government opposes the amendment, which is more or less what I discussed earlier with the Hon. Mr Dunn. Under paragraph 4 *(h)* in the regulations there is a large section headed 'exemptions', and I refer to the following exemption:

... where the clearance consists of burning for the purpose of reducing combustible material on land, the owner of the land has prepared a management plan relating to the burning of the vegetation and the council has given its approval to the management plan and the person who carries out the burning complies with the requirements of the management plan.

We have a clear regulation permitting burning in certain circumstances and, although it refers to the council giving approval, the general regulations include delegation powers. The council will delegate this authority to local bushfire committees so that the required approval can be given by a local group which is well versed in local conditions and circumstances and can rapidly make the judgments required.

It is quite unnecessary to have the amendment that the honourable member is proposing to achieve what she wishes to achieve. It could also be a dangerous addition because it would permit the burning of native vegetation in the normal course of managing land without any approval having to be sought from the council or from the bushfire committee to which that authority has delegated its power. Extremely sensitive native vegetation could be burnt unknowingly or deliberately, because no approval has to be sought from anyone. What the honourable member is proposing could go further than I hope she intends it to go. The problem that she wishes to address is covered by regulation 4 *(h)*.

The Hon. DIANA LAIDLAW: In relation to the proposed regulations to which the Minister has referred, what is envisaged for management plans in each instance where a person may own some land and may normally wish to burn off because of fire danger, whether it be along fence lines or whatever? What is the Minister envisaging in terms of the management plan, and does that plan differ in scale, requirements and conditions depending on the size of the land and/or the purpose for which it is being used?

The Hon. ANNE LEVY: I understand that it will be a very simple document indicating that permission was requested to burn a certain area and the purposes for which such burning was required—fire protection, asset protection, and so on. Such simple documents will serve to prevent completely uncontrolled burning for no valuable purpose whatsoever.

The Hon. DIANA LAIDLAW: Earlier the Hon. Mr Dunn raised the issue of the Pitjantjatjara lands. I have been a keen bush walker for as long as I can remember. I have spent a lot of time with Aborigines bush walking in South Australia and in other States. When we have sat around fires at night, they have talked about their deliberate burning practices to clear vegetation so that they could walk more easily over that land, particularly where there are dry grasses and the like. Will this legislation apply to the Pitjantjatjara areas?

The Hon. ANNE LEVY: I understand that the Act will apply to the Pitjantjatjara lands, but the type of burning to which the honourable member refers would be granted approval as part of good land management by the Aboriginal people there.

The Hon. M.J. ELLIOTT: Each vegetation type has evolved around a particular fire frequency. There is a very real danger that, even with good intentions, a farmer might run fires through vegetation with a different frequency from that which is natural. The impact of that is that species that can live in that area can be changed dramatically. One of the impacts of the frequent burning by Aborigines was the creation of grasslands.

The Hon. Diana Laidlaw: But they were only random fires.

The Hon. M.J. ELLIOTT: They may have been random to an extent but over time they formed mosaics that burnt only so far, and a regular frequency developed over tens of thousands of years. As a result, the vegetation types in those areas evolved around the frequency of the fires, which were manipulated by the Aborigines but which became part of the system. We have vegetation types which are remnants and 150 years old, and they are probably altering now because of the impact of our changed fire management practices. Great arguments have been raging in national parks between the CFS, which wants to rip in with its bulldozers every time there is a fire, and the National Parks and Wildlife Service, which is still trying to work out what the proper frequency of fires should be to maintain the vegetation types.

As much as people like to knock them, I suggest that many farmers have no idea what the natural fire frequency is of vegetation on their land. That is not a criticism of them. How would they know what the frequency was before the arrival of Europeans? Of course, fires were not started only by Aborigines: they were started by lightning strikes, which would have been the most frequent cause of fires. In any event, it is dangerous for people to be given the power to decide unilaterally how frequently fire can go through vegetation that the State is busy protecting. The change in fire frequency can decimate the whole system. We could lose masses of species—not just the plants, but the animals that depend upon them. Once lost, they are gone forever. I can see what the Hon. Ms Laidlaw is trying to achieve but it is in ignorance of what might happen as a consequence of that, and I say that as politely as I can.

The Hon. Diana Laidlaw: My ignorance or yours?

The Hon. M.J. ELLIOTT: I refute that, because fires are one issue that I studied in biological studies.

The Hon. Diana Laidlaw: Is there anything you don't know?

The Hon. M.J. ELLIOTT: Well, a great deal of work has been done by people such as Specht and other highly respected ecologists on Australian ecosystems. I invite the honourable member to read that work. I did not say it as a put-down. It is just a fact of life.

Amendment negatived; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—'Objects.'

The Hon. PETER DUNN: Paragraph *(a)* provides that one of the objects of the legislation is to provide incentives and assistance to landowners in relation to the preservation, enhancement and management of native vegetation. Will

the Minister give some indication and detail of these incentives and the assistance that might be provided to landowners or, for that matter, anyone who comes under the prescription of this Bill?

The Hon. ANNE LEVY: This matter is discussed in great detail in clauses 20 and 21 of the legislation. It is contemplated that financial incentives can be offered to enter into a heritage agreement where the land is particularly important from a biological point of view. Incentives can also be provided in terms of a cash payment in relation to the difference in value of the land with or without a heritage agreement.

It is often stated that, where a heritage agreement has been entered into, the value of that land falls, as no clearance can occur. If there is a decrease in the value of the land, an incentive can be offered by way of financial payment of the difference in value that the land will have with a heritage agreement on it. The assistance provided, as mentioned, can be financial assistance or advice and assistance in the drawing up of management plans, in working through how best to eradicate weeds and general land management questions. Assistance can be provided not just in the form of 'Here's a sum of money' but by working with a land-holder to decide the best way of managing that piece of native vegetation, protecting it and providing expert advice to which the land holder may not otherwise have access.

The Hon. PETER DUNN: The legislation is not terribly clear. I am not sure whether the Government has any idea of what it is chasing. As I read the Bill, the difference between land that has a heritage agreement on it and a patch of land next door to it that does not have a heritage agreement on it and is still scrub would be about fourpence an acre.

The Government will have to sit down and work out what it intends to do with Acts such as this where it provides motherhood statements to give incentives and assistance, but then it does not know what assistance and incentives it will provide. This is a pretty surprising piece of legislation. As this Act has been in operation since 12 May 1983, I would have thought that the Government would have some idea of what it intends to provide by way of incentive and assistance.

What plans does the Government have in relation to research? What is being done now? Are any people researching revegetation, other than what the Department of Agriculture and councils are doing?

The Hon. ANNE LEVY: The Department of Environment and Planning has carried out a good deal of research on revegetation in terms of re-seeding programs. I know that the Botany Department at the university has been carrying out work on revegetation for at least the past 30 years. There is a large volume of publications on this matter which we would be happy to make available to the Hon. Mr Dunn if he would care to read them.

The Hon. Peter Dunn: Is that cobbled up under this Act?

The Hon. ANNE LEVY: I do not understand the Hon. Mr Dunn's interjection. I thought he requested information as to what research had been done on revegetation. I was indicating that a great deal of research has been done on revegetation, but there is obviously room to do a great deal more.

The Hon. PETER DUNN: I appreciate the Minister's answer, but the fact is that none of that comes under this legislation. This Bill provides a fund that I suspect it is aimed to use for research. Will those funds go to the university, the Department of Environment and Planning, the Department of Agriculture or to local government? Who will do the research? The Minister says that a lot of research has been done for the past 30 years, but this legislation has not yet been proclaimed.

The Hon. ANNE LEVY: The fund will be used to ensure that the most appropriate research that needs doing at the time is done by whoever is best equipped to do it. There is no restriction on who will do the research; it will be judged according to the importance of the project.

Clause passed.

Clause 7 passed.

Clause 8—'Membership of the council.'

The Hon. PETER DUNN: Why is the Commonwealth Minister for the Environment able nominate a person to the council?

The Hon. ANNE LEVY: I understand that the Commonwealth is developing considerable programs concerned with land management in a sustainable environment. We wish to be part of those programs and we hope to attract Federal funding for work done in South Australia. One way of integrating the State and Federal initiatives is to have the Commonwealth represented as one member amongst seven on the council.

The Hon. PETER DUNN: Will the Minister give examples of where this happens in any other Bill—where we get funding, whether it be in relation to education, road funding or health, and the Commonwealth has the right to nominate a person to administer that money in the State?

The Hon. ANNE LEVY: One precedent that has been brought to my attention is the Vertebrate Pests Act 1975. I do not wish to go into great detail, but there is no doubt that in matters of native vegetation South Australia is leading the nation.

Members interjecting:

The CHAIRMAN: Order!

The Hon. ANNE LEVY: Thank you. You are so gracious! In developing this legislation and developing a new approach to this matter, we wish to work with the Commonwealth, and it is hoped that other States will follow our lead and likewise work cooperatively with the Commonwealth. Because we are the leaders, we are very hopeful of receiving Commonwealth resources to develop our program. Involving the Commonwealth in our work in this way increases the chance of close cooperation at the two Government levels. I should point out that, in all probability, someone nominated by the Commonwealth will be a South Australian. The Commonwealth Government does cover South Australians.

The Hon. PETER DUNN: I am aware of all that, but it is only hoping, is it not? Clause 18 does not mention Federal funding at all. I think that it is just pie in the sky to hope that, without any confirmation in black and white, the Federal Government will give us a grant because the Minister has been pretty enough and wise enough to say to the Federal Minister, 'Please put someone on our committee.' I find that a very unusual way of making legislation.

The Hon. ANNE LEVY: In the last financial year we received $500 000 from the Commonwealth Government for the Save the Bush program. In this current financial year we are receiving only $97 000. After the passage of this legislation we expect in the next financial year resources of the order of $250 000 from the Commonwealth.

The Hon. Peter Dunn interjecting:

The Hon. ANNE LEVY: As a result of this legislation becoming operative.

The Hon. PETER DUNN: That is nothing but blackmail. If we cannot get the money without having to put someone on the council, that is blackmail, and I do not believe that it ought to be agreed to by this Committee.

The Hon. ANNE LEVY: Why does the Hon. Mr Dunn object to one person in seven on the council being a nominee of the Commonwealth Government when, in all likelihood, that person will be a South Australian?

The Hon. L.H. Davis: Tell me what other piece of legislation contains this—

The Hon. ANNE LEVY: We have been through that. You weren't listening.

The CHAIRMAN: Order!

Clause passed.

Clauses 9 to 13 passed.

Clause 14—'Functions of the council.'

The Hon. DIANA LAIDLAW: I move:

Page 6, line 12—Leave out subparagraph (ii) and insert subparagraph as follows:

(ii) the re-establishment of native vegetation on land from which native vegetation has been cleared;.

This amendment is consequential upon amendments that the Liberal Party moved and the Government accepted in the House of Assembly. On that basis, I trust it will be accepted by the Government.

The Hon. ANNE LEVY: I am happy to accept it.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 6, line 15—Leave out 'the revegetation of cleared land' and insert 'the re-establishment of native vegetation on cleared land'.

This amendment is consequential upon amendments passed in the other place last week.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 6, line 20—Insert 'existing' after 'of'.

Once again this amendment is consequential.

Amendment carried; clause as amended passed.

Clauses 15 and 16 passed.

Clause 17—'Annual report.'

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

Page 7, after line 29—Insert subclause as follows:

(1a) The report must set out the purposes for which money from the fund was applied in the relevant year and the amount applied for each purpose and must explain why the fund was applied in that matter.

The Liberal Party has an amendment on file to clause 18 whereby it seeks to allocate at least 25 per cent of the fund to preservation, enhancement and management of native vegetation and at least another 25 per cent to the re-establishment of native vegetation. As I understand it, there is not a great deal of support from conservation groups or farmer groups for that amendment. I am aware that half the amendment was based originally on a request from the Nature Conservation Society but more recently the society has written to me and said that it does not want that matter pursued. There is a very great worry about the high level of allocation of these funds and the very definite way they are to be allocated. The Government has an amendment which also tackles this question later in the Bill.

My amendment is simply a requirement that, when the annual report is produced, it will be necessary that information be given within that report as to exactly how the fund was applied and a justification as to the expenditure. That is reasonable. I will certainly not support the later amendment to clause 18. However, there must be some sort of accounting to the public, and that can be achieved through this simple amendment.

The Hon. ANNE LEVY: The Government feels that this amendment is really quite unnecessary, but is quite happy for it to be inserted in the legislation. Any annual report worth its salt must, of course, detail the administration of moneys that it controls. I cannot imagine that any annual report would not contain such information. However, if the honourable member is concerned that an annual report would not contain that information, I am quite happy for the amendment to be inserted in the legislation.

The Hon. M.J. ELLIOTT: Quite clearly, I expect the report to talk about how the funds were applied. However, I was more interested in the justification for application of the funds. To me that was the more important part.

Amendment carried; clause as amended passed.

New clauses 17a, 17b and 17c.

The Hon. ANNE LEVY: I move:

Page 7, after line 31—Insert new division as follows:

DIVISION IA—CONCILIATORS

Appointment of conciliators

17a. The Minister must appoint at least three persons who have wide knowledge and experience in the preservation and management of native vegetation to be conciliators for the purposes of this Act.

Conditions of appointment

17b. (1) A conciliator will be appointed for such term and on such conditions as the Minister thinks fit.

(2) A conciliator may be removed from office by the Minister—

(a) for misconduct;

(b) for neglect to duty;

(c) for incompetence;

or

(d) for mental or physical incapacity to carry out the duties of office satisfactorily.

(3) The office of a conciliator becomes vacant if he or she—

(a) dies;

(b) completes a term of office and is not reappointed;

(c) resigns by written notice addressed to the Minister;

or

(d) is removed from office by the Minister under subsection (2).

(4) If, upon the office of a conciliator becoming vacant, the number of conciliators falls below three, a person must be appointed in accordance with this Act to the vacant office.

Allowances, etc.

17c. A conciliator is entitled to such remuneration, allowances and expenses as the Minister may determine.

The details of these new clauses are self evident. The principle of appointing a conciliator, or of having conciliators and a conciliation function, has already been discussed under clause 3.

The Hon. DIANA LAIDLAW: The Democrats supported an earlier amendment to clause 3, providing for a definition of 'conciliator', and because the Liberal Party has other amendments in relation to conciliation and arbitration procedures we did not support that amendment. Similarly, we do not support this amendment, pending my moving other amendments later.

The Hon. PETER DUNN: What is the background of the conciliators to whom the Minister referred earlier? I do not want their names, but what were their vocations and in what areas of the State were they?

The Hon. ANNE LEVY: One was a retired Director-General of the Department of Agriculture, one was a retired Director-General of the Department of Lands, one was a retired Dean of the Faculty of Agricultural Management at Roseworthy College and one was the Chair of the Australian Barley Board.

New clauses inserted.

Clause 18—'The fund.'

The Hon. DIANA LAIDLAW: I move:

Page 8, after line 4—Insert new subclause as follows:

(6) At least 25 per cent of the amount paid from the fund in any financial year must be applied in connection with research into the preservation, enhancement and management of native vegetation and at least 25 per cent of the amount paid from the fund in any financial year must be made available to a body or organisation that has as its principal object the re-establishment of native vegetation.

This amendment, also moved in another place, reflects consultation by the Liberal Party with various groups in the community which have an interest in the subject of native vegetation and the clearing, preservation, management and re-establishment of that vegetation. Our discussions at that time confirmed that we should be dedicating some portion of the sums in the fund to various purposes, and it was agreed at that time with these groups that we nominate at least 25 per cent for each of the purposes outlined in the amendment. In the latter context, Trees for Life is one of the principal organisations. This is a positive and forward looking move, which was generated from the community and which the Liberal Party has been prepared to facilitate through this amendment.

Since then I understand that at least one of these groups has watered down its earlier request. However, the Liberal Party remains of the view that the initial reasons for advocating this move are as valid today as they were about two weeks ago and we have determined through many groups that there is considerable support for this amendment. Therefore, I have great pleasure in moving it.

The Hon. ANNE LEVY: The Government opposes the Hon. Ms Laidlaw's amendment. Instead, the Government proposes its own amendment, which I now move:

Page 8, after line 4—Insert subclause as follows:

(6) The council must in each year apply such amounts as it considers appropriate from the fund for research into the preservation, enhancement and management of native vegetation and to encourage the re-establishment of native vegetation on land from which native vegetation has been cleared.

The Hon. Ms Laidlaw's amendment would tie up 50 per cent of the fund in any financial year for prescribed purposes. My amendment makes it clear that the objectives of the fund are important but that the council should have the flexibility to determine in any one year what proportion of the fund should go to research and what proportion should go into arranging, let us say, incentives for a heritage agreement for a piece of land that may have highly significant and valuable biological material on it.

It could be considered extremely important to preserve that land and prevent its destruction, even though doing so may take more than 50 per cent of the funds available. The council should have the flexibility to determine its priorities in any particular year about how much is absolutely necessary for preventing destruction of valuable native vegetation and how much is to go to research and to the re-establishment of native vegetation. Despite what the Hon. Ms Laidlaw has said, I understand that the conservation groups support the Government's amendment and not her amendment.

The Hon. PETER DUNN: Clause 10 refers to allowances and expenses. Do they come out of this fund?

The Hon. ANNE LEVY: No.

The Hon. M.J. ELLIOTT: I shall be supporting the Government's amendment. When we debated the previous clause, I said that I had had no indication of support for the Opposition's amendment. The Nature Conservation Society at one point suggested there was a need for the 25 per cent allocation for research, but it has written to me and said that it does not want to persist with that. I have not had any support for this whatsoever. I understand the motivation, but there is no support for it in the community.

The Hon. PETER DUNN: This really is a funny amendment. What does it do?

The Hon. Diana Laidlaw: It's a sop.

The Hon. PETER DUNN: It does absolutely nothing, because the council must apply such amount—and how much is 'such amount'?—as it considers appropriate. What is appropriate when it has all that power under the rest of the Bill anyway? It is absolute nonsense; it does not mean a thing. If need be, they do not have to approve anything, according to that. On the other hand, they could allocate the whole of the fund.

The Hon. DIANA LAIDLAW: As I indicated by interjection, this is a sop. Under the objects of the Bill, the council is required to undertake various functions, including:

(d) to encourage research into the preservation, enhancement and management of native vegetation;

and

(e) to encourage the re-establishment of native vegetation . . .

Our amendment sought to reinforce those noble objectives by dedicating funds. This amendment is a sop and I do not believe that we should support it. It simply wastes paper and time.

The Hon. ANNE LEVY: The various objectives are set out with equal weight. This new subclause draws to the attention of the council the importance placed on research into and the re-establishment of native vegetation as a matter of high priority. Nevertheless, it retains flexibility.

The Hon. Peter Dunn interjecting:

The Hon. ANNE LEVY: There have been numerous comments at various times by the Hon. Mr Dunn about motherhood statements, which he apparently treats in a derogatory fashion. It is obviously something of which he does not approve. As a mother I object to his using 'motherhood' in a derogatory sense.

The Hon. Ms Laidlaw's amendment negatived; the Hon. Anne Levy's amendment carried; clause as amended passed.

Clauses 19 and 20 passed.

Clause 21—'Assistance to landowners.'

The Hon. DIANA LAIDLAW: I move:

Page 9, after line 16—Insert subclause as follows:

(6a) Where the relevant land is in a soil conservation district, the council must not serve a notice under subsection (6) without first consulting the soil conservation board for that district and having regard to the board's views.

This provides that, where the relevant land is in a soil conservation district, the council must not serve a notice under subclause (6), which relates to the granting of assistance, without first consulting the soil conservation board for that district and having regard to the board's views. In her second reading explanation, the Minister, for good reason, placed heavy emphasis on the fact that, in seeking to draft this Bill, the Government has sought to juggle it and make it compatible with the Soil Conservation Act and the Pastoral Act. We believe that this amendment is compatible with those same objectives and that it is most desirable in terms of input at the local level.

The Hon. ANNE LEVY: The Government opposes this amendment very strongly.

The Hon. Diana Laidlaw: You see what I mean? It is all one way. Goodwill comes from our side. I give, you take.

The ACTING CHAIRPERSON (Hon. Carolyn Pickles): Order!

The Hon. ANNE LEVY: I wish to explain the reasons. I agree that this Bill is about conservation and land management, but this particular clause has nothing whatsoever to do with soil conservation: it refers to money. Subclause (6) makes quite clear that, if someone has received money from the council for a particular purpose and has not used the money for that purpose, the council can ask for the money back. I see nothing unreasonable about that; nor do I see that that has anything to do with soil conservation or in any way requires the opinion of the Soil Conservation Board. It is a straight matter of money. Someone has got money for something but has not used it for that. That is

misappropriation of funds and the council has every right to ask for it back.

The Hon. PETER DUNN: The Minister makes a good point, except that she forgets one thing: in other parts of the Bill the Soil Conservation Board, the Pastoral Board and local government are referred to with respect to applying for funds and before asking for changes. Why should they not be consulted in this case? If someone at Bookabie has been allocated a sum of money, does the Minister think that one of the seven pontificating in Adelaide would understand what is going on out there? I would think that the soil board out there would understand. There might be a very good reason why that person did not use that money. The season might not have been right. There could have been flood, fire, famine or any number of combinations of factors and it might not have been prudent to use it. However, the council in Adelaide would not know that. A person could write all the letters in the world but it would not understand that. If the matter were referred to the soil board in the area, with men on the ground, that would be quite reasonable and proper.

The Hon. ANNE LEVY: Whether it is men or women on the ground, I think the honourable member is confusing two quite separate issues. Before anyone is granted money for a particular management plan, the local people—the local conservation board or the local pastoral board—are consulted for their opinion as to whether a particular land management program is appropriate. So, they are involved before the money is granted. Having been involved and having decided that this project is worthy, the council then grants money to a landholder. If the money is not used for that purpose, the landholder is taking money under false pretences and the council has every right to ask for it back.

The Hon. DIANA LAIDLAW: I do not want to labour the point unnecessarily, but I point out that there may be local conditions prevailing at that time. The Liberal Party felt that we should encourage local input from a wider cross-section of the community which, through its involvement with the Soil Conservation Board, might be aware of the plight of a particular landowner. I think this is a reasonable amendment; there is nothing insidious about it. It merely seeks wider input into the circumstances of a local landowner.

The Hon. M.J. ELLIOTT: I do not support the amendment.

Amendment negatived; clause passed.

Clauses 22 to 24 passed.

Clause 25—'Application for consent.'

The Hon. DIANA LAIDLAW: I move:

Page 11, line 19—Leave out 'issued by the council' and insert 'adopted by the council under Part IV'.

This amendment is consequential on amendments passed earlier in the other place.

The Hon. ANNE LEVY: I am happy to accept this amendment.

Amendment carried; clause as amended passed.

Clause 26—'Provisions relating to consent.'

The Hon. DIANA LAIDLAW: I move:

Page 11, lines 38 to 41 and page 12, lines 1 to 4—Leave out subclause (4) and insert new subclause as follows:

(4) The council may give its consent to clearance of native vegetation that is seriously at variance with the principles if—

(a) the vegetation comprises an isolated plant or isolated plants;

(b) the applicant is engaged in the business of primary production;

and

(c) in the opinion of the council, the retention of that plant or those plants would put the applicant to unreasonable expense in carrying on that business or would result in an unreasonable reduction of potential income from that business or would otherwise interfere with the management of the land on which the business is conducted.

The Liberal Party believes that this amendment is extremely important to the working of this legislation and to a landowner's property and livelihood. We stress to the Minister that, in terms of goodwill, to which I referred earlier, this amendment is critical to the continuing good and harmonious relationships and understanding between farmers generally, the UF&S and the Nature Conservation Society, as well as to the goodwill towards the Government that many people have sought to develop over recent years following the very angry, heated, ugly and divided community responses to earlier Government attempts to address these matters some seven years ago.

As it stands, the Bill provides that the council may give its consent to clearance of native vegetation. This is seriously at variance with the principles of the Act if *(a)* vegetation comprises only one plant; *(b)* the applicant is engaged in the business of primary production; and *(c)* in the opinion of the council the retention of the plant (and I emphasise that it is a single plant) would put the applicant to unreasonable expense in carrying on that business or would result in an unreasonable reduction of potential income from that business.

The Liberal Party believes that there will be many instances where these will be not one isolated plant but a few isolated plants, and that the council, upon consideration and in its wisdom, should see fit to give consent to the application, even if it is at variance with the principles.

We think that this is a matter of commonsense and is reasonable, knowing all the other important objectives and principles in the legislation which farmers have generally been prepared to accommodate. Very strongly they seek this amendment on the basis not only of some sort of justice but also of some understanding of farming and management practices. They have acknowledged publicly that the days of broad acre clearance are over. We are talking here of trying to accommodate instances of an isolated plant or isolated plants.

I will be seeking to add the words 'or would otherwise interfere with the management of the land on which the business is conducted' to clause 26 (4) *(c)*. I know that in the South-East and perhaps in the Riverland pivot irrigation is the way of the future. When one looks at the economic plight of people in the Riverland one sees that the only way in which we can guarantee the survival of that area will be by looking at new irrigation methods and seeking to accommodate new technologies. That may mean that we have to remove in one instance more than one plant, but we are not talking about broad acre clearance.

As I said, the Liberal Party is not advocating that, nor is the UF&S. But, we do want some flexibility for the council to consider the issue of the management and conduct of a business when new technologies become available, so that those new technologies may have the benefit of using fewer production materials and less water (in terms of pivot irrigation), and result in many other important environmental effects which would be lost if we confined this measure to an exception on the basis of one tree only, as is proposed.

When this amendment was moved in another form in the House of Assembly, the Minister in the other place was quite encouraging in terms of her willingness to accept the concept. I was heartened to note her understanding of the points that the Liberal Party was raising.

However, the Minister indicated that she would like to see some definition of isolated plant, and suggested that negotiations should be conducted to that end between the Bill's leaving the other place and being introduced here.

The Liberal Party understood that the Government would be introducing such an amendment for an isolated plant, and we have certainly encouraged it to do so. I learned late today that that is not the Government's intention and that it is the Democrats who are looking at some definition.

The Liberal Party, which initially brought up this concept in the other place, does not actually believe that a definition will serve any useful purpose. There have been suggestions that a definition in terms of isolated plants should be confined to one or three trees. The fact is that because of the trunks of the trees, the spread of the trees and their placement, in some instances in the Adelaide Hills three trees may be absolutely inappropriate in terms of removal, but three trees or bushes in the Murray-Mallee may be a minimal number. Perhaps the impact of the spread of one tree will be different in the Adelaide Hills or in the South-East.

I believe that if the council this Government proposes to appoint is as good as the Government tells us it will be, and if it will be fair and reasonable and as vegetation and management smart as we are all encouraged to believe, there is every reason to believe that we should be confident in leaving this matter to the discretion of that council. If the Minister does not agree to leaving that discretion to the council, it undermines the confidence that I was prepared to have in that council and in the Government's choice of that council, and I think that, if the Government is not prepared to accept that the council should have this discretion, the Minister will be undermining the faith of a great number of people in the community towards the authority and respect of the council.

I also indicate that, if the Government is not prepared to give its own council the discretion that we on this side of the House would be prepared to give it (and I understand that the UF&S as an act of good faith would be prepared to give it), we will be insisting that much stronger powers of arbitration be provided, because if the Government has no confidence in the council it is to appoint to make these decisions, why should the council have only review powers of conciliation and not those powers for arbitration?

The Hon. M.J. ELLIOTT: It is absolutely essential that, if the concept of an isolated plant is introduced into this clause, it be fairly well defined. It is extraordinary to have a set of principles such as we have under this Bill and to have a clause that entertains serious variance from those principles on the vague notion of isolated plants. Essentially, you have taken away all the guidelines: the combination of those things is taking away all the guidelines.

The Hon. Diana Laidlaw: I didn't say all plants; I said isolated plants.

The Hon. M.J. ELLIOTT: But if you don't define isolated plants, they have to make up their own definition as well. Guidance must be given. You cannot allow serious variance from the principles upon which this whole Act is based and then not give some sort of guideline as to how to go about it.

What you are saying is that under this clause there are no rules. Isolated plants must be defined in some way. I admit that it is an extraordinarily difficult task and one that I am trying to tackle now. It is the reason why I have amendments on file, although I have not as yet moved them and wish to recommit tomorrow after giving further consideration. It is not a simple task to define isolated plants, and if we do not get that right, this one little subclause can undermine the effectiveness of the whole Act.

The Hon. Diana Laidlaw: But you approve of amending the Government's reference to only one plant?

The Hon. M.J. ELLIOTT: What I am saying is, I can understand there is a problem to start off with. There are people who are applying for clearance in paddocks of trees that are a long way apart, where no understorey remains. They want to put in a centre pivot but it does not work very well with a tree in the road. I can understand all that. Do we allow one tree, two trees, or three or four trees—what number; at what density per acre; what combination of species; are they rare or endangered? There are so many vagaries possible.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: There is the aesthetic value, including nesting hollows. There are many things to be taken into account. It is extraordinarily difficult.

The Hon. Peter Dunn interjecting:

The Hon. M.J. ELLIOTT: At least we are not one that is dying out like you lot. It is an extraordinarily difficult task. There are benefits if we can get it right. If we can properly define isolated plants, we could be in a position where we could say in certain cases, 'Those plants may be removed', and then there is also an absolute obligation on the council that it requires the landowners to put in other plantings which could increase the numbers and diversity of plants. You might lose five red gums but end up with 300 or 400 trees of different species, many understorey plants, and the variety of animals that could live on that would be quite profound. Here we have an option which can be of advantage to the farmer and to the environment. That is what I hope to be able to achieve with the amendments I am having drafted. If we cannot get the situation involving isolated plants worked out properly, this one subclause could undermine the effectiveness of the whole Bill. I am very nervous about that, and it is the reason why I was not prepared—

The Hon. Diana Laidlaw: The subclause or my amendment?

The Hon. M.J. ELLIOTT: I am afraid that your amendment is just far too loose to my way of thinking and gives no guidance whatsoever to the council as to what is and what is not reasonable. There must be guidance. That is the whole purpose of this Bill, to give guidance to the council, to tell it what it can and cannot do, and under what circumstances. I oppose this amendment. I understand what the member is trying to achieve. I think I agree with certain provisos that I would like included, that there be environmental positives achieved as well.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I see the whole thing as being alive because we can recommit the clause later. This is too loose. There is an absolute commitment by me and the Government to look at this question further. I am just not happy to support this amendment.

The Hon. Diana Laidlaw: What if you do not get your definition of isolated plants right? You have just written it right off.

The Hon. M.J. ELLIOTT: I have. I am sorry, but—

The Hon. Diana Laidlaw: Don't apologise to me.

The ACTING CHAIRPERSON (Hon. Carolyn Pickles): Order! The honourable Minister.

The Hon. ANNE LEVY: The Government agrees with everything the Hon. Mr Elliott has said, and will not be supporting this amendment. The Native Vegetation Authority has had a great deal of difficulty dealing with applications for clearance of isolated plants. It is one of the most difficult areas that it has had to grapple with because of the poor definition relating to isolated plants. It is extremely important that the Bill have very clear definitions of what isolated plants are. I agree entirely with the Hon. Mr Elliott that the amendment proposed by the Hon. Ms Laidlaw is so wide that a truck could be driven through it. The conditions

under which departure from fundamental principles is to be permitted must be very tightly defined indeed.

The Hon. DIANA LAIDLAW: The Government and the Democrats have talked about isolated plants, but they have thrown out the amendment that I have moved. Therefore, even if this clause passes, we have no reference at all in the Bill to isolated plants. So, all the references that have been made are absolutely irrelevant because we are left with this amazing situation where the council can give consent to clear in instances where it is seriously at variance with the principles if the vegetation comprises only one plant. They seem to have acknowledged in their contributions that the position the Liberal Party is trying to get to in terms of isolated plant and plants is most reasonable and yet they have tossed out the very means by which we can even try to keep this issue alive to consider a later definition. I am absolutely appalled at how negative and narrow the Government has been. I put on record my absolute disgust.

This Bill has been approached by the Liberal Party, the UF&S and by farmers generally with a great deal of understanding, goodwill and faith, and I just cannot believe the narrowness, pigheadedness and the lack of understanding displayed by the Government and its blinkered attitude when it comes to the plight of farmers who are trying to make a living and who may be trying to adapt to new technologies that may have other environmental benefits. Yet, the Government sticks to this very narrow situation, where it will confine the variance to only one tree. I just cannot believe it; despite all of the platitudes and rhetoric, when it comes to the practice, the Government will not play the game.

The Hon. ANNE LEVY: I really think the honourable member could contain her rhetoric and grandstanding. She knows quite well, and it has been stated, that there is a commitment to recommittal of this clause tomorrow. It has been recognised that there is a problem and that it needs to be corrected. There is—

The Hon. Diana Laidlaw: But there is no amendment to the clause.

The Hon. ANNE LEVY: She is at it again, Mr Chairman. She is unable to control her tongue.

The Hon. Diana Laidlaw: For good reason.

The CHAIRMAN: Order! The honourable Minister.

The Hon. ANNE LEVY: I stress that it has been recognised that there is a problem and that it needs to be rectified. There is also agreement that what the Hon. Ms Laidlaw is proposing is not the correct way in which to rectify the problem.

The Hon. Diana Laidlaw interjecting:

The CHAIRMAN: Order!

The Hon. ANNE LEVY: She is interrupting yet again.

The Hon. Diana Laidlaw interjecting:

The CHAIRMAN: Order! Everyone has the opportunity in Committee to put their point of view. The honourable Minister.

The Hon. ANNE LEVY: Thank you, Mr Chairman. I did not interject during her great spiel of rhetoric. I merely point out for the record that there is agreement that this clause be recommitted tomorrow to fix the problem.

The Hon. M.J. ELLIOTT: The issue is clearly alive. I thought that had been made clear. This clause has taken up an immense amount of time for me personally—

The Hon. Diana Laidlaw: So it should have!

The Hon. M.J. ELLIOTT: It has, and I am treating it extremely seriously. I am finding that farmer and conservation representatives say that they agree with the notion of what we are trying to achieve, but it is essential that we get it right. If we include a weak definition of 'isolated plants' we can undermine the whole Bill and create a great deal of ill will. For that reason I left my amendments on the table tonight and did not move them; I will not move them until I think they are right and that there is a formula that will satisfy both groups. I hope and believe that that is possible. I am working towards it, I believe the Government is working towards it, and I hope the Opposition is working towards it as well.

The Hon. PETER DUNN: I think everyone except the Hon. Diana Laidlaw has got it a bit back to front. The Government is not looking at what the Bill does. We have increased the number of members on the council from five to seven. The idea of the council is to make decisions. Under the Hon. Ms Laidlaw's amendment the council has the ability to make decisions. If a narrow definition is put into the Bill, it restricts the capacity to make decisions.

The Hon. Diana Laidlaw interjecting:

The Hon. PETER DUNN: In that case we do not need the board. Why refer it to the board? Anyone with one tree can clear it. Where there is practical knowledge and application different areas will require different decisions and, under the legislation, as has been recognised by the Government, there is a problem. It does not matter what the definition of one plant is, and I do not think it is a definition, anyway. It ought to be one piece of native vegetation. A plant 100 feet high and 100 years old is hardly a plant, as I would determine it.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Dunn.

The Hon. PETER DUNN: Thank you for your protection, Mr Chairman: they are a rabble and they know it. The council has seven members, whether they be male, female or in between, and they can make decisions on their own. That is why the council exists. Council members are asked to give up their time and come together to make decisions. The Hon. Ms Laidlaw's amendment does that: it provides elasticity for decision within the confines of the definition. If the Committee does not see that, it insults the council members.

The Committee divided on the amendment:

Ayes (8)—The Hons L.H. Davis, Peter Dunn, J.C. Irwin, Diana Laidlaw (teller), R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (9)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts and G. Weatherill.

Pairs—Ayes—The Hons J.C. Burdett and K.T. Griffin. Noes—The Hons C.J. Sumner and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. DIANA LAIDLAW: I move:

Page 12, after line 21—Insert subclause as follows:

(8a) Section 41 (10) of the Pastoral Land Management and Conservation Act 1989 does not apply to, or in relation to, a property plan requested by the Pastoral Board under subsection (8).

We believe it is important to get back to the consultation process between the Pastoral Board, the council and the Soil Conservation Board. The Pastoral Board is only consulted and does not give its specific stamp or seal of approval to applications or land management plans submitted by the lessee. I am not sure that I am necessarily explaining it as clearly as the amendment deserves.

There is some confusion between the lessee's commitments in the pastoral land area under the Pastoral Land Management and Conservation Act and his commitments under this Native Vegetation Bill. Under the Pastoral Land Management and Conservation Act, I understand there are very onerous provisions, and for good reason, if the lessee

does not abide by them. These include the cessation of the lease or a very heavy fine of tens of thousands of dollars.

We wanted to indicate that, while we are not seeking to disrupt any of the arrangements between the lessee and the Pastoral Board, the Pastoral Board when consulted in relation to the Native Vegetation Act does not give it a seal of approval or the status where it would be an agreement to which would be affixed the very heavy penalties that apply under the pastoral land management and conservation legislation if the lessee did not abide by those agreements.

The Hon. ANNE LEVY: I think I understand the purpose of the amendment.

The Hon. Diana Laidlaw: It is really to ease the mind of lessees in the pastoral areas.

The Hon. ANNE LEVY: In the spirit of compromise, reasonableness, lack of disgust and lack of being appalled, unlike the honourable member, the Government is happy to accept the amendment.

The Hon. Diana Laidlaw: Not before time.

The Hon. ANNE LEVY: Aren't you gracious!

The Hon. Diana Laidlaw: I was.

The CHAIRMAN: Order! Exchange across the Chamber is not necessary.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 12, lines 26 and 27—Leave out subclause (10).

This relates to the arguments I presented earlier about the right of appeal and our belief that the appeal provisions in the Bill should be broadened. I am seeking to leave out subclause (10), which provides:

> Subject to subsection (13), no appeal lies against a refusal of consent or a condition attached to a consent under this division.

Subclause (13) provides:

> Where an applicant satisfies a District Court that the council has failed to observe the rules of natural justice the court may quash the council's decision and direct it to reconsider the application.

The Liberal Party believes that there is very good reason for a right of appeal for reasons other than natural justice and to the District Court. Therefore, we want to leave out these subclauses and, later, we will move for more extensive rights of appeal in proposed new clause 26a. Because of the debate prior to the division, which revealed how little confidence the majority of members of this Committee have in the council that will operate this legislation, I have even more enthusiasm in terms of providing stronger, broader and more effective powers of appeal for the future.

The Hon. ANNE LEVY: The Government opposes this amendment. We have discussed appeals previously and I have pointed out that there are no appeal mechanisms under the existing legislation. The Government sees no reason to introduce them in the new legislation, particularly given the length of time taken for court matters to be decided, the costs involved and the fact that one would then have sensitive environmental decisions being made by people with no training or experience at all in that area. So, for all the reasons for which the whole conciliation process has been inserted into the legislation this evening, the Government opposes this amendment.

The Hon. M.J. ELLIOTT: The Democrats also oppose this amendment, for the same reasons as stated by the Government. The Democrats have absolute confidence in the council. The suggestion that we had no confidence in the council in relation to the previous amendment of the Hon. Ms Laidlaw that was lost is simply not true. What I said in that particular case was that the council needed guidelines. That did not mean that we have no confidence in the council at all.

The Hon. PETER DUNN: In the light of the fact that we lost the second most recent amendment and that the Government and the Democrats had no faith in the council, I see no reason why there should not be an appeal mechanism, because the council could make a mistake. There are appeal mechanisms all through our justice system. This is quite draconian. The Government has put forward an argument that the Native Vegetation Council is comprised of seven people, who are all experts and know exactly what is right. I suggest that the District Court and the Supreme Court might think that they are experts too, but there is still an appeal to the High Court. Under this system, which is a jerry-rigged court, one plucked out of the air predominantly by the Minister and having a Federal nominee, and over which we have no control, decisions will be made about people's lives in relation to which they have no right of appeal. I rest my case.

Amendment negatived.

The Hon. DIANA LAIDLAW: My proposed amendment to lines 34 to 36 is consequential on my previous amendment, which was negatived, so I will not move it.

The Hon. PETER DUNN: Having been refused consent by the council can a landowner re-apply, will the landowner have to pay a fee for the second application and how much is that fee likely to be?

The Hon. ANNE LEVY: The answer is yes, the landowner will be able to re-apply. The application fee will be $50, and in order to lodge that application that amount will have to be paid.

The Hon. PETER DUNN: Subclause (10) provides:

> . . . no appeal lies against a refusal of consent or a condition attached to a consent under this Division.

What if they say, 'We all want $10'? Is that a condition?

The Hon. ANNE LEVY: The condition applies to land management.

Clause as amended passed.

The Hon. PETER DUNN: On behalf of the Hon. Diana Laidlaw, I indicate that proposed new clauses 26a and 26b which she has on file were consequential on amendment of clause 26 (10), and are therefore no longer applicable.

New clause 26a—'Referral to conciliator.'

The Hon. ANNE LEVY: I move:

Page 12, after line 39—Insert new clause as follows:

> 26a. (1) An applicant for consent to clear native vegetation who is dissatisfied with the council's determination of the application may request the council to refer the application to a conciliator for assessment.
>
> (2) The council must refer an application to a conciliator in pursuance of a request under subsection (1) for preliminary assessment.
>
> (3) If, after preliminary assessment, the conciliator is of the opinion that a full assessment and report should be made under subsection (4) he or she must proceed with the assessment and report.
>
> (4) After making the assessment the conciliator must submit a written report to the council setting out his or her recommendation as to the determination that the council should make pursuant to this Act in relation to the application and the reasons for that recommendation.
>
> (5) Upon receiving the conciliator's report the council must reconsider the application and in doing so must have regard to the conciliator's recommendations.

This new clause is consequential on the establishment of conciliators and the process of conciliation that we debated earlier in the evening when dealing with the clauses that were relevant to the conciliation process. While I am perfectly happy to debate this in detail, it has already been debated in relation to the other clauses dealing with the conciliators.

New clause inserted.

Clause 27—'Jurisdiction of the court.'

The Hon. ANNE LEVY: I move:

Page 13, lines 18 to 21—Leave out subclause (4) and insert subclauses as follows:

(4) Where the respondent has cleared native vegetation in contravention of this Act, the court must make an order against the respondent under subsection (3) *(d)*.

(4a) The order must require, or include a requirement, that the respondent establish native vegetation on the actual land on which the original vegetation was growing or was situated before it was cleared and where that vegetation, or part of it, is still growing or situated on that land, the court may order its removal so that the new vegetation can be established on that land.

This is to make absolutely clear what is intended where someone has broken the law and has deliberately cleared native vegetation without having been granted approval to do so or has done so in contravention of a refusal of permission to clear native vegetation. It provides that if someone has flouted the law in this way the court must make an order against that person and that this order must require, as a a minimum, that native vegetation be restored on the land on which the original vegetation was growing before it was cleared.

The importance of this is that if people should clear native vegetation and not be forced to replant it where it was taken from, they may still benefit considerably by breaking the law. They can be fined for having broken the law, but in particular situations they may feel it is worth paying the fine, because the financial value of the land cleared is greater to them than the maximum fine they would have to pay. So, they would cheerfully regard paying the maximum fine as part of their cost of development.

This amendment makes clear that, as well as paying the financial penalty of a fine, the native vegetation must be replaced where it was illegally cleared so that people cannot benefit from breaking the law. Without this provision, there is a possibility that people could benefit from breaking the law. I am sure that every member of this House will agree that people should not be in a position to benefit from breaking the law.

The Hon. PETER DUNN: The Government really does bleed over the Dorrestjin case; it really does hold grudges. That is what this amendment is all about. The Government was beaten under section 56 (1) *(a)* of the Planning Act and it is still crying in its handkerchief over it, so it introduces something as draconian as this. I can see no reason for having this provision in the legislation other than to try to cause extra pain to someone who might inadvertently clear a bit of scrub.

Amendment carried; clause as amended passed.

Clause 28 passed.

Clause 29—'Commencement of proceedings.'

The Hon. DIANA LAIDLAW: I move:

Page 14, line 14—Leave out '6' and insert 'three'.

We believe that it is reasonable in all the circumstances that three years be the maximum time. Where a person contravenes or fails to comply with a provision of the Act and the case is taken to the District Court under this clause, three years is a reasonable time in which to gather evidence and the like to pursue the case, and that should be the maximum time for the commencement of proceedings.

The Hon. ANNE LEVY: The Government opposes this amendment. I make two points: if the figure 6 is changed to 3 in line 14, the whole purpose of the last line and a half is lost, because the clause would provide that proceedings may be commenced at any time within three years or, with special permission from the Minister, at any time within three years. It just makes a nonsense of the last part; it becomes totally superfluous. The aim is that proceedings should be commenced within three years but, if there are extraordinary circumstances, with the concurrence of the Minister, that can be extended to six years.

Under the Native Vegetation and Management Act, the period is up to 10 years, so there has been a considerable drawing back from 10 years to six years, and it is felt that, while the normal situation is that proceedings must be commenced within three years, there should be the possibility of extending it to six years—not 10 years as it is currently—with the concurrence of the Minister.

Amendment negatived: clause passed.

New Part VA—'Payments to landowners.'

The Hon. PETER DUNN: I move:

Page 14, after line 17—Insert new part as follows:

PART VA
PAYMENTS TO LANDOWNERS

Interpretation

29a. (1) In this Part, unless the contrary intention appears—

'agricultural land' means land declared by the Council to be suitable, after clearing, for agriculture on a permanent basis:

'Commonwealth Government Bond Rate' means the rate declared by the Treasurer under subsection (2):

'holding' means land that immediately before 12 May 1983—

(a) was owned by one person or by a number of persons as co-owners and comprised a single allotment or a number of adjoining allotments or a number of allotments separated by no more than five kilometres;

(b) was owned by the members of a family and comprised a number of adjoining allotments or a number of allotments separated by no more than five kilometres;

or

(c) —

(i) was owned by a number of persons;

(ii) comprised a number of adjoining allotments or a number of allotments separated by no more than five kilometres;

and

(iii) was managed as a single unit.

'land' includes an interest in land.

'members of a family' means persons who are related to each other by blood or marriage.

(2) The Treasurer must, as soon as practicable after the commencement of each financial year, by notice published in the *Gazette*, declare a rate that, in the Treasurer's opinion, represents the average yield on parcels of Commonwealth Government bonds that were the subject of trading on the first business day in the financial year and that—

(a) had a face value of $1 million;

and

(b) had a maturity date more than 10 years but less than 11 years after the commencement of the financial year.

Entitlement to payment

29b. (1) Subject to this section, the owner of land who is unable to clear native vegetation from the land—

(a) by reason only of the council's refusal of consent to the clearance;

or

(b) to the extent, or in the manner, desired by reason only of conditions attached by the council to its consent,

is, if he or she has entered into a heritage agreement with the Minister in respect of the land, entitled to payment by the Minister of a sum of money under the part.

(2) Subject to subsection (3), the Minister must, if required to do so by an owner of land referred to in subsection (1), enter into a heritage agreement with the owner in relation to the whole of the land or so much of it as the owner decides.

(3) Where, in the opinion of the council, the cost of fencing the boundaries of land that the owner proposes to make subject to a heritage agreement would be excessive—

(a) by reason of the position of the boundaries;

(b) by reason of the length of the boundaries in relation to the area of the land;

or

(c) by reason of the position of the boundaries and the length of the boundaries in relation to the area of the land,

the council may, on the application of the Minister, direct that the boundaries be altered by the inclusion of additional land or the exclusion of land included in the original proposal.

(4) The owner is entitled to appear before, and be heard by, the council in relation to an application under subsection (3).

(5) The heritage agreement must be in the form set out in schedule 2A or in such other form as the parties agree.

(6) The Minister is not bound to make a payment under this part—

(a) in respect of land acquired on or after 12 May 1983;

(b) in respect of land that is not agricultural land;

(c) in respect of land held from the Crown by miscellaneous lease or by licence;

(d) where the area of the land in respect of which the payment would otherwise be due is 12.5 per cent or less of the area of the holding of which that land is part.

(7) Where land in relation to which a payment is due under this part is owned by two or more co-owners—

(a) no payment may be made to an owner whose interest was acquired on or after 12 May 1983;

(b) the payment to an owner whose interest was acquired before that date will be in proportion to his or her interest in the land immediately before that date or to his or her interest in the land at the time of entering into the heritage agreement, whichever is less.

(8) A claim for the payment of money under this part must be made within 10 years of the council's decision on which the claim is based.

Amount of payment

29c. (1) Subject to this Act, the amount of the payment to which the owner of land is entitled under this part is the diminution (if any) in the market value of the land resulting from the council's decision.

(2) Where the area of land in respect of which the payment is to be made is greater than 12.5 per cent of the area of the holding of which it is part, the payment will be reduced by an amount determined as follows:

$$A = \frac{RNV}{CL} \times 100$$

where—

A is the amount of the reduction expressed as a percentage of the amount otherwise payable

RNV is an area that is 12.5 per cent of the area of the holding

CL is the area in respect of which payment is to be made.

Assessment of payment

29d. (1) The Valuer-General must, at the request of the Minister or the person claiming payment, assess the amount payable under this Part.

(2) The payment must be assessed as at the date of execution of the heritage agreement.

(3) If the Minister or a person claiming payment is dissatisfied with the Valuer-General's assessment, the Minister or the claimant may, subject to the rules of the Supreme Court, appeal against the assessment to the Land and Valuation Court.

(4) The appeal must be instituted within 30 days of the date on which the appellant is notified in writing of the Valuer-General's assessment, or such longer period as may be allowed by the Land and Valuation Court.

(5) The Valuer-General must, at the request of an owner of land who is considering entering into a heritage agreement, estimate the amount of the payment that the owner will receive if the owner enters into the agreement.

(6) No liability attaches to the Valuer-General in respect of an assessment or estimation under this section.

Payment of amount due

29e. (1) The Minister may pay the amount due under this Part—

(a) within one month after the Valuer-General assesses the amount;

(b) in accordance with an agreement with the owner of the land;

or

(c) by 10 equal annual instalments commencing within one month after the Valuer-General assesses the amount.

(2) The Minister must pay interest at the Commonwealth Government bond rate on the unpaid balance of the amount assessed at each anniversary of the execution of the heritage agreement to which the assessment relates.

(3) The Minister may, on the recommendation of the Council, make payments under this part—

(a) to the owner of land who would not otherwise be entitled to such payments;

(b) in addition to amounts payable under this part.

Expiration of this part

29f. This part expires at the expiration of five years after it comes into operation.

This amendment reintroduces compensation into the legislation. As I clearly said in my second reading contribution, this whole Bill breaks a promise which was made in 1985 and which was agreed to by all Parties in this Chamber. We had a very strong plea from the Hon. Lance Milne that it should proceed as such. If the provision is included in this Bill, I suspect that not many people would be able to avail themselves of it, because I do not think they could meet the criteria under schedule 1. Otherwise, we would be breaking a promise after a very short period of five years, after we have been clearing vegetation and developing this country for 150 years.

If a block of land was purchased prior to about 10 years ago, it was compulsory to clear a certain amount over two or three years. We have done an about-turn on that and said that none of it can be cleared. However, surely there must be cases where people wish to have a heritage agreement. If they have a large plot of land that is under native vegetation, they should be allowed some compensation for it, like their colleagues. If that is not done, certainly there will not be any more heritage agreements. That will be understood. People will keep it and look after it themselves. By fair means or foul, I suspect that much of that country will be degraded. However, if it were put under a heritage agreement, the Government certainly has some control over it.

It is interesting to read the transcript of evidence taken by the select committee of 1985. On page 82, even Mr Phipps stated:

I believe the issue of compensation is colouring substantially the way in which our officers are seen to perform.

He went on to say that he would like to see the issue resolved; he could not resolve it; it had to be resolved in Parliament or at a higher level of Government. Mr Sibly and Mr Coulter, in giving their evidence at paragraph 373, in response to a question from me stated:

Where it is demonstrated that hardship is primarily due to a denial of expectation, there should be assistance.

If that is not wanting compensation, I do not know what it is. Dr Black, an ornothologist, at page 240 of the evidence stated:

Perhaps payment can be made to landholders to keep and maintain virgin scrub. This might come from a fund called the 'Land Conservation Fund'.

And so it goes on. At page 675 of the evidence (which in itself is an indication of the large amount of evidence taken; we spent a lot of time cogitating on it) in answer to a question from Mr Milne, Dr Bonnin stated:

There must be some form of compensation (we would prefer a grant) to those people who are really hard put by not being allowed to clear certain parts of their land.

The evidence is quite clear. On top of that the United Farmers and Stockowners made a very clear plea for compensation and that was agreed to by nearly all of the people who gave evidence to the committee. To change the rules after five years—in mid-stream—is a denial of the rights of those people who own that native vegetation. Whether they can access that compensation is another argument, because under this Bill I suspect that they would find it very difficult.

However, to take it out of the Bill is an absolute denial of their rights and I am moving my amendment for those reasons, it is not necessary to introduce this Bill. To be quite honest: the old Bill had all of the facilities. The old Bill could have been amended very slightly to do that. Even in its title the old Bill refers to native vegetation management; this Bill is entitled the Native Vegetation Act.

I wonder what games the Minister is playing when introducing this Bill. I suspect it is for some noise that she may be able to make in the press and in order to put her good name forward; I suspect it is in order to kow-tow to the conservation lobby, which has wanted this all along. I also suspect that the Government has not been happy and, because of its mismanagement of the State in the past, it has not been able to keep up the funds and it has thought that an easy way to get funds is to cut out paying those people who really earn the export dollars for this State by losing sweat and the skin off their hands. It is pretty easy for us to say, 'You cannot have anything. But, we can look after ourselves, Jack.' I think that is the attitude that the Minister might have taken in relation to this amendment.

The Hon. ANNE LEVY: The Government apposes the amendment. The honourable member is quite mistaken in his approach. No promise was made, and no undertaking at all has been broken. Times have moved on from when the Native Vegetation Management Act was passed some years ago. At that time the emphasis was on giving financial assistance to landholders who entered into heritage agreements.

Everyone agrees now that the emphasis is to change. The emphasis should not be on clearing versus not clearing of native vegetation. The emphasis now is on management of native vegetation. This whole Bill reflects this new emphasis. Financial assistance will be provided for management of native vegetation where heritage agreements have been entered into.

In recent times there has been a much reduced number of applications for broad scale clearing of native vegetation. The emphasis now is not on clearing land for development purposes but on management. The Hon. Mr Dunn's amendments are a throwback to a past era and do not reflect modern views and conditions.

The Hon. M.J. ELLIOTT: I do not support the amendments.

New Part VA negatived.

Progress reported; Committee to sit again.

ADJOURNMENT

At 12.1 a.m. the Council adjourned until Thursday 21 March at 2.15 p.m.