HOUSE OF ASSEMBLY

Tuesday 4 March 1980

The House met at 2 p.m.

ABSENCE OF SPEAKER

The CLERK: I have to inform the House that, owing to absence overseas on Commonwealth Parliamentary Association business, the Speaker will not be able to attend the House for several weeks.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That, pursuant to section 35 of the Constitution Act, 1934, as amended, and Standing Order 24, the member for Eyre (Mr. Gunn), Chairman of Committees, do take the Chair of this House as Deputy Speaker to fill temporarily the office and perform the duties of the Speaker during the absence from the State of the Speaker on Commonwealth Parliamentary Association business.

The CLERK: There being no other nominations, I declare Mr. Gunn elected as Deputy Speaker.

The DEPUTY SPEAKER (Mr. Gunn) took the Chair and read prayers.

SOUTH AUSTRALIAN MUSEUM ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purpose mentioned in the Bill.

PETITIONS: PORNOGRAPHY

Petitions signed by 124 residents of South Australia praying that the House would legislate to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act were presented by the Hons. D. C. Brown and W. A. Rodda, and Messrs. Ashenden and Mathwin.

Petitions received.

QUESTIONS

The DEPUTY SPEAKER: I direct that the following written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard:* Nos. 527, 551, 562, 563, and 617.

MINISTERIAL STATEMENT: NORWOOD BY-ELECTION

The Hon. D. O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: The Attorney-General has now received the report of the Electoral Commissioner on a number of complaints received by him during the period of the Norwood by-election which resulted from the decision of the Court of Disputed Returns.

The Attorney-General's report is as follows:

It is important to appreciate the climate in which the by-election was held to ensure that the complaints are seen in their proper perspective. As a result of the decision of the Court of Disputed Returns, it became obvious that the Electoral Office would be required to implement the provisions of the Electoral Act strictly according to the letter of the law, regardless of past practice. The mere fact that a practice that may have evolved over many elections, accorded with the spirit of the Electoral Act, and, in any event, was eminently sensible and reasonable, was considered not necessarily sufficient if the Electoral Office was to ensure that on its side the conduct of the election was to be above criticism.

Let me give an example. The practice of presiding officers not preventing two persons from being in the same voting cubicle at the same time had been accepted over a number of years. This particularly applied to older people and where there were language difficulties. It was, however, a practice which, as the Norwood Court of Disputed Returns determined, was technically contrary to the strict interpretation of the Electoral Act. The longstanding practice, however, had never been proved to result in any adverse effect on any election and had been allowed to continue. Recognising this, the previous Government had decided, in February 1979, to amend the Electoral Act to formalise this practice. But, as this had not been enacted and as a result of the decision of the Court of Disputed Returns, the Electoral Office was faced with the prospect that, if two persons were in the same voting cubicle at the same time and completed ballot-papers, their vote was invalid and the presiding officers were required to take the completed ballot-papers from those persons to ensure that the whole election was not likely later to be invalid.

Another example to illustrate the difficulty is where polling officers find ballot-papers in the rubbish bin, or on the floor of a polling place. Their past practice had been to place those ballot-papers in a ballot-box to ensure that all voting papers were accounted for, regardless of whether or not the voting paper was found. That was no longer to be allowed. It was, therefore, in this climate of applying the provisions of the Electoral Act in a strict technical way that the by-election was held. The Electoral Office was required to ensure that every "i" was dotted and every "t" crossed in the conduct of the election, so that neither it nor the whole election could be subject to any criticism. The candidates and Parties appear to have adopted the same approach.

I take the opportunity to commend the Electoral Commissioner and the Returning Officer and all other officers on the way in which they conducted that by-election. They did much more than they would ordinarily be required to do and ensured that the conduct of the election by them could not be subject to any criticism, real or imagined. It should also be noted that the Electoral Office went to considerable lengths to ensure that all who were entitled to a vote, wherever they were at the time of the election, were given every opportunity to cast a valid vote. In other State Electoral Offices before polling day there were facilities for postal votes, as well as at South Australia House in London. Various High Commissions and Embassies were provided with the appropriate facilities for allowing applications for postal votes.

There were advertisements in the *Advertiser*, the *News*, the *Sunday Mail* and the *Australian* and an Electoral Office pamphlet in every letter box in Norwood, drawing attention to polling day requirements and the postal vote facilities. Section 33 of the Constitution Act provides that every person who:

(a) is at least 18 years of age; and

(b) is a British subject; and

(c) has lived continuously in the Commonwealth for at least six months and in the State for at least three months and in an Assembly subdivision for at least one month immediately preceding the date of his claim for enrolment is entitled to vote at an election if at the time of the election he is enrolled on the

electoral roll for a subdivision of the Assembly district in which the election is held.

The Electoral Act provides that "Names should be placed upon Assembly Rolls pursuant to claims for enrolment or claims for transfer of enrolment."

Claim cards for enrolment or transfer of enrolment are available at all post offices and as part of the claim the applicant declares:

> I now live and have lived in the abovenamed subdivision for a period of not less than one month immediately preceding the date of this claim.

Such claim forms are witnessed, and penalties prescribed for false declarations. If any claim is incomplete or the Registrar is not satisfied that the claim is in order, no enrolment or transfer is effected and the elector is notified. However, there is no clear and precise definition of "living" and the facilities for checking whether or not a person is "living" or has "lived" at a particular address for a period of not less than one month preceding the date of the claim for enrolment are limited. The Electoral Office does not have the facilities to examine each application for enrolment by checking the application personally. Other procedures are adopted to ensure that there is some scrutiny of the roll.

In this context it is important to recognise that South Australia and the Commonwealth have an agreement whereby the Australian Electoral Office processes claims for enrolment.

There is a good working relationship between the two offices in both the processing of claims for enrolment and the keeping of up-to-date rolls. I understand from the Electoral Commissioner that the procedures are constantly under review. There is also some system of cross checking when an application for enrolment is made, where the person making that application has previously been enrolled in another subdivision whether in South Australia or in other States. As a result of the Norwood by-election, the requirements of the Electoral Act with respect to this will be reviewed, as will the procedure for objection and periodic reviews of the rolls.

With respect to the electorate of Norwood, it is important to recognise that it comprises two subdivisions, Norwood and St. Peters. The Electoral Commissioner has reported that, since early October 1979, when the petition on the September election was lodged, there has been a probability of a new election in Norwood. He understands that extensive canvassing took place, often in the evenings, when the maximum benefit could be obtained. Large numbers of persons were contacted and claim cards offered to persons who were not then enrolled.

He also reports that there was no canvassing in the other 46 House of Assembly Districts; consequently, many of the electors who had moved from Norwood had not changed their enrolment, and therefore deletions to the Norwood roll were not generated on the day of the issue of the writ. At the close of the roll, the number of electors enrolled was 17 614, a net increase of 944 since August 1979. During the period 27 August 1979 to 25 January 1980, 1 835 names were added to the Norwood roll, whilst 891 were deleted.

Particulars of additions, deletions and amendments for each of the two subdivisions for each month from and including January 1976 to January 1980 are incorporated in a table which is entirely statistical. I seek leave to have the table incorporated in *Hansard* without my reading it.

Leave granted.

ADDITIONS, DELETIONS AND AMENDMENTS TO ST. PETERS AND NORWOOD SUBDIVISIONS
From January 1976 to January 1980

Year	Month	St. Peters			Norwood		
		Additions	Deletions	Amendments	Additions	Deletions	Amendments
1976	January	240	154	27	218	412	39
	February	59	111	6	89	114	25
	March	67	88	8	79	113	7
	April	93	146	3	87	145	3
	May	59	62	10	87	60	278
	June	106	135	10	91	132	7
	July	76	185	14	84	113	14
	August	55	76	3	186	85	18
	September	64	72	7	266	137	49
	October	193	143	25	391	386	61
	November	178	113	27	138	533	12
	December	93	151	12	114	106	12
1977	January	120	87	29	56	62	—
	February	187	475	35	94	138	18
	March	138	129	8	100	111	9
	April	141	125	7	176	175	8
	May	—	4)	—)	—)	11)	—)
		—	26)	—)	176)	49)	—)
	June	437	256	32	434	247	31
	July	90	120	31	106	182	23
	August	90	119	1	466	156	30
	September	144)	77)	11)	227)	93)	36)
		357)	106)	9)	—)	138)	—)
	October	94	98	8	88	473	17
	November	168	147	10	133	96	5
	December	64	36	8	—	16	—
1978	January	186	167	26	224	377	21
	February	47	231	18	44	95	5
	March	48	61	1	56	140	6
	April	38	32	7	46	92	7
	May	39	68	4	40	89	—
	June	77	161	4	85	89	9
	July	82	82	9	91	100	10

ADDITIONS, DELETIONS AND AMENDMENTS TO ST. PETERS AND NORWOOD SUBDIVISIONS—*continued*
From January 1976 to January 1980—*continued*

Year	Month	St. Peters Additions	St. Peters Deletions	St. Peters Amendments	Norwood Additions	Norwood Deletions	Norwood Amendments
1978	August	53	79	1	53	75	4
	September	74	93	4	76	105	6
	October	128	95	21	74	115	10
	November	315	116	43	44	108	4
	December	213	124	42	74	125	4
1979	January	73	170	22	83	101	4
	February	169	442	13	181	113	16
	March	270	196	26	355	270	38
	April	70	89	12	225	156	42
	May	69	109	11	288	54	18
	June	103	123	1	270	204	60
	July	76	256	16	139	142	39
	August	207	174	12	226	697	48
	September	223	86	21	272	95	30
	October	63	74	1	76	59	12
	November	143	112	25	39	129	4
	December	47	66	11	27	60	1
1980	January	496	95	31	449	92	30

Amendments—Mainly movement within subdivision.

The Hon. D. O. TONKIN: The report continues:

The names of 175 electors were removed after the close of the Norwood roll but before polling day, where Norwood electors had sought enrolment elsewhere in South Australia or interstate.

Another procedure for reviewing enrolments is the "habitation review". A "habitation review" over the whole of South Australia has been conducted by the Australian Electoral Office in each of the 1977, 1978 and 1979 financial years. That review comprises a house to house doorknock to ascertain who lives at an address. If no-one is home, a white card requesting information as to the occupants is left at the house. But if it is not returned, there is no follow up, and the person on the roll for that address ordinarily remains on that roll. Objection procedures follow if a person whose name is on the roll for an address does not appear to live at that address. There had been a complete habitation review of the Norwood subdivision in April 1979, and in St. Peters in September-October-November 1979.

The Electoral Commissioner also reports that, as regards the Norwood subdivision, no "habitation review" has been carried out by the Australian Electoral Office since August 1979, and consequently there has been no removal of names on the grounds of non-residence. In the subdivision of St. Peters, 300 objections on the grounds of non-residence were to have been issued in September-October 1979, following a review. Owing to the general election, the consequent Court of Disputed Returns and the possibility of a by-election in Norwood, the objection procedure was deferred until after the by-election. Had no petition been lodged, the names of approximately 200 electors would have been removed by mid-January 1980.

The Electoral Commissioner reports also that his inquiries disclose that the City of Kensington and Norwood, with the exception of the suburbs of Marryatville and Heathpool, is in the Norwood electoral subdivision. He has been provided with information that in the last nine years 179 homes have been demolished, and 27 new dwellings and 861 flats have been constructed, the flats mainly for rental. He indicates that Norwood is an area with a high turnover of population due to the amount of rental accommodation available.

The number of electors whose names appear on the Norwood roll for each of the elections since 1970 is detailed in a statistical table.

I seek leave to ha e the table incorporated in *Hansard* without my reading it.

Leave granted.

ENROLMENTS

Enrolment	Total State Enrolment	Norwood Sub-division	St. Peters Sub-division	Norwood District	Norwood as percentage of State
General election 1970	635 533	8 379	7 937	16 316	2·57
General election 1973	696 290	8 496	8 411	16 907	2·43
General election 1975	771 414	8 834	9 176	18 010	2·33
General election 1977	818 341	8 844	8 883	17 727	2·17
Norwood by-election 1979	827 852	8 239	8 597	16 836	2·03
General election 1979	826 586	8 212	8 458	16 670	2·02
Norwood by-election 1980	843 556	8 647	8 967	17 614	2·09

The Hon. D. O. TONKIN: The report continues:

A number of matters were the subject of inquiry by the Electoral Commissioner during the course of the Norwood by-election. They were matters which suggested the need for detailed checking by him. One report suggested that certain electors enrolled for addresses in Nelson Street, Stepney, had voted on 16 February 1980. An on-site inspection by the Electoral Commissioner confirmed that a certain amount of demolition had taken place, especially at the northern end of Nelson Street.

He ascertained that the demolition took place between mid-January and mid-February as part of a development project. In this particular area, four electors had voted, two of whom had moved to another house within the District of Norwood but in the subdivision of St. Peters. No communication could be established by the Electoral Commissioner with the other two electors.

There were other addresses which appeared to be vacant allotments and for which addresses electors were enrolled. Inquiry by the Electoral Commissioner ascertained that the

electors enrolled for those addresses were electors of long standing, whose properties had been demolished, the electors having moved to other addresses.

There was also a report that persons had remained enrolled for an address in the Norwood District whilst they were qualified to claim enrolment elsewhere, no longer living in the Norwood District. The Electoral Commissioner has reported that the completion of a claim to change enrolment is at the discretion of the elector. The one-month residential qualification in the new subdivision necessarily delays a claim for transfer. Whilst any elector who has changed his place of living will be removed in due course as a result of the habitation review and objection procedure, so long as his name is on the subdivisional roll he is entitled to vote. An investigation of the names that were reported to the Electoral Commissioner found that, in the main, they were long standing enrolments and the allegation could not be justified.

A report had also been made that a group of persons had moved from interstate into the Norwood District immediately prior to 25 January 1980. The Electoral Commissioner reports that this was fully investigated and he was able to ascertain that only the following electors enrolled in the Norwood District from interstate during the period 27 August 1979 to 25 January 1980:

State	Number enrolled
Victoria	25
New South Wales	34
Northern Territory	3
Queensland	11
A.C.T.	7
Western Australia	10
Tasmania	2
	92

The Electoral Commissioner was unable to find any evidence to substantiate this report.

It was also reported to the Electoral Commissioner that the staff of a university in South Australia had conspired as a group to enrol for the Norwood District immediately prior to close of the roll. He reports that he has investigated this as far as he is able and can find no evidence to substantiate this claim. There was also a claim that there were a number of persons with differing surnames who had been enrolled for addresses where other persons were presently enrolled and that such new enrolments were of a suspicious nature. The Electoral Commissioner was unable to substantiate that any improper enrolment had taken place.

The conclusion of the Electoral Commissioner was that, in the absence of background information, the early conclusions drawn to the increase in the number of enrolments in the House of Assembly district were understandable. The Electoral Commissioner undertook investigations but, on the evidence which was available, he could not establish that any "stacking of the rolls" had taken place.

He has recommended that consideration should be given to clearly determining the entitlement for enrolment and voting, together with the challenges authorised at the time of polling and their effect. He says that this is a matter for serious consideration during the review of the Electoral Act which is now being carried out. It is as a result of the experience of the electoral officers at the by-election and in the general election, as well as during the Court of Disputed Returns, that a thorough review of the Electoral Act is presently under way. It will undoubtedly result in a number of substantial amendments to the Electoral Act.

As part of this review, it is important to review the highly technical requirements to ensure that an inadvertent breach does not invalidate the election, although in itself the inadvertent breach had no bearing on the result. There is a comprehensive review of the Electoral Act currently under way and it is expected that that review will be completed in time to enable comprehensive amending legislation to be introduced in the next session of Parliament. In the course of that review, the Electoral Commissioner has contact with other State electoral officers and with the Commonwealth electoral officer. I am satisfied that such review, which is well overdue, is being expeditiously and competently conducted.

I am also satisfied that the inquiry into the complaints which were made was warranted. Any allegation suggesting that the electoral rolls are irregular is a very serious matter. As Attorney-General and the Minister to whom the Electoral Commissioner is responsible, it was my duty to ensure that such allegations were investigated.

I, too, am very pleased that the Electoral Commissioner has investigated these allegations as deeply as he was able, within the constraints of the Electoral Act. I am also pleased that he was not able to find any evidence of malpractice. If nothing else, those complaints, as well as the Court of Disputed Returns, have highlighted some very grave deficiencies in the Electoral Act. All of these matters will be attended to in the foreseeable future.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Environment (Hon. D. C. Wotton):
Pursuant to Statute—
National Parks and Wildlife Act, 1972-1978—Regulations—Amendments.

By the Minister of Agriculture (Hon. W. E. Chapman):
Pursuant to Statute—
Abattoirs Act, 1911-1973—Regulations—Fees.

By the Chief Secretary (Hon. W. A. Rodda):
Pursuant to Statute—
Correctional Services, Department of—Report, 1978-79.

By the Minister of Education (Hon. H. Allison):
By Command—
Advisory Council for Inter-Government Relations—Report for year ended 31 August 1979.
Pursuant to Statute—
Supreme Court Rules—
I. Administration and Probate Act, 1919-1978—Fees.
II. Companies Act, 1962-1979—Fees.
III. Supreme Court Act, 1935-1978—Fees.

MINISTERIAL STATEMENT: SOUTHERN VALES CO-OPERATIVE SOCIETY

The Hon. W. E. CHAPMAN (Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. W. E. CHAPMAN: Members will recall that I informed the House last week that Cabinet had asked the State Bank to review the position of the Southern Vales Co-op Society and to indicate whether, and, if so, under what specific conditions, it could make funds available under the Loans to Producers Act to enable the co-operative to process its 1980 vintage.

The bank has now advised the Government that it has reassessed the position and regrets that it is unable to vary its previous decision. The bank has pointed out that the co-operative has been aware for many months that the bank was most unlikely to make funds available for the 1980 vintage. It was formally advised by the bank of that position on 11 December 1979.

Regrettably, that decision was apparently not made known by the co-operative to its grower members until 20 February 1980. The knowledge that growers may now face serious financial hardship as a result of that late advice is a matter of concern to the Government.

Because of that concern the Government is prepared to make funds available to the State Bank to enable it to make advances to the co-operative so that it may finance

the 1980 vintage and make payments to growers at a level comparable to those applying in 1979. The Government will accept the risks associated with that advance.

From the evidence now available, it is clear that the co-operative will need to make a number of hard commercial decisions before the 1981 vintage, particularly if it is to trade out of its present difficulties. It is in the interests of growers and all those associated with the co-operative and the industry that those decisions are made quickly and in a proper commercial way.

The Government has therefore asked the South Australian Development Corporation to work closely with the co-operative in this matter. The Government has made it a firm condition of its financial support that Southern Vales Co-op Society management co-operate with and assist the corporation in this matter.

QUESTION TIME

INTEREST RATES

Mr. BANNON: Will the Premier say what was his reply last week to a telex from the Commonwealth Government on interest rates, whether it influenced the decision announced at the weekend to increase rates on semi-Government loans and Australian savings bonds, and whether he will be able to prevent increases in interest rates on home loans granted by the State Bank and the Savings Bank of South Australia?

The Hon. D. O. TONKIN: The Leader, if he does not know, should be informed that it would be quite improper of me to reveal the content of telexes which pass between the Federal Treasurer—

Mr. Keneally: Even if he knew what was in them?

The ACTING SPEAKER: Order!

The Hon. D. O. TONKIN: —so I am not able to give him that information. Regarding what influence that reply had, it would be rather difficult to answer that question without going into detail of what was in the answer. Suffice to say that all of these arrangements are always made with the full knowledge of the Treasurers of each State concerned and of the Commonwealth Treasurer. As to the last question referring to holding down housing loans, I told the Leader, I think in this House last week, that it is not proposed at this stage that the State Bank should increase its rates for housing lending. Nor, as I understand, does the Savings Bank intend to do so. However, I point out that, in circumstances where there has been an increase of ½ per cent in the interest rate generally, it is unlikely that institutions lending for housing will be able to resist the pressure to increase interest on housing finance at some time in the relatively near future.

It is a great pity that this is so; there is no way that the Government should interfere in the decisions that will be taken by the State Bank and the Savings Bank whenever they believe that that is necessary. It is a decision which, if made, one has to regard as a fact of life. I recently received an assurance from both of those organisations that they had no present intention of increasing their housing interest rates. However, I repeat that it will be extremely difficult for them to operate within the pressure that is being generated.

I must say, on the whole question of interest rates, that in Australia generally we have a remarkably low interest rate level compared to the exorbitant interest rates of 15 and 16 per cent currently applying in the United States, the United Kingdom, and elsewhere. At least, it is an advantage to have the rates we have, but the difficulty that that brings, of course, is that the amount of overseas investment funds coming into Australia, as a result of that differential in interest rates, must, of course, be influenced, and there is a pressure on those funds to go elsewhere where the investment rate is higher.

ROAD COSTS

Dr. BILLARD: Has the Minister of Transport given consideration to a scheme which would compensate local government for road strengthening costs that arise as a result of the locating of S.T.A. bus routes on local suburban roads? It has been drawn to my attention that a great number of local roads in my district have sustained considerable damage over a number of years owing to the operation of bus services. Roads which have been particularly hit are Flockhart Avenue in Valley View, Katarama Road in Fairview Park, Berryman Drive in Modbury, and Billabong Road in Para Hills. I am informed that the cost of reconstruction that has been undertaken or is planned to be undertaken by the local council is currently about $250 000.

The Hon. M. M. WILSON: I had the interesting task, a few weeks ago, of accompanying the member for Newland while we drove over some of the bus routes which he has mentioned and which are in his district. There is no doubt that on some roads there on which buses travel a great deal of work needs to be done. One of the problems is that sometimes, at the request of local government, bus routes are altered. When they are, the buses travel on roads where the pavement is not specifically constructed to bear the weight of a bus. To answer the honourable member's question specifically, I mention that the State Transport Authority does make available nearly 1 cent per kilometre (I think that is the amount) of travel by buses for the purpose of upgrading bus routes in local government areas. This is not a large amount of money; it amounts to about $360 000 a year, but the Highways Department makes available to local government a far greater sum for the upgrading of load-bearing roads.

However, I will get for the member a detailed break-down of the sums that are paid by the Highways Department. In the future I will be considering the problem he has brought to my notice and I will also let him have a detailed answer to that.

BREAD PRICE CUTTING

The Hon. J. D. WRIGHT: Can the Minister of Industrial Affairs say that the truce on bread price discounting announced last night will apply to country areas as well as to the metropolitan area and, if it will not, why not?

Last night the Minister of Industrial Affairs and the Minister of Consumer Affairs announced that bread discounting would end and that union boycotts would be lifted to allow a conference between all parties in the bread price war. It is unclear, however, from press reports, whether or not this truce will also apply to country areas.

The situation in country areas has got to the point where many small bakeries are being forced to sack staff and close down because of bread discounting. Many bakeries also face mounting debts as they try to maintain their businesses during a bread price war situation. I have been informed by the owners of a number of small bakeries that the large metropolitan bakeries are selling bread to country supermarkets at 35 per cent discount and that they agree to take back unsold loaves without charging. The situation is that it costs a country baker about 44c to produce a loaf of bread, whilst the large metropolitan

bakeries can supply and deliver bread to country supermarkets for 41c.

One Balaklava baker told me that he had offered loaves to a local supermarket at a 20 per cent discount, but had been laughed at. As a result, he has been forced to cut his staff from five to two. Many other country bakers are in a similar position. Does the truce apply to bread discounting in country areas, and will the conference of all parties to try to settle the dispute include representati es of small country bakeries?

The Hon. D. C. BROWN: In answer to the honourable member's question, I think I should take him over the events of the past week. A major dispute (if you like, a bread price discount war) developed in the metropolitan area last week. As a result of that dispute, Coles supermarkets discounted bread by 5c a loaf. Then I think Woolworths took it to 8c a loaf, and by the middle of the week Bi-Lo was discounting at 20c a loaf. The Government stepped in immediately to try to introduce some common sense into the dispute.

The implications were that the dispute would have a devastating effect on many small businesses, particularly in the metropolitan area. Our estimates show that between 2 500 to 3 000 delicatessens sell bread. From the figures given to me last night, it would appear that some of those delicatessens would have their livelihood completely cut off if that bread discounting war continued. In fact, last night one delicatessen owner gave me figures that showed that last Wednesday his entire shop takings were down by 30 per cent, and the same applied to the Thursday takings. We can see from that that the effect is not only on the takings from bread but also on takings from the associated items that people purchase when they come into the shop to purchase bread.

We also know the effect that the discounting is likely to have on bread carters. Fairly detailed figures given to me by the bread manufacturers show how many bread carters could possibly lose their jobs if that discount war continued. The figures are only estimates but it would appear that possibly up to about 20 per cent (and some estimates place the figure slightly higher than that) out of the 600 or 700 bread carters in the metropolitan area could lose their jobs.

The other problem that was likely to occur was that the entire industry would be thrown into disruption as shops found themselves with large stocks of bread which, as the honourable member would know, cannot be sold the next day if it is not sold on the day it is actually baked. Some figures given to me yesterday indicate that 60 per cent of the bread delivered to one shop remained unsold and so had to be destroyed. In another case, 40 per cent of the bread delivered had to be destroyed. The member implied in his question that this bread can be returned to the bakers, but that is quite illegal. I understand that one or two supermarkets may receive a credit for unsold bread, but they certainly cannot return the unsold bread to the baker.

I refer now to the truce reached last night, at about 10.45. At that time a number of people from the discounting supermarkets were in my office. They gave us an undertaking that there would be a truce and a temporary stopping of all discounting. I then managed to contact the bread carters union secretary by telephone as he left, I think, channel 9 studios after appearing on television. He gave me a similar undertaking, that all industrial bans imposed on discounting supermarkets would be lifted this morning.

I was delighted to announce last night, with the Minister of Consumer Affairs, that, to enable a deadlock conference to be held today in the hope of resolving the dispute, the major discounting offenders agreed not to discount as from opening this morning. In return, all industrial bans would be lifted. At this stage, that applies only to the major discounters within the metropolitan area. It does not apply, for instance, to some small corner stores or delicatessens that may have been discounting.

However, the important thing was to make sure that the discounting stopped at major supermarkets, and that those parties that had had an industrial ban or dispute placed upon them could meet around the table at 4 p.m. today, so that the events of yesterday and last week, which created so much heat, would not take priority over the more important issue of trying to get common sense and rational trading back into the bread industry. There is discounting in other areas; I acknowledge, for instance, that it has existed in country areas. Country members in the House, particularly the member for Goyder, have made me aware of some existing problems in places such as Balaklava. We have raised those problems with the bread manufacturers, asking them to look at them. Certainly, some of the complaints they levelled at other members of their association could be fairly levelled at them regarding their behaviour in country areas. We hope that, after today's conference, rational trading can again take place, and that the large number of jobs threatened last week by discounting will not be lost.

MOTOR VEHICLE INDUSTRY

Mr. OSWALD: My question is directed to the Minister of Health, representing the Minister of Consumer Affairs. In view of the serious allegation made last night on channel 9 during the *Cordeaux's Adelaide* programme, will the Minister ask her colleague to initiate an independent inquiry into the administration, ethics and business practices of dealers in the used motor vehicle industry? Last night a Mr. Doug Rowe, of Bay City Motors, Glenelg, was interviewed during a segment of the programme dealing with purchasing secondhand motor vehicles. Mr. Rowe has some 30 years experience in the industry and speaks on behalf of numerous independent dealers. During the interview, he alleged that he had absolute proof that consumers "were being ripped off by dishonest dealers under the present legislation". He said that customers were being sold unroadworthy vehicles by many dealers who were in a position "to trick customers into a sale by disguising these defects". He also raised the question of compulsory inspection of vehicles to protect purchasers and dealers. You will note, Sir, that I have called for an independent inquiry into the industry. I have done this because Mr. Rowe also alleged that "Gestapo-type" persecution tactics are employed within the department to administer the present Act. In the circumstances, it would seem quite inappropriate for the Department of Public and Consumer Affairs to be asked to carry out an inquiry into both its own administration and the industry under its jurisdiction.

The Hon. J. L. ADAMSON: I will refer the matter to my colleague in another place for consideration.

ESCORT AGENCIES

Mr. SLATER: I ask the Minister of Health, in her capacity as Minister of Tourism, whether she believes that escort agencies are a tourist attraction. I obtained from the South Australian Government Tourist Bureau a copy of the magazine *Entertainment Adelaide*. On the third page of that publication, there is a welcome by the Minister, as

follows:

> On behalf of all South Australians I welcome you to our State. I hope that your stay will be a happy one and that you will enjoy our hospitality.

On the back page there is a full-page colour advertisement of a wellknown escort agency and there is this statement:

> Let our elegant escorts show you Adelaide by night.

For the information of members opposite, I point out that the escort agency accepts Bankcard.

The DEPUTY SPEAKER: Order! Did the honourable member seek leave to explain the question?

Mr. SLATER: I did seek leave, Sir. In view of the editorial in the magazine and the full-page advertisement on the back page, does the Minister think that escort agencies are in the interests of tourism in this State?

The Hon. J. L. ADAMSON: I do not believe that escort agencies fulfil any function relating to tourism. Equally, the advertisement such as the one the honourable member has just described and similar advertisements have been appearing in Adelaide publications relating to tourism and entertainment for many years—certainly within the time of the former Government's administration.

I have not seen the advertisement to which the honourable member refers, but I shall certainly have a look at it to see whether it is appropriate that such advertisements be accepted for publications distributed by the bureau. As members know, with the law as it stands at the moment it would be difficult (if not impossible) to exert any kind of control over that type of advertising.

As to my view regarding the relationship between such escort agencies and tourism (and this is a personal view), I am opposed to such activities, and I shall be expressing that view at the appropriate time in this place. The law as it stands does not enable the Government to prohibit advertising even in a publication such as the one to which the honourable member refers.

BREAD DISPUTE

Mr. MATHWIN: Has the Minister of Industrial Affairs seen the statement on page 1 of today's *Advertiser* headed "Truce in Bread War"? I take this opportunity to congratulate the Minister and the Government on the way in which they have negotiated this truce.

The DEPUTY SPEAKER: Order! The honourable member must ask his question; he must not comment.

Mr. MATHWIN: Thank you, Mr. Deputy Speaker, I am sorry if I have upset members opposite. In the statement on the front page of the *Advertiser*—

Mr. BANNON: On a point of order, Mr. Deputy Speaker. I think this question has already been asked. The subject matter was substantially covered in an earlier question from the Deputy Leader.

The DEPUTY SPEAKER: Order! I ask the honourable member for Glenelg to repeat his question. I had some difficulty hearing what he had to say.

Mr. MATHWIN: Has the Minister of Industrial Affairs seen the statement on page 1 of today's *Advertiser* headed "Truce in Bread War". It is a supplementary question.

The DEPUTY SPEAKER: I cannot uphold the point or order. I ask the honourable member in asking his question to make sure that he does not ask a question similar to that which has already been asked.

Mr. MATHWIN: Thank you, Mr. Deputy Speaker. It is a supplementary question, but, indeed, it will be far away from the question that the former Minister of Labour and Industry asked.

The DEPUTY SPEAKER: The honourable member must ask the question; he must not comment.

Mr. MATHWIN: The article in the *Advertiser* states in part:

> The State A.L.P. Parliamentary Executive yesterday called on the Government to examine the South Australian bread industry and use its influence to stop bread discounting. The call was made after Mr. Evans met the executive. The Opposition spokesman on industrial affairs, Mr. Wright, said the industry should be examined because of strong evidence of price differences between supermarkets and smaller suppliers.

I ask the Minister the question—did he see that article in the *Advertiser?*

The Hon. D. C. BROWN: The answer is "Yes". In fact, I am delighted to say that last night I, with the Minister of Consumer Affairs, helped to contribute to that headline. I thank the member for Glenelg for his congratulations. With some amusement, I read the remarks made by the so-called Deputy Leader of the Opposition, who, I understand, purports to be the Opposition industrial spokesman. I was particularly interested in his statement calling on the South Australian Government to examine the bread industry in this State. I found this statement amusing because, after 10 years in Government, the Labor Party has suddenly developed an intense interest in the bread industry.

The Hon. J. D. Wright: We had our own inquiry.

The Hon. D. C. BROWN: I will come to that. The Labor Party had its own inquiry. The first report, of 30 pages, was tabled on 30 October 1974, and contained a series of recommendations.

The Hon. E. R. Goldsworthy: That went into the too-hard basket.

The Hon. D. C. BROWN: It did. Although the report was brought down on 30 October 1974, it was not considered by Cabinet until 24 March 1975—that is how hard the then Government found it. Because the Labor Government found the issue so difficult to handle, it called for a second report, which was brought down on 23 April 1976. This was a very substantial report of 102 pages.

The first report was tabled in the House, but the second report was not tabled, despite my requests to this effect when in Opposition. The report was not tabled, because it was very critical of the Labor Party Government of the day for the way it failed to act on the problems that existed in the industry in those days. I wonder why the gentleman who now calls for an examination, as Minister at the time the report was brought down, when he had a chance to examine it, failed to act on it. I understand that he was Minister for four or five years, and he failed to take any action whatever. I find it highly amusing that yesterday afternoon, apparently, in the height of crisis, the executive of the Labor Party in Parliament had to meet and issue such a statement. That action sounds extremely hollow.

Members interjecting:

The DEPUTY SPEAKER: Order!

REAL PROPERTY ACT

Mr. CRAFTER: Will the Premier say why the Government announced, in the *Government Gazette* of 31 January, that new regulations under the Real Property Act were to have effect from the next day, 1 February 1980? I raise this matter because of a report in the *Advertiser* of 1 February, as follows:

> A decision to increase most fees for documents lodged in the Lands Title Office was hastily revoked late yesterday.

The hasty revoking of the regulations was by means of a *Gazette* extraordinary, issued on 31 January, which indicated that this further example of increased Govern-

ment charges, which are, in this case, increased by up to 50 per cent, would now apply from 1 March. I understand that that caused a great deal of confusion amongst legal practitioners and land brokers. Was this another case of a State Government clerk being responsible for the muddle?

The Hon. D. O. TONKIN: I am not prepared to put any blame at all for what happened on any member of the Public Service or anyone else. The honourable member was not in the House at the time.

The Hon. R. G. Payne: He is now.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: But this is one of, I think, only two State Government charges (I think that irrigation charges have been increased) that have been increased since this Government came to office.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: The situation to which the honourable member refers was indeed an error. It was a decision to raise fees in the Lands Titles Office, an increase of which originally it had been intended to give one month's notice to ensure that land agents, solicitors, and other people concerned would understand what was required. Because of delays in processing the document it was inadvertently approved to come into operation on the following day. That would have been totally unfair and unreasonable. As soon as I heard that that was the situation, I instructed that the notice should be withdrawn and that a month's clear notice should be given.

SAMCOR

Mr. BLACKER: Can the Minister of Agriculture say what plans the Government has to ensure the continued operation of Samcor, Port Lincoln, and whether there are any plans to upgrade the facilities to United States standards? Many producers and employees of Samcor, Port Lincoln, have expressed concern to me about the rumours of scaled-down operations and possible closure of the works. An assurance from the Minister would allay any fears that the local people have about the continued operation of this service works.

The Hon. W. E. CHAPMAN: As a Government, we are committed for the time being to maintaining the Samcor works located at Port Lincoln and at Gepps Cross. Indeed, it was a commitment in policy of the Liberal Party when in Opposition, and it will be observed in Government. I say "for the time being", because circumstances relating to meat hygiene in South Australia are subject to legislative change; indeed, they are subject to the consideration of a Joint House Committee at this time. That committee, incidentally, is proposing to table in the House within the next day or so a report of its findings, on which legislation is proposed to be drafted and introduced this session. Because of the evidence received, and because of the policy of the Government in relation to free trading by licensed abattoirs within this State, some impact could well fall on the operation of the Government's own service works. I say "works", because that impact could indeed apply to the Port Lincoln Samcor operation, as indeed to the Gepps Cross operation. Until that legislation passes both Houses, is implemented by the proposed State meat authority, and its impact on the competitors in the meat industry is known in this State, we are unable to forecast the plight or otherwise of our South Australian service works. In the meantime, we are committed, as a Government, to retaining both of those services.

I am disturbed to hear the honourable member's report to the House that rumours have been abroad in the Port Lincoln area along the lines he mentioned, because rumours of that nature can do no-one any good at all. I ask him and every other honourable member to dampen such rumours as they come to their attention, because they are no good to the employees, no good in this instance to the meat industry, and no damn good to the Parliamentary system, if we are to be jumping at shadows cast by rumours of the type that have been reported to the House this afternoon.

TEACHER SALARIES

Mr. PETERSON: Can the Minister of Education say whether it is a fact that four vacancies exist in the Education Department's pay-roll section? If it is, will these positions be filled, when will they be filled, and why has this situation been allowed to develop? Last Thursday in this House the Minister, in reply to a question from the member for Hanson, admitted that some teachers had experienced delays in receiving their salaries. I have been informed that there are four vacancies in the pay section, and that this is throwing considerable strain upon other staff and creating the necessity for considerable overtime to be worked. This was admitted by the Minister in his answer last Thursday, when he said:

> People like George Vahlis and Jane Falahey spent several hours on many nights over the past two or three weeks programming the computer . . .

My information is that staff have regularly worked until midnight and that the cost of overtime is greater than the pay to replacement staff would have been. Additionally, there are the problems of staff fatigue from long hours of work, unnecessary work pressure on personnel and, of course, the totally unacceptable situation of people not receiving their pay on time.

The Hon. H. ALLISON: The question to which the honourable member referred and which was addressed to me last week caused me to make further investigations into the situation currently obtaining in the pay-roll section. The position is not quite as simple as it would appear on the surface. I have, in fact, asked for a comprehensive report. I had anticipated being able to make a Ministerial statement on this matter within the next day or so. For the honourable member's benefit, I can say to what extent we have clarified the position to date. I think, historically, we have to go back to the decision to computerise the pay-roll section of the Education Department that was made by the former Government at a critical time, in many ways, because this transition was going on in August/September of last year when an election (not, of course, called by this Party) was announced. The Government of the day, by that decision, deferred the Budget consideration.

The new Government had to reconsider the entire budgetary situation, so the Budget was deferred again for four to six weeks. This meant that the Education Department, in particular, was affected adversely because its staffing routines, processing of computer sheets, could not be undertaken in time. It was literally set back for some four to six weeks on what would ha' e been the normal programme. That was the beginning of the matter. In addition, there is the problem of transition from manual to, I think, the new Lanthois computer system. That would automatically have created problems within the department. The fact that it was already behind in its work meant that the pressure officers were working under was considerable. I would imagine that with people working under considerable stress there is a chance of a greater

error rate creeping in. In no way would I condemn any member of the pay-roll section for work done. They have been working overtime in order to try to get up to date.

What happened yesterday, for example, was that another 50 notifications were given to the pay-roll section of deferrals of pay. Because of the decision made by the previous Government to allow the Education Department to purchase computer time from the Automatic Data Processing Unit, which is a very centralised unit, the programming for the pay due eight days from now had to be completed by lunch-time today. This means that those 50 deferred pays will have to go on to a manual check instead of a computerised check. This will remove staff from computer programming to manual duties, further compounding the problem.

The honourable member asked whether there were situations vacant in the pay-roll section. I understand that decisions to rationalise staffing in that section were made, again under the previous Government, at what would appear to have been an inopportune time. In fact, for the past five or six months a steady backlog of work has been mounting up for a variety of reasons. I will bring down a more comprehensive report analysing this situation in detail. I am in sympathy with the staff, which is doing its utmost to remedy the situation. If, in fact, additional staff are needed, I assume that matter will be brought to my attention soon in the form of the departmental report. I thank the honourable member for drawing my attention once again to this matter.

TOURISM

Mr. GLAZBROOK: Can the Minister of Tourism inform the House what arrangements apply in other States regarding the administration of the health portfolio—rather, I mean the tourism portfolio? In a statement yesterday the Leader of the Opposition alleged that the tourism portfolio had been shunted aside as a part-time job for the Minister. He also said that the previous Government gave the tourism portfolio to the then Deputy Premier, the Hon. Hugh Hudson, and linked it with the top-level economic portfolio.

The Hon. J. L. ADAMSON: The inadvertent slip in the honourable member's question I am able to answer in the case of Tasmania because in that State (which, as the House will know, has a Labor Government) the health and tourism portfolios are linked, with Mr. Michael Barnard holding those portfolios, as he has done for some time. Thus, the situation in Tasmania is directly equivalent to that operating under the present system in this State. Let us compare what the Leader of the Opposition claims to be a part-time portfolio with the position applying in the other States. In New South Wales, the tourism portfolio is linked with sport and recreation and is held by the Minister who assists the Treasurer. Assisting the Treasurer is scarcely what one might call a light-weight portfolio.

The Hon. Peter Duncan: As we had under Tom Casey.

The Hon. J. L. ADAMSON: Yes, but the Hon. Mr. Casey did not assist the Treasurer. However, in New South Wales that is the position that he holds. The tourism portfolio is linked with sport and recreation and the Minister assisting the Treasurer. In Victoria, the portfolio is held by the Premier, who has a Minister assisting him in tourism and that Minister also assists him in ethnic affairs. In Western Australia, the portfolio is held by the Minister who is Minister for Fisheries, Wildlife, Tourism, Conservation and the Environment, and that Minister is also Leader of the Government in the Legislative Council. In Queensland, the tourism portfolio is linked with the Ministry of Maritime Services.

The House can see that in the other States the tourism portfolio is variously linked with major portfolios and minor portfolios. It is worth while looking at the record of the previous Government to see how the Labor Party shunted this portfolio from Minister to Minister, up and down the Ministry, and in and out of the Cabinet.

The Hon. Peter Duncan: When was it out of Cabinet?

The Hon. J. L. ADAMSON: Considering the way it was administered, I really wonder whether it was administered in the Cabinet because it was relegated to such a low level under the previous Government that one wonders whether Cabinet even knew what was happening. The first thing that came to my notice when I took the portfolio was that it had been grossly neglected. It was held immediately prior to the election by the Hon. Hugh Hudson who at that stage was Deputy Premier, Minister of Mines and Energy, Minister of Economic Development and also Leader of the House. I do not intend to go into fine detail, because Mr. Hudson has left the Parliament, but I happen to know that very little of his time was spent on the tourism portfolio, and the figures and the record prove that. Before that it was held by the Hon. Tom Casey. I do not know whether the Leader of the Opposition regarded Mr. Casey as a junior or a senior Minister, but I simply say that the manner in which the portfolio was administered was certainly not such as would encourage one to consider Mr. Casey as a senior Minister. He was Minister of Tourism, Recreation and Sport, and he also held the Lands portfolio. The lack of logic in the Leader's comments is clearly demonstrated.

I add that I think the Leader of the Opposition owes an apology to the staff of the Department of Tourism for claiming that the figures that officers prepared are shonky. I think it is absolutely disgraceful that a member of this House should criticise the Public Service as he has done, by implying that the figures which I tabled in this House and which were based on figures prepared by the Department of Tourism were shonky. If he has any decency at all he will apologise to the department.

BUSHFIRE APPEAL

Mr. LANGLEY: Can the Premier say whether the Government has considered subsidising $1 for $1 donations received from the public to the Lord Mayor's Bushfire Appeal to help people who were hit by the Hills fire, one of the most disastrous fires in this State's history?

Over the years, various public appeals, helped by voluntary personal efforts, sporting events, newspapers, fetes, television, and radio, have been made, which the public and business alike have generously supported. These have been matched by the Government of the day on a $1 for $1 basis. I note that the Go ernment has already donated $100 000.

The Hon. D. O. TONKIN: I thank the member for Unley for his question. Indeed, the Government has already, as the honourable member says, subscribed $100 000 as its contribution towards the Lord Mayor's Bushfire Appeal. I am very happy to be able to follow in the press the progress of that appeal and to see that it is now approaching $250 000. I have made the necessary approaches to the Commonwealth Government to see whether or not it is prepared to give its contribution on a $1 for $1 basis under the natural disasters plan, and I am awaiting a reply as to the way in which it will give a donation to the fund for relief.

However, I point out that $100 000 is a fair proportion of the $250 000; in fact, it is not much below a $1 for $1

subsidy at this stage. We will continue to keep the question under review. I also take the opportunity (and I am certain that the member for Unley and all other members will join with me) of urging members of the community who have not already donated to the Lord Mayor's Bushfire Appeal to do so as soon as possible and as generously as possible. The need is great.

BUSHFIRES

Mr. EVANS: Will the Minister of Planning say whether action is being taken by his department to ensure that we collect the details on all aspects of the bushfire situation to enable a full and comprehensive analysis to be made, so that its results can be incorporated into future planning legislation, if necessary? The Minister's department should seek details, not only in the area of the fire that took place recently but also in areas where the bushfire risk is just as serious at the moment because of the environment in which people are living, so that we may be able to alter planning provisions to see whether there is some way of offering greater protection to the whole community through more sensible and comprehensive provisions than we have at the moment.

The Hon. D. C. WOTTON: I thank the member for Fisher for that question. As most of us are aware, and as the member for Fisher is very much aware, being a member of Parliament representing people in the Adelaide Hills, in the past few years a change has taken place in attitudes towards lifestyles, including where people want to live. The Adelaide Hills currently presents a highly desirable environment for people who obviously want to get away from city living and yet be close enough to the city to commute to and from work and leisure activities. I am sure we are well aware of the present situation in which we have an increasing number of people living in the Hills who travel daily to the city. However, we should also be well aware of the enormous fire risk caused by the lush vegetation of the Adelaide Hills.

Planning and development of new living areas in the Hills, therefore, must take cognisance of the present situation. I am pleased to inform the honourable member that an officer of my department, the Department of Urban and Regional Affairs, has made an initial inspection of the burnt-out areas following that disastrous fire. We have already learnt a number of lessons, and we will continue to learn from it. We must keep in mind rural living and matters of which we have some control under the Planning and Development Act, such as selection of rural living areas, landscaping, building design, problems of absentee owners, and the need for water storage and pumps not being dependent on electrical mains.

Obviously, many of these things are better covered by an education programme rather than by a legislative one. I am sure that we would all agree with that. It could well cross into other departments' territory, and the matter has already been looked at by their Ministers. However, officers of my department will have discussions with local councils and C.F.S. officers to get more first-hand information to ensure that we learn everything we can from that fire. I am having a study made of the affected areas. Work on the preparation of a design guide for landscaping in the Hills has already started. I have asked that that work be accelerated. Information gained from studying the affected areas will be incorporated in that particular design guide, which I hope will be released within a matter of weeks.

Given the climatic and geographic conditions in the Adelaide Hills, I do not think that we will ever be without bush fires there. However, the knowledge we have gained from the recent tragic fires must be put to use to ensure that any loss in future fires will be minimised. As members will be aware, the member for Fisher, who asked the question, and I, as well as other Ministers and members, live in the Hills. We are very familiar with the situation, and I am anxious to see that every bit of knowledge gained from the tragedy is put to proper use. I assure the member that my departments are currently looking at that situation.

INTERPRETERS

Mr. WHITTEN: Has the Minister of Health taken up the Federal Government offer to provide subsidies to be used for employment of interpreters, in conformity with the Galbally Report on Migrant Services and Programmes recommendations and, if not, why not?

The Hon. J. L. ADAMSON: The matter is before Cabinet.

REGIONAL EDUCATION

Mr. OLSEN: Will the Minister of Education investigate the operation of regional education areas under the control of principal education officers, in relation to country areas, to assess whether they are practical and/or successful? The Yacka school is located in a region where the principal education officer is located in Whyalla, whereas, only 22 kilometres from Yacka, the principal education officer of the adjoining region is based at Clare. Nearby towns of Redhill and Koolunga are associated with the Clare region. Communication is more difficult with a centre 229 kilometres away, whereas one is close at hand and could be more practical but for an arbitrary line drawn on a map.

The Hon. H. ALLISON: The honourable member's question is not unfamiliar to me. About 18 months ago I visited schools in the Rocky River area (I believe Georgetown was one of them) and people at a number of those schools made similar observations, namely, that they would have preferred to be related to the Clare regional office. I must admit that my sympathies lie with the director of the regional office at Whyalla, because his office covers a vast area of South Australia, very closely allied to the size of your district, Mr. Deputy Speaker.

I will certainly discuss with the Director-General of Education the possibility of helping that regional office to cover what is a fairly sparsely populated, but very large area, more effectively if, indeed, that needs to be done. If rationalisation does include the allocation of certain townships back to Clare, then we will consider that.

MINISTERIAL STATEMENT: FIRE BRIGADE

The Hon. D. O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: I ha' e delayed making this statement in the hope that the member for Mitcham, who is somewhat concerned with this, might come into the House this afternoon, but apparently this is the last opportunity. Last Thursday, I was asked by the member for Mitcham whether I proposed to meet with officers of the South Australian Fire Brigade on the matter of the report of the committee of inquiry into the brigade. At that time I indicated that it was simply not possible for me

to see everyone who sought appointments or always to see people at the time they requested an appointment. I said I would give a further reply in due course.

The Committee of Inquiry into the South Australian Fire Brigade furnished its report to the previous Government in August 1979. Although I understand that it was considered by the previous Administration, the intervening election in September prevented full consideration of the report. The report came before the new Cabinet late in 1979, and it was decided that it should be released to the public, inviting written submissions to be made to the Chief Secretary. The Government would then consider the report during March 1980.

A considerable number of written submissions have been made, the great majority of which support in principle the recommendations that the committee has made. One group, from the Officers Branch of the South Australian Fire Fighters Association, has criticised certain aspects of the report but has not detailed its views in writing, seeking instead to see the Chief Secretary and, in a more recent request, to see me.

It was not possible for me to see that group at such short notice. I recommended that, if the Officers Branch of the South Australian Fire Fighters Association considered there were factual aspects of the report that were incorrect, they should speak with the authors of the report. If their view related to matters of detail, then, like everyone else, they should put those views in writing.

From a press report last week, it was my understanding that this course was to be followed and that the officers would be going to see representatives of the previous committee. Indeed, in the *Advertiser* of Wednesday 20 February the Secretary of the association's Officers Branch, Mr. C. D. Buttery, is reported to have said that a meeting would be held within a week.

Naturally, the Government will consider the matters discussed by the officers of the Fire Fighters Association and the authors of the report, together with all written submissions on the report. When that assessment has been completed, the Chief Secretary will be available to discuss the subject with interested parties before any final decision is made by the Government.

Clearly, every opportunity is being given to the public to inform the Government of all views relating to the Fire Brigade report, and there is no substance whatever in the statement by the member for Mitcham in this House and publicly that I have flatly refused to see officers of the Fire Fighters Association.

PERSONAL EXPLANATION: TELEPHONES

Mr. EVANS (Fisher): I seek leave to make a personal explanation.

Leave granted.

Mr. EVANS: When elected to Parliament in 1968, at an orientation by the Clerk, I was informed that the payment of rental for home telephones was available to all State Parliamentarians. I was concerned about this aspect and asked what was the position where the phone was used for business, professional, or community purposes. I subsequently took the matter up, because there was a business listed at my home under the same telephone number as my private number. It was pointed out to me that many members of Parliament had professional contacts and business dealings being made from their homes.

The Hon. E. R. Goldsworthy: When was this?

Mr. EVANS: In 1968. It was accepted that those home telephone rental accounts would be paid, so I claimed the rental, as did others. On 12 February 1971 I received from the Clerk of the House a letter worded in the following way:

> I have to advise that approval has been given for the payment of the telephone account at your residence by the Government. This approval has been given to you in your capacity as Opposition Whip.

Upon receipt of this letter, I had a discussion with the Clerk about the situation of a business being listed at my residence. I was informed that that was understood and the wording of the letter was such that it was a payment of the telephone account at my residence. I was clearly given to understand that it was recognised that the business was listed at my home telephone account, and that the opportunity to review the matter at any time remained with the Government.

Subsequently, on 25 February I wrote the following letter to the Clerk—

An honourable member: Which year?

Mr. EVANS: The same year, 1971, 13 days after I received the letter from the Clerk. My letter stated:

> Thank you for your recent letter advising me that approval has been given for the payment of the telephone account at my residence while I hold the position of Opposition Whip.
>
> I wish to point out that the telephone at my residence is used for purposes other than contact with my Parliamentary colleagues because I have a considerable interest in sport and community clubs as well as some business calls made by this phone. The majority of trunk calls are directly connected with my position as Whip, as are the phonograms.
>
> I enclose my account for the period ending 31 July 1970 on which the Treasury has paid $20 rental. I would be quite satisfied to receive the $20·98 trunk calls, the $3·50 for phonograms and $40 towards the metered calls. I would be pleased if you would forward this to the Chief Secretary's office for their consideration.

It should be noted from the letter that I asked for the matter to be considered by the Chief Secretary's office. I did this because of the complicated factors involved. I also mentioned that I had some considerable interest in sport and community clubs and that some business calls were made from the phone. Even though it is clearly indicated that I am entitled to the total amount as approved by the former Government, in the nine-year period during which full payment by the Government for my home telephone has been available to me I have not claimed the total cost.

APPOINTMENT OF ACTING CHAIRMAN OF COMMITTEES

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

> That the honourable member for Goyder (Mr. Russack) be Acting Chairman of Committees of the Whole House so long as the Chairman of Committees shall be acting as Speaker, and that in the absence of the Speaker and of the Chairman of Committees he shall take the Chair as Deputy Speaker.

Motion carried.

At 3.22 p.m., the bells having been rung:

The DEPUTY SPEAKER: Call on the business of the day.

BOATING ACT AMENDMENT BILL

The Hon. W. A. RODDA (Minister of Marine) obtained leave and introduced a Bill for an Act to amend the Boating Act, 1974-1978. Read a first time.

The Hon. W. A. RODDA: I move:

That this Bill be now read a second time.

The main purpose of this Bill is to introduce provisions to the principal Act which will enable greater and more effective control to be exercised over water sports on the River Murray. With the increased popularity of water skiing, in particular, it has become desirable to zone areas of the river in order to regulate or, indeed, prohibit particular activities. While the existing legislation provides some scope for regulation of this kind, it does not permit the establishment of zones by administrative direction from the Director of Marine and Harbors. The Government is of the view that the regulation of water sports will be more efficient and effective if the Director is empowered to do this. Following the establishment of the zones by administrative act, the Governor will make the appropriate regulations relating to water sports within them.

The Bill also removes subsections (1), (2) and (3) of section 9 of the principal Act, which provided for a specific regulation-making power relating to aquatic activities. In the light of the central amendments proposed in this Bill, these provisions are no longer necessary. I seek leave to have the explanation of the clauses of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 strikes out subsections (1), (2) and (3) of section 9 of the principal Act. Clause 4 provides for an amendment to the evidentiary provisions in section 36 of the principal Act, consequential on the central amendments of the Bill.

Clause 5 amends the regulation-making power contained in section 38 of the principal Act by recasting subsection (2) to enable the Governor to limit the operation of regulations to zones established by the Director, and by inserting a new subsection (2a) empowering the director to establish zones on waters under the control of the Minister.

The Hon. R. G. PAYNE secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 2)

The Hon. D. C. WOTTON (Minister of Planning) obtained leave and introduced a Bill for an Act to amend the Planning and Development Act, 1966-1978. Read a first time.

The Hon. D. C. WOTTON: I move:

That this Bill be now read a second time.

The Bill has two objectives. One is to extend, by two years, the period during which land may be declared to be subject to interim development control under section 41 of the principal Act. The other is to resolve a problem that occurs when both planning regulations and interim development control apply in a council area.

The principal Act provides for control of development by councils in two ways. One is by planning regulations which can be made in respect of each council area. The making of regulations is very costly and time consuming. Consultants must be engaged by the council or additional staff employed, extensive surveys are required, and detailed plans have to be prepared. Experience has shown that the process can take from 18 months to five years to complete. The other method of providing control is a declaration by the Governor that the land in a council area be subject to section 41 of the principal Act. This is known as interim development control, and the effect of section 41 is that no person can change the existing use of land that is subject to the section or construct or alter a building on that land without the consent, in writing, of the council or the State Planning Authority. At the moment, more than 80 council areas are subject to interim development control.

Subsection (2a) of section 41 of the principal Act provides that land may not be subject to interim development control for periods that exceed a total period of eight years. The period is computed from 1 December 1972. During the next two years the land in 16 council areas will cease to be subject to control because of this limitation. It is not possible or desirable that councils be bound to make planning regulations in place of interim development control that now applies to these councils. The procedure is expensive, and there is not sufficient time for the regulations to be made and come into operation before the period of control expires. In addition, the Government is reviewing the recommendations of the Inquiry into the Control of Private Development conducted by Mr. Stuart Hart, and councils may prefer to await the outcome of that review. It is, therefore, considered necessary that the total period that land may be subject to interim development control be extended by two years.

The other purpose of the Bill is to resolve a problem that occurs where both planning regulations and interim development control apply in a council area. In *Myer Queenstown v. Port Adelaide*, (1975) 11 S.A.S.R. 504, the Supreme Court made it clear that planning regulations and interim development control cannot operate in a council area at the same time, and that, where interim development control was in force when planning regulations purported to come into operation, the regulations were either invalid or inoperative during the remaining period that interim development control applied to the council. In the subsequent case of *Shannahan Crash Repairs Pty. Ltd. v. Corporation of the City of Port Adelaide* (1978) 20 S.A.S.R. 491, the Supreme Court held that, where the situation was reversed and planning regulations were in existence when interim development control was sought to be imposed, the interim development control had no application.

The problem is acute because a large number of councils have, and need to have, both forms of control operating at the same time. For example, the area of the Woodville council is controlled by interim development control, but in a small part of its area orderly redevelopment regulations apply. In the Willunga council area, interim development control and hills face zone regulations exist side by side. In the many council areas, planning regulations governing building setbacks apply in addition to interim development control.

An amendment in 1975 to the principal Act inserted subsection (17) of section 36. This validated planning regulations made before the amending Act where interim development control was already in existence. However, it did not validate regulations made after the amending Act nor did it validate interim development control which was sought to be imposed after planning regulations had come into force. It was, therefore, only a partial solution. The proposed amendments will allow the two systems to co-exist except where zoning regulations are in force, in

which case the zoning regulations will take precedence. Zoning regulations are defined to be those that create zones and regulate building and use of land in those zones. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 replaces paragraph *(b)* of subsection (17) with four new subsections. New subsections (17a) and (17b) provide for the concurrent operation of planning regulations and interim development control except where zoning regulations apply. Zoning regulations are defined in subsection (17c), and subsection (17d) provides for the commencement of the new provisions. The provisions will have effect from the commencement of the principal Act. This is necessary to preserve decisions granting or refusing consent to development and made by councils or the State Planning Authority prior to the commencement of this amendment.

Clause 3 amends section 41 of the principal Act. Subclause *(a)* repeals subsections (2a) and (2b). Subsection (2a) limits the period that land may be subject to interim development control. It is replaced by new subsection (3), which is enacted by subclause *(b)*. Subsection (2b) is a transitional provision that has no application now. Subclause *(b)* repeals subsection (3) and replaces it with a new provision limiting the time that land may be subject to control. New subsection (3) has the same effect as subsection (2a), except that the total period is extended by two years. The provision has been redrafted to clarify its meaning. The existing subsection (3) provides for matters which are either clearly implied or expressly stated elsewhere in the section. It is, therefore, otiose and should be repealed.

Subclause *(c)* repeals subsection (4a) which is a transitional provision that has no application now. The subsection is replaced by four new subsections that provide for the operation of interim development control where planning regulations are already in existence. Subsection (4b) ensures that interim development control cannot apply to land subject to zoning regulations. Zoning regulations are defined in subsection (4c) in the same way as in subsection (17c) of section 36 of the principal Act. Subsection (17d) provides for the commencement of these provisions from the commencement of the principal Act, for the reasons mentioned in the comments on new subsection (17d) of section 36.

The Hon. R. G. PAYNE secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 February. Page 1337.)

Mr. O'NEILL (Florey): May I continue to quote from the book entitled *The American Food Scandal—Why You Can't Eat Well on What You Earn,* to which I was referring last Thursday, which continues:

> And even in the price-war zones, any benefits in the form of low-cost foods could only be temporary. They would not have been started, the National Commission on Food Marketing noted, had not the prospect of monopolistic pricing promised higher profits for the aggressor companies.
>
> As the merger movement continued, the big chains acquired bigger and bigger shares of the national market. By 1963 the top four—A&P, Safeway, Kroger and National Tea—had 20 per cent of all grocery store sales in the country. That was not high enough to classify them, by normally accepted standards, as a concentrated industry, but national figures in retailing as in many other phases of the food business can be misleading.
>
> The consumer cannot shop the nation or even an entire region for his food. The competition that affects him is the competition that he finds where he lives, among the stores that he can reach conveniently in a few minutes walk or drive.
>
> Thus, at the time when the top four retail food chains had gained 20 per cent of the national sales, there were other figures that were far more revealing. In regions across the country—in what the census calls "Standard Metropolitan Statistical Areas"—the top four firms regionally had an average of more than 50 per cent of all grocery sales. That, of course, means a high concentration of market power in the regions, but even so the figures are not adequately revealing. A metropolitan statistical area can cover hundreds of square miles and many different suburbs or even separate towns.
>
> Obviously, a shopper who faces price gouging at Gristede's or Bohack in Manhattan is unlikely to drive out of town in search of a better buy for chicken, steak or eggs. And since others besides the top four regionally are likely to be among the dominant supermarket chains within individual shopping areas of the region, a broader gauge can be more indicative of the actual degree of competition. Thus, the Food Marketing Commission's figure of 75 per cent of food sales on average for the top 20 firms in regions across the country is probably more revealing. But even that is not so revealing as a shopper's own experience, and most shoppers know that they are unlikely to find more than three or four shopping centres within convenient range. And although there are no statistics for truly local areas, consumers are aware that the concentration of market power where it counts, in their own neighbourhoods, is likely to approach 100 per cent for the top four supermarket chains.
>
> Even for entire metropolitan areas, a 1967 tabulation by the F.T.C. (the most recent available) based on census figures shows the chains that are in the top four locally often approaching total dominance of their markets. Some high examples included 66 per cent of all grocery sales for the four leading chains in Denver, 66·7 per cent in Pittsfield, Mass., 68·2 per cent in Meriden, Conn., 70·3 per cent in Washington, D.C., and 80·7 per cent in Cedar Rapids, Iowa.
>
> Yet the fact that the area of competition in selling is relatively restricted does not detract from the evidence of market power of the big national chains. As the big chains ha' e expanded their territories, they have tended to take on the same characteristics as the conglomerate giants in food manufacturing. The wider the areas of those individual chains, the more often they meet in local markets. And the more frequent their points of contact, the greater the danger that spirited competition by one firm in one market area might invite costly retaliation by its powerful rivals in other areas. As a result, the tendency has been to avoid vigorous competition and adopt a live-and-let-live attitude on pricing.
>
> Alignment of pricing policies among the companies in the local market areas has become the general rule, as a good deal of evidence indicates. Prices on individual items may vary slightly, but they tend to balance over the range of merchandise that represents the stores' main volume. That does not require collusion. All it needs is a leader. And the price leader need not even be the supermarket chain with the biggest share in the region. In fact, regardless of the share it might have in the local market, the price leader tends to be the chain with the most national power, as a study by the University of Pennsylvania's Wharton School of Business has shown. In the Philadelphia retail markets, the study found,

A&P tended to be the price leader, although American Stores had the biggest share of the local market. Interviews with executives of other stores showed that they fell into line with A&P's pricing.

"Interviewers were frequently cautioned that external considerations cannot be ignored," a report on the study said. "A&P's nationwide strength was repeatedly cited as a factor explaining its ability to serve as price leader." Although competition pales to insignificance when the rivals are all representatives of national chains, it is weakened still further when one of the local stores available to a shopper happens to be an outlet of a small regional chain. Such companies tend to behave the way smaller companies always do when they know they can be stepped on at any moment by a giant. However vigorously they might be able to compete in the local market, if they did not fear severe economic retribution, they bow to the reality of power.

Where they do not, the national chains have many methods to deal with them. One is zone pricing, a device explained at a hearing in an anti-trust case [*U.S. v. New York Great Atlantic & Pacific Tea Co.*, 1946] by a former employee of A&P, who said: "Well, just in brief, I can tell you what the zone system means, how it is operated. [A] unit would be five or six zones, like the Rose Zone, the Pearl Zone, the Green Zone, the Grey Zone, the Violet Zone—each of those representing a particular territory. Some of the prices were the same in those zones, but if there was a particular zone where the volume of the A&P was low [and] competition was keen, they would reduce certain items in that particular zone so that it would not affect the general price range over the entire system. That works both ways. They would advance prices in certain zones where they felt competition was weak, and they hadn't much competition. That is the way they adjusted the prices up and down in those various zones—that was the purpose of the zones—to take care of a particular neightbourhood."

A&P is not the only chain to use zone pricing to chastise obstinate competition, as other litigation has demonstrated. It has been used by many others, most notably by Safeway, which is now almost equal with A&P in national volume, and by National Tea. The results underscore the effect of the power of such chains in local markets. Where their share of the market is biggest, their profit margins are generally highest, the National Commission on Food Marketing found. Zoning as well as other anti-competitive practices have also been used by the big chains to freeze competition out of a favoured market area as well as to discipline competitors who already had a place there. It should come as no surprise, for example, that prices are higher in the national capital than in most other parts of the country and that they tend to react quickly and often excessively to any increase in the wholesale cost of merchandise while they lag in response to a decline in costs.

For Washington is the special preserve of the nation's second largest retain chain and that company, Safeway, has a bigger share of the market there than in any other comparable metropolitan area. It has the biggest portion of the 70 per cent of all groceries sold there by the four leading chains. Others seeking to move in and share the big profits in the capital have found prospective sites for stores bought up on some occasions and on others they have faced the threat of an overwhelming competitor planning to open a new supermarket on a site adjacent to one they had chosen. And those that have braved the dangers and moved into the market have often found their neightbourhoods saturated with fliers advertising "murderous" prices at nearby stores.

The big supermarket chains have expanded their power most ominously in recent years through a process that ecomomists call "backward integration". From dominance of retail sales they have moved strongly into food manufacturing. The movement has given the big chains a growing list of "private label" merchandise, which consumer leaders have welcomed as increased competition against the big processors.

The consumer experts also know that the "store brand" is usually as good or better than the highly advertised national brands, with labels that often identify much more clearly the grade and quality of the item. Private-label prices also average about 15 per cent below the "branded" groceries. In case after case, consumers have gotten reports like that given this writer in an interview with a former executive of A&P, who said:

For example, the same people who make Sealtest, they are the ones who manufactured our ice cream. And what most shoppers didn't realize was that they made it by our own specifications—and our specs were higher than Sealtest's. We were better in butterfat content, in everything.

But there are flaws in this seemingly good thing. For one, both the prices of national brands and those of the stores' private labels are higher than they should be and would be in a truly competitive market. The food marketing commission found that stores entered manufacturing in the first place in quest of a share in "the noncompetitive margins of oligopolistically structured supplying industries".

The DEPUTY SPEAKER: Order! I hope that the honourable member will link up his remarks. I have been rather tolerant with him.

Mr. O'NEILL: Yes, Sir, if you will bear with me for about another minute, I will bring this all together.

Mr. Randall: What about the 15 minutes the other day, then?

The DEPUTY SPEAKER: Order!

Mr. O'NEILL: The excerpt continues:

The stores clearly have no interest in shaking the friendly umbrella of national-brand prices over their own profits. They seem quite content to take advantage of the manufacturers' excessive promotional and packaging costs, which permit the stores to set their own prices at levels far enough below the national brands to bring in volume and yet high enough for a big margin of profit.

Here again there is no necessity for collusion, although such conspiracies have been proven. How widespread the collusion may be no one knows, but a typical case found by the F.T.C. was costing Seattle shoppers millions of dollars. In that case, Safeway was conspiring with Continental and other smaller bakers to keep the general price of bread high enough so that it could sell its own bread at a discount and still earn a comfortable margin of profit.

Another problem is that whatever the retail chains gain in food processing the small regional manufacturers lose with no apparent dilution of the market power of the giants of food processing. And that problem points toward evolution of one of two states of commerce, both to be dreaded by consumers. In one, all the food business would be divided between the stores and the brands of a few big manufacturers. The other may seem farfetched, but it is one that the retail chains already have the power to create if they wished—and if the antitrust agencies should leave them to their own devices. They have the market power now to seize a monopoly on all food manufacturing. That power lies in their control over prices and shelf space.

Already many chains sell more milk under their own labels than they sell of the single independent brand they usually carry as a semblance of competition. And many chains also sell more bakery products from their own ovens than from those of all other companies combined.

The day is still far off, however, when a shopper can fill her whole list of processed foods from the store's own brands. The supermarkets have generally confined themselves to high-turnover commodities in which the manufacturers'

concentration of power and their monopolistic pricing provide inflated profits.

Mr. RANDALL: On a point of order, Mr. Deputy Speaker. I have listened to the honourable member debate the Bill. As I understand, he is not debating the Bill, but is presenting his own viewpoints about big and small business, and has not referred at any stage to the Bill before the House.

The DEPUTY SPEAKER: I am unable to uphold the point of order, but I have already drawn the attention of the honourable member for Florey to the fact that he should link up his remarks. I intend to listen closely to what he has to say in his remaining five minutes. I ask him to confine his remarks to the actual matter before the House. The honourable member for Florey.

Mr. O'NEILL: If the member for Henley Beach could get the seaweed out of his ears and the sand out of his eyes—

The DEPUTY SPEAKER: Order! The honourable member must not cast aspersions on the honourable member for Henley Beach. He should speak to the Bill before the House. The honourable member for Florey.

Mr. O'NEILL: If the member for Henley Beach concentrated, he might understand what I am talking about. The excerpt I read from the book is not my opinion but that of the authors. However, it helps to shape my opinion in respect of the dangers that confront the people of South Australia, indeed the people of Australia, if unlimited proliferation of large shopping centres under the control of major chains is allowed to continue.

There seems to be some concern in certain unions in the building industry that they must rely on the proliferation of shopping centres to obtain work for their members; that is a dangerous situation. The Government should look at the problem and ensure that, instead of reducing the quantity of public works, it should afford the opportunity for people in the building trades to be able to make a decent living by building projects that will be of some worth to the community in the future, not force people to aid and abet national food chains to further dominate the position in Australia.

As one can see from the excerpt I have read, the situation in America is that the interaction among the food growers, processors, manufacturers, and retailers has reached the stage where consumers are getting less and less for more and more money. We are already in that bind, perhaps from ignorance or perhaps because of the duplicity and cunningness of people who operate in the major retail area and who are operators on behalf of major multi-national chains or national chains who have had the "advantage" of going o' erseas to study ways of ripping off the public.

As I said at the beginning of my speech, I lend qualified support to the Bill. I intend to support an amendment which, I believe, will further redress this urgent problem, of which the people of South Australia must take cognisance. It is not just a matter of so-called free enterprise: it has reached the stage where we have an oligopoly that is further spreading its tentacles to the detriment of the consumers and residents of South Australia.

Mr. CRAFTER (Norwood): I oppose the Bill, knowing that I have the support of the great majority of small retailers in my district in so opposing it. I have spoken to many shopkeepers in my district about this matter, both prior to and since the recent by-election. Undoubtedly, a feeling of disillusionment exists with the Government's approach to the proper and orderly planning of retail development in the community. A strong feeling exists that the Government is hell bent on supporting the large retailer at the expense of the small retailer.

The retailers to whom I have spoken have quoted a series of decisions the Government has taken that leads them to this conclusion. One is the decision to purchase Moore's building, and the harmful effects that decision has had on the small retailer in Victoria Square. Another is the reluctance of the State Government to intervene in the take-over of the Bank of Adelaide. A further one is its reluctance to enter at an earlier stage into the dispute on bread pricing. The question of trading hours will have extremely detrimental effects if carried through to the small retailer.

The lot of the small retailer in the community is not a happy one at present. The orderly trading operations that existed until the late 1970's are now extremely fluid. If the situation is left to continue, without an umpire or some authority with power to intervene in this area of community life, the law of the jungle will apply, and the big and powerful will consume the small and the less influential. A basic conflict exists in the Government's approach to its handling of this matter. Last December, the Government chose to opt out of any form of control or planning with respect to retail development by not renewing section 36c of the Planning and Development Act.

This was the policy stated by the Minister when he attended a public meeting in Norwood on 15 February. He said that it was the Government's intention to transfer this responsibility to local government. He said at that meeting that local government had the power to bring down its own moratorium on retail development, that it had power to control and to make decisions in the interests of council areas. My understanding of the law is that local government does not have this power. It would be a costly and fruitless exercise to try to assert such powers at local government level. I refer to a recent decision made in the Burnside and Norwood council areas. It was taken by the Burnside council with respect to the Tusmore shopping centre. A decision was taken at a council meeting to approve a new shopping centre development at Tusmore. The planning officer for Burnside council, Mr. Hanning, is quoted as saying:

> We may well have to answer to the Planning Appeal Board if we do not grant approval and that may be difficult for council, if not embarrassing.

I would add that it would also be very costly for the council. It was revealed at that meeting that there had been some confusion about whether a residents' representative was present at a preliminary meeting to discuss the shopping centre proposal. It was discovered that an invitation to a residents' representative to attend had been overlooked. This is one of the problems with the involvement of the community and residents' groups in these important planning decisions in the community interest. Here we have an instance where, by oversight, the community was left out of a vital meeting. That situation is just not good enough.

It is vital that the State Government assumes a greater degree of control in this area. Herein lies the conflict in the Government's policy, because we have, on the one hand, the Minister saying that the Government does not intend to renew section 36c, and that it is a responsibility of local government, and then, on the other hand, the Government introduces this Bill, a measure which is, once again, Government intervention in this area (albeit, a piecemeal and ineffective approach to this massive and complex problem).

The Government has intervened at the eleventh hour, when I believe it was under extreme pressure to do

something to protect the many small traders facing insolvency. The Government came up with a proposal which resulted in a newspaper headline on 15 September that it would introduce a moratorium to curb retail development in the metropolitan area. However, from my discussions on that day and subsequent days with small retailers, and from what happened at a public meeting held on 15 September in the Norwood Town Hall, I can say that it was clearly evident that the traders were not impressed by that approach. They were not fooled by the headline, or by this action at the eleventh hour. They know that this proposal will affect probably only 5 per cent of applications for retail development, and that it does nothing to bring down an assessment of orderly planning in this area. It is an isolated legislative act which will achieve little and which will actually cause much frustration for some genuine developers.

I turn briefly to the Minister's reply to a question in this Parliament on 19 February in which the Minister referred to the Victorian approach to the control of retail development. He said that the Opposition spokesman (Mr. Cornwall) had misrepresented the true position in Victoria, and that, in fact, there was no moratorium. It is my recollection that at the time discussion was taking place at that public meeting the Minister was not present, and that Mr. Cornwall said that the Victorian Government, a conservative Government, had been in office for almost 20 years, and had instituted a series of controls, accepting responsibility for orderly planning in this area. He said that it had conducted a number of surveys to assess the viability and effectiveness of its planning controls.

We know that there is no such absolute moratorium, as there should be in this State, on retail trading development. Proper inquiries must be made and planning controls brought down. There are some effective controls in Victoria (much greater than those existing in this State, of course) that are achieving some measure of control in the interests of the whole community, particularly small retailers. The Minister said, in answer to the question on 19 February, that, in essence, the Victorian approach is similar to the South Australian approach proposed in a recently released discussion paper on shopping development. I assume that the Minister was not referring to the present law but to the discussion paper itself.

This is one of the reasons why this measure should not now be brought before the Parliament in its present form. It is a measure that should be implemented following due inquiry. That discussion paper on shopping development is now being discussed in many sections of the community, particularly by retailers. The Minister went on to say:

> The Victorian Government has now acted to prohibit all but small neighbourhood shops in the residential areas.

Although that is not the precise issue in South Australia, it does indicate the degree to which that Government is prepared to intervene in the interests of the community. The Minister continued:

> The Victorian measures require land to be rezoned before substantial new shopping development proceeds, and the rezoning enables the views of the local authority and the community to be put, and it also enables the Government to give each rezoning proposal a thorough examination.

That was the position that applied when section 36c was in force. That is a much more responsible position in the whole community's interests than we now find, where the matter has been referred to local government (apart from this small measure that the Government has brought before the House).

There is embodied in the law an opportunity for the views of the community to be put. In the example to which I have just referred with respect to the Burnside council we find that the ability of the community to have its views put in the planning process is haphazard and risky, and leads to a great deal of frustration and resentment when it is not embodied in a formal process. Referring to the South Australian Retail Consultative Committee, the Minister said:

> This committee has been involved in formulating the discussion paper which is now the subject of intensive consultation with various interest groups within the community.

I would have thought that that would be the basis on which to bring down measures in this place when proper consideration had taken place and the final report was prepared for the Government, rather than introduce a Bill now. The proper course of action would be to halt retail development until that inquiry had concluded.

I believe that the Bill is not only piecemeal but will easily be evaded by developers. In the Norwood District a large site is currently being looked at, I understand, by developers with a view to building a shopping centre complex. Although it is not being used as such at the moment, it is within a permitted use zone and, if a developer wanted to build a shopping centre, he could go ahead and build it. Apart from imposing conditions on the consent, there would be little the council could put in the way of that development. In the Norwood electorate, there are three shopping centres within the Parade area; there is another on Magill Road; a shopping centre is being built at St. Peters; there is a proposal for the shopping centre to which I have referred; and approval has been granted for two other shopping centres on the boundaries of the district.

Within the area of the Parade, Kensington Road and Magill Road we have some of the oldest established shopping centres and shops in the metropolitan area of Adelaide. These shopkeepers fear very much for their existence. The history and tradition of the small shopkeepers in the electorate about which I know most, the Norwood electorate, has been one of the highest standards of community service and involvement. These people show their sense of responsibility not only to their customers but also to the community itself. They are involved in service clubs and community groups, and they extend their responsibilities out to the wider community. They are vital in ensuring that any community works, and they are the people we can least afford to lose. Where there is an irresponsible and haphazard approach to retail development, these people will be the first to be forced to close down or to scale down their business.

It was put directly to the Minister at the meeting to which I have referred how many small businesses expect to be closed down in the Norwood area in the next few months, and the number of jobs that will be lost because of those closures. The Minister's reply, to my recollection, was that this was now a responsibility of local government. The inertia of development if let go uncontrolled will wear down the small business man and run him out of business. I think we have seen in the past 24 hours the need for the Government to intervene in the bread industry. Here, the Government intervention in the bread industry has saved many of the small business men, as the Minister explained to this House a few minutes ago.

It is a similar situation with respect to the retail industry at large. There is an urgent cry from those people for Government intervention, for the taking of a more responsible stand in this matter. If the councils, particularly the inner suburban councils, which are small councils, each have to decide this issue, we will see an enormous proliferation of shopping centres. We will see a haphazard development, and the overall community

interests will not be served properly. There will be conflicting developments from one small council area to another. This is a clear indication of the need for an authority greater than local government to control this area.

Not just the large retailer, of course, causes this great pressure upon the small business man; the proliferation of small shops around the traditional supermarket is the cause of concern. It seems that once a supermarket is developed there is a thrust on existing traders to move into the area around a supermarket. Often many small variety shops are constructed in an area adjoining the supermarket, thus breaking down the existing trading patterns in the community. The large trader knows that he can be subsidised within his chain in that area or across the State. We saw this happen with the ability of chain store supermarkets to cut bread prices to such a great extent, and they can do this for long periods of time so that they can wear down their opposition and eventually eliminate the competitors. As the member for Florey indicated, in the long run this is contrary to the best interests of the community because prices will eventually increase when the competition is eliminated.

The siting of the existing businesses in a community is an important factor to consider. The only large tracts of land available for the development of larger shopping centres are in locations away from the traditional shopping centre areas, or away from the main patterns of shopping that have existed for many years. The failure by the State Government to act in this matter is a gross neglect of the clear duty to act in law and morally. Despite a loud demand that is evident in the community for that duty to be exercised, this Bill is nowhere near a proper exercise of that duty. The Minister and the Government preferred to shy away from responsibility in this matter until just a few days before 15 February, when it was discussed at a public meeting. The Government then came out with what I believe was a half-hearted attempt to tackle this problem. It was obviously prepared in haste. The Minister said he had not announced when the Cabinet decision had been made, because he did not have the legislation before him.

I believe the Bill will not nearly achieve what the Minister suggested to the community on that evening that it would achieve. I believe the Government is clearly caught in the grips of the development-at-any-cost mentality without intervention of Government forces. That attitude happens to coincide with the views of the large chain store retailers. The cost to the community if this situation continues will be great, and it will be great, even if this measure is passed.

Many environmental factors relating to supermarket development are being discussed in the community. Right across the metropolitan area, in the Adelaide Hills, and now in some country areas, community groups are very concerned about environmental issues resulting from this sort of development. I would like to add my comments about the effect of such developments on the fabric of our suburban communities, particularly the inner suburban areas where there have been well-established shopping patterns and traditions of service to the community by small retailers. As I have said previously, the community will lose these people if haphazard shopping centre development is allowed to continue. We cannot afford to allow the fabric of the inner suburban areas to be destroyed in this way.

These suburbs are under threat from many quarters. Because of the need for people to travel from the outer suburban areas to the city, the widening of roads has increased in recent years. Many of the small retailers have traded along those major roads. They now find that the volume of traffic and the provision of freeways and clearways have meant that it is much more difficult for people to get to their shops. These factors have brought a considerable pressure in the 1970's on the small retailers who have, to the best of their ability, tried to resist them and maintain trading. The uncontrolled proliferation of supermarket development is seen by many of those traders as the last straw.

The ability of people to get to shops by means of public transport is an important factor and, traditionally, the shops that have been established over many years along major public transport routes have served this pattern very well. However, we find that many people face difficulties with shopping centres, particularly older people who are unable to reach them easily by means of public transport or to carry large quantities of goods from them.

I predict that in the next decade or so substantial changes will occur in traffic flow in the Adelaide metropolitan area. More people than ever before will use public transport. An increase will take place in other forms of transport, for example, bicycles. Access to shops near a person's home, rather than to regional shopping centres, will come into vogue, and be important to many people. Decisions now being taken will determine whether people have to go where the big retailer wants them to go for basic shopping, or to local traders. The Government should take responsibility in this area now, because what happens will have long-term repercussions. Many small traders have said that this Government is on the side of huge national and international chain stores, and that it has not listened to their call for assistance and for proper consideration of their problems.

Huge sums of money are now available for retail development projects. Formerly it would have been channelled into land speculation, housing, or other commercial development, but at present returns are not as great from those investments as from retail shopping centre investment. This change in investment in the community needs to be carefully supervised by those who accept responsibility for the community. By pursuing this piecemeal approach to the problem, the Government is sending many small businesses to the wall and is causing permanent harm to community life.

I believe that, until a proper survey and inquiry has been conducted, a total moratorium on retail development is the only rational, responsible approach to take. This is not designed just to oppose major retail shopping centre development, because undoubtedly a case can be made out for a need for some development of that sort. However, there is also the complex problem of the proliferation of small businesses and the degree to which their proprietors are going in and out of business. This affects the very fabric of our community. I oppose the Bill for the reasons I have outlined. I urge the Government to adopt a more responsible approach to this area of planning, and to listen to those people in the community who will be harmed by this proposal and by the Government's general policies with respect to retail development.

Mr. EVANS (Fisher): I support the Bill. I think that the Opposition admits that the present Minister has, in only five months in Government, been prepared to do something which the previous Government was not prepared to do. When the Opposition talks about this Government's being in the hands of the big chain stores, the big developers and big business, one has only to look at the record to see where it stood when in Government. The Opposition was in power in this State for more than 12 of the past 15 years, a time when it was able to dictate what

should be done in the planning area. It is no good members opposite saying they attempted to do something and that another place stopped them. That did not occur. They did not attempt to take action to control development of shopping facilities.

In fact, the immediate past Government was conscious, in considering interfering with the development of shops, that the State economy was so bad and the number of unemployed was so high that it could not afford any decrease in construction work. Records will show that more major shopping centres were built during the 12 years of the Labor Government than in any other 12-year period in the State's history. The Opposition is attempting to denigrate this Government, which is taking some responsible action in stopping people from having areas of any significant size rezoned for shopping purposes.

Mr. Crafter: What about section 36c?

Mr. EVANS: If the honourable member wants to look at section 36c, let us see how many shopping centres were on their way during the 12 years of Labor Government. We know that the A.L.P. Government was not prepared to take any real action in this area. One must be concerned about small operators. The member for Norwood said that within my area there is concern about shopping centres, and rightly so. Every time a shopping proposal has been proposed in my area in the past 10 years a section of the community has been concerned, although not always the same section. Each time some shops have suffered and others have gained. New shops have begun operating alongside the major development.

Whether a Government should attempt to impose controls and preserve existing shops is a decision for Governments and Parliaments of the future, and they need to be conscious of certain facts. If a Government tells people that they need only X number of shops in an area, and the rest of the land in the immediate area is zoned for residential or other purposes, and if that Government's decision turns out to be wrong and there is a shortage of shopping facilities, there will be an outcry from neighbouring residents. There is an attempt to rezone the area. People will say they do not want shopping development in residential areas. If there is no rezoning, the opportunity is there for the very thing the A.L.P. talks about—the exploitation of the smaller shop operator by the big landlord who owns the shopping area and charges high rents. Who foots the bill for high rents in the long term? It is the consumer. For the consumer's sake, if nothing else, we need an over-supply, although not a great one. It is better to have a slight over-supply of shopping space than an under-supply.

If we do what the Opposition suggests and have a moratorium for six months, we deter people who may be interested in investing money in this State at this time in an area where there may be a need for shops. To take the arguments of the member for Norwood about the increasing cost of fuel, the need for people to ride bicycles to the shopping centre (or to have that choice, as public transport may not be suitable in some areas), maybe there is an under-supply in some areas.

If there is an under-supply in an area and some developer is prepared to build in that area at that time, but we say, "No, we don't want you to invest your money for six months. You sit on it and pay interest, land tax, council rates, water rates and sewerage rates. We want you to carry the baby while the Government and Parliament attempt to finalise some decision that might be acceptable on the issue," what do you think his reaction would be to that? Is that fair?

We, as a Parliament, through the planning processes, have said that we believe an area should be available for shopping facilities, and then we say overnight, "We will not rezone it for you or allow flat or house development, or whatever it may be. You cannot use the land." A person may happen to have $200 000 tied up in an investment, and have $30 000 paid off and $170 000 owing to a finance company, a bank, the State Government Insurance Commission or some other body, and we are saying to that person, "We will tie up that money for six months, and you will carry not only the rates and taxes and charges but also the interest rates." Even if he owns the land in total, we are saying to him that he cannot even get interest on his money, because land is money in real terms. It is the same principle as would apply if the member for Norwood said to his constituents, "You have $10 000 in the bank and the Government is going to take it from you for six months and deny you the right to use your own assets and money. The bank will then give it back to you but without interest." That is the sort of philosophy that the A.L.P. is espousing.

What the Minister is saying is that the Government would like Parliament to accept that no rezoning will be allowed for shopping purposes of land over 450 metres, yet we will allow people who already have land zoned for shopping purposes, who are already entitled to build on that land, and who, if they have the money and the opportunity, and believe there is a demand in that area for the development of shopping facilities, to go ahead. Surely, the member for Norwood is not suggesting that that is an unreasonable approach, considering that his Party had control of the situation, or the opportunity to have control of the situation, for more than 12 of the last 15 years. He cannot deny that. Surely, he would accept that it is a reasonable proposition for his Party to accept what the Minister is suggesting and the Government is offering. Surely, in all reasonableness, after five months of Government, it is a fair proposition to ask for 10 months to come down with an acceptable proposition. A moratorium for six months may do immeasurable harm to this State in the long term.

An honourable member: And to investors.

Mr. EVANS: It may do some harm to investors: in fact, I am positive that it would. I wonder whether the Minister wants to frighten investors out of the State.

Mr. Keneally: I believe he does.

Mr. EVANS: I do not believe that the Minister does, but I believe the member for Norwood does.

Mr. Keneally: You said "the Minister".

Mr. EVANS: I know, but I corrected it. An inquiry has taken place into the shopping development which is available or which can be made available in the future. The issue is open for public discussion and debate, so why do we need another inquiry into the same area? That report is available; it is out in the community. The A.L.P. admits that it has been considered by the community, by developers, and by people who are already operating in shops. That report is there for us to make a decision on in the future. Why should we have another inquiry that will cost taxpayers more money?

No-one to my knowledge has come out and said that the assessments made as a result of the inquiry were inaccurate or that the information was not detailed enough for a proper assessment to be made. If people in the future prove that to be so, a second look can be had at the issue.

In my own area, and maybe in other areas, I have come to recognise that councils sometimes have an interest in the amount of shopping that is available. I know of one council that wrote to another council and said, "Would you please not allow the developer to go into your area, because we would like one in our area." When it is said that local government would like to see a total moratorium

on shops, I wonder whether that is a fair representation of the views of all the local government bodies in this State, and particularly in the metropolitan area. Some councils are keen to the point of making regular representations in an attempt to get their shopping facilities off the ground, because they believe that there is a need in their areas for a shopping facility. I do not blame a council for writing to its neighbouring council asking it to talk the group in its area out of it because that council would like the development in its own area. Development in a council area means a guaranteed rate revenue, to the benefit not only of the council but also of every ratepayer.

Mr. Keneally: How much revenue do you get from bankrupt shops?

Mr. EVANS: During the former Government's term of office, people in my area lost their homes, their whole investment in life, because that Government was not prepared to take action to stop people losing their homes. The former Government allowed business operators in the housing industry to permit people to enter into contracts that were totally impossible for people to honour. The member for Stuart asks, "What happens if businesses go broke?" The Labor Government did not give a damn about people who lost all their money on housing investments. Houses in my area are still available for purchase because people could not meet the commitments they entered into at a time when the former Government was in power. The Labor Government allowed that situation to occur and took no action to stop it, so the honourable member need not mention to me about people losing their life investment.

Mr. Keneally: I was talking about rate revenue.

The DEPUTY SPEAKER: Order!

Mr. EVANS: I believe strongly in one principle which cannot always be applied: I believe the Government should leave open the opportunity for people to use their initiative, to progress and to succeed, and that if one attempts to eliminate the possibility of failure one breeds inefficiency. We need to remember that when we are talking about the possibility of people surviving or otherwise.

It is interesting to note in my area that some of the people who are already operating in small shops quite rightly applied to obtain the rental of shops in new shopping centres when they were proposed. These operators were some of the first applicants to get their names on the lists for one of the new shops. I think these people did the correct thing. In keeping their options open, they knew that if they were successful they would have a shop which was nearer to the mainstream of shoppers, who are more likely to enter a total district shopping centre. They knew that they were more likely to succeed if ever the development went ahead.

I think that is a sensible move as long as the rentals are in an area that they can afford. If that does occur, the person who faces the consequences is not so much the operator, but the owner of the shop that has been vacated by the present operator. That is a risk that owners have always taken from the time that they originally bought the shop. There was always a risk that they may not be able to let them on a profitable basis.

Mr. Crafter: Is it in the community's interest, though?

Mr. EVANS: It may prove to be of greater community interest in the long term than having a shortage of shops, as that enables them to exploit the rent system. What the member for Norwood is suggesting is that we have rent control. If there is rent control and there is a serious shortage of shopping facilities in that area, one automatically breeds a black market situation, and only those who are prepared to break the law and trade in a black market situation are the ones who will operate. The person who is not prepared to enter into that sort of arrangement will not be able to get into those shops. That is the danger if one moves in that direction, and I am sure that the member for Norwood realises that. It is not as simple as saying that we can limit the number of shops in an area believing that those shops can serve the area in total.

I oppose having a moratorium that takes away the right of people to use their assets or the right of people to use the money that they have borrowed and forces them to pay high interest rates while the Government and Parliament sit around trying to make decisions that should have been made years ago.

Mr. Crafter: That is the Government's intention. That is the measure here.

Mr. EVANS: That is not true. Anyone who owns a piece of land that is zoned for shopping can build on that land. Regarding rezoning, the Minister has said that he is not prepared to allow rezoning, if Parliament agrees, for an area of over 450 squares metres.

The Hon. R. G. Payne: So you say there is no problem in the areas that are presently zoned for shopping; that is what you are saying.

Mr. EVANS: I am saying that, if the area is not big enough for a person to build the size shop he wants, that is bad luck. Anyone who buys land knows its size and what it is zoned for; people have to make a decision.

Mr. Keneally: It's all right to go bankrupt under your Government, but it was bad to go bankrupt under the previous Government.

Mr. EVANS: I did not suggest that they go bankrupt. If the original decision was such that the person made a bad assessment of the piece of land and the size of the development he could put on the land, his business judgment was inaccurate. When Parliament interferes to stop his making use of his business judgment (which the Opposition suggests should be the case), that is bad and typical of past attitudes. I support the Bill.

The Hon. D. J. HOPGOOD (Baudin): I do not much like this legislation; it is purely cosmetic and will not achieve anything. Before addressing myself to the Bill, I must pass up the temptation to ignore completely what was said by the member for Fisher. It is a grave temptation because the reasoning he employed was so tortuous—he reminded me of Harris in the maze—that one almost shrinks from the task of having to cut through that maze. In view of the fact that he perpetrated certain calumnies in relation to the Government of which I was a part, I think it necessary that I waste a small amount of time in rebuttal of these calumnies.

Let me say that, first, it seems that the honourable member, in addressing himself to this matter, has used a general structure for his speech that is similar to that which has generally been used by his colleagues since the election. The general structure runs that the Labor Government was wrong in relation to whatever measure is before the House and therefore the Government is justified in being wrong, because as long as the Government is not more wrong than we were, it must be right. That seems to be, in effect, what the honourable member was arguing. That is not good enough.

The Government went to the people of South Australia on the basis that it would do better than the previous Labor Government, and it is not sufficient for it to justify its wrongdoings on the grounds of its fancies as to wrongdoings on behalf of its predecessors. In any event, comparative wrongdoings must be related to what, in effect, the Labor Government did and whether the

situation has not altered over the years. The honourable member mentioned the fact that there had been a considerable build-up of retail facilities over the period of Labor Government. Surely, that is unexceptionable. There was a considerable build-up of population during that period and a considerable spread of population, particularly to the north, north-east, and south of the city. As a member representing one of those areas (the area on the southern fringe of the metropolitan area), I would have been the first to complain if there had not been a considerable build-up of retail development in that area.

Indeed, if one is to accept the honourable member's logic and say that the ideal position in relation to supply and demand of retail facilities is that there should be a mild over-supply, I would suggest that that is probably a reasonable justification of the position as it existed when the Labor Government left office. However, to suggest that the Labor Government did nothing in relation to this matter is to falsify history.

The position is, of course, that the Labor Government had a planning regulation in force and that the Liberal Government has allowed that planning regulation to lapse. Having been frightened into action by the reaction that occurred from small business proprietors, the Government announced its intention to proceed with the measure that is now before us, which is not a reversion to the position that existed under Mr. Hudson but a weaker measure indeed, despite the fact that development has gone on and despite the fact that those developers with stale money, who want to put it to use, have continued to develop and signal their intention regarding further development.

On the Friday evening before the Norwood by-election, the Minister of Agriculture said certain things in the Norwood District. One of the things he said to those people who were listening to him was, "Look at what Labor did in relation to the Myer-Queenstown project." Of course, what he was doing was illustrating clearly the point that my colleagues, including the member for Norwood, put across at that meeting, namely, that it was a case where the Labor Government acted very responsibly to prevent a development that would have drastically affected other developments in that area. This action was criticised by the then Opposition, but I am sure the Government is happy now that we made that decision.

In addition, I can instance a case in the District of Mawson where within the past couple of years the Government, through its instrumentality, the Housing Trust, acted with the planning authorities to prevent a shopping development that would have had an adverse effect on the Noarlunga Regional Centre. Therefore, whatever machinery was available to the Government at the time was used, and a planning regulation was put, which the Minister refuses to restore or reinstate. The Minister would have a considerable moral advantage over members on this side if he were prepared to put the planning position back to what it was under Mr. Hudson, but for some reason he is not prepared to do that, and I will turn to that a little later.

The small business proprietor is in a difficult position. This relates not only to people in normal small retail outlets: we can talk about the person who has a service station as being in a similar sort of position. A person may be a worker on the shop floor and be seduced by an advertisement, or by having someone talk to him, about the prospect of his being able to run his own business, to be his own boss and to make his own decisions. Therefore, he borrows the money that is necessary for the capital investment of a small retail store, petrol station, or whatever it happens to be.

What does he find when he is in business? He finds that he is still very much a member of the proletariat—we may call it the "new proletariat". Indeed, he is working longer hours than he worked before, probably for smaller return, and there is no real way in which he can lift his return. It is not possible, given the nature of the Bill before us, for me to go into a detailed discussion of rents and the circumstances in which these people pay their rents, except to illustrate the point that I am endeavouring to make to the House.

It is a well known fact that these people, in most cases, must pay not only a rent to the people who run the shopping centre but also a percentage of turnover. This places the proprietor in a real bind. If he lifts his turnover, more money goes back to the developer, the person who runs the shopping centre. The proprietor is still very much a wage labourer, having no union to support him, no prospect of being able, through a union, to go to the Arbitration Commission to have his wages examined, or to obtain a determination as to whether he is getting a fair return for his labour, and other things that are available to the normal wage labourer, despite the many disadvantages that people in that position suffer.

He is part of the new proletariat, and is stuck with it. As often as not, he eventually declares himself bankrupt and in the process loses money, as do his creditors. In certain circumstances, these people are able to muddle through. In a circumstance of drastic over-supply of retail facilities, all of these problems come to the surface.

I have had approaches from such people in my district only in the past few weeks, many of whom are further alarmed by another matter, to which I can refer only by way of illustration, namely, the Government's proposal to extend shopping hours and the effect that that will have on their overheads, with no additional return. That is what sparked off the problem, which was there in the beginning. It relates to the circumstances in which these people operate being exacerbated by the developing gross over-supply of these facilities in the community.

Earlier this year, the Local Government Association (not normally noted to be a highly radical organisation) called on the Government to act in respect of these matters. Mr. Hullick, of the association, supported by Mr. Paddick, of the South Australian Mixed Business Association, called for a moratorium on all shopping centre projects until the Government's discussion paper on retail development had been analysed and acted upon. The *Advertiser* report is as follows:

> "Everyone in society would agree with the need for development controls," Mr. Hullick said. "But they also want to see development take place. The role of Government, both State and local, is to find a balance, and at the moment there is absolutely no balance between the two ideals."
>
> At a meeting last week, the Enfield council passed a motion calling for a moratorium on shopping developments. Mr. Paddick said developers were pushing schemes through councils trying to get them approved before people had had time to analyse the discussion paper. "We have told the Minister that we would like to see councils conduct referendums of their residents before land is rezoned for industrial or commercial users," he said. "What is happening is that councils are acting willy-nilly and rezoning and not giving residents a chance or opportunity to have any say in the matter at all."

That was supported by the *Advertiser* itself editorially. On 30 January, the editorial writer of that newspaper said:

> The Local Government association's call for a moratorium on shopping centre development in South Australia is eminently sensible.

The editorial concludes:

> If competition is good for us, financial casualties are a lesser consideration perhaps, but the trend is causing environmental casualties as well. A moratorium now would allow time for a searching appraisal.

The Minister at the table came out on the same day and said:

> A shops moratorium would be drastic action. The main objection was the Government's promise to deregulate industry and the community as much as possible while still having regard for protecting the rights of everyone in the community.

That was the *laissez-faire* attitude of this Government with which it seeks to get itself off the hook whenever there is a call for strong Government action to resolve some problem that arises.

We had the Norwood by-election on us, and the legislation currently before us was announced by the Minister as it was detailed in the *Advertiser* of 15 February. Not everyone was particularly impressed by that announcement, because Mr. S. Bates, of the Norwood Traders Association, said that it was "just a cover-up job". Mr. Bates is reported as saying:

> He said the legislation would not stop at retail development and the proliferation of services forcing shopkeepers out of business. The Government had not wanted to wait until after the Norwood by-election to take action. "I am asking for an immediate moratorium on retail trade developments until orderly planning has been done," he said. "We don't want any compromises."

The outworkings of that were that the Government found itself at the by-election with a group of "bus drivers" on its hands. A group emerged from amongst retail proprietors who played a similar function in the by-election as did the bus drivers in the State election. It was a group that would normally be expected to support a particular Party but, because of certain circumstances, threw their weight behind the other major political Party. I am unable to say what effect that had in the final result in Norwood, and I doubt whether anyone else could say what effect it had. However, it is extraordinary that there should have been that show of feeling on behalf of those people. Undoubtedly, it was exacerbated by other examples of lack of action on the part of this Government.

The member for Fisher talked about how dreadful it was when the Government interfered with investment decisions or with people who might have made investments in relation to certain directions. What else would we call the acquisition of the Moore's property but an exact example of the way in which this could happen? It is not related to prospective investment but to investment already there. How many of the shopkeepers at present are where they are because they have mortgages and rely on some realisation of an expectation they had when they first went into the shop as to the return on their investment? What indeed is happening to the return on that investment as a result of the Government's action? I recognise that some time this sort of action is necessary. The Government of which I was a part compulsorily acquired properties from time to time. It is sometimes necessary in the public interest. However, I do not want to go into the rights and wrongs of the Moore's question.

Let not the member for Fisher be so sanctimonious about this matter and assume that his Government will always put the interests of private investors at a premium as opposed to what the Government might want to do on other grounds. It will not. It will, from time to time, use compulsory acquisition and its offices to acquire property in circumstances where the normal expectations of business investors will be interfered with. Let us have no preaching or sanctimonious phrases about this matter. The Government has already done it, and will continue to do it from time to time for as long as it is in office. However, it faces a serious position in relation to this matter.

The whole debate about rents is an outworking of problems people have as a result of drastic over-supply. The member for Fisher has a highly simplistic approach to the way in which supply and demand affect rents. Let no-one be disabused on this notion. Let us have no confusion at all. Once the shopping centre is up, and once the people are in, the rent is determined largely by the cost of money. It is the interest rate that will determine the rent. Certain levels of rent must be charged, because the developer has amortised his investment over a period with an expectation of return from those rents. It is a toss-up whether he or the traders in the centre go broke when the expectations as to trade are not realised.

What will that person, who has the whip hand, do? He will ensure that his return is there, and too bad about the small trader! I recall once forwarding a rental contract on behalf of one of these traders to the then Attorney-General. It was obvious from the way in which the contract had been drawn up (the member for Mawson will be interested to know that it is in relation to the Big "Y" shopping centre, which was in my district, but is now in his) that after 12 months the proprietor of the whole shopping centre could charge whatever rent he wished. These people had no redress in the matter. They could call on the Real Estate Institute to do a costing but, finally, if the institute said, "This is crook," there was nothing it could do about the matter, this person was completely tied up in relation to the contract.

This person asked for a costing. The institute looked at it and decided that the particular rents at that time, although high, were not completely out of bounds. When that person's rent came up for renewal, he was told (and I have this from the person) to put $5 000 in cash down on the table before the proprietor of the centre would even consider a renewal of his lease at whatever the new rent would be.

What did that person who operated a small store do in those circumstances? He simply had to walk out; there was nothing he could do about it. I really think that the only way in which we can ever adequately look at that position in law is to look at the law of contract. I think we should be doing that in relation to this new proletariat, these people who seem to have few to speak for them. I wonder what the situation is in relation to that centre now, given that we are running into drastic over-supply of shopping facilities, not only in that area but elsewhere as well. We know what is happening at the North Adelaide shopping village, because on 19 February people there were refusing to pay their rent because of poor trading.

Mr. Max Brown: They're doing it in Whyalla.

The Hon. D. J. HOPGOOD: My colleague mentions that exactly the same thing is happening in Whyalla at present. The report in the *Advertiser* of that day stated:

> The O'Connell Street shopping centre, which cost $6 000 000 to redevelop, is owned by the South Australian Superannuation Fund Investment Trust. The trust invests on behalf of public servants who pay into superannuation funds.
>
> Traders are paying from $800 a month rent. Four tenants are refusing to pay rent, or have refused in the past, and about 13 other shopkeepers are believed to be behind in their rent.
>
> Traders in the centre met in January to discuss a rent payment boycott. However, not all of the 30 shopkeepers decided to take this action. Traders told the *Advertiser* that weekly turnover was a quarter to half of what had been expected.

It seems to me that, if the Government was prepared to

take strong action in this matter, some of these fears would be allayed; people would perhaps be prepared to hang on and to take a further look at their situation. It may well be that if something can be done to stimulate the economy (and, heaven knows, nothing has been done by this Government at this stage, despite all its promises to stimulate the economy in this State) many of these people will be bailed out by a return to more prosperous business conditions. What they face is a continuation of development, an increase in overheads because of the increase in the cost of money and the interest rate (and because they will have to trade for longer hours, if the Minister of Industrial Affairs goes ahead with his present ambition), and simply no way of trading out of it because of the way in which their rent contracts are drawn up.

Over and above everything else is the prospect of further wholesale development of retail shopping facilities, and this can only cut further and further into the returns of the people who are in the system at present. That is the challenge that this Government faces. It is no good talking about what may or may not have happened in the past; the Government is in office and has a responsibility. One of two things can happen. It can act as a strong Government and do things over and above this cosmetic measure currently before us (and that may have, we would certainly hope, some effect), or, alternatively, it can look at the prospect of more and more bankruptcies.

The Hon. D. C. WOTTON (Minister of Planning): I suppose the best way to sum up what we have heard in this debate, both today and last week, is—

Mr. Keneally: Magnificent!

The DEPUTY SPEAKER: Order!

The Hon. D. C. WOTTON: —a lot of hypocritical hoo-hah. We have heard from the Leader, the ex-Minister and members opposite. They have talked about lack of consultation, of the Government's not being able to be decisive, and of confusion within the community. What I want to do is explain to the House and members opposite exactly what we have done as a Government.

Mr. Max Brown: We'll be more confused.

The Hon. D. C. WOTTON: If the member for Whyalla is going to be more confused, I cannot help that. I tend to think he might be confused about anything. We will have a look at what the Government has done about this matter in the 5½ months it has been in power. I have already said in this House that the Government approves of the committee set up by the previous Government. I have not heard anything from the other side of the House against the members of that committee. I think members opposite would be happy with their selection (members opposite put them there, so I assume they are happy). As a result of that committee, we released a discussion paper towards the end of last year. I have already spelt out (but it would not hurt to spell out again) the people involved on that committee; it had representatives of the retail industry, local government and development industry.

The Hon. R. G. Payne: And they all agree with your proposal.

The Hon. D. C. WOTTON: It is not a matter of their all agreeing with my proposal—the fact is, they agreed with the recommendations in the discussion paper. The measure we are introducing at present is purely an interim measure until we, as a Government, are able to do something about implementing some of the recommendations of that paper.

Following the release of that paper, a programme of consultation was established, again with local government representatives and organisations, professional associations, building industry groups, professional institutes, commercial and retailing groups and individuals representing those areas, and other interested parties. The major part of that discussion has been completed. We were pleased with the number of submissions we received from the public generally, and the response in those submissions is currently being collated. I point out that the Government is looking forward to receiving a formal submission from the Opposition. I do not know whether it has submitted one yet, but I hope that we will receive a written submission from it if it has not already submitted one.

The Hon. R. G. Payne: Look at the Bill we have in another place.

The Hon. D. C. WOTTON: That is not the point; this does not relate to a Bill in another place. Everyone has been given an opportunity to make a formal submission before 31 March to the committee set up for that purpose. I think it would be responsible for the Opposition to come forward before 31 March with a formal submission relating to this discussion paper. We look forward to receiving that submission, if one is to come to hand.

To assist councils and developers to understand the principles of this discussion paper, a design guideline document has been prepared. That document graphically illustrates the proposed development control principles referred to in the discussion paper. I suggest that it will also form a basis for discussion about development applications between councils and developers. In fact, the Government has taken some positive action in its first 5½ months in Government. For the Opposition to say that there has been a lack of consultation is absolute rubbish. Ever since the release of that discussion paper we have had consultation, and we will continue to have consultation about this matter. I think it was the Leader who referred in debate to the fact that the Government had opted out and left the responsibility for this matter to local government (in fact, I think it was said today by the member for Norwood).

I want to make clear that the Government has not and, indeed, cannot opt out of involvement in retail planning. I would have thought that members opposite, particularly the previous Minister, would know that, because a discussion paper of the Department of Urban and Regional Affairs is intended to lead to amendments of the metropolitan development plan and this in itself is State Government initiative. As we can see from the legislation, the Government has also taken the initiative to control retail development outside shopping zones while new policies are being considered.

The Government has always recognised the need for a major local government role in assessing the local impact of shopping development (and I suggest that few members on the other side would disagree with that). The Government has offered to assist councils in examining these issues. Already the Department of Urban and Regional Affairs has helped many metropolitan councils. I am delighted with the number of councils that have come forward for guidance, just to sit down and talk about some of these matters. They have done this without being forced to do so through legislation. I am pleased at the number of councils that have taken up that offer.

Deputations were received from many people when we first came to Government, and I received deputations from some local government authorities and from outside interest groups requesting that the new Government lift many of the controls and regulations brought in by the previous Government. It is worth noting that many of the local councils with whom I have had discussions since we first announced that we would be introducing this legislation have expressed their support for it. We have

heard a lot from members opposite about the Local Government Association being so totally in favour of a moratorium and being so totally against what we are doing. I suggest that that is not right; in fact, many councils support the move we are taking in this legislation.

Over the past few weeks and in this debate the Opposition has talked about rational planning decisions being based on sound business principles. Controls on shopping development exercised under the town and regional planning legislation are confined to three different areas: first, safety, to ensure that access to and egress from a site are safe; secondly, convenience, to ensure that sites for shops are conveniently located; and, thirdly, amenity, to ensure that the layout of buildings are acceptable both individually and in relation to adjoining development. My opinion is that planning controls should not be used to prevent excessive commercial competition. I think it would be agreed that planning staffs, at State and local government levels, are not equipped to determine whether the location and design of shopping developments accord with sound business principles.

I suggest that any Government intervention in private sector shopping development to prevent excessive commercial competition would, in fact, introduce an entirely new concept of planning controls. I do not believe that it is the Government's responsibility to be the judge of viability. The State's planning function is to ensure that adequate, safe and convenient sites are zoned for shopping in council regulations, and that councils have a number of agreed principles to guide them when making decisions on individual applications received from private developers. I believe that government should not be responsible for the judgment of viability.

We have also heard in the debate that the viability issue has become apparent over the past six months. I suggest that that is not so, because figures on retail investment show quite clearly that an up-turn in investment was well under way before the change in Government. The Opposition should have been aware of these trends and acted earlier if it was so worried about the problems associated with the expansion in retail development.

Members opposite have talked about section 36c, which was inserted by the previous Government. We have heard that there was a need for applications to be referred to the Minister. The Leader said:

> An attempt was made to put some power of discretion into the hands of the Minister.

I have already stated in the House the figures relating to the situation the Government faced when the previous section 36c was on the Statute, and I will repeat them because I believe they are worth repeating. The previous Ministers of Planning received 187 applications and were satisfied that retail development could proceed with all but 32 of those 187 during the 21-month period of the operation of section 36c. It is rather hollow of members opposite to say that all was well under section 36c and that the discretion was in the hands of the Minister. It certainly was in the hands of the Minister, and we have seen what the Minister did with that discretion relating to development. The previous section 36c was an extremely bureaucratic measure, because the dual assessment by councils and State Government in· olved delays for all shop development applications, and the previous Government in its amendment was in fact similarly concerned to concentrate shops into planned for and zoned shopping areas.

The Opposition's currrent proposal for a moratorium certainly contradicts that situation. During this debate much has been said about and many quotations have been read of what different people have said about retail development in South Australia. The Secretary of the Local Government Association, Mr. Jim Hullick, has been quoted many times. I would like to refer to one of his statements, as follows:

> One of our concerns is that the developer should be able to have some certainty about what he can do.

I suggest that for the first time, as a result of this Government legislation, the developer does know exactly what he can do, because the legislation makes quite clear to the developer that anything above 450 square metres outside a shopping zone is not allowed, and it is as simple as that. The only way in which that can be changed is to have the area rezoned and, as has been pointed out earlier, this involves the council, the public, the State Planning Authority, and the Minister. That process certainly involves much consultation. The Leader also said:

> Once control lapsed—

this is, when section 36c lapsed—

> the applications came flooding in.

That is not true, as I have already pointed out, and the figures relating to that 21-month period in which the previous section 36c was on the Statutes bear that out. They did not just come flooding in; they have been coming in over the past 18 months, and the previous Government and its Minister did very little about it, because the vast majority of the applications that came before the Minister at that time were approved.

I suggest that this measure, and any measure that could have been taken by the new Government, if it had been taken immediately it came to power, would have been a matter of closing the gates after the horse had bolted, because it is quite obvious that many of the problems that we have today resulting from an excess of retail development have come about as a result of the bunglings by the previous Government, and the fact that it did not take any action at that time, if it felt it was necessary.

In fact, many developers have come to me, as Minister, in the past month or so and suggested that the previous plans that they had for retail development have been changed. They are looking at other development now because there is a feeling that, particularly outside the prescribed zone, large development should not take place.

There is in the community, and I believe within the Opposition ranks, a great deal of confusion as to what is really meant by a moratorium, particularly a moratorium as suggested by the Opposition. Its suggestion is totally at odds with one of the statements made by the Leader when he opened the debate on this matter for the Opposition. He said that no responsible Party would want to stop all development everywhere. I cannot see, for the life of me, how he can talk about introducing a complete moratorium in all retail development throughout South Australia and still say that no responsible Party would want to stop all development everywhere. Those statements are completely contradictory.

In the light of all the conflicting statements made by the various spokesmen on the other side for planning matters, it is probably quite understandable that there is a certain amount of confusion among the general public as to what constitutes a moratorium. Many of the people to whom I have spoken, whether at public meetings or in deputations to me, have been completely confused about just what is meant by a moratorium and what is meant by the moratorium that the Opposition proposes at this time. Many areas throughout South Australia still require development. For example, I recently visited the new town of Leigh Creek, and to suggest that retail development there could not go ahead for, as has been suggested, six months because of a complete moratorium

on retail development is completely ridiculous.

The Leader said absolutely nothing in the House that was positive about the Bill. In fact, it would appear from what he had to say that the Opposition is still hell-bent on carrying out the pattern of behaviour adopted by the previous Government in destroying business confidence in this State. It was very obvious at the time, as it is now, that the Opposition Leader and members of his Party would have that situation continue while the Government, on the other hand, in this legislation is providing something that is very positive for the people of South Australia, an interim measure which focuses development actively in existing shopping centres, whilst the community is being consulted on the substance of retail policies proposed in the discussion paper.

We are stating that, as a result of this legislation, we will not stifle all shop development, and that we will allow shops, where demand exists in poorly provided areas, within local or shopping centres. We are allowing existing shops to continue to operate, but not to expand beyond an additional 450 square metres. We suggest that this legislation will minimise delays and costs to the private sector, particularly in the case of a misunderstanding, by prohibiting the receipt of approval of applications for major shopping development outside established shopping zones.

As I said earlier, the developer will know exactly what he can and what he cannot do. He will not have to go to the trouble and the expense of preparing applications if he knows that they will not be accepted over 450 square metres and outside a prescribed shopping zone. I reiterate the Government's policy in regard to matters of free trade, because I believe that that is why the new Government was elected to govern in September last year. We were elected with a promise to regulate industry, wherever possible. We said that we would do it, and that is exactly what we have done, within the community. We will continue to do it as much as possible, whilst still having regard to protecting the rights of everyone in the community.

A fair bit has been said in this debate also about that rather extraordinary meeting that just happened to be held the night before the Norwood by-election. I received an invitation the night before. I had three other meetings to attend, and when I was invited I pointed out that I could stay only briefly. I think it was suggested that I brought the Liberal candidate for Norwood to that meeting. That was not the case; he was already there. In fact, he met me at the door. When I spoke to the organisers of the meeting outside it was made clear to me that it was not to be a political meeting, and that the candidates were not to speak.

I was rather surprised to find out that, after I left and the Liberal Party candidate left, the Labor Party candidate, the present member for Norwood, was up on his feet and having quite a bit to say. It has been suggested in the House and by the organisers of that meeting that this legislation was, in fact, only introduced as a result of a telegram that we received. I thought I made the position quite clear at the meeting. However, obviously, some people did not want to listen to what I had to say; they were fairly well certain of what they wanted to here. They were fairly biased in the whole matter.

Mr. Millhouse: No; up to that point they had been supportive.

The Hon. D. C. WOTTON: It is very nice to see the member for Mitcham back again. It is now 5.20 p.m., and that is the first time we have seen him for the afternoon. We can welcome him in for the evening.

Mr. Millhouse: They were your supporters.

The Hon. D. C. WOTTON: The honourable member says that until that time they were our supporters. I suggest that some of those people were not supporters of the Government, and I also suggest that the people who were supporters before that meeting still are supporters. In fact, I have already spoken to some of the people at that meeting, and they have expressed grave concern at what the Opposition has suggested, namely, the calling for a total moratorium. These people have given support to what the Government is doing about this matter.

Mr. Millhouse interjecting:

The DEPUTY SPEAKER: Order! The member for Mitcham will cease interjecting.

The Hon. D. C. WOTTON: The member for Norwood referred to comments made at that meeting about what was said in relation to the Victorian situation. We have seen a lot in the media about what one of the Opposition spokesmen have had to say about the Victorian situation . I wish to clarify that before we go any further: there is no moratorium on retail development in Victoria.

Mr. Crafter: Nobody's ever claimed that.

The Hon. D. C. WOTTON: It is all very well to say that nobody actually said that. If you look back I think you will find that the Hon. Dr. Cornwall, after going to Victoria and having the opportunity to see what was happening, said that there was a moratorium in Victoria. However, there is no moratorium in the Melbourne metropolitan area or, for that matter, anywhere in Victoria. I understand that Dr. Cornwall was informed of that by Mr. Neville Haines, the permanent head of he Victorian Department of Planning.

In essence, the Victorian approach is similar to the South Australian approach, as outlined in the retail and centres discussion paper that is before the public at the present time. I think that we need to make quite clear that there is not a moratorium situation in Victoria, and the proposals forecast in our dicussion paper are very similar to the situation in Victoria at the present time.

I would like briefly to say something about some of the comments that the member for Mitchell made, because I was rather interested in hearing some of his comments, he being the former Minister. Many of the comments that he made were somewhat contradictory to those made by his Leader. The Leader said that the discussion paper was quite inadequate, and he talked particularly of the limited terms of reference. I find this rather interesting, because the previous Government set down the terms of reference for that discussion paper.

Mr. Bannon interjecting:

The Hon. D. C. WOTTON: I suggest to the Leader that the Government had plenty of time to broaden or amend those terms of reference if it felt that they were not wide enough. On the other hand, the member for Mitchell seemed to suggest that the paper was reasonable, and, as I say, it was the Labor Party which determined the membership and the terms of reference of the Retail Consultative Committee. I suggest that the former Government had ample opportunity to broaden the scope of the review if it had wished.

The member for Mitchell also suggested that the legislation would not have been necessary if I, as Minister, had listened to the mounting swell of opinion on this matter. Also, the Leader suggested that the previous section 36c was really not effective. I suggest that the former Government, although it was in office for 10 years, was probably unable to do much better than to introduce section 36c. I have already quoted the figures in relation to the Minister's attitude on that matter.

The former Government did very little (in fact, it did nothing) to investigate many of the matters that have been

brought up over the last couple of months by various members of the Opposition relating to retail development. It did absolutely nothing to investigate the practice of retail landlords. It is all very well for members opposite to jump up and down now; if they were so concerned about it, surely they could have commenced to do something about it when they were in Government.

I was also interested to hear the member for Mitchell talking about this Government's legislation being retrospective—he made quite a song and dance about that. He said that he did not understand that it was common practice for people of a certain political persuasion—

The Hon. R. G. Payne: I didn't say anything like that.

The Hon. D. C. WOTTON: I think it will be found upon reading *Hansard* that the member for Mitchell made special reference to the Government's introduction of retrospective legislation. I would have thought that the honourable member would realise that the legislation would apply from the date the Government's decision was announced. That, of course, was the case when the previous section 36c was announced by the former Government. Surely the honourable member would appreciate that it is necessary to introduce it in such a way as to avoid any further applications arising from that change of legislation.

The member for Mitchell also suggested that very little development (I think he said no development) was going ahead at present outside of shopping zones.

The Hon. R. G. Payne: I never said that.

The Hon. D. C. WOTTON: I am not quite sure whether he used the word "no" but he certainly said that very little development was taking place outside of those zones. That is not the case. There is, and has been development taking place, and it is something about which we have all been concerned. That is what this legislation is all about. The Government does have examples that it could give the honourable member to show that it has been taking place. If he agrees that development has been taking place, then we will not look at it any further.

The member for Mitchell also said that the Opposition was looking at matters taking place under the moratorium which the Opposition suggests should take place over a period of six months. He expressed concern at the Government's legislation taking longer than the prescribed six months. We have heard that the Opposition would introduce a moratorium over a six-month period. It has also suggested in another place that we should have a Select Committee to monitor and look at some of the matters that concern it about retail development. If there is to be a Select Committee sitting for a period of six months, I presume that that period would be added to the moratorium period, and unless the Select Committee was to be a farce, I daresay that the Opposition would want to take into account its findings. In addition to that, the time involved in setting up supplementary development plans has to be looked at, and that has to take place if action is to be taken as the result of the discussion paper.

So, it would be a minimum of 12 to 15 months before the moratorium that the Opposition proposes could be lifted. If the Opposition wants a moratorium until the Government is in a position to act on a discussion paper or a Select Committee, instead of six months the period would be 12 to 15 months. I find it difficult to accept how the member for Mitchell can express his concern about the problems associated with the period we are suggesting —until the end of December. I make clear that the Government (and I believe I can talk on behalf of local government) does not want these delays, because the Government and councils must proceed with the implementation of the appropriate retailing policies for the metropolitan area as a mater of urgency. I think we will all agree with that. The sooner we do that, the better—there would be no argument about that.

The discussion paper deals with a number of matters that have been referred to in this debate and in debate outside the House by members of the Opposition. It certainly deals with the impact of shopping developments on the local environment and includes a development control principle relating to energy use. Those matters have been mentioned by members of the Opposition in relation to the need to examine retail development policies further. I suggest that the guidelines document to which I referred earlier and which will be released shortly will deal with these matters in greater detail. The paper recognises that competition is essential to satisfy consumer needs and keep prices down, but it also proposes that new retail development should be focused on defined centres and that the function of existing centres should be maintained wherever possible. It also proposes that new retail development will have to satisfy environmental criteria proposed in the discussion paper, and in the guidelines document, and that the creation of new shopping centres will require rezoning of the land involved. This would provide an ideal opportunity for public comment and for council and Government assessment of the impact of the proposed centre.

Finally, I suggest that this Bill is designed to contain development of shops outside zoned shopping centres. It is an interim measure. It is intended to preserve the *status quo* while the detailed policies relating to retail development in metropolitan areas are formulated and brought into effect. I ask that members support this Bill as being an appropriate measure to contain development of shops in this State.

The House divided on the second reading:

Ayes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton (teller).

Noes (20)—Messrs. Abbott, Lynn Arnold, Bannon, Max Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, Millhouse, O'Neill, Payne (teller), Peterson, Plunkett, Slater, Trainer, and Whitten.

Pairs—Ayes—Messrs. Ashenden and Eastick. Noes —Messrs. McRae and Wright.

Majority of 2 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. R. G. PAYNE: This occasion should not pass without my pointing out that the day on which this Act is to be deemed to come into operation is quite significant—15 February, the day immediately prior to the Norwood by-election.

The Hon. D. C. Wotton: What's that got to do with the legislation?

The Hon. R. G. PAYNE: The reason for the legislation we are now considering clause by clause is the panic engendered in the mind of the Government and the Minister concerned at that time. As my Leader has just pointed out, the actual announcement was made on that specific occasion at that location and in respect of the meeting being held in the area where the by-election was to take place the following day. It is clear how important that date is with respect to how the legislation came into the House. Whilst it may be a simple clause that we often see in legislation, it seems to me that, on this occasion, it is

of particular significance. It could be said not to have turned the day, and that that is the only reason it happened on that day and for the announcement being made. It was a failure. This suggests that the legislation has the same failing, because it is not well thought out. I suggest to the Minister and the Government that legislative action which emanates from such a scene and which produces clauses of this nature is unlikely to be successful or sensible, because of the climate in which it originated.

The Hon. D. C. WOTTON: One day, if ever the Opposition gets back into Government, it might be able to examine the documents to see when the decision was made. It might instruct the Chairman (and the member for Mitcham, who is now in the Chamber) to know that the decision was made by Cabinet on the Monday before the Friday on which the legislation was introduced. It was announced on that day, because that was the first time that I was 100 per cent certain that I would have the Bill prepared in time to be able to introduce it in the House. On the previous Monday Cabinet approved of the introduction of the legislation. I do not know how the Opposition, when in Government, used to work, but I presume that it used to make decisions to introduce legislation without having to go to Cabinet. To suggest that I could attend a public meeting and make an announcement then and there without a decision having being made by Cabinet is simply farcical.

The Hon. R. G. PAYNE: We have just been given a little further information on this topic. It seems that a decision had been taken, but it was withheld to make it at an even more propitious time in relation to a by-election that was to take place the next day.

The Hon. M. M. Wilson: You can't have it both ways.

The Hon. R. G. PAYNE: On the contrary, I spent nine years in the House listening to it being given to us both ways. If that were my choice, I am able, as a member, to adopt that line, but that is not what I am saying. It was still a panic move. Some of it was worked out, but it was withheld and produced at the right time. If that is what the Minister in question and the Minister who just interjected think is the way in which to operate good Government, I hope that they keep on doing it, because it is likely that we will be back on the Treasury benches even sooner.

The Hon. D. C. WOTTON: Obviously, the honourable member is a little denser than I thought he was. The meeting was held on the Friday. I received an invitation to attend it very late the night before, but that has nothing to do with it. The meeting was on 15 February. The House resumed sitting on 19 February. Friday was the first day on which I knew that the Bill would be prepared for me to introduce in the House on the following Tuesday, the first day the House sat. If the Opposition looks back, it will find that that is the case. The House resumed sitting four or five days following the meeting.

Mr. MILLHOUSE: This matter is assuming some importance, as the Minister has seen fit to stonewall his own Bill and to speak twice.

Members interjecting:

Mr. MILLHOUSE: According to the member for Mallee, it is not an important matter, but his Minister has seen fit to talk twice on this clause because of the good point taken by the member for Mitchell. I would like to get the dates straight in my own mind. The election was on 16 February, and the announcment was made on 15 February, after the Minister had been pushed willy-nilly to the meeting, but I will not go into that. Apparently, according to what he said, the Cabinet decision to introduce the Bill was made on Monday 11 February. Between Monday the 11th and Friday the 15th, nothing was said. Why would that be? The Bill was laid on the table and read a first time on the 20th, which was the Wednesday after we started again.

The Hon. D. C. Wotton: I gave notice on the Tuesday, if you remember.

Mr. MILLHOUSE: All right. I do not remember; perhaps I was not here. Why did the Minister keep it quiet between Monday the 11th and Friday the 15th if it were not to be used as a last minute card to try to win the election? It turned out to be a dud, as it deserved to be when we get a Bill like this. If that is the Minister's idea of tactics, I think that they are poor, and I cannot understand it. I am not prepared to accept the Minister's explanation as to why he made the explanation on the Friday.

The Hon. R. G. PAYNE: We have just been subjected to an explanation from the Minister in relation to his conduct in the matter that is not at all convincing. I wonder whether, in view of the time he has been in the House, we ought to have had such an explanation inflicted on us. We have had the Minister saying that it was the first time he was able to have the Bill available. Where is the vast legislative programme with which the Parlimentary Counsel was tied up so much that a simple small Bill, which seeks to amend only one part of an Act, could not have been prepared at short notice? I am surprised that the Minister has tried to resort to that. The one thing that one can always be sure is that, if subterfuge has been put forward in respect of the point being made, and a member on our side notices this and draws attention to it, he is subjected to abuse and personal attack.

In this case, the Minister accused me of being dense. I do not think that many members would say that I have demonstrated that in the years I have been here. I may be a person with odd quirks, to which we are all entitled. We have just heard one of the lamest explanations for a political action (that is what it was) that I have ever heard in this House from anybody. A political scheme was cooked up, a decision was taken, and the idea was, as the honourable member for Mitcham said, that the Government and the Minister said "We have a trump card up our sleeve. We will race along to the meeting. We are not going too well. Frankie looks in trouble; we'll play the card and all will be well." We know the result of that. Instead of having one foot in the mire, he now has two. He is stuck. He had to explain an action, which has resulted in this clause appearing before us for consideration of a date. I trust that the honourable Minister will not continue in this way with other legislation that comes before us for our consideration.

Clause passed.

Clause 3—"Major shopping developments in non-commercial zones."

The Hon. R. G. PAYNE: Mr. Acting Chairman, I have spoken to the Minister about a number of separate amendments I am seeking to make to this clause, the last of which relates to new subsection (4) on the list of amendments appearing under my name. I ask for your ruling, Sir, whether I may speak to all these amendments at the same time. The Minister concurs in my application, because while they appear to be separate amendments they represent the necessary changes in respect of the Bill to allow, in effect, for the different concept being put forward by the Opposition.

The ACTING CHAIRMAN (Mr. Russack): I understand that the honourable member wishes to move his amendment to lines 14 to 18 and then canvass the related amendments, which include all amendments standing in his name up to that to leave out subsection (4) and insert the new subsection (4) appearing on the last line of his amendment. Is it the wish of the Committee to proceed in

this manner? The Committee having indicated its agreement, the honourable member may proceed.

The Hon. R. G. PAYNE: I move:

Page 1, lines 14 to 18—Leave out definition of "floor area."

What we are concerned with here, right up to the question of the length of time that will apply with respect to either the Government's legislation before us or the Opposition's amendments that we are considering, is that a different concept is being put forward as to what is actually the matter with retail development in South Australia at the present time. The amendments in my name put to the Committee that there is a need for a temporary stop to retail development, both inside and outside of shopping zones as defined by the regulations.

The reason why the amendments are being put forward in this way was, I think, canvassed fairly widely during the second reading debate, and I would be transgressing if I attempted to reintroduce the arguments put forward during that debate. However, I think it is necessary to point out that it is fundamental to these amendments that honourable members understand that the Opposition disagrees to the proposition that action is needed only in respect of retail shopping development outside of zoned areas. Many people have publicly called for general action in this area, not for specific action, such as that which is proposed and which I seek on behalf of the Opposition to amend.

It is beyond my comprehension how the Minister can maintain that the legislation before us caters for the actual need that exists in retail shopping development at the present time. The Bill allows for a definition of "area" to apply. Development of a shop or retail outlet outside of a certain physical size is to be prohibited. My amendments say that this is a wrong approach to the whole subject. They say that what needs to be done in this matter is to halt the entire operation for as short a time as is consistent with being able to cause the situation to be examined and for the Government to come forward then with considered proposals. All members would agree that there are some disruptive effects caused by instituting a stop of this nature, whether it is the one proposed in the amendments or the one contained in the Bill before us. I think that is recognised by everybody concerned. The Opposition is arguing here that the proper way to deal with this matter is not to continue a move made in an endeavour to influence a by-election and at the same time do only that which is necessary to influence that by-election. The Opposition is saying that it is necessary to do this thing properly, after proper consideration, and after making use of the information already available in the discussion paper, and only after due consultation and after submissions on the paper have been received from interested persons and bodies.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. R. G. PAYNE: The amendments on file are necessary because of the Government's ineptitude in this matter, causing it to take a hasty step without proper consideration. This Bill ignores the real width of the problem, and also effectively ignores the plight of many people in the community. The Government's legislation has caused me to propose amendments that are absolutely necessary to improve the Bill so that it deals with the problem that has arisen in the community in respect of retail development.

As far as I can see, the Bill clearly shows that all the Government is concerned about is major shopping developments as defined in the Bill in respect of activity outside the zoned shopping areas. If one listened to the Government's arguments on this matter, one could be forgiven for wondering why the amendments that I am moving are necessary. Probably one measure of the necessity of any amendment to a Bill would be the community reaction to what is contained in the Bill. Organisations directly concerned in the retail development area are calling for legislation of the type provided for in my amendments. Organisations such as the Local Government Association, the Mixed Business Association, small retail business organisations throughout the metropolitan area, and resident action groups have all called for legislation of the type contained in my amendments to be instituted.

There has been suggestion from the Government benches that the previous Government should have done something about the matter, but that is not really what we have to decide at the moment, because the previous Government is no longer able to be called upon to do something about it. The Government and the Minister who is entrusted with the passage of this legislation are called upon to do the correct thing—that is the guts of the matter. What is proposed by the Government in this area does not meet the requirements of the situation. In closing the second reading debate, the Minister said that there had been consultation in this matter, but in not one single instance was he able to cite public support of his legislation.

The Hon. D. C. Wotton: Oh, come on.

The Hon. R. G. PAYNE: Not in one single instance could he say that any recognised development organisation, residents' committee or local small business group supported what is proposed in the legislation. On the contrary, they have indicated support for the action required in this matter which would be achieved by my amendments.

The Minister has been singularly deaf to the calls from the community for action of this type. I am surprised by his attitude in this matter. I estimated him, when he was in Opposition, as a person who would at least have contact in the community on matters about which he needed tobe concerned. On occasions he raised such matters in this House and referred to the fact that he was receiving representation, deputation, or whatever, and he would then throw his opinion at the Government for a response.

We have a clear situation here where all the people who are affected by retail shopping development (and that is across the board, not just in non-zoned areas) are saying that there is a need for a situation that would occur if my amendments were carried. There would be a short-term halt to the activity as a whole , except in the terms as defined in the amendments. That halt would enable action to be taken by the Government.

These amendments even allow for the Government's dilemma. On certain occasions an Opposition Party could be criticised for bringing in amendments to Government legislation (and, after all, the Government is the elected group as a result of viewpoint of the electors) that may not be entirely in accordance with the Government's policy. Perhaps, in the case of the Liberal Government, it may have to talk to its supporters and find out whether such amendments are acceptable. In those circumstances there is a reason for the Government to be obstinate.

That is not the situation we are faced with here. This series of detailed amendments indicates to the Government that it has made a blue but that it can still rescue the scene. The Opposition is telling the Government that it could announce that, after further examination, it realises that the measures proposed by the Opposition and supported by all the community groups are required.

The Hon. D. C. Wotton: Oh, come on.

The Hon. R. G. PAYNE: The Minister can say that, but he cannot cite one organisation in the community that says that it supports the Government's Bill. Big business should not be allowed to squash the little man. I have spent many years listening to members opposite and their predecessors crying out that they have to protect prviate enterprise, the small business man, that person in the community who takes the risk and invests his hard-won savings into a business into which he is prepared to put in hours outside of the normal working hours required by awards. We were told that such people should be given special protection. This is the first occasion since the Government took office that those people have said to their former opponents, "For God's sake help us; we are under seige; the giants are trying to push us out by a concerted move."

We have a shopping hours situation in the background and statements have been made by senior business leaders in the community, from Coles, from Mr. Clifford of Woolworths, and they have said (and I paraphrase only slightly), "Let the little fellows go to the wall if they cannot cut it. If it is too hot in the kitchen, let them get out." They have said that these people should be able to withstand competition.

The manager for Coles went a little further and said, "There are some people who ought to fail in this area; they are not able to compete." But what terms of competition are suggested? The big fellow gets the go, and the small man is tied in that circular arrangment where those hard-won life savings and all of his sweat and effort are tied up. He cannot get out; he has repayments to make and lease arrangements to fulfil and all the rest of it. These people are not asking for the world—they are merely asking for a six-month period during which the situation stops, except for those already approved. I ask the Minister to examine my amendment. It does not stop what has already gone through the system; that can go on a little way.

A request has been made to the Government that has supposedly always stood for the small business men and supported them. The request has been, "What about doing the right thing and holding the line across the board, not just in one area (the area outside of zoned shopping areas), so that we can make our full representations to you, so that we can get some round-table and general opinion on the matter, so that even the vaunted discussion paper and its appendices can be discussed."

The Minister has released the discussion paper or the position paper (he is not sure what it is, having changed his mind three times since he spoke on the matter), and any independent person who examines that paper will see that it talks about the whole scene, not just outside of zoned shopping areas. The Minister does not want to hear about that, and says, "We will do something about that part of the scene and we will not worry about the rest." That is not intelligent or fair. Indeed, I am almost tempted to say that the Government is renegeing on an obligation it had to the very people who put it there, for it got in on the backs of the business community, both large and small. Who is getting the boot? As one expects, it is the small man. When it comes down to the acid test, the question is from whom does the Liberal Party gets the most loot, the most support?

The ACTING CHAIRMAN (Mr. Russack): Order! That has nothing to do with the clause. I bring the honourable member back to the clause.

The Hon. R. G. PAYNE: I appreciate your guidance, Sir. It is possible that, because of the strong feeling that I have at the injustice that is being done to the small man in this matter, I may have transgressed, and I apologise if I have. My intention is to get over to the Minister and those members of the Government who are interested enough in this matter to be in the Chamber at the moment (and there are not a lot of them here on this vital matter affecting all sections of the community) that this is an important matter on which they are wrong. I mention only briefly the fact that shopping hours is a not unallied issue in respect of the matter that we are discussing.

The ACTING CHAIRMAN: Order! The matter of shopping hours is already before the House, and reference to it is out of order.

The Hon. R. G. PAYNE: I understand and accept your ruling. The point I wish to make is that we have a Minister concerned with retail development, and another Minister in the same Government is concerned with the other matter to which I am not allowed to refer. The Minister to whom I am not allowed to refer has had the sense to back-peddle a little.

The ACTING CHAIRMAN: Order! I draw the honourable member's attention to the fact that, although he is trying to avoid outright statements, he is still transgressing and I ask him not to refer to that matter. Will he please keep to the matter before the Chair—the honourable member's amendment?

The Hon. R. G. PAYNE: I regret that your ruling will prevent my saying something nice about the Government. I had intended to give some credit in an area in which it is due, but I accept you ruling, Mr. Acting Chairman, and will return to the matter under question.

How can anyone maintain, as the Government is maintaining, that retail development is a matter early subdivided into compartments, because that is the Government's argument? The Government is saying, "You do not have to worry about that bit of it, or about that bit. All we have to do is close up large development in non-zoned areas for that period and all is well." What hog-wash! The voice from the community is loud and clear.

I am sorry that the Minister is unwilling to listen to the kind of representations that have been made. I will be frank: I have never been approached by small business men on earlier occasions about such matters. Previously, they thought that the Labor Party did not think about them. That was the belief generalised for many years by the Liberal Party that, if the word "business" was associated with one's name, then with the Labor Party you would probably not get a hearing. How wrong they were is now being demonstrated. Members on this side have been inundated with representations on this matter, and it is clear why it is happening: these people cannot get a response from those to whom they normally go.

The member for Norwood pointed this fact out in his remarks. I can only suggest to the Minister that, with respect to these amendments, the Opposition's attitude is clear. Some of the detail viewed on its own does not appear to make sense, but it really does. The amendments should be taken as a whole, and I appreciate the Minister's accepting that we should discuss them as a group rather than individually, as we sometimes do.

The Government claims that all it needs to do is A, but it should be looking at A, B, and C. The Opposition has taken the more sensible view and has said, "It is not good in any area at the moment, and it does not matter which aspect of it we look at. Is the Minister arguing that the design of shopping development inside or outside of zoned areas is okay and does not need any attention? Does he argue that the question of traffic access inside or outside of zoned areas does not need attention? What about the effect on people already in business in zoned and non-zoned areas? Is the Minister arguing that he is perfectly happy with that aspect?

The Hon. D. C. Wotton: Are you not satisfied with what the discussion paper says on those matters?

The Hon. R. G. PAYNE: Regarding what is contained in the discussion papers, I would say that that represents a fair amount of good work by people who have tried to put on paper their view on this matter.

The issue with which we are confronted is difficult and awkward to solve, because there is a balance that must be struck in this matter between unwarranted intrusion into community matters and the necessary controls for the benefit of good government and the good of the people of the State. I remarked on this matter during my earlier speech. I tried to show the Minister that we were not blaming him for the present situation. He seems to think we are saying that in five months he did all this. We know he did not; we know he is not that industrious. He did not have time to do it.

What happened was that the problem was growing, and an earlier Minister (not I) had sufficient intelligence in the matter to foresee that there could be further problems.

He probably said to himself at the time, "I don't know what is going to happen in two years time, but we must watch it, and I'll put it under watch." That is what section 36c did in its old form: it placed the matter in front of the Minister of the day so that he could watch what was going on and, when called on to do something about it, he would know the size of the problem. The present Minister has tried to say that, because there were only 187 applications, of which only 32 were acted on by the Minister, there is something sinister or that there has been a lack of attention to duty. That is not true. Many of the applications should have been approved, and they were approved, and the 32 had the necessary correct action taken in regard to them. Other applications required the Minister to implement additional measures, and the present Minister knows that. If he does not know that, he has not had time to read all the dockets, and I do not blame him for that.

There was a requirement from the Minister of the day to the local planning authority that certain requirements should be met before approval was given. That system was working and meeting the requirements, but it was getting caught up with. That is all that happened. No-one, whether legislating or working in a trade, can claim to be perfect, and no blame is attached to the present Government in relation to the problem. The blame we are rightly attaching is in regard to what the Government proposes to do to handle the matter. It is wrong, and it does not achieve anything. It leaves the small business man in the community to struggle against big business, and I noticed that the Minister used the words "legitimate competition".

It may well be legitimate, because it is within the laws of the State, but is it fair? That is the question to which the Minister should apply himself. Is it fair for big business to say that some people ought not to be in smaller business because they might not succeed? The Manager of Coles said that some of them ought not be in small business and should go to the wall. The amendments are a simple recognition that something needs to be done across the board to remedy the situation. If the Government agreed to the amendments and introduced legislation, it might still be wrong. I have too much respect for the Minister to believe that I should continue to put before him the necessity for him to reverse the decision imposed on him by Cabinet.

The Hon. D. C. Wotton: For your information, I put it to Cabinet.

The Hon. R. G. PAYNE: The Minister's explanation of why 15 February appears in the Bill is growing by the minute. Every time we mention the subject, additional explanation is forthcoming. First, it was the only date he could use, because the Parliamentary Counsel could not produce the —

The Hon. D. C. Wotton: What's this got to do with the Bill?

The Hon. R. G. PAYNE: The Parliamentary Counsel was also involed in preparing the amendments. I found no difficulty in getting my amendments prepared promptly. I am sure that it was specious of the Minister to suggest that that was one of the factors involved in his thinking. He did not release information on the matter until the day before the by-election, and he says that the Bill had been agreed to by Cabinet, on his submission, several days before. The Minister might regret saying that. We never had such a crazy system in Cabinet that we spent 10 hours at one Cabinet meeting. Even in the 1950 management courses that I studied we were taught that the brain becomes fatigued by pettyfogging detail that should not be fed into the brain cells of people who are paid large sums of money to deal with more important matters.

The ACTING CHAIRMAN: Order! I ask the honourable member to return to the Bill.

The Hon. R. G. PAYNE: I shall be pleased to do that, Sir. Unanimously, all of the opinion put forward on retail development by both resident and business groups has been that a course of action should be followed in this matter identical with the amendments I have moved. All activity in this regard, except what is in the pipeline, should be stopped for as short a period as possible while the matter is properly sorted out, because the Government's proposals do not meet the necessary requirement. They are like the proverbial three-legged stool; the most important leg is the missing leg.

The Bill tackles only part of the problem. It does not really solve anything. It leaves many small business people in the community at the mercy of the existing conditions, which have caused them to make such loud noises that have been heard by everyone in the State.

Mr. Max Brown: Except the Minister.

The Hon. R. G. PAYNE: The Minister is not responding to them, although I believe he has heard them. I am not accusing him of being unable to hear: I am accusing him of not listening and responding.

The Hon. D. C. Wotton: Give me a chance, and I'll say something.

The Hon. R. G. PAYNE: The Minister would know that he has the same rights in this matter as I have.

I represent here a number of people apart from the electors in my district. I have had approaches from people outside the area, and that is not common. The Mixed Business Association, which is a name well known to the Minister, made a direct approach to me. It is definitely opposed to the provisions, as are other groups. We have had them detailed, whether by members who have spoken or from the press or submissions received. The Minister must listen. With respect to the political ploy that the Minister wanted to use in the Norwood by-election campaign and release on 15 February, the Minister said that he took his proposal to Cabinet and got approval. I trust that he has also been talking in Cabinet about his present position, wherein the Government has done the wrong thing and the Opposition has presented amendments that will allow the Government to salvage its position in the matter. If the Minister will not listen, I urge at least some other Government members to note my remarks and support the amendments.

The Hon. D. C. WOTTON: We have heard an excellent example of filibustering for the past 45 minutes.

The Hon. R. G. Payne: I wasn't trying.

The Hon. D. C. WOTTON: I would hate to be listening if the member was trying. He was very trying for this side.

I will come straight to the point: I do not want to make another second reading speech. We have been through this and I have explained the Government's position regarding a moratorium. The Opposition amendment would introduce a moratorium in all shopping development throughout South Australia. The honourable member has the audacity to say that we are not being fair to small business. How does the Opposition feel about the person who wants to build even a fruit and vegetable shop in a country town where there is a need, when that person would be restricted?

How does the honourable member feel about the situation regarding Leigh Creek, where we are looking at a new town? I visited there recently and those concerned are getting to the stage of building retail developments in that town. Everything would come to a halt because of this suggested moratorium to stop all retail development in the whole of South Australia, not only in the metropolitan area. It may be of interest for the Opposition to know that many people have contacted me, a large number of them being local government people. They were people not only from outside the metropolitan area but also from within the metropolitan area.

Councils have expressed concern about the possibility of the introduction of a total moratorium, because they do not want it. It is interesting to note that the retail consultative committee which the previous Minister and Government set up to look into the whole problem of retail development, and which has issued a discussion paper, is in favour of the Government's legislation and condemns the idea of a total moratorium. The previous Government selected these people and gave them terms of reference. They have now had the opportunity to consider what the Opposition is proposing and they oppose the idea of a moratorium. They support the Government. The Government has made quite clear its fears that a moratorium on retail development in Adelaide would be an excessive and Draconian exercise, as I have said previously and will continue to say.

Mr. PETERSON: I rise on a point of order. Does this speech close the debate?

The ACTING CHAIRMAN: No. In the Committee stage, each member apart from the mover of the motion has the right to speak three times.

The Hon. D. C. WOTTON: The point I want to make is that the current Opposition proposals go much too far. They would place unnecessary restrictions on shopping development in country areas right throughout the State. The amendments would prevent even minor extensions to existing shops and prevent construction of corner shops even in new and developing areas where there is a clear need for local retail facilities. That refers not only to country areas but also to metropolitan areas. In many places in the outer metropolitan area there is still a need for corner shops or larger development within prescribed zones. As well as that, the amendments would prevent development of shops in areas where councils have specifically planned and zoned for shopping development.

The Hon. R. G. Payne: Name one.

The Hon. D. C. WOTTON: The member was Minister for Planning for five or six months. If he does not know that councils have an important part to play in supplementary development and development plans, I cannot help that. That is where the consultation comes in. Apart from anything else, the Opposition's amendments would have a disastrous effect on employment in the building industry, which I think we all agree is already severely depressed. We are talking about being fair: who is being fair regarding that industry?

By contrast, we have already said that the Government proposal is reasonable, and that it avoids unnecessary restrictions and deals with real problems associated with major shopping development, particularly development outside prescribed zones, which we have already described as having been completely unwieldy. It has concerned us for a long time that there has been far too much improper action regarding development outside prescribed zones. In addition, in the development that has taken place outside prescribed zones, there has been ignorance about the intention of the planning policies. I firmly believe that a lot of people would be extremely concerned about the proposals that the Opposition is putting forward regarding a total moratorium. As I state in my second reading explanation, we believe that action must be taken. In the legislation, we have suggested the type of action, and we believe that that action should be supported. I ask members to do so.

The Hon. R. G. PAYNE: I hoped to hear at least a supportive reply to the strong plea that I have made to the Government to listen to the cries (they are not just calls) from the community generally that the Government should reconsider its action in this matter. The Minister has spoken about improper action outside zones. He has specifically avoided saying that the discussion paper to which he keeps harking back to support his weak stand on this matter refers to the fact that councils have not always been on the ball in respect of what occurred with retail development in zoned areas.

That situation is outlined in the discussion paper, but perhaps the Minister has not read that paper. I realise the Minister has been busy, but I suspect that he has read it, so I can only assume that he has avoided that point on purpose. That is not the way to conduct the business of this House. However, I suppose that is the way you must conduct your business when you are caught and must defend a one-legged approach to a matter that needs a two-legged approach. The Opposition is asking the Minister to look at the whole matter.

The very people that the Minister cites as supporting his actions turn out to be anonymous when he is pressed on this matter. If the Minister is asked to name one responsible body in retail development, residents action groups and so on that has supported the Government's proposals in this matter, I suppose he could only come up with a single person who has supported him, but even he did not get a mention. I suppose the Minister could say that Frank Webster supported him, because that is where it began. However, the Minister has not even put his name forward. If the Minister bases his argument on the situation in Norwood, I point out that in the recent by-election the electors in that area said what they thought of Mr. Webster. I would not even have referred to that if the Bill did not have 15 February as an operative date.

My amendments say that there is something wrong with this situation across the board; that is the only term I can use. I have tried everything on the Minister, but all he can talk about is non-zoned areas as if that is all that is concerned in retail development. However, that is not all of the problem at all, and the discussion paper points that out. The discussion paper says that there have been retail developments that do not come up to standard in the metropolitan area in zoned areas. That could be the previous Government's fault: we are not here to argue about that. My argument is that an opportunity was presented to the Minister and his Government to do something about this matter at the right time.

As I said in the second reading debate, if a stopper is to be put on things it has to be done with care. The Minister did not really answer that point in relation to the longer period he proposes in non-zoned areas. The guts of the

matter is that larger sums of investment money, capital spending and so on, are probably more likely to be spent in non-zoned areas anyway, because in some cases that is where the larger type of development is taking place. To put a stopper on that development for a longer period is even worse than contemplating stopping everything for a shorter period of time, and the Minister was on very poor ground on that point. The proposal in my amendments is the absolute minimum that must be done at this time in an attempt to deal with the whole problem.

The Minister has not been able to supply any evidence to prove that all is well in the zoned areas. I challenge the Minister to prove that point by using outside opinions he has available to him, because I believe it is just not so. I simply want to get it over to the Minister that I am not saying that this situation is his fault; it is not. However, the situation is there, and there is no other way to cater for it than through these amendments, which will result in a minimum of disruption. Somebody must get weaving on this matter, not take all day, and not waffle on as the Minister did earlier when he claimed that a Select Committee would take six months (he then added another six months, and then threw in three months for good measure for supplementary development plans). The Minister's arithmetic was a load of malarkey. If the Government wishes to be active in this matter and really do something about it, and if it cannot get weaving in about six months, it should give up the Treasury benches and let the Opposition have a go. I would be quite willing to take over the responsibility once again.

The Minister now has available to him the community's strong feeling about this matter, and that was not there when my Party was in Government. The rumblings were not there then, but they are there now. The Minister was one of those who were anxious to get into Government. He is now in Government, and I really believe that he wishes he was not. This Government has received responses from the community that my Government did not receive. Perhaps those responses were in the offing and we probably just managed to escape, but I do not want to argue about that. It no longer matters a hoot to the people in the community who are affected: they do not care which Government did it or why it happened; they simply want help. That help lies in my proposed amendments.

The Opposition recognises that the Government can solve this problem, albeit with the assistance of the skilled personnel in the House and members of the department, plus the terrific effort it receives from local government, and the input from the Retailers Consultative Committee. The Opposition is confident that, if the Government follows these amendments, this problem can be solved, but the Government will not do it on that basis. The Government is receiving a fair go in this matter, and I do not know what else I can say to the Minister.

Mr. Randall interjecting:

The Hon. R. G. PAYNE: The honourable member for Henley Beach has spent several weeks trying to distinguish himself through interjection. I can only suggest that he keeps trying, because he has not yet succeeded. I think that the Minister is getting the message, but he may not be able to do anything about it. The Minister may be under constriction by Cabinet or outside groups. I do not know, but I can at least postulate that that may be the problem, because I can see no other reason why he should be so adamant. My amendments do not ask the Government to hand over the solution to the Opposition, to me, to the Hon. Dr. Cornwall, or to anyone else. If they are accepted, the Opposition is confident that, with the goodwill of the retail groups, large developers and small shopkeepers, a fair solution can be found. I ask the Minister to look at this matter once again in view of my remarks.

Mr. HEMMINGS: I had not intended to enter this debate tonight, but one of the Minister's earlier remarks worries me. Excusing all its bungling in its handling of this Bill, the present Government has stated that it would be an open Government. In reply to the member for Mitchell, the Minister stated that local government authorities had written to him saying that they were unhappy with the amendments that were being moved by the member for Mitchell. Who are these responsible persons? That information would make an input into this debate.

My own electorate was very lucky because it had planned zoning and shopping, and it does not have the problems experienced in Norwood and other areas. However, I would hate to think what would happen if the present Minister of Planning got his hands on the City of Elizabeth, because he would most likely make a botch-up, which is what he has done everywhere else. Will the Minister name the responsible local government authorities and other responsible bodies that have contacted him saying that they were unhappy with the amendments moved by the member for Mitchell?

Mr. PETERSON: I think I should put my questions to the Committee in the way in which they were put to me by the people and the traders in my district. Many people are concerned about this matter. Members have been contacted by members of the public and the matter has received much publicity, so there is obviously a problem. Why was a specified floor area laid down, and why was that area specified as 450 square metres instead of, for instance, 10 at 45 square metres? How was that figure arrived at? Why was any specific size required at all? If someone intends to develop a site outside of a zone, why specify an area? Why is it specified outside of a zone? We have specified shopping zones and business zones, so why not restrict the matter to those zones? Why is retrospective legislation required; why not start the legislation from the time it is passed? Many councils are still approving applications at this time.

The questions I have been asked have been based upon the fact that there are approved zones in the metropolitan area. I know that the Minister has mentioned other areas that can be catered for. The previous speaker spoke of planned shopping zones in Elizabeth that seemed to work remarkably well. Such zones in the metropolitan area are laid down; they have worked, so why not restrict any development for a short period to those zones until the matter can be realistically assessed and some firm, solid, practical plan brought forward?

The Hon. D. C. WOTTON: I thank the honourable member for his sensible questions. The area of 450 square metres was selected because it was referred to in the model planning regulations as an appropriate limit on the area of local shops. It is to be seen to be the average area of about five or six small shops. The figure is also broadly equivalent to a reference in the Metropolitan Development Plan as a maximum scale of development that should be allowed in residential areas. Turning to the reference to retrospective legislation, it is retrospective only in so far as this House is concerned: the legislation goes back to the date of announcement. It is retrospective only because the announcement was made on a particular day and the legislation is to come into force on that day. As the honourable member would appreciate, there is not much we can do about that, because, if we announced we were going to do something and then introduced legislation two or three weeks later to bring it about, we would get people

jumping in to beat provisions of the legislation before it was introduced. I turn to the comment that councils are still approving applications; I presume that the honourable member was talking about prescribed shopping areas, because nothing with an area of more than 450 square metres could be approved outside prescribed shopping areas as from 15 February.

Mr. HEMMINGS: It seems strange to me that the Minister placed such great store on trying to refute the arguments for the amendments introduced by the member for Mitchell by saying that responsible local government authorities had contacted him saying that those amendments were wrong. When I asked the Minister to name those responsible local government authorities he, rather ungraciously, decided not to answer. Perhaps he was searching through his file to find the names of those local government authorities. I ask the Minister, again, whether he will inform the Committee of the names of those local government authorities that have contacted him saying that they approve of the Bill being introduced by the Government but that the amendments moved by the member for Mitchell are wrong and not in accordance with the principles of local government. If the Minister does not answer this question I, and I am sure all members on this side, will assume that the remarks that the Minister made were a complete fabrication and that no such contact had been made by local government authorities. If the Minister is fabricating these kinds of stories, he should apologise.

The Hon. D. C. WOTTON: I make no apology for the fact that I have no intention of telling the House the names of local government authorities or people who have written to me on a confidential basis.

The Hon. J. D. Wright: So it's not the truth?

The Hon. D. C. WOTTON: As I have said, I have received representations from local government authorities.

The Hon. J. D. Wright: How many were there?

The Hon. D. C. WOTTON: I am not going to say that either. I have attended a couple of conferences at which a series of councils were represented, and there have been quite a few. I make no apology for the fact it is not my intention to provide the names of people or local government associations that have contacted me, as Minister, on a confidential basis.

The Hon. R. G. PAYNE: We have seen the Minister progress from not answering at all, and indulging in a lot of persiflage, to not giving a satisfactory answer to the member for Semaphore. The Minister has been reluctant to answer the member for Napier at all, although eventually he did reply.

I have maintained that the Government's proposal in relation to non-zoned areas is only a part of the action that needs to be taken. In reply, the Minister has cited the discussion paper. I have tried to tell him in what I believe have been simple, one-syllable words the facts of the matter, namely, that the problem occurs not just in the non-zoned areas. The Minister has studiously avoided getting on to the zoned area aspect, maintaining that the problem exists outside zoned areas only. Does the Minister know of the following paragraph, to be found on page 5 of the discussion paper? It is as follows:

> In the other 19 metropolitan council areas, regard must be paid to the general criteria set out in the zoning regulations.

That relates to the regulations which apply to councils, and to which councils are supposed to adhere in approving developments in their areas. The paragraph continues as follows:

> In these council areas the policies contained in the Metropolitan Development Plan can easily be overlooked or ignored, and in such instances it is only when a council decision on an application is appealed against and comes before the Planning Appeal Board or the courts that the provisions of the plan are directly considered.

Yet the Minister maintains that that is not so and that there is no need to worry about the other areas, as the problem applies to non-zoned areas only. The paragraph to which I have referred clearly indicates that all is not well in other areas, and sooner or later the Minister must recognise that.

I do not mind if the Minister decides not to proceed any further with this matter. Of course, he has the numbers and can say, "All right, you have finally got through to me, and I want to have a look at it." However, I cannot believe that the Minister will continue to ignore the voices that have been raised regarding this matter. It is fair enough that the Minister does not want to hear from the Opposition. However, I remind him that not only our voices but also those of people concerned in retail development must be heeded. Everyone in the retail area has had something to say about this matter. The big boys have said, "Good; keep going and we will squash some of the little people," and the small business people have appealed for help, as have resident action groups.

Indeed, press editorial policy has been expressed regarding this matter. Yet the Minister does not listen to any of the information before him. Rather, he continues blindly to argue that he must merely stop it in the non-zoned areas and all will be well. It is patently clear that that is not so, and surely there is still time for the Minister to recognise this. There will be no loss of face as a result; no-one will criticise the Minister if he decides that the hasty decision taken in the light of the Norwood by-election was wrong. In fact, credit and kudos are available to the Minister.

The Minister needs to listen to the voices that have been raised against his proposal and in support of one that could be implemented if the amendments were carried. At worst, people would say, "All right, they were new at it and made a bit of a blue. However, they have recovered from that quickly and done the right thing in the circumstances." The Opposition would almost be left lamenting in the matter. The Opposition is concerned not with politics but that the correct thing is done in this difficult area.

No blame will be put on the Government. The Opposition is merely stating that common sense should prevail and that the Government should support the amendments, so that retail development in South Australia is put back on the right path.

Mr. KENEALLY: I did not intend to enter into the Committee debate until I heard the Minister reply to the member for Napier's query regarding local government. I am also disturbed to see that the Minister now seems determined not to answer any of the questions asked or statements made by Opposition members.

The Hon. D. C. Wotton: How many questions haven't I answered?

Mr. KENEALLY: I am prepared to concede that the Minister has tried to answer questions. I suppose that it is up to the Opposition to decide whether the Minister answers them to its satisfaction. However, I am concerned that the Minister has in this debate used local government as a crutch on which to hang a shaky case. When asked which councils in South Australia had written to him stating that they opposed the Opposition's amendments, the Minister refused to name them.

The Opposition has much respect for local government, believing that councils are responsible organisations and that the views which they express from time to time on

issues such as this ought to be considered and given weight. Unless the Minister is able to say which councils have written to him, one can merely assume that perhaps he has not been contacted at all. I do not wish to insinuate that the Minister has been less than truthful on this issue. It could be that the Minister has been quite reckless in using local government as an authority to prop up a fairly weak case.

It would seem simple for the Minister to name the councils that have written to him. After all, this State Government is supposed to be an open Government. Like local government, we are responsible to the people and, if a council expresses opposition to amendments moved by the Opposition in the State Legislature, they would not want to hide it. Any decisions would be made by the city council or district council involved, which councils, like members of Parliament, are responsible to their electors.

I do not know why the Minister feels obliged to keep this information confidential if, in fact, he possesses such information. It seems a simple thing for the Minister to tell the Committee which councils have written to him. If the Minister is not willing to do so, the Opposition could be compelled to write to councils throughout South Australia asking which of them gave the Minister the sort of information that he has used in this debate. There is simply no reason for the Minister to force the Opposition into that course of action.

I also ask the Minister whether he has been speaking to individual council members, who have perhaps expressed their personal views and not those of the councils that they represent. That is possible, and, if that information was made available, the Opposition would consider it.

To use local government as an authority, to throw it into this debate and say that so many councils are opposed to the amendments and not to mention those councils, is not a very good argument at all. It is one that is not worthy of the Minister. It simply brings to mind the possibility that he is less than honest on this issue. In view of the questions that the Opposition is raising and will raise if he refuses to respond, will the Minister tell the Committee which councils support the Government on this issue and oppose the Opposition's amendments?

Mr. HEMMINGS: I would like to think that the member for Rocky River has been able to advise the Minister how to get over this problem, as the Minister has got himself into a situation where he is being made to look foolish. I can recall that, when we were in Government and when the Ministers on our front bench made statements, we had the parrot cry from Liberal members, "Name them". We are now dealing with a serious situation, and local government will be affected by it. If the Minister uses the argument that local government authorities are against the amendments put forward by the member for Mitchell and are in favour of the provisions put forward by the Government, where is the confidentiality? The Minister should be crying from the rooftops the number of local government authorities that are in favour of the amendments put forward by the Government. However, he says that they are confidential. What is confidential in a council saying that it supports the Government and is opposed to the Opposition's amendments?

I can see in future every Minister on the front bench retreating behind that screen and saying that all correspondence and telephone calls are confidential. The Minister is in an awkward situation, as he is being attacked by the big retail chains that have supported the Government in the past by giving it large donations. He is also being attacked by small businessmen and he does not know where to go. No matter what question we put to the Minister tonight, he is going to retreat behind the confidentiality screen.

Local government plays a big part in the provisions being put forward by the Government. Surely the Opposition has the right to know how many local government authorities have come out in the open and said that they support the Government. I believe that the member for Stuart had the situation weighed up when he said that individual councillors had come to the Minister at the small-time functions the Minister had attended and had said, "The things you are doing are correct. The things that the Opposition wants to put forward are wrong." What professions do those individual councillors belong to? You, Mr. Chairman, were in local government for a long time, as I was. We always had the ruling that any letters or any policies from the council were in regard to the council as a whole. I make the claim that the Minister has received no correspondence from any council saying that it supports the Government's provisions and that it disagrees with the Opposition's amendments. If there was any such correspondence the Minister would be only too pleased to tell us of it. I claim that not one local government authority has stated that it supports the Government. The Minister is fabricating the whole issue. He is trying to put the onus on local government. If local government had a chance, it would support the amendments put forward by the member for Mitchell.

The Hon. R. G. PAYNE: It is quite clear, as has just been illustrated by the member for Napier, that the Minister, for reasons of his own, will not give this Committee details of the fabulous amount of local government support that he has.

Mr. RANDALL: I rise on a point of order, Mr. Chairman. It is my understanding that a member may speak only three times. As the member for Mitchell has already spoken three times, he should not receive the call.

The ACTING CHAIRMAN: Standing Orders provide that a member shall speak only three times, except the mover of a motion. The honourable member for Mitchell is the mover of the motion and therefore has the right to speak.

The Hon. R. G. PAYNE: I hope that there is no need for me to speak any more than the four times that I have spoken on this matter. We have seen a demonstration from the Minister which is not in accordance with the traditions of this House and certainly does not lie well with a Government that was elected on the basis of being open on matters; this was part of its lead-up to the election campaign. The Minister obviously fell into the trap of being in difficulty in sustaining the Government's position through transposing in his mind the kind of information he has received as outlined by the member for Stuart that individual councillors have said, "Good on you, David, you are on the right track with that. I support that." Because he has no answer to the matters that we are raising with him, he has resorted to representing that to the House as a concerted opinion of local government bodies. I am going to try to elicit information from the Minister. I cannot understand why local government bodies are ashamed to say that they support the Government. Why do they have to hide the fact that they support the Government? Is there something wrong with the proposition; is the Government crook; or does local government believe that the matter is so shameful that it should not see the light of day?

The Minister is wrong, but I have not suggested that he has any ulterior motive in coming forward with the proposal contained in the Bill. I have suggested that it is not the right answer to the problem we have, and I believe that the Minister may have had the matter forced on him

by Cabinet. I cannot see why local government should not feel calm about either opposing or supporting the move publicly. We still live in a democracy, even though we have a Liberal Government. The Minister cannot hide under the cloak of confidentiality on this matter. Is he prepared to disclose the kind of support and the degree of support that he got from the Retail Consultative Committee?

He has alluded to that committee also in fairly general terms. Can the Minister outline exactly how the proposal in the Bill arose? Was this something he requested from the Retail Consultative Committee? Did the committee put it forward to him, or did it just come from some individual in that area? The Minister has cited two authorities in support of his proposal. He reverted to puerile arguments about confidentiality when opposing my amendments. Can the Minister tell us about the degree of support, its firmness, whether the committee originated it, whether it is by way of his own initiative or a brainchild of Cabinet? I look forward to hearing an answer that is acceptable; there have not been too many up to this stage. I think the member for Semaphore expressed what we all feel when he said, "Well, you have answered me but it is not satisfactory."

Mr. KENEALLY: It would be a simple thing for the Minister to say that the local government oranisation in South Australia supports the Government on this issue. Why does the Minister not claim that he has the total local government support in South Australia? Is it because Mr. Hullick, association Secretary, has come out in opposition? Does the Minister know whether he has the majority support? Is the Minister prepared to make a rash estimate as to how many councils have supported him?

The ACTING CHAIRMAN: Order! I would like to point out to the Committee at this stage that I have allowed a lot of latitude in this debate on this aspect. I would like the honourable member for Stuart to relate the point that he is now expressing directly to the amendment before the Chair. I appeal to honourable members to apply their remarks to the amendment.

Mr. KENEALLY: Certainly, Sir, I am quite happy to do that. The Minister said one of the justifications for the Government's stand on this matter was that it had the support of local government bodies. I pointed out earlier that the Opposition considers local government authorities to be very important bodies indeed and, if they have a point of view with regard to these amendments, that view ought to be given some weight in our deliberations. I believe that the Minister is treating this Committee in a rather contemptuous fashion. He said that he had information that justified his stand, but that he would not make that information available to us. We have to take him on trust, and we have learnt in the few months that this Government has been in power that we cannot take it on trust at all.

We are making a very serious charge that the Minister is treating the Committee with contempt and, more than that, the Opposition suggests that the Minister has not been completely honest with the Committee, that he is saying he has information, when in fact it is becoming quite apparent that he does not have any at all. I think the Minister cannot fairly say that local government supports what he is doing merely because he has been speaking to one or two local government officers. Perhaps he has spoken to his neighbour who knows a woman down the road whose sister-in-law is married to a councillor who has given support to the Government's stand.

The member for Henley Beach tried to protect his Minister by taking points of order. The member for Todd has been yawning and hoping that this debate would end as quickly as possible. The debate could be resolved if the Minister would come clean and give the Committee the information that we seek. If the Minister is not prepared to do that, one can only assume that he is quite content to use the weight of numbers in this argument. He will lose the argument but win the fight, because he has the numbers. That is a contemptuous way to treat the Committee and members of Parliament, whose duty here is to represent—

Mr. Becker: What did you do when you were in Government?

Mr. KENEALLY: The Minister said that this Government—

The ACTING CHAIRMAN: Order! The honourable member for Stuart is out of order in answering interjections.

Mr. KENEALLY: Thank you, Sir. It just goes to show the degree to which this discussion has deteriorated, when one listens to the member for Hanson. Again, I ask the Minister whether he is prepared to come clean on this matter. If he is not, it just leaves a sour taste in everyone's mouth and makes it clear to the Committee that perhaps the Minister is being just a little big disingenuous.

The Hon. R. G. PAYNE: Briefly, I want to record my regret that the Minister is not able to answer what has been put to him in relation to alleged support for the Bill, rather than for the amendments that I have proposed. As has been stated, the Government has the numbers to have its way in the matter, and I cannot do much about that. I want to go on record that, in my opinion, clearly the Minister resorted to persiflage, in a vain attempt to show that somebody in South Australia supported him in this matter. He was not able to cite anybody except persons unnamed in local government. I have had letters on this matter. The Retail Consultative Committee was held out at arm's length on one side when he was speaking, and the Minister suggested that we are under their aura with our plan. The Minister may well rue the day that he has taken this stand this evening.

On several occasions in this debate the Opposition has bent over backwards to find out who supports the Minister. If he will tell us, we will consider it. Nothing can be fairer than that. If the Minister had such support (and it is clear that he has not), he could have said that, say, 75 per cent, or even 51 per cent of local government supported him. We would have listened to 30 per cent, but we have not got any per cent. We have got no sense from him at all. The Minister has had ample opportunity to delineate the role in this matter that the Retail Consultative Committee took. He has not done that, and perhaps he has had to do that. I would respect him for that. He has not been tempted into the same persiflage as he has been tempted regarding local government, and that is to his credit.

He has not claimed that he got a recommendation or that he asked them to consider it, or that the consultative committee said that this was the only thing that could be done in the circumstances. The Minister has only talked about the Retail Consultative Committee and about what the Government proposes, and the Opposition has clearly shown that that is the wrong approach. We have had the well-being of the people of South Australia in mind with these amendments and, to the best of our ability this evening, we have tried to persuade the Minister and the Government of the sense in them, something that is easy and clear for all to see. It takes into account the community voice of all those involved. It takes into account everything that has been published on the matter, as well as the representations made and also includes the possible effect that any kind of stoppage would have on building, employment and the like. These amendments

represent the absolute minimum that the Government should agree to.

Amendment negatived.

The Hon. R. G. PAYNE: I move:

To strike out subsection (4) and insert:

(4) This section shall expire on the 31st day of August, 1980.

Having failed to convince the Government of the sense of my previous amendment, it is still worth while for me to speak about the time that should apply in regard to the wrong step that the Government has just committed itself to. The Government has proposed a date of 31 December 1980. Its wrong proposal will apply until that date.

Therefore, in an attempt to help the Government and the people of South Australia the Opposition is willing to come to the rescue of the Government, if it will see reason, by suggesting a more sensible time period that should apply. My amendment provides a final date of 31 August 1980.

The same arguments that have already been stated can be applied now for this provision if the Minister will reconsider the time period involved in respect of his amendments that will now apply. I urge the Minister to reconsider the date of expiration of the proposals and to bring the final date back to the date stipulated in my amendment.

The Minister will find that he has made the wrong decision. Voices in the community will not go away. The Opposition's voice is now still in this Chamber because of the vote that has been taken. We can canvass the matter outside this Chamber in public, but it will be the Minister who will have to deal with the community at large, and he will receive more urgent and vociferous representations on this matter through the media or from direct approach.

The effect of the Minister's wrong decision will be made worse by the changes being in force for a longer period. One way for the Government and the Minister to ameliorate its wrong decision would be to limit the time during which the decision should apply. If the amendments applying to the non-zoned areas, which the Committee has now passed, are going to be the right tactic and the right panacea for the whole scene, there is a good argument for saying that its success or otherwise should be clearly visible after six months, and it should not take until the end of the year to be come clear.

If the Minister has such confidence in a decision forced on this Committee by weight of numbers, he can demonstrte his confidence and concern for the people of South Australia who will be affected by the provision applying over such an extended period. The Minister should consider the effect of that long period on investors, entrepreneurs or people wishing to get into the game, including banks, land suppliers and others.

The Minister can vindicate his decision by shortening the time period in which it is to apply. The Minister should apply a degree of earnestness to this matter that he failed to do earlier. Perhaps he was unable to apply himself earlier because of some stricture upon him that we do not know about, but surely he would have the power and responsibility in this matter to act in respect of the time that the provisions apply.

The Hon. D. C. WOTTON: I make clear to the honourable member and the Opposition that the Government does not accept this amendment. The main reason, as I have already told the Committee, in what I though was some detail, is that it will take a long time.

First, we have been very keen to provide adequate time for people to make submissions in relation to the discussion paper, namely, until the end of March, after which we want to study the recommendations. Supplementary development plans must be prepared. There will be a period during which all of these processes will take place. We have suggested that it is necessary to have adequate time. Having given this matter great thought, we chose 31 December as the date on which the legislation could lapse. We have until the end of March for submissions on the discussion paper to come forward, to the end of May for the preparation of supplementary development plans to implement the discussion paper, and the six months (as I tried to explain to the honourable member, but he did not seem to take it in) for the formal process of public exhibition and authorisation of those plans. We are looking at least until the latter part of the year. To be on the safe side, we have suggested that the legislation should lapse at the end of December, and the Government does not intend to bring that date forward.

The Hon. R. G. PAYNE: We are talking about the period over which this legislation should apply and about my amendment to shorten that period in the interests of all concerned in the community.

The Minister has argued that here we have a whole new ball game, with a discussion paper and appendices, and when the submissions are finally received everyone will benefit. At the same time, he says that it will turn out the same as now and that the same ponderous procedure will be followed. The existing system does not run smoothly. I am surprised that the Minister has prejudged this matter before the closure date which, I understand, is next week. It is rough of him to do so, and it is certainly arrogant on the part of a newly elected Government, which ought to be going along steadily in its first year. I am surprised that he has taken this view. There is nothing to prevent him from extending the time later if he finds that six months is too short. I strongly believe that he will realise that this is not the way to do it, and that he will receive sufficient messages to make him, if he does not support our amendments, he will wish that he had supported them.

Mr. KENEALLY: I have been approached by several trade unions—

Mr. Becker: Name one!

Mr. KENEALLY: I would love to confide in the Committee, but this information came to me and my colleagues from people who would like the Opposition's amendments supported and the Bill in its present form opposed. These are responsible organisations within the community in which we place great store, and I am sure that the Government does, too. I do not think that the Minister would in a cavalier way disregard the views of these people. Can the Minister tell me whether he has had discussions with the trade unions?

Mr. Evans: You should name them so that he can tell you.

Mr. KENEALLY: That is a strange argument for the member for Fisher to bring into this debate. Had we been aware of that, we might have adopted the same line of questioning earlier on. One needs the acute intelligence of the member for Fisher to see the weaknesses in some of the positions adopted by certain members. Has the Minister had discussions with the trade unions on this issue and on how the amendments affect the livelihood of those unions' members?

Mr. HEMMINGS: It seems obvious that the Minister is more interested in reading the *News* than in answering the member for Stuart.

The ACTING CHAIRMAN: Order! I ask the honourable member to speak to the amendments.

Mr. HEMMINGS: I have taken the liberty of speaking to certain organisations that are vitally interested in the Bill. They are upset and concerned that the expiry date should be 31 December 1980, and agree with the

Opposition's amendment to provide for 31 August 1980. They have told me that, unless the Committee accepts the Opposition's amendment, there will be complete chaos in the building industry.

There also will be complete chaos in the development of shopping centres in this State. They feel that the Government is completely wrong in making the expiration date 31 December. Has the Minister received the same kinds of complaint as the Opposition has received?

The Hon. D. C. WOTTON: No.

Mr. McRAE: I enter this debate for the first and probably the last time, depending on the Minister's arrogance, which he has been demonstrating during the short time I have been paying particular attention to the debate and which is rather contrary to his criticisms when he was on this side and continually criticised the Government at that time.

The ACTING CHAIRMAN: I ask the honourable member to come back to the amendments.

Mr. McRAE: I will, Sir. It is an arrogant Bill that has been brought in by an arrogant Minister. However, I have not played a leading part in this debate, so I do not want to dwell on that. I support the amendment. If it was carried, it would be a vote of no confidence in the Bill and, as I understand the member for Mitchell and other members I have heard speaking in the past half hour or so, they have no confidence in it. I have a great deal of interest in the topic. I have not entered the debate, because of other commitments here. In the area of trading hours and retail trading generally, you will be aware—

The ACTING CHAIRMAN: Order! The matter of trading hours is the subject of another Bill before the Chamber and it would be out of order to discuss that.

Mr. McRAE: I will not press that but this general area of trading hours, retail zoning, discounting and matters of that kind is an area in which I am vitally concerned. I have spoken on it many times here and publicly and have made my position well known. From time to time I have even had strong differences in my own Party, so I am acutely aware of the various difficulties that face the Minister. I am also aware that one of the obvious reactions of a Minister who is debating from a position of weakness is to use a position of arrogance in response.

It seemed to me that the contempt with which he treated the very relevant question asked by the member for Stuart was indicative of that. It was a totally contemptuous non-response. That is not good enough. Time and time again I had to listen from the other side, when we were in Government, to Opposition members, now in Government, putting questions, demanding answers from the Government, and sometimes being legitimately angry when not sufficient information was given or when they were treated with less than courtesy.

This is not the first time that I have seen this Government behave with utter arrogance, quite contrary to what your Party, Mr. Acting Chairman (and I am not reflecting on the Chair), said in relation to its attitude in Government, namely, that there would be open government and freedom of information. There has been no freedom of information tonight. When members have asked reasonable and respectable questions, they have been treated with contempt by a very arrogant Minister. I will support the amendment as a motion of no confidence in the Bill, in the Minister leading the Bill through the Parliament, and in his Government.

Mr. HEMMINGS: If I may briefly mention a previous clause we have discussed—

The ACTING CHAIRMAN: No, I am sorry. That would be out of order.

Mr. HEMMINGS: All right, I will not do so. However, it seems that, in certain areas in this Bill, certain bodies have been consulted for their opinion. I asked the Minister whether the trade union movement had been asked for its views on the expiration date, and the Minister gave me a curt "No". From that I can only construe that the Minister treats with contempt not only this place but also the trade union movement.

One would have thought, with the expiration date fixed and jobs being involved, that the Minister would take it upon himself to consult the trade union movement. However, in his true arrogance and contempt for the trade union movement, we get a curt "No". We can take it that any Bills brought before this place on which the trade union movement should be consulted—

Mr. Becker: Rubbish!

Mr. HEMMINGS: All that the member for Hanson can say is "Rubbish". He is an expert on rubbish. The trade union movement is being treated with contempt by the Minister, just as the Minister is being treated with contempt by the Deputy Premier.

The Committee divided on the amendment:

Ayes (18)—Messrs. Abbott, Lynn Arnold, Bannon, Max Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne (teller), Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Dean Brown, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Schmidt, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs. Corcoran and Duncan. Noes —Messrs. Eastick and Tonkin.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

The Hon. D. C. WOTTON (Minister of Planning): I move:

That this Bill be now read a third time.

The Hon. R. G. PAYNE (Mitchell): I rise briefly to record the Opposition's regret that this Bill has reached a third reading stage in this form. The Opposition believes that this Bill lacks the form, cohesion, and sense that it would have had if the Opposition's amendments had been carried. The people of South Australia will suffer because of this Bill. In particular, people involved in retail development, community groups and consumers will pay for the Government's wrongful action in this matter. I do not know why the Minister insisted that the Bill should come before us in this form or why he used the Government's numbers to force his will on this House. No doubt the Minister had his reasons, but he did not disclose them to the House at any stage. If the Minister had facts to support the Bill he has impressed on this House with his numbers, he did not put those facts before the Opposition. I feel sorry for the people of South Australia who will now suffer through this wrongful act by the Government.

Bill read a third time and passed.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

DOG CONTROL ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ENVIRONMENTAL PROTECTION COUNCIL ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 February. Page 1116.)

The Hon. R. G. PAYNE (Mitchell): I rise on behalf of the Opposition, no doubt to the relief of the Minister after the hammering he took over the previous Bill, to inform the Government that the Opposition supports this measure to the second reading stage. The Opposition certainly has a great number of reservations in relation to this Bill, and I will take the opportunity to detail some of those reservations, as will some of my colleagues. As honourable members would be aware, I have several amendments on file which indicate the Opposition's complete feeling about this Bill. I notice that the Minister is absent from the Chamber. Presumably he has been forced to leave in an attempt to recover from the debacle he just suffered.

The DEPUTY SPEAKER: Order! The honourable member will confine his remarks to the Bill.

The Hon. R. G. PAYNE: Mr. Deputy Speaker, I will certainly endeavour to do that at all times. This Bill provides for the establishment of a new Environmental Protection Council, as outlined by the Minister. The Minister then went on to say, "to enable it to operate more efficiently as an independent source of advice on environmental matters". I find it quite strange that the Minister should use those words in the second reading speech, because section 14 of the Act does not use the word "independent" to describe the functions of that council. As I have said, I was surprised to hear the Minister use that term so early in his second reading speech, because his words could be considered to be a rather nasty slur on the persons presently comprising the Environmental Protection Council.

I do not suggest that the Minister did that intentionally, but I thought I ought to bring to his attention the words "to enable it to operate more efficiently as an independent source of advice on environmental matters", because he made two points there—

The Hon. D. C. Wotton: I will explain.

The Hon. R. G. PAYNE: The Minister failed to enlighten us in his second reading, and now he wants a second go already. I think he will have to wait until other speakers have had an opportunity to speak, as prescribed in Standing Orders. He said he wanted to enable the council to operate more efficiently as an independent source of advice. One could be excused for suggesting that he was saying that the existing Environmental Protection Council has not been operating efficiently and has not been independent. That is a perfectly logical conclusion from what he said.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. R. G. PAYNE: I point out to the Minister (and I think it is fair and reasonable to do this in this case) that he has not really made out an argument in his second reading explanation, that, first, there is a need for independence in the Environmental Protection Council. I ask the Minister to think over the points I am trying to make. There has, in the past, been a suggestion that environmental matters must be handled absolutely independently and outside Government in order for such a body to function correctly. I do not necessarily subscribe to that view, because it seems to me that, if we take the case of the existing council, which has on it four South Australian public servants who are members of the existing Environmental Protection Council and who are on that council by virtue of the office they hold and not because of their names, there is a good argument to be made that that kind of appointment is the right principle to apply in matters of environment when one is looking at the Government's role in those matters.

I am not suggesting (although I think I could, because of the unfortunate wording the Minister used in his second reading explanation) that the Minister is saying, because he wants to change the complement of the Environmental Protection Council, that he is dissatisfied with Mr. Keith Lewis's performance on the present Environmental Protection Council, although, as I have pointed out, the Minister ought to look at these matters more closely. The second reading explanation is delivered by the Minister and is his explanation to the House. It becomes part of the public record, appears in *Hansard*, and is read by persons outside who are not quite so familiar with forms, usages and nuances we sometimes use in this place.

The Hon. D. C. Wotton: If the honourable member looked at the Bill he would see—

The Hon. R. G. PAYNE: The Minister is already starting to bluster, having been given a lacing on the previous matter.

The DEPUTY SPEAKER: Order! References to previous debates are not allowed.

The Hon. R. G. PAYNE: The Minister has given his second reading explanation, but he has not the grace or decency to sit back and allow the first speaker on the Opposition side to analyse something he has said and to put forward the Opposition viewpoint. I want to explain to the Minister (and one would think he would not forget this) that the process involved here does allow the Opposition some rights. The Opposition is allowed to speak and to have a different point of view from that put forward by the Minister.

The Hon. D. C. Wotton interjecting:

The Hon. R. G. PAYNE: If the Minister would listen instead of interrupting he might find out the point I am trying to make. The words he used in his second reading explanation could be construed as a statement that he is dissatisfied with the performance of Mr. Elyard, the Director of the Department for the Environment, because he is a member of the present Environmental Protection Council. Similarly, he could be construed as having said the same thing about Mr. Bakewell or about other members of the council. If the Minister had taken the trouble to make clear that he was seeking, in some policy-like way, to change the concept attached to the Environmental Protection Council, and if he had said that was his and the Government's view on the matter, we in the Opposition would have looked at the matter somewhat differently.

I am perfectly happy to stand in this House and say that I have no doubt whatever that Mr. Lewis, Mr. Bakewell and others (Rob Dempsey, for example who was on the council before Mr. Elyard), people who were on the Environmental Protection Council because of the offices they hold and the way in which the Act is worded, functioned 100 per cent in the interests of the protection of the environment. Never mind whether they were the Director-General of Engineering and Water Supply, the Department for the Environment, the Premier's Depart-

ment, or whatever, the Minister did not make that clear in his second reading explanation.

The other point I make is that I researched what the Minister has said about environmental matters since he has been a Minister and while he was shadow Minister. I could not find anywhere in his remarks or in the public record (the library references to the news media) one occasion on which he criticised the present Environmental Protection Council, so whatever he did not like about the council (whether it was the personnel—and I am not saying that is the way he feels, but point out that he has let it look that way—whether he was not satisfied with the numbers, or whatever), I did not find one occasion when he was critical of that Council. I did not find one occasion when he said it was doing a good job, either. Perhaps he was not even aware that it was in existence.

Mr. Keneally: I don't think—

The DEPUTY SPEAKER: Order! The honourable member for Mitchell does not need the assistance of the honourable member for Stuart.

The Hon. R. G. PAYNE: On the contrary, Mr. Deputy Speaker, I was grateful for that small assistance I received from my colleague. What the Minister needs to do in future matters is come into this House with a second reading explanation which he has looked at thoroughly and which puts to this House the true position. I suspect that the true position in this matter is something like this: that he wants to change the way in which the Environmental Protection Council is going to handle matters in future whilst he is Minister and whilst he is in Government. There is no quarrel on my part with that.

Ministers leave the House because they cannot face up to the factual matters being raised, so they go away to do their homework. I do not know why they do this, because there are plenty of Ministers in the vicinity of the House, and I think at least one of them should be present in the House.

If the Minister wants to change the council, that is fine. The Opposition may feel that the council should not be changed, but the Minister is entitled to change it. However, he should put forward in a clearer manner his reasons for doing so. I am sure you will appreciate my next point, Mr. Deputy Speaker, because you spend much of your time in the Chair listening to the spoken word and to words being read out in this place so as to make sure that you follow the meaning of those words and so that you can ensure that the remarks are relevant. That is your function, Sir, and you do it well. However, I point out that the Minister stated:

> The more vision and wisdom—

referring to the fact that he intends to change the Environmental Protection Council—

> which can be brought to bear on these matters, the better.

That is a nice thing to say about the old lot on the Environmental Protection Council. In other words, the Minister is saying that he must change them around because, the more vision and wisdom that can be brought to bear on these matters, the better it will be. The Minister will probably say in reply, "I did not mean that." That is the point that I am trying to get over: next time, instead of using a prepared second reading explanation that is shoved into his hands by his officers, the Minister ought to read it and ensure that he gets over to the House what he intends. There are or have been on the council people who are entitled to take umbrage at those sorts of remarks, which I am not taking out of context. The Minister's preceding comment was as follows:

> In the next few years, the balance between economic and environmental matters will change in accordance with fundamental social changes.

I suspect that the existing council members already knew that. However, the Minister wanted to tell us, because we might not have known. He continued as follows:

> The more vision and wisdom which can be brought to bear on these matters, the better.

Did the Minister mean there that he intended to change the council membership from eight members to nine members, and that nine heads are better than eight heads? That may be so. It all depends on whether or not they are addled, but the Minister did not make that clear. If the Minister meant that one would get more vision and wisdom with more members, why did he not propose, say, a council of 13 members or 27 members?

It is clear (and the Minister should learn this) that his image in this place in the eyes of the Opposition will be based on whether he puts before us a clarity on matters with which he wishes us to agree. However, that clarity does not at present exist, and the Minister wants to be careful that he does not unintentionally (I am not accusing the Minister, as a member at the rear of the Chamber seems to suggest) do this. I am saying that the Minister did not really think out the meaning of what he said there.

The Minister proposes to extend the membership from eight members to nine members. His next proposal is to change the complement from the old one, under which four persons were appointed to the council because they were named in the original Act (being the Director-General of this or that), to the new one, under which nine persons will be appointed to the council by the Governor. Everyone knows that that means that nine persons will be appointed by the Minister, the reference to nine persons being appointed by the Governor being the euphemism that is used in these matters. No disrespect to the Governor was intended in that remark.

Mr. Keneally: He could appoint someone from the local Apex Club, or something like that.

The Hon. R. G. PAYNE: The Minister intends to appoint nine persons to the council, and he is also saying in the Bill that no more than three public servants can be appointed thereto. I cannot remember where I put my copy of the Bill.

Mr. Lewis: Have you got the right Bill?

The Hon. R. G. PAYNE: I can tell the honourable member that I will be here an hour from now and that I will still be talking to the Bill.

The DEPUTY SPEAKER: Order! The honourable member must not invite interjections.

The Hon. R. G. PAYNE: I do not mind interjections, although I do not like them when they do not have any sense about them. That is when I get upset, and I do not usually get upset, as you know, Sir, during the long periods spent in this place. The Minister proposes that one member of the council shall be a person with knowledge of biological conservation; that one shall be a person engaged at a university in teaching or research in a field related to environmental protection; and that one shall be a representative of the Conservation Council of South Australia, Inc.

Clause 3 provides that one member of the council shall be an officer of the Public Service of the State with knowledge of and experience in environmental protection, and that one shall be an officer of the Public Service of the State with knowledge of and experience in public health. I wonder what the Minister has in mind when he specifies the latter two persons. Is he indicating dissatisfaction with the situation when public servants who were previously specified by virtue of their office were placed on the council, or is he saying that the people appointed thereto previously were of too high a level, that they had too much clout, and that there is a need to reduce the level of the

persons who will be appointed? If that is what the Minister is saying, I am damned if I can follow that line of reasoning from a Minister who has said that the more vision and wisdom that can be brought to bear on these matters the better it will be.

At the same time (and this is the only interpretation that I can put on the words "One shall be an officer of the Public Service"), the Minister may argue that he intends to reappoint the Director-General of the Engineering and Water Supply Department, but he has not made that clear to us. The thing that bugs me about this kind of proposal is that a Minister (and I will be charitable and not say this Minister, although that would be a possibility) will effectively, through the Governor, appoint nine persons to a body that is supposed to provide him with information and advice and to investigate of its own volition environmental matters in this State. However, seven of those members could be stacked on the council by a Minister who is so minded.

I am not suggesting that the Minister has that in mind, but he has not told us what he has in mind. He has not given us any outline thereof at all. The member for Stuart suggested that he might appoint someone from the local Apex club. I do not think he would do that, unless the person involved had reasonable qualifications. It may be that such a person is also an Apexian as a hobby.

Mr. Lewis: Are you looking for a job, Ron?

The Hon. R. G. PAYNE: Not in that racket.

The Hon. D. C. Wotton: Are you suggesting that Apex is a racket?

The DEPUTY SPEAKER: Order! There is nothing in the Bill about Apex.

The Hon. R. G. PAYNE: I sympathise with the Minister, who, having been kicked from pillar to post for most of the evening, is battling desperately somehow to take a point. I do not think, however, that he has taken many, and I will not fall for that sort of nonsense.

The Minister is less than clear regarding the reason for wanting to change the council membership from the fixed four (in future, I will refer to the four persons who are now on the committee by virtue of their offices as "the fixed four"). The Minister will still appoint two members from the same category. However, they will no longer be appointed because of their office but because, in the Minister's words, they are "officers of the Public Service of South Australia who have knowledge of and experience in public health and environmental protection". Obviously, something is in the Minister's mind, but at present it is certainly not clear to us.

I repeat that it is not good for a Minister to be able to stack seven people on such an important body. With the best of intentions, the Minister may appoint people. In this case, I suggest that the present Minister would not have an ulterior motive. However, that possibility would exist, and for that reason my amendment proposes a different approach to the matter.

The requirement in relation to what the Environmental Protection Council has to do is spelt out in the definition in the original Act. The definition supplied there is that in relation to the State "environment" includes any matter or thing that determines or affects the conditions or influences under which any animate thing lives or exists in the State. This is a very wide and far reaching definition. The Minister ought to have been aware, after the experience he had in the shadow portfolio, that what that boils down to is that everybody in the State is affected by the environment. It is an over-statement of a simple thing. If that is the case, I am surprised that, in the complement that he proposes for the Environmental Protection Council, he has not kept that in his sights whilst he was working out what he ought to do in this Bill.

I cannot see any representation provided for in the proposed complement of the Environmental Protection Council which takes into account people who do not have some very special skill or qualification, yet the vast majority of people in this State would probably not fall into the categories specified in the complement that is suggested in the Bill before us. I wonder whether the Minister gave that any thought. That is the reason why another one of the amendments I have on file goes a good deal further than the Minister has in setting out those who shall serve on the council and in recognising that the matters involved in the en ironment affect all persons in an area or in the State or wherever we are considering the environment and not just one group or another.

I am not talking about this matter in the way that we sometimes resort to in this House, of different classes in society. Probably the Environmental Protection Council, in any advice or any recommendation that it may give to the Minister or in examining any matter pertaining to the environment, could be giving that advice or recommendation or decision in such a way that it would have a great effect on the large number of people who would not appear to be "represented". I only mean "represented" in inverted commas. I am not suggesting that there has to be 100 per cent coverage of every organised body in the community that is concerned with the environment and the use thereof. The Minister has overlooked the fact that it is the ordinary people that are largely affected by environmental decisions that the Government may make or allow to occur as a result of having such a body as the Environmental Protection Council. There is a very good and arguable case that at least somebody who is in touch with that section of the community or who has a knowledge of the needs, hopes and desires of those people, might well be asked to serve on such a council.

I want to develop a little more my thesis that people are sometimes misled when they try to show that environmental matters, where Government is involved, can be successfully handled only by some sort of supra or outside body that has special powers. That usually results in the word "independent" coming into use in association with that concept. It appears that the Government does need advice, consultation and information on environmental matters which can be quite properly provided by such a body as the Environmental Protection Council. At the same time it seems that a body such as the Environmental Protection Council cannot exist as an entity in the community and be, in the words of the Bill, investigating of its own volition matters concerning the environment without having a first-class input from a Government which it may require to take action as a result of its deliberations.

I suggest that, over the years, because of the difficulties that people have had in getting the general concept over and accepted in the community and at Government level—State, local or Federal—they have tended to overstate the case. Maybe it was necessary in the earlier years for acceptance to be obtained of the idea that there was more to life than profit. There are things other than making a quick quid to be taken into consideration. Those who were pioneers in this area ran into problems and much abuse. Some of the abuse was from Governments at all levels. Those people tended, as a defence mechanism response, to overstate the true case in the matter. The only way to handle these matters is to have an environmental ombudsman with the powers of a dictator and the responsibilities of nobody who can lay down what should happen in these matters. I suggest that that is a wrong concept, just as I suggest that it is a wrong concept for the

Government to say that the question of the environment, which could be argued as being in the best interests of a State or country, can always be satisfactorily and totally handled by a Government. Obviously, the correct solution lies somewhere in between those two extremes.

A working body can successfully operate as the Environmental Protection Council presumably has over recent years with the complement it had, made up of a number of persons qualified in various respects in the environmental field and a number of persons who were there by virtue of the relatively high office they held in the Public Service and with their close and immediate access to their respective Ministers of the Government concerned. I do not think the Minister has anywhere made out a case in the second reading explanation to show that what has existed has been unsatisfactory. He has attempted to show that there is a need for change but, in so doing, he has used rather unfortunate words which can be misconstrued as being critical of the current personnel. I suggest to the Minister that something along the lines of what I suggested (and there is always this difficulty in the second reading debate—I refer to the amendment in my name) is a more rational approach to this matter.

On the one hand, this meets the charge that I have already outlined, namely, that if the Minister is given ultimate power he can stack the body concerned so that it will be merely a puppet organisation responding to his wishes. If my proposal as outlined is accepted then criticism, which sometimes comes forward, can be met, that an organisation is comprised of a nice body of competent people but that they do not have any relationship to the real world. That is another argument that I have often heard canvassed in this area. You, Mr. Deputy Speaker, have been very critical on many occasions of persons in the environmental area, within and outside the Public Service, as not having sufficient realism in their approach to a matter. There may have been an element of truth in that, and that is a point that I am attempting to canvass now.

To me, there is no basis at all for the argument that just because the Government has appointees on a body it cannot act responsibly. If it cannot, it is a criticism of the calibre of the persons comprising the body, and a slur on those people that they are so ineffectual that they will do everything asked of them and respond like a lot of puppets. I do not believe that is so. I think many members have met the members of the existing Environmental Protection Council from the Public Service, and been impressed by their forthrightness and the capacity and zeal that they display in discharging their duties in the Public Service on behalf of the people of this State.

I can categorically tell the Minister (who, after all, is breaking into the Government side of things, whereas I have had some experience) that the three people with whom I have had dealings (Mr. Dempsey, Mr. Bakewell and Keith Lewis from the E. & W.S.) were not sycophantic in any way, nor were they timid.

Mr. Lewis: Who said they were?

The Hon. R. G. PAYNE: There is a suggestion—

Mr. Lewis: Only in your mind.

The Hon. R. G. PAYNE: Not only in my mind. I would have thought when reading the Minister's own words in the second reading explanation that there was a suggestion that they could not be independent. The words put before us were that there is a need for independent advice. What other way could that be construed other than as being critical of the existing body? If there is nothing wrong with it, why does the Minister want to change it? He said that there is a need for greater wisdom, and so on. Is that not being critical of the wisdom of the existing members? I am not saying that he really believes that. I am trying to show him that he needs to be careful in what he says in these matters. Those people are just as responsible as he is, and they have already given the State long periods of service in the interests of people. Why could that not have been recognised in the second reading explanation?

Mr. Lewis: It was recognised.

The Hon. R. G. PAYNE: I take it that the honourable member who is constantly interjecting is going to speak on the matter. I wonder whether the Minister will let him. He has to learn that he will not necessarily be able to express his opinions all the time.

The Hon. D. C. Wotton: I would just as soon listen to the member for Mallee, as you.

The Hon. R. G. PAYNE: I have no comment on that. An honourable member interjected on a previous occasion, "What about the member for Mallee's speech?". I have no quarrel with that; the member for Mallee is entitled to make a speech in any way he likes.

The DEPUTY SPEAKER: I think the honourable member for Mitchell should come back to the Bill.

The Hon. R. G. PAYNE: I apologise, but it was the Minister who led me astray.

The DEPUTY SPEAKER: The honourable Minister is out of order in interjecting.

The Hon. R. G. PAYNE: What I am trying to tell the Minister is that you do not include in a second reading explanation only words that suit the purposes of the Minister or the Government. The proper words for the occasion must be inserted. If he had said that that body had been working satisfactorily, but he believed, as Minister, that it should have a different complement, and had then explained why it should have a different complement in words that did not cast a slur on the characters of existing incumbents, we could then give some credence to his words. The consideration from members on this side would obviously then be more favourable than he obtains by using words such as those used in the second reading explanation.

In reply to the debate, the Minister should explain more clearly to members what he has set out to do by the changes he has proposed. No reason was put forward in the second reading explanation apart from those inept quotes to which I have referred. Obviously he had something in mind, but he did not get it over to us. There was some interjection in relation to one of the passages I quoted, but there was no interjection when I pointed out that he stated there was a need for greater wisdom and so on. That was really a gratuitous insult.

The Hon. D. C. Wotton: How many portfolios are you going to lead on your side of the House?

The Hon. R.G. PAYNE: I do not understand the meaning of that interjection, unless the Minister hopes I am going to take up some other area than that with which he deals. It is early days with the Minister; if he were charitable in this matter, he might realise that something of what I am saying is useful to him.

The Hon. E. R. Goldsworthy: You over-assess yourself a bit, old boy.

The Hon. R. G. PAYNE: No. The Deputy Premier put this very argument forward in this House when he was in Opposition. He used to say that the Government need not think it could come into this place with any old thing and that the Opposition would pass it. Now we are in Opposition we are also entitled to question Bills. That is the type of thing he said and I do not quarrel with that, because I have exactly the same view. We are entitled to examine what is said about a Bill as well as the wording of the Bill. The Minister would agree that he has also made that point—not only what is in the Bill is important but

also what the Minister says about the Bill in supporting it. I did not come in here to seek a quarrel with the Minister about that. I intend to take no further notice of his interjections. What I was trying to say to the Minister—

The Hon. E. R. Goldsworthy interjecting:

The ACTING SPEAKER (Mr. McRae): Order! Interjections are out of order.

The Hon. R. G. PAYNE: I do not know why the Deputy Premier is taking that view. I think the Minister responsible for this area has been reasonable in the circumstances. I think he understood what I said to him, that perhaps more than one member in the House misunderstood the meaning of the words in the second reading explanation, and that since they go into *Hansard* there is a possibility that they could be misunderstood outside of this House also. All I say is "Why don't you have a look at it when you have another Bill to bring into the House?" I do not think that is unfair.

Mr. KENEALLY: Mr. Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. R. G. PAYNE: Regarding the performance of members of the Environmental Protection Council, is the Minister suggesting that because he will change these people Mr. Lewis, in his capacity as the Director-General of the Engineering and Water Supply Department, did not pay adequate heed in relation to pollution matters as well as being a member of the committee, and that in some way he was a split personality: that while he was sitting on the committee he paid proper attention to those matters and when he went to his department he did the opposite? That is not so.

Mr. KENEALLY: Once again, Mr. Acting Speaker, I draw your attention to the numbers in the House, which I did no less than five seconds ago. It is the Government's responsibility to keep up the numbers in the House.

The ACTING SPEAKER: A quorum is present.

The Hon. R. G. PAYNE: I have already cited examples of the careless words that the Minister used. In his second reading explanation he stated:

> This Bill provides for additional expertise to be provided to the Environmental Protection Council and will ensure that its operations are independent of the Department for the Environment.

What does that mean? Is the Minister saying that he does not trust Peter Elliard, the head of the Department for the Environment?

The Hon. D. C. Wotton: I'll tell you if you sit down.

The Hon. R. G. PAYNE: Well, why does the council need to be independent if there is nothing wrong? If the Minister is satisfied with the performance of his Director, why does he want that changed?

The Hon. D. C. Wotton: You'll look a bit silly when I tell you the reason.

The Hon. R. G. PAYNE: I am sure that the Minister on reflection will be able to come up with better words than those that he used in his second reading explanation, but that is what I am complaining about. If, on reflection, the Minister cannot improve the wording he used in his explanation, he should resign. I think he can improve on it and I am hoping that he will. I Indicate that there needs to be a degree of care in these matters. If the Minister is saying—

Mr. KENEALLY: Mr. Acting Speaker, I again draw your attention to the numbers in the House. I think that the Government is treating this debate with a great deal of contempt.

The Hon. M. M. WILSON: On a point of order, Sir.

The ACTING SPEAKER: Order! The honourable Minister will resume his seat. I will count the House.

A quorum having been formed:

The ACTING SPEAKER: I ask all honourable members to realise that, in drawing the attention of the Acting Speaker to the state of the House, as they are perfectly at liberty to do, they should not comment at the same time.

The Hon. R. G. PAYNE: I have given examples to the House of possible connotations that could be placed on the words that have been used in the second reading explanation in relation to those people who are what could be termed Government members of the existing Environmental Protection Council. I wonder how other members of that council would feel on reading the words, "This Bill provides for additional expertise to be provided to the Environmental Protection Council." That is a most careless choice of words.

As I have already explained, if the Minister wants the council to be independent of the Department for the Environment, I trust that he can explain why he wants that.

This council could be described as a senior body in the State in respect of these matters. It is related directly to the Minister and has its place set out in the Act. It is a most important council. To suggest that any changes will be made to that body is an important matter. The Minister, as I have shown, did not at any time speak either for or against this council during a considerable period in the House. No mention of any change to this council was made in the Liberal Party's election policy, which resulted in the Minister's occupying the Government benches. It was not advanced as one of those matters that should be carried out after an election if the Liberal Party were elected. Even more damning is the fact that the South Australian Conservation Society, for example, was not approached on this matter at all, yet the society is one of the strong bodies in South Australia in this area.

The Hon. D. C. Wotton: It has been asked to nominate a person. You suggested that nobody was going to be nominated.

The Hon. R. G. PAYNE: My information is that at the time the Bill appeared in this House the society was not aware that a Bill was to be introduced. Can the Minister deny that? Did the Minister advise the society that he was introducing a Bill or, after introducing it, did he tell the society that he had done so?

The Hon. D. C. Wotton: It is exactly the same situation now as when—

The Hon. R. G. PAYNE: The Minister is good at back-pedalling when pressed on a particular point. I have been able to say quite clearly what the position was in relation to this important matter. That body has a right at least to expect some sort of consultation.

I understood that the Government said there would be no interference with additional legislation in South Australia, or the imposition of matters unless full consultation had occurred. This has been the Government's first chance after being elected to demonstrate, in a small way, that principle and the Minister has fallen down on this matter. Perhaps it was an oversight, and I will say no more about that. However, from information I have been given he did not do anything about it.

The Minister said that one member shall be a representative of the Conservation Council of South Australia. What does that mean? Has the Minister spelt out anywhere how he intends to get that person? Will the Minister call for a name or for more than one name to be submitted?

Mr. Becker: What did you do when in Government?

The Hon. R. G. PAYNE: The question of what the former Government did when in office is not dealt with in this Bill. I want to know what the Minister intends to do in

this matter. What the former Government did is a matter of record and can be examined. What the Minister now proposes is presumably at this stage only in his head, and I am trying in a straight-forward manner to find out what he does propose.

I understand that there has been some talk amongst bodies such as the Conservation Council that they prefer the situation where they are able to nominate a person.

The Hon. D. C. Wotton: That's exactly what is going to happen.

The Hon. R. G. PAYNE: That is the first bit of—

The ACTING SPEAKER: Order! I trust that the honourable Minister and the honourable member will cease speaking to each other across the floor and, in the case of the honourable member for Mitchell, that he will address the Chair, and in the case of the honourable Minister, that he will cease to interject.

The Hon. R. G. PAYNE: Whether it was legal or not, at least it did result in the Minister's putting forward to me the way in which he intends to obtain that particular person.

One person is to have a special interest in environmental protection. I hope that the Minister will say how he will select that person, or a person fitting that category, because there is nothing in his second reading explanation indicating how that will occur. I do not know why the Minister is taking umbrage, but much is not said in his explanation, and the Opposition has a perfect right to inquire.

Mr. Becker: You used to tell us less.

The Hon. R. G. PAYNE: The honourable member has made great play inside and outside the House, but he got only the second prize—a car—so he must learn to live with it. The Minister certainly is able to propose changes to such a body directly in his area, but we are looking for more information on this matter before we signify complete approval. We support the Bill generally at the second reading, and will deal with it in more detail in Committee in respect of the amendments that I have on file.

Mr. KENEALLY (Stuart): This is a most important Bill, as I propose to prove to members, if in fact any proof is required. In my contribution, I will answer some of the questions raised by the member for Mitchell, including the reasons why the Government wants to make changes on the Environmental Protection Council, which was originally set up in 1972.

I have taken the opportunity to refer to some of the speeches that were made by members at that time. A remarkably good speech was made by the member for Stuart, although I do not intend to refer to that. Because the council has such an important role, I believe it appropriate to read to the House the description given to that role by the then Minister for the Environment (Hon. G. R. Broomhill) when he introduced this legislation. At page 1027 of *Hansard* of 24 August 1972, he said, in part:

> The Government, therefore, proposes that environment be defined in its widest sense so that the council will be empowered and able to inquire into and make recommendations on everything that can, does, or may affect the quality of life of the people of South Australia in particular and of the world as a whole. It is intended that the council, to best fulfil its functions, will also be able to consult with and obtain advice from knowledgeable persons of all kinds and to co-ordinate research into environmental matters. In addition, it is intended that the council be specifically charged with a responsibility to take into consideration in its deliberations, among other things, flora, fauna, the natural beauty of the countryside, and the value of buildings and objects of architectural or historic interest. This is to ensure that we do not survive in a State in which we have clean air, pure water and unpolluted soil but in which all natural beauty has been lost.

It can easily be seen that the council's intended role was indeed important. It is a piece of legislation of which the previous Government is proud. At that time, it had a mixed reception when it was introduced in the House, although some Opposition members supported it. The lead Opposition spokesman at the time, the then member for Mallee (Mr. Nankivell), in what turned out to be two speeches, supported it enthusiastically. He obtained leave to continue his remarks, received instructions from someone, and was lukewarm when he completed his speech.

The then member for Alexandra (Hon. Mr. Brookman) described the Bill to set up the council as eyewash, piffle, and bulldust. Although he did not vote against it, he tried to move amendments. He did not vote against the Bill at the third reading. That was his view of the Bill at that time. We are now amending the legislation in an important way. The member for Glenelg said that the measure was the worst kind of toothless legislation that had ever been presented in the House. I am waiting for him to take part in this debate so that he can say either that he still agrees with that original description he gave the Bill or that he has changed his mind in the meantime. He also said at the time that big industries were the polluters, and he challenged the Government of the day to close them down if the council should prove that to be the case. I throw the challenge back to the member for Glenelg: will he recommend that his Government close down any industry that might be found by the council to be a polluter, or has he had second thoughts about that matter also? At page 1139 of *Hansard*, the member for Hanson made an interesting comment about the council (and I think we are now getting to the root of the cause for the changes that the Government is hoping to make to the council); at that time he was cynical about the reasons that the then Government had for setting up the council, and said:

> Doubtless there will be an opportunity for one or two friends of the Government to be appointed on this council, to receive remuneration for services rendered to the Party.

That was the view of the member for Hanson, who is a senior member of the Government back bench and who obviously has some input into his Government's policy. It was his view that people who were appointed to bodies as important as the council were appointed by Government clearly as a pay-off, and I will refer to that matter again later. No less a person than the present Premier said:

> I believe that no Government is guiltless of political expediency.

They are the two quotes that clearly point to the reason why the Government is changing the membership of the council. The member for Hanson believes that government ought to appoint its friends to bodies of this kind, and the Premier says that no Government is guiltless of political expediency. It is clear from the Premier's remarks that he is prepared to appoint political friends to positions on such bodies, and he says that that is political expediency. As the member for Hanson charged the previous Government with doing this, will he substantiate that charge by pointing to which members of the council he would say had been appointed because they were friends of the Government and were receiving remuneration from it? Is it one of the four senior public servants? Is it Professor Jordan?

Was it Mr. Schroder or Mr. Bakewell? Which one of these does the member for Hanson suggest was put there because that person was being rewarded by the

Government? The honourable member knows that that was not the case. I am very suspicious of the motives of this Government if one takes any notice of comments that were made when this legislation was before the House previously. The member for Glenelg spoke at great length at that time, as did the member for Hanson. However, they do not intend to speak tonight. They were very critical of the Bill.

The member for Glenelg described it as the worst kind of toothless legislation ever presented to this House. Does he still hold that view? He is nodding his head. If he still holds that view, why is he not moving amendments to provide the teeth that he says the Act requires? The member for Glenelg, of course, is an absolute and total phoney. We all know that. This is the second time tonight that I have digressed and spent time speaking about someone that I ought to have more sense than worry about.

The ACTING SPEAKER: The honourable member knows that he should keep to the subject.

Mr. KENEALLY: Thank you, Mr. Acting Speaker. I always appreciate your direction, because I get taken away from the main theme of the Bill by some interjections.

The ACTING SPEAKER: Interjections are out of order.

Mr. KENEALLY: Thank you, Sir. The member for Bragg also made two other quotes at that time that I believe are worthy of comment now, because they bear directly on this Bill, the constitution of the council, and the attitude of the people now in Government. The member for Bragg, the present Premier, said:

> I believe that we must take the chairmanship away from a Government servant and place it in the hands of a competent person chosen by the Minister.

They take it from a public servant because they believe he will be subject to pressure from the Government or the Minister. Instead of that, the Minister will choose the person who is to be Chairman of the council. What are we really talking about? Obviously he will choose someone who he hopes will be subject to any pressure that can be brought to bear on him. The member for Bragg also said:

> With the best will in the world, Government departments do have axes to grind, and they have special interests.

These were criticisms he was making about appointing senior public servants to the council at that time. I wonder what his view is now. Does he still believe that senior public servants would allow their special interests and the axes that they wish to grind to interfere with their responsibility as members of the council? I have not heard the Premier criticise any member of the council, nor, as the member for Mitchell has said, have we heard the current Minister criticise members of the council, but these criticisms were of the structure of the council before it was established.

Either the Government has had a change of mind, or why it requires these changes is quite apparent. It wants to take off the council people who it feels may not be subject to the pressure it wants to bring to bear. It wants to put its own stooges on the council. I referred at the commencement of my speech to the very important role that this council plays in the environmental protection of the citizens of South Australia. That protection should not be subjected to pressures by this or any other Minister. It was not so subjected by Ministers in the previous Government. I am concerned about the attitude of people like the Premier. I have no reason to suspect the Minister on this . I believe that, in the contributions that he made to debates in this House when he was in Opposition, he always had high regard for members of the Environmental Protection Council. I cannot recall his criticising them at all.

Mr. WHITTEN: Mr. Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr. KENEALLY: This is a good speech and I think that the Minister who has just come in ought to stay and listen to what I say. The present Minister has not given me any reason to believe that, if it was left to him, he would make this drastic change to the membership of the council. I believe that he is under instructions from the Premier, who in 1972 clearly indicated his attitude towards membership of the council. He was highly critical, he reflected on members' integrity, and he said that all Governments would participate in political expediency if they could. Now we see the proof of those words. As Premier, he now has the opportunity to put into effect the attitude that he expressed at that time, and unfortunately he is doing that. I repeat that he said:

> With the best will in the world, Government departments do have axes to grind, and they have special interests.

What makes the Minister think that some of these groups he will have represented on the council do not have axes to grind and special interests? If he thinks they will not have axes to grind, I will read another comment made in the previous debate. It was made by the then member for Alexandra (Mr. Brookman), who said:

> Primary producers more than anyone else stand to lose as a result of the recommendations of a council set up under this sort of legislation.

It is obvious that the member believed that farmers and graziers ought to have representation on this council because they had axes to grind and special interests. It is all right for farmers and graziers, industrialists, and other groups to have special interests that they would exercise but it is not all right for Government officers to be on the council. The member reflects on it, and it does him no credit. I would like the Premier, if he is not prepared to apologise to the people whom he has slurred, to at least tell us what is his current attitude towards them. I believe that membership of the council could be increased. I do not want to canvass amendments. However, clause 3 dealing with membership of the council, provides:

> *(d)* one shall be a person having a special interest in environmental protection;
>
> *(e)* one shall be a person with knowledge of and experience in manufacturing or mining industry;
>
> *(f)* one shall be a person with knowledge of and experience in rural industry;
>
> *(g)* one shall be a person with knowledge of and experience in local government;

I hope (and I think it is a forlorn hope) that one of these three persons will be from a trade union, for example, a trade unionist working in the manufacturing and mining industry, the rural industry, or local government. I think specific provision ought to be written into the Act that a representative should come from a trade union in South Australia. After all, the trade unions comprise probably the largest collective organisation in the State.

Trade unionists must, within the environment provided for them, work in industry, pastoral or rural interests, and in local government. They have a high regard for the environment as citizens and as people who work in the community. Why has the trade union movement in South Australia not been given an opportunity to recommend a person to go on to the council?

Why is it that specialised groups that seem to have a very close relationship with the Minister and his Government are to be represented on the Environmental Protection Council, but the trade union movement is not? When the Minister replies to the second reading debate, he should give an adequate answer to that question. The

Opposition's request that the membership of the Environmental Protection Council be extended from nine members to ten members is not a dramatic move. In 1972 the member for Alexandra moved that the number of members on the council be extended to 12. This Bill extends that membership to nine, and the Opposition is suggesting that it should be extended to 10 members. The Opposition's request is not such a dramatic move away from the Liberal Party's policy adopted in 1972 that the Government should reject this proposal out of hand. I hope the Minister will give great consideration to that point at the appropriate time.

There is no doubt that the points made by the member for Mitchell are valid. Within the very short second reading speech by the Minister there is the suggestion, impied or direct, that the present members of the council are either unable to do their job or are doing it in a way that is unfavourable to the Government. I believe that the Government should have some flexibility in the membership of boards appointed by Ministers. However, good and valid reasons should be given for removing people from those boards when they have given good and honourable service to the State. Those reasons have not been forthcoming in this case.

The honourable member for Mitchell has said that there is an implied criticism in this Bill towards people such as Mr. Ellyard, Mr. Bakewell, Mr. Lewis, Dr. Wilson, Prof. Jordan, Dr. Reeves, and Mr. Schroeder, who is now acting in another capacity for the Government. I believe that Mr. Schroeder will do an extremely good job as the co-ordinator of one of the Redcliff committees. I do not reflect upon that honourable gentleman at all, and I would like to think that the Government is not reflecting upon the council members it wishes to replace. In essence, my contribution simply shows that the Government has quite clearly changed its attitude towards the Environmental Protection Council.

When the Government was in Opposition it was cynical and reflected upon the membership of this council, questioning the then Government's motives in relation to its appointments to that council. Now that it is in power, the Government wishes to change the membership of that council. If I were a council member I could not help feeling in all the circumstances that the present Government has been waiting eight years to use its power to change the membership of this council. In fact, the Government has rankled for eight years about the membership of this very important body of people who have done an extremely fine job for South Australia. For the life of me I cannot understand why the Government should adopt this attitude towards these gentlemen. This measure appears to be priority legislation, because one of the very first Bills to be brought before the new Parliament is legislation to change the membership of a board that comprises people who have given good and loyal service, and replace them with people that the Government might feel—

The Hon. D. C. Wotton: Who are we throwing off?

Mr. KENEALLY: The Minister can tell the House. Unfortunately, I am not privy to the Minister's thoughts or to Cabinet's directions, which the Minister follows so zealously. If the Minister does not intend to change the membership of this council, it is not good enough for him to wait until this matter has been debated through the second reading and then in his reply give information that he should have given when he introduced this Bill. The Minister did that in a Bill that has already been debated. In fact, his answer to the second reading speech in that Bill comprised an hour and a half, in which he gave the Government's total policy. I believe that this House should not be treated with that sort of contempt. It is the Minister's responsibility to—

The Hon. D. C. Wotton: Who spoke for an hour and a half?

Mr. KENEALLY: Well, it seemed like an hour and a half. It may have not been an hour and a half, but the Minister takes 15 minutes to say "hello".

Mr. Becker: You take 30 minutes to say nothing.

Mr. KENEALLY: When we debated a Bill on this matter in 1972, the Minister was not a member of this House. The Minister's predecessor (the former member for Heysen) made a contribution to the Bill at that time and said as much in 15 minutes as the honourable Minister has said—and that was nothing, because he was not even here. I believe that the Minister is following in his predecessor's footsteps. It is not good enough for the Minister to give a very bare second reading speech, provide the Opposition with no idea at all of the Government's policy on this matter, and then after the Opposition has spoken, come in, wide after the event, and tell us what it is all about. The Opposition has an opportunity to question the Government in Committee, but the Minister should not treat us with that sort of contempt.

I give this Bill my reserved support so that it can go into Commitee and the appropriate actions can be taken. In conclusion, I believe that each member who has worked and served on the Environmental Protection Council has provided a worthy and extremely useful service to the citizens of South Australia. I believe that each member has fulfilled the role that was given to him by the Hon. Mr. Broomhill when he set up this committee in 1972. I do not believe that the member for Hanson's criticisms are justified when he suggests that the members on the council were put there as a reward by the previous Government for past favours. The member for Hanson will have an opportunity during this debate to apologise to those gentlemen.

Mr. Becker: No way.

Mr. KENEALLY: The member for Hanson will not apologise to those gentlemen, because he believes that that is why those members were appointed. I would like the member for Hanson to have the courage of his convictions and say which of those honourable gentlemen he places that tag upon. As a member of the Party that appointed these gentlemen to this council, I am very proud of the work they have done. I trust that the Minister will see sense and reappoint those members. I also trust that the Minister will see sense and include on the council other people who have given many years of their lives in good and loyal service to the citizens of South Australia. I refer to members of the trade union movement in South Australia who are not represented on this council at all. The previous Government could be criticised for not including trade unionists in the membership of this council when this legislation was introduced, but it had difficulty trying to convince the then Opposition and the people of South Australia of the need for such a council, and I suppose it did not want to be seen to be too provocative, because any move by the former Government to appoint a trade unionist to any council would have been seen to be provocative. I suppose we might have erred on the side of caution, but that is no longer the case. I believe the argument for the inclusion of trade unionists on this council is obvious and unquestionable. If the Government believes that the move is questionable, I would like to hear its argument. I support the Bill to the Committee stage, with some reservations.

Mr. PLUNKETT (Peake): Looking at the membership of the Environmental Protection Council and the

alterations the Minister intends making to it, I am amazed at the attitude the Government is taking. I know a few of the gentlemen named in this Bill—for instance, Mr. W. W. Schroeder, Managing Director of Brighton Cement. As a trade union official, on many occasions I was on the opposite side of the table to Mr. Schroeder, because my union represented the majority of workers employed at Brighton Cement. I can assure honourable members that Mr. Schroeder was a capable person when acting for Brighton Cement. This opinion was shared by my trade union colleagues who had dealings with him. He may be one of the people who is to be removed from the council.

The other member of the council I know is Mr. K. W. Lewis, Director and Engineer in Chief of the Engineering and Water Supply Department. I have had dealings with him, too. I can assure honourable members that these people have been fair in the dealings I have had with them, but they have been hard people to deal with when on the opposite side of the table. Criticisms were raised at suggestions made by the member for Stuart and the member for Mitchell that there should be trade union representation on the Environmental Protection Council.

Mr. RANDALL: On a point of order, Mr. Deputy Speaker. The amendment put before the House by the Opposition is that one of the persons nominated be from the United Trades and Labor Council. Nowhere in this Bill is a trade union mentioned. Therefore, the honourable member should not refer to amendments that are foreshadowed.

The DEPUTY SPEAKER: I cannot uphold the point of order, but I ask the honourable member to refer to the Bill before the House.

Mr. PLUNKETT: Thank you, Mr. Deputy Speaker, for your guidance. For the benefit of the member for Henley Beach, I point out that I was only making a suggestion. I draw attention to some of the other categories of people mentioned in the Bill. It mentions a person with a special interest in environmental protection. Surely members opposite do not think that all trade unionists do not have that qualification. Many trade unionists do have qualifications in this field. If any member opposite thinks otherwise and goes through the Bill, which I have looked through, he will find that it refers to quarries. Who does most of the work in quarries? The people who do that are all trade unionists. The same applies to mining: trade unionists do all of that sort of work. Surely a trade unionist would have the right to be a representative on the Environmental Protection Council? Mr. Deputy Speaker, I think you have lost your copy of this document, but I still have mine here.

The DEPUTY SPEAKER: I do not think the honourable member should refer to the Chair in that manner.

Mr. PLUNKETT: My apologies; I was going to offer you a copy, as I have a spare one.

The DEPUTY SPEAKER: That is not necessary. I suggest that the honourable member refer to the Bill.

Mr. PLUNKETT: That is what I was going to do. I suggest that someone from the trade unions should be on the council. Who handles waste disposal in South Australia? Members of unions who work for contractors do that. I say that for the benefit of the honourable gentlemen on the other side, who do not know much about unions. The member for Hanson, living in the area in which he lives, should know a little more about trade unions and know that members of unions are directly involved with the environment, more so than are the majority of people on the council at present. I am not suggesting for one minute that any of the people on the council be removed from it, but I suggest that there should be 10 members of that council and that the extra two members should come from trade unions.

Mr. RANDALL: On a point of order, Mr. Deputy Speaker. I again raise the point, and I believe it is a valid point, that the amendment refers to an addition to the committee suggested in the Bill, and provides that one of those persons should be a United Trades and Labor Council person, which is a trade unionist, as I understand the interpretation, Sir.

The DEPUTY SPEAKER: Order! The honourable member for Peake cannot directly refer to an amendment that will be moved at a later stage in the debate. I cannot uphold the point of order, but I draw to the attention of the honourable member for Peake that he must relate his remarks to the Bill.

Mr. PLUNKETT: Thank you, Mr. Deputy Speaker. I am referring to the additional people to be appointed to the Environmental Protection Council. I am not referring to any amendment. I would like to make it clear that, with everything I went through, including matters referring to the Environmental Protection Council, the more I looked at the subjects it covered, the more I considered that there should be a further coverage by people representing the unions. The people who clear properties (and I wonder who honourable members opposite think clear properties) are the working people. That is a part of environment protection. I do not want to speak for as long as my two colleagues did, because I do not have the experience to do so, but I suggest that the Environmental Protection Council has been downgraded to the point where it is a joke and that the Minister is consistently overridden by Cabinet, especially by the Minister of Mines and Energy, the Minister from other House (the Hon. Mr. Hill), and the salesman of national parks, the Hon. Ted Chapman.

The DEPUTY SPEAKER: Order! If the honourable member is going to refer to another honourable member, he must refer to that member by his district, and he must refer to Ministers by their portfolio.

Mr. PLUNKETT: My apology, Mr. Deputy Speaker—the national parks salesman, the Minister of Agriculture.

This Bill is a political ploy, which will destroy the present Environmental Protection Council by the sacking of its present members.

Members interjecting:

Mr. PLUNKETT: If the honourable gentlemen opposite would like me to name these people, I can go through the list. I draw the Minister's attention to the following provision:

> On the commencement of the Environmental Protection Council Act Amendment Act, 1980, the offices of the members of the council shall be vacated.

The Minister has not stipulated which offices are to be vacated. I can only interpret that as meaning that all positions will be vacated, and that perhaps none of the present members will be reappointed to the council.

The Hon. D. C. Wotton: You'll be quite satisfied when I make the announcement regarding the council.

Mr. PLUNKETT: If the Minister made his own decisions instead of taking too much notice of some of his senior colleagues, he would be better off.

The Hon. D. C. WOTTON (Minister of Environment): I do not intend to say much, other than to clarify a few points that have been made. I refer, first, to matters raised by Opposition members regarding the independence of the council. The member for Mitchell wanted to know why so much emphasis was being placed on the need for its independence. I point out that for a couple of elections the former Government spoke of the need to give the Environmental Protection Council an independent role.

This Government, having recognised the desirability of independence, has actually introduced this Bill in order to establish that independence. It may be interesting to look at a couple of quotations. I refer, first, to the policy speech delivered by a former Premier (Hon. D. A. Dunstan) on 29 August 1977, as follows:

> The structure and function of the Environmental Protection Council will be reviewed to enable the council more effectively to act as an independent adviser for the public in environmental matters.

On 7 September 1977 the then Minister of Environment (I presume that would be the Hon. Mr. Simmons) issued the following supplementary statement:

> The structure and functions of the Environmental Protection Council have been under review. Action will be taken to reduce Public Service representation and provide for specific representation of the rural industry. These steps and the appointment of a small support staff will enable the council more effectively to operate as an independent watchdog for the public in environmental matters.

Both those statements were made in 1977, the first being from Mr. Dunstan's policy speech and the second being made in this House by the then Minister of Environment, Mr. Simmons.

Obviously, there has been much confusion opposite, with members not knowing what was happening. I should have thought that, if they had used a little common sense, they might have recognised what it was all about. However, to enable them to understand exactly what has been happening, I will explain a little further.

My predecessor, who was a Minister in another place (Hon. J. R. Cornwall), visited the council to seek its comments on its effectiveness. The Labor Party has been talking, at least since 1977, about what should be happening to the Environmental Protection Council. As a result of that Minister's visit, the Deputy Chairman of the council wrote the following letter to Dr. Cornwall on 29 August 1979:

> Dear Mr. Minister, at a recent meeting with this council, you suggested that we give you our thoughts on the functions and operations of the Environmental Protection Council. The full council met on 9 August, and we set out our views below.

He then went into the predominant functions of the Environmental Protection Council and stated that the Act appeared adequate. The Council's Deputy Chairman continued as follows:

> With the exception of clauses defining the composition of the council, the Act appears to be at least adequate in other respects. The council is able to control its own agenda, which allows it to serve as a watchdog in environmental matters . . .

The letter then refers more specifically to the council, as follows:

> Councils advising a Minister are not uncommon. The Water Resources Council and the State Energy Research Advisory Council, for example, have similar roles. Nevertheless, there would need to be a special factor present to require an independent council when there is already a department charged with having the minutes.
>
> We submit that there are such factors, namely, (1) the Minister will often need the support of an independent body when dealing with matters of public controversy, and (2) environmental questions invariably require a compromise between conflicting factors. In such a diffused situation, a second, and indeed a different, opinion is often valuable. The department's view is often unduly influenced by past and current Government views and policies. It can lack detachment.
>
> The same could be said of the advice of various community groups to whom the Minister might sometimes turn. There is particular value in the view of a body with a broad background commensurate with the breadth of social, scientific and economic factors which are often involved. The nature of environmental problems is changing. In the next few years, the balance between economic and environmental matters will change in accordance with fundamental social changes. The more vision and wisdom which can be brought to bear on these matters, the better.
>
> Shortcomings in the operations of the council since it was formed stem mainly from its composition. Public servants have predominated through the ability of *ex officio* Public Service members to send deputies when not present themselves.

The Deputy Chairman of the council then goes into the matter of deputies, suggesting the following:

> As to the remainder of the council we propose that the Public Service element be diminished. Apart from the Chairman, there should be up to eight members. They should be selected to give balance but should include at least one person drawn from each of the following: the mining or manufacturing industry, rural industry, local government, the conservation movement, and the Public Service.

This letter was written to a former Minister, setting out the views of the full council at that time regarding what should be happening in relation to its composition. I was prepared to accept the recommendations, because I have always had the greatest respect for and confidence in the Environmental Protection Council. I make no bones whatsoever about that: it has involved an excellent group of people.

However, I have been concerned about the actual independence of the council. One of my concerns (indeed, it was a concern of former Ministers) related to the previous arrangement whereby the permanent head of the Department for the Environment was the council's Chairman. This resulted in a conflict of interest and, apart from that, that man's work load (his being permanent head as well as Chairman of the council) was quite unrealistic. It was a bit of a judge and jury situation, because it is important (as has been said by two former Ministers, namely, Mr. Dunstan and Mr. Simmons, as well as by the council) that this group of people is independent of the department and the Government so that it can advise in a watchdog situation.

It was a situation where the Chairman of the Environmental Protection Council was the permanent head of the department. It was quite obvious that there would be conflicts in that area. It was believed that there were too many public servants and, as a result, it limited the scope and nature of discussions and the ability of the E.P.C. to advise critically on the Government's environmental policies and activities. That is easy to understand. The only other thing I wish to say is in relation to economic considerations. The member for Mitchell made reference to a section of my second reading speech and to the suggestion made in a letter from the Deputy Chairman. It was a matter that has been brought to my notice continually since I have been the Minister, and the department is very much aware of the environmental problems, which are becoming more complex, and of the need for balance between economic and environmental matters. It is a priority that the department faces at this stage, and it is a matter that we are looking at carefully.

I make the point that a balance between environmental and economic concerns is an extremely realistic approach to the whole subject. They are the only matters I wish to raise at this stage. Regarding members of the E.P.C., nobody has been sacked. There will be a reduction in the number of public servants serving on the council. The only

person who has left the council is the Deputy Chairman or the past Deputy Chairman, Mr. Schroeder, who resigned from the council to take up his position as Chairman of the Redcliff Steering Committee. I take this opportunity of publicly commending and expressing my thanks to Mr. Schroeder for the excellent job that he did in serving on the council for the length of time that he did and in particular as the Deputy Chairman.

Mr. Keneally: He was a good appointment.

The Hon. D. C. WOTTON: Yes, I will agree with that. He was an excellent appointment, and he served the council well. He is also serving the Redcliff Steering Committee well. I was extremely disappointed when I received Mr. Schroeder's letter of resignation. I understood the reason for that resignation but was still sorry to receive it. I hope that that explains the situation in regard to the need for an independent Environmental Protection Council and other matters raised by members on the other side during the second reading debate.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Environmental Protection Council."

The Hon. R. G. PAYNE: Mr. Chairman, I seek your ruling initially. I have not spoken on this matter with the Minister concerned but I believe that he will see the logic in my request. My first amendment will be to leave out the word "nine" and insert the word "ten" in clause 3, page 1, line 18. The reason I wish to move that amendment and have the Committee and the Minister consider it is tied in with the remainder of the amendments that follow. In fairness I ought to leave it there, having suggested that, in reality, the importance of whether "nine" or "ten" prevails is related directly to the remainder of the amendments. I believe that the Minister will have no objection to our treating it as a whole. I would appreciate your ruling, Mr. Chairman, on that matter.

The ACTING CHAIRMAN: I take it that it is the wish of the Committee that the honourable member moves the first amendment and speaks to that amendment and to those he has foreshadowed.

The Hon. R. G. PAYNE: I thank all members of the committee who so willingly gave their approval. I move:

Page 1, line 18—Leave out "nine" and insert "ten".

This amendment will have the effect, in new subsection 5 *(a)* in the Bill, of providing that on and after the commencement of the Environmental Protection Act the council shall consist of 10 members appointed by the Governor. It goes on to specify who those persons shall be. It will be noted that the next amendment refers to the situation where the first person proposed to be a member of the Environmental Protection Council specified to a great degree is in 5(a)(c). I am moving, in the amendments associated with the initial one, that the words be changed from "representative of" to "a person nominated by". The remaining amendments which I would seek to insert use the same terminology throughout in proposing that various bodies nominate a person, who would then be appointed by the Minister and hence the Governor in due course.

The reason I am moving these amendments can be divided into two parts. First, there is the area where there is a need to increase the proposed membership of the council by one. I refer to the fact that the last amendment on the sheet which has been circulated proposes that there shall be one additional person by the use of the words "One shall be a person nominated by the United Trades and Labor Council of South Australia". It is my belief, and certainly the belief of the Opposition in general, that the Environmental Protection Council would benefit greatly from the addition of the extra member inherent in the changing of the word from "nine" to "ten", that member being a person nominated by the United Trades and Labor Council of South Australia. When speaking earlier, the member for Peake pointed out that the word "environment" has many meanings. One he was very familiar with was when it was prefixed by the word "working". He was in a position to tell the House that the working environment is a major part, in terms of time, of the lives of working people throughout the State.

The point I am putting to the Minister is that, with respect to the people who make decisions and recommendations about matters which are going to affect the general working lives of people in relation to the environment prevailing, in the work place, the best body to give advice on those matters that ought to be considered by a conglomerate group of persons acting in an independent capacity, as desired by the Minister, would be a person nominated by the United Trades and Labor Council of South Australia, the body that represents such a large number of working trade unionists throughout South Australia.

The question of expertise has been briefly mentioned by my colleagues. There are already people serving on the U.T.L.C. who have demonstrated expertise in this area more than once in the past. As an earnest of the *bona fides* of the Opposition in this matter, I would remind the Minister that, in relation to the other persons proposed to be nominated, we have been consistent in every case, including the Conservation Council of South Australia and the other bodies specified in my amendments.

The Opposition has indicated that a person with interests in the mining area and/or the manufacturing area (alluded to already by the Minister) could be nominated by the Australian Mineral Foundation. Such a person would be of great benefit to serve on such a body as the Environmental Protection Council. Once again, there is no mention of the *bona fides* of that organisation to nominate a person. The question of whether a suitable qualified person could be nominated by the body might arise. The Minister of Mines and Energy could give the Minister good counsel, if the Minister did not have a direct knowledge in this area. The Australian Mineral Foundation is incorporated and exists to provide educative courses for people in the mining industry. The foundation actually provides the courses, obtaining the services of lecturers and instructors. It is able to choose from throughout the world and obtain people of extremely high quality to carry out these courses. Similarly, the foundation would be able to nominate a person of expertise who would be of benefit to the people of South Australia if he or she were to serve on the Environmental Protection Council.

In view of the long history of this sort of matter in the House, it should not be necessary for me to put forward any comments in support of the United Farmers and Graziers of South Australia. It is a reputable body in the pastoral area and should be able to provide the Minister with a person for nomination and subsequent appointment. That organisation would be perfectly competent to do that, and the person whom they put forward would be acceptable to the Minister and other members of the Government.

Mr. Keneally: Howard Venning.

The Hon. R. G. PAYNE: I suppose it is a possibility that a former member of this House could be nominated. With respect to the amendment proposing that one member shall be a person nominated by the Local Government Association, once again, the *bone fides* and expertise of that body would not be in question. Many times when I

was a Government member I had this fact pointed out to me, almost forcibly, by the former Opposition, that the Local Government Association and the United Farmers and Graziers were responsible bodies. I think they would be delighted to be given this prerogative to nominate a member, and in fact they merit being given this honour.

If one measures what is contained in the amendment against the persons proposed by the Minister in the Bill, there does not seem to be any area in which a great deal of argument could occur. My amendment would replace the provision that one member shall be a person with knowledge of and experience in the manufacturing or mining industry with the provision that one member be nominated by the Australian Mineral Foundation which, as I have outlined to the House, would be a suitable body to nominate a member.

The Bill provides, next, that one member shall be a person with knowledge of and experience in rural industry. As I have clearly stated, the United Farmers and Graziers Incorporated is a well known body with the appropriate expertise.

The Hon. D. C. Wotton: It's the United Farmers and Stockowners Association.

The Hon. R. G. PAYNE: I did ask for that to be checked, and I apologise if an error has been made in the amendment. I supplied to the Parliamentary Counsel the title "United Farmers and Stockowners Association", The United Farmers and Stockowners Association was also known as the United Farmers and Graziers for a long time. They are one and the same body.

The ACTING CHAIRMAN: I suggest that the honourable member clarify that situation in moving his amendment.

The Hon. R. G. PAYNE: One does not always appreciate interjections but I am glad that you, in your discretion, allowed the Minister to provide a necessary correction with regard to an area in which I do not want there to be a mistake or misunderstanding. The Opposition feels quite strongly about this matter. I want to make sure that the Committee understands that there is no better qualified body in South Australia than the United Farmers and Stockowners Association to put forward a person with knowledge of and experience in rural industry. I am quite certain the Minister will agree with that.

The Bill provides, finally, that one member shall be a person with knowledge of and experience in local government. That requirement would be more than covered by my amendment. I have indicated the reason for leaving out the word "nine" and inserting the word "ten". That is necessary so that we can provide that one member shall be a person nominated by the United Trades and Labor Council of South Australia. The Government should not dismiss the worthwhile nature of this proposal. I can assure the Committee that, if the amendment were accepted by the Government, the United Trades and Labor Council of South Australia would accept this appointment in a genuine manner and would nominate a person well able to take his or her place on the council and be a worthwhile representative of a large group in the community that is vitally affected by the kinds of decision which are made at Government level and which are often based on advice from such an advisory body to the Minister.

The results of such decisions on many people are often directly applicable at the work place. So far the Minister has been taking in my suggestions seriously and calmly, and I want him to understand that this is not some transient proposal moved by way of pique on behalf of the Opposition. It is nothing like that at all. This is a matter in which the Opposition firmly believes. The Government, too, should see it as a worthwhile thing to do. I cannot see what possible criticism could be levelled at the Government if it agreed to my amendment. That could meet only with wide acclaim. I can imagine the *Advertiser* editorial pointing out that it was due and just recognition of the role played by people from the trade union movement, as represented by the U.T.L.C., in the future lifestyle of this State.

The Minister admitted that he pinched from the letter between the Deputy Chairman of the Environment Protection Council and the former Minister a sentence or two indicating that there needs to be a greater balance in future in environmental matters, and that various factors need to be weighed. He referred to the need for greater effort by such a body as the Environmental Protection Council.

My amendment is the best way to handle the matter and look after the interests of many people in this State, not just by way of token recognition by a few words in this Committee but by the concrete acceptance of the principle which I am advancing. The Government's acceptance of the amendment would allow for the U.T.L.C. to nominate a representative on the council. That would be a forward step by the Government, which has not made too many forward steps since it moved on to the Treasury benches.

The principles I am advancing are, first, that the Minister should not be in a position to appoint the whole council without any real stricture upon him; and, secondly, if the Minister agrees that the council will be comprised of 10 members he will be able to directly appoint five members.

There is no restriction on the Minister's desire to obtain wide representation, because my amendment, no matter how it is taken, allows for that wider basis as a prerequisite of the functions that the Minister sees the council following in the future. Evidence needs to be provided to the people that the council is not just a group of people whom some of the people of the State know by name. The other five members will demonstrate that the environment covers the whole spectrum of living in this State. There is a proper need to show the people that the council on which the Minister intends to lean so much (as he has told the Committee tonight) is fair dinkum. If the Minister is fair dinkum in this matter he will need to be fair dinkum and not just say that he is. One way to do that is to recognise that the Opposition can sometimes have arguments which should be listened to and which can stand on their own.

The Opposition is not saying that the Minister should not be allowed any discretion in this matter. Our amendment allows the Minister to pick five members, and provides for 10 members on the council. We are saying, "Let us not be too restrictive of a new Minister who wants to do his own thing in this area". At the same time the interests of the people of South Australia can be taken care of and can be shown to be taken care of, if only the Minister will accept my amendment.

Mr. Evans: Can you explain what you intend doing with the amendment?

The ACTING CHAIRMAN: Order!

The Hon. R. G. PAYNE: If there is a Government member who has been so sleepy that he has not been able to understand what I have been saying, I will detail to him what we propose in this matter.

Mr. MATHWIN: On a point of order, Mr. Acting Chairman, it is out of order, as I understand it, for a member to repeat himself consistently time and time again as if he were having a bad dose of indigestion. We have heard the same story at least five times, and there is no need for him to repeat it again. It is delaying the

Committee's progress.

The ACTING CHAIRMAN: No point of order is involved. The Chair will decide. However, I point out to the honourable member for Mitchell that he asked the Committee that he be able to discuss the matter. As I believe that he has repeated himself on a number of occasions, I ask him to keep his remarks to a concise form.

The Hon. R. G. PAYNE: I certainly accept your ruling in the matter, Sir. I would not have repeated myself, except that I was provoked by the member for Fisher, who interjected.

The ACTING CHAIRMAN: Interjections are out of order.

The Hon. R. G. PAYNE: He asked me to go through it again, and I would not normally have tried to do that. I do not believe that I have been repeating myself, but you, Sir, are the arbiter in these matters, and I apologise to you if that has been the case. I have perhaps been somewhat at pains to ensure, because I feel strongly about it, that the matter contained in the series of amendments receive proper recognition by the Government. I have been trying to ensure that no shortcoming of mine is responsible for the amendments receiving less than proper consideration.

Mr. Lewis: We understand.

The Hon. R. G. PAYNE: I have now been assured by Government members that they understand the meaning of the amendments.

The Hon. D. C. WOTTON: It is not the Government's intention to increase the size of the council in line with the amendments, which we do not accept.

The Hon. R. G. Payne: What've you got against the T.L.C.?

The Hon. D C. WOTTON: I have nothing against the Trades and Labor Council, and I make that clear. We considered closely just how far we would go in extending the membership of the council. I took a great deal of note of the information and advice I received from the full council, as I said earlier, in the letter from the Deputy Chairman. Where does one stop when looking at extending the membership of the council? If we had a representative of the Trades and Labor Council, should we also have a representative of the Chamber of Commerce, the Australian Federation of Construction Contractors and the Housewives Association?

The Hon. R. G. Payne: Come on!

The Hon. D. C. WOTTON: It is not a matter of "Come on". All those people are vitally involved in the environment. Referring to individual organisations (and this is what the amendments would have us do), by seeking nominations from those individuals organisations—

The Hon. R. G. Payne: It would mean that you would have to accept the nominated person.

The Hon. D. C. WOTTON: What the honourable member is asking us to do is recognise certain organisations in calling for a nomination from the organisation concerned. Perhaps we are following the line taken by the previous Government, and I am not criticising that. I take, as an example, the South Australian Heritage Act, under which the South Australian Heritage Committee was formed. I suppose we could say that that advisory body was comparable to the council. The Act provides that the committee shall consist of 12 members nominated by the Government; that was an Act for which the previous Government was responsible. I believe it unnecessary to have nominations from specific organisations, because such organisations can change, and I believe that it is good to have a certain amount of flexibility in this area.

Mr. KENEALLY: One of the reasons given by the Minister for not accepting the amendment to increase the size of the council from nine to 10 was that the Government could not keep on including special interest groups. I was interested that he did not say that he believed that 10 members would be unwieldy and that the number would be kept to nine. When the original Bill was introduced in 1972, the Minister's Party moved an amendment that would have increased the number of members of the council to 12. I had a look at the members who voted for that when a division was held, and the member for Glenelg was one who wanted to have 12 members on the council.

Mr. Mathwin: The Minister didn't say anything about 10 being too many.

Mr. KENEALLY: I agree with the honourable member. He is coming on to our side. If we were to increase the number to 10, the Minister and the Government would not find that awkward. If 10 is not too many, the Government should consider the amendment. The Minister did not say whether the Government had actually considered including a representative from the Trades and Labor Council. Will he tell the Committee why the Government does not believe that the T.L.C., with the various responsibilities it covers, is not as appropriate an organisation to have a representative on the council as are other groups?

Mr. Lewis: Don't be paranoid about it.

Mr. KENEALLY: It is not a matter of being paranoid. I point out to the honourable member, who represents a rural area, that an overwhelming amount of time in the previous debate on this issue was taken by members of his own Party who wanted to have on the council members from the United Farmers and Graziers, as it then was. No-one suggested that they were being paranoid about it. At that time, no special groups were selected. Although the special groups have not been spelt out this time, they are clearly being identified by the Government's phraseology.

[Midnight]

Mr. KENEALLY: The fact that the Opposition has identified them more clearly should not be a reason why the Government would reject the amendment. I suggest that one reason why the Minister rejects the amendment is that he does not want a representative of the trade union movement on the council. There is remarkable expertise in that group of people in the area of the environment. Some of the most effective environmentalists in the history of Australia have been trade unionists. The second reason why the Minister does not want to accept the amendment is that he does not want any organisation recommending to the Government a person whom the Government must take.

He wants to retain in his and Cabinet's power the decision making so that he can select the person. He is not prepared to write into the Act the proposition that his Government will accept the recommendations of the various interested groups. He wants to appoint a person who will reflect the Government's viewpoint. He does not want an independent council. If he did, he would have to appoint the people recommended by independent groups. I ask why he is not prepared to accept the amendment and why he is so adament that he will not have on the council a representative of the Trades and Labor Council.

The Hon. D. C. Wotton: Didn't you listen to my explanation?

Mr. KENEALLY: I did. I specifically want to know why that very worthwhile group should be excluded. It is not sufficient to say that there would have to be a representative of the Housewives Association or of a football club on the council. The line must be drawn but,

when we are talking about the size of a trade union movement in this State, we cannot compare that to the Housewives Association, an Apex Club in the Minister's district, or any of the thousands of other organisations. More people are involved in the Trades and Labor Council than are involved in pastoral interests in South Australia.

The Hon. D. C. WOTTON: We did consider the matter. We did not feel that we could expand any further, because of the situation I have stated, namely, that if we involved union representation we would have to involve other groups. In addition, there is room already on the council for people who may be representatives of trade unions.

The Hon. R. G. Payne: There is not.

The Hon. D. C. WOTTON: It is already in there. Why would not the person with a special interest in the environment be from a trade union?

The Hon. R. G. Payne: Will you give that undertaking?

The Hon. D. C. WOTTON: I have no intention of giving that undertaking but it is possible that a person with union interests could fill that or any of the other positions in the composition of the council.

Mr. PETERSON: On reading the second reading explanation, I see that the council is to conduct inquiries as requested and to recommend or promote research on environmental matters. The explanation also states:

> The Government recognizes that the nature of environmental problems is becoming more complex. In the next few years the balance between economic and environmental matters will change in accordance with fundamental social changes.

Therefore, I think we need people with specific knowledge of the matters that will arise. The Bill refers to "knowledge of". What does "knowledge of" mean? The problem is that any appointment made under that broad specification could easily have political connotations or colouring and could easily make any political appointment a sinecure. Far be it for me to suggest that would happen, but it could happen.

I feel that the amendment would produce people who have specific knowledge of those areas. Speaking as an Independent, I feel that having people from the areas suggested in the amendment would give us people with relevant knowledge, independent people, and I like that possibility. I cannot see how it would do anything against the Bill. I feel that the connotation of "knowledge of" could produce people who might not be in the best interests of the council.

The Hon. D. C. WOTTON: I should have thought it fairly clear that, when we talk about "knowledge of" and "experience in", it would be a person who was recognised and who was involved in a particular area. For example, the person at present serving on the Environmental Protection Council in the capacity of a person having knowledge of biological conservation is well recognised in that field. I do not think any questions have been asked about that person. I see no problems about selecting people who are experienced and who have knowledge in the areas specified.

The Hon. R. G. PAYNE: There is not anything required as a knowledge of people. A knowledge of people is overlooked regarding the environment. The Bill refers to people with all kinds of skills but there is not provision for anyone who is concerned to have a knowledge of people. That is one reason why the Opposition feels so strongly about the matter. This is not a small sectional interest: a person from the Trades and Labor Council would represent a wide working area in the State. The Minister made up his mind from the beginning to prepare a Bill that would exclude any consideration of the Trades and Labor Council. He has been specious in his explanation, because he said that we do not know where to draw the line. He did not speak about putting a representative of the Conservation Council of South Australia on this council.

If the Minister's arguments are any good at all in relation to specific bodies, they apply also in that area. Why did the Minister include that named body? I have no quarrel with the fact that he did that, but I am referring to the arguments put forward by the Minister, because they are completely false. The Minister would have done far better to stand up and say that there was no way that he would have anybody on the Environmental Protection Council from the Trades and Labor Council. If the Minister had done that we would have known right from the beginning the Government's true attitude to this matter.

Mr. MATHWIN: I oppose this amendment. The Bill provides representation from a very wide area of interest and ability. Honourable members have been subjected to a load of codswallop from the member for Mitchell for about half an hour. I have never known a member of Parliament to take so long to talk about nothing. Indeed, he repeated himself five times in the process. The member for Mitchell has been backed up by other members opposite, and when we get down to the nitty-gritty the Opposition's stand on this matter becomes apparent.

It is written into the Opposition socialist Party's rule book that it must put a member of a trade union on every board possible. That approach is in line with the Labor Party's industrial democracy policy and is contained in its rule book.

Mr. Keneally: Then why is one not already on the council?

Mr. MATHWIN: Because the Labor Party's industrial democracy policy had not advanced far enough when the original Bill was introduced. The Labor Party's policy has changed, and this approach is now contained in its rule book. Members of the Labor Party are bound by that rule book and, if they do not do as they are told, they are thrown out of Parliament and the Labor Party. The Opposition's argument is based on that approach. Instead of filibustering for hours, the member for Mitchell should have come out and said that in the first place, and we would have known what the Opposition's approach was all about. The member for Mitchell could honestly have told the Minister that this approach was contained in the Opposition's constitution and that it must abide by those rules. Indeed, the member for Mitchell could have asked the Minister for pity because if the members of the Labor Party do not adhere to the rule book they will be sacked. If the member for Mitchell had said that, the Government might have been sympathetic.

If he had looked at the Bill, he would have seen that there is a very wide cross-section in the suggested membership of the board. After all, the honourable member's amendment only alters a few words and really means the same thing as the Bill. We have had to listen to the member for Mitchell for hours referring to the fact that a person from the trade union movement should be on the council. If the member for Mitchell had not put that proposal forward he would have been frowned upon by his bosses on South Terrace. In fact, his comrades would have been up in arms against him and he would never get a drink in the bar at Trades Hall again. That is the whole nitty-gritty of his argument.

If the member for Mitchell wants to split hairs on this matter, all members could suggest different appointments to this council. A gardener could be appointed, if he is a member of the union or, if we are going to become really professional, we could have a tree doctor if he is a member of his association. As the Minister has said, we could

appoint a member from the Housewives Association. If the member for Mitchell is so keen to appoint a trade unionist, we could appoint a member of the Kindergarten Union; will that satisfy the honourable member? The member for Mitchell has taken hours to present his amendment, which is simply based on the fact that he must get a trade unionist appointed to as many boards as possible, because that is Labor Party policy. As the Minister has said, it is about time that the member for Mitchell got down to the nitty-gritty and told us the truth.

Mr. LANGLEY: The member for Glenelg should remember when he was sitting in Opposition and saying that trade unionists should be appointed to different boards. I assure the honourable member that the Labor Party is united and that it gets together in Caucus and irons things out. The Labor Party's rules are flexible. Does the Liberal Party have any rules at all? The honourable member's contribution tonight is the worst I have heard in this House since I have been a member. The honourable member referred to filibustering, but he held the record when his Party was in opposition. Now that the honourable member's Party is in Government, he has changed his attitude. I have sat on both sides of the House and I do not want—

The ACTING CHAIRMAN: Order! Will the honourable member link up his remarks with the amendment.

Mr. LANGLEY: The member for Glenelg did not speak about the amendment; he simply rubbished the Opposition. I would not have spoken at all had he not done that. The member for Glenelg should get his facts right before he rises to speak. The Government, not the Opposition, wants to get this Bill through. I dislike the way the member for Glenelg has spoken tonight, and I hope he remembers his behaviour when his Party was in Opposition.

Mr. HEMMINGS: It worries me that the Minister has to rely on the member for Glenelg to argue this matter. The member for Glenelg has proved tonight that he is the biggest poseur in the House.

The ACTING CHAIRMAN: Order! I ask the honourable member to concentrate his remarks on the amendment before the Chair.

Mr. HEMMINGS: Yes, Sir, I will. There is nothing wrong with this amendment. The member for Mitchell has put a good case for increasing membership of the council from nine to 10. He has spelt out, where the Government failed to spell out, the actual membership of the council. He has proved, in a short and precise speech, that instead of a rather wishy-washy definition in the Bill—

Mr. Randall: If you're so particular, sit down and vote.

Mr. HEMMINGS: If that little twit will be quiet, I will carry on.

The ACTING CHAIRMAN: Order! I ask the member for Napier to withdraw that unparliamentary remark.

Mr. HEMMINGS: What was the unparliamentary remark, Mr. Acting Chairman?

The ACTING CHAIRMAN: The unparliamentary remark was the reference to another honourable member as a "twit". I ask the honourable member to withdraw that remark.

Mr. HEMMINGS: I do withdraw the remark and apologise for calling the member for Henley Beach a twit. The member for Mitchell clearly defined the membership of the council as comprising a member of the Australian Mineral Foundation, a member of the Stockowners Association, a person nominated by the Local Government Association of South Australia, and one who shall be a person nominated by the United Trades and Labor Council of South Australia. It is the last mentioned person who really seems to be annoying Government members. I cannot see anything wrong with that nomination, as the United Trades and Labor Council of South Australia represents a group of people who are concerned about the environment and about the quality of life in this State. I can understand the objection made by the member for Glenelg, because he is against trade unions—a union basher.

Mr. Mathwin: I was a member of a trade union once. I could have been a shop steward.

Mr. HEMMINGS: The member for Glenelg is always saying he was a member of a trade union movement. He was, I think, a painter.

The ACTING CHAIRMAN: Will the honourable member resume his seat for a moment? This debate is becoming very prolonged, and there is no doubt that some members are bringing irrelevant comments into it. The member for Napier is doing that at the moment in referring to the personalities of other members. I ask him to concentrate on the amendment before the Chair. The honourable member for Napier.

Mr. HEMMINGS: Thank you, Mr. Chairman. I will try to keep to the amendment. One could forgive me, though, because of the way the member for Glenelg carried on earlier.

The ACTING CHAIRMAN: I have already suggested to the honourable member for Napier what is required, and I again ask him to keep to the matter before the Chair.

Mr. HEMMINGS: Thank you, Mr. Acting Chairman, I will do that. A person nominated by the United Trades and Labor Council of South Australia could give some input to the council. He could give the council some teeth by providing some criticism if the Government of the day strayed away from the lines of environmental protection. I support the amendment.

The Committee divided on the amendment:

Ayes (17)—Messrs. Abbott, Lynn Arnold, Bannon, Max Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne (teller), Peterson, Plunkett, Slater, Whitten, and Wright.

Noes (20)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Dean Brown, Chapman, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Schmidt, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs. Corcoran, Duncan, O'Neill, and Trainer. Noes—Messrs. Eastick, Evans, Gunn, and Tonkin.

Majority of 3 for the Ayes.

Amendment thus negatived.

The ACTING CHAIRMAN: Does the honourable member for Mitchell wish to proceed with his second amendment?

The Hon. R. G. PAYNE: No, Sir.

Clause passed.

Title passed.

The Hon. D. C. WOTTON (Minister of Environment): I move:

That this Bill be now read a third time.

The Hon. R. G. PAYNE (Mitchell): I will comment only briefly on the Bill at this stage. This Bill could have been a much better one that would have been of great benefit to everyone in this State if the Government had seen fit to listen to reason and had agreed to the amendments, which would have provided for representation from the United Trades and Labor Council of South Australia and the other bodies specified therein. However, that was not to

be. The Government has forced its will on the Opposition in this matter also, and this is regrettable for the people of South Australia.

Bill read a third time and passed.

ADJOURNMENT

At 12.34 a.m. the House adjourned until Wednesday 5 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 4 March 1980

QUESTIONS ON NOTICE

APPRENTICES

527. **Mr. WHITTEN (on notice)** asked the Minister of Industrial Affairs:

1. How many new apprentices have been indentured in all Government departments in each of the years 1978 to 1980?

2. How many new apprentices have been employed in the Public Buildings, E. & W.S., Mines, Highways, Marine and Harbors and Woods and Forests Departments in 1980 and to which trades have they been indentured?

3. How many applications for apprenticeship were received by each of the Government departments in 1980?

The Hon. D. C. BROWN: The replies are as follows:

1., 2. and 3.—As attached schedules.

The honourable member should note that the total number of applications could give a false impression of the numbers seeking apprenticeships because by far the greater number of apprentices apply for apprenticeships with several departments.

1.

NEW APPRENTICES INDENTURED IN GOVERNMENT DEPARTMENTS

Department	1978	1979	1980
Public Buildings Department	60	43	26
Engineering and Water Supply Department	62	26	34
Department of Mines and Energy	3	1	1
Marine and Harbors	6	3	3
Woods and Forests Department ..	13	12	7
Government Printer	7	4	6
Highways Department	17	17	22
State Transport Authority— Bus and Tram	12	10	10
Motor Garage	2	2	2
Police Department	0	1	0
SAMCOR	0	0	0
Lands Department	0	1	0
Institute of Medical and Veterinary Science	2	1	0
TOTAL	184	121	111

2.

APPRENTICES EMPLOYED IN STATE GOVERNMENT DEPARTMENTS IN 1980 AND THE TRADES COVERED

Trades	Departments etc.						
	P.B.D.	E.&W.S.	Mines & Energy	Highways	Marine & Harbors	Woods & Forests	Total
Motor Mech.		5				1	6
Motor Mech. Diesel		4		10	1		15
Auto Elect.		1		2			3
Fitter & Turner		13		1	1	2	17
Elect. Fitter	6	4		1		2	13
Carp./Joiner		2		2			4
Plumber	6			1			7
B/Welder		2	1	2	1	1	7
Painter & Dec.		1		2			3
Ref. Mech.	6						6
Radio Trades	2	2		1			5
Bricklayer	1						1
Elec. Mech.	3						3
Saw Doctor						1	1
Solid Plasterer	1						1
Furniture Polisher	1						1
Total	26	34	1	22	3	7	93

3.

NUMBER OF APPLICATIONS FOR APPRENTICESHIP RECEIVED BY EACH STATE GOVERNMENT DEPARTMENT

Department	Applications Received for 1980	
Public Buildings Department	1 200	
Engineering and Water Supply Department	1 308	(includes approx. 60 applicants for country areas)
Department of Mines and Energy	18	
Marine and Harbors	54	
Woods and Forests Department	100	
Government Printer	285	
Highways Department	1 463	
State Transport Authority Bus and Tram	345	
Motor Garage	39	
Police Department	3	
SAMCOR	—	
Lands Department	—	
Institute of Medical and Veterinary Science	—	
Total	4 816	

NOARLUNGA PUBLIC MEETING

551. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Health:

1. Did the Minister speak to a "public" meeting at the Noarlunga Civic Centre on the evening of Monday 19 November 1979?

2. At whose initiative was this meeting called, who issued the invitations and who was specifically invited to attend?

3. How many people were in attendance?

4. What suggestions were made in the meeting in relation to—

(a) the future location of the centre;

(b) the membership of the management committee;

(c) the staffing of the centre; and

(d) the future deployment of doctors at the centre including the possibility of a salaried service,

and which, if any, of these suggestions, has been accepted by the Minister and what, if anything, has she done to implement them?

The Hon. J. L. ADAMSON: The replies are as follows:

1. The Minister spoke at a meeting of the Noarlunga council on Monday 19 November at the invitation of the council. Council meetings are open to the public.

2. She subsequently addressed a meeting, called at her request by the member for Mawson, of groups interested in, or involved with the Christies Beach Community Centre, for the purpose of enabling local people to express their views directly to the Minister on general health needs of the local area. The member for Baudin was among those invited to attend.

3. Approximately 30.

4. *(a)* No specific suggestions.

(b) No suggestions.

(c) The Minister agreed that early decisions should be made on definitive appointments to two vacant staff positions at the centre, namely Medical Director (part-time) and Administrative Assistant (full-time). In the interim period, acting appointments have occurred. The South Australian Health Commission is presently awaiting correspondence from the management committee on position description and salary classification matters prior to permanent appointments being made.

(d) No suggestions.

562. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Health:

1. When did the Family Planning Association make application to use the Noarlunga Community Health Centre and why was this application refused?

2. Will the Minister personally support a further application, if lodged?

The Hon. J. L. ADAMSON: The replies are as follows:

1. Approximately two years ago the Family Planning Association decided to conduct a pilot project in the Christies Beach area. Two mobile units were placed in separate locations, the subsequent response was poor. It was thus decided jointly by the Family Planning Association and the Medical Director of the Christies Beach Community Health Centre that an outreach of the Family Planning Association at Flinders Medical Centre, to be located in the Christies Beach area, was not warranted.

2. If an application is received it will be given full consideration.

MANAGEMENT COMMITTEE

563. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Health: What is the current membership of the management committee of the Noarlunga Community Health Centre and when was each person appointed and by whom?

The Hon. J. L. ADAMSON: The Christies Beach Community Health Centre's Management Committee is an interim management committee, therefore there have been no formal appointments made. Listed below is the current membership, the date the respective member first attended a meeting and who they represent.

Member	Date first attended	Representing
Mr. K. Cocks (Chairman)	March 1977	Community (Headmaster)
Mr. M. Hunt	August 1976	Community (Mayor)
Mr. E. Davis	February 1978	Community (Senior Citizen's Club)
Mr. C. Millington	August 1976	Dept. Community Welfare (District Officer)
Dr. A. Radford	August 1976	Flinders Medical Centre (Dept. of Community Medicine)
Dr. R. Laycock	August 1976	Medical Practice
Dr. D. King	August 1976	Medical Practice
Mrs. E. Drew	June 1977	Medical Practice
Staff representative (periodical attendance):		
Mrs. K. Woollard	August 1976	Community Health Nurse
Mrs. M. Eakins	February 1978	Community Health Nurse
Mr. R. Koch	January 1977	Social Worker
Ms. M. Morris	February 1980	Community Health Nurse
Ms. J. White	February 1978	Community Health Nurse

YEARLING SALES

617. **Mr. TRAINER** (on notice) asked the Minister of Environment: Has the Minister had the problems of noise, dust and traffic, and of the overflow of parked cars into neighbouring streets, from the recent yearling sales at Morphettville racecourse brought to his notice?

The Hon. D. C. WOTTON: I have been advised that one complaint resulting from the use of a loud speaker system was received. The South Australian Health Commission did not receive any complaints regarding activities associated with the recent yearling sales at Morphettville racecourse and none was brought to the attention of the Minister of Transport.