

HOUSE OF ASSEMBLY

Thursday 26 October 1978

The **SPEAKER (Hon. G. R. Langley)** took the Chair at 2 p.m. and read prayers.

SUPREME COURT ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

PETITIONS: PORNOGRAPHY

Petitions signed by 424 electors of South Australia praying that the House would pass legislation to provide for Ministerial responsibility adequately to control pornographic material were presented by Messrs. Allison, Rodda, and Venning.

Petitions received.

PETITION: VIOLENT OFFENCES

A petition signed by 44 residents of South Australia praying that the House would support proposed amendments to the Criminal Law Consolidation Act to increase maximum penalties for violent offences was presented by Mr. Millhouse.

Petition received.

QUESTIONS

The **SPEAKER**: I direct that the following written answers to questions be distributed and printed in *Hansard*.

LIBRARIES

In reply to Mr. **ALLISON** (12 October).

The **Hon. D. J. HOPGOOD**: The sum of \$30 975 000 recommended in the Report of the Library and Information Services Planning Committee relates to the projected expenditure by the State in subsidies for the development of public libraries over eight years from 1978-79 to 1985-86. This amount is in addition to the expected expenditure on central library services.

The subsidy allocation to local public libraries is granted for two purposes: establishment costs (comprising capital outlay for establishment or expansion projects plus an initial book grant); and ongoing costs relating to administration, subsequent capital expenditure and books.

The Government has endorsed the proposed State plan described in the committee's report as a practical basis for the further development of public library facilities in South Australia. As has already been announced, the Government has accepted the recommendations that the State should provide at least 50 per cent of the capital establishment and operating costs of public libraries and that in country areas funding should be sufficient to allow local government authorities to limit their annual administrative costs for libraries to 3.5 per cent of rate revenue. It is the Government's intention to proceed with the implementation of this plan. However, it may not be possible to achieve full implementation within the period mentioned. As is normal expenditure in each financial

year will be subject to appropriation.

The planning committee's report is considered by the Government to offer a feasible and innovative plan for the development of library services in South Australia and the necessary steps towards implementation will be initiated as soon as practicable in the light of public response.

BUSH FIRES

In reply to Mr. **ARNOLD** (23 August).

The **Hon. HUGH HUDSON**: In relation to signs along country roads, a policy of prohibition of commercial advertising along such roads has been successfully pursued under the Control of Advertisements Act for a number of years. There can be little doubt as to the detriment to the beauty and natural character of our countryside that would have occurred had commercial advertising been allowed to proliferate unchecked.

The problem posed by the Apex bush fire and road safety signs is that in addition to a slogan, they also advertise the name of a sponsoring body, one in particular being a major oil company. To allow such advertising to remain would not keep faith with those commercial enterprises which have readily co-operated in removing signs from country roads on the understanding that all advertisers were being treated alike. Clearly there would be pressure for other companies to be allowed similar advertising, and the whole advertising control policy would be at risk.

I commend Apex for its concern in matters of road safety and bush-fire prevention and I would raise no objection to a reasonable provision of such signs provided they bore no advertising name or symbol other than that of Apex itself and provided the general design had been approved by the Director of Planning. I will be communicating with Apex along these lines.

So far as action being taken to keep the public aware of the dangers of bush fires, the Government is giving full support to the Country Fire Service's major bush fire hazard advertising during the coming fire season. This will include:

1. Publicity for Fire Protection Week commencing with a King William street parade on 21 October 1978.
2. Distribution to district councils of "Bushfires Hurt" posters of three types:
 - (i) children's poster on Smokey theme;
 - (ii) property protection poster aimed at rural areas; and
 - (iii) environment protection poster for the Hills areas.
3. Distribution of car stickers with bush-fire slogans.
4. Issue to district councils of Ministerial fire prevention posters. For the public, a Country Fire Service general information brochure will detail the facilities available through the service.
5. The current fire hazard indicator signs in country areas will be replaced by a new standard 2½ 1½ metres metal "Fire Risk Area Ahead" signs carrying the current year's fire prevention theme.
6. Erection of 2.5 × 0.6 metre "High Fire Area" signs indicating location of particular fire-hazard areas.

AUDITOR-GENERAL'S DEPARTMENT

In reply to Mr. **BECKER** (10 October, Appropriation Bill).

The **Hon. D. W. SIMMONS**: The following information is provided in relation to the honourable member's question regarding staff of the Auditor-General's

Department. It is not practical to guarantee an audit report completely free from minor error: the Auditor-General has advised that all information presented for inclusion in the report is checked for accuracy and relevance, and typesetting is proof-read at various stages to reduce the incidence of clerical error.

Production of the audit report uses the full resources of the Auditor-General's staff for the months of July and August each year. Although production time may be shortened, and incidence of error reduced, by employing a greater number of audit staff on this task, there are other constraints which determine the number and suitability of staff so employed.

As a result of the freezing of Public Service staff levels, the number of employees in the Auditor-General's Department was reduced from 102 to 100 officers as at 1 July 1978. When commenting on this fact, the Auditor-General agreed to accept the spirit of the proposal, but indicated that changes in work demands arising from new audits, policy or procedural changes in departments, and other unforeseen factors might require reassessment of his staff needs. This situation still applies, but the Auditor-General is prepared to work within the prescribed staff level for the present time. The matter is being kept under review.

AUDIT REPORT

In reply to **Mr. EVANS** (10 October, Appropriation Bill).

The Hon. D. W. SIMMONS: The following information is provided in reply to the honourable member's question regarding audit report presentation. The Auditor-General has reported that there was no significant change in the format of the 1977-78 audit report. Although some editorial changes are necessary, every effort is made to retain uniformity in type style and presentation from year to year for comparative purposes. Report material is reviewed and edited to ensure full disclosure, in a comprehensive but condensed form, without undue emphasis on any one particular. In general, statements are necessarily brief and used to highlight rather than explain departmental activities. When considered necessary, specific attention is invited to matters requiring departmental action.

Where an audit discloses an unsatisfactory state of affairs, specific comment is made in the departmental report under the sub-heading "Extract from Report of the Auditor". Particular attention is invited to these qualified reports in the preamble to "Part V—Departmental Accounts" and "Part VI—Accounts of Statutory Bodies". Attention is also drawn to other significant factors published in the report by the index "References to Special Comments" printed on pages three and four. It is considered that adequate information is provided for the purposes of reporting the results of audits of departmental activities.

A.D.P. SYSTEMS

In reply to **Mr. EVANS** (10 October, Appropriation Bill).

The Hon. D. W. SIMMONS: The following information is provided in relation to the honourable member's question regarding A.D.P. systems audits. Despite controls by both internal and external audit checks, it is possible for frauds to be perpetrated by use of either manual or A.D.P. systems. Part of the Auditor-General's

staff resource is employed in examining proposed A.D.P. systems and developing controlled check programmes; these programmes, developed through the central A.D.P. system, are run against operational departmental systems to check procedures and obtain selective information for audit examination.

The development and use of A.D.P. systems throughout all Government departments are kept under review constantly and appropriate audit controls are exercised. This is an expanding activity, and in due course more staff resources will be required to develop A.D.P. controls. However, at present, the Auditor-General considers both staff and equipment resources are adequate for this purpose.

SAMCOR

In reply to **Mr. BLACKER** (1 August).

The Hon. J. D. CORCORAN: A new scale of fees has operated for the Port Lincoln division of Samcor since mid-August. They are about midway between the Gepps Cross local and export fees schedules. In addition, the works commenced operating with increased tallies on 20 September. The Acting Minister of Agriculture points out that the most substantial economies have been achieved at Gepps Cross in local kill. Because of the lay-out of the works, the southern section has been converted to local kill, but such an opportunity does not exist at Port Lincoln, where the works will remain at export standard. Despite this, the fees are lower than Gepps Cross export fees. Further productivity improvements can come only with increased throughput both at Gepps Cross and Port Lincoln.

PORT LINCOLN HOSPITAL

In reply to **Mr. BLACKER** (10 October).

The Hon. R. G. PAYNE: The redevelopment plan for the Port Lincoln Hospital has been prepared and, in fact, full contract documentation has been completed. The plan provides for a new maternity wing and the conversion of the old maternity block for geriatric accommodation.

Although the South Australian Health Commission is fully aware of the importance of the proposed geriatric accommodation to the community at Port Lincoln, the previous anticipated tender date cannot now be met in view of the grave restrictions on capital works funding which have been introduced since the date of the previous announcement.

At present, this project has been included in a revised five-year programme. This programme is being re-examined by the commission, with the purpose of establishing priorities, and a revised tender date for the Port Lincoln Hospital project cannot be given at this time.

QUESTION TIME

CAR INDUSTRY

Mr. TONKIN: Because of the dependence of the South Australian economy on the car industry, can the Deputy Premier say whether the Government will now reduce stamp duty payable on the purchase of new cars to the average level of duty paid in other States? As well as being the only State retaining succession and gift duties, South Australia is further disadvantaged by having the highest stamp duty on the purchase of new cars of any State in

Australia. Stamp duty on a new Holden Kingswood, allowing for the new reduction in sales tax, is \$50 in Western Australia, \$65 in Queensland, \$97 in Tasmania, \$130 in New South Wales, \$165 in Victoria, and \$200 in South Australia. The difference of \$150 between South Australia and Western Australia, for instance, is almost exactly the cost of an economy air fare between Adelaide and Perth. The possibility of combining a holiday trip with the purchase of a new car interstate, in order to take advantage of the difference in stamp duty, has been canvassed quite seriously in the community.

The all-State average of stamp duty on the Holden Kingswood, and that includes the South Australian figure, is \$118. The Government was prepared to reduce stamp duty on new houses for a specified time to help the building industry. Will it now act to reduce the stamp duty on cars to the Australian average to further help people in South Australia's major industry?

The Hon. J. D. CORCORAN: I will examine the honourable Leader's request. As it is an important question, I will bring down a considered reply for him.

LEGAL AID

Mr. SLATER: Can the Attorney-General say whether the new legal aid guidelines for the Australian Legal Aid Office, announced yesterday by the Federal Attorney-General (Senator Durack), will seriously affect persons seeking legal assistance in South Australia, and whether the decision taken will place an additional burden on the South Australian legal aid service?

The Hon. PETER DUNCAN: No doubt the decision announced by the Federal Government yesterday will have a serious effect on the availability of legal aid throughout not only South Australia but also the whole of this nation. The implications and effects of what the Federal Attorney-General has announced, means that from now people seeking legal aid in divorce matters will be denied aid virtually regardless of their means. Even the poorest person will not be able to obtain legal aid from the Australian Legal Aid Office in divorce matters.

Accordingly, people will have to attempt to act on their own account before the Family Court and fill out the not inconsiderable number of complicated forms that are necessary to commence proceedings in that court. There is also the most unfortunate side effect that, before this announcement, all persons who received legal aid from the Australian Legal Aid Office were relieved of the burden of having to pay the iniquitous \$100 court fee, which it now costs under the present Fraser Government, to commence proceedings in that court.

The effect, therefore, is that, as a result of this penny-pinching measure by the Federal Government, the poorest section of the community is going to be hit twice. Not only will they have to pay legal costs, which they did not have to pay before or act for themselves (and many of these people would be quite incapable of doing that) but also they will have to pay the \$100 court fees from which they were exempted previously. I think it is a pernicious attack on the poorest section of the community in this country.

Apart from that, the Federal Government said that by doing this there would be about \$2 000 000 available for distribution to other applicants seeking legal aid in other matters. That shows the incredibly penny-pinching nature of this particular decision. Only \$2 000 000 would be saved by this decision made by a Government that seems to be able to find \$40 000 000 or \$50 000 000 without difficulty to add to the v.i.p. fleet so that Federal Ministers can travel around the country.

Mr. Becker: You'll travel by push-bike in future?

The Hon. PETER DUNCAN: The honourable member introduces his facetious comment. There is no doubt that spending \$40 000 000 on that sort of thing is a complete waste of money, particularly by a Government that cannot find \$2 000 000 to assist people in real need. I just cannot believe that a Government would be so tight-fisted and so nasty as to have taken such a decision.

A moderate increase in the sum to be made available for legal aid would have made it readily available in all Federal matters without the delays that are inherent in the present system. Most people who apply these days for legal aid from the Australian Legal Aid Office are faced with a considerable delay before their matter is referred to a solicitor. Any honourable member familiar with system, as is the member for Mitcham, will know that there is a considerable backlog in the Australian Legal Aid Office because of the extraordinarily bureaucratic method of funding that organisation. The Federal Government provides funds on a monthly budget arrangement and, once a certain number of references have made to private practitioners in a particular month, no further references can be made during that month. Accordingly, from month to month the number of legal aid applications that have not been processed gradually increases. It has been estimated in Victoria that there is a backlog of more than 1 000 applications that have not been processed. The effect of that in terms of human misery and suffering is incalculable; all because of a small sum.

This action will have a serious effect on people in South Australia at present. However, as soon as we are able properly to establish the Legal Services Commission, the requirements of the Federal Attorney-General will be tempered fortunately and people in South Australia will not be affected to quite the same extent as they are being affected at present. I roundly condemn the Federal Government for not making more money available for legal aid in its Budget. The small sum involved would not have made one iota of difference to the budgetary position of the Federal Government, and it shows a penny-pinching and nasty attitude on its part.

HILLS FIRE PROTECTION

Mr. GOLDSWORTHY: Although my question is directed to the Minister of Local Government, it has ramifications for the Minister for Planning. Will the Minister of Local Government take urgent action to see that local government has the power to enforce fire protection measures in the Adelaide Hills? Many houses have been built in the Hills in recent years. Quite literally, in the event of a major bush fire they would be death traps. From discussions I have had with authorities in the Hills it seems difficult to find out who has the power to ensure that householders take the necessary precautions to protect their properties, and also the lives of the fire-fighters who would be called on to go to those properties to fight fires. This was brought home to me fairly forcibly when I attended a C.F.S. function at Lobethal on Saturday night.

I believe that about eight councils in the Adelaide Hills have reached a measure of agreement on the formation of a Hills authority, and perhaps that authority could be empowered, by some planning regulations, to control the situation. A bush fire of the type that occurred on Black Sunday (and I was in that fire) would make the present Hollywood fires, by comparison, look like a Sunday school picnic. In such a case, we would see in the Adelaide Hills a disaster, the like of which this State has never seen. In my

judgment, it is a matter of urgency that proper fire protection measures should be taken by people who, quite frankly, are not aware of the danger they are in.

The Hon. G. T. VIRGO: I shall be pleased to look at the important and serious matter the honourable member has raised. I am disturbed to hear that he believes that no adequate controls or powers exist to deal with the situation. Whether the powers should be or are vested in local government, I do not know. I shall look at that question, and perhaps it may be necessary to confer with the Minister of Agriculture to see whether something is lacking in the C.F.S. powers. Certainly, I appreciate the points raised, and I shall, as a matter of urgency, ensure that, if there is a deficiency, some action is taken.

LEGAL SERVICES COMMISSION

Mr. GROOM: In the light of the savage cuts in Federal Government legal aid that were announced by the Fraser Liberal Government this morning, can the Attorney-General inform the House of the progress being made in the establishment of the proposed State Legal Services Commission?

The Hon. PETER DUNCAN: The Legal Services Commission is programmed to be providing legal aid from 1 January next, or from whatever is the first business day thereafter. I hope that that will be effective. The Legal Services Commission is gradually coming into existence as an administrative entity. The Director, the commission, and a number of members of the staff have been appointed. During December, the transfer of the staff and facilities of the Law Society's legal assistance scheme to the Legal Services Commission will occur, and shortly thereafter the transfer of the Australian Legal Aid Office (Adelaide and Elizabeth offices) will take place.

I hope that the final signing of the agreement will take place early in November. I understand from reports from my officers that all the administrative details have been ironed out. The working of the agreement has been settled, except for one minor matter relating to staff, and I do not expect that that will cause any long delay. Accordingly, I hope that the Prime Minister and the Premier will be able to sign the agreement in November.

That will then clear the way for us to have the commission operating fully from 1 January. When that happens, the effect for South Australians will be very significant because the commission will, for the first time, be able to provide one-stop shopping for legal aid in South Australia. It will no longer be necessary for people seeking legal aid to go to two or more agencies. Except for the Aboriginal Legal Aid Service, all the legal aid provided in South Australia will then be provided through the Legal Services Commission, which this Government has established. I am very confident that it will not be very long before the commission is able to open branch offices and set up a full legal aid service that will provide for the requirements of legal aid by the people of this State, wherever they live.

One further matter of concern in this area is the unfortunate way in which the Federal Government seems to be attempting to use the establishment of these Legal Services Commissions to offload its financial responsibilities to provide legal aid for cases in its particular area of responsibility. Members will know that it has been the tradition for some years that the Federal Government provides legal aid for people seeking to involve themselves in litigation and otherwise in areas of the Federal Government's sphere of operations, or, alternatively, for people for whom the Federal Government has special

responsibilities. Slowly but surely the opportunity of these people to gain access to legal aid has been cut back since the election of the Fraser Government, and we are seeing more and more indications that the Fraser Government basically does not believe in legal aid at all, and that if a person is too poor to be able to obtain proper and good legal services he should do without it.

I think that is a despicable attitude. I should have thought that it had been agreed by all the major political forces in this country that what was necessary in this area was a non-partisan approach and that people should be able to obtain legal aid as a right, and not simply as a privilege. Apparently, the Fraser Government no longer subscribes to that view, and it is intent on falling back into the situation in which the only people who can obtain proper redress in the courts of this country are those who can afford to pay for it themselves. That is an appalling situation for which the Federal Government ought to be roundly condemned.

RECOMPRESSION CHAMBER

Mr. BLACKER: Will the Minister of Community Welfare ask the Minister of Health whether the Government plans to develop a recompression chamber and hyperbaric facilities in this State are proceeding according to schedule, and whether these facilities will be available early in the new year? On 16 August last year, when I asked a Question on Notice of the Minister, I received a reply that it was the intention that a hyperbaric unit would be located at the Royal Adelaide Hospital and that portable units would be available at Port Lincoln and Mount Gambier, these units to be available for service early in 1979. Recently, I was again contacted by members of the Abalone Divers Association who have been concerned that in their contact with the Health Department they have discerned little action in providing these facilities. The divers believe that there is an urgent need for the facilities, in view of the increased time that they are obliged to spend in the water.

The Hon. R. G. PAYNE: I can see the need for a facility for abalone divers in particular, and I will raise the matter with my colleague to see whether I can get the information the honourable member desires.

SOLA HOLDINGS

Mr. ABBOTT: Can the Minister of Mines and Energy say what advantages the Government sees in the take-over offer for Sola Holdings Limited of Lonsdale by the Pilkington Group of the United Kingdom, and how such a take-over would affect Sola's existing operations in South Australia?

The Hon. HUGH HUDSON: The honourable member, having been good enough to let me know yesterday that he would ask this question, I was able to get some information for him. The Government believes that the take-over by the Pilkington Group carries with it the potential for long-term advantages to Sola, by strengthening this valuable South Australian industry. Since the inception of Sola, 18 years ago, it has been a technological leader in the manufacture of ophthalmic lenses from the plastic material CR39. In addition, Sola has become an important manufacturer of plastic optic components for use in defence, medical and industrial applications. I think that even the Leader of the Opposition might be capable of understanding some of my reply to this question.

The SPEAKER: Order! I hope that the honourable Minister will continue to reply to the question.

The Hon. HUGH HUDSON: CR39 lenses have made significant gains in the market for ophthalmic lenses owing to a number of factors, including safety, weight and their suitability for fashion items. In response to the growing market for CR39 lenses, the major international lens manufacturers have either invested heavily in CR39 research or have taken over existing manufacturers, in order to offer a wider range of products. The Pilkington Group, in the Government's view, has obviously recognised that the take-over of Sola, combined with their existing capacity in glass lenses, will considerably strengthen both Pilkington and Sola.

Mr. Dean Brown interjecting:

The Hon. HUGH HUDSON: I realise that the member for Davenport is not interested in a South Australian success story.

The SPEAKER: Order!

The Hon. HUGH HUDSON: From the South Australian viewpoint, a take-over by Pilkington will facilitate further development of Sola's CR39 technology through access to the considerable research and development resources of the Pilkington Group. In addition, it will give Sola access to optics technology in other areas that will be significant in the future. Representatives of Sola met with the Premier on Thursday 19 October 1978 and assured the Government that the take-over will strengthen Sola's South Australian employment base by offering stability to the present work force, with a possible increase in technical employment. At present, 600 people are employed at Lonsdale, and Sola has been involved in continuous expansion since its inception 18 years ago. That is why the member for Davenport does not like it.

The SPEAKER: Order! I hope that the honourable Minister will stick to his reply. I do not think there is any reason to make political points.

The Hon. HUGH HUDSON: I will, Sir, but I think for the record that it is important that the depravities of the member for Davenport should be known. Sola will operate with its existing South Australian management, and its Lonsdale operation will become the world headquarters for Pilkington's involvement with CR39 technology. Shortly, officers of the Economic Development Department will be discussing with representatives of Sola and Pilkington the potential and effects of the take-over to South Australia and Australia. The South Australian Government, following these discussions, will be making a submission to the Foreign Investment Review Board to clarify this State's attitude.

CITRUS INDUSTRY

Mr. ARNOLD: My question is to the Deputy Premier. Does the Government intend to release or table the Report of the Committee of Inquiry into the Citrus Industry? If so, when will it be released, and if not, why not? What action will the Government take on the recommendations contained in the report? The report has been presented to the Minister of Agriculture, and it is of considerable importance to the industry to know the recommendations contained therein. In the interests of the well-being of the citrus industry, can the report be tabled or released as soon as possible?

The Hon. J. D. CORCORAN: I cannot recall that the report has been submitted to Cabinet as yet, but I will ascertain from my colleague what is the current situation and let the honourable member know.

SPORT FUNDING

The Hon. G. R. BROOMHILL: Can the Chief Secretary, representing the Minister of Tourism, Recreation and Sport, inform me whether there has been a significant decrease in Federal funds for sporting programmes during this year? My question results from claims made by Opposition members, supported by the Federal Minister in charge of sport and recreation (Mr. Groom), who recently claimed that the Federal Government would be spending \$1 330 000 this financial year on sporting bodies. He said that that amount was 33 per cent more than allocated the previous year. Because there is confusion about this matter, I would appreciate any information the Minister can provide.

The Hon. D. W. SIMMONS: This matter comes within the province of my colleague and I will get a report from him. However, my attention was drawn to an article in today's *Australian* relating to this matter. If the article is correct (and I am not able to say whether it is, but I guess it is), it is very interesting. It states:

But Mr. Groom rejected claims that spending on sport was inadequate. He said the Government would be spending \$1 330 000 on funding sporting programmes in the present financial year, 33 per cent more than the allocation for the previous year.

If this is so it means that the allocation in the previous year was \$1 000 000. We can establish whether that is a fact. The article continues:

Mr. Groom neglected to say that last year's allocation for sport by the Federal Government was for a six-month period, not for the full year.

If that is the case the annual rate in the previous year would have been \$2 000 000 and an allocation this year of \$1 330 000 would not be a 33½ per cent increase but a 33½ per cent reduction on last year's rate. It is quite obvious, if the article is correct, that Mr. Groom has failed to give the whole truth and, in fact, gave a misleading impression. The activity of the Federal Government in this area would then be akin to its activities in the legal aid area.

LEGAL AID

Mr. CHAPMAN: Will the Attorney-General consider making State legal aid available to persons seeking to appeal against Fisheries Department decisions, particularly when those decisions have the effect of preventing the applicant for a licence from pursuing a practice in order to make a living, rather than, as in many cases, going on the dole? I listened with interest this afternoon to the Attorney's reply to the question about legal aid services being denied Australians by the Federal Government. Because of his reply, I am prompted to raise this question on behalf of some of our poor South Australians who I have witnessed (as have several other members) have not been able to represent themselves adequately when seeking to appeal against decisions by that department.

I point out that the gentleman who presides over those appeals, Mr. Harniman, S.S.M., is a courteous person and makes every effort to help applicants before him. That does not alter the fact that at those hearings the Government, in its battle against the fishermen applicants, is represented by a legal officer from the Crown Law Department. It appears quite unfair and unreasonable that a member of the public should be faced with a situation of either buying his legal assistance or defending himself. In the light of the reply given by the Attorney about legal aid, I appeal to him to recognise the plight of these South Australians, as he was seeking to recognise the plight of

other Australians because of the recent attack on legal aid by the Federal Government, as he claims.

The Hon. PETER DUNCAN: I am pleased that the honourable member has raised this matter. I can reassure him that in South Australia in the case of tribunals before which legal practitioners can appear, provided the persons concerned who seek to have legal representation fall within the means test applied for legal aid in this State, they will be granted legal aid. I am not aware of any instances of people applying and not being given legal aid. The Government's policy, as it has been for a long time, is that when people meet the means test criteria they are entitled to legal aid.

I am surprised at the honourable member's latter-day interest in this matter, and I compliment him on the fact that apparently the announcement by the Federal Attorney-General this morning has sufficiently shamed him into showing some interest. I will be writing to the Federal Attorney-General about this matter in an attempt to have him change the guidelines that were announced this morning. I can only suggest to the honourable member that he might join me in taking that very step. If he really has the interests of his constituents at heart, he ought to damn well do something to try to help them.

BRIGHTON-LONSDALE ROAD LINK

Mr. DRURY: Can the Minister of Transport say whether a revised date has been decided for the commencement of the Brighton-Lonsdale road link? The motor traffic on South Road has created a considerable problem for a long time. Recently, it has been highlighted by the establishment of two sets of lights at the Majors Road and Blacks Road intersections, to which I referred recently in a question to the Minister. The establishment of the Brighton-Lonsdale link is a means of diverting a reasonable proportion of this traffic flow from South Road into the city by another means.

The Hon. G. T. VIRGO: The Government and the Highways Department are committed to building this alternative route. As the Minister of Education says quite rightly, the member for Glenelg is not very keen on it. In fact, he reminds me of another gentleman who used to be Mayor of one of our north-eastern suburbs who publicly said he would build a wall around his municipality rather than let people go through it. I think he thought, as the honourable member does, that he has some God-given right to prevent anybody traversing the area.

The Government is committed to the Christies Beach, or Lonsdale Road, as it is commonly called, and we are pursuing it with all possible speed. The design work is now proceeding and many of the real problems, particularly those associated with the Field River area, are now well under control, and the design work is so far advanced now that it is expected that work on site will commence in February next year.

ROAD SIGNS

Mr. VENNING: Will the Minister for Planning consider allowing roadside signs pertaining to the Lutheran Hour to remain? Under the provisions of the advertising legislation the Lutheran signs, along with many other signs, must be removed from roadsides. Some road signs need to be removed, but the Lutheran Hour sign throughout the country is good to see; it is good to know that people are concerned about things in this area.

The Hon. HUGH HUDSON: The phone call the

honourable member had with an officer of my department was reported to me this morning. I have asked for further information relating to the position and the signs that are involved.

I have not had a further report since this morning. It may be that the signs in question are just outside the town boundary. If they are inside the town boundary they would come under the control of the local council, and the Control of Advertisements Act would have no authority over them. However, I will find out more about the overall situation and about the possibilities for some resolution of the problem, and bring down a reply. Perhaps we can get the signs put on to the Federal Minister for Transport's railway line, and that might help in relation to certain other problems the honourable member has.

SITTINGS AND BUSINESS

Mr. WHITTEN: In view of the confusion that appears to exist in the minds of some members of the Opposition, can the Deputy Premier say what will be the future sitting programme of the House of Assembly?

The Hon. J. D. CORCORAN: I think the Deputy Leader asked a question on this subject recently, and I indicated then that we would not sit next week, that we would then sit for a period of three weeks, getting up on 23 November, and that the House would resume at some time in the new year. Since then there have been discussions in Cabinet about the matter. It has been decided that the House will meet on 6 February and we would expect, although this is not firm, to complete the session about 1 March.

WHEEL CHAIRS

Mr. BECKER: Can the Minister of Transport say whether the Government has considered allowing persons using motorised wheel chairs to travel on footpaths? I have been approached by an organisation involved in the rehabilitation of the handicapped which has said that it would assist persons confined to wheel chairs and fortunate enough to have motorised wheel chairs if they were able to use footpaths, particularly in the city. In view of the problems these people already face, any extra mobility would be a great advantage to them. Will the Government consider this proposition?

The Hon. G. T. VIRGO: I believe the Act provides that persons using motorised wheel chairs may use footpaths. I can only assume, from the honourable member's question, that he would have researched it before he asked it.

Mr. Becker interjecting:

The Hon. G. T. VIRGO: Maybe that is the answer; I do not know. I shall be pleased to have a look at the matter, because certainly the Act contains provisions relating to motorised wheel chairs. I will look to see whether there is any prohibition concerning wheel chairs using the footpaths. My recollection is that, subject to a specified speed, they are able to do this now. I will check and bring down a report for the honourable member.

PRICES JUSTIFICATION TRIBUNAL

Mr. HEMMINGS: Does the Minister of Public and Consumer Affairs agree with the statement of the Federal Minister of Business and Consumer Affairs (Mr. Fife) that the stripping of the Prices Justification Tribunal of its

major powers would boost business confidence in Australia? In the *Australian* of October 19 it was reported that the P.J.T. had been stripped of its key power, and the Minister of Business and Consumer Affairs was quoted as saying the following:

The most important gain as far as employers are concerned is the shift in the tribunal's role from price justification to price surveillance. Until now, companies with a turnover of more than \$30 000 000 a year have been required to submit price rise applications to the tribunal. The modified scheme provides for the notification of price increases only where a company had been subject to a P.J.T. inquiry less than 12 months before, and then at the discretion of the tribunal.

Mr. Fife said the Government had decided to drop the turnover provisions because it imposed a cost to business which was not matched by the advantages it gave. In future the P.J.T. will hold a "pre-inquiry" which will establish whether a public inquiry into proposed price rises is warranted. But even then it will have no authority to proceed without Government approval.

On the same day the following report appeared:

The President of the ACTU, Mr. Hawke, forecast increased pressure for wage rises and said the Government had thrown pay guidelines out the window. The Government could not expect unions to have their wages controlled by rigid guidelines if the employers did not work under guidelines which were just as strict.

The unions would continue to take part in wage indexation hearings in the Arbitration Commission but would regard these as setting only minimum standards. "We will take the view that unions should have the same freedoms as companies," he said.

The Hon. PETER DUNCAN: I do not agree with the Federal Minister, Mr. Fife; in particular, I think (and the honourable member brought out this point in his question) that the impact of the decisions the Federal Government has made concerning the P.J.T. will be to render that tribunal completely and utterly gutless. I think it was Mr. Hawke who said that the changes to the tribunal would mean, on the question of prices, that the whole situation would be open slather. I am not even sure that I agree with that statement, in that, while certainly there will be little or no price surveillance or justification from now on, the great danger, as I see it, from the changes made is that the whole question of price control in this country on a national scale has been put right smack bang into the political arena, because the effect of what the Federal Government has done has been to ensure that no public hearings will be held by the P.J.T. unless approval is given by the Minister for Business and Consumer Affairs. Of course, one does not have to be very smart to realise the amount of lobbying that will go on by these vast national, multi-national and trans-national companies, to ensure that they are not put in a position of having to justify their prices.

I think that is the most relevant word in the whole question. This is not a price control mechanism as such, but a prices justification mechanism. I do not think anyone who is genuinely concerned about the protection of the Australian people from exploitation in the commercial area could be concerned about a prices justification structure. All that these large companies, with annual turnovers of more than \$30 000 000, are being asked to do is justify the prices they charge. There have been many instances in recent times where they have been unable to justify the prices they sought to justify before the tribunal.

The most recent example was in the oil industry, in relation to which the Labor Governments of New South Wales, South Australia, and Tasmania took up the cudgels on behalf of the consumers of this country, went to the

P.J.T., and intervened quite successfully in the price rise application that was then proceeding, involving the oil industry. The result was that the oil companies were unable to justify satisfactorily the increases they sought.

I do not think that we will see very much of that sort of activity in the future. I have not much doubt about the reason why the Federal Government has moved in this area, a move which will not be popular with the Australian people, and one which I am sure the Fraser Government would have taken only under great duress and under great pressure from business interests in this country. I have no doubt that the effect will be that we will see little or no prices justification in Australia in future.

SCHOOLS FLOODLIGHTING

Mr. ALLISON: Can the Minister of Education say whether officers of his department have yet been able to ascertain whether there was any correlation between the incidence of vandalism and having schools floodlit or unlit at night, and also whether they have worked out any idea of the capital cost and the recurrent costs in floodlighting those schools that might be most vulnerable to theft and vandalism?

The Hon. D. J. HOPGOOD: The report into vandalism generally (not just at schools), which was commissioned by the Minister of Community Welfare and in which some of my officers participated, has been released today, the Minister informs me, and I am sure the honourable member will view that report with great interest. I will not comment on that any further. The limited work we have done in floodlighting of schools has tended to suggest that floodlighting does reduce the incidence of vandalism.

Mr. Allison: Was Campbelltown?

The Hon. D. J. HOPGOOD: To my knowledge, no, but I could not swear to that. This tends to be a fairly expensive sort of experiment: one school well known to me which was subjected to a very high incidence of vandalism was floodlit at a capital cost of \$15 000, I think. We have not been able to do that on many occasions. The results we have are from only a very limited sample, but they do tend to suggest that there are some beneficial results in terms of a reduction of the incidence of vandalism.

The other aspect of this that we are concentrating on is a system of spot checks on schools with Police Force co-operation. This has now been in operation for about 12 months. Although a section of the media chose to highlight it 12 months to the day from when I originally issued the press release, I invite members to determine how that misunderstanding arose. Where this has happened there has been some marginal reduction in vandalism. There is no complete answer to this problem. We are concerned to continue to investigate what means are available to reduce the incidence of damage.

ROAD CLOSURE

Mr. DEAN BROWN: Will the Minister of Transport immediately take the necessary steps to have Beaumont Road through the south-eastern section of park lands reopened as soon as possible? At the same time, will he have turn-right signals installed at the intersection of Greenhill Road and Glen Osmond Road and the intersection of Greenhill Road and Fullarton Road? Beaumont Road was closed last Monday and there has been major congestion of traffic throughout the south-eastern suburbs since then, particularly at those two

intersections. Both the Leader of the Opposition and I have received a number of complaints about this.

This morning I was held up at great length at the intersection of Greenhill Road and Glen Osmond Road. About 50 or 60 cars attempting to turn right were banked up, and each time the traffic lights changed only two cars managed to get around. The situation became so bad that cars were doing U-turns all over the place, driving eastward back up Greenhill road and eventually making a left-hand turn into Fullarton Road. At both intersections there were problems earlier, but now that Beaumont Road has been closed the situation is considerably worse. In fact, it is at the point of chaos.

A letter appeared in the *Advertiser* this morning (not from Mr. Sheridan) which pointed out the problems existing in this area. The Adelaide City Council has closed Beaumont Road for a trial period of six months. I believe that the situation there is so serious and so dangerous at present that it cannot be closed for a trial period of six months.

The SPEAKER: Order! The honourable member is now commenting.

Mr. DEAN BROWN: I would not like to comment. I would like to pass on to the Minister a request that I received from constituents, that Beaumont Road be opened immediately and that turn-right signals be installed as soon as possible to overcome this major traffic congestion and the danger that goes with it.

The Hon. G. T. VIRGO: I was relieved to hear the honourable member acknowledge that Beaumont Road had been closed by the Adelaide City Council, and I presume from that even that he is aware that Beaumont Road is a road under the care, control and management of the City Council, that it made the decision to close it, and that it will make the decision to reopen it if such a decision is made. I can only repeat the reply I gave to the honourable member's Leader and the member for Torrens yesterday that, if they care to direct questions to the Adelaide City Council which are the province of the council, I think that they will get adequate replies.

SHOOTING PERMITS

Mr. GUNN: Is the Minister for the Environment prepared to consider allowing Pastoral Board inspectors the right to issue permits for the destruction of kangaroos, emus, and other protected species which, at times, are of plague proportions and need to be culled out? As a former Minister of Lands, the Minister would be aware that the Pastoral Board and its officers are highly responsible, that the officers maintain a close liaison with landholders and pastoral leaseholders, and that they regularly visit country areas. In most cases, they would be in a far better position to issue permits than would officers of the National Parks and Wildlife Division, because of their long experience in these areas. There are probably more Pastoral Board inspectors, and they have a closer liaison with the pastoral leaseholders. It would appear that this suggestion could greatly assist people who wish responsibly to reduce the vermin on their properties. The Minister would also be aware that, in order to obtain a permit, the applicant must apply to the local office of the National Parks and Wildlife Division. If the applicant wants to employ a shooter, he must apply to Adelaide to obtain the necessary tags. As the pastoral inspectors travel around the country regularly, there would no doubt be occasions on which they could issue a permit to the landholder on the spot. Will the Minister consider my request?

The Hon. J. D. CORCORAN: I appreciate the problems

the honourable member has raised about the control of vermin in pastoral areas. As he would know, this matter has been raised on a number of occasions. I am anxious to facilitate the issuing of any permits, if and when justified. I will certainly examine the proposal about whether or not inspectors employed under the Pastoral Act could be used for this purpose, and I will discuss the matter with the Director of the Environment Department and, if necessary, the Minister of Lands, and let the honourable member know the outcome.

MURRAY RIVER

Mr. WOTTON: Can the Minister of Marine say what progress has been made on the drafting of zoning proposals for the Murray River within the area of the Mannum council, and will he take the necessary steps to introduce such proposals as a matter of urgency? I have received from the Mannum district council a letter that expresses concern at the way in which the situation has been handled thus far. On 9 August 1976 council approved such zones and recommended them to the Marine and Harbors Department. On 21 February 1977 the clerk wrote asking how this matter was proceeding, because council was concerned at the way in which speed boats were being driven in the area, particularly at Caloote Landing.

On 3 February 1978 the clerk wrote again, expressing concern about speed boats and skiers in close proximity to the Mannum township, particularly where there are many swimmers, and asked what was being done about the zoning. On 13 January 1976 Mr. White, from the Marine and Harbors Department, spoke to Mannum and Mobilong councils at the Mannum Council Chambers. The clerk reported that they were led to believe that local government had not been able to police the speeding boats properly in the past, although it had legal authority, because there was insufficient finance, and the various laws for boating were fragmented by different councils along the coast or the river. They agreed to remove the financial obligation and, at the same time, remove council's power to control the boats.

Finally, in a letter sent to the Manager, Administration, Marine and Harbors Department, the District Clerk stated:

In your letter of 19 April 1978 you anticipated that draft plans of zoning proposals for the river in the Mannum area would be available for council consideration in three months time. That should have been late July 1978. We are most disappointed with the performance of the department, to date, on this matter At the council meeting on 22 September 1978 council asked if you could advise the progress being made with these matters. Could you please give this matter your most urgent attention, as the tourist season will be starting in the very near future!

The Hon. J. D. CORCORAN: The honourable member listed the letters written by the clerk, I take it to the department or to me.

Mr. Wotton: To the department.

The Hon. J. D. CORCORAN: The honourable member did not indicate whether the department replied.

Mr. Wotton: Yes, I did. The department has replied twice, once to say they would be available in three months, and that was about nine months ago.

The Hon. J. D. CORCORAN: The impression I got from the initial part of the honourable member's explanation was that, whilst the clerk had written every year, he had had no reply from the department. Evidently there has been a reply. I will check and, if there has been tardiness

on the part of the department, I will take the necessary action to see to it that the matter is attended to speedily and to have it resolved.

TEACHER TRAINING

Dr. EASTICK: Will the Minister of Education say whether there has been any additional progress towards rationalising teacher training programmes in this State? I fully appreciate that the colleges that train teachers are colleges of advanced education. The major employer of the product is the South Australian Education Department. I would appreciate knowing what further discussions have taken place between the department and the colleges which will tend to produce a number of graduate teachers, which parallels the requirements of the department for the years in the foreseeable future.

The Hon. D. J. HOPGOOD: I suppose that there is both a quantitative and a qualitative aspect to this question. I will get a report for the honourable member as to the qualitative aspects. Much discussion has occurred between the department and the colleges as to the demand for teachers in specialist areas. As to the quantitative aspects, that is a little different, because there is a problem to be resolved as to whether, in fact, the State should deny a person, by means of the quota system, the right to have a tertiary education, although it is clear that there may be a problem as to whether that person can necessarily get a job in the particular area of specialisation once a diploma or degree has been obtained.

This, largely, is determined by the funding mechanisms, which are under the control of the Tertiary Education Commission, and also partly by market forces. There is no doubt that there has been a reduction in the number of people requiring or requesting positions in the colleges of advanced education as students, because there is no longer the automatic guarantee of employment at the end of their period of training.

As to the specific changes in courses which had occurred, there have been some interesting developments in relation to the amalgamated colleges. For example, I believe that the basis of a decision has already been reached between the Murray Park College of Advanced Education and Kingston College of Advanced Education about early childhood education courses next year. In effect, existing courses will be amalgamated. The teaching will occur on the Kingston campus, but much of the flavour of the Murray Park course will be carried across into the new amalgamated course. I assume that the honourable member's question was largely as to the qualitative aspects of demand, and I will bring down a considered reply for him.

PERMANENT PART-TIME WORK

Mrs. ADAMSON: Does the Minister of Labour and Industry support the concept of permanent part-time work, and does the Government intend to support the Public Service Board in its efforts to extend the concept of part-time employment into Public Service weekly paid areas and, if so, how does the Minister propose to get the United Trades and Labor Council to co-operate with the Government in this matter? A report published in the *Advertiser* on Tuesday 24 October, under the heading "Union chiefs blast hobby workers", stated that the United Trades and Labor Council had rejected the Public Service plan, saying that the concept of part-time work by

wages employees was not acceptable. The U.T.L.C. Assistant Secretary, Mr. J. K. Lesses, was quoted as saying:

We find that people who go into work as a hobby-type situation don't have the degree of industrial consciousness that is required of an employee to maintain existing standards.

Mr. Nyland, the Transport Workers Union State Secretary, is reported to have said:

The policy is the antithesis of the union's campaign for a shorter working week, which demands that the hours be reduced without loss of pay.

With changing economic and social circumstances, more and more individuals, couples and families are looking to the flexibility that is provided by part-time employment, and it appears that their wishes are being thwarted by the trade unions.

The Hon. J. D. WRIGHT: I apologise to the honourable member, because I had to leave the House on urgent business and did not hear the first part of the question, although I heard the explanation. I will examine the position and bring down a considered reply, because I sincerely believe that this is an important subject.

PERSONAL EXPLANATION: BEAUMONT ROAD

Mr. DEAN BROWN (Davenport): I seek leave to make a brief personal explanation.
Leave granted.

The SPEAKER: I warn the honourable member that, as I said yesterday, it has to be a definite personal explanation.

Mr. DEAN BROWN: Thank you, Mr. Speaker. During Question Time I asked a question of the Minister of Transport in relation to powers that the Minister might have. In fact, the reason I asked that question was that I believe, under section 27 (a) of the Act, the Minister has that power, and that was the reason for asking the Minister that question. I believe he does have the power to close or open Beaumont Road.

The SPEAKER: Order! The honourable member knows that is not a personal explanation. I hope he does not continue in that vein. I will withdraw leave on the next occasion this occurs.

At 3.9 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SITTINGS AND BUSINESS

The Hon. J. D. CORCORAN (Deputy Premier) moved:
That for the remainder of the session Government business take precedence over all other business except questions.

Mr. TONKIN (Bragg): In the past it has been traditional for the Leader, speaking on behalf of the Opposition, to oppose the closure of private member's business. This has, I accept, in the past been a traditional activity, because, of course, private member's business is the only time that members on both sides other than members of the Government can bring into this House and ventilate

matters of concern to them and their constituents. On this occasion I oppose the motion for very definite reasons and it must be taken as more than a token protest. This year we have had eight sitting days of private members' business. The average number of days for private members' business has been 10 or 11. The question I want answered, which the Deputy Premier has carefully avoided answering so far, is why private members' business is being cut back from the normal, if you like, traditional, 10 or 11 days.

We have been told *ad nauseum* since the beginning of this session that the Government has yet another heavy legislative programme. We have been told that frequently, as have the media. However, I would point out that the House has frequently risen before the normal time for the moving of the adjournment because the daily programme has been completed. The Government has made very little effort to do more than has been set down in the daily programme; indeed, I can remember one occasion on which the staff was not sure whether we would be coming back after the dinner adjournment.

In these circumstances I find it very hard to excuse in any way this early cutting off of private member's business by the Government. It is quite obvious there is not a heavy Government programme. The size of the Notice Paper could be used to indicate that we have a heavy programme, but although the list looks impressive an examination shows that, of the 40 items on the Notice Paper now, at least 20 of them are minor Bills which I have no doubt will be passed with very little debate and which could be put through this House through all stages in a total of less than three hours.

Mr. Chapman: We've offered to do that.

Mr. TONKIN: Indeed, the Opposition has supplied the Government Whip with details of the Bills with which it is prepared to deal at short notice to make full use of the normal sitting times available to the House. It is impossible for the Government to justify the action the Deputy Premier is now taking on its behalf, in curtailing the time for private member's business, if the House is not to make full use of the normal sitting hours. The only times we have sat beyond the normal sitting hours have been two days when we were considering the Budget and Loan Estimates together and that was only until midnight on two days. There has been no suggestion that we should sit into the small hours of the morning as we once did to get the Budget through in a three-day schedule. I can recall sitting until 4.30 a.m. on two occasions.

The Hon. J. D. Corcoran: We're not going to do it again.

Mr. TONKIN: We are not going to do it again, nor, apparently, because of the Deputy Premier's attitude, are we going to have any private member's business.

The Hon. J. D. Corcoran: Rubbish!

Mr. TONKIN: Yes. That is exactly what the motion is, and the Deputy Premier must surely know what he is doing. We are not going to have the usual amount of private members' time. I just cannot understand this at all, and I cannot support it in any way. It has been indicated that the House will return in February for about four weeks and that will make a total sitting for this session of about 15 weeks. Once again, the time available for private members' business is not proportional to that normally given. I am even beginning to wonder if the Government really intends to come back for four weeks in February. After all, it does not seem to have very much to do, but seems to be sitting around searching for a programme. Indeed, there is no doubt in my mind that it has run out of legislative steam. All we would need would be the late introduction of a Supply Bill and that would finally

confirm the fact we are not coming back next year.

I regard private members' business as a time when private members have the opportunity of ventilating matters which are of importance to them and their constituents, and it is a time when private members can actively contribute to the affairs of the State. I point out to the House a number of important measures have been introduced by private members so far this session and a great deal of work has been done. For instance, I refer to the measures on local government and workers' compensation, which were dealt with recently. There is a great deal of that sort of material that will now not be dealt with, because private members' business is being cut off. This is a perfect example of the way in which this Government has become so arrogant that it regards the normal processes of Parliament as being more a hindrance to its own activities and its own progress than anything else. I believe that the Government is once again treating the rights and privileges of members with great contempt, and I oppose this motion.

The Hon. J. D. CORCORAN (Deputy Premier): If we read *Hansard* each year at this stage, as the Leader said, we could read almost the same speech word for word from every Leader of the Opposition, whether he be Labor, Liberal or anything else. As he said, it is traditional to protest that private members' time should be cut off. The Leader told the House that a great deal of important work had been done by the Opposition during the course of private members' business this session. That in itself must be an indication that the Government has been generous with the time that we have given the Opposition to debate matters that it initiated in this House. We have been generous to the Opposition. The Leader says private business has had eight days in 32 sitting days, about 25 per cent of the time—that is not a bad effort.

As the Leader and his colleagues know, there is no House in Australia, probably in the western world, that gives the Opposition greater opportunity to voice its opposition and raise questions of public interest than does the South Australian House of Assembly. The Leader forgets to mention the number of votes of no confidence that the Opposition moved in the Budget debate; I think there were four of them. Once upon a time Governments treated no-confidence motions very seriously; now they are a penny a dozen.

Mr. Tonkin: You couldn't care less.

The Hon. J. D. CORCORAN: That is because the Leader, in attempting to direct his Party, has taken the value away from them.

Mr. Chapman: Your mates in Western Australia do it every Wednesday.

The Hon. J. D. CORCORAN: I do not particularly commend them for that. If the Opposition wants to carry on in that way, they will only lose the effect of that move.

Mr. Goldsworthy: You moved to reduce every line in 1969.

Mr. Tonkin: You did, that's right.

The Hon. J. D. CORCORAN: The Leader has just been reminded by his worthy Deputy of something we did in Opposition. I might say that I did not agree with that move any more than I agree with the moves of the Leader. Do not do as I do, do as I say; that should be the rule.

Mr. Tonkin: Why are you blushing?

The Hon. J. D. CORCORAN: I am not blushing; I can assure the Leader that I am not capable of blushing. The Leader knows full well that the Government has been generous in the provision of private members' time this session, as it has been in other sessions. As far as the Government and I are concerned, the House will not see

any more of the marathon sittings that he has referred to, because it is not good sense to carry on it that way.

Mr. Goldsworthy: You're packing up.

The Hon. J. D. CORCORAN: It is not a matter of packing up. The Deputy Leader knows as well as I do that the Government has to continue its work whether Parliament is sitting or not and, whilst it might be all right for members of the Opposition, who do not have to front up to Ministerial responsibilities, members of the Government do. Sitting until three or four o'clock in the morning is not conducive to good government, and the Opposition knows that. The Government has decided as a general rule that, unless there are extraordinary circumstances, the House will not sit beyond midnight on any night. I can assure the Leader, regarding his doubts about whether we will sit next year, he can go away and find out. If he is so confident about this, he can leave the State, because, if he is right, the House will not be sitting.

The Hon. G. T. Virgo: He's not game, because he wouldn't be Leader when he got back.

The Hon. J. D. CORCORAN: We do not want that to happen; the Minister of Transport need not put any ideas into the heads of members opposite.

I can assure the Leader that the House will meet, as I have indicated, on 6 February. I can also assure the Leader not only that legislation will be introduced before we rise on 23 November but also that further legislation will be ready to be introduced on 6 February. If the Leader cannot raise sufficient enthusiasm amongst his troops to debate the measures before the House, all of which ought to be considered to be important, that is not my fault—that is the fault of the Leader. I am not asking the Leader to talk—

Mr. Goldsworthy: You usually ask him to shut up.

The Hon. J. D. CORCORAN: That is the most pleasant thing for everyone and that is why I ask him to do it. It facilitates business. The Deputy Leader knows that the Government is here to get its legislation through, not to delay it; the job of the Opposition is usually to do that. I do not want the Opposition to do that unduly, and I encourage the Deputy Leader to be co-operative in this matter and to see that he does not talk at undue length on any matter but that he gives due consideration to all legislation. The Government has been perfectly reasonable in this matter, and I ask members opposite to support the motion.

The House divided on the motion:

Ayes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran (teller), Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Pair—Aye—Mr. Dunstan. No—Mr. Rodda.

Majority of 7 for the Ayes.

Motion thus carried.

MOTOR VEHICLES ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act, 1959-1976. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Motor Vehicles Act has for some time now been subject to an exhaustive review by my department, resulting in a large body of recommended changes. It is proposed that the trader's plate and towtruck provisions be tightened as, unfortunately, abuses still occur in these areas. Many small anomalies and antiquities are attended to and the intent of various provisions is hopefully clarified. All penalties in the Act have been carefully considered, and in most cases have been increased by at least 100 per cent. The majority of the present penalties have not been increased since 1960.

One of the principal objects of the Bill is to introduce a system of graded motor cycle licences similar to that existing in the majority of the other States of Australia. New applicants for motor cycle licences will be limited to driving a motor cycle with an engine capacity not exceeding 250 cubic centimetres for a period of two years prior to being granted a full motor cycle licence. This proposal is supported by both the Road Safety Committee and the South Australian Branch of the Federation of Australian Motorcyclists. There is little doubt from the available evidence that the main danger to an inexperienced motor cyclist is the inability to handle and control a machine that is large and heavy. Statistics reveal that inexperienced riders on motorcycles over 250 cc have the highest accident probability in relation to motor vehicle accidents. It is sincerely hoped that the proposed amendments will serve to reduce motor cycle deaths on our roads.

The other major object of the Bill is to introduce parking permits for disabled persons. There has been for some considerable time a call for concessions to disabled persons who park in built-up areas, and the work of the Committee on Rights of Persons with Handicaps chaired by Mr. Justice Bright has crystallised this concern into a set of recommendations that form the basis of the proposed amendments. All persons who cannot use public transport due to a permanent impairment in the use of their limbs and whose speed of movement is severely restricted will be eligible to apply for a parking permit. At the present moment, it is proposed that this permit will entitle any vehicle transporting the permit holder to remain in a metered space, or a limited time space of 30 minutes or more, for an extra 90 minutes without committing an offence. The permit will be in a detachable form, and so may be attached to any vehicle in which the disabled person might be travelling. A disabled person who drives his own car to and from work will be given special parking concessions by the council in whose area he works, for the purpose of parking his vehicle close to his work premises. The proposed scheme for disabled persons' parking concessions has been considered and approved by the Adelaide City Council, being the authority most closely affected by the proposal. I believe that the scheme is most worth while and will go some way towards making the city's facilities more available to persons whose mobility is limited.

Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be proclaimed. The operation of certain provisions of the amending Act will be suspended so as to permit a "phasing-in" period for certain matters. Clause 3 amends the arrangement of the Act.

Clause 4 amends the definition section. The definition of "the balance of the prescribed registration fee" is amended to cater for the varying registration periods now available under the Act. The definition of "Minister" is repealed as it is now out of date and superfluous. The definition of "mass" is placed in its correct alphabetical order. The definitions of "motor car" and "motor omnibus" are amended so as to differentiate between the driver and the passengers. The definition of "the Registrar" is amended to accord with the substantive provisions of the Act. Subsection (2) is re-cast, making it quite clear that a person who is towing a trailer or any other motor vehicle is considered to be driving the vehicle for the purposes of the Act. The Governor is given the power to proclaim various motor vehicles to be motor vehicles of a specified class, for example, a motor car, a motor omnibus, or a motor cycle. This power (which the Governor already has under the Road Traffic Act) is necessary for coping with the many and varied "hybrid" vehicles that are now available, for example, mopeds, invalid carriages, etc. Subclause (2) amends the definition of "trailer", by deleting reference to the rear portions of semi-trailers. These are now to be treated as independent motor vehicles, requiring separate registration. Considerable difficulty has been experienced in identifying the trailers that go with a particular prime mover, and thus the effective collection of road charges and the policing of the load capacity provisions has been prevented. (It is proposed to provide for permanent identification numbers to be stamped on the semi-trailer frame, thus avoiding the current practice of switching number plates).

Clause 5 deletes provisions that are now out of date and superfluous. The amended definition of "Registrar" covers the repealed subsection (3). Clause 6 amends the penalty for driving an unregistered vehicle. Clause 7 extends the exemption of self-propelled wheelchairs from registration to other forms of vehicle that are used for transporting disabled people (but not including a motor car). Clause 8 repeals two sections that deal with the granting of certain special exemptions from registration. Regulations are to be made covering the granting of all such exemptions, thus removing from the Act provisions that are unduly repetitious. Clause 9 amends a penalty.

Clause 10 repeals further sections that provide for the granting of special exemptions from registration. Clause 11 provides that the driver of a vehicle that is registered in another State is permitted to drive that vehicle in this State without registration only so long as he complies with any restrictions imposed by that other State. This amendment closes a small "loophole" in the effective regulation of interstate vehicles operating within this State.

Clause 12 makes it quite clear that the registration of a motor vehicle is void if the application falsely states a person to be the owner of the vehicle. This amendment is designed to prevent a practice that has arisen whereby changes in ownership are not revealed, for the purpose of avoiding transfer fees and stamp duty. Clause 13 provides for a new procedure whereby the owner of a fleet of vehicles can, if he wishes to do so, apply to the Registrar for a common expiry date for the registration period of all vehicles in the fleet. This facility will only be available where the fleet comprises a minimum number of vehicles, being a number determined by the Registrar.

Clause 14 re-enacts section 26 of the Act in a form that expresses more clearly the period of registration of a motor vehicle, taking into account the fact that registration may now be sought for varying periods of time. Clause 15 deletes out-of-date references to the Municipal Tramways Trust and to councils acting under the Weeds Act. The regulations will cover the exemption

from registration fees in relation to Transport Authority vehicles and vehicles used by pest plant boards. A small anomaly in the description of water boring machinery is corrected. Only machinery that is used solely for that purpose is to be exempt from paying registration fees. Clause 16 provides that the Registrar may cause inspections to be made of vehicles that are to be registered as vehicles engaged in interstate trade. The Registrar has this power in relation to the registration of all other vehicles, and therefore ought to be able to investigate the correctness of applications under this section also.

Clause 17 repeals the section of the Act that provides for the registration of certain semi-trailers without fee. As has already been explained, all semi-trailers are to be registered as separate motor vehicles at full fee. Clauses 18 and 19 limit the benefit of the reduced registration fees provided for in these sections to persons who carry on the business of primary production within this State. There have been several cases recently of interstate people seeking registration under these sections, which are more generous than their interstate counterparts. Clauses 20 and 21 extend the reduced registration fees provided in these sections for persons who hold Commonwealth pensioner entitlement cards, to persons who hold State concession cards. The latter cards are issued by the Department of Community Welfare to persons who will, after a certain interval, be eligible to obtain the Commonwealth card, but who, in the meantime, have to rely on State assistance.

Clause 22 amends a penalty. Clause 23 deletes from this section certain provisions relating to payment of registration fees by cheque. These provisions are included in a new section that appears later in this Bill. A penalty is also amended. Clause 24 deletes an out-of-date reference to alterations to the load capacity of a vehicle. Any alterations to a vehicle that are not covered by this section, and that the Registrar believes ought to be reported to him, may be prescribed by the regulations. The formula for calculating additional fees payable under this section is amended so as to take into account the differing periods of registration now available. A penalty is amended. Clause 25 amends the section of the Act that provides for the primary obligation in relation to number plates. The intention of the section is clarified so as to avoid possible conflict with other sections of the Act. Vehicles that are completely exempted from registration are not obliged to carry number plates. Vehicles driven on a permit are not obliged to carry a number plate, unless the permit provides otherwise. Three penalties are amended.

Clause 26 inserts a new section in the Act, providing for the issue of personalised number plates. Over the years, motorists in this State have evinced much interest in the acquisition of special number plates for their cars, and in particular plates that bear a special and personal combination of letters and numerals. The Government has decided that this scheme should now be introduced, partly as a response to public demand and partly as a means of raising extra revenue in a relatively painless manner. It is proposed that the number plates will have a distinctive coloured background and will bear the words "South Australia" in full, so that they will be easily distinguishable from the number plates of other States. The permissible letters will cover the entire alphabet. It has been estimated that the scheme, if it is accepted as readily by the public as it has been in New South Wales and Victoria, could bring in a net revenue of approximately \$200 000. New section 47 provides that the specially allotted number is not transferable from person to person, and that the number plates remain at all times the property of the Crown. Applicants will pay an initial allocation fee, and a lesser

transfer fee if the number is subsequently transferred to another vehicle.

Clause 27 amends two penalties. Clause 28 amends a penalty and corrects several anomalies in relation to the issue of temporary permits pending full registration. Under the Act as it now stands, there is no procedure for the cancellation of a permit pursuant to an application of the permit holder, and there is no simple machinery available to the Registrar for finally declining to register a vehicle that is being driven on a permit. Clauses 29 and 30 amend penalties. Clause 31 provides that registration labels must be destroyed in accordance with the regulations where the registration of a vehicle is cancelled.

Clause 32 provides the prescribing of cancellation fees by way of regulations. Clauses 33 and 34 amend penalties. Clauses 35, 36 and 37 amend those sections of the Act that deal with the issue and use of trader's plates. It is proposed that only one plate shall be issued in relation to a vehicle, as there have been several cases recently where a pair of trader's plates has been split and used on two vehicles. As the Act now stands, a person generally cannot be issued with limited trader's plates unless he is the holder of general trader's plates. It is now felt that this is not equitable for a small business that wishes to use only a limited trader's plate. The cost of a general plate is currently \$118, whereas a limited plate only costs \$17. The proposed amendments provide that the issue of general or limited trader's plates will be left to the discretion of the Registrar. It has also become apparent that general trader's plates are being abused, in that vehicles bearing such plates are being extensively used for private purposes. This practice is not the intention of the legislation, and so the provision permitting private use by the trader and his employees is repealed.

Clause 38 clarifies the position regarding the surrender and transfer of trader's plates. Trader's plates may be surrendered at any time. Where the business has been disposed of by the trader, he must notify the Registrar if another person has acquired the business, or he must surrender the plates to the Registrar if the business has gone out of existence. Clause 39 requires a person who acquires a business to apply to the Registrar for the transfer of any trader's plates relating to that business.

Clause 40 provides for the new class of motor cycle licence. A licence of this class will be issued to a person who has not held a motor cycle licence within the period of three years preceding his application. The new "Class 4A" licence will entitle the holder to drive a motor cycle with an engine capacity not exceeding 250 cc. A person who holds such a licence for two years will then be eligible to hold a "Class 4" licence, entitling him to drive any motor cycle. This period of two years may be shortened if the applicant passes a practical driving test approved by the Registrar. It is also proposed that the vehicles covered by a "Class 1" licence be extended to include vehicles weighing up to 3 000 kilograms, as from now on the Registrar proposes to require all applicants for "Class 2" and "Class 3" licences to produce a medical certificate as to fitness. Medical certificates are currently required for "Class 5" licences (that is, motor omnibus licences), and it is somewhat anomalous that this is not required in relation to the driving of other heavy commercial vehicles. It is also more appropriate that vehicles such as utilities, land rovers and campervans should be covered by a "Class 1" licence. The 3 000 kilogram limit is consistent with the scheme of classification of driver's licences provided by many overseas countries. New subsections (7), (8) and (9) state in a clearer form the present practice in relation to the classification of licences generally. New subsection (9b) requires the Registrar to be satisfied that an applicant for a

"Class 5" licence is a fit and proper person to hold such a licence. Drivers of motor omnibuses obviously should not only be competent at driving and medically fit, but also should be responsible and mature persons.

Clause 41 amends a penalty. Clause 42 removes a reference to the conditions to which a licence may be subject, as this matter is provided for in a later provision of this Bill. Clause 43 similarly removes a reference to special conditions in relation to learner's permits. Clause 44 provides that the Registrar may issue a duplicate licence to a person who surrenders his current licence. As the Act now stands, the Registrar may only issue a duplicate licence when the original document has been lost or destroyed. Clause 45 provides that a "Class 2" licence may not be issued to a person who is under the age of 18 years. Currently, such a licence may be issued to persons who are 17 or over. As "Class 2" licences entitle the holder to drive very heavy vehicles, it is highly desirable that the minimum age for holding such a licence be increased. It is interesting to note that all other States (with the exception of Queensland) provide for a minimum age in relation to driving trucks, ranging between 18 and 21 years.

Clause 46 provides that the number of questions to be answered in the written examination for the issue of a learner's permit or driver's licence is no longer limited to 12 but may be determined by the Registrar. It is now thought that 12 questions is not a sufficient number, taking into account the many important "rules of the road" that drivers must know. It is appropriate to examine persons at this early point in their driving careers, on such matters as the drink/driving offences, as well as all the other provisions relating to right-of-way, etc. Clause 47 inserts two new sections. New section 79b makes it quite clear that a licence or learner's permit is void if it has been obtained on the basis of false or misleading information. New section 79c places an obligation on a driver to notify the Registrar of any illness that may occur during the currency of a licence or learner's permit, being any illness that might impair his ability to drive a vehicle without endangering the public. The Registrar is currently finding that he does not receive information as to the illness of drivers until long after the onset of the illness, particularly now that licences are granted for three years.

Clause 48 widens the power of the Registrar to require certain tests. New subsection (1a) empowers him to give a general direction that all persons of a particular class (for example, persons of a certain age), or all persons proposing to drive a vehicle of a particular class (for example, heavy commercial vehicles) must undergo certain specified tests as to their ability or fitness to drive. It is made clear that a person's "fitness" as a driver may be tested, not only his ability to drive. Clause 49 provides for the attaching of conditions to licences or learner's permits where the Registrar is of the opinion that a particular licence ought to be restricted. The Registrar may require a licence holder to send in his licence for the purpose of endorsing any conditions thereon. These provisions are a consolidation of the various provisions that presently deal with conditions of licences and permits in a rather haphazard manner. Clause 50 empowers the consultative committee to recommend to the Registrar that he should attach restrictive conditions to a licence. As the Act now stands the consultative committee may only recommend that the Registrar either cancel a licence or permit, or refuse to issue or renew a licence or permit.

Clause 51 provides first that the holder of a licence may seek a change of classification during the currency of the licence, by producing the licence to the Registrar. The Registrar is also given the power to change the classification of a licence if he is of the opinion that the

holder of the licence is no longer competent to drive vehicles of that particular class. Clause 52 repeals a section of the Act that deals with the payment of licence fees by cheque. The provisions of this repealed section are covered by a later provision of this Bill that deals generally with payment of any fees by cheque.

Clause 53 amends a penalty. Clause 54 amends a penalty and adds a provision that the Registrar may request the surrender of a licence that is void. Clause 55 provides that the Registrar may retain a void licence that is surrendered to him pursuant to the previous section of the Act. Clause 56 provides that instead of the driver nominating the police station at which he must produce his licence, the member of the police who requests production of the licence must nominate a police station that is convenient to the driver. Now that many police stations are not manned on a continuous basis, difficulties are often experienced by drivers who cannot find a police officer to whom he may produce his licence. This also causes difficulties for police officers who often find licences pushed under the door of the police station without any explanation attached. It is therefore more appropriate for the police officer to nominate a station that he knows will be open during a time when the driver is free to attend to the matter. Two penalties are amended and a evidentiary provision is reworded to accord with current drafting terminology.

Clause 57 amends a penalty. Clause 58 makes it quite clear that an interstate motorist who drives in this State on his interstate licence is deemed to be the holder of a licence under this Act, thus attracting all the provisions of this Act that relate to licences. Clause 59 amends a penalty and effects a consequential amendment.

Clause 60 seeks to clarify the situation in relation to certain provisions of the points demerit scheme. As the Act now stands, demerit points cannot be recorded against a person until the time for appeal against the conviction has expired, or until any such appeal has been determined. This causes many unnecessary delays, as in many cases there is no intention to appeal. It is therefore proposed that demerit points should be recorded upon conviction, and that should an appeal be instituted, then any disqualification under this section would be suspended until the appeal is determined or withdrawn. It is also proposed to repeal those provisions that provide a right of appeal against a disqualification under this section. The one great advantage of the points demerit scheme is that it provides a certain inevitability of disqualification. This advantage is lost if that automatic disqualification can then be appealed against. There is ample opportunity for a person to appeal against each conviction that attracts points, and also to avail himself of the right to apply to the court for a reduction or waiver of the demerit points in respect of an offence. It is proposed that drivers be given advice of their rights in relation to appeals, etc., each time they are charged with an offence that attracts demerit points. (This particular amendment will not be brought into operation immediately, as the intention is to advise the public thoroughly of the import of the amendment).

Clause 61 provides a definition of "inspector" for the purposes of the towtruck provisions. Clause 62 makes it clear that the Registrar can require an applicant for a towtruck certificate to produce evidence in relation to any of the matters on which the Registrar must be satisfied. The consultative committee is not obliged to hold an inquiry into whether an applicant is a fit and proper person to hold a towtruck certificate; it need only consider all the evidence presented to it by the Registrar and the applicant. The Registrar may also require an applicant to furnish evidence of his identity. Provisions dealing with conditions that may be attached to towtruck certificates

are deleted, as they are incorporated in a new section inserted by clause 63 of this Bill. Clause 63 inserts a new section dealing with conditions upon which towtruck certificates are granted. All certificates will be subject to the condition that the holder must comply with the Commonwealth Act that regulates the use of radio equipment. Other conditions may be attached to towtruck certificates generally. The Registrar may, in addition, attach special conditions to a towtruck certificate that he believes ought to be restricted for any reason.

Clause 64 provides that any person (i.e. not only an applicant for a towtruck certificate) may apply for a temporary certificate. It is sometimes necessary to grant a temporary certificate to persons such as mechanics who wish to road test towtrucks. Clause 65 provides that the Registrar need only refer a matter under this section to the consultative committee where he is of the opinion that the certificate holder is unfit to hold the certificate. Where the Registrar proposes to cancel or suspend a certificate on the grounds that the holder has breached a condition of the certificate, he need not refer the matter to the consultative committee. Under this section, the committee is required to hold an inquiry into the matter. The Registrar may also require a person to deliver up his towtruck certificate where he fails to be the holder of a valid driver's licence. An inspector appointed under this Part of the Act is given the same powers as a member of the Police Force has under the various provisions of this Part. Provision is made for the commencement of any cancellation or suspension under this section.

Clause 66 makes it clear that a towtruck certificate issued to the holder of a temporary certificate remains in force for three years from the date the temporary certificate was issued. Clause 67 gives inspectors the power to request production of towtruck certificates under this section. Clause 68 generally seeks to "tighten up" this section of the Act that deals with the obtaining of authorities to tow damaged vehicles. The towtruck driver must personally obtain the authority himself, must have it signed in his presence, and must then sign it himself. Copies of signed authorities must be forwarded to the persons prescribed by the regulations. (It is intended that a copy should be forwarded not only to the person who gave the authority, as is currently provided, but also to the Registrar.) Alterations to authorities must be witnessed properly, and no authority can validly be given by a person who is under 16 years of age. The towtruck driver is required to tow the vehicle to the nominated place by the shortest route practicable. All these amendments are designed to reduce the number of persons who may have a legitimate role to play at the scene of an accident, as experience has shown that the greater number of persons present, the greater is the possibility of altercations that only serve to distress accident victims even further.

Clause 69 empowers a member of the Police Force or an inspector to direct any person to leave the scene of an accident, for the purpose of protecting the driver, owner or other person in charge of a damaged vehicle from harassment. Clause 70 extends the application of this section to contracts for quoting repair costs. Experience has shown that many accident victims are pushed into agreeing that a particular repairer may give a quote on the vehicle, only to find that they are then liable to pay some exorbitant sum merely for the quotation. It is now proposed that such contracts are unenforceable unless the same conditions provided in relation to repair contracts are complied with. The quotation contract must also reveal the basis upon which the quotation fees are to be computed.

Clause 71 widens the application of this section to

vehicles that are towed away following a breakdown that does not occur as the result of accident. There have been cases recently where vehicles other than accident-damaged vehicles have been held, despite repeated requests by the owner and even despite police intervention. Civil remedies are of course available, but it is felt to be more appropriate to make the person unlawfully holding the vehicle guilty of an offence. The owner of the vehicle must of course first satisfy any lawful claim for quotation fees. It is made clear that the person holding the vehicle must surrender it forthwith after satisfaction of all lawful claims he may have in relation to the vehicle. A penalty is increased. Clause 72 effects various amendments all of which are designed to limit the number of people who may attend the scene of an accident, and to protect accident victims from harassment. Once a person has given an authority to tow, no other person may seek a revocation or alteration of that authority. No person at all (including the towtruck driver) may solicit a repair contract or a quotation contract within the period of six hours following the accident. If a person has signed such a contract within that period, no other person may seek a revocation or alteration of that contract within that period. No person may prevent a towtruck driver from delivering the damaged vehicle to the nominated place. The maximum penalty for committing any of these more serious offences is increased to \$1 000.

Clause 73 provides that no person may ride in a towtruck on the way to or from an accident, other than the owner, driver or person in charge of the damaged vehicle. Clause 74 increases and amplifies the powers exercisable by inspectors under this Part of the Act in relation to investigations. It is made clear that the powers conferred by this section are exercisable at any hour of the day or night. Other persons may accompany an inspector if he thinks it is necessary. If an inspector has a warrant to do so, he may break into any premises, any part of those premises, and any vehicle or thing found on the premises. An inspector has full power, without warrant, to search any premises, stop and search towtrucks, inspect or seize any relevant books, documents or other objects, and require any person to answer questions truthfully. A person is guilty of an offence if he abuses, threatens or insults an inspector or any of his assistants. Inspectors are obliged to produce their identity cards on request. A person is guilty of an offence if he falsely represents that he is an inspector. An inspector who exercises his powers in good faith is immune from liability.

Clause 75 gives a power of arrest without warrant to members of the Police Force and inspectors in relation to towtruck offences. The arrested person must be conveyed forthwith to the nearest police station that is open. Clause 76 inserts a new Part in the Act dealing with the issue of disabled persons' parking permits. Any person who has a permanent impairment in the use of his limbs, who cannot therefore use public transport, and whose speed of movement is severely restricted because of that impairment, may apply for a permit. The Registrar may require an applicant to undergo a medical examination by a doctor nominated by the Registrar. Permits are renewable annually. A permit entitles the driver of any vehicle being used for the transportation of the permit holder to such exemptions as may be prescribed under the Local Government Act. A permit holder who drives his own vehicle to and from work may apply to the relevant council for an arrangement relating to the parking of his vehicle close to his place of employment. A council must look at the individual needs and disabilities of the applicant in making such an arrangement. Once an arrangement has been made, the council must grant such exemptions from the parking regulations as may be necessary to give effect

to the arrangement. A council may revoke or vary an arrangement, and if the permit holder is aggrieved by that decision he may appeal to the Minister against the decision. A person is guilty of an offence if he misuses a permit. The Registrar may cancel a permit if he is satisfied that the permit holder is no longer eligible to hold the permit. A permit may also be cancelled if the permit holder is guilty of the offence of misusing the permit. The permit holder also has a right of appeal to the Minister in relation to cancellation of the permit, or a refusal to issue or renew a permit. A permit may still be used even though there are other persons being transported in the vehicle at the same time as the permit holder.

Clause 77 amends this section of the Act by deleting all out-of-date references to the Municipal Tramways Trust. Clauses 78 to 83 inclusive amend penalties. Clause 84 clarifies the existing provisions in this section that deal with false statements. The Registrar is given the right to recover any moneys that he has refunded to a person on the basis of a false statement made by that person. Clause 85 provides for an offence of bribery. No person may offer a bribe, and no person acting in the administration of this Act may receive a bribe. Clauses 86 and 87 amend penalties. Clause 88 makes it quite clear that a person who is requested to produce evidence as to the mass of his vehicle must actually deliver that evidence to the Registrar, or the inspector, as the case may be. A penalty is amended.

Clause 89 inserts two new sections in the Act. New section 138a provides for the furnishing by the Commissioner of Police to the Registrar of all relevant information in relation to the question of whether a person is a fit and proper person to hold a licence or towtruck certificate. New section 138b deals with the problem of fees paid under this Act by way of a cheque that is subsequently dishonoured. Where this occurs, the transaction is void. However, the Registrar may give the person extra time within which to complete payment, for example, where the cheque has been dishonoured due to some defect in the filling out or signing of the cheque. During this extended period of time, the transaction is not deemed to be void. Where no extension of time is given, or where payment is not completed within the period of any extension of time, the Registrar may require the person to surrender any licence, permit or other document or thing that was issued to the person in pursuance of the void transaction. If a court dealing with a person is satisfied that he has had the benefit of any licence, etc., issued pursuant to a void transaction, the court may direct that he pay to the Registrar a proportionate amount of the sum due on the dishonoured cheque. The Registrar however, is given the power to accept late payment at any time and to make the transaction retrospectively effective to any specified day. The Registrar may also refuse to enter into any further transactions with a person who has not paid the amount due on a void transaction, or such part of that amount as the Registrar thinks fit.

Clause 90 obliges the Registrar to furnish the consultative committee with any relevant information he may have on a matter being considered by the committee. Clause 91 amends an evidentiary provision so that it accords with current drafting terminology. Clause 92 clarifies the statements that may be made in a certificate of the Registrar for the purpose of legal proceedings. It is sometimes necessary that the Registrar make a statement that relates to a specified period of time, not only to a single specified day.

Mr. CHAPMAN secured the adjournment of the debate.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Metropolitan Taxi-Cab Act, 1956-1974. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The object of this Bill is to provide for a common expiry day for the registration of all metropolitan taxi-cabs. In actual practice, a common date, that is, the thirty-first of March in each year, has been in operation for some considerable time, and the Registrar of Motor Vehicles, in conjunction with the Metropolitan Taxi-Cab Board, has requested that the Act be amended accordingly. It is necessary therefore to provide that registration may be for any period of time, even a few days, and to leave the matter of proportionate registration fees to the regulations under the Motor Vehicles Act.

The provisions of the Bill are as follows. Clause 1 is formal. Clause 2 enables this Act to be brought into operation at the same time as the Motor Vehicles Act Amendment Act, 1978. Clause 3 provides that a taxi-cab may be registered under the Motor Vehicles Act for any period of time not exceeding twelve months. A common expiry day may be fixed by the Registrar with the approval of the board. The provision dealing with registration fees is deleted.

Mr. WILSON secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act, 1923-1978. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This small Bill is consequential upon the Motor Vehicles Act Amendment Bill, 1978, by which it is proposed to extend the provision relating to reduced vehicle registration fees for certain pensioners, to include persons who hold State Concession Cards issued by the Department of Community Welfare. It is therefore appropriate to amend the Stamp Duties Act, so that the provision in the second schedule that exempts such pensioners from the stamp duty payable on the insurance component of motor vehicle registrations is extended to grant a similar exemption to State Concession Card holders.

I should perhaps reiterate that State Concession Cards will be granted to persons who will eventually be eligible for a Commonwealth pensioner entitlement card. A State

Concession Card will thus cover that waiting period of approximately six months during which the Department of Community Welfare assists financially many applicants for pensions. The provisions of the Bill are as follows. Clause 1 is formal. Clause 2 enables this Act to be brought into operation at the same time as the Motor Vehicles Act Amendment Act, 1978. Clause 3 amends the second schedule to the Act, by including a reference to State Concession Card holders in Exemption No. 8 of the division of this item that deals with the stamp duty payable in respect of the insurance component of motor vehicle registrations.

Mr. ARNOLD secured the adjournment of the debate.

LIFTS AND CRANES ACT AMENDMENT BILL

The Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Lifts and Cranes Act, 1960-1972. Read a first time.

The Hon. J. D. WRIGHT: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the Lifts and Cranes Act, 1960-1972. The principal object is to achieve a more flexible system of registration of cranes, hoists and lifts. At present, all registrations fall due in January of each year, and this has resulted in administrative difficulties.

Under the proposed new scheme, registration will be for an indefinite period, but an annual fee will be payable in accordance with the regulations. In time, this will result in administrative work being spread over the year and will bring the registration provisions into line with the procedures provided in other statutes administered by the Labour and Industry Department.

The opportunity is taken to bring up to date references to the Permanent Head of the department, and also to increase penalties for offences against the Act to a more realistic level.

Clause 1 is formal. Clause 2 inserts a definition of "the Director" into section 3, the interpretation section of the principal Act. Clause 3 amends section 4 of the principal Act to provide that the Act does not apply to cranes, hoists or lifts situated on premises registered as industrial premises under the Industrial Safety, Health and Welfare Act, 1972-1978, or used in construction work to which that Act applies. Clause 4 deletes subsection (7) and (7a) from section 6 of the principal Act. The matters dealt with in those subsections are dealt with in the proposed new section 8. Clause 5 repeals and re-enacts section 7 of the principal Act for the registration, after inspection, of machinery to which the Act applies and for the cancelling of registration. The new section also requires that notice of change of ownership be given to the Director within 30 days.

Clause 6 repeals and re-enacts section 8 of the principal Act. The new section provides that the owner of a crane, hoist or lift is guilty of an offence if the machinery is operated while unregistered, or before any alterations or additions have been completed and have been approved by an inspector. Clause 7 amends section 15 of the principal Act to provide for the making of regulations in

respect of fees, forms and the granting of, and examinations for, certificates of competency. The maximum penalty which may be prescribed for breach of the regulations is increased from \$100 to \$500. Clause 8 amends section 17 of the principal Act to increase the maximum penalty for the offence of resisting inspectors from \$100 to \$500.

Mr. DEAN BROWN secured the adjournment of the debate.

BOILERS AND PRESSURE VESSELS ACT AMENDMENT BILL

The Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Boilers and Pressure Vessels Act, 1968-1971. Read a first time.

The Hon. J. D. WRIGHT: I move;

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The principal object of this Bill is to streamline the procedures for the registration of boilers and pressure vessels. The existing legislation requires that all boilers and pressure vessels prescribed by regulation be registered by the Secretary of Labour and Industry. It is an offence to operate a registerable boiler or pressure vessel, except under the direction of a departmental inspector, unless the Secretary has issued a certificate of registration in respect of the apparatus in question. To ensure their safe operation, all boilers and pressure vessels must be inspected at regular intervals, in the case of boilers, every 12 months, and in the case of pressure vessels, every two years. The Secretary may not issue a certificate of registration in respect of an apparatus, which is, in the opinion of the Chief Inspector of Boilers, unsafe for use, and if an inspection subsequent to registration reveals that a boiler or pressure vessel has become or is likely to become unsafe, the owner is required to take such remedial measures as the inspector considers necessary. In this respect an inspector may direct that an owner shall desist absolutely from using the apparatus.

Under the proposed amendments, the provisions relating to inspections will remain much as they are at present. However, it will now be necessary for all boilers and pressure vessels to be registered unless they are specifically exempted. Initial and continued registration will depend on the apparatus being and remaining in a safe, operable condition, as determined by inspection.

The Government is of the view that the proposed procedure is desirable because it will eliminate the need for comprehensive regulating provisions setting out which apparatus shall be subject to the requirements of registration. On the other hand, the amendments preserve, and indeed extend, the existing power to exempt certain apparatus from specified provisions of the principal Act, including those relating to registration, should this be desirable.

In addition to the modifications already outlined, the Bill deletes reference to the Secretary of Labour and Industry, and substitutes reference to the Director of the Labour and Industry Department in accordance with the prevailing administrative structure of the department. As

has been indicated, the existing power to exempt apparatus from the provisions of the principal Act is extended, and the Government has also taken this opportunity to replace British units of measurement in the principal Act with their metric equivalents. Several minor drafting changes are also incorporated, and penalties imposed under the Act have been increased to more appropriate levels.

Clause 1 is formal. Clause 2 inserts a new heading in section 3 of the principal Act, consequential on the enactment of proposed section 15a, which empowers the Director to delegate his powers. Clause 3 amends section 4 of the principal Act, which sets out definitions of certain terms used in the Act, by inserting a definition of "the Director" and deleting the definition of "Secretary". Clause 4 amends section 7 of the principal Act by substituting metric expressions for existing British terms.

Clause 5 repeals the existing section 8 of the principal Act, which provides for the exclusion by proclamation, of certain pressure vessels from the operation of the Act, and substitutes a new section, covering all apparatus with which the Act is concerned. Clause 6 enacts a new section 15a which empowers the Director to delegate any of his power or functions under the Act to any other person. The department has specifically requested this provision to facilitate its administrative operations. Clause 7 repeals sections 18 to 23 of the principal Act, which set out the existing registration requirements and procedures. New sections numbered 18 and 19 are enacted in substitution. Section 18 provides that it shall be an offence to operate any unregistered boiler or pressure vessel, except as directed or allowed by a departmental inspector. The maximum penalty provided is \$500. The new section also provides that applications for registration be made in the prescribed form and accompanied by a prescribed fee. Upon receipt of an application for registration the Director of the Labour and Industry Department shall register the apparatus in question and issue a certificate of registration. He may decline to register an apparatus, or revoke an existing registration, if satisfied, on the report of an inspector, that the apparatus is unsafe.

Section 19 provides that the owner of a registered apparatus shall pay to the Director such periodic or other fees as may be prescribed, and empowers the Director to revoke the registration of an apparatus if any fee payable by its owner remains unpaid for more than 28 days after the due date. Clause 8 amends section 27 of the principal Act, which is concerned with certificates of inspection, by deleting subsection (2). This subsection provided for the payment of inspection fees, and is unnecessary in the light of the proposed section 19. Clause 9 remedies a drafting ambiguity in section 28 of the principal Act, which empowers inspectors to give enforceable directions to the owners of boilers or pressure vessels. Clause 10 corrects a corresponding flaw in section 29. In both cases, the amendment deletes unnecessary words which have the effect of distorting the meaning of the provision.

Clause 11 repeals sections 30 and 31 of the principal Act. Respectively, these provided for the suspension of inspection certificates in circumstances where a boiler or pressure vessel might be temporarily unsafe, and made it an offence to operate a boiler or pressure vessel in respect of which no certificate of inspection was in force. The effect of the proposed section 18 renders these provisions unnecessary. Clause 12 substitutes reference to the Director for reference to the Secretary in section 32 of the principal Act. Clause 13 amends section 33 of the principal Act, which provides that certain apparatus shall not be subject to requirements that operators hold certificates of competency. The amendment extends the operation of

this section to boilers which have fully automatic controls approved by the Chief Inspector, and any boiler exempted, by proclamation under the new section 8, from the provisions relating to certificates of competency. In addition, metric expressions are substituted for existing British terms in the section. Clause 14 effects a corresponding metric conversion to the provisions of section 34, and clauses 15 and 16 both substitute reference to the Director for reference to the Secretary in sections 44 and 48 respectively.

Clause 17 raises the penalties imposed under the Act. The exact details of the modifications are set out in the schedule attached to the Bill, in general, penalties of \$100 or \$200 have been increased to \$500, although in the cases of sections 25, 26, 28 and 29 of the principal Act, they have been raised to \$1 000. The offences dealt with in these sections relate to the hindering of inspectors and the failure to comply with their directions in relation to unsafe equipment. Clearly these offences are of a serious nature, and demand heavy penalties. A penalty of \$500 in section 16 (4) has also been increased to \$1 000. This provision is concerned with the offence of manufacturing equipment otherwise than in accordance with approved designs.

Mr. EVANS secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 19 September. Page 977.)

Mr. EVANS (Fisher): I oppose the Bill in its present form, although I will vote for the second reading in the hope that, with the help of others, I can achieve some sensible amendments in Committee. One way of explaining some of the objections to the Bill would be to read to the House letters and submissions from the persons who have to operate within the development industry, which involves many professions. If the Bill were to be passed in its present form, or even in an amended form, there would be a significant increase in work for people in the consulting and design fields, so they are not lodging objections because they think they will be disadvantaged financially, but because they believe that there has been sufficient humbug already. Some of the practices that have been allowed in the past are satisfactory, and they would agree that at times some proposals that have been put up and have gone through, because there is no need to go through a multitude of bodies, to some degree have been unsatisfactory in some aspects and satisfactory in others.

At present, any subdivision which includes properties all of which will have an area of more than 30 acres does not need to go through the multitude of organisations to get approval. I have received a letter from some land and mining surveyors, engineering surveyors, and town planning consultants. The letter states:

On Tuesday the 19th instant, this Bill was submitted to the House of Assembly. I would like to bring to your urgent attention the ramifications of these amendments: namely, increased bureaucracy and public expense. Firstly, prior to these amendments:

(a) Property owners who wished to divide their holdings into separate titles, be they 30 ha or 3 000 ha, needed only to apply to the Registrar-General for separate titles.

(b) If an owner wished to sell a portion of his property to an adjoining owner, he only needed to apply to the Registrar-General to have that portion consolidated with

the adjoining owner, providing both pieces were in excess of 30 ha.

(c) If adjoining owners wished to adjust the boundary between their two properties, they only needed to apply to the Registrar-General of Deeds providing their holdings were in excess of 30 ha.

Now, due to the passage of this amendment, the creation of a new title or the adjustment of any title boundary, irrespective of size, will need the approval of the Director of Planning and council. To gain these approvals all applications must be examined by:

- (1) Planning Office
- (2) Council
- (3) Lands Titles Office
- (4) Engineering and Water Supply Department
- (5) Highways Department.

Plus, other departments which are normally involved where an application concerns their fields of operation are:

- (6) Department of Agriculture and Fisheries
- (7) Department of Health
- (8) Mines Department
- (9) Coast Protection Board.

Most of these departments require an individual on-site inspection. This in itself will require increased departmental staff and costs.

The amount of time and bureaucracy involved becomes astronomical. At the present time, a simple residential subdivision takes a minimum of three months to gain approval. A simple agricultural subdivision of less than 30 ha takes a minimum of six months, with many taking 18 months. With areas in excess of 30 ha and only the Registrar-General involved, the time element is only about one month, a far simpler and more economical process.

If this amendment is allowed to pass, the increase in bureaucratic meddling will be alarming and the cost to the public excessive. The reasons given for the amendment are not feasible and I believe the real reason is to increase the size of H.U.R.A. Department [and there are at least 133 or 134 persons in that department already] and to make their powers over property, ownership, and land use almost absolute.

I am writing to you in an endeavour to have this amendment rejected. I should also explain that I do not stand to gain financially from the stopping of this amendment. In fact, quite the reverse. If the amendment becomes law, this will increase our fees to our clients by virtue of dealing with and endeavouring to obtain consents from these departments. This is more lucrative to us than a simple application to the Registrar-General. However, I believe that the public and landowners of this State, who are not aware of the implications, should be protected at all costs.

Further to that, I want to read to the House, so that it will be included in *Hansard*, a submission made to the Opposition as well as to the Minister (and I think the wording would have been the same in both cases) from the Association of Consulting Surveyors, which states:

Whilst we believe that an important sector of the population including the members of our association would have grave concern about the philosophy of this Bill, the object of this submission is to focus attention upon the confusion and financial injustice wrought upon our members, our clients and the general public by clause 2 of the Bill, which operates in a retrospective manner, by stating that if the Bill is passed after consideration by Parliament it shall be deemed to have come into operation on the 19 September 1978.

Landowners acting in accordance with their traditional right have instructed surveyors to divide their land in various ways and for various purposes.

In some cases, they have entered into legally binding

contracts and have been paid for the sale of portions of the land and have handed over possession, which is the normal procedure for such transactions, and are merely awaiting registration of transfer and issue of new titles. In some cases titles would already have issued except that the Lands Titles Office has requested a survey.

Alternatively, landowners have instructed surveyors to lodge plans of land division in the Lands Titles Office as a preliminary to the request for issue of separate titles, and in many cases extensive surveys are in course of execution relative to these land divisions.

In other cases, similar costly surveys are in the course of completion prior to the lodgment of requests for issue of new titles.

The delays associated with these various processes arise from many causes such as the loss of certificates of title, the need to correct its data, or to rectify endorsements upon it, the extensive deliberations upon the appropriate determination of boundary locations and physical impediments to the completion of surveys, such as wet weather, existing crops etc.

The various forms of survey and land division mentioned above are normal and similar to those which have been taking place since the foundation of the State. We believe it is inconceivable that either landowners or survey consultants should be subjected to severe financial loss and treated with such disregard as is indicated by clause 2.

We urgently submit that not only in the interest of common justice, but also with the object of preservation of confidence in the administration of the State, clause 2 should be removed from the Bill and replaced by the normal provisions for the date of operation of an amendment to an Act.

I know that I am not permitted to refer in detail to amendments on file, but I know that the Minister has amendments on file. My own view (and I believe that of the Opposition) is that the amendments do not go far enough. People will be disadvantaged if we accept only a part compromise from the Minister. Further, the group of consulting surveyors had the following to say:

Under the present Act, section 5 (1) (b), in defining an allotment, makes the obvious recognition that if a piece of land which is separately defined on a public map, e.g. a section of land, is split by a road, drain or railway, etc., then each separated portion is regarded as a separate allotment even though the respective portions may be held in one certificate of title. A great many allotments of this type exist through out the State. Wherever the council or Highways Department for instance have created a new road after the survey of the original section boundaries, it is likely that sections have been split into several portions. Some of the allotments thus created have existed for 100 or more years, and through all this time have been regarded by the owner as separate portions and they have been used as separate securities for mortgages. These separate portions have been willed to various members of families and for valuations for rates and taxes, the fact that each of these portions is a separate allotment, has been brought into consideration in arriving at the value.

In the acquisitions of land for road purposes, etc., the fact that a portion of land split off by the new road, will be a separate allotment, has been a factor considered by the owner in agreeing to terms of compensation. We believe that it would be dishonest to upset the long accepted and obvious principle that a physically separated portion of land, whether it be an acre or a thousand acres, is a separate allotment. For these reasons we would urge that clause 3 (a) be removed from the Bill.

Landowners throughout generations have been responsible for the pioneering and development of this State. The justification for interference with the traditional rights of

landowners is that there are circumstances where large masses of people are congregated together in large towns and cities which make the imposition of regulation and control necessary. It has been suggested that the progressive extension of planning powers are a device for gaining control of all land and for directing the way of life of all citizens.

In the case of this Bill, the second reading speech describes two main reasons for the extension of controls over the division of all land, irrespective of size or location.

The first is the concern of councils where parcels of land are created in areas where roads are inadequate and where absent landowners may neglect the care of the land in matters such as weed control.

I make the point that one of the biggest offenders for neglect of land in the State in relation to weeds, noxious plants, and pests is State Government departments. If anyone should be looking at that aspect, it should not be the Minister attacking the private hobby farmers or private landholders; he should be attacking State Government departments.

Mr. Millhouse: You have only to go into the national park to see that.

Mr. EVANS: I agree with the member for Mitcham. The Government could employ about 200 unemployed for a month in the Belair Recreation Park to remove some of the noxious weeds. The submission continues:

We believe that purchasers of such land are well aware that councils have all the necessary powers to enforce control of weeds, etc., and they are aware that roads will not be provided unless the funds are available and the expenditure is justified.

In my own area, I have applied to have water mains and sewer mains extended for short distances, and have been refused, because the economic return to the Government is insufficient. It is only when the Government believes that the economic return is sufficient by annual rating, or when property owners are prepared to pay extra for a period of years, that the Government will extend those services. The same applies to councils: they make people contribute towards the cost of roads wherever they possibly can. The submission continues:

The second reason suggested is that supply of water to many areas where 30-hectare allotments have been created is uneconomic. It is well known that the Engineering and Water Supply Department does not supply water to many areas where it is not feasible or economically justifiable to do so, and purchasers would be well aware of this fact. The mere division of land, particularly where there has been no process of application and authorisation places no new obligations upon councils or Government agencies.

On the other hand, there are occasions where the more intensive use of land makes possible the provision of additional services and facilities. A great many of the uncontrolled land divisions which have been and which continue to take place are made for the purpose of rearrangement of properties between owners, for the purpose of severing properties for members of families, for reorganisation of the business affairs of property owners. The Minister made the point in his second reading explanation that, during 1977, 750 30-hectare allotments were created in 140 localities. However, what he has not told us is how many properties were consolidated during that period. As I believe that a considerable number were consolidated into one title during that period, that also would be an interesting exercise to carry out. There is no stopping, if people wish in the future to consolidate titles. If a person believes that his property is not large enough, and he can buy out his neighbour and consolidate the title, no-one says that that cannot or should not be done; that is a satisfactory practice.

We should assess the Minister's statement. Some people have consolidated titles, whereas others have been cutting them up into smaller allotments. The submission continues:

If there is any recognition left in this State of the vital contribution made by our pioneers and their successors, by primary producers, and other landowners endeavouring to utilise their land in the most advantageous way, if there is any truth in our much flaunted concern for people's freedom, we will not unjustly impose upon them a costly and time-consuming process of planning applications, whilst depriving them of the rights which have been associated with the ownership of land since the State began. We submit that interference of this type is a most serious matter and must only occur in those circumstances where no alternative is available.

We believe that some of the problems referred to in the second reading speech, such as control of weeds, have been increased since the size of allotments controlled under the Planning and Development Act was increased from 20 acres to 30 hectares (74 acres). We would recommend that the Bill should not be passed.

I know that it is a long submission, but I wanted to have it recorded, because that group of people was expressing a view of an organisation that could gain as a result of this Act being passed, but it is prepared to state the case of property holders who could be seriously disadvantaged.

There are three areas of concern. Regarding retrospectivity, one cannot allow the kind of change in the law that would seriously financially disadvantage certain people who were acting within the law in certain preparations they have made, but who suddenly found that Parliament, through Government initiatives, had pulled the carpet from under their feet. The second objection is to that part of the Bill that tends to stop a person from creating separate titles where a road, railway, drain, or existing survey line through the property exists.

If they are stopped from creating separate titles, it could also seriously disadvantage them. I see no reason for our wanting that. If the Minister wants to have control over any completely new section of ground being cut off from one title where there is no permanent line or mark now on a map, I would not object to that, where it is over 30 hectares and the Minister wants to include that.

I believe that as a Parliament we should say to the Minister and the Government that, if it is still in power for the next 15 months, it has until December 1979 to produce a complete re-write of the Planning and Development Act. Surely the Hart Report should be considered. I appreciate the fact that the Minister was prepared to leave debate about this Bill until the Hart Report was published. I would like to refer to some of the aspects of that report relating to the Planning and Development Act in this State, particularly in relation to private development.

I refer, first, to some of the main findings of that report. We see that the first finding is that over 80 Acts impose controls on private development in this State. Think about that—80 different laws a property owner has to be concerned about in different areas of private development. Of the 80 about 60 require prior approval to be obtained before various types of development can begin. We have 60 laws and we are attempting to make another law today that is more restrictive. We need to be conscious of that fact. Another suggestion by Mr. Hart is as follows:

Local councils are willing to accept more responsibility in the control of private development but some councils do not have the resources to administer increased powers effectively.

I agree with that. I think we should be looking at local councils to take up a greater role in this area. Some

councils may not have the resources at the moment to consider all applications, and the implications of those applications. I believe that Mr. Hart should have said that where a council proves that it is incapable of carrying out its responsibilities a back-up organisation is needed to take over from the council.

In "Part 3: The Planning Segment of the Future System, Formulating Control Principles", Mr. Hart states, under "General policy":

Policies for development, conservation and land management should be expressed in general plans prepared and maintained for various parts of the State. A general plan should be a statement of policy, a way of proceeding, which may or may not include diagrams, maps and plans. It should relate public investment programmes and the control of private development to physical, social and economic objectives for the area.

I think we tend to put too much in the hands of the bureaucrats with that proposal. Past history shows that bureaucrats interpret most things negatively. They take that Act in their hands and say, "This is it." That is a negative approach. I think that if we had a colour plan whereby areas were zoned for certain uses most people would be able to follow it. There may need to be some flexibility in that, in relation to consent use, but that would be much better than setting up a bureaucratic system that becomes a burden on society, not just on developers. The Hart Report continues:

Minister's advisory council: There should be an advisory council to advise the Minister on policy relating to urban and regional affairs. The council should include representatives of local government commerce and industry, conservation and rural interests, housing and transport.

It is interesting to note that Mr. Hart left the developers out of that group.

The Hon. Hugh Hudson: What has this got to do with this Bill?

Mr. EVANS: We are looking at the Planning and Development Act and an amendment to it. The Government wants to amend the Act and I am asking that the amendment not go beyond December 1979. At the same time I am saying to the Minister that he has the Hart Report. He should re-write the Planning and Development Act so that in this State we have a proper Planning and Development Act. I am pointing to the matters in the Hart Report that need to be considered in re-writing the Act about which we are talking this afternoon.

I am saying that developers ought to be considered in the Minister's advisory council. Under the heading "Exercising planning control", Mr. Hart suggests:

State control body: A new commission should be established to make decisions on all projects specified for referral to the State for determination, and on unspecified projects of major significance which the Minister considers should be determined by the State. The commission should formulate the State control principles, advise on the acceptability of local principles, formulate general regulations on procedure, consider proposals contrary to existing control principles or to draft principles publicly exhibited. The commission should be able to purchase and assemble land either directly or through its Minister.

That latter part I cannot accept. I believe that a system similar to the one in Western Australia could be an advantage. The Government can approach landholders saying that their properties are irregular shapes and an overall plan is needed for the future development of an area. It will assemble the titles into sizes equivalent to what the owners already have but in a way that will give an overall development plan for an area without disadvantaging the owners, who will still own the land until such time

as it needs to be developed for any other public use. That is what we should be doing here rather than forming some new authority, when we already have the Land Commission, to assemble titles throughout the State. There is talk of outdoor advertising being classified as development; the felling of trees and clearing of natural vegetation being classified as development and that the extent of felling and clearance deemed to be permitted should be specified in the general regulations.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Deputy Speaker. The Bill deals with the subdivision of land and the control of subdivision of land where the separate allotments created are greater than 30 hectares. I fail to see how any member can be talking to the Bill when he is dealing with questions involving the felling of trees, outdoor advertising or things of that nature. I submit that that is completely out of order.

The DEPUTY SPEAKER: In upholding the point of order, I ask all members who speak to this Bill to relate their comments to it. Is the member for Fisher able to do that?

Mr. EVANS: I will relate my remarks to the Bill. Perhaps I should not have referred to the advertising signs mentioned in the Hart Report recommendation. If we are talking about the opportunity to subdivide allotments of 30 hectares or more, and the extra Government control over that matter; if we are talking about Government agencies having a say; if the Cabinet in this State is to approve of a report from Mr. Hart about private development; and if we are talking in the main about land that does not belong to private individuals, then I believe I can refer to the tree proposition. If the Government accepts that recommendation and departmental officers accept that they are going to have the say in how this 30 hectares is to be cut up, whether it is approved or not—

The Hon. Hugh Hudson: Come on, stop making up fairy stories.

The DEPUTY SPEAKER: Order! Interjections are out of order.

Mr. EVANS: If the Minister is saying that, if this Bill passes as it is, departmental officers are not going to have a say on whether the plan for subdivision or re-subdivision is approved, I am dumbfounded. I am saying—

The Hon. Hugh Hudson: I am saying that what is in the legislation has to apply; surely the honourable member knows that.

Mr. EVANS: If we are to consider whether a person should be allowed to remove trees, we should also say that people who wish to plant trees, particularly near a boundary fence, should also have to gain approval for that operation because it can be just as damaging to a neighbour's crops or other property as the aesthetic benefit of removing trees.

Mr. Millhouse: Don't show your impatience so obviously, Hugh, or it will slow things down.

The DEPUTY SPEAKER: Order! The honourable member for Mitcham is definitely out of order.

Mr. EVANS: Mr. Hart also suggested, and the Government agreed through Cabinet, that the report should be released for public debate, and I believe that when we are talking about the Planning and Development Act the Minister would be unreasonable to suggest that we cannot talk about it when we are now talking on the Bill.

The Hon. Hugh Hudson: Standing Orders provide for the debate in this place.

Mr. Gunn: You should be the last to talk about Standing Orders.

The DEPUTY SPEAKER: The first one to talk about Standing Orders is the Deputy Speaker, and if Standing Orders prevail honourable members will not be able to

interject.

Mr. EVANS: The project assessment appeals and enforcement suggested by Mr. Hart say that, in relation to abutting owners, controlling bodies should be able to require an applicant to provide information about the opinions of abutting owners on the applicant's project. If we do that, and we are going to take a lot of notice of the adjoining property holder, quite often it would be impractical to get approval or agreement. Often one person may not wish to tell a neighbour exactly what he has in mind, because it can seriously disadvantage him. If the property is 120 hectares, and a person wants to cut it into two 60 hectares properties, he may have a specific use for one of them. Under this proposal he must go to the neighbouring property holder and tell him what he wants to do, and really he could be disadvantaged.

The Hon. HUGH HUDSON: I rise on a point of order. There is nothing in the Act about objector appeals in relation to the subdivision of land. This Bill deals with the subdivision of land. The honourable member is now talking about a matter related to the use of land and the introduction of objector appeals. The honourable member is completely out of order.

The DEPUTY SPEAKER: There is a requirement on members to speak to the Bill. The test is relevance, and I do ask the honourable member to tie up his comments with the Bill or with the clauses of the Bill. I will be listening to him very closely to ensure that he does do so.

Mr. EVANS: In the Minister's second reading explanation, he was talking about the opportunity to stop what he believes is unnecessary or unacceptable subdivisions of land over 30 hectares, and there is now an application to the Registrar-General to that effect. When we do that, we automatically do exactly as suggested in one of the letters that I read from a person who made a submission that, before approval is given, the Director of Planning and the council would have to negotiate, where necessary, and get approval from the planning office, the council, the Lands Titles Office, the Engineering and Water Supply Department, the Highways Department, the Agriculture and Fisheries Department (as to the economic use of the land—whether it is a viable proposition), the Health Department (concerning the environment and the effect on other persons in the community), the Mines Department, and the Coast Protection Board. I am talking to the Bill when I talk about neighbours who may lodge objections, because we know that the council, before it agrees, inform neighbours of the proposal to see what their reaction is.

Another point made by Mr. Hart is that local councils, with the consent of the applicants, should be able to apply to the Minister for the services of a person to submit an independent recommendation on the application. As long as that person is totally independent there are no problems. The whole of the Hart Report will need to be considered. I will not go into it any further at this stage, although other members may wish to do so. I am not over-thrilled with the report because I believe it has some weaknesses. It has tended to look at matters from a Government point of view rather than a community or an individual owner's point of view.

The Planning and Development Act has been under criticism for some time. There was some merit in giving a person the job of trying to bring down a report that would give us some information, and Mr. Hart has achieved that quite well. We do not know whether it was the first report or not, and I suppose we will never know.

The Hon. Hugh Hudson: Come on, don't be untruthful. I said yesterday what the position was, and, if the honourable member is not prepared to accept that, I know

how to deal with him.

The DEPUTY SPEAKER: Order! The honourable Minister should not be interjecting.

The Hon. Hugh Hudson: He's lying.

Mr. CHAPMAN: I rise on a point of order, Mr. Deputy Speaker. I ask the Minister to withdraw that interjection. The honourable Minister is reflecting on the member for Fisher by using an unparliamentary term, claiming that a person is lying. That is not acceptable in my view.

The DEPUTY SPEAKER: I accept the point of order.

The Hon. HUGH HUDSON: I meant to say untruth, and it slipped out as lying. I apologise and withdraw.

Mr. EVANS: So the Minister knows what I said. I said that we don't know if it is the only report.

The Hon. Hugh Hudson: You do know. You were told yesterday.

The DEPUTY SPEAKER: Order! If the honourable Minister continues to interject, I will have to call him to order.

Mr. EVANS: The Minister thinks I am reflecting on him or Mr. Hart, but I am not. I have not said the Cabinet or Minister directed anybody. That is what the Minister is tending to infer from yesterday's comments and I am not worried about that. I am saying that I do not know whether it is the only report or not. Mr. Hart took a long while. I do not know whether he drew up one report and then found there was other information, so he changed it (as is his right and prerogative). I have made no reflection on the Minister or Mr. Hart. I said that I did not know whether it was the only report or whether there were others.

What is in the report is a benefit to Parliament. I hope the Minister accepts the proposition that there is a benefit in saying this amended part of the Act will apply only until December 1979 so there can be a complete rewriting of the Act in that period of time to simplify the processes, so that people will then no longer have to look at 60 or 80 Acts of Parliament in different circumstances and will not have to go through so many agencies. Neighbouring property holders will then have some clear indication of what sort of land use can be made of the land within their community, without being adversely affected in the future. I hope that, in any rewrite of the Act, Government agencies face the same conditions of operation as the private sector would.

I know it is difficult to do that when the Federal Government is building facilities for Telecom and things like that. I will support this Bill through the second reading in an attempt to get in three amendments. I hope the Minister will take in good faith what has been said because I believe there is a major problem with planning and development in this State, and we do not want to place any more barriers in the way of private citizens who have had freedoms and in the main have acted responsibly. I hope we keep away from too much bureaucratic process.

Mr. MILLHOUSE (Mitcham): In the course of yet another long speech, the member for Fisher canvassed many issues which I must admit were not strictly relevant to the Bill, although of some interest in view of the release yesterday of Mr. Hart's report. However, it was not until the last few minutes that I found out which way the honourable member was going to vote.

Mr. Evans: I said that at the beginning.

Mr. MILLHOUSE: That was so long ago, if I may say so with charity, that I overlooked that. Unlike the honourable member I do not intend to canvass widely matters of planning, but I am opposed to the second reading of this Bill and I will divide on it. I invite any members of the Liberal Party who wish to join me in opposing the Bill to do so. I have many reasons for

opposing it and not only because of the unpleasant personal remarks the Minister made about me in his second reading speech in introducing the Bill. Those remarks have not influenced me one way or another in my decision not to support the second reading.

My real reason for opposing the second reading is that this is simply another bureaucratic extension of control and we can well do without that in South Australia. I am not against controls if there is some justification for them, but I do not believe, especially when we are at long last (it having been promised about four years ago) getting to a rewrite of the Planning and Development Act, we should piecemeal the extending of control. As I understand it, at the present time large areas greater than 30 hectares (which is about 70 acres) that are to be subdivided are not subject to control. This Bill will make them subject to control and not only from the time it is passed but from 19 September 1978. This is a retrospective provision. It is not as bad as though it were taken back to a time before the announcement of the Bill but it is bad enough and I hope that if the Upper House has any gumption at all it will cut that out, and I suspect the Government expects it to be cut out on the way through.

I have looked at the second reading speech and tried to assess the argument used by the Minister in supporting the proposal that allotments over 30 hectares should be controlled and I must say that they are as weak as water. All he could say in support of this was that people are occupying subdivided land which is at the back of beyond and then they are demanding that services be provided. Frankly, that is absolutely against common sense. If people go to an isolated area that has no services and obviously cannot be serviced except at great cost, it is up to them to pay for the service. They live there, they go there knowing what it is like, and that is that. The Government and everyone else should have enough gumption to say to them, if they are silly enough to demand services, as the Minister says they are, that it is on their own heads and they cannot have the services. No reasonable person in those circumstances would ask for services and yet that is the only reason I can see the Minister has given for what is the principal provision in the Bill.

I do not know whether there is any significance in the other provision in regard to parcels of land intersected by a natural or artificial feature. I object to the provision relating to the 30-hectare subdivision and the element of retrospectivity in the Bill. Not often, but from time to time, I have had some acquaintance with planning law in a professional capacity, and it makes one realise every time the incredible delays and complexities involved in this area. It is all very well to say a person has only to apply for a consent, but when the application for consent (which may of course be rejected by definition) waits for weeks and sometimes months to be dealt with, of course costs rise and tempers are naturally inflamed. That is what happens right throughout the planning process and we are now adding to that by this Bill.

I do not believe it is warranted. I might have been prepared to consider it if it were not for the fact that we are now to have a complete rewrite, not within (according to the Minister in a reply to me yesterday in Question Time) the ambit of the present legislation but something quite different. If we were not to have that, I might possibly have been persuaded to see some merit in this Bill. I think it is another piecemeal control being added to what is already the most complex, complicated and difficult-to-follow legislation on our Statute Book. Probably the Local Government Act is worse but, bearing in mind the fact that we have had this Act only since 1966,

it is certainly the most complex piece of legislation. It is bureaucracy gone mad, and now the Minister is adding to it with this Bill. I am not opposing it on that theoretical basis; I am opposing it because I think it is unnecessary and it will add to time and therefore the expense of subdivisions, and no proper case whatever has been made out for it. Strangely enough, I was asked about this matter last evening when I was in my electorate office doing some quiet work before coming back to the House to attend to my duties here. The man cleaning my office asked me about this. He said he is thinking of buying a piece of land somewhere to the north of Gawler, and he said that well known and reputable land agents had told him that he had better do it quickly because some more controls on the subdivision of land were going to be made. I am afraid I did not recognise the reference to this Bill when he was telling me that. They are not telling him that if the Bill goes through in its present form it will already be too late. They have given him to understand it will not come in until February and he had better buy land now. He is only one person concerned about this, but it has had an unsettling effect on him.

The Hon. Hugh Hudson: How much land does he want?

Mr. MILLHOUSE: I do not know; he wants to buy a farm or a farmlet.

The Hon. Hugh Hudson: Four or five acres?

Mr. MILLHOUSE: No, he wants to buy much more than that.

Mr. Mathwin: Ten acres?

Mr. MILLHOUSE: I do not know how much land he wants to buy, but I gather now it is sufficient land to come within the ambit of this Bill if it unfortunately gets through. It has unsettled him and I guess it has unsettled many people. They have not realised the enormity of it and the fact that it is back-dated to 19 September. If it goes through as it is now, he will be too late. Anyway, at least I have the answer for him on what it is all about and I will tell him.

Mr. Harrison: Not really, if you don't know how much land he wants to purchase.

The DEPUTY SPEAKER: Order! The honourable member for Mitcham seems anxious to hear interjections, which are out of order. He should concentrate his speech on the Bill.

Mr. MILLHOUSE: Thank you for bringing me back to the straight and narrow path which you, yourself Sir, always tread. I think I have said enough about my opposition to this Bill and my reasons for it, and to give warning to all my fellow members that I intend to call for a division on this, and I hope that if they have any common sense left, and any regard for the principles which they talk about, they will support me.

Dr. EASTICK (Light): I quickly advise the member for Mitcham that I still profess to have common sense and that I will not be supporting him in his opposition to the second reading of this debate. I genuinely believe that one of the purposes for which members of Parliament come to this place is to debate the issues and to undertake a review of the measures before the House, if necessary right to the third reading stage. In the event that amendments are not possible during the Committee stages, a member can then quite effectively indicate his opposition to the proposition before the Chair by voting against the measure then. Because I recognise that this measure is particularly important, I will not for one minute suggest that I believe that it is, as presented, in the best interests of the South Australian community.

I believe that members of this House should have the opportunity to question and debate this in the Committee

stage in the presence and with the assistance of the Minister. I hope that by the time we get to that point the Minister is not as testy as he has been until now. I was rather interested in doing a little research after his reaction yesterday, to learn that Shakespeare in *Hamlet*, Act III, scene 2, line 240, depicted the very views that I have upon the Minister's contribution yesterday afternoon and again this afternoon. So that the Minister's memory may be refreshed, Gertrude said:

The lady doth protest too much, methinks.

The DEPUTY SPEAKER: I will look at the Bill over the weekend to see whether Shakespeare's quotations are relevant or otherwise.

Dr. EASTICK: I assure you, Sir, they are very pertinent to the testy contribution that we have had on two occasions, on two days running. I want to destroy at the outset one of the misnomers associated with this legislation and the projections made about it. We talk of a 30 hectare situation. For some years, since that term has been applied in the Planning and Development Act, an effective 59.9 hectare embargo has applied to subdivisions, for the simple reason that it is not possible to take a parcel of land that is less than 60 hectares, create two allotments of 30 hectares or more, and be able to escape the ramifications of the Planning and Development Act. Regrettably, people generally have come to look upon it as the 30 hectare embargo or the 30 hectare stop, when the Government has had an effective embargo on any subdivision of less than 59.9 hectares or 59.999 hectares if we take it to the final point. That very effective legislation to prevent subdivisions of land less than 60 hectares has operated for a long time.

What is the other reason for this legislation currently before the House? I believe that it has been brought here because of the continued attack on regulation 70A. That matter was debated earlier and the debate will continue in another place. I accept some of the points that were made by the member for Mitcham that this area has been very clouded, and it is somewhat doubtful whether the measures in the Bill will reduce that clouding. The delays that have been perpetrated on the people of this State, once the request for subdivision has got into the pipeline, have been scandalous. This measure has been debated here over a long period, and there has been a reflection on the lack of decision within the State Planning Office, the State Planning Authority, and the Land Titles Office, which was very much involved in the system earlier. The officers are not under attack; the Government is under attack because it failed in its alterations over the years to provide both the machinery and adequate staff to fulfil requirements in this important area.

An ever-increasing number of steps has needed to be taken before a decision can be reached. Yesterday, I indicated to the House in relation to another matter that I was particularly interested in the recommendation under Part 2 of the integrated system of control summary which was presented with Mr. Hart's report, relating to requirements of control, as follows:

The administrative requirements to be fulfilled when controlling private development are: simplicity, speedy decisions, minimum cost, capable of review, flexibility, certainty, minimum restriction, public involvement, fairness, and representative administration. Some of these requirements can only be fulfilled at the expense of others. At present priority should be given to simpler controls and speedier decisions.

I doubt whether the measure before the House will achieve that very commendable recommendation which has been put forward by Mr. Hart and which I lauded yesterday and laud again today. It is an essential

improvement required within the system. This legislation has caused a great deal of concern to members of professional organisations within the community. I want to read into the record, because I believe it is extremely important, aspects of concern expressed by those professional people. The first states:

On Tuesday, the 19th instant, this Bill was submitted to the House of Assembly. I would like to bring to your urgent attention the ramifications of these amendments: namely, increased bureaucracy and public expense.

We could expand "public expense" and include private expense, because as soon as one increases the bureaucratic involvement with its problems and delays, private expense becomes an integral part of the whole. The letter continues:

First, prior to these amendments:

(a) Property owners who wished to divide their holdings into separate titles, be they 30 ha or 3 000 ha, needed only to apply to the Registrar-General for separate titles.

(b) If an owner wished to sell a portion of his property to an adjoining owner, he only needed to apply to the Registrar-General to have that portion consolidated with the adjoining owner, providing both pieces were in excess of 30 ha.

(c) If adjoining owners wished to adjust the boundary between their two properties, they only needed to apply to the Registrar-General of Deeds providing their holdings were in excess of 30 ha.

Now, due to the passage of this amendment, the creation of a new title or the adjustment of any title boundary, irrespective of size, will need the approval of the Director of Planning and council. To gain these approvals all applications must be examined by:

- (1) Planning Office
- (2) Council
- (3) Lands Titles Office
- (4) Engineering and Water Supply Department
- (5) Highways Department

Plus, other departments which are normally involved where an application concerns their field of operation are:

- (6) Department of Agriculture and Fisheries
- (7) Department of Health
- (8) Mines Department
- (9) Coast Protection Board.

To this list, from the result of representations made to me quite recently by a constituent, one must add the Environment Department, the National Heritage, and a likely involvement of the National Trust. The letter continues:

Most of these departments require an individual on-site inspection. This in itself will require increased departmental staff and costs.

The amount of time and bureaucracy involved becomes astronomical. At the present time, a simple residential resubdivision takes a minimum of three months to gain approval. A simple agricultural resubdivision of less than 30 ha takes a minimum of six months with many taking 18 months. With areas in excess of 30 ha and only the Registrar-General involved, the time element is only about one month, a far simpler and more economical process.

And, I might add, it is a much more reasonable and acceptable method of approach than that being presented. The letter continues:

If this amendment is allowed to pass, the increase in bureaucratic meddling will be alarming and the cost to the public excessive. The reasons given for the amendment are not feasible and I believe the real reason is to increase the size of H.U.R.A. Department and to make their powers over property, ownership, and land use almost absolute. I am writing to you in an endeavour to have this amendment

rejected. I should also explain that I do not stand to gain financially from the stopping of this amendment—and I think it is important that the person who wrote this letter should have made this point—

In fact, quite the reverse. If the amendment becomes law, this will increase our fees to our clients by virtue of dealing with and endeavouring to obtain consents from these departments. This is more lucrative to us than a simple application to the Registrar-General. However, I believe that the public and landowners of this state, who are not aware of the implications, should be protected at all costs.

Another professional organisation has written in this form:

Legislation affecting the size of allotments has been changed several times over the past 10 years and each time the area to which the Planning and Development Act applies has been increased. We have seen a change from five acres to 10 acres to 20 acres to 74 acres, but still the problems have not been solved. I doubt very much if this proposed Bill will solve the problems.

In line with the statement I made at the commencement of my contribution to this debate, the size of the areas to which I have just referred could have been doubled at the outset, because effectively one had to multiply the permissible figure by two, or a factor of almost two, to allow any other interpretation. The letter continues:

There are people who are looking to live in a rural atmosphere, as a way of life alternative to suburbia, and this Bill will deny them that right.

In the light of a contribution made by the Minister when he replied to a debate in relation to regulation 70A, wherein the Minister indicated the Government's intention to move towards zoning, that comment by this professional group may be questionable but certainly in the absence of the commitment—and I take it as a commitment—made by the Minister of a general approach to zoning, the argument put forward by this organisation on the facts known to it at that time was a correct one. The letter continues:

It is just one more control and one more step towards our complete regimentation until we are all wearing the same coloured trousers and shirts. The current system of title is based on a person having the fee simple to a parcel of land, meaning that he has complete ownership. We have seen this complete ownership worn away over the years until it has long ceased in practice due to legislative control.

The Minister cites the district councils of Kingscote and Strathalbyn as two examples and draws the conclusion that all developments of this nature are detrimental to the environment.

The Hon. Hugh Hudson: Nothing of the sort.

Dr. EASTICK: The Minister can make that statement when he replies. That is the view expressed by people who read what the Minister said, and who had the words on paper in front of them. It is a view widely held by people who have followed this debate through the media and who have had an opportunity of discussing the matter with various professional groups. The letter continues:

There have been other developments that have enhanced the environment and two that come to mind readily are in the Willunga area and adjacent to Port Lincoln. In these circumstances land has been brought into more intense production and has become far more amenable to the area than was previously the case. There have been no complaints from the local governing bodies about the increase in revenue that this more intensive development has created.

The Minister says "Proper and responsible consideration will be able to be given to land division applications" . . . "This will not have the effect of precluding development of hobby farms and rural retreats." I wish I could believe this but experience is a bitter master.

It is a practice of the State Planning Office to ask for proof from the subdivider that the parcels to be created will be economic rural units (section 70a Planning and Development Act). What value is this proof if it is to be ignored?

We have an application with the State Planning Office for the division of land at Kuitpo—
and a particular S.P.O. number is cited which I will not introduce at this juncture—

The Department of Agriculture and Fisheries have agreed that "the proposed allotments will comprise and be used for independent and economic units for the purpose of primary production". This application has still been refused by the Meadows council using section 70a and we are awaiting refusal in writing from the Director of Planning. The foregoing is probably based more on my personal philosophy than on actual facts, but I hope you find it of some use. In clause 2 of the Bill I can see many procedural problems. Attached is a copy of a letter I have sent to the Registrar-General. Of course, time has not permitted a reply. This letter outlines the procedural problems that immediately come to mind.

This letter is based on reality and involvement in this important area over a long period. It continues:

We have a situation where many people have given instructions for particular works to be carried out and these instructions are being fulfilled and are at various stages of completion. Are these clients who have acted in good faith to be penalised financially because of the retrospective date in the Bill?

This matter will be debated at more length in Committee, because the proposition put forward by the Minister by way of an amendment goes nowhere near far enough.

Leaving the letter at this stage, I want to give an example to show that, if a local government body wants control over subdivision, it has every opportunity to do so at present, as long as it is alert. The situation that has unfolded at Kingscote is indicative of the statement I have made. Discussions between the subdivider in the Snug Cove area and the Kingscote area have been—

Mr. Chapman: Most satisfactory.

Dr. EASTICK: As my colleague says, they have been most satisfactory, to the point of roads being constructed at the specification of and indeed by the Kingscote district council, and three areas of recreational land being made available at strategic sites and advantageous to the amenity of that project in the long run.

Mr. Chapman: And at the total expense of the developer.

Dr. EASTICK: Yes, at no expense to the council. I took the opportunity of obtaining information from the District Council of Barossa, which, until the most recent redistribution, was in my electorate, and now it is adjacent to it. Indeed, a number of people in my constituency have property both in the District Council of Light and in the Corporation of Gawler and/or the Barossa District Council. A survey of the District Council of Barossa indicates that 56 per cent of its holdings at present are 10 hectares or less; 30 per cent of the holdings are between 10 hectares and 59 hectares (this size is important, because of the comment I made earlier that, when we talk of 30 hectares, we should be looking at 60 hectares); of the remaining 14 per cent, more than half are already held in multiple titles. So, in the District Council of Barossa area, 7 per cent of properties could be affected or controlled in any way by the Bill.

Some two weeks ago, I asked a Question on Notice regarding the number of hundreds in this State, the number of sections, and, subsequently, the number of allotments, so that we could look at this matter in greater detail. I accept the comment made that the Government

does not have access to that detail. The reply went on to say that it would take many man years to determine. I am surprised at that, because I am aware that much statistical detail is available in relation to the Adelaide Hills and other places, but it was not forthcoming. I wonder how many properties and what percentage of the total land mass of South Australia, particularly what percentage of the land mass in what we might call the inner area, we are looking at to control by means of the Bill. I do not want to suggest that there should be no control; I do not go that far. I recognise that it is important to maintain an amenity for all of the people, but I am concerned at the degree of bureaucracy that has entered into this area.

I am concerned that the Bill is yet another amendment to an Act that has already been amended many times. I look forward to the day soon when we are not looking at band-aids—which I suggest the Bill is—but at a complete rewriting of the Act that will bring the matter into better reality. I support the second reading.

The Hon. HUGH HUDSON (Minister for Planning) moved:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Mr. WOTTON (Murray): The Bill is a half-baked effort to patch up an ill-conceived section of the Planning and Development Act that is and has been causing problems for some time. I am concerned that these proposals will do little to correct the present problems and, in fact, will increase many of the worst consequences arising from controls as applied by the State Planning Authority at present.

The first point I make is that I believe that it would make it harder for the private individual to subdivide against the wishes of a district council or the Director of Planning, but, unless the criterion is altered, it will only force him to sell to the professional subdivider who is prepared to take the case to the Planning Appeal Board, which in most cases he could win.

The second point I make is that I believe that it will make the hobby farmer buy a larger area, and those with a limited amount of money will have to move farther out into the rural area, thus aggravating the present problems of eating up more rural land than is necessary to cater for the demand for this type of subdivision, creating bigger problems than before, and, where there is a lack of management skill, and in the case of absentee ownership, larger areas of neglected, once productive land, covered in weeds and vermin, as well as being a fire risk, creating problems for neighbours and, indeed, the whole district.

The Adelaide Hills Study Stage 1, prepared by the Monarto commission, states on page 53, referring to "the economic farm unit concept":

A development control system which relies on it to set a limit on the overall density of development in rural areas could result in the waste of valuable land resources because the prescribed minimum size could be set at a level which is substantially in excess of the area of land desired and utilised by most people seeking a rural living environment.

The fact that there will now be no minimum size at all means only that they will be an economic unit, and that is likely to increase the size of allotments in many areas. This amending legislation appears to guarantee this waste of valuable land at an even faster rate than previously.

It could lead to the situation where it would be necessary to introduce legislation to control and enforce land use. This in itself would necessitate the expanding of several existing Government departments and possibly the creation of a new one. Perhaps this is the ultimate aim of

the planning authority, but it is hard to believe that any Government could be so blind or so easily led into creating the destruction of a valuable land resource, especially when this danger has been pointed out to it by various organisations and study groups for so long.

From the Minister's explanation of the Bill, one would gather that the Government bowed to every demand for the provision of such services as roads and a water supply when a subdivision was created, consisting of 50 or more allotments. We all know of much larger communities and country towns that have been asking for a water supply for many years to no avail. It is considered that there are less harmful means of controlling subdivision and the consequential demands for services, and that the authority has had ample time to come up with a better proposal than this Bill. I support the second reading.

Mr. GOLDSWORTHY (Kavel): I feel compelled to speak to the Bill, because it could have considerable effect in my district. In my view, the administration of planning and subdivision is one of the most thorny problems with which we have to deal in this State. We have people in the Adelaide Hills whose farming operations have become less than economic over the years, because primary production, in general, is not as profitable. It seems that, over the years, larger and larger holdings are necessary for people to have a viable operation in order to make a living. This tendency has taken place since the very foundation of South Australia.

One of the few escape routes (if I can put it that way) for these people to establish elsewhere in South Australia, to acquire larger holdings that are more likely to be viable, is to sell off their property in smaller sections. The property as a whole is not viable, but, if it is divided into smaller units (say, 30 hectares, or previously less than that), it would probably fall within the price range of people who wanted some measure of rural living, and the aggregate price for the property would be somewhat higher than they could expect to get if it was sold in one piece.

I have been spokesman on numerous occasions before the planning office and elsewhere on behalf of people wishing to re-establish themselves and to get a maximum capital return by subdividing their properties. One must acknowledge that this matter is not without considerable problems. It has always been put to me by people living in the area that it is a shame to see large rural holdings being chopped up. I can think of areas in Birdwood and Mount Pleasant where large farms have been subdivided into small units because the owners wanted to maximise their capital return and establish elsewhere. This is fraught with all sorts of human problems which impinge on the rights of individuals to make the most of a property.

Although this legislation operates through the whole of South Australia it seems to me that these problems are peculiarly acute in the areas represented by me and by two or three other members on this side of the House. I do not think it affects Government members, who are largely drawn from the city areas and are not involved quite so intimately with what I see as being the difficult areas of this legislation. To them the question of control probably does not have the same electoral impact or stimulus that it has to those of us who represent country areas, particularly close country areas. Having said that, I acknowledge that there is a conflict of interests and that it is not, generally, in the long-term interests of the State to have some of these larger properties chopped up into smaller and obviously uneconomic units.

I have heard a counter argument put by a professor, I think from Sydney. One of the statements he made was that one commodity of which Australia is not short is land and that if in fact people wanted to choose a lifestyle

where they lived on 20 or 30 acres of land there should be plenty of opportunity in Australia for them to be accommodated. It must be acknowledged, however, that the most fertile parts of Australia are mainly in the coastal regions. In South Australia, probably some of the most fertile land is that being chopped up into small allotments.

I do not think this Bill is satisfactory. It is, as one of my colleagues has said, band-aid legislation. The Government has progressively increased the size of allotments which have to come under the review of the State Planning Office. That is all this Bill seeks to do. There is a necessity, in my view, for rewriting the whole of this legislation. I think the member for Fisher has indicated that he hopes to give some stimulus to the Government by moving an amendment regarding the time of operation of this legislation. I am prepared to support this legislation through the second reading stage. I will not go any further than that.

Mr. Millhouse: Come on, you don't want the Bill at all.

The DEPUTY SPEAKER: Order! The honourable member for Mitcham is out of order.

Mr. GOLDSWORTHY: I heard the speeches of a couple of my colleagues—

Mr. Millhouse: You ought to spend more time in the House.

Mr. GOLDSWORTHY: For the member for Mitcham to seek to chastise me for not spending enough time in the House is the absolute height of hypocrisy.

Mr. Millhouse: Come on!

Mr. GOLDSWORTHY: The member for Mitcham has stated publicly that he believes being a member of Parliament is a part-time job.

The DEPUTY SPEAKER: Order! The attendance of either the honourable member or the Deputy Leader is not a matter for this debate.

Mr. Millhouse: I have been here all the afternoon.

Mr. GOLDSWORTHY: We ought to give the honourable member a prize for being here for a whole afternoon.

The DEPUTY SPEAKER: Order! I point out once again that the attendance of members is not a matter for debate. I will take action if the matter is pursued.

Mr. GOLDSWORTHY: I am just replying to interjections.

The DEPUTY SPEAKER: Interjections are out of order.

Mr. GOLDSWORTHY: We do not see the honourable member often. He is certainly a half-time member.

Mr. MILLHOUSE: On a point of order, Mr. Deputy Speaker. The Deputy Leader should not have replied to any of the interjections, and it is quite wrong of him now to develop a theme which has nothing whatever to do with the Bill.

The DEPUTY SPEAKER: I do not uphold the first part of the point of order, because that is a judgment the Chair has to make. I note the second part, and ask the honourable Deputy Leader to concentrate his remarks on the Bill.

Mr. GOLDSWORTHY: I take it that this Bill will bring more proposals for subdivisions under the surveillance of the planning office. The policies which have been enunciated (and I must say that those policies are a bit difficult to follow in some instances) by the planning office about allowable divisions contain a set of ground rules about allowing people to cut off one block, for instance, to accommodate a son if the remainder of a farm is a viable farming area. I certainly hope this Bill does not seek to interfere with the ground rules laid down by the department.

The Hon. Hugh Hudson: In no way at all.

Mr. GOLDSWORTHY: I took it that way. Those ground rules seem to be working reasonably well, and I rightly assessed that they would not be interfered with by this Bill. I support the Bill through the second reading with a view to making some improvements at a later stage.

Mr. CHAPMAN (Alexandra): I am not sure whether or not I will support the second reading of this Bill. The more I look at this Bill the more concerned I am about its true intent. I shall have to consult with my colleagues to ascertain whether we have a firm stand on the procedure to be adopted. I believe that the Government, in this instance, has sought to gain control and escape its responsibilities in the zoning of South Australia for the purposes of determining and showing the public, not only potential subdividers, the areas of the State considered desirable to be zoned for their respective purposes.

Until those guidelines are laid down, no-one will know where he stands. At this stage people are hearing on the grapevine about a proposed firming up of regulations and requirements with respect to subdivisions and potential planning. They are rushing in on the pretext that they have taken some action to subdivide in order to beat the gun. In my view, the whole object of planning for the purposes of land development or any other form of development is based on a principle which the Government has failed to uphold. We have a document prepared by Mr. Hart, a senior officer of the department, which was presented to us this week and to which the Minister and other members have referred at some length. I have not read the 154 page document, or even a substantial part of it.

I was interested to find on page 122 a reference to the formulating of control principles, where exactly what I am speaking about is recommended. Mr. Hart obviously has in mind that this Government, or any future Government, should lay down general guideline plans of the areas for the various purposes of land use throughout the State. The sooner that is proceeded with (and I suggest this with great respect to the officers that may be available to do the job), the better off we will all be. In the meantime, for the Minister to pre-empt, over a period of days, this document's being made public by introducing this Bill is quite wrong and demonstrates yet again that he is trying to jump the gun knowing full well what the responsibilities of the State are or ought to be in this regard.

There has been some comment about the subdivision proposal applicable to the Snug Cove property on Kangaroo Island. In his second reading explanation, the Minister chose to use that example to demonstrate the need for this amendment. The Kingscote council, on becoming aware of the proposed subdivision of Snug Cove, wrote to the Minister, expressing concern about that form of subdivision of freehold land being made without what appeared to be reasonable reference to the authority. Subsequent to that correspondence, the council again wrote to the Minister on, I think, 12 October 1978 to explain just where the council stood with respect to that subdivider.

As far as the Kingscote council is concerned, I can assure the House that it is not at all worried about what is happening in the specific case of the Snug Cove subdivision. The parties acting for the subdividers have fully co-operated with that council. They have met with the council following the submission of their initial plans and have discussed the overall network of roads that they propose to have installed. They have discussed the siting, the size and details of the blocks involved, and the council has received an offer from the subdivider of several parcels of land to be used as reserves. The council has been invited not only to conduct the proposed roadwork, but to do the

work to the specifications of its own overseers at the subdivider's expense. I am sure that honourable members will now appreciate that the Kingscote council is not disturbed about what is happening in the specific case of the Snug Cove subdivision, because it has received the utmost co-operation from the subdivider. I believe that in that instance, and in the case of any other coastal land of that quality, subdivisions are quite acceptable and should be allowed to proceed without the interference and involvement of the State Planning Authority.

For the Minister, on behalf of the State Planning Authority, to suggest that every individual applicant should submit a log of plans and details for officers to fool about with and submit to multiple departments all over the place to determine whether or not they should be accepted is quite wrong in principle. The department's and the Government's job is to lay down guidelines. If authority is to be exercised on whether subdivisions larger than 30 hectares are to proceed it should be in the hands of local government. Local government should be able to enjoy the benefits of advice and guidelines from the State Planning Authority in the metropolitan area. Other than that, I believe it is beyond commonsense to have those officers applicable to the Minister's own department involved in the detail. We are slowly drifting into a situation in which people are beholden to more and more regulations, red tape, interference and dictation by officers of departments of this type, and that is quite unnecessary in making the best use of the respective lands subject to subdivision.

I am concerned about the covering of rich rural land with concrete and bitumen, and I cite the Willunga Plains as a classic example. The Minister knows my feelings about the further hacking about of that area. It is hoped that ultimately land will be zoned according to the system that I have explained. Land of the type on the north coast and the south coast of Kangaroo Island and any other marginal productive lands where it is difficult or well nigh impossible to make a living should be available for the type of rural living in the small acreage allotments that people desire, and I can see nothing wrong in that.

It is a load of rot to say that district councils will be concerned about providing facilities. Subdividers and potential purchasers know that if they buy 20, 30 or 40 hectares of land in the bush they will not be able to enjoy kerbing, reticulated water laid, or other facilities enjoyed in more closely settled areas. They are not stupid; they are aware of the situation. They have plenty of room, on parcels of land of the size I have mentioned to supply their own facilities.

I express concern at the Government's move to have greater control, and is neglecting its job in laying down the guidelines across the State to show where it is desirable to proceed with subdivision and where it is necessary to proclaim that land shall not be used for such purposes in the future. Until we have a situation like that, we will proceed in this patchwork band-aid way, as the Deputy Leader of the Opposition expressed it a moment ago. That is not in our interests or in the interests of the landholders, subdividers, or potential occupiers of the land.

Mr. NANKIVELL (Mallee): It would be hypocritical of me not to speak on this legislation in view of the representations I have made to the Government specifically relating to the area referred to by the Minister—the Callington, Woodchester, Strathalbyn area in the Mallee District. The problems created by subdivision of land in that area have only partly begun to be evident. People were sold land on the basis that they could reside on their blocks because there was a flowing

creek or some access to water provided to each block that would assure them of an adequate supply. The simple facts of the case are that the run-off in the areas concerned was inadequate. By the time someone had put a dam upstream, the overflow was progressively reduced as it went down the creek.

As I pointed out in letters to the Minister, the problems associated with an inadequate water supply in areas with a valley-type topography are such that the drainage from effluent and other systems finds its way back to the creek and health hazards are created as a consequence of the necessity to provide just normal requirements for health in these areas. Septic systems and so on have no alternative but to drain back to the catchment areas. These things have happened. People now own these blocks and are putting houses on them. They want to live there to get out of the rat race. They live close to the freeway, so that they can commute easily to Adelaide. They want to get their children to the country where they can have the benefits of country life, but the whole basis of this desire rests on the fact that there are facilities there not only to enable them to get access to their land but also to have power and water and hopefully, in some instances, reasonable telephone facilities. All these things are basic for these people being able to do what they were led to believe they could do when they bought these allotments in the area.

Recently, another area of 800 acres has been subdivided that will not be subject to this legislation. This was good grazing country which had an adequate water supply for stock grazing on large areas, but when the property was cut up into blocks of 30 hectares or more the situation changed completely. Density of occupation is such that the problems of drainage and water supply are important.

I have made representations to the Minister about this matter. I have pointed out that this problem arose from the fact that people were able to sell land in parcels larger than 30 hectares without having to give an undertaking that these necessary services were available for the people who were buying the blocks. They were not buying it to be hobby farmers in the strict sense; they were buying the land purely and simply to have a rural home in which to live. It is not possible to enjoy that rural living on this sort of block in these circumstances.

I realise there are people who are unaware of any intending legislation who may have committed themselves to quite substantial expenditure on surveys that may not come within the amendments in the Bill. I would like the Minister, out of regard to this fact, not to be too hasty but to try to make sure that no-one will be disadvantaged who has committed himself to a substantial expenditure with no hope of recovery, since the plans would have had to be completed by 19 September. The time factor might catch people retrospectively, and this could harm people who were innocently undertaking a subdivision which up to now would have been permitted.

We cannot put the clock back but, if we could, I suggest we should have had this power a long time ago. I agree with the member for Alexandra that the authority, had it been vested in local government, would have meant there would be perhaps some control exercised over this particular matter. As no power has been given to any authority to do anything about this sort of subdivision, we find ourselves in a position, whichever Government is in power, where we will continue to be embarrassed by the fact that these subdivisions have taken place.

I think we will have this matter driven right home to us because, as the Minister of Works said yesterday, this year there will be an extreme fire hazard. The area that I represent that is affected by these subdivisions has no adequate water supply and if there is a fire there could be a

holocaust before we know what has happened. Houses will certainly be lost and lives could be lost in the event of a fire sweeping up a gully where these houses are built into areas where there is no adequate fire fighting service nearby to fight any fire.

I support the legislation certainly at the second reading stage. I want to look a bit more at the provision for retrospectivity, but I wholeheartedly support the principle and wish it had been introduced before the subdivisions to which I have referred took place.

Mr. GUNN (Eyre): I support the second reading of the Bill. I am in strong disagreement with the member for Mitcham. I have had the opportunity of flying over and driving around Eyre Peninsula and the northern parts of South Australia more than any other member of this House, and some of the subdivisions should never have taken place. There has been a complete misuse of agricultural land, but unfortunately some of the people who have gone on to these subdivisions or hobby farms have had no real knowledge of how to operate them, and they have caused problems not only for their adjoining neighbours but also for local government and government departments that are called on to provide services.

I have never been one to give Government departments power over private land, but I have little time for the type of subdivisions which have unfortunately taken place. One has only to drive along Highway No. 1 to see some of the subdivisions and the type of constructions that have been built on them to know how undesirable they are. I believe that local government should have more power, but I do not think that the types of control which are necessary can be adequately organised by local government. This Parliament has to look closely at this type of subdivision in the future. I am concerned about the size of 30 hectares; I believe it should be larger.

The Hon. Hugh Hudson: This covers any form of subdivision.

The SPEAKER: Order! The honourable Minister is prolonging the debate.

Mr. GUNN: I am pleased about that because in my flights over South Australia I have seen strip development that is not only undesirable but is detrimental to the countryside and I hope it will be controlled in the future. I believe where we put controls on people who wish to take advantage of subdivision we should do something about the council rates and other taxes and charges they have to meet. I think if we are to put some restrictions on them we must compensate them in other areas.

I support the second reading. I am surprised that the member for Mitcham is not aware of the problems which are taking place and which will take place if it is allowed to continue. Valuable agricultural land is being taken out of production. The people involved have no knowledge of weed or vermin control, and they have no knowledge of stock management. Their adjoining neighbours are being placed in a difficult position. The people involved do not even build proper fences, and they build humpies on the properties. Something has to be done about it and the sooner the better.

Fortunately, there are areas in South Australia to which this practice has not extended, but unless we take positive action, it will. Recently, I was approached by a district council in my area, the members of which were concerned that a subdivision had been approved. They considered it undesirable and appealed against it, but the planning authority dismissed the appeal and nothing could be done.

The area of land was not a living area for agricultural purposes. I took up the matter with the Minister, but his hands were tied. The subdivision has gone ahead. All

responsible bodies were concerned about it. I hope that this legislation will stop such subdivision in future, because I consider that it is undesirable. It is necessary for the Government to make sure that areas are set aside, such as shack sites, for people who wish to have a retreat. However, they should be properly organised and in defined areas of the State. I hope the present willy-nilly and undesirable practices will not continue in the future.

The Hon. HUGH HUDSON (Minister for Planning): I am grateful to the member for Eyre, the member for Mallee, and also the Deputy Leader of the Opposition for bringing the debate back to the field and to a consideration of what are the real issues. Let me state the fundamental issue of conflict involved. The Deputy Leader pointed out, quite rightly, that there are people who find that, if they can subdivide their land into small units and sell them off, they can get a greater value for the land than if they sold it as one piece.

On the other hand, when that occurs under existing arrangements there is, because of the increase in the value of the subdivided land, a general increase in the value of land in the area, a tendency for rates and taxes generally to be pushed upwards, and economic pressure on other landholders, tending to make other agricultural activities in that area non-viable. One of the reasons, in the Hills area especially, and also in the Barossa Valley, why a number of agricultural areas have tended to become non-viable has been that the cutting up of land has pushed up land values, which in turn has had an effect on overall rates and taxes that have to be paid by the established landholders.

I realise that the member for Light has put up in the past the proposition that land should be valued according to its use. Unfortunately, we have the whole valuation profession up in arms against that sort of proposition. Certainly, we can get an effective approximation to that situation once we have any form of zoning, because the zoning establishes market values more in line with specific use values. The valuers I talked to want to rely on the market in order to give a valuation, but if land is zoned residential, for example, then that zoning leads to a particular market valuation which the valuer could then use. If land is zoned agricultural, that zoning, related to its use, again gives rise to a particular market valuation related to use. Without an effective zoning arrangement, you do not get the valuer put into the correct kind of position.

Dr. Eastick: That's—

The Hon. HUGH HUDSON: The honourable member knows the score on his proposals with respect to valuation. He will not succeed with those proposals.

Secondly, any system of zoning recognises existing use, and if, like the member for Alexandra and the member for Murray, you throw the baby out with the bathwater because you want to wait until you have a new bath, when you come along with the new bath you have to recognise all sorts of impurities and difficulties that arise. All existing uses have to be allowed for, and regarding those areas of Adelaide that have been developed over the years with mixed use, when urban zoning came in it was almost impossible to zone them properly. The result is that land uses are still in conflict with one another.

There is no way that this Parliament, in allowing for a zoning system, will allow us to zone to cut out non-conforming uses of existing uses. We will never agree to that. We did not do so with the Planning and Development Act, and we will not in relation to any form of rural zoning. The greater the extent of further subdivision and the removal of land from agriculture into other types of

use, such as is likely to occur at Snug Cove on Kangaroo Island, the more those situations will continue. The member for Alexandra does not seem to be particularly worried about Snug Cove, but he will be worried when that land comes up for sale and is sold at higher prices; the land in that general area will be valued at higher prices, and those who own it will pay higher rates and taxes.

Mr. Chapman: Rubbish!

The Hon. HUGH HUDSON: The honourable member can say "rubbish" if he likes, but we will see whose prediction is right. That has happened in the Hills area of the State, in the Willunga Plain, in the Fleurieu Peninsula, and of course in the Barossa Valley. That problem arises from excessive subdivision leading to increased values.

A conflict arises then between the desire of those who want to realise on an extra capital value for land by cutting it up and permitting another use to take place on that land, and the desire of those who want to retain the land in that area permanently for its most desirable use, which in most cases is for agriculture. That conflict cannot be resolved to everyone's satisfaction. We must make up our minds about it. We cannot duck-shove it. Any honourable member who tries to get up and duck-shove it in this place is not fulfilling his duties as a member of Parliament.

I point out to honourable members, particularly to the member for Eyre, that the passing of this provision will not necessarily prevent all undesirable subdivisions. The circumstances under which a subdivision can be refused are set out in the Planning and Development Act, and they broadly relate to the provision of services, the general amenity of the area, and the economic viability of areas so created, if it is an agriculture area. That, of course, could be applied only in the case where that is specified in the development plan. The process of zoning and surveying land in the rural areas of the State will be relatively long and difficult. Until we have that kind of land use control exercised happily when it is sorted out by local government, we will need to retain subdivision control.

In a country like the United Kingdom, where there is effective land use control, particularly in agricultural areas, there is no subdivision control whatsoever. People can cut up the land any way they like. There is no point in cutting up agricultural land if you get smaller blocks and change the use, because you will not be able to put any building on the land to change the use. So, the subdivision control becomes unnecessary. Subdivision control is a first step towards a more effective land use control that would be aimed, in particular, so far as prime agricultural land in this State is concerned, at maintaining it as agricultural land.

Clearly, then, we also have to be able to set aside areas of land for rural living, hobby farms, shack sites, and that sort of thing. We must be able to satisfy that demand. That is part of the process of effectively protecting the good agricultural land that is desirable to maintain for that purpose. Having said that, and having broadly stated what I believe to be the basic argument for the approach taken in this Bill, let me do two things: first, to quote a piece of Shakespeare back to the member for Light. I suggest that he read *Macbeth*, Act V, scene 5, lines 27 to 29.

Mr. Millhouse: What about quoting them to us, to reassure us that you are not making it up.

The Hon. HUGH HUDSON: I will be happy to do that. It is as follows:

It is a tale told by an idiot,

Full of sound and fury,

Signifying nothing.

I shall deal now with the member for Mitcham and the closeness of his remarks to those of the member for Alexandra. In certain matters the member for Mitcham is

almost becoming an ultra right-wing reactionary. I have never heard a more reactionary attitude expressed in this House than that expressed this afternoon by the member for Mitcham. He has even forgotten the situation that existed in Adelaide prior to the Planning and Development Act where subdivision after subdivision took place, where houses were built without the provision of services, without water, without sewerage, without effective roads, and without proper planning. The results of that situation are still with us today. The member for Mitcham would have had examples of that in his own area. He complained in this House when he represented the Blackwood area about sewerage effluent going down the streets, but that was a consequence of the kind of policy he was advocating here this afternoon. Parts of my area still do not have effective kerbing and guttering, because they were developed prior to any proper planning control. That no longer happens.

Regarding residential or urban areas near Adelaide, allotments that are provided and available for sale are fully serviced, and the conditions that apply are no longer those that applied in the past. What the honourable member for Mitcham cited here this afternoon is absolutely extraordinary. He was obviously peeved about something, and he got up and spoke without any proper consideration being given to the matter being debated.

Mr. Millhouse: Say what you like, but I was right.

The Hon. HUGH HUDSON: The honourable member was not right at all. Somebody told the honourable member that he had been told this by a land agent and that he had better get in quick. Apparently, that is relevant to what the Government is doing. He was not able to say what size block of land the person wanted to buy, or anything of that description. I suggest the honourable member for Mitcham is making a fool of himself, and it is a pity that he does not put a little more study into his work here before he gets up and speaks. In the days when he was busier in the courts than he is at present he spoke less frequently; then, we did not see him making contributions made without any proper preparation.

Mr. Millhouse: It sounds as though you do not want me here.

The Hon. HUGH HUDSON: The question of who I want, whether it is the member for Mitcham or anybody else, is really a matter of a choice between evils. It may be that at present distant fields are greener and that some other potential member may appear to be preferable, but I will say this for the honourable member: I can conceive of the situation arising when we have a different member for Mitcham and my saying, "This bloke is so bad that I wish we had Robin back again."

Question—"That this Bill be now read a second time"—declared carried.

Mr. Millhouse: Divide.

While the division was being held:

The SPEAKER: There being only one honourable member on the side of the "Noes", the question is therefore carried in the affirmative.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

Mr. EVANS: I move:

Page 1, after line 10—Insert subclause as follows:

(2) The amendments made by this Act shall expire on the 31st day of December 1979, and thereafter the principal Act shall be read and construed as if this Act had never been passed.

The intent of my amendment is to give the Government

the opportunity to introduce a complete rewrite of the Act. Parliament could reconsider the situation in 1979, if need be. I believe that what we are agreeing to overall requires that some pressure be placed on the Government to take the necessary actions to rewrite the Act. I ask the Committee to support my amendment.

The Hon. HUGH HUDSON (Minister for Planning): I oppose the amendment. The report by Mr. Hart recommends that subdivision control would be a feature of the new system over all land. So, a proposition that subdivision control over land in excess of 30 hectares being limited to the end of 1979 is not a satisfactory proposition, because it would have to be a feature, anyway, of the new legislation when it is introduced.

The only circumstances in which we will be able to get rid of subdivision control altogether (and I look forward to that day) is when we have effective land use control. As soon as we have that, we can give up subdivision control. That situation applies in only one area of South Australia at present, and that is in the city of Adelaide. Doubtless, as time goes on, the areas in which we can get rid of subdivision control altogether will expand, but effective zoning in the country rural areas will require much more work than can be carried out before the end of 1979, and I could not accept a proposition that implied other than that.

Until we have appropriate land use controls, we cannot get rid of subdivision control. It will always be the case, I believe, that in some areas of the State we will not need intensive land use control. In many parts of the District of Eyre the requirement for it on a detailed basis is a lot of nonsense. It is not necessary there, but a simple subdivision control to stop some of the actions to which the member for Fisher has referred may well be obtained in the long run in those areas. For those reasons, I find the amendment unacceptable, and I ask members to oppose it.

Mr. EVANS: Parliament needs to be able to debate progress that has been made, and one way of ensuring this is the amendment, so that whoever is in Government at the time specified will have to tell Parliament whether it is desired to continue the provisions. The Government will then have to give an idea of what it is doing and what progress is being made.

Mr. GOLDSWORTHY: I support the amendment. I take it that land use control will be an integral part of any new planning and development legislation that will be introduced, and that there will be no re-write of the Act until effective land use control is implemented, I should have thought by regulation. Is it only then that we will have a re-write of the legislation?

The Hon. Hugh Hudson: No.

Mr. GOLDSWORTHY: I must have got the wrong drift from the Minister's explanation. His main point was that we had to get effective land use control before we could do anything about this. It seems desirable that Parliament examine how the thing is working, whatever progress the Minister has made on his new legislation. This is not a new procedure. The Prices Act came before Parliament yearly so that we could say yea or nay about its continuation.

Mr. Millhouse: Since 1948.

Mr. GOLDSWORTHY: There is nothing novel in this approach, even if one accepts that the Minister will not have the sort of land-use control desired by the end of 1979. It is desirable that Parliament should have the opportunity next year to see how this is working and, for that reason alone, I am prepared to support the amendment.

The Hon. HUGH HUDSON: Honourable members will have the opportunity, before the end of next year, to

debate this matter again. I can assure the honourable member of that, but I do not accept the argument that, because an annual review has been done before, it is therefore proper procedure. The only reason for an annual review is where there is a conflict of view with respect to the existence of a power; as in the prices case to control prices. That was why that was reviewed every year. Those of us who believe that that power should exist, anyway, did not believe it was proper to bring it forward every year. All I want to put to honourable members (and I think what honourable members opposite have said indicates this quite clearly) is that there is a need for subdivisional control over areas in excess of 30 hectares. Even where there is land-use control, it will not extend over the whole of the State, so that the need for this is permanent and there is no gainsaying that. Therefore, the amendment that has been suggested is not an appropriate one.

The Committee divided on the amendment:

Ayes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans (teller), Goldsworthy, Mathwin, Millhouse, Nankivell, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury,

Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson (teller), Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Whitten and Wright.

Pairs—Ayes—Messrs. Gunn and Rodda. Noes—Messrs. Dunstan and Wells.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Progress reported; Committee to sit again.

APPROPRIATION BILL (No. 2)

Returned from the Legislative Council without amendment.

PUBLIC PURPOSES LOAN BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 5.53 p.m. the House adjourned until Tuesday 7 November at 2 p.m.