LEGISLATIVE COUNCIL

Thursday 11 November 1999

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.15 p.m. and read prayers.

PROSTITUTION

Petitions signed by 359 residents of South Australia concerning prostitution and praying that this Council will strengthen the present law and ban all prostitution related advertising to enable police to suppress the prostitution trade more effectively were presented by the Hons Carmel Zollo and Caroline Schaeffer.

Petitions received.

YUMBARRA CONSERVATION PARK

A petition signed by 79 residents of South Australia concerning Yumbarra Conservation Park and praying that this Council will consider and support the reproclamation of the central part of the conservation park, being section 457, north out of hundreds, county of Way (Fowler) to allow mineral exploration and mining access was presented by the Hon. Caroline Schaeffer.

Petition received.

NATIONAL DRIVING HOURS REGULATIONS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a statement on the subject of national driving hours regulations.

Leave granted.

The Hon. DIANA LAIDLAW: On 1 November 1999 the Road Traffic (Driving Hours) Regulations came into force in South Australia. The regulations are based on national model provisions voted on by transport ministers in January 1999 and are in accordance with the provisions of the earlier Heavy Vehicles Agreement and the COAG agreement to implement the National Competition Policy and related reforms. The national regulations were developed by the National Road Transport Commission and were the subject of consultation with organisations such as the National Farmers Federation (SA Branch) and the RAA.

Notwithstanding all this effort, since the regulations came into force certain practical difficulties have become apparent with the application of the new laws. Therefore, today I advise that the government intends to act by Thursday of next week to amend the Road Traffic (Driving Hours) Regulations to provide a power for the minister to exclude certain types of vehicles and vehicle operations from all or part of the regulations—but only where the essential features of the national law are retained and public safety is not compromised. I note that New South Wales and Queensland driving hours regulations already contain such a power.

One particular area of concern relates to the application of the law to farmers engaged in harvesting grain and then transporting it to silos. Until 1 November these farmers were required to keep a log book, although it appears that few farmers appreciated that this was so, even within a 100 kilometre zone from their base. Since 1 November, if operating within a 100 kilometre zone of their base, farmers are no longer required to use a log book, only a local area management record. Whilst this form of record keeping represents a less onerous undertaking, farmers are now also obliged to comply with the requirement that they do not drive and work for more than 14 hours within any 24 hour period, and that they take a six hour continuous rest away from the vehicle during any 24 hour period. These requirements represent a significant change to previous practices without any clear evidence that these changes are required for safety reasons.

Another area of ambiguity is the possible application of the new law to mobile homes. Belated legal advice suggests that these vehicles are probably not caught by the law, but the question is not beyond doubt. Also of concern is a belated request from the defence forces for certain exemptions from the law. However, the regulations as introduced to apply from 1 November do not allow for the granting of such exemptions.

The foreshadowed regulations will not provide a blanket exemption for certain classes of vehicles as it is considered that this would pose some unacceptable public safety risks. Rather the regulations will allow the minister to prescribe appropriate conditions such as adherence to a code of practice approved under occupational health and safety as part of granting an exemption from the law for certain types of vehicles or certain types of operation. This reflects the practice in Western Australia and the Northern Territory.

Since the practical difficulties to which I have referred above were brought to the government's attention in recent days, I have acted promptly to address this matter. In particular, I acknowledge the feedback received from the Hon. Caroline Schaeffer, the Hon. John Dawkins and my colleagues in another place the members for Flinders, Schubert and Stuart. I recognise that the grain harvest is currently under way and the current regulations in terms of farmers, while well intentioned, have the potential to cause significant problems for this important sector of the state's economy.

REMEMBRANCE DAY

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement referring to Remembrance Day 1999 made today by the Hon. John Olsen.

Leave granted.

QUESTION TIME

SMOKE ALARMS

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Transport a question on smoke alarms.

Leave granted.

The Hon. CAROLYN PICKLES: At a press conference today on the issue of the compulsory installation of smoke alarms, the minister was asked a question regarding penalties for not installing a smoke alarm. The minister replied that no penalty would be incurred for not installing a smoke alarm. At the conclusion of the press conference, the attention of journalists was directed to a glossy brochure that clearly says that a maximum fine of $750 would be incurred by householders for their failure to install a smoke alarm. My question is: why did the minister, when questioned at the press conference about penalties, respond that there were none when in fact the Government's own glossy brochure states

that a maximum penalty of $750 would be incurred for failing to install a smoke alarm?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): There was a misunderstanding on my part. The point is that smoke alarms, which will be compulsory to be installed by all owners of homes and rental properties by 1 January 2000, cost very little. I was trying to make the point that the penalties are not the issue, but I did not explain that well enough. The reality is that the penalties are not the issue. The issue is to try and—

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: No, that is not the issue. It is relatively cheap to install a smoke alarm: $10 for a battery operated smoke alarm and up to $50 for a 10 year smoke alarm. It is the same price for the wired variety plus the installation costs. The point is to—

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: That's right, with the installation costs. The point is to encourage people not to concentrate on the fine because the value lies in the installation of smoke alarms. In its wisdom, this parliament has made that compulsory from 1 January. Of course, the biggest penalty is potential death. In the last financial year, 13 people died because of fire in their homes, none of which had smoke detectors. However, in the last financial year, no person died in their home where there was a functioning smoke alarm. It is not necessarily the fire or the flames that kills people but smoke inhalation.

I thank the honourable member for helping me to clarify this situation. However, I repeat: the fine is not the issue. Whether it is a fine of $50 or $750, the issue is that, compared to that amount, the value lies in the installation of smoke alarms. The purpose of today's conference and the brochure that is to be circulated to every household is education. It is a friendly measure to remind people of what the law requires. We encourage all owners of homes and rental properties to install smoke alarms by 1 January 2000. I can provide the honourable member and all members opposite with this pamphlet, and I strongly encourage them to help the government in this effort.

RECREATIONAL BOATING FACILITIES FUND

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Transport a question about the administration of the Recreational Boating Facilities Fund.

Leave granted.

The Hon. P. HOLLOWAY: The opposition has received a letter dated 4 November to the Minister for Transport from the South Coast Boating Association regarding the administration of the Recreational Boating Facilities Fund. The association states that members are becoming 'increasingly concerned and alarmed at just what is happening with the administration of the levy funds.'

The association lists a series of concerns regarding the management of the levy. These concerns include: the make-up of the Boating Facilities Advisory Committee; the non-collection of the levy from commercial fishing vessels; lack of details of projects that receive funding from the minister and the Boating Facilities Advisory Committee; lack of progress on the O'Sullivan Beach boat launching facility upgrade; and concerns that the formula compelling local councils to contribute 50 per cent of the costs of providing boating facilities in their own region with the other 50 per cent coming from the levy funds is not working.

In relation to the make-up of the Boating Facilities Advisory Committee, the association states:

> It now appears that you [the minister] have removed our highly experienced South Australian Recreational Boating Council (SARBC) delegate and without any consultation with members of that council you have replaced the delegate with someone who is not a member of the SARBC. We find this highly irregular and consider the move by you to be not in the true spirit of the initial concept of the levy where recreational boat owners would have a say as to where their levy money would be spent.

My questions to the Minister for Transport are:

1. Has the South Australian Recreational Boating Council representative on the boating facilities advisory committee been replaced by a person who is not a member of the council? If so, why did the minister fail to consult interested groups before this decision was made?

2. Given the importance of recreational fishing to South Australia's economy, will the minister state which members of the boating facilities advisory council now directly represent recreational boating interests?

3. Will the minister provide details of the accounts of the recreational boating facilities fund and details of all projects that have received funding in 1999 and for the past few years; and will she ensure that this information is made readily available to boating associations?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The honourable member would be pleased to learn that all the projects are highlighted at every estimates committee and in every annual report because, unlike the references in the letter that the honourable member has read, the government is particularly pleased to see the investment that is being made in safe recreational boating facilities along our coastline and the Murray River.

The Hon. L.H. Davis: He sounded all at sea in the question.

The Hon. DIANA LAIDLAW: Yes; all at sea and up the creek, I thought. So—

Members interjecting:

The Hon. DIANA LAIDLAW: There is nothing to hide: in fact, as I say with pride, on every occasion we talk about the success of the investment from the levy funds that are matched by the local councils. I understand that every notice that goes out for the renewal of registration provides an updated list of those projects for every boat owner's attention. I am more than relaxed about providing the honourable member with a full list.

The Hon. P. Holloway interjecting:

The Hon. DIANA LAIDLAW: To say it is propaganda is pretty silly: it is information—

The Hon. P. Holloway interjecting:

The Hon. DIANA LAIDLAW: You said it is propaganda.

The Hon. P. Holloway interjecting:

The Hon. DIANA LAIDLAW: What is propaganda? One moment you are asking for information. I am saying the information is provided, then you seem to demean that by saying it is propaganda. This is a factual list that is compiled by the marine safety section and provided by the department as a courtesy to account to the boat owners for how their money is being spent. If that is propaganda, I am bemused about what the honourable member is seeking to do in the form of his question.

The Hon. L.H. Davis: If nothing was sent out, he would be attacking us.

The Hon. DIANA LAIDLAW: He would be attacking us; he is just surprised that—

The Hon. P. Holloway interjecting:

The Hon. DIANA LAIDLAW: No, that was not in the letter: that was in your questions. I have said it is already provided, but I will again oblige these people. The levy that we are working to arises from amendments introduced by a former Minister for Transport Development, the Hon. Barbara Wiese, to the Harbors and Navigation Act. A committee is required to advise the minister on the expenditure of the levy funds, which go into a special fund. They are not sunk into Transport SA's or (previously) marine and harbors department general funds.

The act does not specify the membership of the committee. In forming this committee, I invited local government representation and made sure there was representation from coastal areas and the Murray River and also from the South Australian boating industries. The honourable member would recognise that it is not always easy to have every interest group represented on every advisory panel without having a very large panel, but Mr Stan Quin, who was President of the South Australian Boating Industry Association and also President of the Recreational Boating Council, was certainly on the first advisory council and I think he has been there for four years.

When asking for nominations from the South Australian Boating Council on this occasion in the past few months, representation was recommended to me from the houseboats association, because there has been a real push in many quarters about the fact that houseboats on the Murray River in particular have never been embraced by the levy and it was considered that they should. Therefore, it was thought that, on this occasion, we would have representations from the houseboats association. That does not mean that the Recreational Boating Association has been excluded: there are just other interests in the boating fraternity that we felt should be included on this occasion. I can assure the honourable member that, in terms of Mr Stan Quin, the representations that he makes are regular and forceful to me and I would never be without his opinion. I would say in terms of the boating industry groups—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: One always takes notice of Mr Stan Quin. In terms of the Recreational Boating Association, whether it be the south coast group that has made this letter available to the Hon. Mr Holloway or any other group, I would recommend to them (as I do to every group) that the applications are considered by the advisory committee when they have come through the council, because we need to have the planning approval for these boat ramps and other facilities known to us before we commit funds. And so, my advice has been consistent for the boating fraternity to keep pressuring and pushing, making their representations and having their voice heard through local councils to this committee.

Today I will not take up more time in terms of discussing the make-up of the committee and all the other matters raised by the honourable member, but I will bring back a reply, including the progress on the O'Sullivan Beach issue.

ABORIGINES, AGED CARE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for the Ageing a question about Aboriginal aged care in remote areas.

Leave granted.

The Hon. T.G. ROBERTS: Earlier this year I asked a question in relation to the Umoona aged care accommodation facility in Coober Pedy (which, in part, is being funded by Canberra) and also one in relation to the Thevenard complex that was being proposed for which the state government donated land to the community to start their project. I have had correspondence and telephone contact with the Aged Care Accommodation Carers Support Service in Coober Pedy, which told me that it has experienced a certain amount of frustration in putting together what it sees as a unique facility that is partly funded by the commonwealth and state governments and locally administered in conjunction with the Coober Pedy hospital.

The commonwealth has made a funding grant which has been available to be used for the past two years but, unfortunately, the proposal that is being considered is only at that stage. A committee in Coober Pedy is looking at how it is to be funded and administered—and I have some sympathy with the state government in relation to waiting for the outcomes to be delivered to it, if that is indeed the hold up.

The point I raised in relation to the Thevenard aged care service for Aboriginal people—which was to be situated on the west coast and centred around the Ceduna-Thevenard area—was that it was going to struggle for the same reasons. Although the donation of the land was a good start for any proposal, the necessary funding would be very difficult to get and that is what appears to be the problem at the moment. My question is: what progress is being made in supporting aged care services for Aboriginal people in remote areas, and in particular the areas of Thevenard and Coober Pedy?

The Hon. R.D. LAWSON (Minister for the Ageing): The provision of appropriate aged care for Aboriginal people is a serious and difficult issue, and the government does treat it very seriously. The honourable member mentioned the Coober Pedy proposal and the views of the Aged Care Carers Support Service in Coober Pedy. A couple of weeks ago I had the pleasure to be present at the Raukkan Centenary Corroboree and spoke to a number of people who were associated with the Coober Pedy project, including Mr Brian Butler, the interim chair of the South Australian Council of Aboriginal Elders. Concern was expressed by a number of those people about the fact that commonwealth funding for the Coober Pedy project had been available, as the honourable member says, for a couple of years.

I received mixed information from the people who were associated with that project. In fact, I was told by someone who said that she was particularly close to arrangements that they were close to being finalised, and that a decision had been made as to where the aged care facility for older Aboriginal persons would be located. The honourable member would be aware that there has been some debate about whether the facility should be collocated with the Coober Pedy Health Service or located elsewhere. I understand that a decision has been made locally by the committee about that, and that we, in Adelaide, will receive details of that decision very shortly. I took up the matter with the Chief Executive Officer of the Department of Human Services and emphasised that it was my view that we should do all in our power to facilitate that development.

The proposal at Thevenard came from the Ceduna-Koonibba Aboriginal Health Service. This very innovative proposal requires funding to be collected not only from the Aboriginal housing sector but also from the health sector, with a degree of funding support from ATSIC as well, as I remember. The plans were drawn up, but I believe that there was a funding shortfall of something over $100 000 after every pocket had been stretched to find funds.

I discussed this issue at Thevenard, at the same time as I handed over, on behalf of the state government, the deeds to the local proponents of the scheme; and I have also spoken to Aboriginal housing experts in Adelaide about the matter. The view expressed to me was that the plans proposed by the local community were perhaps a bit ambitious and that they ought be adapted to not only meet needs but also meet the funding requirements. I have not had a recent report about developments on that matter. From time to time I have asked people within the department about it, and I am always assured that the matter is progressing. In light of the honourable member's question—and I know his ongoing interest in the matter—I will seek further information and bring back more detailed information if any is available.

EMPLOYMENT

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for State Development a question about employment.

Leave granted.

The Hon. A.J. REDFORD: I note that the most recent Morgan and Banks survey records that the second highest level of job optimism for South Australia since surveys were commenced now prevails. I understand that the survey by Morgan and Banks Limited, which I understand is Australia's largest recruitment firm, has also revealed that exports are now setting South Australia apart from other areas within Australia. For instance, the 1998-99 financial year records show that the 6½ per cent increase in South Australian exports, compared to something like a 2 per cent downturn nationally, indicates that South Australia is outperforming other states. One only has to look at the automotive industry, and I understand that product export increased by something like 35.9 per cent last year, outperforming even the wine industry in growth, with its increase at 22.9 per cent. I understand also, according to this report, that the South Australian exports for August 1999—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The report was released about two months ago.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The only slowdown, with the greatest respect, Mr President, has come from the performance of the honourable member opposite.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: Indeed, I understand that exports—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: Indeed, according to this report exports for August 1999 are valued at something like $533 million, which was a 21 per cent increase over July, and 16½ per cent more than in August last year. I understand that this has had a lot to do with the renewed job optimism and, indeed, I note only last week the amazing comeback of the Australian Bus Manufacturing Company, led by former leader of the opposition John Hewson. I also note that there are a number of other success stories; but I will not go through all of them. My question is: does the minister agree with the assessment made by Morgan and Banks, and is there anything which the minister is aware of that would cause him to dispute the highest level of job optimism for South Australia since Morgan and Banks surveys were first commenced?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the honourable member's question to the minister and I think he will delight in answering it. There will be plenty of positive news to tell.

The Hon. P. HOLLOWAY: I have a supplementary question, Mr President. How does the minister explain the latest unemployment statistics issued today by the Australian Bureau of Statistics which indicate that there has been a .6 per cent increase in unemployment in South Australia, to a rate of 8.8 per cent, seasonally adjusted, the second highest level in Australia?

The Hon. DIANA LAIDLAW: I understand that the new jobs created outweigh those that have been lost.

The Hon. A.J. REDFORD: As a supplementary question: does the minister agree that, if the important initiative attempted to be brought into this state by the Hon. Trevor Crothers in establishing the $150 million job bank had been allowed to be established by the Independents downstairs and members from the Labor Party those figures would be significantly better—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: —than that which the Hon. Paul Holloway has sought to bring forward?

The Hon. DIANA LAIDLAW: I agree without qualification.

Members interjecting:

The PRESIDENT: Order! It is a bit awkward to have supplementary questions when we have not had an answer.

PARTNERSHIPS 21

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing almost everybody today, a question about Partnerships 21 and the Mintabie school.

Leave granted.

The Hon. M.J. ELLIOTT: I raised the issue of the Mintabie school during debate last evening but will recap very quickly for the record. On 18 October an AGM was held that elected the Mintabie school council. The very next day there was a meeting of two senior Education Department personnel with certain parents to produce a letter expressing no confidence in the council. On 25 October the first school council meeting was held and the council decided to follow a community decision which was to be made on 8 November 1999; they were to process 180 surveys and have a community discussion.

The next day a letter of no confidence in the school council was being circulated in the community, and I am told

that there were departmental fingerprints on that letter. On the 29th, departmental mediators wanted a commitment as to the 8 November vote and not the council meeting. Basically, the mediators wanted to call off the special general meeting that was being called. On 30 October the principal of the school contacted superiors to instigate a special general meeting. Notice was posted in the town of a meeting to vote no confidence in the council.

On 5 November it was announced that there would be a special general meeting, but the person who was to chair it did not, I am told, consult with any members of the existing council but simply lobbed into town to run the meeting. On 6 November a public meeting was held and apparently a vote of no confidence was carried, but I am told that not everyone at that meeting was a parent of children at the school. The meeting of 8 November, when the school council was to consider the P21 decision, was simply cancelled.

On 9 November parents and council members were being told that they had been dismissed and that the school was in Partnerships 21. I have been told today that the principal of the school spoke yesterday with the chair of the school council, telling him that the principal had signed the services agreement and he wanted the school chair also to sign, because both signatures are necessary before the agreement can go forward. The school chair said 'No', because this council had decided at the last meeting to survey the community and to decide after that public meeting.

The principal told him, I am told, that it did not matter, because he had already sent in the paperwork and Mintabie was in P21, so he might as well sign. The chair asked whether the council had been dismissed, and I understand that it has not actually been dismissed at this stage. By comparison, there are any number of schools—and I gave examples last night—where the parent body had meetings and voted overwhelmingly not to enter Partnerships 21 yet, when the school council has chosen to go down the opposite path, none of these sorts of events have occurred. My questions are:

1. Can the minister confirm that, despite the vote of the school council and despite the fact that the school chair has not signed, the government will be forcing Mintabie school into Partnerships 21?

2. If that is the case, can we also expect that the minister will insist that, where school councils do not appear to be following the wishes of parent bodies and, indeed, taking schools into Partnerships 21, the school parent meetings' wishes be fulfilled there as well?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer that question to my colleague in another place and bring back a reply.

HISTORIC VEHICLES

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to give a reply to a question about historic vehicles asked yesterday by the Hon. Julian Stefani.

Leave granted.

The Hon. DIANA LAIDLAW: The Hon. Julian Stefani yesterday asked two questions in relation to the levy on historic vehicles. They were asked of the Attorney-General but he is not present today, so I will provide the replies. The first question was:

Will the minister advise when Transport SA can expect to be notified of the change in legislation to enable the department to collect the lower levy rates applicable to historic vehicles?

Members will appreciate that the levy initially had been proposed at $32 in the metropolitan area and has been reduced to $8, and in the country area it was reduced from $12 to $8. I advise that today in Executive Council the regulations were signed into force by His Excellency the Governor and have been gazetted. The second question was:

Will the minister advise when the owners of the historic vehicles who have paid the higher levy can expect a refund cheque?

I advise that registration and licensing has a program ready to go in terms of providing these refunds. We will be ready to activate that program from today when registration and licensing receives advice from the Attorney-General's office. Once given this advice registration and licensing will supply a file of names and addresses to the Attorney-General. It is the responsibility of the Attorney-General's office to send out the reimbursement cheques and not the responsibility of registration and licensing.

I also confirm that, now that these new regulations have come into force to lower the emergency services charge for historic vehicles, Transport SA registration and licensing can program in the change by the close of business today. Therefore, any person presenting at a customer service centre from the start of business tomorrow, Friday 12 November, will be charged the amended lower emergency services levy, even if their notice shows the old emergency service levy payment. Notices showing the amended emergency services levy payment will be sent out in the next batch processed from Monday 15 November. I thank my office for acting so promptly to provide this advice to the honourable member and his constituent.

SCHOOL PHOTOGRAPHS

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to asking the Treasurer, representing the Minister for Education, Children's Services and Training, a question about school photographs.

Leave granted.

The Hon. T. CROTHERS: Very recently I was contacted by a young single mother of three from one of our northern suburbs. This mother, the single sole supporting parent of three children all under eight years of age, has a struggle day by day just to feed and clothe her three dependent children. She recently contacted me as she had to pay out some $65 from her meagre pittance for school photos. As a consequence she had run out of money and her little children had not eaten for over a day and there was no prospect of her purchasing any food for a further two days. I immediately took them all to my home and fed them and gave the mother some money for food as they were all starving.

I do not know the policy of the education department in respect of class photographs and, more importantly, I do not know what, if any, is this department's policy in respect of the type of peer pressure that can be applied to children whose parents in reality cannot in cases such as this afford the costs involved in the procurement of the aforesaid photos. I am further informed that this type of peer pressure brought on the type of child whom I have described can be extremely hurtful and demeaning for them. In the light of that background, I direct the following questions to the Treasurer, who is himself a former minister of education:

1. What, if any, is the department's policy in respect of class photos being taken, specifically as it relates to impoverished young school children?

2. Does the minister agree that, in the circumstances that I have described in this case, the payment for school photos virtually took the food out of the mouths of those children?

3. What, if any, role does the taking of class photos each year play in the education of children?

4. Will the minister consider stopping the taking of annual class photos; and, if not, why not?

5. What, if any, is the department's policy to protect children and their single supporting mothers from the type of peer pressure which evolves out of parents not being in a position to pay for school photos?

I point out to the Treasurer that I will not give up easily on this matter as I am sickeningly appalled by the apparent lack of sensitivity in this matter by those who enforce departmental policy, should such a policy exist.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am disturbed by the circumstances outlined by the honourable member. I will ensure that his question is forwarded promptly and an answer received.

ONLINE GOVERNMENT PURCHASING

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Administrative Services a question about e-commerce.

Leave granted.

The Hon. J.S.L. DAWKINS: In reply to a question I asked in relation to online government purchasing on 30 September this year, the minister referred to a proposed trial of electronic commerce by the state government. He mentioned on that occasion that Noarlunga hospital and forestry units in the South-East would participate in the trial. Will the minister say whether the trial has commenced and, if so, what results have been obtained from it?

The Hon. R.D. LAWSON (Minister for Administrative Services): It is true that the honourable member raised in the Council the question of the government's electronic purchasing initiatives. I am told reliably that, according to all business trends, online transactions will soon account for the majority of all business and commercial transactions that are undertaken. I am also advised that success in the 21st century will come to those businesses and governments that take advantage of the new technology to speed up the processes of business and commerce, lower costs and provide a faster delivery.

E-commerce, and, in particular, the South Australian e-purchase proposal, is driven by our desire to be part of this revolution. The trials at the Noarlunga Health Service and forestry in the South-East are initial trials of the e-purchase solution. The company Telstra won a competitive bid process to provide this technological solution for the government. It was an exhaustive process which involved the evaluation of a number of proposals.

For the purposes of this trial, the government has engaged Telstra. About $500 000 will be spent on the trial, which has not yet begun. However, it will begin soon because the arrangements with Telstra have just been finalised. The new system will allow an authorised state government buyer—that is, an officer within State Supply or an approved accredited procurement unit in one of the agencies—to browse through a supplier's electronic catalogue from a desktop computer, select appropriate items, order them, and make the final payment—all online.

This will also enable the government buyer to track the procurement process through to completion of the order and delivery. Stringent controls have been built into the system to ensure that purchases can be made only by authorised persons in accordance with the government business rules. It is envisaged that, as a development of this initiative, payment will also be able to be made online through a secure and accredited process. I am advised that the introduction of this new procurement process will result in significant cost savings to the South Australian government through the introduction of more efficient and effective procurement procedures, all of which are consistent with our procurement reforms, which are designed to yield a 3 per cent saving over the $3.5 billion of state government procurement.

I also commend those who have devised the project for splitting it up into small elements. The test proposals at Noarlunga and in the South-East that the honourable member mentioned will enable us to establish that the system actually can work and work effectively in different environments, and that any bugs are worked out of the system before it is spread more widely across the public sector.

BRIDIE, RETIREMENT

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking you, Mr President, a question about Bridie's retirement.

The PRESIDENT: Is it a brief explanation?

The Hon. G. WEATHERILL: Very brief, Sir.

Leave granted.

The Hon. G. WEATHERILL: I have not been coerced into asking this question, although, looking in the gallery at the present time I am sure there cannot be any truth in the rumour going around Parliament House today that I would never get service again if I did not ask this question.

An honourable member: When did you get service before?

There being a disturbance in the gallery:

The PRESIDENT: Order! I think the gallery should be quiet.

The Hon. G. WEATHERILL: I have known Bridie for the past 14½ years and others have known her for a lot longer than that; she has been in Parliament House for almost 17 years. People who know Bridie love and respect the lady, because she is one of the real characters, and always has a happy face. I believe she also has a hidden talent that a lot of people in this chamber are probably not aware of: she has been keeping it a secret for years, apparently, and it came out today that she is one of the best milkshake makers in Parliament House. You only have this afternoon or this evening to get a milkshake if you need one, sir, to find this out, and I would advise people to get down there as quickly as possible. She does a very mean toasted sandwich, as well. We will sadly miss Bridie. She finishes tonight, as we are all aware. I would like you to make some comments, sir.

Members interjecting:

The Hon. G. WEATHERILL: Will you make some comments, sir?

The PRESIDENT: I will start by saying that any comment I make to an explanation without a question is out of order, anyway, but things have been going through my mind on the subject of the so-called question. Bridie is in the gallery, and I welcome Bridie and her colleagues to the gallery—probably for the first time. I need to warn those in the gallery again that they should not interject at any stage.

As is usual with explanations to questions, most of the answers have already been given. We know that Bridie retires

today after 16 years of service and that there is an opportunity tomorrow to hear some anecdotes, meet her family and give her a proper farewell in the Balcony Room from 4 p.m. I think you must bring a drink, and nibbles will be provided.

The Hon. T. Crothers interjecting:

The PRESIDENT: No; I think that would be even further out of order. I am sure everyone will have a chance to say farewell to Bridie. She tells me—and I do not want to foreshadow what she might say tomorrow—that she first came here for four days in a temporary position in 1983 and is still here permanently until this afternoon. Her first customer, I understand, was the Premier of Tasmania, Robin Gray, who, at that stage, had three huge, burly policemen guarding him with pistols at their sides, because, as members would remember, that was during the Tasmanian dam issue, so he needed some protection.

I think I can say from all of us here that Bridie has been the laughter, the heart, the soul and the lungs—I emphasise 'the lungs'—of the blue room for all of us. I am sure members will join with me in this forum, anyway, in wishing Bridie a very happy retirement.

MEMBER FOR FLINDERS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Premier, a question about the rail reform transition program.

Leave granted.

The Hon. SANDRA KANCK: On Tuesday 9 November I asked a series of questions regarding grants from the federally funded rail reform transition program to companies in which the member for Flinders, Liz Penfold, has an interest. In response to my questions, the member for Flinders made statements in the House of Assembly and in the *Port Lincoln Times* that cast a shadow on the probity of the grants process. The member for Flinders informed the parliament that her husband was not merely a director of Eyre Enterprises and Southern Australian Seafoods but the companies' accountant. She states that, being aware of the vulnerability of members with business interests, she informed the chairman of the Grants Assessment Committee, the member for Bragg, Graham Ingerson—

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. My understanding of the standing orders is that, if one wants to reflect on a member of parliament or, indeed, a judge, one must do so by substantive motion. The approach of this question is clearly a reflection on the member for Flinders. I would ask you to rule that this is out of order and that, if the member has something to raise, she ought to do it by way of substantive motion.

The PRESIDENT: Standing order 193 does support the words spoken by the Hon. Mr Redford that members should not reflect on judges or other members without a substantive motion. I must say that I did not hear all that the honourable member had to say but, on advice, the honourable member should desist from that course if she is criticising the member.

Members interjecting:

The PRESIDENT: Order! I ask the honourable member to rephrase her explanation so that she does not reflect on a judge or other members of parliament.

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: Mrs Penfold stated that, being aware of the vulnerability of members with business interests, she informed the chairman of the Grants Assessment Committee, the member for Bragg, Graham Ingerson, as soon as she became aware that Southern Australian Seafoods was making an application. While Mrs Penfold might have informally advised Mr Ingerson, my office has been informed that, in respect of Southern Australian Seafoods' application, the other members of the committee were not informed of the fact that the member for Flinders had an interest in the company.

In respect of Eyre Enterprises, the member for Flinders claims in the *Port Lincoln Times* that neither she nor her husband were involved in the application for rail reform grants. By contrast, in parliament Mrs Penfold stated that her husband, as the accountant of both firms, would be 'derelict in his duty to shareholders if he did not encourage applications for grant funding in what are both emerging industries', which implies that her husband was involved in the application process. My questions are:

1. Will the Premier ascertain from the member for Bragg his recollection of Mrs Penfold's disclosure of her interest in Southern Australian Seafoods and provide those details to the parliament?

2. Does the Premier believe that the member for Bragg should have informed the members of the committee hearing Southern Australian Seafoods' grant application of his knowledge concerning the member for Flinders' interest in the company?

3. Will the Premier seek and release for public scrutiny the applications for rail reform grants by Southern Australian Seafoods and Eyre Enterprises?

4. Will the Premier seek and release for public scrutiny the minutes from the committee meetings considering the grant applications by Southern Australian Seafoods and Eyre Enterprises?

5. Does the premier believe that the process of disbursement of taxpayers' money should be transparent and fully accountable?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the honourable member's questions to the Premier and bring back a reply.

GOVERNMENT UNDERSPENDING

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Administrative Services and Information Services a question on budget underspending.

Leave granted.

The Hon. CARMEL ZOLLO: The *Advertiser* yesterday reported that the Department for Administrative and Information Services was amongst those that had underspent its budget: it reported that the department, along with the Office of Government Enterprises, had underspent by $50.8 million. I refer the minister to statements made by the Premier regarding this underspending—funds which the Premier has said were meant for a whole range of capital works and services. It is extraordinary that, at this time of high unemployment and the need for extra services, the government would allow such a situation to arise. My questions are:

1. Can the minister detail how much has been underspent by DAIS?

2. Can he provide details on which agencies and projects are under budget in his portfolio areas?

The Hon. R.D. LAWSON (Minister for Administrative Services): The detail sought by the honourable member is not

at my fingertips, so I will bring back a further reply on the detail. However, the substance of the suggestion implicit in her question is that there has been some new underspend by government agencies. The phenomenon of underspend—or slippage as it is often called—is a longstanding phenomenon of not only the South Australian government but many other governments and large enterprises.

The Hon. J.F. Stefani: It happened during the Labor years, too.

The Hon. R.D. LAWSON: It certainly happened during the Labor years. The Premier has made it clear that he is determined to ensure that agencies do not underspend on either capital works allocations or other recurrent forms of expenditure. I think it is fair to say that there is something of a debate between the financial offices in government as to whether programs are underspent, especially in the context of the introduction of the new accounting standards, the doing away of cash accounting and the move to accrual accounting.

I can certainly say, on behalf of those parts of the Department for Administrative and Information Services for which I have portfolio responsibility, that every effort will be made this current year to ensure that all revenue raised from the South Australian community is appropriately spent for the purpose for which it was raised. However, I will provide any additional information about the detail sought by the honourable member as soon as I am able to.

INTERSTATE PASSENGER TERMINALS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions regarding Adelaide's interstate bus and rail passenger terminals.

Leave granted.

The Hon. T.G. CAMERON: A number of letters have been printed in the *Advertiser* in recent days complaining about the antiquated facilities to which many coach, bus and train users are subjected at the Franklin Street bus and Keswick rail terminals. There have been a host of complaints that the Franklin Street bus terminal is run-down, dirty, inconvenient and lacking in basic facilities. Because of its location, many travellers arriving at night at the Franklin Street bus terminal are forced to walk to Victoria Square for a local bus or to North Terrace for a local train, with their baggage in tow. The Keswick rail terminal also has its problems. As one letter stated:

> . . . if you want a real laugh, try pushing a pram or riding a wheelchair or just carrying heavy bags from Keswick's interstate/country rail platform, up the ramp to Richmond Road and then go around to the open, long flight of stairs to get down on to the metropolitan rail platform.

As the letter points out, we could move to replicate Brisbane's practical Roma Street Transit Centre. The Roma Street site is comparable to Adelaide's western end of North Terrace.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: I'm not sure that SA First has ever been in office.

The Hon. A.J. Redford: Former.

The Hon. T.G. CAMERON: Thank you; you have got it right at last. Above the interstate, country and metropolitan rail platforms are constructed two levels of car parking and shops and a third level for interstate, country and local tour bus terminals and shops. Travellers can access toilets, showers, large baggage lockers, tourist information and food outlets. Considering the importance of bus and train travel to the tourist industry and our economy, particularly the budget or backpacker traveller, the situation is deplorable. I note that aircraft passengers will soon be able to enjoy a high standard of service with the completion of the new terminal. It is time that the state government looked at improving services for bus and train travellers. My question to the minister is: does she believe that the current facilities at the Franklin and Keswick terminals to be of an acceptable level and, if not, will the government give consideration to combining the two as suggested at North Terrace?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am not sure whether the honourable member is aware that the bus terminal is actually owned by the Adelaide City Council and is its full responsibility, not the state's responsibility, and no government, of any persuasion, has been an investor in that facility. I do, however, from time to time raise with the Lord Mayor and representative council that I would be very keen to see an upgrade. The capital works program that has been released by the Adelaide City Council and the separate works program that has been considered by the state government and Adelaide City Council as part of the City Council Committee, which is chaired by the Premier, certainly highlights the need for an upgraded terminal. I also remember the debates when the former Labor state and federal governments agreed for Adelaide Railway Station no longer to be the destination for interstate trains and, with the standardisation of the line, that passenger terminal was moved to Keswick.

I have said in this place in the past that the government would commission work on how we could see a return of the passenger rail services to Keswick. I think I mentioned just last night in speaking to the motion regarding the Environment, Resources and Development Committee reference on rail that the initial figures given to me on returning the interstate rail to the Adelaide Railway Station have certainly blown out astronomically over what I had initially been advised of, namely, some $11 million. The cost has blown out considerably since then and, therefore, I have had discussions with Great Southern Railway, which owns Keswick passenger rail terminal, about what its future plans are in terms of rail, because we will not entertain the idea of spending money in seeking to bring interstate rail back into Adelaide Railway Station without some cost benefit to the city. It would be much easier to have quick haul passenger rail, as the honourable member has suggested, or even a far more efficient bus service linking the facilities.

I can confirm that Keswick passenger rail terminal is not owned by the government but by Great Southern Railway and, while the Central Bus Depot is not owned by the government but by the Adelaide City Council, the government policy is to seek the cooperation of all parties to have an integrated public transport system in the Adelaide central business district, because we do have a shambles in a sense, certainly a system that is not in the consumer interest.

We have inherited a long-standing problem with the Keswick rail passenger terminal being some distance from the bus passenger terminal; the rail system coming in at the Adelaide Railway Station; the tram system terminating in Victoria Square; and the O-Bahn coming down Grenfell Street and Currie Street. Our free bus services, the Beeline and the City Loop, seek to connect most of those public transport systems, but they do not extend to the bus station or to Keswick. It is something that, having highlighted in our policy, I would be very keen to see, in terms of Adelaide

being a passenger-friendly city with a high standard of public transport integrated networks.

YUMBARRA CONSERVATION PARK

Adjourned debate on motion of Hon. Diana Laidlaw:

That this Council requests His Excellency the Governor to make a proclamation under section 43(2) of the National Parks and Wildlife Act 1972 that declares that rights of entry, prospecting, exploration and mining under the Mining Act 1971 may be acquired and exercised in respect of that portion of Yumbarra Conservation Park being section 457, north out of hundreds, County of Way (Fowler).

(Continued from 19 October. Page 116.)

The Hon. T.G. ROBERTS: The opposition will not be supporting the proclamation of the area known as Yumbarra Conservation Park. In addressing the motion, the minister stated:

The reproclamation of the central part of Yumbarra Conservation Park will not mean that the conservation park status is removed. The only change to that part of Yumbarra Conservation Park will be that mineral exploration and mining will be allowed. The overall objectives of managing the park for conservation will continue as they have for the other sections of Yumbarra Conservation Park where mineral exploring and mining access already exist.

One of the fears of the opposition in relation to the reproclamation is that it sets a precedent for all other wilderness areas and conservation parks within the state. It means that the reasons that the minister has outlined in her moving of the motion will apply in all other cases in relation to all other conservation parks (and probably reserves) and other conservation areas within the state, which includes the Flinders Ranges and other sensitive areas, if there are any indications at all of minerals to be found either by aeromagnetic exploration or by rock sampling. Conservation groups have expressed their concerns. We have expressed our concerns since the period of the last Labor government, for a number of reasons.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: The interjector behind me asked me what Bob Sneath thought of the Labor Party's position. The honourable member knows that the Secretary of the AWU can publicly state his case whenever he likes, but at the moment I am stating the Opposition's position, and the Opposition's position is to oppose the reproclamation.

It would be tempting to change the status of the park and to explore the anomaly that has shown up on aeromagnetic surveying. One of the reasons given by those who want the park reproclaimed is that the isolated area in which the Yumbarra park exists would benefit by the mining activities that would occur in that region. For the opposition, that would probably be the strongest argument in relation to any exploration and mining that may occur. The financial and social benefits that would occur in that area undoubtedly would benefit a few people in the Ceduna area.

The benefits that have been outlined, by rumour and by those people who are prepared to make predictions without any scientific background or support, always beat up the benefits and talk down the problems that may exist with reproclamation. The temptation for mining, particularly, is great; there is no doubt about that. But the majority of the members of the committee that looked into the reproclamation of Yumbarra Conservation Park, which was a lower house committee, erred on the side of caution. Their position was outlined in the 29 findings of the report, which did not argue for mining but which went as far as to encourage best management practices in relation to a biological survey to try to indicate what we are dealing with in relation to the biological data that may exist. Finding 17 reads:

A biological survey of Yumbarra Conservation Park has established a practical baseline database and found that, while this park is a significant part of the state's mallee ecosystems and environmental heritage, and is located centrally on both north-south and east-west biogeographical transitions in the Yellabinna mallee, there are unlikely to be elements of the ecosystems in the central area of the park that are not also represented elsewhere in the park.

For those who have been following the issue for the past decade, there were some discussions about trading some of the other areas of the park for the area that has been shown up as an anomaly on the aeromagnetic data. The government is not putting that proposal to us at the moment. There is no discussion of any trading of the park and I suspect that, although the government has been involved in some discussion, it wants to establish a precedent by taking the whole of the park and making it available for exploration and mining.

There may be a case—and I only say 'may'—where sensitive exploration may occur in the minds of some conservationists, where it may allow some further data to be collected to examine the possibilities of the anomalies. It has now been stated by some that it is an iron ore body, which seems to be where the main body of opinion lies. Originally there was a view that it could be another Roxby Downs and there could be gold deposits mixed with uranium, but it is now the general belief that it is probably a body of iron ore.

The Hon. Caroline Schaefer: How would you know that by flying over the top?

The Hon. T.G. ROBERTS: I suspect that other people have already taken samples and done some further work. I am not sure. I am just relaying the body of opinion out there. The general view is that whatever exists in the park will require large amounts of water, as most mining projects do. There is difficulty in the area in relation to water shortage, although I am sure that these technical details can be overcome if the exploration shows that the ore body is of the value that has been talked about.

The other opinions in relation to the aeromagnetic fields that have been studied over the past decade are that a number of anomalies exist in the Gawler Craton outside the Yumbarra National Park and that perhaps those anomalies can be examined before the reproclamation of the Yumbarra Park begins. The Yumbarra National Park consists of approximately 327 589 hectares, that is, 3 276 square kilometres or 8.2 per cent of the 4 million hectares of sand dune mallee that forms the Yellabinna association. It is not a large part of the area we are talking about, although the anomaly seems to fall right in the middle of the park. If we are looking for theories of reproclamation, I do not think it has been stage managed. It is unfortunate that, when the boundaries were being drawn by those people in the conservation movement and the government in previous times, the anomaly certainly was not a consideration, and it is only since the boundaries have been drawn that people have become aware of that situation.

The problem for the opposition relates to the down playing of the circumstances in that the mover of the motion notes that any exploration or mining that occurs in the Yumbarra Conservation Park as a result of reproclamation will be intensively managed to minimise any impact on the ecologi-

cal values of the park and surrounding region. The concern we have is that no guarantees can be given on the basis that no-one is able to tell us exactly what we are looking at or what size or magnitude it is, whether it is a commercially viable—

The Hon. Caroline Schaefer: That is all they want to do at this stage—to just have a look.

The Hon. T.G. ROBERTS: The problem with reproclamation is that it does not only include examination and exploration but opens it up for mining. I am sure that, had there been further negotiations and perhaps more time for an examination of the issues, some of the issues relating to wilderness protection, biological surveying and some of the negotiations that might have been able to consider those issues might have come up with a position different from reproclamation.

The Hon. Caroline Schaefer interjecting:

The Hon. T.G. ROBERTS: I am not saying that 10 years was not enough time: one would have thought that 10 years would be enough time for the mining industry, conservationists and the government to come up with a policy that allowed for maximum protection of those wilderness areas in that region, given that it is the largest last stand of mallee environment and ecosystem in the world, not just Australia.

In the past 10 years there has been an expectation built up in the minds of people, particularly in the Ceduna area, to reproclaim, examine, explore and mine. To most people's minds, the position that the opposition is taking is unwarranted and very unpopular. At a local level, that is a fair and reasonable assessment to make. But if as a state government you were put in charge of looking after the whole of a state and the whole of a particular area in relation to its integrated ecosystems, if every decision was to be taken locally in relation to the environment and how it was to be protected or exploited, particularly in hard times when jobs were difficult to find and regional communities were shrinking, I am sure the environment would come out a loser every time.

One of the reasons why state and commonwealth governments have legislation to protect those areas that are environmentally sensitive is that it is more likely that a bigger picture will be drawn by either a federal or a state government than at a local level. Federal governments have responsibility for the marine environment, planning and protection. They have responsibility for some of the major environmentally sensitive areas such as marine national parks and the Great Barrier Reef. Had that been left to state governments to protect, particularly under Bjelke-Petersen at one stage, who knows how much of the Great Barrier Reef would be left with the pressure for oil exploration and the expansion of geological surveys into the marine national park and the Great Barrier Reef. But I am not comparing the Yumbarra National Park with the Great Barrier Reef.

Another problem area is the protection of mallee. It is almost uniquely South Australian and Victorian, and it is not sexy: it is not like a rain forest. Its beauty is in the eye of the beholder and, unfortunately, mallee does not scrub up as well as does a rain forest or the Great Barrier Reef. Be that as it may, it is an intact wilderness ecosystem that has been undisturbed for eternity. We now have the integrity of that ecosystem being challenged by the prospect of exploration and mining. There is no turning back. Once the exploration process starts and if there is a proven reserve of iron ore, uranium or gold, history shows that exploration is the first stage of mining. If you look at the siting of the Yumbarra Conservation Park in relation to water availability, in particular, you will see that the integrity of the park will be compromised. The wording of this motion downplays any of the potential impacts that mining may have on the park.

If you look at some of the problems with arid mining in relation to water, you will see that, even in the exploration stage, you will not, as some would have you believe, be able to fly in by helicopter and use a hypodermic syringe to take samples of soil and rock to prove up the findings. There will be a full blown exploration survey. This means that the area will be disturbed even at that stage. If there is mining to complete the geological survey and to prove up the reserves, the bringing in of water or exploration for water will aggravate the whole ecosystem in the area. So, the area will be disturbed. It will no longer be a wilderness. There will be an area of mining, and it could even involve milling and transportation.

You could expect to see an open cut mine site, a milling site, and roads and perhaps rail for transportation out of the area. I do not think we should be too naive about this. Once exploration starts and the ore body is proven, there will always come a time when the economics of scale will make whatever is found valuable to the commercial world. In most regions of Australia where ore bodies are found, we are able to exploit them cheaper than other parts of the planet because of the way in which large volumes of ore can be moved and processed within Australia at a cheap rate.

At the moment, Australia has about 25 per cent of the world's uranium contracts, which are based largely on the same principle. Large ore bodies, little or no overburden, the ability to open cut mine in an unrestricted way, and nearness to ports make those ore bodies more accessible and financially acceptable to the marketplace. Therefore, they bring about high profits and make for interesting investments by major overseas companies. Once an ore body is proven, regardless of what it is, it will become viable for broadbased mining.

Some of the benefits that have been announced, particularly in the Ceduna region, include the fact that there will be jobs for all and that Aboriginal people will be involved in the mining, milling or exploration processes. There is an in-built expectation in that. We are told that all Aboriginal people agree with it. That is not the case. Some Aboriginal people agree. This is just like the situation at every other mining site in Australia. You would think that there are no Aboriginal groups opposed to the mining of uranium at Beverley or Honeymoon, but we are now finding out that Aboriginal groups are coming out and opposing mining, not just because they have been left out of the economic equation but because they want to protect the environment in which they live.

They are uncertain about the mining processes in that area, such as the pumping of hydrochloric acid into the ore body and then pumping the ore out. They are wary of the potential for disaster that that type of in situ leaching process brings about. I am not saying that this ore body will be exploited by in situ leaching, but I suspect that there will be an open cut process which will require skilled miners and large amounts of capital. If that is so, the Aboriginal groups will be left out of any participation at an ownership level. They will be left out of the equation in respect of skilled jobs because they have not been given the opportunity to participate in a skilled way at any point—and that applies to mining throughout the remainder of the state.

The only area of which I am aware where Aboriginal people participate in any numbers is in the Far North where there is small open cut mining of opals. I was contacted last night by Aboriginal people in the area of the Beverley and

Honeymoon projects. There have been promises of a 20 per cent participatory rate of Aboriginal people in those projects. At the last count, the number of Aboriginal people working on the Beverley site is five, and there was reluctance by those doing the employing to take on those people in those positions. It was a hard fought job to get those positions. I do not think that the job numbers that have been talked about in respect of any significant mining program will involve too many Aboriginal people.

Matters that have been advertised on the West Coast to win over the local people include the fact that the population of Ceduna has reduced by about 1 500 over the past five to six years. That is an indication of what is happening in most regional areas. With the promise of a mining venture, most business people expect the population not only to hold but to grow. That is not necessarily so. Some mining ventures use outside labour. They fly miners in, change the shift and fly miners out. They work two weeks on and two weeks off. Santos, Western Mining and many other mining companies do not involve the local community. They have wet canteens and self-contained premises: the whole mine site and its operations are isolated from the local community.

I am not saying that that will happen at Ceduna, but I have not been given any indications by the government that the local community will be included in the potential exploitation of this ore body. As the interjector said earlier, what do we know about what is buried there? If it is iron ore or a similar metal, we already have an abundance of iron ore in Australia. Our big steel makers are abandoning steel as a proposition, even though the ore body sits right next to the steel making complex. I note BHP Whyalla's move where there is an iron ore body within a reasonable distance of the steel making foundries, it has an abundance of water and skilled labour, yet it will not continue with steel making because it does not want it to be part of its core business. Not only that; it has put the business on the market and there is no interest in making steel at this point on the part of any other company in the steel making arena.

Iron ore deposits will be exploited over the next half decade by Meekatharra, and I understand that there is iron and coal in the Coober Pedy region that will be made into pig iron rather than steel. If the ore body turned out to be iron ore, I would be very surprised if the deposit was exploited in any financial way. If it is a uranium deposit, we already supply 25 per cent of the international market. With the deposits that are already known we have the ability to supply at least 30 per cent of the world's uranium, and people in the industry are saying that the volume of uranium available to the international market is driving the price down to the point where some of those recently opened mines may not be viable. I will not enter that debate at the moment; it is a debate that should probably be addressed by one of our resources committees in looking at the future of uranium mining in this state and the nuclear fuel cycle.

The committee which was set up and which reported to the lower house made inspections and, if you take the issue seriously and read the contributions made by the members, you will see that unfortunately a number of them cannot see the value of wilderness for wilderness' sake. There are a lot of people like that. They look at wilderness and see only its exploitable value, not its value to the planet by virtue of its existence as a complete ecosystem. There were a number of attempts at levity by ridiculing the national park itself. Those city dwellers who do not understand what the country and the regions are about and the problems that ecosystems have in surviving did not cover themselves in glory when they made their contributions.

Other members took a more balanced view. It would be foolish for us on this side of the Council not to say that we would like to enjoy the benefits of any ore bodies that might exist there, but at what price? We are saying that there are alternatives to the potential exploitation of any ore body that is there. We have alternatives in the Gawler Craton area which have not been exploited but which have been proved and are known, yet here we have a proposal to decommission a national park to bring about a changed status so that exploration and mining can take place.

The position we find ourselves in is that we understand that the numbers are already there, and that the government has spoken to and received agreement from at least two of the Independents. I understand that the motion will go through. It will be debated in the lower house and the fate of the reproclamation will be in the hands of the House of Assembly. My understanding is that the numbers probably exist for the reproclamation to be passed in the lower house as well. Whatever the opposition does, I think the government has already made its determination. I am sure that all conservation groups in this state must be very nervous about all the other areas in this state in relation to our national parks and reserves, as it now appears that nothing is sacred.

Governments move to proclaim areas in their state as wilderness on the basis of protecting wilderness areas for particular reasons. Other governments are then able to overturn that, for whatever reasons. The reasons being given now are fairly spurious, because we are not looking at something definite; the reasons we are being given will all compromise the reasons for the existence of this area of wilderness. We oppose the reproclamation. We would expect the Democrats to support our position, but our understanding is that the Independents will give the government the numbers it requires to pass this reproclamation in this chamber. It is unfortunate, but that is the way of the world and the way a number of major bills and motions have gone in recent times.

Another matter that has been overlooked in relation to alternatives is that environmentally protective sound policies are possible and they can produce the same results. On the west coast now an industry is being built on ecotourism. It is in its infancy, and it involves Aboriginal people. There is a great movement of international and local tourists who are prepared to pay premium prices to visit wilderness areas, particularly the head of the bight, to view whales in their natural surroundings. Governments and smart tourist operators will soon work out that, if people are prepared to go to wilderness areas such as the west coast and, if the national parks are managed correctly and integrated into ecotourist holidays or adventures, it is only a matter of time before they can return exactly the same value over a longer time than can mining, and we will not see the same disturbance. Mining and ecotourism are anathema to each other; there is nothing you can do to integrate mining with environmental tourism.

I am afraid that, if we take the view that our national parks, which should be linked into environmental tourism, are linked into mining and the possibilities for mining, I am sure that South Australia will miss out on the advantages it has over the other states. Even though South Australia does not have the same advantages as Queensland, New South Wales and Victoria, it does have large areas of wilderness, large areas of pristine protected reserves and national parks, and I

am sure that ecotourism, if it is handled correctly—as it could be in the Coorong and Hindmarsh Island areas—offers alternatives to the sharp end of tourism in which most people would like to invest and which is similar to the investment packages being put together in the eastern states.

We have to do it differently. We would prefer that the environmental advantages that we have in the west of our state were knitted together into an environmental package that could provide the same benefits. That is not being advertised to the people. No expectations are being put to local communities in relation to those types of programs. What we have is a take it or leave it proposition: that is, we have to look at exploration and mining, and no other alternatives are being put before this chamber. Again, I indicate that we will be opposing this motion and I hope that some of the Independents do the same.

Debate adjourned.

JOINT COMMITTEE ON TRANSPORT SAFETY ON THE DRIVER TRAINING AND TESTING INQUIRY

Adjourned debate on motion of Hon. Diana Laidlaw:

That the report be noted.

(Continued from 28 October. Page 279.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I briefly wish to conclude the remarks which I began on 28 October in relation to the tabling of the report of the select committee, of which I was a member. One of the matters I wish to address is the witnesses who appeared in relation to the education in our schools of children on transport safety issues. Certainly, an evaluation has been done of the methodology used by the police department, and it is true to say that it was not considered to be entirely satisfactory. However, the question of resourcing the program was also raised as was the need for it to be monitored over some time to ascertain its effectiveness.

One witness gave us information about an American state where high school students had had quite comprehensive driver education and were monitored post leaving school: it was found that their driving record did not improve and, in fact, it was worse than for people who had had no training whatsoever. One of the other issues that the committee looked at related to whether or not demerit points should be issued to drivers who continue to offend. To this point we have not gone along that path, but it is something that one needs to look at, because it is obvious that some recalcitrant drivers do not seem ever to learn, and one would like to think that it would be possible to retrain them in some way.

We received information about a driver intervention program which is funded by the government. This program is for young P-plate drivers who have violated the provisions and so attend this program to try to learn something or to improve their driving. The committee was told that the police do not fine the drivers who fail to turn up to that program. I think this is a very good program and the committee was very impressed with the people who run it.

It seems to me that one of the things we need to look at is an increase in the penalties for those drivers who fail to attend the program because, after all, it is designed to give young drivers who have offended a new look at themselves and, hopefully, they will decide that they can learn something from the program. It has been the experience of the people who run and monitor the program that young people do learn quite considerably from it: they seem to learn better from their peers than from anyone else. The recommendation on that matter was that the penalty would be increased.

As I indicated, the committee looked at the whole issue of dementia and people who were still driving and who had quite serious medical problems. We heard a number of witnesses in relation to this and we were concerned that some people should not be driving a vehicle—not necessarily elderly people but people with a serious medical problem. We were also concerned that the medical profession did not always fulfil the requirements under the act in advising the Registrar of Motor Vehicles whether a person is considered unfit to drive.

All in all, this was a very useful process and I think it will be ongoing: the committee will look at the program from time to time to ensure that we stay up to speed with what is happening in the rest of Australia and overseas in relation to driver training. I suppose the one thing that came through from almost every witness was that good driving is related to a good attitude—and attitudes are very difficult to change. It is true, I suppose, that all of us have experienced the road hog and the inconsiderate driver. It is quite amazing how some relatively normal people, when they get behind the wheel of a car, quite often behave in a most abnormal manner. That is something that will be more difficult to change. Over many years and through changes of government in South Australia we have taken a consistent approach to the whole issue of driver education and training and we have tried to do what we consider to be the best in the interests of road safety.

I commend the report to members. I hope they will read it; I hope they will learn something from it; and I hope that, if they have ever been guilty of driving in a manner that would not be considered to be appropriate in terms of road safety, they might like to think again about their behaviour when they get behind the wheel of a vehicle and consider other road users. We addressed ourselves particularly to the younger driver, the novice driver, but learning is something one can do for the whole of one's life and it was surprising what we learnt on this committee about the things we did not know about driving.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PENALTIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 314.)

The Hon. T.G. ROBERTS: The opposition will support the bill, but I would like to raise a few issues in relation to the way in which the act is currently operating and the principles that the government is adopting in relation to divisional fines. The main preoccupation appears to be to raise the level of penalties and, as I said, the opposition supports that. However, I indicate that there are still a lot of problems in relation to the day-to-day administration of the Occupational Health, Safety and Welfare Act as it stands.

The trend—and obviously it is the trend that the government looks at—is to look at the payments that have been made under the WorkCover Act, which ties in with the Occupational Health, Safety and Welfare Act. The policing of the provisions under the Occupational Health, Safety and Welfare Act determines, to some extent, the environment and

the way in which people work and whether it is in a safe or unsafe manner; and that then determines the impact that the work environment has on the WorkCover legislation in relation to accidents in the workplace.

The bill doubles most of the penalties in relation to breaches of the act. That is one side of the bill, the carrot and the stick which governments tend to use in relation to occupational health, safety and welfare, and that is the stick by which we hope employers will try to keep their workplaces safe to prevent their actions or activities making them liable for workplace injuries which would bring about the penalties that are indicated in the bill.

The bill increases a division 1 fine from $100 000 to $200 000; a division 2 fine from $50 000 to $100 000; a division 3 fine from $20 000 to $40 000; a division 4 fine from $15 000 to $30 000; a division 5 fine from $10 000 to $20 000; a division 6 fine from $5 000 to $10 000; and a division 7 fine from $1 000 to $5 000. The only area where the mathematician changed the formula was in relation to a division 7 fine—and that is in relation to the duty of workers. The penalties for employers in respect of their responsibilities and duties have been bumped up by 100 per cent. Subsection (1) currently imposes the following duties on an employee:

(a) to protect his or her own health and safety at work; and

(b) to avoid adversely affecting the health or safety of any other person through any act or omission at work. . .

The penalty imposed for a breach of this section is a fine of $100 000. The amendment is not that different: it is substantially the same as the current provision—but the penalty certainly is different.

From my experience within the workplace I am aware that there are very few occasions where workers, through their own deliberative actions, set out to injure themselves or their work mates. The circumstances I think people are currently finding themselves in is in relation to the competition that is being applied in the workplace for people to maintain their employment, and their ability to be promoted is such that the climate is more likely to produce a circumstance where one worker places another worker at risk rather than any direct action of an employee who is being properly supervised.

I query the increase in penalty for a division 7 fine because I think that bad occupational health and safety breaches and bad practices can be linked directly to bad management. I understand from the statistical evidence that is being collected at the moment—and this will change some of the statistics—that contractors are figuring very highly in the increased numbers of people injured at work. In many cases that occurs as a result of a worker's unfamiliarity with their work.

A lot of companies who were prepared to have full-time employees receiving full-time pay for full-time work are now being advised by accountants to consider contracting out jobs and subcontracting. This is occurring increasingly in industries that traditionally had full-time permanent employees. Particularly in the manufacturing and maintenance industries, if you have workers coming on to unfamiliar sites for brief periods of time, the interaction between permanent employees, subcontractors and temporary employees of whatever kind, whether they be skilled, unskilled or part skilled, and the supervision that is required, is far higher than it is for permanent employees who are familiar with work practices and methods. If employers want to keep their WorkCover payments down, it is incumbent on them to make sure that the contractors who enter sites that are either dangerous or unfamiliar are made familiar with the dangers and that they are minimised in respect of the work that they are involved in.

Unfortunately, the overlap of integrated operations with fast moving machinery, with heat, with noise, with dust, with electricity and with moving vehicles all become difficult and unfamiliar for some contractors and, where there is low or little management of those, and integration of full-time employees with part-time or contract employees, you can always take a bet that there will be an increase in the danger of people being hurt or maimed or even, in the case of some injuries, being killed.

In South Australia, statistics on the total number of claims on WorkCover have been collected. In 1987-88, the total number of claims for injury incurred by non-exempt employers was 35 000. Journey claims were in that figure. In 1988-89 we had 51 180 claims. That is both male and female. In 1989-90, 56 600 claims; in 1990-91, 49 480 claims; in 1991-92, 40 620 claims; in 1992-93, 39 400 claims; in 1993-94, 40 830 claims; in 1994-95, 39 620 claims; in 1995-96, 37 220 claims; in 1996-97, 34 330 claims; and in 1997-98, 32 400 claims.

These claims are for non-exempts, people who have non-exempt status, so we can exclude 40 per cent of the work force in relation to these figures. The figures that I have referred to, with the high in 1989-90 of 56 600, down to 32 400 in the latest figures, 1997-98, indicate a huge drop in the number of claims made on WorkCover. We could say that the occupational health and safety of the South Australian work force, through the act, is working or we could have a look behind those statistics and say that there may be a cultural change or a change in the way in which claims are reported and managed. I suspect that there is a combination of both of those reasons.

Over the years, since the first introduction of the Occupational Health, Safety and Welfare Act, when rehabilitation became a key part of that process, there was a tendency towards very accurate reporting of injuries and a very accurate record of case management for rehabilitation. Unfortunately, as employment opportunities became more difficult for workers in the work force it became easier for employers to rely less on rehabilitation and more on paying workers off and out, rather than involve themselves in case management of individual workers through rehabilitation back into the work force using work as a motivating factor for rehabilitation.

The other thing that has occurred is the reluctance of workers to report injuries in the first instance, because, in some cases, workers are not being counselled but told that if they continue to be injured at work or injure themselves, as some have been accused of, they will no longer be an employee of that organisation. I am not saying that that is widespread, but it is one of the factors that prevents employees, particularly women employees, from reporting what would be regarded in some cases as minor incidents which then turn out to be major incidents and they then have trouble establishing their case for compensation, on the basis that they have avoided the paperwork, they have avoided the proof of their case, and their case is challenged. In many instances they are ruled out as being acceptable cases for WorkCover compensation.

It is very difficult to get figures for exempts. Exempts manage their own cases. In some cases there is a climate of good occupational health and safety provisions and training provided by employers. One of the problems that govern-

ments have in framing legislation in that it is always framed for the best possible case and the worst possible case scenario is underestimated, and some employers are apt to take advantage of that legislation. In the best possible case in relation to self-employed, self-insured, they tend to manage their own cases in a way in which the victim of any industrial accident is rehabilitated back on to the job as soon as possible, is given light duties, is encouraged to keep in contact with industrial officers and health workers within the premises, and is supported all the way through a difficult time back to a point where they are completely rehabilitated and back into the skilled position in which they were when they were injured in the first place.

In the worst possible scenario, as soon as a worker is injured they are told that they are no longer a valued employee of that organisation and they are sent home or told that they are not to return to work until their injury is completely healed. Their job is then taken over by somebody else or their duties are loaded on to existing employees, and when they do make an attempt to return to work they are told then that their job has been designed out of the enterprise or that the job is no longer available.

So it is very difficult, by legislation, to get a frame of mind or a climate or an approach that people will agree to, that they will administer a particular act in a humane way—in this case workers' compensation or occupational health and safety—and in a way in which their business enterprise and the interests of their employees are woven in together. One of the challenges that we have is to bring the best management practices into an arena where best management practices become the norm, rather than have those that would prefer to hide behind bad management practices, and where the interest of the employee is not tied up with the interest of the employer and they are separated out. That is where penalties start to play a part in putting fear into the hearts of those who would prefer that model.

Increased penalties should not be built into a fear factor for good employers who set up their enterprises in a safe manner, who have a vested interest in training skilled workers and who are looking after their work force. Increased penalties tend to strike fear into the heart of those who believe that they may be the victims of having to pay higher penalties for breaches of the act. That is one of the reasons why we are supporting the government's initiatives in terms of providing the fear factor in relation to occupational health, safety and welfare penalties.

We would certainly like to see the impact of that fear factor. I am sure that, as I said, good employers would not factor it into their calculations in relation to an integration of their industrial relations policy and occupational health and safety policies, but I am sure that other, negligent, employers would see it as a disincentive to attempt to avoid their responsibilities in providing a safe workplace. For those reasons, we will be supporting the government's position. We are keeping a close eye on why and how the statistical reporting of industrial accidents in this state is as it is and what the reasons for it are.

I am sure that the drop in the number of reportable accidents and claimable accidents on WorkCover has many and varied reasons. I would be interested in seeing the breakdown of the statistics in relation to claims and claims management, but that is another case for another day. I am sure that when we get back into government—which will not be very long—we will be looking at the Occupational Health, Safety and Welfare Act and the WorkCover Act to make sure that we bring them into line with what we would regard as fair, reasonable and progressive.

The Hon. NICK XENOPHON: I support the second reading of this bill and support its intent—to increase penalties for breaches of the Occupational Health, Safety and Welfare Act. At the outset I should, out of an abundance of caution, declare my interest: I am a principal of a law firm that practises in the personal injury field and, in particular, in the workers' compensation field.

The Hon. T.G. Cameron interjecting:

The Hon. NICK XENOPHON: Not necessarily. The intent of this bill is a good one: penalties need to be increased. But I can indicate without falling foul of the standing orders that in the committee stage I will be moving a number of amendments that I believe will strengthen the intent of this bill. At the moment, if a worker is injured, no matter how horrendous the injury, the inspectorate—the department, effectively—has the discretion as to whether a prosecution is launched. I feel that is quite unsatisfactory.

During the committee stage I will give members further details of the number of prosecutions over the years, but there really has been only a pitifully small amount—something of the order of 15 to 20—when, quite clearly, there have been hundreds if not thousands of breaches under the occupational health and safety legislation. Whilst WorkCover's Work to Live campaign and its community education campaigns are useful, it is important that individual workers and, if necessary, their unions be empowered to bring an action under this act.

That is the great flaw of this act, particularly since common law rights were abolished for workers in this state. And this Council ought to be reminded that it was a previous Labor government that took away workers' common law rights. Interestingly, the Victorian—

Members interjecting:

The Hon. NICK XENOPHON: The Hon. Terry Roberts says that it was traded away. That is true, but you only need to look across the Tasman to see how rights to compensation under a no-fault scheme were eroded steadily from 1974 or thereabouts, after the findings of a commission there. There have been disastrous consequences in terms of fair compensation for victims of serious accidents.

I do not intend to spend much time speaking on this bill but propose to make a substantive contribution during the committee stage. I do commend the government for the bill and agree largely with the Hon. Terry Roberts' analysis of it. For this bill to be effective, for these penalties to have real teeth, there need to be some quite radical changes, sensible changes, in the way in which the bill is enforced.

The Hon. T.G. CAMERON: I support the second reading of the bill and indicate my support for the amendments proposed by the Hon. Nick Xenophon. The bill before the Council is the result of the recommendations from the tripartite working party report following minor refinements, as I understand it, by the advisory committee. This bill has been put forward on the basis that it is consistent and in line with a generic policy with which the Liberal Party went to the last election, that is, that it had a belief that worker safety should be improved.

Whilst I support the increasing of penalties in the bill, it is the case that they have not been upgraded for a very long time. I support the increasing of the penalties, because that acts as a strong and meaningful deterrent and also as an

inducement for behavioural change. Of those two, I believe it is the latter which is the most important. What we are attempting to do here by substantially increasing these penalties is to focus an employer's mind on precisely what their responsibilities and obligations are in relation to their own staff's occupational health and safety. While I do not believe that setting very high penalties necessarily leads to a situation where you can say, 'That accident would not have occurred if it had a higher penalty,' setting higher penalties does send a clear and unambiguous message to employers that it is their responsibility to look after the care and welfare of their employees while at work and, if they do not, then they are subject to a significant and meaningful penalty.

I believe that the passing of this bill will convey a message to the community about the serious nature or intent of the government (and I think all the parties who will be supporting this bill), about meeting workplace health and safety standards. In some instances the penalties will double. However, some of the less serious complaints will either stay the same or there will be only a slight increase. Clause 4—new subsections (1), (1a), (1b) of new section 21—places a greater onus on employers to fulfil their obligations under the act or face fines between $5 000 and $10 000. New section 22(2) increases the penalties for employers and self-employed people who ignore their duties and responsibilities under the act.

I briefly refer to the Hon. Nick Xenophon's amendments to provide him with the opportunity of responding. The amendments to be moved by the Hon. Nick Xenophon are to allow for the injured employee or their family, in the case of death or permanent disability, to be awarded part of the money penalty awarded against the employer. The intent of this amendment is that the penalty would be payable regardless or irrespective of whether they have already received or have made an order for compensation under another act or law. Initially, my response to Nick Xenophon's amendments was that I would oppose them on the basis it was double dipping, and I was also concerned that this might set up a system which could provide for a bit of feasting by plaintiff lawyers in the courts system. However, I have consulted the Hon. Nick Xenophon on this matter and he has been able to persuade me that my fears are unfounded in relation to this becoming a feasting exercise for plaintiff lawyers—

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: Well, the Hon. Paul Holloway interjects and says that they would not do that. I am not sure that I share his confidence that all plaintiff lawyers would not treat this as a feasting exercise but, after discussions with the Hon. Nick Xenophon, he has pointed out to me that we are looking at only a part of the penalty. Now, I guess that could be 1 per cent or 99 per cent, but we are looking at part of a penalty awarded, so my understanding—and he will correct me if I am wrong—is that the effect of his amendment only comes into force if and when an employer has been found guilty and a penalty has been awarded. At that point the magistrate or judge has a discretion, depending upon the circumstances, to award a part of that penalty to the injured work person or to their family.

We are not talking about small beer here. In some instances we may have situations where the fine could run into many tens of thousands of dollars. However, if one looks at the criteria that the Hon. Nick Xenophon has set down, the magistrate would have to take into account the circumstances of the offence; the injury, loss or damage that has been suffered; and the extent (if any) to which the occurrence or extent of the injury, loss or damage is attributable to the actions of the relevant employee. I am also a little concerned about items set down in proposed paragraph (d) 'any other matter considered relevant by the court' as sometimes they take very literal or broad interpretations.

However, when one looks at the criteria concerned, and one looks at my initial concerns about whether it would be double dipping or whether it would merely provide another plank for lawyers to get in there and work hard for their fees—and this was the point put to me by the Hon. Nick Xenophon—what overrides any of those concerns—and it is always a question of looking at these issues on balance—is the welfare and the interests of the injured work person and their family. I, like some other members of this chamber, including the Hon. George Weatherill, the Hon. Trevor Crothers and the Hon. Terry Roberts, have spent a considerable part of my life working for a trade union.

I can recall, as I am sure each of those three gentlemen would, on numerous occasions sitting in front of a union member, on odd occasions sitting in front of a widow and children, listening to how their life had been completely devastated by an injury received at work which was no fault of the employee but in some instances was directly attributable to negligence on the part of the employer and on other occasions when you could best describe the situation as 'bad luck'.

The Hon. Nick Xenophon has persuaded me. He can be persuasive on occasions. His amendments are all about trying to provide another layer of support for people who, through no fault of their own, end up in a situation where not only their current life but in fact the rest of their life has been completely shattered by some terrible accident that has occurred at work. So, whilst I concede that there is an element of double dipping about this, I am persuaded that on balance the amendments are worthy of support. I look forward to their being carried by both houses of parliament, and anyone who decides to support the amendments moved in the name of the Hon. Nick Xenophon can rest assured that at some stage in future some injured worker, their widow or children, will benefit from this proposition.

I know that some might argue that this is charting a new course. It will not cost employers any more money, so please do not trot out the argument that it will add to workers' compensation insurance, that it will be an unnecessary burden on employers—

The Hon. T. Crothers: It is all about making the workplace safer. Some people deserve a penalty if they do not.

The Hon. T.G. CAMERON: I note the Hon. Trevor Crothers' objection. Employers do deserve a penalty where they are found to be negligent. I addressed that point earlier in my speech. However, the intent of the Hon. Nick Xenophon's amendment is not about making it harder for the employer—his amendment shields the employer. It will not add to their costs at all and will merely give a magistrate or judge a discretion, if they can satisfy the criteria set out, in the circumstances to award part of the money, which would have found its way into government coffers, to a well deserving widow and her family or to a worker who may never work again. It is a sensible amendment and I am delighted to support it.

I support the increases in the penalties but say to the government, 'Please do not sit back on your laurels and believe that, just because you have increased the penalties under the Occupational Health, Safety and Welfare Act, you

have made a significant step down the path of making the workplace safer.' This is only the first step down that path. Eternal vigilance is something governments need to keep in mind when it comes to worker safety. There is still a lot more work to be done in this area. Whilst I appreciate that this is an initial step, the government still has some way to go and I can only suggest that it continue to look at this area and continue to act positively.

One of the key responsibilities of any government, whether it be Liberal, Labor, Democrat or what have you, is to ensure that the best and the safest working environment possible is provided to employees. We have long gone past the days of serfdom and slavery. A contract of employment exists between the two and there are mutual obligations on both parties. One of the most important obligations, if not the most important obligation, that falls on the shoulders of employers is to do everything in their power to ensure that the work environment is as safe and as accident free as possible. I urge the government to continue to look at it in that context and to continue to put bills before this place to improve the occupational health, safety and welfare legislation, because there is still a way to go.

The Hon. T. CROTHERS: I will be mercifully brief, as is my wont. I indicate that Independent Labour, led by me in this chamber, supports the bill in its 'Xenophonetic' amended form.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

LIQUOR LICENSING (REGULATED PREMISES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 October. Page 282.)

The Hon. NICK XENOPHON: I support the second reading of this bill and I support the thrust of the legislative changes foreshadowed. I agree with the matters put not only by the Attorney but also by the Hons Terry Cameron, Mike Elliott and Carmel Zollo, and I do not propose to restate what they said. These amendments are designed to clear up a number of unintended consequences of the existing legislation and, in that sense, they reflect a commonsense, community-based outcome. I foreshadow that I will be moving amendments in committee on something quite distinct from but relating to this bill which, in their own way, I say also reflect community concerns and a desirable community outcome.

The Hon. IAN GILFILLAN secured the adjournment of the debate.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 9 November. Page 323.)

The Hon. NICK XENOPHON: I support the second reading of this bill. At the outset, for the sake of caution and completion, I declare that I have an interest in that I am a legal practitioner, I am the principal of a law practice in the suburb called Paradise, of all places, I am a member of the Law Society of South Australia and a member of the Australian Plaintiff Lawyers Association. I have had a chance to reflect—

Members interjecting:

The PRESIDENT: Order! There are five people standing at the moment. I have called only one, the Hon. Mr Xenophon.

The Hon. NICK XENOPHON: I do not mind, Mr President.

The PRESIDENT: The Hansard reporters have to be able to hear you to record your speech.

The Hon. NICK XENOPHON: I have had an opportunity to reflect on the Attorney-General's contribution and also the contribution of the Hon. Angus Redford in relation to this matter. The intent of the amendments is clearly positive. They seek to exclude compensation from the guarantee fund with respect to mortgage investment broking. Clearly, this is an issue of concern for the government. I support the bill but with the reservation that I think it is important that consumers of legal services be made aware that if this bill passes they will not be protected if there is defalcation on the part of a legal practitioner involving mortgage investment broking activities.

I understand the basis upon which the government moves this amendment, but I think there will be some confusion in the community. Consumers ought to be informed that if this bill passes they will no longer be covered by the Legal Practitioners Guarantee Fund in relation to mortgage investment activities, because many consumers of legal services, if they go to a legal practitioner even for mortgage investment broking purposes, will simply assume that the practitioner is covered. So, I have some reservations. During the committee stage, I propose to question the Attorney on what steps will be taken to ensure that consumers do not miss out because they are under a misapprehension that the guarantee fund applies.

Secondly, the bill addresses the problem of employment in legal practices of practitioners who have been suspended from legal practice and former legal practitioners whose names have been stricken from the role of legal practitioners. The intent of this amendment is clearly laudable. The primary objective of legislation involving any of the professions, particularly the legal and medical professions, ought to be the protection of consumers.

To that extent, I support the intent of the bill. However, I am concerned that there could be some unintended consequences, notwithstanding the fact that the bill contains a mechanism which enables the tribunal to allow a struck off practitioner to continue to have an involvement in the firm. I am concerned that there ought to be sufficient discretion in some cases where a practitioner has been struck off and where it is clear that it is important that that practitioner can at least convey information to the new solicitor taking over the file so that the client is not prejudiced. I believe it is important that that be cleared up. In committee, I will seek clarification from the Attorney in that regard. I am concerned that there may be a number of unintended consequences which will, in effect, prejudice consumers of legal services, the very people whom this amendment aims to protect.

Regarding the nature of a valid claim under the fiduciary or professional default fund, I do not have any particular comment to make. I will reserve any further comment for the committee stage. I hope the Attorney can take on board some of the concerns that have been expressed by not only me but also the Hon. Angus Redford. Reflecting on his contribution, I think it is important that, ultimately, consumers of legal

services not miss out because of unintended consequences of this bill.

The Hon. T.G. CAMERON secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (SERIOUS CRIMINAL TRESPASS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 9 November. Page 324.)

The Hon. NICK XENOPHON: I support the second reading. I will be brief, as I would like to make a more substantive contribution in committee. This bill has come about essentially because of a campaign by one woman, Ivy Skowronski, a northern suburbs resident, who was very concerned about the level of what are now called home invasions in our community. As a result of that, she prepared a petition, and well over 100 000 signatures were obtained—a fairly remarkable effort from one very concerned citizen. The community owes Ms Skowronski a debt of gratitude, because she has effectively put a number of matters on the public agenda. She has ensured that this issue is debated in parliament, and that is important. She should be lauded for her efforts.

However, we also need to take another approach by looking at the big picture and the causes of crime. It is fair to say that on this issue the Attorney has been treated unfairly in a number of quarters. The rally that took place on the steps of Parliament House several weeks ago was a very boisterous and vocal one, which is healthy in a democracy. The Attorney has informed this Council that he was not given a chance to speak or have a right of reply to the crowd. That is to be regretted because, given that the very basis for the rally was that there was a sense that justice was not being done in relation to what was occurring in the community with the level of home invasions—and, clearly, there has been an increase in the level of home invasions, based on the Attorney's own figures—it is most unfortunate that the Attorney himself was denied one of the very basic principles of natural justice, namely, the opportunity to speak in order to put his point of view to the public gathering on the steps of Parliament House several weeks ago.

Given the level of emotion on that day, I am not sure what sort of hearing he would have had, and I must say that it is quite understandable that there was a high level of emotion: this is an emotional issue. I attended part of the rally and heard one of the victims of a home invasion describe the terror that he and his family went through. Clearly, it is a horrific crime. Again, we need to look at the causes of crime. The Hon. Mike Elliott and the Hon. Terry Cameron, for instance, have spoken about the causes of crime. The Hon. Mike Elliott referred to drug abuse and our current drug law enforcement policies, and that clearly is one of the causes of crime in the community. We need to look at the causes. My concern is that this debate should be refocussed on the causes of crime and the reason why people offend.

We should look at some seminal issues including truancy. Marie Shaw QC, a well known and respected Adelaide barrister who practises extensively in the criminal law, was publicly quoted in the *Sunday Mail* last week on the causes of crime.

She was talking about issues such as truancy, where there appears to be a very clear link between levels of truancy in young children and those children becoming young adult offenders in the criminal justice system. Given the enormous costs just in economic terms involved in incarcerating someone at $55 000 per annum, let alone the effect it has on the victim and victim's family and the disruption it can cause to the offender's family, it is time we tackled the cause of crime. Despite those who have been critical of Mrs Skowronski, I do not think we should be critical of her, because she is a public spirited citizen with good intentions, and in many ways the outcome she has achieved is good, because we are now debating this issue in parliament. I hope that her petition will be a catalyst, not simply for this bill but also for further changes in legislation and community attitudes to ensure that we have a safer community.

The Hon. T.G. CAMERON: This bill seeks to amend the Criminal Law Consolidation Act to replace the current set of criminal trespass offences with a new set. It was introduced by the Attorney-General to respond to the public outcry on home invasions. I will not go into the detail of that; it has been adequately covered by the Hon. Nick Xenophon. Like him, I did go out and have a bit of a look-see that day and, judging from the comments made, there is no underestimating the intensity of the emotion. Feelings were running high, and it is true that this question of home invasions triggers off emotional responses in people—with good reason. In his address the Attorney-General stated that the lowest number were at the narrowest definition: 79 reported home invasion offences last year, or more than one a week. At the broader end of the spectrum, there were 267 reported home invasion offences—almost one a day. That does not take into account the series of unreported offences which take place and which are mainly related to drug invasions. They would no doubt add to the number.

There is no doubt that such a violent crime, motivated by money and property, is a serious problem and that it must be addressed in this parliament. One reason for this rate of home invasions is that, as businesses become more secure places, even though armed robberies of hard targets have increased, offenders are looking for easier, softer targets to attack. This shows that, although these crimes appear brazen, they are in fact cowardly and, SA First agrees, must be punished accordingly. The bill will redefine 'offensive weapon' to broaden it to any object or substance that is used for the purpose of causing or intending to cause, or giving the impression of intending to cause, personal injury or incapacity. This would conceivably include materials such as ropes, handcuffs and any other restraining implements used to subdue the tenants or owners, so that they would be viewed in the same light as knives and firearms.

The bill will also introduce two new offences or, rather, offences that have been remodelled into specific home invasion and burglary larceny laws. A person commits a serious criminal trespass if they enter or remain in a place as a trespasser with the intention of committing larceny, an offence of which larceny is an element, an offence against the person, or an offence involving interference with, damage to or destruction of property, punishable by imprisonment for three years or more.

The serious criminal trespass crime is further divided between non-residential serious criminal trespass and serious criminal trespass in places of residence. Furthermore, each of the two offences is divided into two subcategories: an ordinary offence and an aggravated offence. The difference between an ordinary and an aggravated offence is that the

offender has an offensive weapon or commits the offence with the assistance of one or more people. A residentially aggravated serious criminal trespass adds the condition that a person must be lawfully on the premises and the offender must know of the other's presence or be reckless as to it. I can see some problems with that.

I suspect that some lawyers will have a field day preparing their defences around the way in which these matters are designed. However, I am not a QC. The bill has been drawn up by lawyers, so we will just have to see how it goes. The maximum imprisonment periods are: for non-residential serious criminal trespass, ordinary, 10 years, aggravated, 20 years; and for residential serious criminal trespass, ordinary, 15 years, aggravated, life imprisonment.

SA First has some concerns about this bill. Whilst we support the intention—and I am sure that there would not be one person in this Council who would not support this bill if they thought that it would do something to address home invasions; we appreciate and understand that, and we appreciate the need for curbing this disturbing trend—we say that this bill has irregularities that may not address the problems. First, I submit that the dichotomy between home invasions and business invasions is a problem. One could almost argue that this might dissuade people from home invasions and push them into business invasions. However, what this bill appears to say is that, if a person is subject to an invasion at work, their attack is not as serious as a person who is subject to an invasion at home.

I am not quite sure that I see the distinction. I understand and appreciate the emotion surrounding a home invasion, but I am not so sure that having your home invaded and being robbed of $1 000 and being belted is any worse than if you are a small businessman attending your deli and someone comes in and robs you of $1 000 and gives you a belting. To me, they are both pretty much one and the same. However, we are to have different sets of penalties. I believe, and SA First believes, that one is just as serious as the other and that there ought to be an examination of this matter, because I believe that it should be reflected in the terms of imprisonment.

We also have a concern that the proposed terms are a reactionary attempt based on populism instead of a sensible and inclusive attempt to consolidate the crimes of burglary and larceny with violence. I think that what we are looking at here is an attempt to deal with the concern expressed by the community about home and business invasions rather than any serious attempt to look at the underlying problems and the causes. The Hon. Nick Xenophon has touched on them.

He will be surprised to hear me say this, but I have had the pleasure of hearing the Hon. Mike Elliott enunciate what I believe is a very commonsense, practical approach to dealing with this question of home invasions—and, of course, I am referring to the Hon. Mike Elliott's call for members of this parliament to have a decent look at what we are going to do about drug addiction and, in particular, heroin addiction. Whilst I will be supporting the second reading, I echo the concerns raised by the Hon. Nick Xenophon. What we need, really, is a holistic approach to examining the causes of crime.

I am not so sure that, if we do not continue to walk down the path that we have, we will not be paving the way for a return of capital punishment. The real answer to reducing crime in our society is to remove some of the causes—high unemployment and high unemployment concentrated in working class areas. What do we expect or think our young boys and girls will do in Elizabeth and Salisbury who are living in an environment where one in two of them are out of work and they sit and watch television and see 90 odd per cent of society receiving the fruits of it, yet they are unable to get work? And please do not believe this nonsense that all these kids will not work: they will work if the work is there: it is just that over the past five years or so the work has not been available. One should have a close look at the correlation between youth unemployment and rising crime levels.

It would also be remiss of me not to echo the concerns raised by the Hon. Mike Elliott. I am not sure whether he has spoken on this bill at this stage, but I have heard him express these concerns in other forums and in this place. Until we take our heads out of the sand and properly address the question of drug addiction, and in particular heroin addiction, in our society, I do not believe that we will change anything. No matter how heavy we make these penalties, if you are a heroin addict and you are driven by your drug addition, then, irrespective of whether the risk is 10 years or 30 years, you lose control. What is in control of you is your addiction and, if you need a fix and the only way in which you can get that fix is to go into someone's house and rob it, then I suspect that the people who fall into that category will continue to act in that way.

The Hon. M.J. Elliott: Changing the law won't affect them at all.

The Hon. T.G. CAMERON: Exactly; as the Hon. Mike Elliott says, a change in this law may well have no impact whatsoever on this particular group, who, I believe, are largely responsible; and in fact I think the statistics show that a majority of home invasions are motivated by someone's desire to get a few dollars together so that they can get a fix. In the workplace, as well as the home, we believe that a serious criminal trespass should be treated with the same severity. I suppose that, if we were all subjected to an armed robbery in this place—and I do not know how other members would feel about it—I would feel the same way about it as if I was subjected to an armed robbery in my own house.

SA First approves of the clause defining an offensive weapon. We will be supporting the second reading. However, we do have some reservations about the separation between a home invasion and a business invasion and a concern about differing maximum imprisonment terms.

The Hon. T. CROTHERS: I rise very briefly to support the remarks made by the previous speaker and, indeed, I would go further that: if we want to have this plastic legislation, in respect of political correctness and public hue and cry inspired by the media, put on a statute book, then to me it is legislation that we should hold in contempt. I notice that the Attorney, in fairness to him, was very reluctant to respond to the media, or he appeared to me to be very reluctant to respond to the media pressure. I was looking on from afar as I read the signs and said, 'Good on you.' Unfortunately, the media again raised the matter in respect of home invasions and so we now have this legislation in front of us.

I think that the media, if we widen this debate, are part of the problem, because of the way in which they have changed the social fabric of society and demeaned people of their own intellectual capacity for personal thought whereby, if so many young people of today want to have an opinion, they turn to listen to the latest newscast and the views expressed there become their own opinion.

It is rather like shooting the messenger, is it not, to have this sort of legislation? You do not deal with the problems of

heroin unless you cut it off at its fountainhead, at its source. The federal minister, Senator Amanda Vanstone, customs and exercise and other drug enforcement people are doing good work but still the price of heroin goes down. Despite these large hauls of heroin from Colombia, it would seem, heroin is coming into Australia via a number of channels. We must get at the source, not the messenger. What we get out of ramraiding is a message—

The Hon. R.D. Lawson: Not the messenger, the courier.

The Hon. T. CROTHERS: Whatever you want to be I will shoot you, anyhow. What we are getting out of this—

The Hon. Carmel Zollo: And that's being lucky.

The Hon. T. CROTHERS: Yes, would the Council not consider itself blessed? They will all get out their prayer mats. I understand the pressures that the Attorney was under, but whatever is done will not be sufficient. It will not act as a deterrent. It is a sickness that pervades our society today. Road rage is a similar expression of that sickness. People seem not to care any longer, such has been the destruction of the social fabric of our society for a number of reasons. Nothing will happen unless and until, as I said with respect to health care, we have an inquiry that espouses and embraces all those matters, over most of which, although not all, we have some control as a state government. Federal governments of both political persuasions must take blame for this, too.

There we have it. I, too, will support the second reading. There may be a willingness there because I detected a reluctance on the Attorney's part. Our Attorney is a pretty fair man, full of principle. I detected some reluctance in his having to respond to what was demon inspired media propaganda in blowing out of all proportion the numeracy of the existence of both ramraiding and home invasion. That is not to say that I am supporting that older people in the community, like myself, be terrorised at home by some people who are probably only looking for money for a drug fix or—

The Hon. T.G. Roberts: We will terrorise you here.

The Hon. T. CROTHERS: You terrorise me just by looking at me. Every time you get to your feet to make a contribution—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member should return to the subject.

The Hon. T. CROTHERS: I am sorry, Mr Acting President; the honourable member drew it out of me. I simply think that the matter, no doubt, will probably get some support in committee. Out of the ambience surrounding all this should come, I believe, a broader, deeper, more effective and more meaningful inquiry where we have control of the inquiry, and not the media and any of their hoon supporters who earn a living by publishing the most outlandish of stories from time to time in respect of the upholding of law in this state.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

CRIMINAL LAW (SENTENCING) (SENTENCING PRINCIPLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 325.)

The Hon. NICK XENOPHON: I support the second reading. I shall ask the Attorney a number of questions in the committee stage about the proposed amendments. Clearly, from a sentencing point of view, it is intended that home invasions be treated somewhat differently. Essentially, the bill makes clear that home invasions ought to be treated more seriously, given the nature of the offence and the impact it can have on victims. I also foreshadow that I will be moving amendments to this bill with respect to statistics relating to the background of defendants. I propose to speak to that in committee, but I again make the point, which has been made by previous speakers, including the Hon. Trevor Crothers and the Hon. Terry Cameron recently in relation to the companion bill, that we need to look at the causes of crime and at the reason why individuals commit crime in the first place. That is the best pathway to a safer community. Increased penalties will not necessarily have that effect.

Indeed, in a number of American states that have draconian penalties—for instance, the state of Texas, the state of which George W. Bush, presidential contender, is Governor—regularly people are executed. But Texas has a horrific crime rate and a horrific rate of imprisonment, and it does not seem that the community is any safer. Having said that, I think these amendments are sensible. They reflect real community concerns about the nature of home invasions. But I also think that we need to look at the cause of crime. My approach is that it is one thing to be tough on crime but that we should also be tough on the causes of crime. That is why we need to take a good, long look, a forensic look, at sentencing principles and to ensure that we can get to the bottom of why there is an increasing level of a number of serious offences.

My other concern is that we have seen recent media reports about a spate of attacks on pizza delivery drivers who have been called to empty homes. My concern is that, unless we take a broad approach to this issue, we will simply see a shifting of the types of offences being committed. So, instead of home invasions, we could see a number of brutal assaults, for instance, on pizza delivery drivers. That is the sort of thing that ought to be avoided. I believe that we can reduce the crime rate by using a sensible approach and by looking at the causes of crime. It will involve more work for the courts but, if we end up incarcerating one fewer person because crimes are not being committed, that is something we ought to look forward to.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

YUMBARRA CONSERVATION PARK

Adjourned debate on motion of Hon. Diana Laidlaw (resumed on motion).

(Continued from page 396.)

The Hon. M.J. ELLIOTT: I must say that I am doubly saddened: first, in terms of the general approach that the government takes in relation to national parks and, secondly, because of its incompetent handling of issues where there are diverse points of view. In speaking to this debate, first, I will make some comments about Yumbarra itself. I will make some comments about the national parks system more generally, and then talk about the way forward, or the way things could have progressed if there were a minister with half a brain anywhere in the vicinity. Perhaps I will talk about the parks system more generally to start with. There is a great mythology in this state about areas which are closed to

miners. The mining lobby bring up these maps which show areas of the state which are national parks, areas of the state which are under Aboriginal ownership or guardianship, and say, 'This is denied to us'. That is simply not true.

In relation to Aboriginal lands, what the mining companies needed to do, and they are doing it at long last, was to actually sit down and talk. They found that when they finally got serious about it, it was indeed possible. One of the great anomalies that I discovered after listening to Australian mining companies complain for sometime about having to deal with Aboriginal people was that when I visited the Navaho country in the United States, the biggest company operating there was BHP. The Navaho country is land that is essentially self-governed by the Navaho nation in the United States within perhaps three or four states. I think it is quite extraordinary that Australian companies complained about what they could not do in Australia, that they could not possibly negotiate with indigenous people, yet the same sorts of companies were capable of doing it overseas. That aside, that is part of the mythology about parts of the state which are locked up.

The other mythology is in relation to national parks. One needs to understand the fact that most of our national parks are open for mineral exploration right now. Every park proclaimed since about 1982—in fact, a sizeable percentage of parks area was proclaimed after that date—had a joint proclamation, which meant that mineral exploration could occur within it, despite the fact that it was a national park. There is only 4.6 per cent of the state within which miners cannot explore. I stress that figure. While maps that they like wheeling out show 20 per cent, in fact there is just 4.6 per cent. Having said that, I am on the record in this place in previous debates in relation to national parks suggesting that our national parks system generally speaking has grown as much as anything by accident. In fact, the only areas that have become national parks are largely areas that nobody else wanted. So, if it was not good for farming, mining or anything else, it became a national park. That is the truth of the matter.

Members interjecting:

The Hon. M.J. ELLIOTT: There are interjections about people becoming cynical. I can assure members that it has nothing to do with the parliament. If you go and look around South Australia at national parks, they consist largely of land that nobody wants. That is why—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: But over half of that was grazed, and you have to acknowledge that that is probably an exception. But if you go through the Lower South-East, you will find a couple of very small pocket parks, largely where there used to be swamps, or right up against the shore in coastal dunes.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: It did, exactly.

The Hon. T.G. Cameron: Nobody wanted it.

The Hon. M.J. ELLIOTT: That is right. If you go to the Upper South-East where you find bigger parks, such as Ngarkat and other areas which were part of the Ninety Mile Desert—and they were the worst parts of the Ninety Mile Desert—that country was not touched either and became national park.

All the state's big parks are in the north of the state and largely in the areas that not even the pastoralists wanted. The one exception is probably the Coongie Lakes area, where the Kidmans have a pastoral lease that overlaps the national park. The point I make in all this is that land has ended up in national parks not, in the first instance, for biological reasons but largely because nobody else wanted it.

The Hon. T.G. Cameron: And for political reasons.

The Hon. M.J. ELLIOTT: It would be true to say that governments in more recent times set about producing parks in any places they could do it in the dark areas. Having said that, the next thing that needs to be acknowledged is that within the existing parks in the state there are probably some biological systems which need protection but which are not in the parks, or very little of them are in the parks. It might also be true to say that some areas of the parks may not be particularly significant.

I have been arguing for much of the time that I have been in this place that we urgently need a review of our entire parks system, asking the question: are there areas within the parks system which have very little protection and which actually need more? There are places such as Coongie Lakes, which still have cattle rambling around in it, which is part of a regional reserve and of a wetlands of international significance, with rhamsar trees, etc. It is highly significant, yet we have cattle romping all over it and mining companies have had pretty open slather there until fairly recently.

There are some areas that clearly are important, which have virtually no protection at all even though they are theoretically in national parks. It might also be true that there are some parts of parks which might be enjoying high protection but which may not need it. That may or may not be true of Yumbarra. My concern is that, whilst areas have got into the parks system by accident, if we make any decisions from here on they should be quite deliberate and well informed about whether or not we are prepared to further protect them and what level of protection we are prepared to give.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: We will wait and see. What I have advocated is a review of all our national parks and, as part of the statewide biological survey, perhaps, identification of some areas outside parks that might still, even at this late stage—there is not too much of it—be brought in. Let us give real protection to those areas of very high biological significance and perhaps be prepared to review areas that have high levels of protection that may turn out not to be significant. But let us do it in a scientifically based, independent, impartial manner. I have been on record in this place before, long before the Yumbarra issue came up, calling for a review of the national parks system: it is not an argument of convenience.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I don't know whether it's ever since I came in, but the first time we debated national parks in this place I certainly argued along those lines. My concern when we start to look at Yumbarra is that, whether or not it got into the parks system by accident, the government is saying, 'The aerial testing has suggested that this looks interesting: we want to go in there.' We do not know a lot biologically about this area: there has not been intensive work done.

The statewide biological survey went in there for two weeks in April, as I recall, several years back. I have spoken personally to several of the scientists who went in there and know what they did and did not do, and what scientific value they placed upon what they have done, etc.

In terms of the statewide biological survey and the reports that most people are seeing, it is based upon two weeks work

in April: you have been right through late spring, no rain, and you have been through summer and autumn, a time when all the annuals are gone and anything which is dependent upon the annuals also, at that stage, is missing. Of course, the work that one does in two weeks will be extremely superficial and, in fact, very little of the work was in the area where they now want to do the exploration; probably a couple of days work at the most. It has to be very superficial.

Aside from the two week biological survey, herpetologists and birdwatchers have been into the park on a few occasions, largely in an opportunistic sense, but there has been no deliberate survey of reptiles or birds. Despite the dearth of work that has been done there, and despite the fact that we know very little about this park, on the basis of the small amount of work that has been done we do know that this park has more bird and reptile species than any other park in South Australia. It has very rare and endangered species such as the mallee fowl; and we do know that the sandhill dunnart, which is also considered endangered, is immediately to the north and south of the park, and extrapolation would suggest that it would be in the park as well.

We know all those things on limited knowledge. It will almost certainly turn out that the Yumbarra region will be biologically more complex than places such as the Daintree, and it may well have more species than places such as the Daintree. The uninformed eye says that this is nothing but mallee. Mallee is a term which usually relates to eucalypts, and I think there are at least 10 mallee species growing in the park—and there may be more. Indeed, it is very complex and, if you get on your feet and start walking through the park, you will see it changing as you go up and down dunes and into dunal areas—and there are greater layers of complexity as well.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I am sorry but I studied botany and zoology at university. The reason that it is complex is, first, that people often talk about the eastern and western floras of Australia, and the Nullarbor region, to some extent, acts as a divide. But, in fact, the eastern and western floras tend to meet in the general region of Yumbarra and Yellabinna. Yumbarra is within this region where the eastern and western floras overlap as you move from one to the other.

Although the park is dry, there is still a gradation as you go from north to south; so you have east-west variation and north-south variation. In addition to that, you have sand dune country and interdune areas, rock hole areas and a range of other things. Indeed, it is not surprising that it is possible to have a great deal of biological diversity. It is not only diverse but also relatively untouched. It was nominated for wilderness status prior to suggestions by government that it might want to go in there to explore. It was nominated because it is, unquestionably, the best wilderness area in South Australia—there is no question about that.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: Well, the reason why it is such good wilderness is obvious: people have not been in there. There are few tracks; there are a few cats, but very few; and weeds, generally speaking, invade an area by animals' carrying them up tracks. In fact, the area is fairly well untouched. I recall appearing before the lower house select committee on this matter and hearing the comment, 'Surely, if we put in the mine we would then have the money to look after the park.' I make the point that, as long as there are no tracks running into the park, it is looking after itself just fine. The suggestion that we will have money to look after the park is a nonsense because, for the most part, the park looks after itself. Four-wheel drives—and probably too many of them—go up and down the few tracks that are in the region, up Googs Track (which is outside Yumbarra and into Yellabinna) and another track that goes up to the painted lakes area and some of the rock holes.

For the most part there are no roads there. If there are no roads, there are no pest plants, largely no pest animals and no vandalism, so the park looks after itself. When you have to start spending money looking after the park that is when you start putting in more roads and when you have more people going into it. Until then, it is fine. It is a nonsense to say, 'Let's go in there and get some money so we can look after it.' It is absolute nonsense. That was one misunderstanding.

Another misunderstanding I encountered with this committee—and I have heard some locals say this—is the comment, 'Why are you bothered, because it has just been destroyed by bushfire?' Bushfire is part of the Australian ecology and Australian plants have adapted to bushfire, which is why mallee reshoots from its roots: it is an adaptation to bushfire. It is capable of getting burnt out and sending out shoots straight away. Other eucalypts often resprout from their stems, but they usually have much thicker branches that are capable of withstanding the heat and not getting totally damaged. Australian flora has adapted. Many other plants beside those reshoot, where the seeds germinate only after being affected by fire.

Anyone who has looked at a year 11 biology book (or at least the one they were using back when I was teaching) would know that there are animal species that disappear if you do not have fires occasionally. There was a bandicoot in Victoria (the example used in the year 11 geology book) that only fed on grubs that fed on particular roots of plants that only grew after bushfires. Once you got into an area where there had not been a bushfire for a long time the bandicoots virtually disappeared. Yet, after a fire its population exploded. It was ignorant of people to say, 'Why should you worry about this area? It's been destroyed by fire.' They do not understand that fire itself is not destructive unless you have an unnatural frequency. If the eucalypts got burnt every year they would eventually die because their root system would become exhausted. Some people advocate burning out national parks on an annual basis as a bushfire control method. They say that fire is natural: why worry about it? They are showing their ignorance also.

The argument I am constructing so far is that, while we have done very little biological assessment work in the park so far, from that little work we know that the area is ecologically complex, that there is a large number of species, and we also know that it has high wilderness value.

The Hon. T. Crothers: Why was it declared a national park in the first place?

The Hon. M.J. ELLIOTT: I answered that before you came in. I will not go through the whole speech again, but I discussed that earlier. You should do what I do when I am in my room—I sit and listen to you on the speaker when I am in my room. It would be fair to say that the government's going in as it proposes to do, without doing proper biological assessments, is setting a bad precedent, and we are already aware (and I have seen departmental files) that the government sees several other national parks as being more prospective than Yumbarra. For instance, the Flinders Ranges National Park—one which is very important in the South Australian context and psyche—is considered prospective for

lead and zinc. They have followed traces of it outside the park and they are very keen to get in.

There is another park also. It is understandable that people are worried about precedent—that this issue is being handled in isolation and that we are not developing a policy that looks at the parks system as a whole and says, 'What do we have parks for; what are the goals of parks; when will we protect them and when will we not; what levels of protection will we offer to what parts of parks?' That is a sensible rational path to follow. Instead, we are treating this as a one-off isolated incident with nowhere enough information on the table. It is understandable that people are extremely nervous about this and the precedent it sets.

Long before the numbers in this place changed, I approached both Minister Kerin and Minister Kotz, met with each of them separately, and told them that there might be a way forward, and that is to carry out a comprehensive biological survey so that then we could have an argument with the information on the table. However, they did absolutely nothing. That offer, as I recall now, was made some 20 months ago. They did nothing. It is sheer laziness. They complain bitterly about how long they are being held up, yet there was a way forward and they were not prepared to go down that path.

What if it turns out that Yumbarra, whilst biologically complex and diverse, has nothing special? What if Yellabinna, which has a lower level of protection, and areas outside Yellabinna and outside the parks system are as biologically complex, of a similar ecological type and even have some species which are seriously endangered but which are not in Yumbarra? Clearly there might have been somewhere to go, and it would have been a responsible way to go. I discussed that point with the ministers and with Mr Kerin's officers from mines and energy, but they did nothing.

I was critical of the previous biological survey, not only of its brevity—two weeks—but also of the time of year during which it was undertaken. There could not have been a worse time of year to do a biological survey than at the end of autumn. Since then, two winters and two springs have gone past, periods in which comprehensive biological work could and should have taken place. I hope that parliament does not reward incompetence by letting them get off the hook, by letting them do things haphazardly and by rewarding their laziness and incompetence, because that is what the parliament would be doing if it said yes to this motion. It would reflect badly on this parliament, and I think that history would judge us very poorly.

It is time that we took a comprehensive view of the goals of national parks. Why do we have them? Are they there because we do not want them for anything else or do we have national parks because we believe that we should seek to maintain and protect biological diversity and endangered species, or do they just look good on a map? Any number of polls that have been done by independent people show that close to 90 per cent of South Australians do not want mining in national parks. The parks are valued very highly by the people of South Australia.

The role of this parliament is to take on board the high level of importance that the community holds, to make sense of it and to create a sensible policy for national parks. Then we could address issues such as Yumbarra in that context, and that is what I urge members in this place to do.

I saw in files from mines and energy that, even if there were to be a degazettal, the advice of the former head of the department was that the government should degazette only that part in which it is particularly interested. I note that the motion before us degazettes the whole of Yumbarra. Why? The aerial surveys identified a relatively small target area, yet all of Yumbarra is to be degazetted. The government is just going for broke and trying to get as much of the parks system out of protection as it can. As I said, that is contrary to the advice that was given to the government when it first considered this idea.

I note also that, in the same lot of correspondence, this departmental person stated that the prospectivity of this area was nowhere near as great as has been claimed and that there are far more important areas elsewhere. That person is no longer with the department. There is nothing like giving advice that the minister does not want to hear. I might add that that was the previous minister. I think it might have been minister Baker, not minister Kerin—spot the difference.

I am aware that some deals are being struck, but at this stage I have not seen the details. I urge members not to sign a blank cheque. If consideration is being given to allowing this motion to pass, the first thing that should happen is that proper biological work be done, and then a motion such as this might be carried. That is my first observation.

I said to one person with whom I discussed this issue, 'Would you like to swap your car for mine?' I could see by the look on her face that she had no idea what my car was like. I had a fair idea of what her car was like, so I knew that I would get a good deal. I made that observation because part of the deal that I was told about was that the government was offering to swap another area of park lands for this. The first stupid thing about that was that the area that was offered was situated a significant distance away. It was still on Eyre Peninsula, but biologically it was totally different: it was not a swap of like for like.

That was the observation I was trying to make when I asked, 'Would you swap your car for mine?' From such a swap you would like to think that you would get something of equivalent value. We were being told, 'This is a good deal; we will give you this area of national park for that'—yet it was not like for like. At this stage, we do not know fully what is contained in Yumbarra let alone the area that is being offered. We do know something about it because of the distance involved and because one area is situated against the coast and the other more into the Nullarbor, but they are not the same. Whether one area is more important because it contains a lot more endangered species, I do not know. The other point I make is that the other area that is being offered for national parks is not under threat. It is not being mined or farmed. In fact, this is an offer of protection for something which is under no threat for something which now is under threat.

The first important thing is that biological work must be done. The ministers should do what I suggested they do 20 months ago. Then, if it is found that Yumbarra is not more important than similar areas outside of or adjacent to it which are of greater biological value, we might be able to go forward. We should not go off and sign blank cheques for the government. One suggestion was that this motion would be agreed to and the government would carry out the biological survey afterwards. So what? In what way is that binding? What are the consequences of that? Perhaps the government is saying, 'Trust us', but I have heard it say that in respect of other matters. For the most part, with a few exceptions, I do not trust it. The ministers involved are people for whom I do not have a high level of trust.

I urge members to oppose the motion and to insist that before anything else is done biological work is carried out. On that basis, there may be a way forward. At that point, discussions might take place about whether if there is to be a degazettal surely it should not be a degazettal of the whole park but only that part which is of interest. If there is to be a road into the park to carry out exploration work, discussions could be had about whether it should be brought in from the south, which would be an invitation for amateur four wheel drivers to go up and down through the park, or whether it should be brought in from one of the tracks to the north which are used far less. You would then have a lot less visitation to the area. It is possible that they will find nothing of value but the tracks will remain. Once a track is put into the scrub, it does not go away: people go up and down it all the time—that is a fact of life.

You would then start talking in terms of what might be done to minimise the harm. From what I have heard so far, none of the deals that have been around the place has really addressed issues like that, either. For that reason, the Democrats are opposing this motion at this time and calling for proper biological survey work to be carried out before we go further.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

ADJOURNMENT

At 6.06 p.m. the Council adjourned until Tuesday 16 November at 2.15 p.m.