HOUSE OF ASSEMBLY

Tuesday 3 April 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PETITION: ENGINEERING AND WATER SUPPLY DEPARTMENT

A petition signed by 742 residents of South Australia and members of the Federated Miscellaneous Workers Union of Australia (S.A. Branch) praying that the House urge the Government to ensure an immediate increase of 50 younger people in the daily-paid work force of the Engineering and Water Supply Department and implement a replacement policy for vacancies occurring in the daily-paid area as a matter of urgency was presented by the Hon. Peter Duncan.

Petition received.

PETITION: GERMANTOWN HILL SEWERAGE

A petition signed by 18 residents of Bridgewater praying that the House urge the Minister of Water Resources to increase the priority of connecting to mains sewerage the Germantown Hill area and to announce a completion date for this project was presented by Mr Evans.

Petition received.

PETITION: MEANS TEST

A petition signed by 22 residents of South Australia praying that the House urge the State Government to urge the Federal Government to remove the means test on the invalid pension was presented by Mr Ashenden.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 281, 290, 293, 294, 351, 366, 368, 385, 395, 425, 429, 430, 438 and 440; and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

DIRECTOR-GENERAL OF AGRICULTURE

In reply to the **Hon. TED CHAPMAN** (21 March).

The Hon. J.C. BANNON: The Director-General of Agriculture has not been and is not absent from duty and is pursuing his normal departmental responsibilities. He has received approval from the Government to travel overseas for the period 3 April to 22 August this year (which incorporates a period of personal recreation leave at Mr McColl's own personal expense). The itinerary was approved to enable Mr McColl to undertake an advanced management development programme involving two months study at the Colorado State University, two weeks attending the 12th International Congress on Irrigation and Drainage, Fort Collins, Colorado, one week attending an Executive Seminar, Aspen Institute, Colorado, and two weeks on a study tour of agricultural institutions in the United Kingdom.

The programme is consistent with the Public Service Board's policy of encouraging permanent heads and executive management to undergo relevant advanced management training and experience. The Government believes that Mr McColl will receive personal benefits from the proposed itinerary and that the State of South Australia will benefit from the experience gained by the permanent head of one of its major agencies. The proposal was recommended by the Overseas Travel Committee, endorsed by the honourable Minister of Agriculture, and approved by Cabinet. The cost of the programme will be $18 900, covering travel, registration, accommodation and incidental costs. Suitable arrangements have been made to 'cover' for the Director-General in his absence. The Government is unaware of any other senior public servant having undertaken the same study programme.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Emergency Services (Hon. J.D. Wright)—

Pursuant to Statute—

I. Police, Commissioner of—Report, 1982-83.

By the Minister for Environment and Planning (Hon. D.J. Hopgood)—

Pursuant to Statute—

Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on proposed—

I. Storage Shed at Fisheries Department, Minlaton.
II. Erection of Classrooms at Coorara Primary School, Morphett Vale.
III. Development at the Cambrai Area School.
IV. Development at Swan Reach Area School.
V. Erection of Classrooms at Munno Para Primary School.
VI. Land Division, West Lakes.
VII. Development at Glossop High School.
VIII. Erection of Pluviometer Station at Coromandel Valley East.

By the Minister of Tourism (Hon. G.F. Keneally)—

Pursuant to Statute—

I. Prisons Act, 1936—Regulations—Resettlement Fund.

By the Minister of Local Government (Hon. G.F. Keneally)—

Pursuant to Statute—

I. City of Whyalla—By-law No. 25—Taxis.
II. District Council of Murat Bay—By-law No. 1—To repeal By-laws.

By the Minister of Community Welfare (Hon. G.J. Crafter)—

Pursuant to Statute—

I. Statute Revision, Commissioner of—Classification of Publications Act, 1974, Schedule of Alterations.
II. Film Classification Act, 1971—Schedule of Alterations. Rules of Court—Supreme Court—Supreme Court Act, 1935—Planning Act Compensation and Appeals.

By the Minister of Water Resources (Hon. J.W. Slater)—

Pursuant to Statute—

I. River Murray Commission—Report, 1983.

MINISTERIAL STATEMENT: TAB SUBAGENCY

The Hon. J.W. SLATER (Minister of Recreation and Sport): I seek leave to make a statement.

Leave granted.

The Hon. J.W. SLATER: I wish to make a statement concerning the TAB subagency trials now being conducted at the Windsor and Belair Hotels. Last week, both in the Parliament and in the media, members of the Opposition made a number of allegations concerning the way in which

these two hotels were selected for the subagency trials. The allegations have been made without any evidence but have instead relied on innuendo, false rumours and distortion. This matter is now a non-issue which has gone too far for too long and can only serve to damage the reputation of the TAB to the benefit of illegal SP bookmakers.

Members interjecting:

The SPEAKER: Order! Leave has been granted by the House.

The Hon. J.W. SLATER: There were a number of questions asked of me in this House last week, and I answered all of them honestly and to the best of my recollection. I would now like to reaffirm my role in this chain of events. After the Easibet legislation was defeated in the Upper House on 2 June 1983, the TAB General Manager (Mr Barry Smith) phoned me to say that TAB subagencies could be set up in hotels in compliance with the Racing Act. This phone call took place early in July 1983. During that telephone conversation, I asked him to further discuss this matter in my Recreation and Sport Department office.

During that discussion, a number of topics were raised, including the legality of setting up subagencies in hotels, the need to consult the Australian Hotels Association, and possible locations where the experiment could be conducted. Mr Smith said he would get his staff to assess the situation while I sought the Crown Solicitor's opinion on whether subagencies in hotels were permissible under the Act. During this discussion a number of potential sites were mentioned and, as I have said before, I cannot be sure whether the Windsor Hotel was one of them. I repeat that it was possible that I may have mentioned the Windsor among many others. However, there is no truth whatsoever that I gave an instruction either then or at any other time that the Windsor Hotel should be one of the locations for the subagency trial.

On 21 July 1983, I received a telephone call from Mr Smith, who told me that the TAB had assessed a number of possible locations and that it was opportune to discuss the matter with the proprietors of the hotel. Mr Smith said that his staff's research had shown that the Windsor and Belair Hotels were the most promising locations. The then TAB Chairman (the late Mr Merv Powell) requested to be involved and suggested that we visit both hotels. During our visit to the Windsor we discussed the matter with the hotel director (Mr Bernie Henderson) and the hotel licensee (Mr Mick Girke). This visit took place on 12 August 1983 and, after discussions, we had lunch with the hotel director and the licensee.

On 30 September 1983, at the request of the TAB, I also visited the Belair Hotel and had lunch with Mr Barry Smith and others. The occasion coincided with a meeting of the Carbine Club and we believed that it would be convenient to inspect the hotel premises and discuss the TAB subagency matter with the co-proprietor, Mr Hurley, while we were there. Before visiting the Belair Hotel I had received a letter from Mr Smith dated 29 September 1983, stating that a TAB Board meeting on 26 September 1983 had approved the establishment of two subagencies in hotels, subject to my approval. My approval of these locations, that is the Windsor and Belair Hotels, was given to the TAB in a letter dated 21 October 1983, two days after I had discussed the matter with representatives of the Australian Hotels Association. Clearance that these subagencies complied with the provisions of the Act was received by the Director of Recreation and Sport from the Crown Solicitor's office on 9 December 1983.

The subagency at the Windsor Hotel went into operation on 12 December 1983, and the one at the Belair Hotel was opened on 13 December 1983. I would like to make three points that will put this matter to rest once and for all. First, as I said before, I had lunch at the Windsor Hotel on 12 August 1983 at the request of the TAB. I would now like to table an independent report from the TAB's marketing manager on the Windsor Hotel, dated 21 July 1983. This is three weeks before I had lunch at the hotel.

Secondly, as I mentioned before, I had lunch at the Belair Hotel on 30 September 1983. I will now table an independent report from the TAB Marketing Manager, dated 24 August 1983. I have omitted the cost analysis benefit because it is confidential information. If any member of the Opposition desires that information I am prepared to provide it in confidence. This lunch took place more than five weeks after the report was completed.

Thirdly, the TAB General Manager, Mr Barry Smith, is in my opinion a most efficient and capable person in his field anywhere in Australia. He was chosen as General Manager because of his strong connection with the racing industry and associated companies. Regretfully, he is now being unfairly accused of acting improperly simply because of a long term association resulting from his involvement with the racing industry.

As I have already said, the Opposition has not produced any evidence to support the attacks it has made upon me, the TAB or the General Manager, Mr Smith. I have made it clear that I had nothing to gain from the placing of the subagency in the Windsor Hotel and indeed I have not gained anything whatsoever from the whole business of subagencies. This has been confirmed by the proprietors of the hotels in question. My connection with the Enfield ALP club is a matter of public record clearly stated under the pecuniary interest legislation. The purchase of liquor from the hotel by the club is covered by the relevant section of the Licensing Act. I repeat that the events of the past week have served only to damage the TAB and possibly assist the illegal bookmaking industry which these moves to establish subagencies were designed to stamp out.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Mount Burr Sawmill (Re-equipment of Green Mill),
Witton Bluff Protection.

Ordered that reports be printed.

QUESTION TIME

TAB SUBAGENCIES

Mr OLSEN: I direct my question to the Minister of Recreation and Sport. Why have the Minister and the General Manager of the TAB made untrue statements to support the establishment of TAB subagencies at the Windsor and Belair Hotels based on geographic grounds, which now contradicts part of the Ministerial statement wherein on page 2 the Minister said that they were located at those two agencies because 'they were the promising locations', deleting all reference to geographic location?

In the *Advertiser* last Thursday the General Manager of the TAB, Mr Smith, was quoted as saying that those hotels had been chosen because they are the two metropolitan sites farthest from an established TAB. The Minister supported that statement: he told this House twice last Thursday that those hotels were not close to existing agencies, and in the *Advertiser* last Friday in relation to the Windsor Hotel, he said, 'That's a good pub; there are no other agencies nearby.' In fact, the Windsor Hotel is fractionally less than a kilometre

from the Hampstead Gardens TAB. In public statements and in his recommendations to the Minister, Mr Smith has said that the distance is 1.5 kilometres. That is just a slight exaggeration of over 50 per cent! The Belair Hotel is about 1 kilometre from the Blackwood TAB. However—

Members interjecting:

Mr OLSEN: I can understand the sensitivity—

The SPEAKER: Order! The honourable gentleman is now debating the matter.

Mr OLSEN: The facts are that at least 15 hotels in the inner metropolitan area (this is in regard to just the small number that were checked on the weekend) are more than 1.5 kilometres from the nearest hotel; and I refer to the Hackney Hotel, the Wheatsheaf Hotel, the Park View Hotel, the Kentish Arms Hotel, the Lord Melbourne Tavern, the Kent Town Hotel, and the Hyde Park Hotel, all of which clearly indicates that the responses by the Minister last week, supported by the General Manager of the TAB—

The SPEAKER: Order! The honourable gentleman is again debating the matter. I again call him to order.

Mr OLSEN: I am quoting statements made in the *Advertiser* last week, Mr Speaker. That clearly indicates that these two hotels were selected because there was no TAB agency nearby, but in fact that proposition does not stand up to critical analysis. In fact, it is untrue and, in addition, the Ministerial statement—

Members interjecting:

The SPEAKER: Order!

Mr OLSEN: —tabled in this House now shifts the emphasis from geographic location to a 'promising site', which represents a shift yet again in regard to a reply from the Minister.

The Hon. J.W. SLATER: A number of factors are involved in regard to why those two hotels were chosen: location was one of them. The whole matter was assessed by—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. SLATER: —the staff of the TAB which made recommendations to Mr Smith. That is already in the statement I have tabled. A number of factors was involved, location being one of them.

ADELAIDE STOCK EXCHANGE

Mr FERGUSON: Can the Premier inform the House whether approval is likely for the establishment of a second board at the Adelaide Stock Exchange? The Adelaide Stock Exchange is keen to introduce a second board for smaller companies in South Australia. Western Australia yesterday commenced a second board for smaller companies. The rules for the Perth board were established two months ago. A second board for smaller companies in South Australia would involve a greater investment of South Australian money in South Australian companies and could also introduce an in-flow of interstate money in South Australian companies.

People with brilliant ideas but very little capital could find themselves in a situation of establishing companies to the betterment of South Australia if a second board were available. The Adelaide Stock Exchange at its peak had 130 home exchange companies. This figure has been reduced to 90 home companies with a consequential reduction in activity at the exchange. The introduction of a second board for companies with a capital of $100 000 would help to redress this situation.

The Hon. J.C. BANNON: I noticed in this morning's financial press reference to the opening of the second board in the Western Australian Stock Exchange. It was reported in the *Financial Review* that so far there were no listings; however, it described brokers as being bullish about the prospects of the board, and said that some fifteen companies were preparing applications in order to qualify for listings. So, it will be interesting to see what happens in that situation.

In the meantime, in South Australia, as a Government we are looking at a proposal to establish a second board in this State. Recently, the Adelaide Stock Exchange approached the Minister of Corporate Affairs with a series of proposals relating to the establishment of a second board. The Minister informs me that his officials will soon meet with representatives of the exchange to further these proposals. The Corporate Affairs Commission will make every endeavour to assist the Stock Exchange in establishing this facility, in accordance with the requirements of the securities industries legislation. The new facility, as the member pointed out, would certainly provide the potential to enable smaller enterprises to have access to a wider capital base, and the investment possibilities which are likely to flow would assist in broadening the State's economic base with attendant employment and other activities.

TAB SUBAGENCY

The Hon. E.R. GOLDSWORTHY: Will the Minister of Recreation and Sport say why the officer of the Department was specifically asked that a subagency be established at the Windsor Hotel? I have perused the document that the Minister tabled today and the whole of it, which the Minister quoted, is directed to the proposal put to the officer that the agency be established at the Windsor Hotel. The mistake in relation to the distance from the nearest TAB is repeated in that document, in which it is claimed that the Windsor Hotel is located 1.5 kilometres from the TAB at Hampstead Gardens and 1.8 kilometres from the TAB at Holden Hill: that is inaccurate. It is not beside the point, but it is not the point I am seeking to make in this explanation. The document states:

> In summary, the proposal to have an outlet on licensed premises at the Windsor Hotel I consider would provide a successful and efficient service of implementation.

So, that officer was told to go away and report.

The SPEAKER: Order! The honourable gentleman is now debating the matter.

The Hon. E.R. GOLDSWORTHY: I am stating fact.

The SPEAKER: Order! The honourable gentleman is debating the matter, and I call him to order.

The Hon. E.R. GOLDSWORTHY: It was put to the House that the decision to locate at the Windsor Hotel was as a result of a report by an officer of the Department. In fact, the document indicates that there was no such event. The officer was asked to go away and report on the Windsor Hotel.

The Hon. J.W. SLATER: The problem that the Opposition has of course is that it is absolutely clutching at straws, and if one is intelligent enough to understand what has occurred, it is all documented in my Ministerial statement and the papers tabled this afternoon. First, the TAB staff attended at a number of hotels (that is the information I received from the TAB), and the Windsor Hotel was one of them. They then assessed which was the best location as well as a number of other factors in relation to which was the best site. All of this information, as the member for Torrens mentioned in a question last week, has come allegedly from three people who furtively sneaked up the back stairs, pimps and informers, to the Leader of the Opposition. He can laugh because he was stupid enough to believe those bloody stories.

Members interjecting:

The Hon. J.W. SLATER: He was stupid enough to believe those stories, innuendos and false rumours. I challenge the Leader or any person in this House, and the informers, to make these allegations outside the privilege of Parliament.

Members interjecting:

The Hon. J.W. SLATER: Honourable members should try that and see how they get on. Look, Mr Speaker, I have answered all the questions. I said last week that Opposition members are desperately clutching at straws. I gave no instruction to the TAB. The whole exercise was for one purpose and one purpose only—to improve the TAB. It was a very small step in minimising illegal bookmaking.

LOWER NORTH EAST ROAD

Mr GROOM: Will the Minister of Transport consider the establishment of a pedestrian crossing along Lower North East Road, Campbelltown, in the vicinity of Mines Road and Heading Avenue? Traffic conditions along Lower North East Road, Campbelltown, are notoriously bad. Recently, there has been a change of bus routes which has worsened the situation to some extent. On the western side of Lower North East Road is the East Marden Primary School and on the eastern side are Campbelltown and Thornton High Schools. The road is, in actual fact, a very serious barrier to schoolchildren, in particular, seeking to cross either from the western side of Lower North East Road to the high schools on the eastern side, and *vice versa*. The establishment of a pedestrian crossing will greatly improve the safety of children who use the road. It will also benefit the nearby North Eastern Community Hospital and aged persons cottages.

The Hon. R.K. ABBOTT: I will undertake an investigation into the request made by the honourable member and report to him as soon as possible.

TAB SUBAGENCIES

The Hon. D.C. BROWN: My question is to the Minister of Recreation and Sport.

Members interjecting:

The Hon. D.C. BROWN: Surprise, surprise! How many of South Australia's 610 hotels were asked whether they were interested in establishing a TAB subagency before the two subagencies were approved for the Windsor and Belair Hotels? Why did the Minister consult with the Australian Hotels Association when the decision about the location had already been made? In his long Ministerial statement this afternoon the Minister still did not indicate how many other hotels were considered as—

The Hon. E.R. Goldsworthy: He said they visited a number.

The Hon. D.C. BROWN: Yes, but he still has not indicated how many hotels were considered besides the two that he finally selected. He has certainly not indicated which other hotels he actually visited. After reading through the statement made by the Minister I would like to clarify one or two very significant dates that he has given—that is if the Minister will listen.

Members interjecting:

The SPEAKER: Order! The honourable member for Davenport.

The Hon. D.C. BROWN: Thank you, Sir. This relates to the question. In his telephone conversation with Mr Barry Smith in early July 1983, to use the Minister's words, he said that a number of matters were discussed, including the need to consult with the Australian Hotels Association and possible locations where the experiment could be conducted. Later in the statement we find that the Minister indicated on 26 September 1983 that the TAB had formally approved the establishment of two subagencies in hotels—that is, at the Windsor and Belair Hotels. Then we find that on 19 October, more than 3½ months after the Minister said that he would consult with the AHA, he finally—and I point out that that was after the TAB had made its final decision—consulted or discussed the matter with the representatives of the Australian Hotels Association. That 3½ months appears to be an enormous time discrepancy, and appears to be almost a waste of effort if the final decision had already been made.

The SPEAKER: Order! The honourable member is not to debate the matter.

The Hon. D.C. BROWN: I ask what was the point of consultations when the final decision had already been made.

The SPEAKER: Order! I call the honourable Minister of Recreation and Sport.

The Hon. J.W. SLATER: I said previously that the Opposition was clutching at straws. I think the member for Davenport's question certainly proves that. There were consultations in that whole sequence of events. As a matter of fact, and I am relying on memory—

The Hon. D.C. Brown: Are you saying—

The Hon. J.W. SLATER: Wait on, you asked the question; please extend the courtesy of allowing me to reply. The AHA was familiar with the intentions of the TAB in this particular matter in, I would say, early July or August. The final consultation I had with the AHA was at its request to confirm the TAB subagencies.

NON-GOVERNMENT SCHOOLS

Ms LENEHAN: Can the Minister of Education state how the funding formula for non-government schools in 1984 differs from the formula that existed in 1982, and can he outline plans for funding non-government schools in 1985? I ask this question in light of several conflicting media reports which have appeared recently in the daily press. I refer, first, to the report in the *News* on 21 March under the heading ' "State aid under fire—too much going to high-fee schools," says report to Parliament'. Another report appeared in the *South Australian Catholic Weekly*, under the heading 'Government accused of cover-up', which states:

> The South Australian Government has failed to meet the legitimate needs of non-government schools in this State, and is now trying to cover up that failure. Mr John A. McDonald, Director of Catholic Education, said this yesterday.

The debate in the media has continued with an article appearing also in the *News* on 22 March. Under the heading 'Government "failed to meet school needs" ', it states:

> The President of the Independent Schools Board of South Australia, Mr W.M. Miles, said there was 'a very marked difference in funds received from Governments by children in the least needy category compared with the most needy'... The President of the Federation of Parents and Friends Associations of Independent Schools in South Australia, Dr G.L. Blanchard, said he would be the 'first to admit there was a bit of fat in the system'.

Will the Minister explain the policy in light of conflicting reports?

The Hon. LYNN ARNOLD: Before the last election we put a clear policy to the community of South Australia on non-government school funding, as we did on education issues generally. The point was made quite clear to all people in the non-government school sector. I went around and met with the various groups, so we were not trying to hide anything in small print, explaining exactly what we were going to do about funding to non-government schools.

First, we said that we disagreed with what was the then Government's policy, and what I presume is still the Oppo-

sition's policy, that would support taking payments to non-government schools from the 23 per cent figure of model standard school cost up to 25 per cent: we said that we would keep it at the 23 per cent figure. Secondly, we said that we would extend needs based funding principles. I say 'extend', because South Australia was the first State in Australia to have such a principle built into its mechanism for the disbursing of State funds. In about 1982 the least needy school received about 85 per cent per capita of what the most needy non-government school received. We said that that gap should be extended, and we spelt that out quite clearly before the last election to all bodies concerned. They knew where we stood and where they stood; they knew what the then Government's policy was, and they knew that that Government was still going to go to 25 per cent. Anyone who suggests we have been operating by stealth is quite inaccurate: we have been putting our message quite clearly on this matter.

When I came into the Ministry I had discussions with the Advisory Committee on Non-Government Schools, a committee made up predominantly of non-government school representatives, and I asked it to investigate how that needs based funding mechanism could be extended in this State. That committee presented me with a report in about May 1983, and decisions were made after that. I gave another guarantee to the non-government school sector on becoming Minister, and that was that no change to the funding mechanism would be made in the 1983 school year, because I appreciated that they had done their budgeting in late 1982 and that it would be unfair suddenly to change the funding half way through the calendar year.

The changes recommended by the Advisory Committee in Non-Government Schools (the Medlin Committee) were approved by Cabinet as an interim measure to be used in 1984, and they have in fact extended the needs based funding principle. I take an example of two schools of similar age structure, similar student body size, similar year level range and similar subject orientation, from the most needy category (category E) to the least needy (category A). In 1983 the category A school received 72c for every dollar that the category E school received, whereas, under the changed proposals, in 1984 the category A school received 60c for every dollar received by the category E school. When we accepted that as an interim policy, we indicated that the policy would be extended further and that Cabinet would make an announcement soon. Discussions within the Department and within the Government have been taking place, and I will meet with people in the non-government school sector this month so that an announcement may be made in May about what will happen in the 1985 school year.

It is essential that we recognise the value of needs based funding of non-government schools. Throughout Australia, many people suggest that the policy should not be followed, but we reject any attempt to do away with needs based funding principles. I also reject the proposition that the State Government is not helping the non-government school sector. I point out how much the position has changed over the past 12 years: from 1972 to 1984 the figure for the funding of non-government schools from the State Government coffers has grown from $250 000 to $23 million dollars: a 100-fold increase in funding made available. Nine years of that period was under Labor Governments, and one has only to look at the steady growth rate during that time. So, any suggestion that the State Government has not made money available to the non-government school sector should be rejected.

Further, it has been suggested that the figures in my reply to a question asked by the Hon. Anne Levy in another place did not take into account fully all the elements involved in the funding of non-government schools. When that question was asked and was referred to me for reply, I asked the Education Department and the Advisory Committee on Non-Government Schools to thoroughly research this matter, and the reply given through my colleague in another Chamber was based on what the Department and the Committee had given me. The advisory committee is made up of a majority of non-government school representatives, and I commend both the Education Department and the Committee for the thoroughness with which they researched that information to provide strictly relevant figures. The Government stands by its pre-election commitments on non-government school funding, and we will announce the next stage in May.

The member for Mawson quoted a statement by Mr Blanchard, but I point out that Mr Blanchard a few days after that wrote a letter to the press stating that his statement had been taken out of context, so I think it would be fair to have that on record in *Hansard*. I put to the non-government school sector the extension of the needs based mechanism, and on the whole I met with agreement that that is the direction we should take in this State. The Government intends to pursue that direction.

TAB SUBAGENCY

The Hon. JENNIFER ADAMSON: Will the Minister of Recreation and Sport say who arranged the lunch at the Windsor Hotel last August that was attended by the Minister, the former Chairman of the Totalizator Agency Board, the General Manager of TAB, a director of the hotel and the licensee? Further, who paid for the lunch? On *Nationwide* last Friday the Minister admitted that the lunch had taken place at least a month before he received a recommendation from TAB on the location of a TAB subagency at the Windsor Hotel, but today he said that the TAB staff research showed that the Windsor and Belair Hotels were the most promising locations. He further said on *Nationwide* last week that he, the Minister, had arranged the lunch.

In his statement today he said that the lunch was arranged at the request of the TAB. In the *News* last Friday the General Manager of the TAB, Mr Smith, was quoted as saying that the lunch followed a previous meeting between hotel management and the TAB's Marketing Manager. However, the hotel management has denied this. A director of the Windsor Hotel, Mr B. Henderson, has said that this lunch took place before the TAB made any official approach to the hotel about the subagency, and both in the *News* and on channel 10 last Friday the hotel licensee, Mr Girke, has said the same thing.

The Hon. J.W. SLATER: We are really nit-picking now.

Mr Ashenden: Give us another version.

The Hon. J.W. SLATER: Well, I do not have to give the honourable member—

The SPEAKER: Order! The question has been heard in silence, and I would ask that the answer be heard in silence. The honourable Minister.

The Hon. J.W. SLATER: Thank you, Mr Speaker. The lunch was at the request of the TAB management, by way of a telephone call. It was suggested (and I have already said) that Mr Merv Powell wished to join us. I was requested to arrange the lunch, which I did. I would not be sure who paid for it. I did not; that is for sure.

Members interjecting:

The Hon. J.W. SLATER: If we are going to be silly about all this, I remember that I had whiting and chips. Most of the conversation at the lunch was about old folks homes, which some members opposite ought to be in at present, considering the way that they are carrying on. People are getting confused, particularly the Opposition, about the

sequence of events, and are paying a great deal of attention to this lunch. I think that all of us from time to time are invited to lunch. I am afraid that I had better chop lunches out because it is starting to show.

As I have said already the lunch was at the request of the TAB. Merv Powell was a bit nervous about the subagencies, and I do not blame him for that after what happened when the member for Torrens was the Minister. We had the debacle involving the Riverton subagency, and he had reason to be nervous, the poor old chap. He wanted to attend, and the lunch was perfectly proper. We took the opportunity to discuss a number of matters, and one of the important things overlooked by the Opposition and its pimps and informers is that, in addition to the location, we had to ascertain whether or not the proprietor of a particular hotel was willing to conduct or be involved in the experiment.

GEMSTONE WORKING PARTY

Mr GREGORY: Can the Minister of Mines and Energy provide the House with a progress report on the activities of the Gemstone Industry Working Party?

The Hon. R.G. PAYNE: Fortuitously, I recently received a report from the Gemstone Industry Working Party on its current activities and am therefore in a position to provide the House with some information. The report outlines progress towards the formation of a Gemstone Industry Advisory Council, which, as the name suggests, would have the task of advising the Minister on matters concerning the industry as a whole.

Details of the proposal have been circulated to the opal mining communities of Andamooka, Coober Pedy and Mintabie, and I am happy to report that the working party believes that there is clear support in principle for the formation of such a council. Not surprisingly, the relevant association in each of the areas I have mentioned is looking forward to having representation on the council which has been set up, and I do not believe that that would be a problem. Each community has also raised a number of matters which require clarification, and the working party believes that this can be handled simply and that, ultimately, the proposal for a council will adequately reflect (and this is the important point) the views of the industry as a whole.

The Hon. Jennifer Adamson: What about Cowell jade?

The Hon. R.G. PAYNE: I will come to that in a moment if the honourable member will be patient. The other matter on which the working party reported concerns the continuing efforts to establish a gemstone centre in Adelaide. I have heard about this matter on and off over quite a few of the years during which I have been in this House, and I think that all members would understand that such a centre, although it is a complicated matter, would be of considerable assistance to the opal industry and, for that matter, perhaps to the jade industry, to which the honourable member referred.

Now that a decision has been made to site the casino at the Adelaide railway station development, an offer to the Government of rent free space has been confirmed. I think that this matter might date back as far as the previous Minister's time: I am not suggesting that I have carried out some sort of coup in this matter, and I support the former Minister's efforts in this area too. The ASER Investment Trust can provide about 2 400 square metres for Government use for activities that will generate public interest and attendance at these facilities. That area comprises more space than would be required for a gemstone centre, and I understand that another two or three attractions are being examined. Perhaps the wine industry might be interested in adding its support to the use of some of the space. The Trust is currently working with the Department of State Development on firming up these proposals.

Finally (and I thank the honourable member for her patience), I point out that the working party provided some preliminary details of the success of the opal and jade exhibition staged at the South Australian Museum during the Festival of Arts. I hope that the honourable member took the opportunity to go along and see that particularly fine exhibition of both jade and opal. Some 10 000 people attended the exhibition during the Festival of Arts period, and I understand that that is about the same number of people who attended an earlier exhibition at the Museum at which time no payment was required to view the particularly fine exhibits that were subsequently displayed again during the Festival. I suggest that that augers well for the future of the gemstone industry in South Australia.

WINDSOR HOTEL

Mr INGERSON: My question is to the Minister of Recreation and Sport. What action was taken—

Members interjecting:

The SPEAKER: Order!

Mr INGERSON: What action was taken as a result of the report of the officers of the TAB that indicated that an SP bookmaker was operating in the public bar of the Windsor Hotel? The report indicated:

> There was also evidence to support that an SP bookmaker was operating in the public bar.

The Hon. J.W. SLATER: It is not my prerogative to be a pimp and informer like some people, and, indeed, the action that needs to be taken is a prerogative of the police, not of the Department of Recreation and Sport.

ANTI-SMOKING CAMPAIGN

Mr KLUNDER: Will the Minister of Education outline to the House the type of programme that is in the process of being set up by the Education Department to stop youngsters in primary schools from smoking and taking up smoking? An article in the *Advertiser* this morning indicated that Government schools were being urged to stop students smoking, as part of a major State-wide anti-smoking campaign. Another article in the same issue of the paper indicated that the increase in smoking by women is seriously threatening their statistically longer life span, and that a foetus can be affected by the fact that its mother smokes. It was indicated on a radio programme last night that children are starting to smoke at a younger age, and that the younger a person starts to smoke the more dangerous is the habit to that person's health. Will the Minister indicate what steps his Department is taking in this important area of public health?

The Hon. LYNN ARNOLD: This is a very important programme, which I hope will be very successful in our schools in South Australia. It follows an earlier programme on which much of the current work is based. The earlier programme took place from the beginning of 1973 and was known as the 'Life wasn't meant to be wheezy' campaign. That was conducted in the Iron Triangle area and this document is available for any member of the House who would like to see it. That trial programme was considered to be successful and as a result it was decided to extend and develop the programme with this new programme 'Quit for Life', which is now being carried out in conjunction with the Health Commission and the health education project team. There are three phases of this school-based programme: first, the production and trial of materials; secondly, the in-

servicing of teachers to use those materials and to do the work in the classroom; and, thirdly, phase 3, implementation within the schools after teachers have attended the in-service workshops. The in-service phase will consist of about 15 workshops conducted in various parts of the State. They will cover—

The Hon. Michael Wilson interjecting:

The Hon. LYNN ARNOLD: They will be about one-day programmes, held in various parts of the State and incorporating primary, secondary, country and metropolitan schools. They will tie in with the production of support materials and video materials by the education technology centre, the Health Commission and the health education project team, which will be available for teachers to use in the classroom.

The design of this curriculum requires a lot of attention because one wants to make sure, when educating in the classroom to encourage people to stop smoking or not to start smoking in the first place, that that would be the outcome of the effort. That may sound obvious, but all too often the danger with education in this arena is that it can cause the problem of educating people to smoke and encourage experimentation. So a lot of work has gone into the construction of effective and social factors in this arena.

The Hon. H. Allison interjecting:

The Hon. LYNN ARNOLD: The member for Mount Gambier referred to sex education. Does that mean that the member is going back to the policy of the former member for Brighton on this matter—an absolutely outrageous comment:

Members interjecting:

The Hon. LYNN ARNOLD: I want to know the reason for that interjection in the first place. This matter was the subject of a lot of thought by teachers in the field in working out the best curriculum design to achieve the real objectives of the course. Students will undertake their own survey to find out about smoking habits in the community, to experiment and demonstrate the short-term effects of smoking on the human body (a number of experiments are listed in the documentation, including this one), to work through the means by which someone could help someone else to stop smoking, to examine hidden messages found in advertising, to work through peer group pressure problems and learn how to say 'no' without losing face (and that can be done by role play and other problem solving techniques), and to work through situations that enhance self-concept and assertiveness to improve their coping behaviour.

We believe that that will offer real opportunities to reduce the incidence of smoking in young people (and we have to acknowledge that many young people are smoking) and to enable others not to feel forced into taking up smoking. I hope that all members will take an active interest in this campaign, follow it in the schools which will be involved in their electorate (and a large number will be involved), and offer what support they can to this programme.

STATE FLAGS

Mr MEIER: Will the Premier give an assurance to this House that an allocation of State flags will be made available for free distribution to schools and certain other organisations in South Australia in the new financial year? In making requests to the Department of the Premier and Cabinet for State flags to issue to schools, I have been informed since late last year that the supply is depleted and that there are no plans to replenish the stocks. In February I brought this matter to the attention of the public and consequently the following response from the Premier was reported in the *News* of 9 February 1984:

Mr Bannon said the previous Government bought 750 State flags in 1980 and gave 500 of them to the Education Department for distribution to schools.

However, there still were 400 schools which did not have flags, and the cost of providing them all with a flag was about $16 000. Cabinet had decided there would be no allocation for flags this financial year.

Since this matter was reported, I have been contacted by two suppliers of flags. Concern was expressed that this Government did not appear to be interested in promoting the State flag and, consequently, in promoting pride in our State.

According to one of the flag manufacturers, the cost to a member of the public for an average size flag would be just over $50, whilst the cost to the Government would be just under $40. Hence, an outlay of $16 000 would overcome the present backlog in schools. This figure in a total Budget of $2 000 million is only .0008 per cent—an infinitesimal amount.

Members interjecting:

The SPEAKER: Order!

Mr MEIER: I ask the Premier to reconsider his earlier decision not to provide State flags free of charge to the eligible organisations under the previous scheme.

The Hon. J.C. BANNON: I am always interested when members opposite ask the Government to expend some more money. It contrasts very strangely with their attitude about raising revenue to try to pay for these bills. I also make the point to the honourable member that it is all very well to say that the cost would be just $16 000, but these small amounts, of course, can build up over time. There are a whole lot of demands of this nature from all sorts of worthy bodies and causes. If one begins to sum up from all the areas from which they come, one finds that they can amount to a massive expenditure.

I hope that the honourable member would agree that as Treasurer I have some responsibility to look at even some of these smaller allocations. The fact is that the previous Government embarked on this scheme and from what I understand it somewhat regrets that it did so without doing the proper costing or analysing what was involved. Too often that characterised some of the schemes of the previous Government, and it is one of the reasons we are in this parlous financial situation. Nonetheless, a number of those flags were made available and any member at that time who asked for a flag for a school in his electorate would have been given one.

The offer was made by the then Premier that if a school requested a flag and if members asked for one they would be made available, which they were. But I think there must come an end to that process, in particular as we go into a phase where people are asking for replacement flags. I do not know about the position in the honourable member's electorate. I was not sure whether, in fact, applications were made at the time, but I would suggest that he does, for instance, what I am doing—I am presenting a flag this Friday at one of the schools in my district for which I have paid the amount of $41 from my Parliamentary allowance, which is granted to us all as members of Parliament by the remuneration tribunal.

Members interjecting:

The SPEAKER: Order! I call the member for Ascot Park.

BUDGET STRATEGY

Mr TRAINER: Will the Premier inform the House whether the 1983-84 Budget strategy is on course? In the financial statement delivered on 1 December 1983, the Premier indicated that a principal component of the Budget

strategy was to stimulate activity in the building and construction industry, particularly in the housing sector.

The Hon. J.C. BANNON: The member raises a question that, in fact, has been raised fairly frequently. I repeat again to the House that the Budget strategy is on course, as indeed (according to all indications at the moment) is the end of year financial result as budgeted. Of course, there are variations. I will bring an Estimates Bill into the House at the beginning of May which will show some of those variations. But where there has been some increase in receipts it has been matched by some increase in expenditure, and where capital payouts have been higher in some areas, they have been lower in others.

The overall effect I believe will be to achieve the sort of Budget result we planned. Most importantly the key feature of the Budget strategy, as the honourable member mentioned, was what we were doing with housing. I think it is fair to say that there has been some spectacular success in that area. My colleague the Minister of Housing and Construction is now presiding over one of the most exciting and active housing construction programmes that this State has seen in over a decade. It is that which, as we said in the 1982 election campaign, was going to be a leader in the recovery of employment and economic activity in this State.

The latest ABS estimates of new dwelling approvals for South Australia show that the February 1984 figure is 75 per cent higher than was the February 1983 figure. Only once in the previous decade did the February figure exceed the 1 076 approvals which were recorded on this latest figure. An important factor is that while in the early stages of the housing industry revival the main impetus for the increased activity seemed to stem from the public sector (and that, of course, was a conscious decision embodied in the Budget under the programme that the Housing Trust and the Minister of Housing and Construction managed in the public sector), it is now the case that increased activity has picked up in the private sector and has overtaken the public sector activity, and that is a good thing. It appears that about 10 000 private dwelling approvals may be achieved in 1983-84, along with the budgeted Government dwelling approvals as brought down in the Budget.

A few days ago the Federal Minister for Housing and Construction released the March 1984 Report of the Indicative Planning Council for the Housing Industry. That council forecast that dwelling commencements in South Australia are likely to be about 11 500 in 1983-84, which would be 40 per cent higher than the previous year's level. Whether or not that is actually achieved, of course, depends on many factors but it is certainly a high level. In fact, such is the level of activity that my colleague has already reported to Cabinet his concern that the industry does not become overheated. However, he is confident that sufficient controls can be introduced into the supply of housing to ensure that we do not overheat in this financial year and subsequent years but can level out at a level of activity that maintains a high plateau, which means that the spectacular improvements we have seen in the past 12 months are not going to continue in terms of increment. Equally, it means that we will have a high base of housing construction both in the private and public sectors which will maintain economic activity in this important area well into the rest of the decade.

CAR PARK SUICIDES

Mr BAKER: Will the Minister of Local Government approach the Adelaide City Council about the erection of safety screens for the Rundle Street car park? Members might be aware of a number of suicides from the Rundle Street car park over the past three years. I am particularly concerned about this, and I have noted that an earlier recommendation of the City of Adelaide was to provide safety screens for the car parks. I contacted the Adelaide City Council about this matter, and I have now received a reply which seems to indicate that it is not going to carry out what I believe was its original undertaking to provide safety screens. The letter states (in part):

> Please be assured that the suicide incidents occurring at city car parks are a matter of mutual concern and that positive action has already been taken to alleviate the problem.
>
> Preventive screens are currently being installed for evaluation purposes at Gawler Place car park. Completion of these installations is expected by the end of this week.
>
> The Lord Mayor called a media conference on 17 February 1984, aimed at the moderation of reporting on suicides which is seen as one of the contributory factors. This conference served to clarify the positions of council and the media and subsequently resulted in the adoption of a position paper, which concluded that the responsible course of action for council is to:
>
> > Seek an agreement from all forms of news media to confine future reporting on suicide incidents in the city, unless exceptional circumstances exist, to the minimum necessary to record the event for a period of two years so that the effects of reduced publicity can be properly investigated—
>
> which means keeping the lid on it—
>
> > As a matter of policy require all future car parks erected in the city to incorporate adequate deterrents to potential suicides in the basic design.

Since the position paper was prepared by the Adelaide City Council two further suicides have occurred at the Rundle Street car park, making six suicides in the past nine months, and one at the Gawler Place car park, where a screen is being erected. I consider this to be a matter of great concern. It has been brought to my attention that the council appears to believe that by the news media's saying nothing about this matter people will stop jumping off the top of the car parks. The two recent deaths would suggest at least this early assessment was incorrect.

The Hon. G.F. KENEALLY: My predecessor had discussions with the Adelaide City Council about this very vexing problem; I have also had discussions and those discussions are continuing. The honourable member asked whether or not I will have discussions with the council. The answer is that discussions are taking place. I believe that one of the points made by the Adelaide City Council has some validity: it is historical not only in Australia but elsewhere that, if a certain building or place is named as being a place where suicides take place, it seems to encourage people to go there to commit suicide. That is unfortunate and it is sad, but I think the record quite clearly indicates it to be true. The fact that the Adelaide City Council has explained this to the honourable member ought to have been clear enough evidence to him that the media in South Australia has respected the request of the Adelaide City Council, because it obviously believes that the point has been well made. For the honourable member to raise this matter here in the public forum of the South Australian Parliament, in contravention of the tacit agreement reached between the Adelaide City Council and the media, seems an indication on his part that, despite the very responsible action that those two bodies are currently taking about what is a very difficult problem, he wants to blow the whole thing sky high in the media. I really do not think that is the sort of action I could support. In answer to the question, yes, discussions have taken place and they will be continuing.

YOUTH HOUSING

Mr HAMILTON: Can the Minister of Housing and Construction state the steps being taken by the Government to alleviate the problems faced by many young people seeking

accommodation? Recently the *Advertiser* featured a story about a 17-year-old girl who claimed that her landlord had demanded sex with her if she was to stay on as a tenant. I understand that this 17-year-old lass refused and left those premises. Channel 10 ran a news item wherein it was claimed that young people slept in toilets and old cars and also had to submit to sex to achieve a roof over their head. I further understand that on that same programme a Salvation Army officer expressed his grave concern for the moral safety of teenagers in similar circumstances who are subjected to these outrageous types of sexual harassment.

The Hon. T.H. HEMMINGS: If the report in the *Advertiser* was true, it reflects on the morals of certain people in our society who prey on the misfortune of some young people. Of course, the Government is aware of the problem of homelessness and the problem that young people face when seeking accommodation. Whilst the answer I am going to give on measures being undertaken by the Government does not help all those people, it does illustrate our concern and the attempts we are making to help these people.

It can be said that the South Australian Government has achieved more than any other State in the provision of housing assistance for single young people. In the year to January 1984 over 6 000 young single people received assistance from the Emergency Housing Office. There was increased assistance to youth shelters under the Youth Services Scheme so that South Australia's total allocation is up by $130 000. Around 1 500 non-aged single people were in receipt of rent relief by the end of 1983 (nearly one-third of all recipients). The Housing Trust has leased 58 dwellings to community groups for use as youth accommodation and 31 dwellings are directly leased to groups of young people in emergency need.

GRIEVE REPORT

The Hon. D.C. WOTTON: Can the Minister of Emergency Services say why Cabinet did not support at least two of the recommendations in the Grieve Report which dealt with the establishment of an independent element dealing with complaints against police? The first recommendation was that which would have appointed a judge or retired Supreme Court judge for five years, answerable to Parliament as Police Ombudsman. Will the person appointed be answerable to Parliament? Why did Cabinet decide to extend from 28 days to six months the period during which a complaint could be lodged after the subject of the complaint had become known?

The Hon. J.D WRIGHT: It is rather unusual for a Minister to divulge the reasons for a Cabinet decision.

The Hon. D.C. Wotton: There must have been reasons.

The Hon. J.D. WRIGHT: I do not think the honourable member is entitled to know those reasons. We have made public announcements about those circumstances. I have never known any Minister in this Parliament or in any other Parliament to say why Cabinet came to a certain decision. That is the decision of the Cabinet and of the Government of the day. I have nothing to hide in this matter and I am prepared to talk to the honourable member privately about it if he wishes, but I do not think it is proper in the circumstances for a member of this Parliament who has had experience as a Cabinet Minister to ask why Cabinet made a certain decision. The decision has been made clearly, announced publicly, and accepted publicly. I do not intend under any circumstances to divulge in this House the reasons for a Cabinet decision. I will divulge decisions but not reasons for making them.

COMMONWEALTH POLICE ACTION

Ms LENEHAN: Will the Minister of Community Welfare ask his colleague the Attorney-General to initiate discussions with the appropriate Commonwealth Government authority in respect of the provision of limited powers for State police to enforce Commonwealth judgments such as restraining orders? It has been brought to my attention by a distressed constituent that a restraining order that had been made under the Family Law Act (1975) can be enforced only by the Commonwealth Police. My constituent had suffered great distress when, on contacting the State police at the weekend, my constituent discovered that, although the State police were sympathetic and understanding, they did not have the power under the present law to enforce the Commonwealth restraining order.

The Hon. G.J. CRAFTER: I thank the honourable member for drawing this matter to the attention of the House by way of a question. I do not know the nature of the order referred to. There have been recent amendments to the Family Law Act that may solve the problems to which she refers. I shall have the matter referred to my colleague for his consideration.

HILLS RAILWAY LINE

Mr EVANS: Has the Minister of Transport been involved in, or is he aware of, any discussions held between the State Transport Authority and Australian National regarding the future of the Hills section of the Adelaide to Melbourne line? I have heard that the Hills line is to be run down and another line constructed north of Adelaide.

The Hon. R.K. ABBOTT: The honourable member is referring to the standardisation of the Adelaide to Melbourne railway line. A plan has been prepared by Australian National and officers of the Victorian Railways Department to standardise the line between Adelaide and Melbourne via Geelong, and several options have been considered.

At 3.10 p.m., the bells having been rung:

The SPEAKER: Order! Call on the business of the day.

PLANNING ACT AMENDMENT BILL, 1984

Adjourned debate on second reading.

(Continued from 21 March. Page 2669.)

The Hon. D.C. WOTTON (Murray): When matters relating to planning are being debated, it is rather customary for members to steer away from the subject or not to become involved in the debate because of the complexity of the subject. This principle has certainly been recognised over a long period. The Bill before members is no exception, because it is extremely complex and its technical complexity is causing considerable confusion in the community at present. I have been amazed since the end of last week to receive communications from people who are just learning about the introduction of this legislation and are trying to seek legal and other opinions and getting a mixed bag of information on the meaning of the provisions of the Bill.

The Hon. D.C. Brown: They have come to one conclusion: they do not like it.

The Hon. D.C. WOTTON: Yes. The general attitude in the community is that people do not like what they see in the Bill. The second reading explanation appears to be misleading. More than anything else I am concerned about

the lack of consultation on this subject. From time to time, and certainly while members of this Government were on the Opposition benches, we heard about the need for improved consultation. This Government in fact came in on a policy of upgrading and improving consultation between the Government and interest groups on the various subjects relating to legislation and other matters of policy coming before the House.

I am not surprised, but I am very much concerned, to learn that people involved in real estate or in development generally knew nothing about this legislation until it came before the House. Further, I am concerned that the Government was hell bent on having this Bill debated in this House last week. That was what was planned. The Bill was introduced a week last Thursday and the Government wanted it debated last week. Indeed, there was argument from the other side. I was involved in discussions with the Deputy Premier, the Minister for Environment and Planning, and the Deputy Leader of the Opposition regarding last week's legislative programme, and it was indicated then that the Government would like to have this matter debated and disposed of by the end of last week. However, that would have made the situation even more difficult than it appears to be at present on the part of those who knew very little about it and were trying to get advice and help on it.

There has been no consultation. I presume that there was with the Conservation Council, which seems to know about it and has a strong opinion on it. However, the bodies and associations representative of other areas within the planning portfolio knew nothing about it whatsoever. As I said earlier, we are becoming accustomed to this, but I hope that the Government would recognise the problems that come out of this lack of consultation. It is rather interesting, with the amount of legislation that has been introduced in the past couple of weeks, that so much of that legislation has been amended by the Government when it comes into the House. From the time that the legislation is introduced to the time that the debate actually takes place, I guess because people who were not consulted previously have come to learn about it and have put a position before the Minister.

As a result, it has meant that the Government, or the Minister involved at the time, is responsible for bringing down amendments to its own legislation. This is a very untidy situation indeed, and I repeat that I am sure that it is the result of lack of consultation. The situation is rather untidy as is the way in which that measure has been brought down. I think that we know why it has been brought down, and I will refer to that a little later. However, because of the review of the Planning Act (that review has been completed and I understand that the report has been dealt with by the Minister) I would have thought that the provisions which we are considering now might be dealt with when the total package came before this House, whenever that might be.

I hope that it will not be too long before we are able to determine which direction the Government will take concerning the review. I hope also that, when the time comes for that legislation to be brought before the House, ample opportunity will have been provided for consultation. I know that that is so regarding the overall review. However, I hope that there is also consultation provided once the Government or the Minister of the day has determined where they want to take that legislation, and that this will occur from the time that the Bill is drawn up. However, regarding the measure we have, it is rather a pity that if this is the direction the Government wants to go it could not have been included in the total package following the review of this legislation.

The reasons for introducing the Bill are understood. The regulations that were brought down a short time ago to control vegetation clearance in this State have brought with them certain problems. We are aware, through media comment and certainly through local comment—particularly from Kangaroo Island—of the problems that are being experienced there in regard to the alleged illegal clearance of something like 1 000 hectares of native vegetation on one particular property. I will not go into a lot of detail regarding that situation: I am sure that it will be picked up by my colleague the shadow Minister of Agriculture, but I am certainly aware of the concern being expressed about what has happened on Kangaroo Island and about what is happening also in other parts of the State.

The Liberal Party has recently brought down its policy on vegetation clearance, and it has been made known in this State. We certainly recognise the need for there to be some regulation concerning the clearance of vegetation. We also believe strongly that the need for compensation needs to be taken into account, and because we have gone into that matter in some detail previously it is not my intention to go through it again other than to say that it seems to be somewhat of a coincidence that I understand that the matter is being dealt with in the courts today, and here we are in this House, with the Government attempting to get this legislation through in the hope that it will overcome the problems in that particular case.

Whilst it might solve the Minister's problems in that regard, in the view of a lot of people in the community it will cause other problems when it comes to planning procedures regularly, particularly as they have been known in the past. The Minister looks surprised about that. I would be rather surprised if he has not received representation from some of the groups to which I will refer a little later in this debate. I would be surprised if some of those people have not made contact with him. I can assure him that, if they have not already done so, it will occur between now and the time that this matter is taken to another place for debate. As I said earlier, in the majority of cases very few people in the community really know what this legislation is all about.

I presume that that is the reason why it was hoped to have the measure debated here last week, out of this place and dealt with in the other place. I have also indicated that, recognising the matter of vegetation clearance, we as a Party have brought before this House previously our policy on this matter. As I said earlier, the shadow Minister of Agriculture will have more to say about that matter. The proposal to repeal section 56 (1) *(a)* is regarded by a lot of people as a serious and final deprivation of property rights, and I tend to agree with that. I have certainly sought legal opinions on this matter, and I must admit that the legal opinions that I have received are somewhat varied on what this legislation is really about.

The Minister acknowledges that, and I presume that he is getting some varied advice as well, because the legal advice that I have received recently is very varied indeed. I have had considerable comment from bodies, organisations and institutions that have a very real involvement in this matter, and I will refer to some of them. However, before I do I suggest that there is enough evidence within the general public at large to suggest that these proposed amendments should be opposed. I am quite certain that the general public is not aware of the ramifications of the proposed amendments, and I am certainly aware that sufficient time has not been given to the bodies representing the various aspects of planning and real estate to comment properly or argue their case, and it is a great pity that this is the situation.

It seems quite inappropriate, and some of the comments that have come from the different organisations representing planning and real estate interests have made particular ref-

erence to the matter of penalties, as proposed, of $1 000 for each day for which the illegal development continues before conviction. I know that similar provisions apply in other legislation but that does not mean that they are necessary in this case. I know that such provisions would get the Minister out of the problems on Kangaroo Island and elsewhere, but, although it might satisfy the Minister and the Government, the Opposition is certainly not satisfied that it is necessary to go to that length. The Minister might like to indicate just what evidence or proof is available in regard to a supposed offender until a court determines whether or not he is guilty of an illegal development. I certainly have not been able to determine that, and I would be interested to hear the Minister's comments.

Further, the matter concerning the period of 10 days may be completely irrelevant, because I would think it would nearly always take more than 10 days to achieve a court determination. The matter of reinstatement, particularly in regard to an offence of illegal clearance of native vegetation or demolition, could make such a penalty provision meaningless. In the case of illegal clearance of native vegetation, for example, does the proposal require the payment of a fine until the native vegetation has regrown? A number of questions need to be asked and answered in relation to these matters. One of the institutes has written to me indicating some concerns, one of which is that it can be disputed that the philosophy of the Planning Act is essentially different from sections 36 and 37 of the repealed Planning and Development Act. Under the new Act the word 'development' has much greater ramifications and connotations by definition than those which apply in normal use of common language and as used previously under the Planning and Development Act. Rather than referring to activities such as demolition and vegetation clearance as development they involve a reduction or diminution in the use of land; perhaps a more apt description may be undevelopment or anti-development. Perhaps separate regulations could apply to these two different aspects of development.

The organisation which contacted me is of the opinion that the ramification of the proposed amendment is extremely broad and wide ranging and that it will affect many properties, involving millions of dollars. It is not convinced in regard to the statement in the report that the Planning Act does not control the use of land but is concerned only with changes in the use of land, and believes that the existence of the development and planning regulations as an integral part of the Act do control the use of land. Therefore, I suggest that a major reason for the opposition to the repeal of section 56 and to the associated amendments is the retrospectivity element. This matter has been referred to by a number of people who have contacted me expressing concern about this legislation.

Regarding the retrospective element, many people or companies may have gone down the track of purchasing properties under the protection of the present provisions in the belief that they had scope for expansion of either use or the actual building structure. By deleting the provisions of section 56 those people who have made a conscious business decision previously will now I presume, as a result of this legislation, be barred from exercising their formerly existing prerogative. It has been put to me that it is not sufficient to say that they will still have a right to apply to council under the new construction of the word 'development' or to go to planning appeal because of that right that exists, and that it should not concern retrospectivity. The Minister may wish to comment on that matter.

It is further contended that property should not lose its existing use rights in a non-conforming zone, particularly when land use has been discontinued for more than six months, because there is always the possibility of valid reasons why that may occur. It is suggested that if the property is vacant for more than six months there should be no loss of rights of continuing use if a previous genuine attempt to market or sell the property has been engaged in or commenced prior to the expiration of that six-month period. In the past the only way that owners have avoided this ridiculous situation has been to continue a trifling occupation of the vacant premises, just to be seen to be conforming to the requirements. It has been put to me that, if the philosophy of the Planning Act is not to affect the use of land or changes in the use of land, why change the existing system whereby the market place invariably determines the removal from certain areas of the so-called noxious use of land, either through the effluxion of time or through other market forces?

Questions need to be asked: who is prepared to pay for compensation for those individuals who have made a purchase of real estate of an undeveloped site in a non-conforming zone, believing that expansion of the premises was protected under existing law? In the negative situation, where illegal demolition or removal of vegetation has occurred, how can reinstatement be enforced by the suggested changes? For example, why should the replacement of vines in a consent use situation constitute development, and hence require the owner to proceed through the process of application associated with consent for development, when it is only a replacement of existing structure and/or use of the land? Another element of change has occurred with the introduction of the Planning Act and its new regulations, particularly in regard to development plans. In many cases local government authorities have taken the opportunity to alter not only zone boundaries but also their use group table. Hence, many local authorities have zones which have not one permitted use in them, requiring every slight change in the use of land to be regarded as development, thus involving the lengthy, time consuming process of bureaucratic applications, advertisements, and so on. We are aware of some of those problems involved. At least some protection was afforded in this situation under the provisions of section 56.

As I have said before, it is believed that many more ramifications than those I have mentioned will come to light should the proposed amendments pass. An established legal framework exists with the relevant courts, and any necessary changes will entail a whole set of legal guidelines and precedent cases. As I have said on a number of occasions in regard to legislation that the Minister has brought before the House (it is certainly the case with the clean air legislation which was before the House only last week), the Liberal Party believes that we should be doing everything that we can to encourage industry by providing certainty in regard to operating in South Australia and that we should not be making it more difficult or provide more uncertainty as far as industry is concerned.

We recognise that that is happening in this situation. Another submission that I received, again expressing grave concern on this matter, suggests that this proposal is a substantial imposition on property owners. It indicates that the proposal would extend the application of the Act even further into land management, which is not an appropriate function for planning legislation at all. While there may be occasional cases where the continuance or recommencement of a particular use of land occasions a nuisance to neighbours or the public, the proposal seems unnecessary to deal with them, as other remedies are available. It seems as if the aim is to force the pace of change for existing land uses to permissible new use and to make the new requirements retrospective, or retroactive. While I can only guess at the effect on property values, I would suggest that it may be significant and adverse and, if it is, development could be

discouraged, there could be ramifications on industry and development in this State generally, and related activities could be slowed down.

The proposal seems undesirable because it could make the basis for planning individual projects even more uncertain than it is at present. It would certainly increase the amount of wasted painstaking design effort if the rules changed half way through the design process. Another question that needs to be asked of the Minister is: is it fair to penalise someone for taking or continuing a course of action before it is established that the action is an offence? It appears that this proposal is related to clauses 3 and 7, to which similar arguments will apply.

Different letters and comments have been received from people in the legal profession. One letter that I received was from Mr Fowler of the Law Department, University of Adelaide, who, I am aware, is supporting the Government's move. It took a litle time to determine that: I had to read the second page of his letter twice before I realised that—perhaps that is just me. However, what Mr Fowler says backs up my concern about this legislation. He states:

> Once section 56 (1) *(a)* has been removed, the result will be that any activity which constitutes 'development' of an existing use will require planning approval, even though it is not a change of the use of the land. That is to say, the other aspects of the definition of 'development' (besides change of use) will apply, whereas previously they have not because of the statutory guarantee of protection for existing uses which overrode all other provisions of the Act. Any new construction, conversion, alteration of or addition to a building, or any other act or activity declared at any time by regulation to constitute development, even though related to an existing use and not amounting to a change in the use of that land, will require planning consent, if section 56 (1) *(a)* is removed.

Obviously, Mr Fowler thinks that that is a good idea: I do not agree with him. I know that there are many people who do not agree with him, and I guess that that is what this debate is all about. Mr Fowler further states:

> I am certain that the technical complexity of the approach adopted by the Government will serve to cause some confusion to those involved in the debate on its effects, because its end goals are not plainly apparent from the amendment itself.

That is an understatement, because there are very few people who realise what this is all about. He also states:

> I think one other general point should be borne in mind . . .

The Hon. D.J. Hopgood: What about the bit in between?

The Hon. D.C. WOTTON: I have already said that Mr Fowler is supporting the Government: I make no bones about that. I could read the whole of his letter into *Hansard* but it is not necessary for me to do so. I appreciate the fact that Mr Fowler believes that this is a good move on the part of the Government, and he is entitled to his opinion, as I am to mine. I will not read the whole of the letter, but I will read the second-to-last paragraph, which states:

> I think one other, general point should be borne in mind. Leaving aside the emotive context of vegetation clearance controls, there is the wider consideration that existing use protection has long been a part of our planning system for the purpose of protecting established property rights on the assumption that such rights would phase themselves out gradually over the longer term.

We have not had major problems because existing use protection has long been a part of our planning system for the purpose of protecting established property rights. That has been a good thing, and I argue that it should continue. In my opinion, not enough evidence has been presented to convince me that the system should be changed, and the only evident one relates to the Minister's problems regarding vegetation retention. Many other problems arise as a result of that decision having been taken.

The Opposition will totally oppose this legislation. I will be interested to hear the Minister's reply. There are a number of members on my side of the House who intend to speak on this legislation, and I will be interested, as I know many outside organisations and individuals will be interested, to learn what the Minister has to say. Further representation can then be made when this Bill goes to another place. Evidence has not been presented to me that would suggest the necessity of going ahead in this way. It would appear that the Minister is acting like a bull in a china shop and that problems will be created in the community generally when there is no necessity for it.

Some weeks ago an article by John Chappel appeared in the *Advertiser*. John Chappel's views on this matter are well known. He is not afraid to say what he thinks and quite often his articles are stimulating and cause quite a bit of public comment. Certainly, the article under the heading 'Property rights, what property rights?' has caused comment, because it was the first indication to a lot of people in the community that the Government was moving in this direction. I will refer to parts of that article.

The Hon. D.J. Hopgood: Spare us!

The Hon. D.C. WOTTON: It is all right for the Minister to say 'Spare us'. I believe that there are many people in the community who feel the same way as John Chappel. Perhaps the Minister should take a little more notice of people like that who have been in the profession for a very long time and who have had an enormous amount of experience. But let us see what John Chappel had to say:

> One of the last remaining . . . property rights enjoyed by South Australians may disappear at the next sitting of Parliament when section 56 (1) *(a)* of the Planning Act could be deleted. This section, which relates to the right to continue existing uses on property is, I believe, a fundamental human right. It is the right to continue to use any property for the purpose for which it is used at the date of the introduction of legislation.
>
> It enables offices, shops and factories to continue to exist in areas subsequently declared to be residential, and likewise for present residences to be maintained in areas where they are no longer permitted by law . . . Clearly defined rights to expand such premises were removed under the Act . . .

I know that Mr Chappel made considerable representation when that legislation was introduced. This, in itself, according to him, was regarded by those affected as a major infringement of established and expected rights. He further stated:

> Following hard on this deprivation, the repealing of section 56 (1) *(a)* seems to reflect a growing disregard for cherished liberties and property rights. After all, if all rights associated with property are removed the effect is tantamount to confiscation . . . The effect of the above proposed amendment will be a step towards the removal of all rights of use of any property except through consent obtained from a council, planning authority, or other bureaucracy.
>
> Concern has been expressed in recent years at the gradual erosion of various property rights under the banner of environmental control and protection. However, one right has always remained inviolate and that is the right of continuing existing uses. I know of no planning law in the world (or the Western world at least) that does not recognise this basic planning principle. . . In the past, rights of property have been recognised as a fundamental human right, and as such have been included in human rights declarations in many countries.
>
> For example, the Canadian Bill of Rights and Fundamental Freedoms states: 'The right of the individual to life, liberty, security of the person, and enjoyment of property, and the right not to be deprived thereof except by due process of the law.' For several generations, migrants from all parts of Europe and elsewhere have been drawn to Australia by the prospect of readily available home ownership for all citizens.
>
> In more recent times people in all parts of Australia have been persuaded to relinquish some of their rights by legislation aimed at 'protecting the environment' and 'promoting orderly development'. However, the proposed virtual removal of all 'rights' relating to property ownership and their substitution as 'privileges' will greatly concern many people.
>
> The move to delete section 56 (1) *(a)* is being justified by the recent failure of the Department of Environment and Planning to prosecute a Kangaroo Island farmer for clearing scrub on his own property. Clearance of any person's land is proposed to be no longer a right but a privilege to be granted at Government discretion, and without compensation.

The Hon. Ted Chapman: Government licence!

The Hon. D.C. WOTTON: It is Government licence. Mr Chappel continued:

> Clause 56 (1) *(a)* must allegedly be deleted to expediently achieve this end. However, experts I spoke to considered the actual effects to be much more far-reaching. While most people will applaud and support the need for conservation measures to be taken many are critical of the enormous cost burden cast indiscriminately on some individual land owners by the arbitrary removal of rights without compensation (similar attitudes are supporting legislation to deprive the owners of heritage buildings of development rights without compensation being paid).
>
> A side-effect of both these moves is the growth of powerful bureaucracies to administer and enforce them . . . With this philosophy in mind it is easier to understand how property rights, as such, are about to be finally removed from South Australia's Statute Book.

He is a little pessimistic there, because I have been told that the Government doubts whether this legislation will pass through the Parliament in any case.

An honourable member interjecting:

The Hon. D.C. WOTTON: We will see. I recognise that we will not be able to change the direction that the Government would take us with this legislation in this House, but we will see what happens in the other place. John Chappel concluded by saying:

> I believe it will be a sad day for the State, and for Australia generally, if this legislative change succeeds. As a South Australian who has always valued the Australian tradition of home ownership, reasonable property rights and personal freedom. I am appalled at the apparently casual approach to the abolition of an established and cherished human freedom.

I think that much of what Mr Chappel says in that article is right on, and that concern about this legislation is being expressed by many people. I believe that the legislation is Draconian. It will not be welcomed by the majority of people in the community. Those who know about it have had the opportunity to express their views to me and will continue to do so between now and the introduction of legislation in the Upper House. The Opposition does not support this Bill.

Mr MEIER (Goyder): It seems to me that this is a panic Bill, brought in because the Minister realised that the vegetation clearance controls which came into operation some time ago were imposed in far too much haste. The reaction to those controls has been very negative and has set South Australia back, rather than taking it forward. For example, rural producers have told me that, whereas they would go out of their way to plant native vegetation on their property, now they are very reluctant to do so, because they know that they will have to seek approval to clear land if they have large expanses of vegetation in the future. They have said that to play safe they will not plant native vegetation. If vegetation clearance controls produce that type of reaction, they were brought it too hastily, and that is a great tragedy for this State.

Of course, we could look at other States and see that there have been negative results. It seems that the Bill before us would introduce another measure which would mean that planning will be even more important. In fact, I suppose that South Australia could be looked at as 'South Australia—the planned State' because there seems to be a plan for everything. I believe that this Government is going overboard with its planning. The freedom of choice that existed and the openings for individual initiative are disappearing. It is a great shame that, when our State, the central State, needs every bit of help it can get, we see another Government move to try to restrict development if it does not come within the ordered plan. This Government is determined to make sure that nothing occurs without its knowing about it, or at least the respective Government departments knowing about it. I am sure that the paper industry must be making a fortune these days from the printing of more and more forms. In this Session in the past two weeks we have seen several Bills introduced under which more forms will be the order of the day.

Mr Ferguson: That is very good for the printing industry. There should be more of it.

Mr MEIER: I mentioned the paper industry, but it would include the printing industry. I do not believe that that is the way to stimulate the economy in this State. Indeed, it seems that it will severely restrict development of our economy and that it will cause hardship at the same time. This Bill proposes to increase the maximum penalties under the provisions of various sections of the principal Act. In his second reading explanation the Minister stated:

> In order to discourage . . . continued clearance of native vegetation, it is proposed to allow a maximum penalty which increases for the length of time a breach of the Act continues. This is particularly important where an illegal activity continues for a lengthy period prior to a court decision, especially where the monetary benefit gained by the defendant from the illegal activity exceeds the maximum penalty of $10 000 . . .

That sounds fine and it looks as if it will be a great protection for the State but I believe it could well hit the small people, in other words, the rural producers who are genuinely concerned about their land and who are not trying to flout the regulations.

An example of this is a property I visited some weeks ago. Sections of the land have been cleared over the years; however, several of the sections have been allowed to regrow. In fact, the three farmers operating that section at present (a father and two sons) have gone out of their way to try to allow some of the vegetation to regrow, and I believe that they have even planted some vegetation in an attempt to minimise soil erosion. When the vegetation clearance controls were introduced, they thought that they had better make sure that some of the land was retaken for use. However, it appears that in seeking permission for certain other sections of the land to be cleared they referred to the sections that have small growth (minor secondary growth such as weeds and an occasional bush). These people were told quite clearly that they would have to make an application if they wanted to retake that land for cropping. I believe that, in regard to the increased penalties, they could be subjected to excessive fines, when in fact all they were endeavouring to do was to reactivate land that traditionally had been cropped. I am disturbed by the implications of this legislation and I know that many rural producers are concerned about it.

In his second reading explanation the Minister gave a detailed explanation of why section 56 (1) *(a)* is not operating as it should. He said:

> . . . the philosopy of the Planning act is different. It seeks to control 'development', which amongst other things includes changes in the use of land, but not land use *per se.*

I believe that the present regulations and planning controls are quite sufficient. The Minister would argue that they are quite sufficient in some areas but not in regard to natural vegetation clearance. It could be argued that that should have been considered previously. This is not the way to promote reafforestation of this State—it is holding on to the last little bit that we have.

Mr Ferguson: Do you want to clear it all off?

Mr MEIER: Typically, the member for Henley Beach misunderstands me. I have pointed out before—

The DEPUTY SPEAKER: Order! Interjections are out of order and the member for Goyder should not become involved in answering them.

Mr MEIER: Thank you, Sir; I was commenting on an interjection from the member for Henley Beach, which I did not really hear. The regulations do not promote reafforestation, because farmers are worried that, if they go ahead and re-afforest their property, they may not get per-

mission to clear it in future if they wish to do so. There is no incentive for re-afforestation, in contrast to the attitude of the previous Government, which offered real incentives for the farmer to re-afforest as much as possible. I believe that the current controls in this State are quite satisfactory. Our planning regulations have related to orderly development. Perhaps it could be argued that too much paperwork is involved at present, but the amending Bill will produce even more paperwork. In his second reading explanation the Minister also said:

> It has been held on a number of occasions that section 56 of the Planning Act allows the erection of new structures without approval, provided that no land use change is proposed. In some cases, the new structures have constituted a significant impairment to the amenity of the locality.
>
> This problem has been exacerbated by a recent decision relating to the State's vegetation clearance controls under the Planning Act, 1982. The court found that the vegetation clearance controls are valid, but held that the existing use of the subject land was farming, and therefore the clearance of native vegetation for farming purposes was a continuance of an existing use and did not require planning approval. While this determination is the subject of further appeal by the South Australian Planning Commission, it casts great doubts over the effectiveness of the clearance controls while section 56 remains in its present form.

That affects the people who have deliberately bought land that has not been cleared to provide for the future needs of their family. I have been approached by people in my district who are very worried about this. One person has a reasonably large family and I believe that at least four or five members of that family hope to go on the land in the future. The difficulty for this person to try to clear the land is obvious. We are all well aware of applications which were put in soon after these regulations were introduced but which were not processed within three months. People were told that if they had not heard anything within three months they could forget about it or reapply. I know that that has been going on in Goyder. I believe that this change to section 56 would cause an even greater hardship for these people. There is even more reason to believe that these people would not be able to clear as much land as they might be able to clear at present.

If this was an area in which no native vegetation stood, I could understand it to some extent; however, the area I am talking about adjoins a national park which extends over many square miles. There is ample natural vegetation for people who wish to look at a natural environment. Why not extend the national park? One of the problems is that this national park is not being looked after properly. The trouble relates particularly to the controlling of plant and animal pests. It is a strange twist of fate that the farmers are virtually compelled to eliminate their pests, particularly noxious weeds: they have to make sure that all noxious weeds are effectively controlled but there does not seem to be a similar regulation in regard to national parks.

As the Minister knows, at the end of last year I asked him why money was not made available to control noxious weeds. He replied that money had not been made available this financial year but that it was hoped that the position would be rectified in the next financial year. That is not good enough when seeds are being spread so quickly. Indeed, last week's gale would have done much to spread them. The farmers are upset that they are being compelled by law to look after their properties and keep them clean and free of weeds while those in charge of national parks, although the rangers might be concerned about it, are not doing their job. Therefore, I do not see why, in the area of which I am speaking, the land available for native vegetation should be increased. Further, many farmers have said that they are prepared to keep large tracts of native vegetation, but they want to control them. They are happy for people to come in to study the environment, and to camp there and to use to use the land, but it seems that the Government will not permit a person to continue to have such vegetation on his property: it wants such areas for use as national parks. In other words, it must be controlled by the Government.

The Hon. D.J. Hopgood: What about the vegetation retention scheme?

Mr MEIER: I am talking about a case where the Government wants to take over the land, although the private landholder is happy to leave vegetation on it and look after it himself. However, the Government seems to think that the private landholder should give up such land and that it should come under the jurisdiction of the national parks. The honourable member may shake his head in disbelief but, unfortunately, that is the case. In his second reading explanation, the Minister said:

> To ensure, however, that existing use rights extend only to the maintenance of existing activities on land, and do not confer a right to undertake further new development, the Bill proposes the repeal of section 56 (1) *(a)*... Subsections (3) to (7) of section 56 were intended to provide that, where an 'existing use' ceased for a period of six months or more, the protection afforded to existing uses would no longer apply, thus preventing the re-establishment of that use without planning approval.

Again, I refer to the example of a farmer who has let part of his property go back to secondary vegetation growth. This provision will make him subject to the Planning Act and he must seek specific approval to reuse the land. I believe that this represents a deprivation of property rights. Rural producers will not have many rights over their property. It is getting more and more to the stage where the land is on lease from the State. The State controls it and the free area is becoming less and less a reality.

I hope that the people of South Australia see it that way and that this trend can be stopped. I believe that other speakers will refer to aspects of this Bill that apply to the urban area, so I will let them deal with those aspects. Many points were made by the shadow Minister (the member for Murray). People should be aware of those points, and I refer them to those aspects of his speech. I will not repeat those points (he made them well), but I support the right to continue the existing use of land for the purpose for which it was used at the date of the introduction of the Bill. I trust that such a provision will operate and that we in South Australia will retain the right over our land and that the Government will not be empowered to determine everything that we will do with our property.

Mr BAKER (Mitcham): I believe that the shadow Minister has been too kind to the Minister for Environment and Planning. This Bill, like its predecessor (the vegetation clearance legislation), has been born in ignorance and raised in incompetence. It is untenable that this House should be asked to consider this Bill because of the total ignorance of the Minister for Environment and Planning as to the rules operating in the planning arena. The Minister has got himself into difficulties on vegetation clearance. He suddenly finds that what he has been doing is illegal and that the changes that he wanted to implement are not according to law, so he tries to find another way around the problem. In the process he is willing to throw out one of the most important cornerstones of planning that has been in the legislation of this State much longer than I have been on this earth. The Minister has failed to explain the reasoning behind the changes he seeks to make.

The Hon. Ted Chapman: Do you think he has misled the Parliament?

Mr BAKER: I believe that he is misleading Parliament totally as to what he intends to achieve by the legislation. If he is not misleading Parliament, he must answer some serious questions in Committee. In his second reading explanation he should have provided more information. He

should have submitted the Bill to local councils which will be affected by it, to people involved in planning, to developers, and to everyone else in the industry. He has not had the decency to let such people know what changes he seeks. Such changes are serious in their ramifications. The Minister may sit back in his seat and smile. He says that it is irrelevant to him that people will be affected by the Bill, but I believe that it is relevant to all South Australians that they must put up with a Government which, having made a mistake that it is unwilling to admit, must introduce a Bill that affects the whole planning arena.

The Hon. D.C. Wotton: They have panicked.

Mr BAKER: Yes, and there will be more panic because some areas of the legislation must be tested before the courts and be subject to legal opinion, which means that we may have the legislation back before the House to protect fundamental rights.

The Hon. D.J. Hopgood: Who introduced the Act?

Mr BAKER: Who introduced the vegetation clearance? I do not want to dwell on that because the Minister knows that he made a gross mistake in respect of those regulations and his IDC. We know who introduced vegetation clearance. The second reading explanation continually refers to vegetation clearance, and the Minister wants to clear up the mess and create another set of anomalies in the process. I have been in contact with members of local councils in my district about the changes provided in the Bill, and they have expressed concern about the way in which the Bill will operate. The Minister should realise that people in local government are concerned about changes of this nature because the 'existing use' provisions have been part and parcel of the planning legislation as long as I can remember. In his second reading explanation the Minister was at great pains to point out that the new legislation concentrates on changing use rather than use *per se*, and that it provides that existing use will as a matter of course be a right and does not need to be dealt with in the Bill.

I must differ with that opinion, and I am sure that some members of my councils and a number of other people, including those involved in industry, would disagree with the Minister on that because it is important that, if a principle is incorporated in legislation, it should not be taken out; by the very act of taking it out the Minister has taken away that principle, and that is what he is attempting to do today. There are a number of conflicting aspects in the legislation, and I will point to one in particular, namely, where the Minister has tightened up the terminology of change of use of land. I bring to the Minister's attention clause 3, which deals with change of the use of land. New section 4a (1) *(a)* (iii) states:

> the use is additional to a previously established use of the land which continues notwithstanding the commencement of the new use;

What does the Minister mean? Does that mean that, if one sells lollies as well as electrical equipment, it is a change of use? There are very many examples of where an existing enterprise can slightly change its methods of operations or its lines of goods of sale without fundamentally affecting its total operation. If the legislation that the Minister has before us is interpreted literally, they will be classed as a change of use, and as soon as there is a change of use (as the Minister is aware) it puts the place of the existing use provisions at risk. In fact, the existing use provisions will be taken out if this Bill succeeds.

The Minister fails to explain clause 3, which inserts new section 4a. I hope that, when he responds at the end of this second reading debate, he will tell us what it means, because I can understand that the courts probably will interpret it a little differently from what perhaps the Minister assumes, as in fact they have interpreted the situation regarding vegetation clearance. They have upheld the rights of people for existing use in non-conforming zones. It is slightly different in principle from vegetation clearance, and when we are talking about the provisions of change of use we have to ensure that the existing use rights are protected.

He goes on with the six months discontinuation which applies under the existing legislation. Therefore, he is really continuing the Planning Act provisions there. He has resurrected section 43 of the Act to retain the right of IDC. The Minister may feel that there will be other occasions when he has to provide instant controls on industry, on the agricultural sector, and so on, and he no doubt believes that an IDC is the most appropriate way of doing it. Of course, it is a way of cheating the process by doing so, because it should be used only in those situations of crises where a conflicting development could take place to the detriment of the people in that locale or the community at large. He wishes to retain that provision which in fact was to have been there for only two years under the new Planning Act because it was perceived that, over the period of the new Act's coming in and the old Act's going out, there was a need for some instant control should something go astray with existing applications.

The Hon. D.J. Hopgood: The honourable member is making all this up. This was never in his Government's Bill. It was a deal done when the conference of managers was on. I will explain it when I reply.

Mr BAKER: I am saying that there is an IDC that the Minister now intends to resurrect. If one considers section 43 (3) that is exactly what the Minister is doing.

The DEPUTY SPEAKER: Order! It would be better for the Minister to explain it in the Committee stages rather than by way of interjection.

Mr BAKER: Whether it was inserted by the Parliament or by the Minister becomes irrelevant in the process. They were the rules under which we were operating. An agreement was reached on the principles involved, and the Minister now intends to break them: that is quite clear. The shadow Minister (the member for Murray) has already pointed out that the Minister wants to have his cake and eat it too: he wants to make sure that those people who have been acting within the law as it stands today bear the full brunt of the law when it is changed. That means that he wants retrospective penalties to apply to those people who have been involved in vegetation clearance. If the Minister would come clean and say, 'I have made a mistake. We will start the process again. We will introduce specific legislation to overcome the anomaly which has been created', then we could understand his actions. We would have to go through the process of debating before Parliament a Bill which purely addresses the problems of vegetation clearances, and that would have to be debated on its merits.

Now, we have a situation where the Minister will add to and subtract from the Bill to achieve his ends and in the process (as I have said, I will say again, and probably will say it many times) he is taking out the right of people to operate in zones which may not be compatible and in which historically they have operated. This is one of the most important areas for many business concerns today. For example, within the city of Mitcham I would say that there are at least 40 identifiable enterprises which operate in non-conforming zones.

If we take the situation that the Minister has on change of use and take out the existing use provisions, we go back to clause 3. As I have mentioned, that means that virtually any alteration to the method of operation can place people at risk and be regarded as a change of use that must have planning approval. That is something which they have assumed all along: that they could conduct their enterprise and improve their premises, expand, and create greater

employment. Under these rules, they would be at risk. The Minister will have to admit to that situation, because that is exactly what is written into the law as it stands today. It is of concern to me (and I have mentioned this in the Parliament before) that, in the penalties imposed on people, there seems to be a rule for certain sectors of the community (and I refer to the sanctions provided in the criminal law), and then there are the penalties in other areas which affect the community at large, where there has been no criminal offence involved. Whilst the Minister might think that it is criminal for people to breach certain provisions of the Planning Act, there is certainly a difference in law between those which are civil matters and those which are criminal matters.

Clause 5 relates to section 46 of the Planning Act. The Minister seeks not only to increase the primary penalty but to make it contingent on the number of days on which that offence has recurred. However, the offence has not occurred until it has been proved to have occurred, because in the area of planning there is always some doubt as to whether in fact the law as it stands is being breached. Until the court is satisfied of that, no offence has been committed.

That is the nature of the legal system today. It is different if one steals from David Jones or assaults a person in the street in which case it is very clear that one has committed an offence. However, if one is dealing with the Planning Act or with other Acts which contain technical responsibilities they are not deemed to have been breached until that is proved before a court of law. In this Bill the Minister intends to impose retrospective penalties that are inconsistent with that principle, and as well will provide a mechanism for fixing up the difficulty that the Minister has in regard to vegetation clearance. I do not believe that any Parliament of the Commonwealth should adhere to that.

If we take away existing use rights there is little doubt that we will create many other anomalies which will arise over the next few years as people retest and rethink the principles involved in the Planning Act. I do not believe it is good legislation in taking away the existing land use provision, because that provides some protection for people in business or for people in residences in industrial zones. A whole range of consent uses is covered under this measure. There are examples in the metropolitan area which I believe could be tested before the courts. There is a great concern that if this is tested many of the people now living in non-compatible zones would eventually have to move. Economically, that is quite undesirable, quite apart from the disruption that would be caused to people affected and the surrounding communities. I adhere to the principle that if an Act provides for general rights, which are still to be maintained, such a provision should remain within the Act. In his second reading explanation the Minister said that existing use rights would be preserved in the Act, that that would not be at risk, and that therefore that provision should remain. If the Minister has difficulty with vegetation clearance he should ask the Parliamentary Counsel to draw up a new Bill to tackle that problem.

The Hon. TED CHAPMAN (Alexandra): As Parliamentary representative of a developing rural industry in South Australia, and as an elected local representative of a community that is presently and potentially subject to enormous development in a whole range of areas, I am very disturbed about the proposal before the House. If we are to take the Minister's second reading explanation of the Bill as a correct report, the Bill will indeed have a very significant effect. It will forbid the expansion of an existing use, be it land clearing to the extent of area of cultivation, etc. on a farm, or expansion of business premises without planning approval, unless the expansion is in accordance with the Development Plan. If the Minister's interpretation of the philosophy of the 1982 Act and the effects of the Bill is not fully upheld by the courts in a pending hearing on this issue, the result could be quite disastrous, in particular for the Government. All land use not in accordance with zoning could be rendered illegal by the repeal of section 56 (1) *(a)* of the Planning Act, a matter about which both the shadow Minister for Environment and Planning and a number of other Opposition members have already spoken.

I think it is appropriate to put clearly into *Hansard* the record of events that have surrounded the introduction and preservation of the existing use provisions in the Planning Act. Part V of the Act deals with development control and the first section under Division VI dealing with general provisions is section 56, 'Saving provisions'. Definitions of 'development' and 'the Development Plan' are referred to in sections 4 and 40 and all clauses in that Division. It may be noted that pursuant to section 40 planning regulations are part of the Development Plan. They are inextricably linked. Section 56 (1) excludes the Development Plan from preventing the continued use of land for the purposes for which that land was lawfully being used or from preventing the carrying out or completion of a development for which any previously necessary approval had been obtained and is current. Section 56 (2) provides for keeping the planning regulations in force and subsections (3) to (7) provide a procedure for a declaration in regard to the discontinued use of any piece of land.

The Planning Act, 1982, replaced the Planning and Development Act, 1966-1981, originally No. 20 of 1967, as amended. Section 56 (1) of the current Planning Act appears to be the essence of the previous Act as amended. Section 37 (1) of the previous Act concerning continuance of existing use appears to be the comparable provision in the 1967 Act. Those provisions were contained in Part IV concerning implementation of authorised development plans which immediately followed a section dealing at length with planning regulations. Section 37 (1) was repealed by Act No. 133 of 1972 and replaced by a provision which resembled section 56 (1) of the Planning Act, 1982, even more than did the 1967 provision.

In his second reading explanation of the Bill (*Hansard* of 3 February 1966, page 3786) which became the 1967 Act, the Hon. D.A. Dunstan discussed the lengthy history of planning legislation in South Australia before turning to the clauses of the Bill. His comments in regard to Part IV of that Bill are contained on pages 3792-3 of *Hansard*. Clause 37 appears to have received only a very brief explanation, namely:

> Clause 37 safeguards the existing use of any land or building.

In his explanation of the Bill which became the 1972 Act and which replaced section 37 (1) (reference to which may be found in *Hansard* of 31 October 1972, page 2552) the Hon. G.R. Broomhill, as Minister for Planning and Environment, said at page 2556:

> Clause 12 amends section 37 of the principal Act which provides that a planning regulation shall not prevent a person from continuing to use his land in the way in which it was lawfully being used before the planning regulation took effect. The provision has been rephrased so as to make it quite clear that all conditions attached to any prior consent are adhered to. A planning regulation is also not to affect a consent given under the interim control provisions of the Act.

On 21 March 1984, our current Minister for Environment and Planning introduced into this House the Planning Act Amendment Bill, 1984 (Bill No. 101) and delivered the second reading explanation, which appears in *Hansard* at pages 2668 to 2669.

After stating that the Bill proposes to repeal section 56 (1) *(a)* of the 1982 Act, the Minister explains why it and its predecessor (section 37 of the 1967 Act) were enacted. He

then goes on to assert that, because of the different scheme of the 1982 Act in controlling only development and not land use *per se*, section 56 (1) *(a)* of the Act is not necessary for the protection of existing use rights. This is where the rot sets in, because what he has done is completely overturn the interpretation, the clear and stated intent, of his predecessor in that portfolio and indeed his former Premier, the Hon. Don Dunstan, at the time that he paid attention to this subject in this House.

Judicial interpretation of the old section 37 was that it allowed not merely continuation of the existing use but its expansion without planning approval. The new section 56 (1) *(a)* has been interpreted similarly, allowing the building or structure and the clearance of native vegetation as continuance of existing uses. The Minister concludes by saying (and I quote the section for the purposes of this recorded detail associated with the Government's proposal):

> As the Planning Act, 1982, does not control 'use of land' but only changes in the use of land, section 56 (1) *(a)* is not necessary to protect 'existing use rights'. To ensure, however, that existing use rights extend only to the maintenance of existing activities on land, and do not confer a right to undertake further new development, the Bill proposes the repeal of section 56 (1) *(a)*.

There is a bundle of evidence to suggest that the Minister is on dangerous ground. There is some evidence, and indeed some view as far as I am concerned, that the Minister is cutting across the path of the ordinary processes of the Parliament. Indeed, the subject that has been referred to by my colleagues on a number of occasions during this debate, with respect to the vegetation clearance regulations blow up, has been the basis for the Government's panic move in this instance, and is one that comes to mind first up. For example, a motion of disallowance within the Parliamentary system of which we are all a part, albeit as it applies to the other place, is still in the process of debate. Introduced for the purposes of properly and carefully canvassing the merits or demerits of the Government's move in this regulatory direction, it is still subject to debate, and yet before the subject is even voted on, before it is concluded within our own Parliamentary system, the Government has the gall to introduce a Bill which cuts across the path of that Parliamentary procedure.

Notwithstanding the situation as it applies within this Parliament, out there in the big paddock we have a situation where the vegetation clearance controls already have been subject to judicial determination; indeed, as it turned out, that determination favoured the defendant, who was seeking to protect his own situation against prosecution and action by this very Government under the so-called canopy and licence of the vegetation clearance controls. The situation in my view makes this whole issue *sub judice*, at least in principle, and morally, if not technically, within the laws of this Parliament, but during that very process as cited, which is currently subject to appeal by the Minister himself, the Minister, through his bureaucratic system of the Department of Environment, has the gall to introduce this legislation into the Parliament and, by the actions that he has taken during the period since the Bill was introduced, to hasten it through without respect for the homework necessary on a subject of this kind, and without consultation with the relevant parties, who out of ordinary decency should have had the opportunity to discuss this with the Government.

We have had a situation, as demonstrated this afternoon by several speakers, in which those parties, those developers in the community, the representatives from the Real Estate Institute of South Australia, representatives from the United Farmers and Stockowners, and so on, have been clamouring to the Opposition to try to get some information onto the record to represent their view—not before the legislation was tabled in this Parliament but subsequent to its tabling. So, I am yet another speaker from this side of the House who is very critical of the Government for its disregard of the rural community and of well planned development, because the Planning Act, as proposed to be meddled with in this instance, is yet another opportunity for the Government to exploit its numbers in controlling development in South Australia generally, and in particular in cases where that development is already under way. It is a demonstration of the Government's disregard for a rationally planned development programme and indeed a total disregard, as I said earlier, for the rural sector in particular.

The Planning Act, in my view, should assist the community to proceed with its rationally prepared programme of development, and not disrupt or, in so many cases as have been drawn to our attention in recent months, prevent a development programme from proceeding, prevent the opportunity for investment, for progress, and for the employment of many people in the society in which we live who do not have access to a job. So, on the one hand, we have a Government that professes to be conscious of and sensitive to the needs of the community; and, on the other, through its particular arm of the bureaucracy under the control and direction of the Minister for Environment and Planning, it is curbing and hobbling it at every level that it gets the opportunity.

It was interesting to note from one of the several items of correspondence drawn to our attention by the community in recent days a few notes made by the Real Estate Institute of South Australia. I know that in this instance I am making reference to details that have been directed initially to the shadow Minister for Environment and Planning (Hon. D.C. Wotton), and that they are outside the rural sector which I, within the ambit of the Liberal Party, purport to directly represent. However, it is relevant to indicate to the House the extent to which this legislation has an impact on the community at large, not just simply on a section of it. One of the questions that arises from the correspondence directed to the Liberal Party clearly is that if the philosophy of the Planning Act is not to affect the use of land or the changes of the 'use of land', why change the existing system where the market place invariably determines the removal from certain areas of so-called noxious use of land, either through the effluxion of time or through the other market forces?

If the Minister's reply to that question should happen to be that he has the powers and authority to amend the Act, to introduce regulations, etc., I hasten to remind him and his Department of the problems they have inherited as a result of hasty introduction of the vegetation land clearance regulations themselves. Who is prepared to pay for compensation for those individuals who have made a purchase of real estate of an under-developed site in a non-conforming zone on the basis that they believed expansion of the premises was protected under existing law? In the negative situation, where illegal demolition or the removal of vegetation has occurred, how can reinstatement be enforced by the suggested changes, and why should, for example, the replacement of vines in a consent use situation constitute 'development', and hence require the owner to proceed through the process of application, associated with consent for 'development', when it is only a replacement of existing structures and/or use of the land?

My colleague, the shadow Minister, dealt at some length with the element of penalties within the Bill. I do not propose to go over that subject now. However, regarding the question of reinstatement, particularly for an offence of illegal clearance of native vegetation or demolition, it does make the penalty provisions rather meaningless. In the case of illegal clearance of native vegetation, does the proposal require the payment of a fine until that native vegetation has regrown? It is disputed that the philosophy of the Plan-

ning Act is essentially different from the repealed Planning and Development Act with respect to section 56 (sections 36 and 37 of the repealed Act). A reason why this philosophy is queried is that under the new Act the word 'development' has much larger ramifications and connotations by definition than that normally used in common language and than that previously used under the Planning and Development Act. That is not by interpretation or by someone's wild idea within or without the Parliament, in the community at large, or even within the legal fraternity—but by definition.

In fact, by relating activities such as demolition and vegetation clearance to 'development', as these involve a reduction or diminution in the use of land, a more apt description may be 'un-development' or 'anti-development'. It is our opinion that the amplification of the proposed amendment is extremely broad and wide-ranging and would affect many properties involving millions of dollars. Indeed, I am unconvinced as to the statement in the report that the Planning Act does not control use of land but only changes in the use of land. It appears that the existance of the development plan and the regulations (as an integral part of the Act) does control the use of land. So really, the Minister in his report is using all the subtleties that are available to a Minister when he is in such a desperate position. I have no doubt in this instance that he has, as indicated by interjection earlier, obtained legal opinion. The Government has its back to the wall. It is subjected to a massive challenge of its competence. It has clearly failed in its capacity to perform as a rational, regulating authority. It has set out on a course of domination and dictation to the community at large.

In fact, through introduction of this vegetation clearance regulation, it has set out not only to control development but, indeed, to inhibit development and grossly interfere with the ordinary basic management practices of rural property owners. Having done that, and having run into problems with the legal processes that have subsequently been involved, the Government has panicked. I can understand that panic, but the measure that has been introduced, as one of my colleagues indicated earlier, is akin to throwing the baby out with the bath water. The Government is trying to fix up the hell of a mess that it is in but, in my view, it will finish up in a bigger mess, and the list of claims for compensation will be enormous. Clearly, indications are that this has already happened. Far be it for me to indicate what may or may not happen at the impending appeal hearing but, should the decision happen to go against the Government (and mind you I think it should), the Government will be up for millions of dollars.

The costs that the Government has incurred, as have people in community generally—individuals, householders, farmers and ordinary citizens—will accumulate to millions of dollars. This Government must wear upon its own head the result of the blunder it has made and the vulnerable position in which it has placed itself to date with respect to its ill conceived move.

The Hon. D.J. Hopgood interjecting:

The Hon. TED CHAPMAN: The Minister makes a joke about shooting down planes, but that was the surveillance exercise he introduced, and authorised, over the Kangaroo Island community—my community. I like his cheek sending aeroplanes over the island to spy on the community, yet he jokes about it now. All I can say is that his credibility, if it was ever at a reasonable level, is now far below what it may have been.

I have just received yet another note through the messenger system from outside the House. This is clearly an expression of great concern about the Bill. One of these days the Minister and his colleagues may take a little notice of others in the community and not be so self-centred and so concerned about their own ability to perform that they ignore advice or messages conveyed to them from people in the practical field. Because the Government has locked itself into bureacracies (as the Minister has in this instance), and surrounded itself with a bunch of greenies, a council of theorists to advise it on a subject loaded with practicalities, we are in this trouble now. The Minister thinks that this is a hell of a joke, but what I am saying is true.

In all fairness, he has officers in his Department who have proved to be very effective, but those poor individuals are absolutely swamped by the idiots breathing down their necks, as indeed they are down the Minister's neck, and who have not any real appreciation of what is happening out in the big wide world. Hundreds and hundreds of developers and others are keen to employ people and spend their money but they are simply not prepared to do so because they are being absolutely bogged down by bureaucracy, particularly by requirements of the Planning Act and those people who interpret the Planning Act and regulations. It really is a stumbling block to development in South Australia.

In my view the Planning Act was never designed by whatever Party was in Government to stop development but, indeed, its real basic intent should have been to assist, guide and encourage development of a rationally planned kind and not to block, stop and encumber and make any programme of growth or structural development more expensive or take longer for authorisation, which is now happening. Even out in the field the councils are being urged and encouraged to be part of this blocking process and to delay the system and keep it under wraps. That is why the community is so upset. That is why the Opposition, even without any real publicity about the Government's move in this instance, has been inundated recently with correspondence, deputations and requests for representations.

I will be participating in the amendments of my colleague who is responsible for this area, right through the whole process of the Committee. I have a number of direct questions to ask the Minister to which I expect replies. I hope that out of this exercise, whether or not we win the day within this Chamber, the media will pick up the relevant and real motives and moves of the Minister and make the community at large aware of what is going on. I am quite certain that members of the public are not aware of the ramifications of the proposed amendments on their activities, nor has sufficient time been given in this matter to the bodies representing the various aspects of planning and real estate. That message is reflected throughout the material we have provided to the House today.

Mr BLACKER (Flinders): I oppose this Bill, because I believe it is dangerous. I believe there is enough flexibility in the wording of this legislation to totally nationalise the rural industries of this State. Those are bold and wide terms, but I firmly believe that an irresponsible Government could go that far with the particular wording contained in this Bill. We are dealing with an amendment to the Planning Act, but that Act was never talked about in this House as involving vegetation retention. However, this Government exercised some fine point of the law to bring in legislation on 12 May last year to include vegetation clearance controls. In so doing it has taken the Bill far beyond its original intention. It has used devious means to introduce in this House vegetation clearance controls.

The Hon. D.J. Hopgood interjecting:

Mr BLACKER: While the Minister talks about regulations, there are two motions for disallowance before Parliament, one in the House of Assembly and one in the Legislative Council, neither of which has been dealt with by the Parliament, yet this Government has legal proceedings against

alleged offenders involving a regulation which this Parliament has not dealt with. Which comes first, the courts or this Parliament? I would like to believe that it is for the Parliament to set the laws of this State and for the courts to interpret them.

If this Parliament does not set the laws, how can the courts interpret them? What will happen if the courts declare certain parts of the legislation invalid or if a motion for disallowance of the regulation succeeds? Will the Government be up for millions of dollars in compensation? It could well be, if we take this suggestion to its ultimate conclusion. The Government has handled that aspect very badly. I believe that the Minister's colleagues are embarrassed by the legislation, because for this entire debate he has had no more than two colleagues sitting behind him. Indeed, for most of the debate he has been on his own. Either his colleagues are embarrassed or they have not the slightest clue as to what the Bill is about. I do not think that they understand the legislation. Indeed, it is significant that no Government member, except the members for Whyalla and Stuart, lives outside the metropolitan area. Their ignorance of conditions in the country areas prevents their understanding and appreciating the value of rural industry to this State.

This Bill is a direct result of inadequate consultation with primary-producer organisations. The Government has not sought the opinions and co-operation of those organisations. No-one argues that there should not be some form of control of vegetation growth, but it is the fact that no compensation is provided and that the general farming community has been bulldozed and has been told 'Do as I say and not as I do' that is wrong. The Minister, by way of interjection while the member for Mitcham was speaking, referred to the voluntary vegetation retention scheme. What has happened to that scheme? Is it still operating? One of my constituents who applied under the scheme was told that his application had been approved and that he would be compensated for the cost of fencing a certain area. However, the Government has gone silent and that person has received no communication in the past four or five months, so I can only believe that the Government has reneged on its obligations. It can use the regulations to stop a landholder clearing the land, so it does not have to honour its commitment to the voluntary vegetation retention scheme! Yet the Minister has implied today that the scheme is there to be used. However, from the experience of my constituent who has contacted me on the matter, it would seem that the Government has reneged on that aspect.

The bone of contention and the real reason for the introduction of the Bill concern the change in land use. The legislation has been watered down by certain minor amendments, but the real crunch concerns the court decision in a case in respect of the regulations. Because the Planning Act does not define 'primary industry' and because the planning regulations come into account when rural matters such as poultry sheds and pigsties are being considered, one can only assume that the Bill relates to primary-producing areas. If that is so, a departmental officer could easily say to a farmer, 'You cannot run cattle on your property because cattle hooves dig up the earth in wet weather and, as that could have an environmental impact, you cannot run cattle.'

It could be a freehold property, but as I see it under these regulations that could apply. If the land is used for one particular form of agriculture and if that form is discontinued for two years, then the Government can claim that there is a change of land use. As such, the Government could step in and say, 'Yes you can do it' or 'No you cannot do it.' I could easily foresee, taking it to the extreme, that the Government could determine whether people can opt in or out of stock, cropping, cattle as opposed to sheep or goats, or intensive farming, and so it goes on. If there is a two-year gap or more (and that is what it says) between the discontinuance and the revival of the use, then that constitutes a change of land use. That is the part that worries me, because I know that the Minister will say that it was never intended to bring in agricultural pursuits in such a way, but neither was it intended that the Planning Act should bring in vegetation clearance controls.

Therefore, we can only assume the Government's ultimate aims. I believe that there are some very grave connotations in regard to this legislation. Mention is made of penalties. Where does one start and where does one finish? If a person clears land contrary to the provisions of the Act, is he liable for penalties for each succeeding day (as is mentioned in the Act elsewhere), or each succeeding month or year? Will he be up for $10 000 per day, per month or per year, and at which end does that cut off? Does one wait until the mallee which has been cleared reaches its original height, or what does one do? More likely the mallee would grow more quickly after a good cultivation, anyway. However, that is beside the point.

I believe that the implications are dangerous. I do not believe that the Government understands what it is doing: I do not believe that it understood what it was doing on 12 May. I am quite sure that it did not understand the ramifications, otherwise it would not have the court case it is presently facing or the appeal. The part that really concerns me over and above all that is the constitutional implication of which comes first: the Parliament or the court? Neither the Minister nor anyone else has been able to explain it. That is the difficulty and the problem that I believe this Parliament faces. We should seek a determination from you, Mr Deputy Speaker, as to which Standing Orders prevail and where we can go, because I believe that it is grossly improper that any Government could instigate legislation on regulations which are still subject to the disallowance of both Houses. The Minister shakes his head.

The Hon. D.J. Hopgood: Regulations—we are not legislating for regulations.

Mr BLACKER: This legislation is a result of the regulations of the Government. The Minister is being pedantic. We all know that we are talking about the vegetation clearance control regulations.

The Hon. D.J. Hopgood interjecting:

Mr BLACKER: The honourable Minister says that, but I note that vegetation control was referred to several times in the second reading explanation.

The Hon. D.J. Hopgood: It's the same set.

Mr BLACKER: They are part of it. I think that we are getting down to the real crux of it. The Minister is saying that that aspect is clouded amongst a number of other issues.

The Hon. D.J. Hopgood interjecting:

Mr BLACKER: This is the principal issue about which I am most concerned. I do not wish to go to any great extent in that regard, but I think that I have made the point that the legislation could be used and abused, as I believe the Planning Act was used and abused in terms of the vegetation clearance regulations. As I said, if the Minister had exercised discretion and consulted with those who were involved in the area, he would not be faced with this debacle; he would not have got himself into court cases; and he would have had the support of the community regarding vegetation clearance controls. Under the voluntary vegetation clearance scheme the previous Minister got support, although I note that the present Minister has said that he did not get enough support. Maybe that is correct, but it was building up and more and more people were starting to become involved in the voluntary vegetation retention scheme. I know of a number of people who were at various stages of discussion

as at 12 May 1983, negotiating voluntary vegetation clearance. However, those discussions were immediately ceased as of that date and the chances of getting those persons back on side are nigh on impossible.

The Hon. D.J. Hopgood: Why?

Mr BLACKER: Because of the Government's dogmatic attitude and the way in which it has handled this matter. Honestly, the Minister—

The Hon. D.J. Hopgood: Either they want an agreement or they don't.

Mr BLACKER: They will do it in their own way in that instance. The Minister had people on side: he has to get on side only one or two people in the local community who are involved with the voluntary vegetation retention scheme and the word soon spreads that this is a good idea. The Minister had an atmosphere of co-operation. Now he has an atmosphere of hostility.

The Hon. D.J. Hopgood: I don't understand that.

Mr BLACKER: The Minister can say that. He is obviously showing that he has little knowledge of the understanding of the rural community.

The Hon. D.J. Hopgood: Either they favour vegetation retention or they don't.

Mr BLACKER: The Minister has disclosed the very problem that I am trying to explain to this Parliament; that is the very dilemma that he is in. I am glad that the member for Brighton has returned, because the Minister has no support at present except for the member for Semaphore, and I am not sure whether he is on side either. By the same token, this is the problem that the Government has brought on itself, and it cannot duck away from it and expect to get respect from the general community. That is really what it is all about. If the Government had the rural community on side, we would not have the hassles we have today.

It annoys and concerns me that the Minister should slight the rural community in the way in which he has; he has totally disregarded it. Now he is endeavouring to bulldoze to the extent of financially embarrassing many of my constituents, in many cases making farms unviable, and in some cases totally refusing 100 per cent applications for clearance. I know of two cases in which the Engineering and Water Supply Department was brought in and used as an excuse because it was alleged that a certain area was a catchment area for the Tod River. One side of the hill was a catchment area and the other side graduated away from the Tod River. Because someone drew a circle on the map, clearance of the whole area was denied. I advised this person to appeal, he did so, the parties eventually got around a table, and some compromise was reached. There should never have been the need to go that far, but such is the case.

My views on this subject are pretty well known. This is one of those matters that the Government has handled very poorly and it is now endeavouring to duck out. That court case was actually being heard today: I wonder where the case really stands. Is the matter *sub judice*? Who is in breach of the *sub judice*? Is Parliament in breach of the court case or is the court case in breach of the Parliament? That is something I just do not know: I wish someone could explain it to me. I oppose this Bill for the reasons outlined, because, in the wrong hands, I believe it could be extremely dangerous for the rural communities of this State.

Mr LEWIS (Mallee): Regrettably, where responsibilities for its actions have to be taken by the Minister for Environment and Planning the Government invariably finds itself in a mess. As was eloquently explained by the member for Alexandra, it was never intended that the Planning Act would be used in the way that the Minister now intends to use it, or in the way that he has attempted to use it to control the clearance of native vegetation in this State. The Planning Act was not intended to control the use of land but rather the change of use of land. I will not canvass all the arguments that have been so eloquently covered by the member for Alexandra in supporting the remarks made by my other colleagues. They were further reinforced by the clear explanations of particular circumstances outlined by the member for Flinders. During the closing minutes of the speech of the member for Flinders by way of interjection the Minister made a Freudian slip.

The Hon. D.J. Hopgood: Freudian?

Mr LEWIS: Yes, I would say it was. The Minister said, 'Either you are in favour of vegetation clearance, or you are not.' That is a gross over simplification.

The Hon. D.J. Hopgood: That is not a Freudian slip.

Mr LEWIS: I would not find that so amusing if I were the Minister. With due respect to Mr Spooner, the Minister sits there behaving like a shining wit. He introduces legislation when he finds himself in difficulty—

The Hon. D.J. HOPGOOD: Mr Speaker, I would ask that that expression be withdrawn. It is obviously grossly offensive not only to me but to everyone else in the Chamber. Everyone knows exactly what the honourable member was on about having regard to his reference to Professor Spooner.

The SPEAKER: The difficulty is that I was in discussion with the Clerk of the House of Assembly on a matter related to the Bill and I did not hear the words uttered. However, I ask whether the member for Mallee is prepared to withdraw the words which have been taken by the Minister as being offensive.

Mr LEWIS: If the Minister sees the meaning as being offensive in the converse context of the consonants, then I will do so.

The Hon. D.J. Hopgood: Clearly it is, isn't it?

Mr LEWIS: I will, Mr Speaker, but I point out that the Minister does sit there grinning like a shining wit, with no reference to Professor Spooner or anyone else.

The Hon. D.J. HOPGOOD: Mr Speaker, the only possible connotation that one can put on those last words used by the honourable member is that they were being used in exactly the same sense as were the original set of words, and again I say that they are grossly offensive not only to me but also to everyone in this place who is concerned with the upholding of the dignity of this Chamber.

The SPEAKER: The difficulty that confronts me is that I was involved in a necessary conversation with the Clerk of the House of Assembly and I did not hear the original words. I ask that the member for Mallee, in the interests of harmony in this place, withdraw the words which have been taken by the Minister as being offensive.

Mr LEWIS: I am willing to do that for the sake of being able to get on with the debate, but I would ask the Minister to remember that what he has felt is exactly how my constituents feel he has treated them, namely, with gross offence, by introducing the regulations which have been found to be inoperative and unlawful and in the knowledge that they are subject to appeal, instigated by the Minister. Nonetheless, they had an enormous and very damaging effect on a large number of families and people, none of whom were given the opportunity of expressing how they would manage their land, none of whom were consulted as to how they believed they might be able to assist (without being clobbered by the Minister) in an attempt to conserve remnant native vegetation. Obviously, the Minister thinks that people are either in favour of vegetation clearance or not in favour of it. He said so, and yet, because a number of the people affected by these regulations are constituents of mine, I know that the vast majority of them are in favour of retention of native vegetation. Under the heritage agreements, as they understood them, they were not clearing those areas which

were seen to be relevant and containing species which were threatened, in an attempt to ensure the survival of as big a spectrum of indigenous species of flora and fauna as possible.

The Minister would readily admit (and he would be foolish if he did not) that there are a number of species in existence today which will not be here at the turn of the century, despite anything he, I, or anyone else might do. They will have gone, and we all regret that, but we cannot change it. However, we can certainly do something about ensuring that the maximum possible number of endangered species will survive. The way in which the Minister has attempted to address that matter by bringing in the native vegetation clearance control regulations has not assisted the cause one jot. As I said during the Estimates Committee debate last year, and as I have referred to in subsequent questions, it is not possible to get a scenario for survival of every species known and unknown. We have to accept that, with the resources at our disposal, we cannot ensure the survival of the lot: just through the effluxion of time some will go, anyway; though we all know that as a consequence of European man settling on this continent a good many more will go than would otherwise have been the case had the continent never been inhabited by European technological man. But that ought not beg the question, 'Is not European man a part of nature?' In regard to that I will say that, when Aborigines first occupied this country some 10 000 to 12 000 years ago, in so far as it is possible for anthropologists and archeologists to determine, they had an enormous impact on the environment which has probably been far greater than the impact of European man.

We ought not to romance ourselves too much about what was yesterday and cannot be tomorrow, by tearing our hair out and saying that what we need to do is take a realistic, scientifically valid view after making an accurate and scientifically valid appraisal of what we can save of what we have, given the resources the community will allow us, as a Parliament, to devote to that purpose. We will save more by doing that; that is the first point. The second point about my proposal is that, by the introduction of these native vegetation clearance regulations, this Government has ensured that, the amount of land which has been cleared on this continent (remembering that native flora and fauna do not even begin to understand what State boundaries mean, and that this continent is in itself a total package of a unique ecosystem—or otherwise devastated beyond rehabilitation) has been greater than the remnant native vegetation in the farming lands of South Australia in its total area prior to that introduction. At least that is what I have been told by people who work with satellite photographs in Canberra in making those determinations.

So, the parochial selfishness and self-righteousness of this stupid Government has done precisely the opposite to what it really intended, what it really meant to do. By introducing those regulations, it effectively wiped out more native vegetation on this continent than otherwise would have been cleared if it had persisted with and promoted the heritage agreements, and given some further incentive to farmers and landowners (call them what one likes) to rehabilitate remnant areas of native vegetation in ecosystems where those areas need a buffer zone around them.

Another consequence of these regulations has been that farmers, in their attitude to what they will or will not clear, have hardened against what would have been their better judgment. They will now clear every jolly stick they are entitled to clear and as quickly as possible, if they have the resources to do it, and be damned with the consequences for the environment! That role of being the conscience of the community for generations yet unborn was completely taken by the Government upon itself, and it insulted the collective intelligence of all farmers, and the intelligence of any one individual farmer, by the introduction of that policy and the way in which it has been administered. Most of that policy had its origins in the mistaken belief, by people who have barely ever set foot off sealed pavements anywhere, that kangaroos have died out, there is no Mallee left, and that before long Australia will be a dust bowl. That is a foolish and mistaken belief. Their self-inflicted guilt—

The Hon. Ted Chapman: It is similar to the one on the West Coast—

Mr LEWIS: It is regrettable that the man's brains do not extend as far as his expression of opinion sometimes indicates they should. Nonetheless, I was saying that of those ecosystems which have been totally annihilated (for instance, here on the Adelaide Plains), nothing can be done to bring them back. It is not fair for people who live here, where there was once open Savannah red gum and blue gum woodland, to think, and it is unconscionable and ridiculously stupid of them to think, that they can redress the guilt of clearing that woodland by requiring Mallee farmers to retain 30 per cent or more of their farms in a state which makes them absolutely unproductive, and to do so without compensation.

I know of many families (probably more than 100) throughout the Mallee electorate whose breadwinners, after having been successful at share farming, bought blocks of land with substantial areas of native vegetation upon them, believing that they would be able, through their own sweat and toil (as a substitute for capital) to bring into production those farms which they bought and which are still under native vegetation and, in the process of doing so, provide a living for themselves and their families. They are sensitive people and they have been clobbered by these regulations to such an extent that they cannot get out. They will stay there until they go broke. There is no way that anyone will buy their farms now; they are not marketable, because no-one buys uncleared land. It is worthless. It did have a value, which was capable of being realised, if it were ever to be brought into production. It now has no value because it cannot be cleared or, even if it could be, that area which will be available for cropping and grazing, if it is farmed responsibly in a fashion which will enable it to go on being farmed that way in perpetuity, is insufficient to be viable. Yet, this Government provides no compensation and no means by which those families can restructure themselves and get out of their dilemma.

I call that callous, as well as being stupid and unscientific. The arguments advanced by the Minister and members of the Labor Party in support of the position that they have taken in relation to native vegetation are unscientific and unfeeling. They have done more damage to the enduring image of the Labor Party as a reasonable political Party in rural communities by this measure than any other I can think of. The view is that the Labor Party just does not care, and I must say that I support that view. There has not been one speaker from the Labor Party at any time expressing a view about this measure we have before us, or any similar related measure.

The Hon. Ted Chapman: When the Minister was here he had no more than two members with him at any stage during the debate.

Mr LEWIS: Indeed, that is true. At times I felt inclined to call for a quorum because of the seriousness of the debate. The fact that the Minister is indicating his willingness to whinge by bringing in this measure now to patch up a mess astonishes me! The fact that he has done it is a clear indication that he now acknowledges the stupidity of his earlier action in introducing those native vegetation clearance controls. He is taking a pair of scissors to the problem. He has a hole in his jacket and he is going to cut it out. That will get rid of that hole but it will leave a very much larger one. I do not know when he will begin to recognise that the

way to patch up this hole is not to chop it out but, indeed, to consult with the people whose fences he has broken and sort out the problem in a reasonable fashion through (dare I say it?) consensus. The Minister will learn in due course that it would have been possible to achieve a far better result for all the various micro-ecologies that have been damaged as a consequence of this legislation in the fashion that I have suggested if he were to do so. He will certainly learn how he could have it done from us by the next election if he does not work it out in the meantime.

I want to turn now, before concluding my remarks, to other implications of this measure that have not been mentioned by my colleagues. Quite clearly, the member for Flinders alluded to it, as have other speakers, but they did not spell it out specifically. If we allow this Bill to pass we will certainly spell the end of the capacity of many rural industries on the urban fringe to take any succour from a Government's promise or undertaking. They will have to recognise that their days are indeed numbered. This legislation now changes the very philosophical base upon which the Act it amends was originally established. As I said at the outset of my remarks, and as I will say again, the Planning Act was never introduced to determine what land could be used for, given that it is already being used for something. It was intended to determine how that change of use, if there is to be a change of use, can occur, not what may be done with it today, given that it is already being used for one purpose or another. So, now one sees people who are market gardeners and intensive animal industry producers on the urban fringe in jeopardy of being simply phased out. If we pass this measure that is the power which Government will have. It will be able to say to glasshouse tomato growers, cut flower producers—

The Hon. D.J. Hopgood: Strawberry farmers?

Mr LEWIS: Possibly; vegetable producers, poultry farmers, or any one of those groups of people—

The Hon. Ted Chapman: He is being cynical.

Mr LEWIS: He has always been cynical, as I said before. The wisdom of this man amazes me; I only wish I could find some of it. The consequences will be devastating. He, along with all his colleagues and with you, Madam Acting Speaker, was a party to gross deception of the South Australian people during the last election campaign. All members of the Labor Party said, 'We want South Australia to win.' If one looks at the implications of this legislation, right smack on the face of it, what it proposes to do is, to my mind, anything but winning for any South Australian. South Australians will lose what they have had and inherited under common law for centuries. It will be gone from South Australia for ever.

If that is what the Government calls winning, then I think the definition of the word needs the same kind of scrutiny as did the statements made by the arch Nazi Goebbels. It will not be long before the Labor Party establishes a Ministry of truth, if it continues with this kind of action in the way that it sets about determining its powers and determining, in conclusion, what powers will be left to the individual citizen. I think it is a sorry day that any Minister ever asked the legislative draftsman to draw up such legislation, and a sorry day for civilisation and the rights of civilised individuals in a democratic society.

Mr EVANS (Fisher): I wish to express briefly my disagreement with the proposal. I suppose I would own or have an interest in more native bushland than has any other member who has property within 160 kilometres of the GPO. Those who have attacked me over the years and have said that I have no interest in bushland have been telling untruths. I come from a business operation which was an extractive industry—primary production and timber cutting, whether for brick kilns or timber production. There was a strong incentive to clear the land, my family has been in the Hills area for 130 years, but we have never cleared the land for that purpose, even though we had the machinery, expertise and possibly the financial incentive to do it; we decided to retain a substantial amount of bushland.

I am not against the legislation on the basis of wanting to see destroyed all native vegetation left in the State, but I am against the principle of this Parliament's imposing on much of society legislation such as this. The State sold land to people at a certain value because certain things could be done with it. In many cases, people buying the land do not totally own it. They borrow money from banks, financial institutions, or friends, and a debt is incurred. If, suddenly, the property's potential is reduced by Government legislation to the benefit of the majority of society, those people lose out.

Members interjecting:

Mr EVANS: It has been argued that it is for society's benefit. If that is the argument, surely the logic is that the minority should not have to pay the bill. Surely we as Parliamentarians, if we agree with that principle, should say that the majority should pay to buy the property or the part of it that they wish to preserve or be paid compensation for it to be fenced and protected from stock or any other activity over which the producer may have control. That is justice. That is what we mean when we speak about a democracy. But, we do not do that. We pass regulations that remove rights from people overnight.

I draw a comparison. We have a serious housing shortage in this State. Many young people claim they cannot get shelter. We could say that it would benefit society if we housed those people in the available accommodation in metropolitan Adelaide. All we need to do is to pass a regulation or law that says the State will take rooms from people who have surplus rooms, fence part of their backyard, and make that area available to another set of occupants.

There would be no compensation for individuals because the action would benefit the whole State, although we would take away from property owners some of their rights and assets so as to save the community the cost of building more homes to house the disadvantaged, those who need shelter. That is the same logic. How far would we get if we tried that? We would not succeed, because every person owning a residence in Adelaide would panic and think that they would be next unless they had every room occupied by some person, and the weight of numbers would defeat a Government that wanted to take such action. Yet, when it is a minority that can be pushed aside by the Minister and by the Government, it becomes a simple process. I am angry when the Government tries to take the action that is being taken under this legislation. We find that there is a chance, in a court action today, that the regulations may be declared invalid. One court has already found them invalid and the appeal court may do the same. So, why is the Government panicking to introduce this legislation? The previous legislation was probably unlawful when it was put into practice.

The Minister says that the intention of the Bill is such-and-such, that it will not affect the rights of present owners of property to use their property for existing uses, and that the Government does not intend to stop all land clearance. I have referred to the property owner about whom I have made representations to the Minister and who has 80 hectares a few kilometres outside Murray Bridge. He bought the land for a certain purpose and has found that its operation is not viable. The family spent every cent it had and mortgaged their homes to buy the property and now cannot sell it. The family owes a finance company $50 000 and their homes will have to be sold because commitments cannot be met:

not because the landholder made an error or did something against the law, but because the Government decided something in a *carte blanche* exercise. Maybe the officers who originally decided not to allow the land to be cleared are not interpreting the regulation in the way in which the Minister intended it to be interpreted, but it is hard for the Minister to back off once an interpretation has been given. If that is the case, the Minister is condoning the action that takes away the equity of these people and their family homes, and all three of them are lost.

If that is what the Minister is saying, I am amazed that a Minister of the Crown would say such a thing and I cannot see how the legislation or the regulations are fair. The thing I fear more than anything is that we may be told one thing today, as we were when the regulations were introduced, but, when it comes to an interpretation by the court or by a departmental officer if this Bill becomes law, that interpretation may be entirely different from what the Minister or his Department thinks it should be at present. The only way for that to be determined is by way of legal action in court, and the cost of employing lawyers for average people in the community for this purpose is prohibitive, whereas for the rich it is no problem. However, those struggling to pay off properties or eke out a living on a small farm cannot afford the legal cost involved, because they are already struggling.

It is unfair for Parliamentarians, including Ministers, and departmental officers to say, 'We interpret it this way' when everything in the Bill is so vague. I asked two lawyers who are supposed to have expertise in this area what effect this Bill would have on existing rights where the existing right had been established by usage but where in fact the usage was taking place in an area zoned differently from that usage: for example, primary production or some form of secondary industry in a residential area. However, there has been an established existing use which is lawful and valid, which has resulted in the land being saleable, which has produced an equity in the property, and which has allowed money to be borrowed against the asset. The two legal people have said (and I do not say that their view is correct, because a court or courts must sustain that view) that there is grave doubt in this area. If Parliament passes such a Bill as this, big repercussions will result because, if an activity is carried on contrary to the zoned use of the land, although legally there is an existing use right, the size of the operation may be extended by 50 per cent. However, grave doubt exists about whether that will be the case in the future. The Minister may say, 'There are no worries. Trust me. I am right. Legal advice says that I am right.' However, we were told that in the case of the land clearance regulations, and that experience proves that we cannot be sure unless the provision is spelt out in every detail, and I do not believe that it is in this case.

So, I am against the proposal put forward by the Minister and by his Government. One may argue that the minority does not count, that it does not matter whether we kick them in the teeth, whether we create more unemployment, or whether more insolvencies result: after all, they are a minority, and it is the majority that elects the Government. However, I remind members that in a democracy, although the Government may be elected by the majority, one of the prime tasks of that Government is to ensure that it does not allow minorities to be pushed hither and thither, to the delight of others. Really, that is what this Bill is doing. Those who believe strongly in conservation would not be willing to give up part of their home with no compensation, so that the State could house some of the disadvantaged people. Ask such home owners whether they would be willing to transfer to the State two or three rooms of their homes to house the disadvantaged. They would want compensation. In this case the people disadvantaged by the regulations, about which we have doubts, receive nothing.

I do not support the Bill. I hope that the Parliament does everything in its power to ensure that it never becomes law and that the Minister finds a better method of achieving the preservation of our native flora and fauna that we want to protect. Consultation is needed. Unfortunately, a precedent has been set by the regulations. The effect of the proposition will be that, if the regulations are lost, some ruthless people will clear land that would not have been cleared for years had not the possum been stirred. That may be one of the penalties the Government must carry for unwisely taking the wrong path without consultation in the first place. I oppose the Bill.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): In the short time before the dinner adjournment I do not intend to expound at great length, except to comment briefly on the reason why I rose earlier in relation to a remark made by the member for Mallee which I think was totally uncalled for and certainly below what we have come to expect of him. I had no intention of trying in any way to throw the honourable member off his stride, but I thought it important that such a remark should not go unchallenged. That is all I intend to say in this debate about the honourable member and such contribution as he sought to make to our deliberations.

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

The Hon. D.J. HOPGOOD: It is customary when the Minister rises at the end of the second reading debate to thank members for the consideration that they have given to the measure before the House, irrespective of their attitude to it. I have always attempted to do this, because I believe that due courtesy should be given to members. I do not believe that this place should be encouraged to become a bear pit or the like. However, I find it very difficult to extend the usual courtesies to members after what we heard here this afternoon.

I can probably divide the contributions that were made into two parts. There were those members who actually spoke to the measure and demonstrated their lamentable ignorance, not only of the measure itself but also of the Act which the measure seeks to amend. There were those members who were smart enough not to direct their remarks to the Bill that we were debating at all and who, therefore, were not in a position of displaying either knowledge or ignorance in regard to either this amendment or the parent Act. The contribution that I found most interesting, as one would expect, was from the resident expert for the Opposition in these matters, the shadow Minister, because the honourable gentleman did for the most part direct his remarks to the Bill. In directing his remarks as he did, I found myself sitting here in some amazement, because the honourable member illustrated that he does not really understand the nature of the legislation which he himself introduced and passed through this Chamber not so long ago.

For example, the honourable member quoted from a letter which he had received from an outside body and which canvassed the question of whether the Act addresses control over change of land use or land use itself. The honourable member suggested to us that there was considerable doubt as to which of those two things the Act does. I remind the House that this is the honourable member's legislation. For the next 15 years when people hold the Planning Act aloft, they will be able to say, 'This is the House that David built.' True, some of the preliminary

working drawings were undertaken by a previous Administration. True, perhaps even some of the quantity surveying was well under way (to extend the metaphor somewhat), but nonetheless it is true that the bricks and mortar were assembled during the time of the honourable member. It was he who introduced the Bill to Parliament, and it was under him as Minister that the Bill was passed.

Of course, it became law about four days prior to his ceasing to be the Minister. Is the honourable member really saying to us that he does not know what his legislation's basic philosophy is all about? If he does not know that, at least can he share with us his intentions in respect of this matter. What was the intention of the member for Murray in regard to the legislation that he introduced? Should it control only change of land use, or was it the honourable member's intention that the legislation should control land use? If it was the former, what has gone wrong since? What change in the situation has led to the present parlous position to which the honourable member refers? Is it some amendment that I have introduced? Clearly, it is not. The Act is largely in the condition in which the honourable member left it.

So, one would really have thought that the honourable member would be in some position to assist Parliament in this matter. He should be able to say, notwithstanding whatever people are saying outside, 'This was my intention, this was the intention of my Government. In fact, this is not the case, and these are the steps whereby we have come to the present impasse.' However, he has not said that, either. So, I invite the honourable member in some way to assist the wider community. Let us be in on the secret. Let us know what his Government really intended in this matter. Clearly, the position is as explained in Mr Fowler's letter, part of which was read to the House by the honourable member and, if time permits, I will share with members other aspects of that letter. It makes perfectly clear that the amendment that I am placing before Parliament now does only what it purports to do—and nothing more. I will turn to that in slightly more detail in a moment.

The Hon. D.C. Wotton: And all the ramifications that go with it.

The Hon. D.J. HOPGOOD: Of course, but the ramifications are very limited. They are limited to the purport of the Bill which the honourable member has in front of him right now.

Mr Baker interjecting:

The Hon. D.J. HOPGOOD: There are many things that the member for Mitcham does not know, and I have not finished with him by a long shot. Before I sit down I will refer to him, I can assure the House. Indeed, my heart warms with every interjection from that quarter of the Chamber. The member for Murray also charged me with lack of consultation in regard to this matter. Let me take the honourable member back through time when, just prior to the last election, he will recollect that, on behalf of the then Opposition, I urged the then Government not to proclaim the Planning Act and to allow the old Planning and Development Act to continue to run for about another six months until some of the problems and questions which were issuing forth from lawyers involved in the jurisdiction and from local government could be properly addressed.

That was dismissed by the previous Government which went ahead and which proclaimed the Bill in the week prior to its going out of office. When I came into Government (it is not possible to unproclaim an Act once it is proclaimed) we were not in a position, nor did it seem appropriate, to immediately start amending legislation—that would be the classic sledgehammer to crack a nut approach—and so I set up a committee to review the various problems that were being complained of by people outside. That committee reported publicly, and the honourable member would have a copy of the report that I now have right in front of me.

The report was printed on 1 November 1983. I had the report some time before that and, of course, a good deal of it was made available publicly before that date. I refer to the membership of that committee, because it is important. The committee was chaired by Mr John Hodgson, Director, Development Management Division, Department of Environment and Planning. The rest of its membership comprised Mr Jim Hullick, Secretary-General, Local Government Association of South Australia; Mr Brian Turner, Principal, Brian Turner and Associates, Planning Consultants; and, Mr Michael Bowering, Assistant Crown Solicitor, Attorney-General's Department—a considerable committee, and hardly a group of Government stooges, including the Secretary-General of that association which advises local government on whose behalf the honourable member has had so much to say. As the honourable member would be well aware, that committee brought down a series of recommendations. It provided for over 60 amendments to the Planning Bill, many of which we intend to move to translate into law before very long.

The Hon. D.C. Wotton: When?

The Hon. D.J. HOPGOOD: I can promise the honourable member that we will have more planning fun before this calendar year is out. I remind members, and the member for Murray in particular, that that committee recommended the very amendment that we have in this Bill. I refer the House to pages 73 and 74 of that report, where various matters are canvassed in support of that amendment. I know that time is moving on, but I think that it would be instructive if I were to quote in part from page 74 of that report, as follows:

> The committee is of the opinion that provisions such as those now found in section 56 (1) *(a)* not only permit developments which are, in some cases, undesirable, but are now no longer necessary. The provisions of section 36 of the Planning and Development Act empowered the making of regulations which rendered certain land uses illegal in certain zones, e.g. the use of land for residential purposes in a district commercial zone was forbidden. Many such regulations were made, so that it was necessary to protect the continuity of the so-called 'non-conforming uses' which existed at the time at which the relevant regulations took effect. This was the purpose of section 37 (1) *(a)* of the Planning and Development Act. However, the philosophy of the Planning Act is different—it contains no such regulation-making powers, and the development plan does not, of course, seek to render any existing development or use illegal—

and members opposite hear those words—

The SPEAKER: Order! I beg the honourable Minister's pardon. My attention has been drawn to the fact that a person took a photograph in the public gallery. That is quite outside Standing Orders and will not be permitted again. The honourable Minister.

The Hon. D.J. HOPGOOD: The report continues:

> With the exception of section 55 (control of advertisements), the Planning Act contains no provisions which legally inhibit the existing use of land, as the Planning Act has no application to the existing use of land until such time as the owner thereof makes a development application. In other words, the philosophy of the Planning Act is similar to that which appeared in section 41 of the Planning and Development Act, and it is, the committee believes, pertinent to point out that the provisions of section 37 (1) *(a)* did not apply to section 41 of that Act.

The report later recommends 'that section 56 (1) *(a)* of the Act be repealed'.

A series of legal judgments has come forward in recent times suggesting that that advice given to the Government through that publicly available report was very wise advice. I think that I should share this with members. For example, there was the case of *Gein v the City of Woodville*, determination of 1.9.83 before the Planning Appeals Tribunal, where there was a proposal to erect a carport on the street alignment, and it was held not to require planning approval.

Then there was the case of *Gama v The District Council of East Torrens*, determination of 14.9.83 before the Planning Appeals Tribunal. The proposal was for major extensions and upgrading of an existing slaughterhouse at Summertown, and that was held not to require planning approval. There was the case of (and maybe the member for Murray can assist me with this pronunciation as well) of *Pyogiotis v The City of Woodville*, determination of 25.10.83 before the Planning Appeals Tribunal, which was to erect a garage on the side boundary of an existing house, and that was held not to require planning approval. Finally, there was the case of *Dorrestijn v The South Australian Planning Commission*, which was not a prosecution but an injunction.The proposal was vegetation clearance of farming property, and that was held not to require planning approval.

There are four cases, one of which involves vegetation clearance about which members opposite have had so much to say, and three which involve the normal sort of planning situation that one gets in the urban area. Let us make clear that the argument here is not whether an existing non-conforming land use has a right to a 50 per cent expansion, because that right was taken away by the member for Murray when he introduced the Planning Act. That was the effect of that legislation. However, the judicial interpretation which has occurred in the cases that I have quoted opens up the possibility of a continuing set of extensions to existing non-conforming land uses, which is quite beyond what was the intention of the member for Murray, his Government or the Parliament which translated that Bill into law.

Members had a lot to say about rights of property owners. I ask them to consider the situation of the rights of a property owner living in a residential 2 zone alongside an existing non-conforming land use, be it a light industry, a fish and chip shop or some form of workshop, etc. The present trend of judicial interpretation is that those existing non-conforming land uses can continue to have an extension without planning approval. This is the nub of the whole question.

Members interjecting:

The Hon. D.J. HOPGOOD: Building Act approval is one thing: Planning Act approval is another. The simple requirement that one has to get Building Act approval—

The SPEAKER: Order! I think that honourable members were heard in silence. I ask that the Minister be given the same courtesy. The honourable Minister.

The Hon. D.J. HOPGOOD: It does not in any way address the question of land use, which is what the Planning Act is all about. If members think that building approval is all that is required, let us screw up the Planning Act. Why introduce it in the first place? Why did the Liberal Government decide that we needed a new Planning Act? I am blowed if I know. However, the nub of the question is this: where a person has an existing non-conforming land use, of course, it is important that the security of that existing non-conforming land use not be touched in any way. This amendment does not affect that security, but what this Government says is that, where a person wants to extend that non-conforming land use, he should have to get planning approval and, if he does not have to get planning approval, the rights of those citizens living around about are very adversely affected indeed.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. D.J. HOPGOOD: Clearly, the balance of the rights as between the parties is that the proprietor of the fish shop should be allowed to continue, but the rights of the surrounding landowners are that that fish shop should not be allowed, without planning approval, to be able to materially extend. We have heard a lot of nonsense about what can happen inside.The member for Mitcham, who is a former employee of the Development Management Division of the Department of Environment and Planning, seriously invited us to consider that, in fact, it was within the ambit of planning legislation that a person who sold vegetables from a shop and who wanted without any exterior change to that shop to be able to sell electrical goods would have to get planning permission.

That is utter nonsense, and the honourable member should know that. Planning law is not fine grained enough to catch that sort of situation, nor should it be; nor do I believe that it ever will be. In the planning documents that we have in the legislation, Gertrude Stein might well say, 'A shop is a shop is a shop,' irrespective of what might happen to be going on inside. So much for some of these red herrings that have been raised! However, I return to the point from which I departed some time ago in relation to consultation on this matter.

The report which I have here was issued in December last year to every local government authority in this State. It was made available to industry and people who are involved in the various professional associations dealing with planning. It was made clear that at some time in the near future the Government would be legislating on the basis of this report. A reasonable person would imagine that any person who was particularly upset by any of the proposed provisions would have come charging in, saying, 'Hang on, Hopgood. Come on, we are not going to cop this. You're going to have to have another think. You had better throw it back to a committee,' or one or two other things. In fact, there has been only a big fat silence.

People have had a long time to consult the Government on this matter. Sometimes when an Opposition talks about lack of consultation it does not really mean that people outside have not had time to consult; what it really means is that the Opposition has not had time to get its act in order. That could mean one of two things: on the one hand, it could mean that members of the Opposition do not understand the matters involved. They could hold the view that the matter is a little more complicated than they were led to believe and that they want to get around the traps to get the best advice available. My response to that is that members of the Opposition have had the chance to get on top of this matter since December last year. The matters involved cannot be too difficult, because we are talking about amendments to legislation which Opposition members themselves produced, and the ramifications of the changes to the legislation should be fully clear to them.

On the other hand, members opposite could be implying that they introduced legislation that they really did not understand. That could be one interpretation, or another could be that the Opposition has not had time to get its instructions. I do not mean that in any more sinister way than what appears in those words. Often an Opposition addresses legislation not so much on its merits, having regard to what should happen in the best interests of all possible worlds, but rather it sort of hunts around outside trying to get some idea of which way the wind is blowing, and then, irrespective of the merits of the whole thing, members of the Opposition come here and put on a bit of a turn. It may well be that that, in fact, is the case—that the Opposition, irrespective of its appreciation of the merits of the legislation, has not really had an opportunity to find out which way the wind is blowing outside.

Mr Lewis: If that is so, whose fault is it?

The Hon. D.J. HOPGOOD: I believe it is the fault of the Opposition; it has had since December to get on top of this report, which is not really all that difficult. I am sure it would entail only two or three afternoons work by undergraduates doing a town planning course. As a matter of fact, I am tempted to invite people conducting town planning

courses in South Australia to place before their students the *Hansard* record of this afternoon's debate, and let them wonder or weep as to the capacity of the elected representatives of the people of this State to be able to understand planning law. There could be marks given out of 10 for each speech that was presented.

Mr Lewis: Including your own.

The Hon. D.J. HOPGOOD: I would be only too happy to submit the remarks I am sharing with members right now to anyone who likes to consider the matter. Let us consider one or two of the specific matters raised by members, because I do not want to detain the House much longer. I want to get into the Committee stage as soon as possible. Clearly, there has been a misunderstanding as to the six-month provision concerning a council's declaring that a use of land has ceased. Here we are simply transferring a provision originally in the Planning Act in to a new section. That provision will now be embodied in new section 4a, and will in no way change the situation applying as it was introduced formerly by the honourable member opposite.

I have already referred to the fact that the 50 per cent expansion provision is one which, of course, was taken away under the Planning Act. The honourable member was clearly quite happy to proceed at that time when it appears that he understood that that provision did not interfere with existing rights, that it simply provided that where an expansion of those rights should take place it should take place with approval and that people should have to go through the proper planning procedures in order to get approval under those procedures.

I can say the same thing tonight about the John Chappel article. It is true that I reacted somewhat to the suggestion by the honourable member that Mr Chappel's article was going to be canvassed in here. I did that because I think that that article is now somewhat of an embarrassment to Mr Chappel, now that he has had the opportunity to think a little more deeply about what in fact this amendment does. Work within a building and replacement of an existing building with a similar building does not require any approval at all. That position is not altered by these amendments. Yet, in his article Mr Chappel was assuming that all those matters would come under planning review. If members opposite doubt me on this matter, I refer them to the first schedule to the development control regulations which sets out those matters which are not subject to development control or which are exempt from it.

The matter of retrospectivity of the legislation as it applies to fines and penalties to be incurred was raised. I think members have either misunderstood what is happening in that regard or, alternatively, their words have been such as to mislead people outside. Therefore, I will explain this provision. First, the effect of this amendment clearly will be applied only in regard to an offence occurring after the proclamation of this Act (provided that the Bill passes through both Houses). There is no way that the penalties laid down in this legislation could apply to offences which occurred yesterday or which occurred a month ago or even which might happen tomorrow, unless somehow or other this Bill passed both Houses tonight and was proclaimed tomorrow, which clearly will not be the case.

The Hon. Ted Chapman: Who referred to retrospectivity?

The Hon. D.J. HOPGOOD: Several members did.

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: Confusion has also arisen with respect to that to which the *per diem* applies. The *per diem* does not apply to the total time in which the land is held in a cleared state following clearance: it occurs only in regard to that period during which activity takes place. In other words, a man can be fined for the number of days he is sitting on the tractor, but he is not fined for those days when the land is just sitting there following the destruction which has taken place and which has brought the prosecution. There has been confusion in the mind of honourable members in relation to that matter.

The member for Goyder was concerned about regrowth and what would happen when a person actually planted trees. I make clear that where trees are planted, they are not subject to the vegetation controls. In other words, vegetation controls apply to that vegetation put there by God but not by man, and what man has put there by way of plantings can be removed without any approval from the South Australian Planning Commission. In relation to an area which has been cleared and then allowed to regenerate, the controls begin to apply only after five years, so that at any time during that initial five-year period following clearance, further clearance can occur without reference to the South Australian Planning Commission. That is some sort of reasonable assurance and I would have thought that it would at least put paid to many of the fears of those people who have clearly been speaking to the honourable member.

This Bill in eliminating section 56 (1) *(a)* does not, as the honourable member suggests, allow the ambit of the clearance controls to go any further; it merely allows them to apply as it had always been intended that they should apply. In relation to the definition of farming, I would make clear what I said about activities within a shop. If it is true that it is not necessary to obtain planning permission to change from using a shop to sell fruit and vegetables to using a shop for the sale of electrical goods, similarly, it is clearly not necessary to obtain planning permission to change from one form of farming to another: to change from cereal growing to cropping, or to go in the other direction. The same principle applies. Again, if I may misquote Gertrude Stein 'Primary production is primary production is primary production', and the Planning Act does not distinguish between various subspecies of primary production. I have dealt with as much as I want to deal with concerning the gaffe of the member for Mitcham as to the way in which planning generally applies.

The member for Flinders has been heard on vegetation clearance before, and I make clear that vegetation clearance is only a small portion of the problem that this Bill is endeavouring to address. However, he and the member for Mallee on several occasions have said that it was never envisaged that, when the planning legislation was brought down, it could possibly apply to the clearance of native vegetation.

Mr Gunn: That's right.

The Hon. D.J. HOPGOOD: They have read all sorts of sinister things into that. I hear the honourable member for Eyre coming in like the tide on this matter. It is a pity that he did not stay out, because I would invite him to look at section 58 of the Planning Act, where clearly the possibility of vegetation clearance being controlled is canvassed.

The Hon. Ted Chapman: 'Clearly the possibility'—what do you mean by that?

The Hon. D.J. HOPGOOD: Yes, it is a clear possibility. There is no—

The Hon. D.C. Wotton: There is nothing that indicates—

The SPEAKER: Order! This is not a private conversation.

The Hon. D.J. HOPGOOD: I could go to the Statutes and quote the very words for honourable members if they want them. It is there in relation to native vegetation, and we cannot rule out the possibility that that was intended at some stage. In any event, the reference to native vegetation is not something which is in any way foreign to the Act. The member for Flinders said that farming was not defined in the Act. It is defined in the development control regulations and includes agriculture, cropping and animal husbandry. I said earlier that a change from one of those

subspecies to another is not a change of land use under the Act or the regulations and does not require planning approval.

The only other matter to which I need refer—and I have tried to take some cognisance of what all honourable members have said; I do not want them to think that I was in any way ignoring their remarks—is that the honourable member sees something odd about the way in which this legislation has been brought in. In particular, he seems to think that we were very keen to get this legislation in last week. The situation was that I had been given to understand by the Deputy Premier that this legislation would be discussed during this week of Parliament. I was asked by the honourable member what the position was and I told him that we would be debating it this week.

However, at the beginning of last week, because of some delay in the drafting of a couple of pieces of legislation which were originally to have been debated that week, the Deputy Premier, as it were, promoted this legislation on to the Notice Paper for last week. Just as soon as the member for Murray remonstrated with me and reminded me that I had given him an assurance that the matter would be debated this week, I conveyed that to the Deputy Premier, who immediately agreed that the legislation should be pulled off and delayed until this week. So much for our mad concern to get the legislation in last week! We fully co-operated with the Opposition in that matter.

This legislation does three very simple things. First, it repeals that portion of section 43 of the Act which makes of that portion sunset legislation. That was not envisaged by the member for Murray, because he did not want it in at all, nor was it envisaged by me, because I wanted it to be a permanent part of the Act. What finally happened was that at the conference of managers a deal was done, as is often the case, and what the honourable member and I were both betting at that point was the outcome of the next election. The honourable member assumed that I would not have the numbers to be able to entrench section 43 in the Act and, of course, that is not the case. Clearly, we are now moving to ensure that that part of the Act is part of the Act and does not drop down the chute at the end of those two years following the proclamation of the Act. Secondly, we make changes to the penalties, which I have canvassed. Finally we repeal that section of the Act to which we have all referred. I commend the Bill to the House.

The House divided on the second reading:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, Klunder, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (19)—Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Rodda, Wilson, and Wotton (teller).

Pair—Aye—Ms Lenehan. No—Mr Mathwin.

Majority of 4 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr GUNN: This clause relates to the commencement of this Bill which, in future, the Minister hopes will be an Act. When does the Government intend to proclaim this measure and bring it into effect? I ask that question because the Minister would be aware that there are already matters before the courts with which this Bill sets out to deal. I raise the matter of whether sections of this Bill are *sub judice*, because this amendment is subject to an appeal to the Supreme Court. I ask you, Sir, to rule whether it is within the province of this Committee to consider the matter, whilst it is still before the court or whether we are prevented from discussing this matter.

The CHAIRMAN: I advise the honourable member that I have sought advice on his question. I also advise him that, unless the debate on the Bill has some effect on the matter before the court, it is not *sub judice*. I rule that the Bill, as far as the matter before the court at this time is concerned, has no effect.

Mr GUNN: I rise on a point of order. I do not wish to dispute your ruling, Sir, but as I understand the situation this measure attempts to amend a section of the Planning Act, 1982, under which a person has been charged and was acquitted; and the Government has now taken the matter to a higher court.

The Hon. D.J. Hopgood: It was an injunction.

The CHAIRMAN: Order!

Mr GUNN: As I understand it, the person was prosecuted in relation to regulations under the Planning Act because allegedly he cleared vegetation that he did not have permission to clear. As, I understand it, the matter is now before the courts. Therefore, the amendments to the Planning Act which are contained within this Bill will certainly have an effect upon the provisions under which that person was prosecuted. Therefore, I ask you, Sir, to rule on whether it is correct for us to consider and debate this matter at this stage.

The CHAIRMAN: Order! The Chair has already pointed out to the honourable member that the Parliament itself must have the right to legislate. There is no question about exploring beyond that position. The Bill before the Committee seeks to amend a current legislation. It has nothing to do with a court action. I point out quite seriously that, if the debate was in some way deemed to be influencing the action of the court, that would be a different matter. But, as the Chair sees it, this Bill is simply to amend the legislation. Parliament must have the right to do that.

The Hon. TED CHAPMAN: I share the view and concern expressed by the member for Goyder.

The CHAIRMAN: Order!

Mr Whitten: He has already ruled on the point of order, you dumb cluck.

The CHAIRMAN: Order!

The Hon. TED CHAPMAN: I rise on a point of order, Sir. Would you bear with me before proceeding? I ask you to rule that the member for Price withdraw that remark.

The CHAIRMAN: I am finding it rather difficult to bear with anyone at present.

The Hon. TED CHAPMAN: I ask you, Sir, to call upon the member for Price to withdraw that remark.

Mr WHITTEN: If the member for Alexandra is offended because I called him a dumb cluck I withdraw that remark and say that he is not a dumb cluck.

Members interjecting:

The CHAIRMAN: Order!

The Hon. TED CHAPMAN: In responding to the point of order of the member for Eyre—

Members interjecting:

The CHAIRMAN: Order! Would the member for Alexandra please resume his seat. It is not a matter of the Committee's now breaking into a debate as to whether or not my ruling is correct. The member for Alexandra can go through the functions of the Parliament if he disagrees with my rulings. I am simply saying to him that Parliament has the right to amend the Bill. That right must be retained. That is my ruling. If the member for Alexandra wishes to disagree with that he is at liberty to do so.

The Hon. TED CHAPMAN: With due respect, Sir, you do not know what my point was. You did not give me the opportunity to explain.

The CHAIRMAN: Order! If the member for Alexandra wishes to reflect on the Chair I will soon find out what is going on and so will he.

The Hon. TED CHAPMAN: If I may proceed to make my point of order, with your permission, Sir, it refers to a matter that is not consistent with but indeed complementary to that raised by the member for Eyre. The subject that we are debating is currently the subject of a disallowance motion before Parliament. I ask you, Mr Chairman, to rule whether the legislation can proceed on the same basis as that on which the motion for disallowance is before Parliament and still subject to debate without resolution one way or the other.

The CHAIRMAN: Order! The Chair has pointed out (and hopefully this will be the last time it points it out) that Parliament must have the right to amend legislation, and the debate on this Bill would take precedence of any action within the court unless, as the Chair has also pointed out, during the debate or during some phase of the passage of the legislation it was deemed that the debate might influence the court proceedings.

The Hon. Ted Chapman: Of course it will. There's no question about that.

The CHAIRMAN: Order! A debate in Parliament also takes precedence of any motion that might be deemed necessary by the honourable member to be brought up. The honourable member for Alexandra.

The Hon. Ted CHAPMAN: Will the Minister assure members that, on any advice that has been given or will be made available to him, any debate or decision in relation to this Bill will have no influence—

The CHAIRMAN: Order! That line of questioning is definitely out of order. I hope that the Minister does not answer it.

The Hon. D.J. HOPGOOD: Under your direction, Mr Chairman, I will not answer it. I would not wilfully disobey the Chair. In reply to the member for Eyre, regarding when this legislation, if passed, will be proclaimed, I would say, 'With all possible haste.'

Mr GUNN: That is a matter of concern, because in discussions I have had on the Bill there is conflict within the legal profession as to the meaning of this provision. The matter of when this legislation will operate is therefore pertinent. Unfortunately, I could not be present for the second reading debate, so I must use other opportunities to make the points I wish to make. This legislation has a considerable effect on my district, especially in the Flinders Ranges where people have already suffered from difficulties which this legislation, when it operates, will merely aggravate. These people have already had to bear the effects of the actions of officers who do not seem to have any practical understanding as to how their decisions will affect people who must make a living. Before the legislation is proclaimed, will the Minister ensure that people in those sensitive parts of the State are at least consulted on how the Act will affect them and will he direct that the officers who are to administer these provisions will do so in a reasonable and commonsense way? Will he also ensure that the ramifications and effects of the legislation are made known to the public, bearing in mind that these provisions can have serious effects on existing uses of land?

The Hon. D.J. HOPGOOD: The honourable member shares with his colleagues a lack of knowledge as to what we are debating here. We are not debating the regulations that I know concern the honourable member and certain sections of the primary-producing community, although not all of it, because many primary producers have told me that these regulations are long overdue and that I should stick to my guns. The regulations are not being tested before Parliament or before the courts. We are concerning ourselves here with three amendments to the Planning Act: first, as to penalties; secondly, as to interim development control; and, thirdly, as to the interpretation of existing land use rights.

These matters have been fully canvassed, especially that which the honourable member mistakenly assumes we are debating, namely, the regulations. Following the passage of this legislation, my responsibility, as a Minister of this Government, will be to recommend to His Excellency the early proclamation of the measure.

Mr GUNN: I am pleased with the information given to the Committee, because it allows the Committee to discuss this clause. I am fully aware of the regulations because I am a member of the Joint Committee on Subordinate Legislation and my colleague and I have pursued this matter vigorously before that Committee. I understand the regulations that the Minister has introduced in relation to the Development Plan and how they affect the people on Kangaroo Island, so I am concerned about this matter. The officers coming before the Subordinate Legislation Committee made clear that they were the architects of the regulation and that the council, unfortunately, had just rubberstamped those regulations.

The CHAIRMAN: Order! I must pull the honourable member up. The question before the courts concerns the regulations, whereas this clause has nothing to do with that court action or with the regulations. For the honourable member to rage off into a debate on clause 2 on the regulations is, in the opinion of the Chair, out of order.

Mr Hamilton: Why not—

Mr GUNN: It is all right for the honourable member to make comments about me if he wants to but, if he wants to rough up the debate, I shall be content to do that and we shall be here until 6 o'clock tomorrow morning if that is what he wants. I shall not be put down by the member for Albert Park in this matter. I shall rise in my place on behalf of the people I represent, and I have represented them longer than the honourable member has represented his constituents.

Mr Hamilton: Time alone will tell.

Mr GUNN: Yes, and I am happy to face my constituents as often as the honourable member is prepared to face his. I rise on behalf of my constituents who are concerned about the effects of the legislation as a whole and as to when it will operate. These people have made representations to me and to the member for Alexandra and they will have to move quickly.

The Hon. D.J. Hopgood: How will they move?

Mr GUNN: They will have to make representations to members in another place, and let us hope that those members agree to move suitable amendments so as to make this Bill more acceptable. In view of the way in which departmental officers have administered the current legislation, I fear for the people of rural South Australia, because we are already dealing with the most arrogant group of public servants anywhere. I can quote chapter and verse and I can name some people if the Minister wants me to.

The Hon. D.J. Hopgood: Perhaps you should. You have put them all under suspicion.

Mr GUNN: I am happy to.

The CHAIRMAN: Order! The Chair does not want to buy into any differences of opinion in Committee. The Chair has been as patient on this matter as it could be but, again, I must point out that the present line of debate followed by the honourable member for Eyre has nothing to do with this clause. The Chair does not intend that the honourable member for Eyre or any other honourable member shall be permitted to continue in the present fashion.

Mr GUNN: I take it, Mr Chairman, that you will restrict me from debating this clause along the lines—

The CHAIRMAN: Order! The Chair takes exception to that remark, because it has no intention of stopping the member from debating this clause. The Chair is saying that the present debate being put up by the honourable member for Eyre is not on this clause but on the regulation that is before the court, which has nothing to do with this clause. When the honourable member for Eyre comes back to this clause the Chair will recognise him.

Mr GUNN: Thank you, Mr Chairman. I had no intention of reflecting on you or the Chair, and if you took it that way I apologise because I did not intend any reflection. I think that I will save the rest of my comments for the debate on clause 3.

Clause passed.

Clause 3—'Concept of change in the use of land.'

The Hon. TED CHAPMAN: Does the Minister accept that the action of the Government in declaring by regulation that the clearance of native vegetation constitutes development, whether or not there is a change in the use of the land, and that that is evidence of the fact that the Planning Act is concerned with more than the change in use of land and in fact is concerned with land use *per se?*

The Hon. D.J. HOPGOOD: I am quite happy to answer that question, except that I am blowed if I can see what it has to do with this clause.

The Hon. TED CHAPMAN: Proposed new section 4a(1) states:

For the purpose of determining whether a change in the use of land has occurred—

and then follow *(a), (b)*, and so on. That is in clause 3.

The CHAIRMAN: Order! The Chair is not quite clear whether the honourable member for Alexandra is speaking in the debate or whether he is having a bit of a mumble to himself.

The Hon. TED CHAPMAN: I am being challenged by the Minister.

The Hon. D.J. HOPGOOD: I am happy to meet the honourable member half way in this matter. Clearly, it is the intention of the regulation that clearance involves a change of land use and, as such, falls within the ambit of legislation which seeks not to regulate land use but changes of land use. Because there is a change of land use when an area is cleared of native scrub and is brought into some sort of productive use, it is necessary under the regulations that a person should get formal approval from the South Australian Planning Commission for that to take place.

The Hon. TED CHAPMAN: In relation to the subject particularly involving land use and the proposed repeal of the relevant section of the Act, I ask the Minister whether it means that any person making use of land will need the consent of the local planning authority to undertake any development in relation to that land, even if the development constitutes only the erection, construction, conversion, alteration of or addition to a building on that land, and there is no change of use to the land. There are several of these points I wish to raise with the Minister in relation to the principal section of the Act which is proposed for repeal under this Bill.

The Hon. D.J. HOPGOOD: What we are doing basically in this clause is not repealing anything. We are writing a new subclause into the legislation, which states—

The Hon. Ted Chapman: But you are leaving subsequent repeal further along, so that it is part and parcel of it.

The Hon. D.J. HOPGOOD: It seems to me, therefore, that we can consider that matter when we get to that clause. I am trying to help the Committee to move smoothly through the clauses.

The Hon. TED CHAPMAN: The Bill is framed so as to refer to what is proposed to insert before the clause and the Bill refers to that part which it is proposed to repeal, and I cannot help it if that is how the Bill has been framed. Whether or not it is indeed to cut off the Opposition from questioning the real nub of the issue until the last clause, which is the one that deals with the actual repeal of section 56 (1) *(a)* I do not know. However, I think that it is reasonable in the circumstances that our questioning, as long as it is directly related to what the Bill purports to do, should raise those matters in the context in which we are able, clause by clause, as we go through it. If we are not, then the whole exercise is useless.

The Hon. D.J. HOPGOOD: Mr Chairman, I will be guided by you. If you permit the question, I will answer it. All I can do at this point to assist the honourable member is to say that the regulations define what is development, and development must be seen as a change of land use, and it cannot be envisaged in any other way. Changes of land use under the legislation are to do with the erection of structures, and certain changes of use of existing structures rather more fundamental than those canvassed by the member for Mitcham. They are to do with land division—

Mr Baker interjecting:

The Hon. D.J. HOPGOOD: If, for example (and this is where new section 4a (1) *(a)* (iii), which was the question foreshadowed by the member for Alexandra, comes in), a person was using a building for the purposes of a shop and put some small manufacturing facility at the back of the shop so that he or she was not merely retailing but in fact manufacturing in a small way in that facility, that would clearly be a change of land use and would be subject to development control, as I think the honourable member would see as being quite proper. However, returning to the list I was sharing with the honourable member for Alexandra, it includes erection of structures, certain forms of change of use of existing structures, land division, of course, and vegetation clearance as defined in the regulations. The answer to the question is: refer to the regulations and what is listed there.

The Hon. TED CHAPMAN: Let me take up the point that the Minister raised in his definition of development, and what development in relation to land does in fact mean according to the Act. I refer to page 21 of the Statute, which deals with the lines covering the definition under the Planning Act, 1982, that is, the existing Act to which we are speaking at present, and which states:

'development' in relation to land, means—

(a) the erection, construction, conversion, alteration of or addition to a building on the land;

(b) a change in the use of the land;

If one picks that up under the section which we are seeking and have throughout this debate to defend and which is the real nub of the Bill that is subject to Committee discussion now, surely the Minister recognises why we are so adamant that that section be preserved and not repealed, as proposed. A short time ago he challenged the shadow Minister for Environment and Planning about a matter which is already in the Act and which relates to clearance. He referred to section 58 of the Planning Act, an Act which my colleague the member for Murray introduced on behalf of the previous Government.

It is true that reference is made to lopping, clearing and cutting of trees and other vegetation in the identified section, section 58, and also within the whole Planning Act of which section 58 was only one section was the vital section 56 (1) *(a)*. It was left there and indeed reconstructed in my colleague the member for Murray's legislation from the previous Act and the relevant amendments by the former Minister (Glen Broomhill). It was in the Act before he even came on the scene and it was therefore, in my view (and I believe in the honourable member for Murray's view), quite appropriate to cite the details that are cited under section

58. because we were covered and all the people in the community were protected by the protection provision (section 56), which we are still trying to preserve.

If one goes, then the other goes also. We are saying that the Government in this Bill is proposing to throw the baby out with the bath water. It has some problems; we concede that, and we recognise that under any complicated legislation of this kind there will be problems within the community at large. The Minister himself has cited four examples of problems that the Government has had under the Planning Act, three of which related to the metropolitan area, and the other of course concerned a case on Kangaroo Island. Having problems such as that is understandable in regard to legislation of this kind and the implementation of it. However, one does not have to destroy the very fair and reasonable protection provisions in the Act in order to overcome those problems. We are asking the Government to do its homework. We are saying to the Government that it is dangerous and unprecedented to break down a protection clause that the community has grown up with and learnt to live with, people having acquired and held land on the understanding that it has certain rights associated with it, all of which factors are covered under the protection clause in regard to existing land use as incorporated particularly in section 56 (1) *(a)*. That is really what the argument is all about.

The Opposition can manufacture and develop arguments and ask questions in regard to various clauses of the Bill until daylight, as the member for Eyre said. However, that would be of no value to us, the legislation before us, or anyone who is deeply concerned about it. We are trying to get the message across to the Government that it has gone overboard in its efforts to achieve results in a matter which is before the court, but which you, Sir, ruled can still be the subject of discussion in this place and for other identified purposes. Collectively, if the Government has a problem the Opposition will not take an unco-operative attitude, but I can assure the Minister, as our lead speaker on the subject assured the House this afternoon, that we are absolutely unanimous in our opposition to the removal of this protection clause which was inherent in the Bill as introduced by the previous Government and which was retained for good reason (as I referred to in my second reading speech this afternoon) by none other than former Premier Don Dunstan, former Minister Glen Broomhill, and others. It is of paramount importance that this matter be not rushed through, and whatever reason we can pluck out of the woodwork to prevent its being rushed through before there is complete public understanding of it will be in the public interest.

I propose to support the member for Eyre and others who have expressed deep concern about their particular interests. I am the first to concede that my special interest is on behalf of that part of the rural sector which as a result of implementation of the regulations in May 1983 has been absolutely destroyed. In reply to the member for Eyre the Minister argued that there was no prosecution in the Dorrestijn case, that it was simply an injunction. What the hell is the difference? The thing is that an injunction order was placed on that farmer for the purposes of preventing development in the ordinary practice of carrying on his business. Indeed, injunction orders have been placed on others. There was a neighbour of Dorrestijn's—

The CHAIRMAN: Order! I am trying to be patient and as easy to get along with as I can, but the member for Alexandra is straying a long way from the clause.

The Hon. D.J. HOPGOOD: Perhaps I can assist the honourable member and the Committee in this way: the Opposition is saying one of two things. Is the Opposition saying that the passage of this legislation will wipe out all existing land use rights, that is to say, that a person who has an existing non-conforming land use in an area will no longer have the security of knowing that he can continue that existing non-conforming land use? If that is what honourable members are saying, I simply have to say that they are wrong. That is not in fact what this Bill does. If in fact members opposite accept that, and come back and say that that is not what they are really arguing at all, then what they are arguing concerns the fact that the member for Murray, in bringing down the Planning Act, as the Minister responsible at the time, intended that existing non-conforming land uses should be protected.

He further intended that if there was to be an expansion of that existing non-conforming land use approval from the planning authorities should be sought, but now they have changed their mind and are urging upon the Government that it should fix up the situation created by that earlier legislation. If that is what members opposite are saying then I would say to them that their first thought was best, that they did the right thing, or intended to do the right thing back in November 1982, or whenever it was. All the present Government is doing is seeking to ensure that the intention of the previous Government is secured in the legislation in the face of four decisions which we have had and which have gone against that intention. If my second interpretation of what the honourable members are saying is correct, all I can say is that we agree with the position of the previous Government when it brought down the legislation and not what the Opposition is now urging.

Mr GUNN: I have listened to the Minister with interest. My colleagues and I do not want to act irresponsibly, but the facts are that certain officers in the Department of Environment and Planning and one or two other associated groups in my judgment have taken it upon themselves to attempt to prevent the proper development of this State. The way some of those people have carried on has made them an impediment to the proper development of South Australia. I make no apology for saying that. My constituents are sick and tired of being fooled around with red tape and humbug by these people who could not stand on their own two feet if they tried. As far as I am concerned, in many cases the Department is acting in a manner contrary to the development of this State. The people of South Australia want jobs and want to see development, and while there are officers racing around and harassing people with more controls and more permits, God help the people of this State. That is why we have lodged our objection to this measure.

If the Parliament agrees to it, then these people will be armed with greater powers and there will be all these petty little officials. The Minister knows how one of my constituents in the northern Flinders Ranges was treated, which in itself is another disgrace on the part of all those concerned, but I will say no more about that at this stage. What people attempted to do in that case was an utter disgrace. I tried to be very reasonable about it. But in relation to the development regulations to which the honourable member referred briefly and which came before the Joint Committee on Subordinate Legislation, the sort of authority that departments will be given as well as other petty officials will be detrimental to rural landholders and people trying to develop properties and businesses. One of the most urgent priorities of the next incoming Liberal Government will be to take the Department by the ankles and give it a damn good shake.

Mr Whitten: Another 40 years time!

Mr GUNN: I was told that a few years ago by certain members opposite, and look what happened. Make no mistake, the day of judgment will descend on this Government. The attitude of the honourable member who is laughing will assist us all the way to the ballot-box.

Mr Ferguson: Which one are you referring to? We are all laughing.

Mr GUNN: The member for Henley Beach will not be here; but if he wants to divert me, I do not mind. I have plenty of time.

The CHAIRMAN: The honourable member for Eyre is moving away from clause 3 at the moment by bringing in the honourable member for Henley Beach.

Mr GUNN: The honourable member did attempt to lead me astray and I apologise. Clause 3 of the Bill causes me a great deal of concern. From the discussions that the member for Alexandra and I had with the legal representatives of the United Farmers and Stockowners, the advice tendered to us has led us to the conclusion that this clause, and others which we will be debating shortly, could have (and most likely will have) very serious effects upon those people engaged in agricultural activity in this State, particularly in areas regarded as environmentally somewhat sensitive.

The Minister knows the sorts of problem that my constituents have had to face with regard to the vegetation clearance regulations. They have affected people trying to cut wood at Jamestown, Orroroo and Peterborough, the coldest parts of the State. Departmental officers were responsible for writing those stupid letters to my constituents to inform them that, even if the timber had been knocked down, it could not be cut until it was completely dead—and everyone knows that dry timber cannot be cut with a chain saw. That was not funny.

Mr Ferguson: Did you understand it though?

Mr GUNN: I certainly did, as did the pensioners who had great difficulty in obtaining wood because the Minister's Officers would not give permission for timber to be cut by those people who had been doing it for 40 years. If we are to give the Government more control, I fear what will happen to those people. I would be irresponsible and failing in my duty if I did not protest most vigorously about how foolish the Minister's office has been in relation to these matters. The Minister thinks that it is funny, but whoever that smart alec is in the Department who drafted the letter—

The Hon. D.J. Hopgood: I did it myself.

Mr GUNN: Even more the pity, if the Minister can take time, when I make serious representations on behalf of those affected people, to compile smart alec replies! We have established once and for all the Minister's attitude to that serious representation. If the Minister and his colleagues enforce these regulations as they have been then we are heading for serious conflict, and this Parliament will be used (and I make no apology for saying this) to attack officers, because it will be the only redress there will be to defend our constituents who will be affected, unless common sense applies. I do not make that as an idle threat and I make no apology for saying it: unfortunately this place will have to be used.

Mrs Appleby interjecting:

Mr GUNN: The member for Brighton would know little about agricultural land use. If common sense does not apply, there will be no alternative but to use this place to protest in a vigorous fashion. The member for Brighton is to be pitied. She and her colleagues came into this place after the last election on a policy of creating jobs. What do we have? We have more impediments put in the way of people trying to improve the State—

The CHAIRMAN: Order! I hope that the honourable member for Eyre will not continue in that vein. The honourable member for Alexandra will not be recognised by the Chair; he has already spoken three times on this clause. Before asking the member for Mitcham to speak on the clause, I reiterate what I said previously: this clause has nothing to do with the regulations before the Court. I hope that honourable members will stop referring to the regulations.

Mr BAKER: Referring to clause 3, the Minister has been very naughty in what he said to this Parliament; it is another case of the Parliament's being misled. He said that clause 3 was a transposition of those clauses contained in section 56. For the benefit of Parliament, I will read section 56 of the Planning Act because these are the clauses that are supposed to have been transposed. Section 56 (3) provides:

> Where a planning authority is satisifed that, at the time of consideration of the matter by the planning authority, a particular use of land or activities involved in, or associated with, a particular use of land—
>
> *(a)* have been discontinued for a period of not less than six months immediately preceding that time;
>
> or
>
> *(b)* have continued only to a trifling extent for such a period,
>
> the planning authority may give notice in writing to the owner and the occupier of the land that it proposes to make a declaration under this section.

This was a change of use. Whilst the Minister said that my example of the conflict of land use was not a particularly good one, perhaps I could give him some good ones which have entered into this debate because of the change of words of that section. It is not a transposition; it is a rewrite. There is no reference in the Planning Act Review Committee's final report which suggests such an amendment. Has the Minister suddenly dreamed up this new interpretation of a change of use? Clause 3 provides a new set of rules for change of use. Perhaps the Minister can explain where the conflicts will arise, as we know they will, because he has created a new set of anomalies. New section 4a (l) *(a)* provides:

> the commencement of a particular use of the land shall, subject to paragraph *(b)*, be regarded as a change in the use of the land if—
>
> (i) the use supersedes a previous use of the land;

That is obvious and does not need to be written in. New section 4a (l) *(a)* (ii) provides:

> . . . the commencement of the use follows upon a period of non-use;

There is now a two-year situation, where an order does not have to be put on the land by a planning authority because after that time that right will be automatically lost. In certain situations that will be quite irrelevant but it is not distinguished in the Act. New section 4a (l) *(a)* (iii) provides:

> the use is additonal to a previously established use of the land which continues notwithstanding the commencement of the new use;

Despite the Minister's explanation of a development involving additions to a building, if a building is knocked down and replaced in exactly the same way, it is not regarded as a development but that is not spelt out in the legislation. Further, I understand that the legislation provides that if one has a dress shop, for example, in whatever zone, and says, 'We will sew our own dresses in that and make a manufacturing shop within that same building without altering anything', there is a change of use, irrespective of whether or not the building is altered.

The Hon. D.J. Hopgood: If you manufacture instead of selling, yes, there is a change of use.

Mr BAKER: The use is additional to a previously established use of land which continues, notwithstanding the commencement of the new use. Any small addition to an existing use can be interpreted as a new use: this is exactly what the Bill states. Will the Minister say how this will be interpreted? The Minister has available the best advice to tell him to go ahead and use the regulations to control vegetation clearance, yet he is wrong.

The Hon. D.J. Hopgood: Not at all.

Mr BAKER: I think the Minister is wrong. We are now going into a new area about which members on this side are concerned, as the Minister must be. Certain interpretations of change in use will now come into force and could be used by people in Government, councils, and so on, to

the disadvantage of residents, industry and others, because they have not been tested.

The Hon. D.C. Wotton: There are legal opinions to substantiate that.

Mr BAKER: Yes; they suggest that this could arise. If the Minister cannot recognise that he is quite stupid. If he can, he should think about the legislation.

The Hon. D.J. HOPGOOD: First, as to the relationship of this clause to the clause in the existing Act to which the honourable member refers, from paragraph *(b)* on it is, in effect, the clause to which the honourable member refers. All that has happened is that in paragraph *(a)* we have written in a definition of change of use, the import of which is to ensure that the planning system will continue to operate as it has always been assumed that it will operate and in the way that people expect it to operate.

Quite obviously, if a person alters the use of a shop from retail use to manufacturing use, that in fact should be subject to planning consent. If the honourable member's constituents were aware that that was not the case there would be any number of them who would urge upon him that amendments should be drawn to ensure that their rights would be secured. I cannot understand the situation whereby a person who has a shop somewhere in the Mitcham electorate can suddenly be allowed to change it to some form of manufacturing use and that being accepted with equanimity by the honourable member's constituents in the immediate vicinity of that shop.

The Hon. Ted Chapman interjecting:

The Hon. D.J. HOPGOOD: I simply make the point to the member for Alexandra that that is what we are endeavouring to do in this clause and in the amendment—to ensure that the existing non-conforming land use rights are protected, but that, where there is a significant expansion of those rights, or where there is a change to some other form of land use which may be without change to the external facade of that building or property, that should be subject to planning control. It does not necessarily mean that the people concerned will not be able to proceed: it means that they have to go along to the local council.

The Hon. D.C. Wotton: That's your interpretation.

The Hon. D.J. HOPGOOD: It is not my interpretation.

The Hon. D.C. Wotton: Or your officers.

The Hon. D.J. HOPGOOD: It is not my interpretation—and this was one of the basic philosophies of this legislation which the member for Murray introduced: for the most part they go to local government. It is not necessary for them to secure my concurrence in that matter. The vast majority of applications for changes of land use are considered by local government and there is a small set of changes of land use which are reserved to the Planning Commission. There is an even smaller number of those in which the Minister has to concur. But the vast majority are subject to decision by local government. What we are simply trying to do here is ensure that that expectation which people generally have as to the controls on land use should continue.

The Hon. D.C. WOTTON: Will the Minister say where in the report handed down by the Review Committee are the matters canvassed in clause 3? The Review Committee must have considered the matters contained in this clause. Where are its recommendations? I certainly have not been able to find them. If they are not in the report, I would like to know why.

The Hon. D.J. HOPGOOD: They are not in the report, of course, because what we have here is consequential upon the removal of section 56 (1) *(a)*, but if we, for the reasons I have outlined, repealed section 56 (1) *(a)* the mechanisms set out, for example, in subclauses (2), (3), (4) and (5) have to be somewhere in the legislation. These subclauses contain important principles which I would have thought would be welcomed by the honourable member. For them to be tossed out altogether would, I think, open up serious problems. Take, for example, subclause (5), which provides:

> For the purposes of this section, a particular use of land shall be disregarded if the extent of the use is trifling or insignificant.

Surely that is a safeguard which the user of land has and which honourable members opposite would expect to be included in a scheme of legislation such as this. To simply repeal section 56 (1) *(a)* without providing that some of those mechanisms occur somewhere in the Act clearly would be quite counter to the sort of philosophy which has been voiced by members opposite. It is there not as a direct result of the recommendations of the committee but as a consequence of the recommendation which we have adopted.

Mr BAKER: In the metropolitan area, many enterprises and establishments are in non-conforming zones, as the Minister will understand. The existing use provision protects that use. If we take it out we rely on clause 3. If there is any deficiency in that clause whatsoever, the residents themselves, whenever there is a slight change to a building or to what happens in the building, can go to the corporation concerned and say, 'We have put up with the noise or traffic for too long. Here is our chance to make sure that that enterprise is out of the area.' The Minister would understand what he is doing here—he is opening up these possibilities because he has taken out the existing use clause, which protects people. We then need a set of rules about change of use which are inviolate and which protect that change of use.

I have pointed to some anomalies that could arise. As the Minister is aware, one then has to define use. It is not defined in the Planning Act to the extent that we would expect. If one is talking about legal changes in use one must define use. That is not my interpretation—I am not a lawyer—but it must be as tight as possible in order to protect people. At present, I do not believe that it is. If the present provision is vested in the courts and is found wanting, a vast number of people will be disadvantaged, because the Minister has not taken this matter as far as we believe he should have. Because he is in such a rush, he has not taken the rest of the Planning Review Committee's recommendations into account. He has taken three sections of the Act because he has a difficulty concerning vegetation clearance, and said, 'I will fix this one up first, and damn the rest of them.' He has taken things in isolation, and that is not good enough. If the Minister wants to change the Act he should change it in total and in terms of what has been recommended.

Mr EVANS: The Minister said that planning approval must be obtained where there is to be a substantial or significant increase in the size of an operation where there is an existing right of usage. Under the present provisions I believe that where the existing use operates in a non-conforming area the operator automatically has the right to increase the size of the operation by 50 per cent, but that he must conform to by-laws and regulations governing car parking space and other ancillary matters. Is that correct? I have been told of a couple of examples where this has been the case. I took it from the Minister's statement that the right of increase by 50 per cent would not exist under the new legislation. I strongly object to that change because a person who bought a business realising that the automatic right existed believed that the law could not be changed.

The Hon. D.J. HOPGOOD: It is my understanding that the honourable member and his advisers have been confused between the provisions of the Planning and Development Act and those of the Planning Act. I understand that the examples given are based on the provisions of the Planning and Development Act and that the right of a 50 per cent increase no longer exists.

Mr GUNN: Section 56 (1) of the Planning Act provides:

> Notwithstanding any other provision of this Act, no provision

of the Development Plan shall— *(a)* prevent the continued use, subject to and in accordance with the conditions (if any) attached to that use of land for the purposes for which that land was lawfully being used at the time the provision took effect; or *(b)* prevent the carrying out or completion of a development, subject to and in accordance with the conditions (if any) affecting the development, for which every consent, approval or authorisation required under any Act authorising or permitting the development had been obtained and was current when the provision took effect.

The Minister has explained his intention in relation to vegetation clearance. Until a few months ago every person owning a Crown lease believed that he was legally obliged to develop the property.

The Hon. D.J. Hopgood: We have repealed that.

Mr GUNN: Please let me finish. Many people bought land believing that they could develop and continue the existing use of all that land for agricultural purposes: that is, to clear it to grow wheat and graze sheep. Many took out mortgages and, in my judgment, they were protected by section 56 (1). Without making his intentions clear, the Minister amended the Crown Lands Act, stating at the time that it was a necessary provision. He did not signal his real intention and overnight, without discussion, he hit those people over the head with the regulations that had such an unfair effect.

Armed with the provisions of this legislation, the Government will be able to inflict more extensive controls on an unsuspecting public. I believe that members would be remiss if they did not protest as vigorously and loudly as possible about the adverse effects of this Bill. Most of the planning regulations being put into effect across the State are drawn up by officers of the Department, and they are the people who want to get their hands on these areas and who under this Bill will have more power.

I believe that most members of the public are not aware of what is involved and of the effects of the legislation. Many people will discover its existence only when, one day, they are visited by an officer of the Department. I have plenty of examples of how my constituents have been adversely affected by these high-handed officers. Can the Minister assure members that in using the provisions of the Bill common sense will be applied and that these officers will be reasonable and enter into proper negotiations and dialogue with landholders and not act with a heavy hand and in a threatening or dictatorial manner? After all, the track record of these officers is not good. From the beginning, the Department should have been the best in Australia because it was the one set up the most recently, and it should have learned from the experience of similar departments around Australia. However, unfortunately, people in my district have suffered as a result of the arbitrary decisions of these officers.

I am concerned that the Minister does not share the view that the UF & S has expressed about this matter. It expressed its concern and had the matter explained further by its legal adviser, a person who practises in this area and whose comments in front of one of the officers made it clear that there was a real conflict in respect of this provision. What concerns me is that the legal adviser was adamant about the dangerous effects of this provision. The Department's officer was most unconvincing in attempting to answer the cogent points made by the legal adviser on behalf of his clients. He based much of that information on actual experience.

Therefore, can the Minister give me the assurance that, if this legislation does unfortunately become law (I hope that it does not), common sense will prevail and the people who will be administering the provision will be reasonable and will not attempt to use the heavy hand over the rural producers of this State? Certainly, it is my intention as soon as the Liberal Government is re-elected in this State to deal with the problems caused by this amendment and by legislation involving the National Parks and Wildlife Division. That will be an early priority of the new Government.

The CHAIRMAN: Order! Before I ask the Minister to reply, I must indicate that, although I do not know how often I have had to point it out, this clause deals with the concept of a change in the use of land. Perhaps the Minister will correct me if I am wrong, but several times under this clause the member for Eyre has referred to officers of the National Parks and Wildlife Division, officers of the Department of Environment and Planning—

The Hon. Ted Chapman: They pluck them from all over the place.

The CHAIRMAN: Order! I suggest to the Committee that most of this clause will be administered by local government, and that shows how far we have strayed from the clause. That is my interpretation of the clause, and I will not allow the debate to go any wider.

Mr LEWIS: My interpretation of the clause causes me some alarm and, therefore, requires me to try to obtain a better understanding than I presently have. As I read the clause, there being no definition of the word 'use', it has to be given a fairly literal interpretation. In the course of his reply to the second reading debate the Minister said that a change of use would be from grain to cereal or from cereal to grain. He really meant, I think—

The Hon. D.J. Hopgood: I did not say that.

Mr LEWIS: If the Minister checks the record he will find that that is so. If he meant from grain to grazing—

The Hon. D.J. Hopgood: I used the word 'cropping'.

Mr LEWIS: I took what the Minister meant as being the change of use from grain production to grazing. If that is so, can the Minister confirm that for me or, if I am mistaken, can he sort me out so that I can get further information subsequently? If the Minister cannot explain to me what he means by 'change of land use' and confirm that it is from grain to grazing, I guess I just have to put up with his contempt, and that distresses me immensely. I am not doing this for the benefit of my health, for my amusement or that of anyone else. I am serious. Clause 3 inserts new section 4a, as follows:

(1) For the purpose of determining whether a change in the use of land has occurred—

. . .

(b) the revival of a use after a period of discontinuance shall be regarded as a change in use if and only if—

(i) the period intervening between the discontinuance and the revival of the use exceeds two years;

(ii) during the whole or a part of the period intervening between its discontinuance and revival, the use was superseded by some other use;

. . .

It is well known that, in the drier cereal producing areas of South Australia, it is unwise to crop land too frequently. In fact, in some paddocks of several thousand acres which are very sandy in texture it is unwise to crop it more than twice in 10 years. The damage that would otherwise result to a fragile structure of that coarse texture will be such as to render the land vulnerable to wind erosion at least.

As this clause stands, however, it would be possible for a Mallee farmer who had been grazing land after cropping for four or five years to find that he is no longer permitted to return to cropping, because there is a distinction as to the use of the land made between grazing and cropping. If that argument is not applicable, I wish the Minister had saved us all this time by saying so. If it is not applicable and if it is permissible to switch from grazing to cropping, why then is it regarded as inappropriate, in the course of dryland farming, to want to crop land that has not previously been cropped in recent history? To that extent, I put it to the Minister that all the provisions in new section 4a are very subjective in their interpretation. I would like to use some popular Australian adjectives to describe how useful

they are.

The Hon. D.J. Hopgood: I hope that you improve on this afternoon's effort.

Mr LEWIS: Yes, like 'waggon wheels in the sun.'

The CHAIRMAN: Order! The Chair hopes that the honourable member will confine his remarks.

Mr LEWIS: I will adhere to the clause, and I thank you, Mr Chairman, for reminding me of the relevance of my doing so. The subjective interpretation of the meaning of the word 'use' in the rural context makes this amendment a mockery. I am quite sure that this clause makes unnecessary regulations relating to native vegetation clearance which have run into an iceberg (or an iceberg called Kangaroo Island has run into them).

I am hanged if I know why definitions of the specific terminology are not given in this Bill as it relates to this clause, because it does not appear in the principal Act, in the Act of 1982 or in the amending Act of 1982, which had nothing to do with this. Therefore, I am concerned that this Committee ought not to be dealing in trifles, since the legislation as drafted leaves interpretation open to that subjective assessment. I see the measure in clause 3 (relating to new section 4a of the principal Act) as a trifle for the Committee to be considering, unless the Minister can otherwise convince me of its relevance.

The Hon. D.J. HOPGOOD: This is all drivel, and what makes it worse is that it has all been answered—the honourable member was not here. I do not know why it should be necessary for the Committee to canvass matters over and over again just because honourable members are not at their places if their interest in the particular measure is as they evince it to be. Let me make perfectly clear that fallowing, cropping and grazing are all the same land use, as selling tubes of toothpaste, sticks of celery or dresses are all the one land use. In neither case is it necessary to obtain planning approval. That is the position with the present Act and it will be the position after the passage of this amendment. That should take full regard of the honourable member's concerns as I explained it fully to the member for Mitcham two hours ago.

Clause passed.

Clause 4—'Interim development control'.

The Hon. D.C. WOTTON: I want to ask the Minister a very simple question and it is the $60 million question. Why do the Government and the Minister consider it necessary to retain interim development control? I can recall during the debate on this legislation that there was considerable discussion about the clause in the original Bill. I can recall also the discussion that took place in the conference in regard to this matter. I would like the Minister to explain to the House why he has now found it necessary to retain interim development control, when it was intended as a result of the discussions that took place in the conference that it should be limited to two years.

The Hon. D.J. HOPGOOD: Let me make perfectly clear that there was never agreement between the honourable member and me in relation to this matter. It was my earnest desire that interim development control (which the honourable member will recall was a feature of his first Bill but not of his second Bill, because the Liberal Government had two cracks at this) should be a feature of the legislation. When we got to the conference of managers we were trading clauses across the table because the Upper House had inserted certain clauses, in some cases reinserted clauses in the legislation, and that sort of thing. We were both trying for what we could best get.

I think that the honourable member probably felt that he did not have the numbers; he went off and took advice, came back and made an offer, as I recall. His offer was: let us put in a sunset clause, make it operate for two years and leave it at that. In the spirit of the trading that was occurring over the table, I agreed to that measure. However, that did not represent from me, as it were, a sell out of principle on the matter. I simply assumed, 'That is okay. It is two years.' I knew when the next election would be held and that as soon as we got back into office we would do something about it—we are now doing something about it.

I assume that that has answered half the question, and I am trying to address the question of what my attitude was at that time. Why then did I favour at the time the original Bill that the Minister brought in some months before and its verbiage rather than the revised Bill which eventually became the subject of debate? I think that all I have to do is refer the honourable member to section 43(1), which states:

> Where the Governor is of the opinion that it is necessary in the interests of the orderly and proper development of an area or portion of the State that a supplementary development plan should come into operation without the delays attendant upon advertising for, receiving and considering public submissions, he may, at any time after notice that the plan is available for public inspection has been published, declare, by notice published in the *Gazette*, that the plan shall come into operation on an interim basis on a day specified in the notice.

It then refers to how it will come into operation and how it will cease to operate once the supplementary development plan which is canvassing the same issue has gone through its normal process. In other words, situations sometimes arise where a Government wants to alter the basic plan very quickly, and to go through the machinery which is set out in the Act is a fairly slow and tortuous sort of process. In those circumstances, this piece of machinery is available to the Government. It can bring in the supplementary development plan on an interim basis. It may well be that this is something that local government wants, but it too has certain statutory limitations enjoined upon it.

Using this piece of machinery, one can immediately get one's amendment to the plan. It is true that things will eventually have to be regularised through the normal process, but one will be able to institute controls. In trying to assess a particular situation which has arisen, if one works through the machinery of the Act, by the time one is able to get all the controls the battle might have been lost. That unsatisfactory development which one was seeking to control might already be there and there is little point, because there would be an existing non-conforming land use which the plan cannot address or, alternatively, it may be something that everyone agrees should happen in a hurry, such as land division.

Again, the process under which one has to proceed is fairly slow for reasons that the honourable member well understands. This is a procedure whereby the policy to which one is working can come in on an interim basis, but it does not remain on that basis. However, I repeat: if the Act is left as it is, after November this year this piece of machinery will not be available to us. I urge it upon the Committee.

The Hon. TED CHAPMAN: The Minister has referred several times to the powers of local government and what it may or may not do in relation to planning. Can the Minister give the Committee any evidence from the Local Government Association, representing local government in this State, of its support for this measure? If he can, I would appreciate it. I do not mean reference to a report: I mean to the Bill that is before the Committee. If the Minister can demonstrate the position of the Local Government Association, at least it will clarify the fact that he has consulted with members of the Association by giving them a copy of the draft Bill or the actual Bill or at some time discussing the details with them, in comparison to the sort of consultation programme for which we have been criticising the Government and in accordance with the Government's election promise. Likewise, can the Minister present and/or

table any evidence from the United Farmers and Stockowners, which is a significant agricultural organisation in South Australia, representing a greater number in the rural community than any other rural organisation in Australia on a population pro rata basis? If the Minister has any such agreement or comment to present to the Committee following consultation with that group that too would be appreciated.

I want to take up one or two other points raised by the Minister in his response to my colleague. The Minister indicated that, in effect, the Bill is complementary to the Planning Act introduced by the previous Liberal Government, and he went on to say that the Liberal Government removed the clause providing permission for existing use to extend to an area of up to 50 per cent of the existing area occupied by a building, for example. What the previous Government did in fact do was retain in the Act protection for that situation without retaining the clause that referred to that area of 50 per cent, and the provision was picked up in section 56(1) which, in part, states:

> Notwithstanding any other provision of this Act, no provision of the Development Plan shall—
>
> *(a)* prevent the continued use . . . or
>
> *(b)* prevent the carrying out or completion of a development.

The definitions in the Act clearly cover a building occupying an area in a non-conforming area being extended by 50 per cent. That deletion is covered under the existing Act under the definition which provides:

> 'development' in relation to land, means—
>
> *(a)* the erection, construction, conversion, alteration of or addition to a building on the land;

Whether one interprets that to mean a slight addition or a significant addition, or a doubling up, or whatever, is obviously subject to testing from time to time. I can appreciate that the Minister and his Department have had and will continue to have occasions when the Act will be tested. An attempt was made earlier to point out that the Government is going too far, beyond what is reasonable, in seeking to remove section 56 (1) *(a)* altogether. The Minister says that it is okay, that the matter has been picked up in clause 3 of the Bill and is further covered in clause 4, and that the community is well protected under his proposals. However, we took the Minister's word for that when the regulations were introduced in May 1983, after which we saw an enormous effort by the Department to implement those regulations that neither the Government nor the serving officers involved could handle.

It is against that background and the trial in the field that we no longer trust them to handle the ordinary management and occupational affairs of individual people in this regard. They are going too far. Not only is the Government entering into the area of development, and, in the case of rural land, new land development, but it is interfering with the ordinary land management practices of people. We do not have sufficient faith in the Government or the officers that it has so far put into the field to carry out such a delicate, sensitive and personal job as it has attempted over the past eight or 10 months. That is not a reflection on the individuals concerned. Apart from the personal involvement aspect, I simply point out that the general involvement is such that the whole damn rural community is upset, and I am referring particularly to the rural community in the high rainfall area of the State.

The other matter I want to raise concerns the Minister's remarks about the occupation of land in the non-conforming areas. In regard to agricultural pursuits in conforming areas, that is, areas zoned for agricultural purposes, why does the Minister propose to repeal the section of the Act that protects the ongoing use, occupation and/or expansion of that function of rural practice in an area that is clearly zoned rural?

The Hon. D.J. HOPGOOD: I should strictly confine my answer to those parts of the honourable member's speech which relate to the clause before us. I point out that the effect of allowing clearance to continue unabated in the rural areas of the State, which is basically what the honourable member was referring to in his final remark, will be that before long there will be no vegetation left apart from roadside verges and national parks. That is the plain fact of the matter. Perhaps there would be the occasional odd pocket of land which clearly would be unproductive if it were cleared. I do not want to canvass that matter as it relates to the regulations, which are not before us at present. As to interim development control and consultation, I will make three points. First, I doubt very much whether this clause taken in isolation is of the slightest interest to the UF & S. Certainly, it has made no response to me on the matter. Secondly, the amendment I am urging on the Committee is a recommendation of the Planning Act Review Committee, and Mr Hullick, of the Local Government Association, was a member of that committee. Thirdly, it was the policy of the Labor Party at the last State election that interim development control should be a permanent part of the Act, and it said so publicly.

Progress reported; Committee to sit again.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

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

Motion carried.

PLANNING ACT AMENDMENT BILL, 1984

Adjourned debate in Committee (resumed on motion).

Clause passed.

Remaining clauses (5 to 7) and title passed.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That this Bill be now read a third time.

The Hon. D.C. WOTTON (Murray): Briefly, I express my concern about the passage of this Bill through the House. I do not want to canvass all the matters that were referred to in my second reading speech, but I refer particularly to the matter of consultation referred to by the Minister. From what the Minister has said, I take it that in any legislation relating to the Planning Act and as it relates to the review that was carried out the Minister will not find it necessary to pass the legislation around or to consult with interested groups because of the excuse that he will be able to use that the opportunity was provided in the very early days of the review of this legislation, and that all of those organisations have had the opportunity to respond to the Review Committee's report.

That is not good enough. I record again the concern of those groups involved in the planning and real estate areas who are vitally interested and concerned with legislation similar to that which we have been debating this afternoon and tonight. It is not good enough for the Minister to say that people have had the opportunity during the review carried out over the past months to make their points. They do not know how the legislation will come through or whether the Minister will take on board the recommendations made by that Review Committee. They want to know whether the Minister will accept every recommendation in that review (although I understand that is not to be the case), but if he were to do that, it would be only right that people in the community should have the opportunity to

question the Minister and discuss matters with him prior to the legislation's landing in this place, as this legislation did last week.

As my colleagues have said, when one considers the emphasis that was placed on the need for consultation when this Government came to power, it is letting the people of South Australia down very badly. I am not convinced from what the Minister has said, in all his bravado and the way he has carried on this evening in reply to the second reading debate and in Committee, that there will not be enormous problems with this legislation. The ramifications will be very significant if it is passed. I express my concern and I know that I speak on behalf of many people and organisations in the community that have sought specific advice on this matter and have recommended to us that we should oppose this Bill. That is exactly what we intend doing. The Opposition opposes the third reading.

Mr BAKER (Mitcham): I would like to comment on the fatuous remarks made by the Minister as to how this Bill came into being. When I consulted my local councillors I told them that I thought the Government was going to remove certain sections and replace them with others. They said 'Oh, we had a report some time ago but we do not know what they are do going to with it.'

The DEPUTY SPEAKER: Order! The honourable member for Mitcham will please resume his seat. The Chair has endeavoured to be very tolerant in this debate. When the Bill is debated at the third reading, honourable members know that it must be debated in the way in which it came out of Committee. We must not enter into a second reading debate. The honourable member for Mitcham should come back to the third reading debate.

Mr BAKER: I could not find the spot to talk about it in the other debate.

The DEPUTY SPEAKER: The Chair will dictate that situation, I can assure the honourable member for Mitcham.

Mr BAKER: My concern relates to the point that I was making when I was ruled out of order. The Bill has come out of Committee in an unsatisfactory form because the processes which should have happened did not happen, and I shall link those comments together better than I did. By these amendments, the law will be left subject to a great deal of interpretation by officials of local government and State Government. That is not healthy. Parliament should take the responsibility for clearly indicating its wishes with respect to this legislation. It should indicate clearly to the people of South Australia what it intends to do.

That clear indication has been removed from the Bill and the rights of people in relation to existing use have been taken from the Bill. It is a totally unsatisfactory situation. The Minister may say that he is happy for that provision to have been removed because it causes some difficulty. It is important that we in the State Parliament reaffirm some of the principles upon which our legislation is based and upon which we should plan not only for ourselves but for future communities. I am not satisfied with this Bill as it has come out of Committee. I hope that it will work in the way that the Minister has suggested: I fear that it will not, and that the haste in which it has been put together will be to the detriment of the people of South Australia. We will oppose the Bill.

The Hon. TED CHAPMAN (Alexandra): The only opportunity left for us to indicate our position is at this time, at the third reading. The Bill that has come out of the Committee stages is one to which the Government has deliberately denied the community access. The Minister has referred to the review committee and has shown the House tonight a booklet prepared by representatives appointed by the Government to review the 1982 Planning Act which contains a whole host of recommendations of which only three are incorproated in this Bill. He says that a representative from the Local Government Association was a member of that committee. I have not had a chance to talk to Jim Hullick to know whether or not he agreed with those three points made in the Review Committee's report or whether he has seen the legislation.

I understand that United Farmers and Stockowners had some input by way of submission, but it is clear from the Minister's remarks that the Bill as it comes out of Committee is not a Bill which has had any input whatsoever from that quarter since its preparation commenced. The Minister indicated that other members of the Committee and other recommendations in that report will be taken into account in the near future. I fear the impact of the Bill as it stands at the moment on the community at large. I fear the interpretation opportunities given to it in its present form, both at departmental and local government level, for its implementation.

We have been yet again bulldozed into a situation where we are at a point in this Chamber where we will have to accept, simply by virtue of the numbers in the House, that the Bill goes through in the form that the Government has desired. It has hidden the draft Bill and the subject as closely as it could guard and hide any subject from the public at large. The Minister has reaffirmed his intention and his position by his answers to questions during the debate. I am very disappointed, and I join my colleague the member for Murray in indicating my concern generally for the impact of this legislation, if it proceeds through the other place in its current form, on the community at large and in particular on the rural sector, which I am proud to represent.

Mr LEWIS (Mallee): This measure is disgusting. The Minister is deceitful. As the Bill comes out of Committee—

The DEPUTY SPEAKER: Order! The honourable member must not reflect as he is at the present moment. We are dealing with the third reading of the Bill, and hopefully he will get back to that.

Mr LEWIS: As this measure comes out of Committee it is no different from what it was when it went in. I do not think that the Minister has been frank with the Chamber or the people of South Australia in his explanations. I think he knows that the way in which this measure can now be applied is vastly different from the way he has explained to the House. He has indicated his intention to politically blame the former Minister for those provisions in the Act that enable the amendments he has now made dramatically changing that Act to take effect. That is why I have used those adjectives—disgusting, deceitful. I will raise my voice against it and vote accordingly on the division.

The Committee divided on the third reading:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs. L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, Klunder, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs. Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Rodda, Wilson, and Wotton (teller).

Pair—Aye—Ms Lenehan. No—Mr Mathwin.

Majority of 3 for the Ayes.

Third reading thus carried.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 21 March. Page 2670.)

The Hon. D.C. WOTTON (Murray): I assure the Minister that we will be a bit easier on him than we were with the last piece of legislation. The Opposition supports this Bill. I am aware of the discussions that have taken place, as previous Minister for Environment and Planning, and of the problems experienced in the matters relating to heritage as between the City of Adelaide and the State responsibility in heritage matters. The Bill provides that the Adelaide City Council cannot grant consent to a development proposal affecting an item of the State heritage as listed under the Heritage Act, without first forwarding the application to the City of Adelaide Planning Commission and seeking the Commission's concurrence to the proposed consent. I support that strongly.

The Planning Commission is made up of very responsible people. It is only right that they should have an involvement in this matter. The Bill also requires the Commission, prior to making its decision, to have regard to the advice of the Minister responsible to the State heritage. Again, I believe that that is important. As I indicated earlier, I am well aware of problems that have arisen in the protection of our built heritage, particularly in this State, because of the fact that there has not been a close enough liaison at some stages between the council and the State Minister responsible.

The second reading explanation of the Minister indicates also that should the Commission refuse to grant its concurrence to the proposed consent by the council, an appeal against refusal lies against the Commission, thereby making the Commission accountable for its decision. All members of the House would recognise that that is appropriate. Secondly, the Bill proposes an amendment to the regulation making powers of the Act to enable a list of city buildings and sites of local heritage significance to be incorporated into the regulations. I am certainly aware of the amount of work done by the City Council in this area to determine a list of buildings that should be retained within the city.

I compliment the present Lord Mayor and the previous Lord Mayor on their involvement in this matter. Certainly, during the three years I was Minister I had discussions with two previous Lord Mayors and also with the Chairman of the Heritage Committee at that time to determine how we could overcome some of the problems experienced. The recommendation made to me was similar to that we are now looking at in this Bill.

I referred to one matter when the previous Bill was before the House, and I again mention the problem with the way that the legislation is being brought down. I again strongly suggest that the fact that the Minister has found it necessary to amend this legislation between the time it was introduced and the time it will be debated again brings to the notice of the House the need for proper consultation, which did not take place in relation to this Bill. If consultation had been a little better, the Minister would not have had to amend the Bill at this stage.

The Opposition certainly supports the Bill. In fact, when the Bill that was referred to so much in the previous debate (the Planning Bill) was introduced in 1982, I gave a commitment, as Minister, to the House that I would follow up discussions with the Adelaide City Council in regard to heritage matters. I am happy that the Minister in charge of this Bill has done that and that those discussions have resulted in this appropriate legislation.

A couple of matters need clarification. I presume that the Minister has a copy of the letter forwarded to him by the Town Clerk on 27 March in which clarification is sought regarding those matters. The matter causing concern in regard to clause 4 is the wording 'will directly affect'. The council wishes to know the meaning of those words. It is suggested in the letter to which I have referred that there is a range of potential interpretations and that the classification of interpretations seems to be a prerequisite to the successful implementation of these provisions. So, the Minister may care to comment on this matter in Committee. Secondly, the letter states:

> Who is responsible for determining whether the proposed development will directly affect an item of State heritage? The Bill is unclear on this question.

I should appreciate the Minister's comments on that matter as well. The letter refers to other matters, and in relation to clause 9 the following statement is made:

> This amendment establishes the authority for regulations to be made regarding the keeping of a register of heritage items situated in the city. However, the clause would not be sufficient to give the register the credibility sought by council. In essence, council seeks to rule out the possibility of the validity or appropriateness of an items listing being challenged and being reargued in a Bill. In an earlier submission to you, dated 30 September 1983, on the advice of Mollison Litchfield, council requested the inclusion of a new subsection after subsection 44(2).

Details of the new subsection are then given. I would appreciate clarification on that matter, too. I understand that other matters referred to in the Bill have been clarified at a meeting held recently and attended by the Minister and representatives of the City of Adelaide. In saying all that, and having said that the Opposition supports the Bill, I would personally like to know what has happened to the rest of the legislation in respect of which the previous Government virtually gave a commitment in 1982. I have a copy of the draft Bill that was to be introduced.

The SPEAKER: Order! The honourable gentleman is expanding the field far beyond the contents of the Bill.

The Hon. D.C. WOTTON: Then I will get back to the matters in the Bill. The Minister will be aware of those other matters and I should be happy to hear his explanation of why they have not been dealt with on this occasion, because I recognise the importance placed by the council on those matters being introduced and determined in this place. I hope that the Government will treat these matters with a degree of priority. I look forward to the clarification by the Minister of the matters referred to in the letter from which I have quoted. If they are not clarified now, I assure him that they will be taken up in another place. It may also be necessary later to follow up matters in the amendments that have only just been circulated to members.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): The specific matters raised by the honourable member will be taken up in Committee. No-one would have been happier than I had it been possible for me to introduce a broader ranging measure than this Bill. The member for Murray will be aware of the constraints of time operating on the Government's legislative programme and in the circumstances it seemed that the best thing to do, given that the heritage matters had been to the fore recently, was to extract them from the broader Bill and get them through as quickly as possible on the understanding that the broader items of legislation would be submitted to the next session of Parliament.

The Hon. D.C. Wotton: The next session?

The Hon. D.J. HOPGOOD: The Budget session. In relation to this Bill I am operating in the same way as I operated on the measure before the House earlier today, in respect of the report of the Review Committee on the Planning Act and the 62 amendments recommened by that committee. The Government intends to proceed with most, if not all,

of those amendments, but there simply was not the debating time in this part of this session for those matters to be processed. However, I assure members that I am keen that the matters canvassed in the draft legislation to which the member for Murray has referred should proceed, and I want to proceed with them as soon as I can get the necessary debating time to do so. I thank the honourable member for his consideration of the measure and commend it to the House.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Application for approval.'

The Hon. D.J. HOPGOOD: The meaning of the words 'will directly affect' is really not straightforward: it can depend very much on the circumstances that may apply at a specific time. We sought to follow as closely as possible the mechanism applying in the Heritage Act, because the philosophy is that these two matters should run parallel and 'directly affect' is verbiage that is used in that legislation, which was introduced by a previous Labor Government in 1978. There are now some legal precedents to which we can point in that regard and, generally speaking, people are reasonably clear as to how that legislation operates. Our concern is that this legislation should operate accordingly. In accordance with the schedule of amendments circulated to members, I move:

Page 1, after line 22—Insert new paragraphs as follows:

(aaa) by inserting after the passage 'particulars required by that form and' in subsection (1) the passage ', subject to subsection (1a)';

(aab) by inserting after subsection (1) the following subsection:

(1a) The council may waive payment of the whole or part of a fee referred to in subsection (1).;

This matter was canvassed by the Adelaide City Council, both directly with me and in the letter to which the member for Murray has referred. I am happy to accommodate the City in this matter and I urge that the Committee carry the amendment.

Amendment carried.

The Hon. D.C. WOTTON: There were two questions which I asked the Minister. The second one related to who was responsible for determining whether a proposed development will directly affect an item of State heritage. The Bill is certainly unclear on this question and the matter was raised in the letter from the council to the Minister.

The Hon. D.J. HOPGOOD: It would be the council's responsibility. Of course, the application is directed to the council, and it is a matter for its judgment.

Clause as amended passed.

Clause 5—'Matters to be considered by Commission before concurring in development.'

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

Page 2, after line 10—Insert new subsection as follows:

(1a) If the Minister desires to make representations in relation to the proposed development he shall do so as expeditiously as possible.

This was another matter that was canvassed with me by members of the City of Adelaide in that letter and also in a direct discussion which I had. Again, I think that it is not unreasonable to require by Statute that the Minister would act in this way. One would hope that a responsible Minister would always act in this way. However, it certainly does no harm, since the honourable member and I will not always be around, to require by Statute—

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: I doubt whether the honourable member is claiming immortality—that future Ministers should so act, so I would again urge the amendment on the Committee.

Amendment carried; clause as amended passed.

Clauses 6 to 8 passed.

Clause 9—'Regulations.'

The Hon. D.C. WOTTON: As I indicated, there were some questions asked in the letter to which I referred earlier. I do not want to go against what I said before, but I merely quote from the letter, which states:

As part of an incentive package the council feels that it would be highly desirable if provision could be included in the Bill to allow the council to waive planning application fees for items on any recognised heritage list.

There are obvious reasons for that, and I wonder why the Government has not taken some action in that regard or how the Minister would perceive the matters raised by the council.

The Hon. D.J. HOPGOOD: As I understand it, the proposition was that there be a provision to conclusively presume items as listed to be of heritage value. It is our understanding (and I think the City of Adelaide now accepts this interpretation) that this is unnecessary because the act of listing itself gives the statutory effect that is required. If we were to proceed with an amendment to provide that piece of machinery which is regarded as unnecessary, who knows what work the courts may find for it to do? In other words, I believe that there is a responsibility on the part of the Legislature to as closely as possible define what it wants to do and to have clauses written in which envisage matters which are already handled by the Bill and which provide for, if one likes, an unoccupied room at the back of the Legislative House which one day may be occupied by some piece of judicial interpretation which was never envisaged by the original architects. Hence our desire not to proceed along those lines.

Clause passed.

Title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1984

Adjourned debate on second reading.

(Continued from 21 March. Page 2678.)

The Hon. B.C. EASTICK (Light): The address to this Bill by the House is really the culmination of a very massive task. It is well recorded that actions by a succession of Ministers to rewrite the Local Government Act have had something of a chequered career and that the original intent as laid down in the report by the Local Government Act Revision Committee on powers, responsibilities and organisation of local government in South Australia, which was completed and referred to the then Minister of Local Government (Hon. G.T. Virgo) in 1970, really bears little resemblance to many aspects of the Act as it exists now. It is an Act which has had a tremendous number of amendments.

The very fact that we have three amendments to the Act at present in this session of Parliament (we have already passed four others) is an indication of how it has been a patchwork quilt job, and we have been undertaking band-aid activities at a time when obviously there is need for a complete reappraisal. The work was undertaken by that first group, led by the late K.T. Hockridge and comprising Councillor J.C. Andrews (who was then very much associated with the Local Government Association or the forerunner of the Local Government Association), Mr R.L. Pash (who was a Town Clerk at the time), Mayor K.J. Tomkinson (then from St Peters), Mr E.W. Venning (a former Administrative Officer with the Department of Local Government), Mr R.D. Bachmann (the Secretary), and the Consultant to the committee who had quite an impact in that final report

and has left a lasting impression on many people in local government, Mr K.H. Gifford, Q.C., from Melbourne.

Although I have said that the report bears little relationship to the Act as we have it today, there are threads coming from that report which still have application, but with the passage of time and changed circumstances it has certainly been necessary to update the appraisal of the Act. I think it was wise of the former Minister of Local Government (Hon. C. Murray Hill) that he sought to bring into the arena a series of five Bills, four of them actually being the machinery of particular parts of the Local Government Act, and the fifth being an enabling Act to tie together the loose ends of the four Bills.

A desire has been expressed that the whole process, once the first Bill goes before Parliament, might be completed within a two-year period but it is perhaps doubtful whether or not that can be achieved. Certainly anything that the Opposition can do to achieve it with the minimum of delay will be forthcoming, so long as the decisions taken will be based on reality and fact and not on political ideology, and I will come to that at a later stage. In the most recent Local Government Week, held last week, one of the speakers (the Minister's Director) gave a pretty clear indication that the next one associated with rates, is possibly the area which will have the most contentious aspects raised. I hope that that is not correct. However, I appreciate the reason for his making that statement, and I recognise that there are many and varied thoughts and views as to how one should develop an assessment, how rates should be raised, etc., and in due course we will be addressing ourselves to that issue.

The gestation of the Bill has been long and tedious, even longer than the gestation of an elephant. I hope the birth will be simple, although I am doubtful that that will be the case unless the Minister's attitude changes quite considerably, particularly in regard to ideological aspects introduced into this Bill, which have been criticised very strongly by the outgoing President of the Local Government Association. The extent of consultation that has occurred is commendable. Although there was some breakdown in the delivery of the final documents, which did not occur as quickly as expected, the consultations carried out by the Minister's predecessors (Hon. Terry Hemmings and, before him, Hon. Murray Hill) have provided us with a very sound Bill. The distillation through consultation has led to an end product which, in a technical sense, is quite specific in its purpose.

However, the fact that Labor Party philosophy has been allowed to intrude into the final product as a result of the introduction of certain policy decisions has put the measure in jeopardy. There is a distinct possibility that the birth will be a still birth unless the Government accepts amendments in this place or in another place. Unless that occurs the whole exercise could be lost because of a failure to leave local government matters to local government itself.

At the annual general meeting last Friday, the immediate past President of the Local Government Association, in the presence of the Minister, the Leader of the Opposition, the members for Flinders and Coles, myself and many other invited guests and members of the Local Government Association, said that the South Australian ALP Caucus appeared to have a 'complete lack of understanding' of local government. In a speech, Mrs Crome indicated two parts of the Local Government Act Amendment Bill, which was introduced in Parliament during the previous week, which caused a great deal of concern. Also there are other areas of concern which members of the Opposition will contest strongly. The former President of the Association referred to the intrusion of the Caucus room into a decision on when the committee and council meetings would be held. It was stated that a time after 5 p.m. in the afternoon was not realistic and that, while perhaps it might have some application in regard to the city area or a large provincial town, it has little application in many of the country areas. Yet, all of the local governing bodies are subject to the provisions of the Bill.

We are seeking to provide as many single purpose clauses as possible in the Bill so that they will apply to cities, municipalities or district councils. I would be horrified to think that we could end up with a Bill which sought to sectionalise or create a number of divisions within local government. The best interests of local government are served by a Bill which is as simple as possible and which allows the various components of the total local government industry the opportunity to adjust their proceedings according to their demands. It is important that local government be left to its own devices within the broad framework of what is an acceptable package. Mrs Crome referred not only to the time of meetings but also to a provision that has received almost universal condemnation from local government, that is, the provision in relation to the register of interests, a matter to which I will refer in greater detail later.

The other matters of contention that have been raised frequently in the public arena are those associated with the change of the first past the post voting system, which has been a tradition of local government, and the matter of allowances being extended to what amounts to being a stipend, sitting fee or an annual income, which in the present circumstances would be taxable; also, the issue relating to term of office. To give some indication of the magnitude of the task of the committee, I seek leave to have inserted in *Hansard* without my reading it some statistical information concerning the very major alterations of the structure of the early provisions in the Act, Parts I to Parts IXAA being replaced by new Parts I to VIII.

Leave granted.

COMPARISON OF EXISTING AND PROPOSED ARRANGEMENT OF LOCAL GOVERNMENT ACT TO PART IXAA

Existing	Proposed
Part I—Preliminary	Part I—Preliminary
Part II—Constitution, Alteration, Union and Dissolution of Areas—	Part II—The Structure of Local Government
Division I—General Powers of the Governor:	Division I—Constitution of Councils
Division II—Constitution of New Areas:	Division II—Amalgamation of Councils
Division III—Union of Areas:	Division III—Names
Division IV—Severance of Portions from Areas:	Division IV—Constitution as a Municipal Council or District Council
Division V—Annexation of Portions to Areas:	Division V—Alteration of the Composition of a Council
Division VI—Division of Areas and Alteration of Number of Councillors:	Division VI—Alteration of the Boundaries of Council Areas
Division VII—Change of Status of Areas:	Division VII—Formation, Alteration or Abolition of Wards
Division VIIa—The Local Government Advisory Commission:	Division VIII—Abolition of Councils
Division VIII—Procedure:	Division IX—Provisions as to Making of Proclamation
Division IX—Alteration of Areas by Agreement of Councils.	Division X—The Local Government Advisory Commission
	Division XI—Periodical Reviews by Councils
	Division XII—Indicative Polls
	Division XIII—Powers Exercisable in Relation to Deficiencies or Irregularities in Local Government
	Division XIV—The Local Government Association

COMPARISON OF EXISTING AND PROPOSED ARRANGEMENT OF LOCAL GOVERNMENT ACT TO PART IXAA

Existing	Proposed
Part IIA—Defaulting Councils.	
Part III—Areas and Councils—	Part III—The Council
Division I—General:	Division I—General Nature of Council's Responsibilities
Division II—Mayor and Chairman.	Division II—Council to be Body Corporate
	Division III—Council Committees
	Division IV—Saving Provision
	Division V—Delegation
	Division VI—Office of the Council
Part IV—Aldermen.	Part IV—Members of Council
	Division I—The Mayor or Chairman
	Division II—Aldermen
	Division III—Councillors
	Division IV—Term of Office of Members of Councils
	Division V—Allowances, etc.
	Division VI—Protection of Members
	Division VII—Delaration to be Made by Members
	Division VIII—Conflict of Interest
Part V—Auditor.	Part V—Meetings of Council, Committees and Electors
	Division I—Meetings of Council
	Division II—Meetings of Council Committees
	Division III—Proceedings of Council and Council Committees to be Conducted in Public
	Division IV—Meeting of Electors
	Division V—Provisions of General Application
Part VI—Enrolment.	Part VI—Officers and Employees of Council
Division I—Preparation of Voters' Rolls:	Division I—Appointment of Officers and Employees
**********	Division II—The Local Government Qualifications Committee
Division III—General.	Division III—Conditions of Service (Other Than Superannuation)
	Division IV—Superannuation
	Division V—Conduct of Officers and Employees
	Division VI—Authorized Persons
	Division VII—Immunity From Personal Liability
Part VII—Elections.	Part VII—Elections and Polls
	Division I—Preliminary
	Division II—Administrative Provisions
	Division III—Enrolment
	Division IV—Entitlement to Vote
	Division V—Special Revisions Relating to Elections
	Division VI—Special Provisions Relating to Polls
	Division VII—Voting in Advance
	Division VIII—Voting at Polling-Places
	Division IX—Counting of Votes
	Division X—Illegal Practices
	Division XI—Disputed Returns
Part VIIA—Disputed Returns.	
Part VIII—Meetings of the Council.	Part VIII—Register of Interests
Part IX—Officers of the Council.	
Part IXA—Appeal by Clerk against Dismissal, Suspension, or Reduction in Status.	
Part IXAA—Enquiries into Dismissals, or Reductions in Status, of Officers.	

The Hon. B.C. EASTICK: A very commendable attempt has been made to bring together a number of features of the Act into various Divisions within Parts of the Act applicable to a certain issue. Obviously, certain Divisions impact on others, but an effort has been made to restructure the legislation in a logical sequence and to pick up the essential elements of local government structure—for example, matters pertaining to the election of members, the manner in which they will undertake their activities and also matters concerning a conflict of interest, and those which refer to the procedures which will follow in respect of meetings of electors.

There are a number of issues which were not even in contemplation in 1934 when the Act was last consolidated or brought forward as a new entity which have been introduced. A number of the issues which were matters of inclusion along the way or which were pertinent in 1934 but which are no longer pertinent in 1984 have been excluded. I commend to any person interested in this debate the graphic presentation which has been inserted, because I believe that they will agree that it is logical and much easier to work within the scope of local government as a result.

Another important matter to recognise is that, as a result of this form of presentation, we will address ourselves during the Committee stages to one clause which represents 60 pages of the Bill. It moves from section 6 of the new Act through to section 149 or 150. It is a mammoth task, and I commend the procedural proposition which I put to the Minister and the House earlier, and which I appreciate that in due course the Minister will support, so that due and proper consideration can be given to all of the proposed new sections within clause 7, and that the best interests of local government can be served by an adequate debate on the individual issues, which is as it should be.

I have referred to a number of desirable refinements, but I pick out several as an example for those interested in local government. All are contained in clause 7, because that is the operative clause. There will be a better arrangement for the creation of new councils or the bringing together by way of amalgamation of councils. There will be the opportunity for indicative polls to give an indication of the desires of members of the community and of some streamlining of the procedure, which will overcome some of the problems which were, for example, associated with Meadows. With all of the best intent, it was suddenly found that there were one or two clauses in the address which were outside the province of the existing Bill, and the only way to correct that was to bring the whole matter back to His Excellency the Governor to have a new proclamation.

It was a duplication of much contained in the first, but with the correction. It was almost identical to the unfortunate problem encountered in this place of addressing ourselves to a by-law or regulation and if there is one word or clause wrong we have to seek to repeal the lot and then reintroduce the same regulation with that one change of word or clause. That is a matter which will be addressed in another context and I hope that it receives the same form of treatment as has applied in the new local government Bill, which allows for minor errors or difficulties to be corrected administratively, albeit that the administrator is His Excellency the Governor, who will exercise a discretion on the advice of the Minister of the day.

The clause which requires a periodic review of councils is an excellent one. It stops them unnecessarily getting hidebound. Hopefully, it will be introduced so that it can be properly administered on a cyclic basis so that all will not be reviewed at the one time, and during the seven-year period indicated, approximately one-seventh of the total will be reviewed in each of the years. I hope, and it will be tested at a later stage, that there will be a holiday after the introduction of this Bill for about three years before any reviews commence. We would seek to see the review of all councils by the end of 10 years, rather than, as might be expected, by the end of seven years. Many councils will find themselves in a position of having to come to grips with the changes contemplated with their new structure, certainly with some changes of attitude to term of office, etc., and to undertake that periodic review during the first three years might be non-productive or of little value. The opportunity will exist, if anyone is transgressing or if there are any observed deficiencies in the activities of the council, for that to be dealt with under another Division. It is not as though any council will be able to go completely off the rails during that three-year holiday period.

I mentioned the value of the indicative polls, although I question in relation to the polls whether the Minister has rather too much personal power or involvement. It is one area of the Bill which one would criticise as being 'Minister, Minister, Minister', as opposed to a number of the other areas where there is a balance of action between several parties. There is a new and quite vital role for the advisory commission which will provide support to the Minister in a number of ways and will certainly be of tremendous advantage in the overview of a number of local government activities.

The House will be interested and happy to accept that, in respect of the deliberative and casting vote situation which currently exists with a Chairman, that rule will no longer be a fact of life. An imbalance exists as a result of the inclusion of that feature in the Act. I am not at all fussed, as some councils and some people in the public have been, that there will be a very positive need for the council meetings and the committee meetings to be held in public. The majority of councils follow that course of action at the present moment, and there is a very favourable provision in the proposal before the House which gives the council the opportunity to go into camera for circumstances which are prescribed. There is a saving clause towards the end which allows that prescription to be widened at a later stage by regulation or proclamation (I am not sure which) if the need should arise. That is abundant provision for the proper functioning of local government.

I have pointed out that there are these special subjects, and that is not an exhaustive list at all; this is a distillation of a number of inputs over a long period of time, and it is beneficial that the end result has taken up the best of the advice and suggestions, and that it has been introduced in this way. Let me quickly put the Liberal Party's view in relation to local government over a period. It is not difficult for anyone to go to the records of elections, policy speeches, and so forth, and find out that we have maintained our stance on this subject. For example, nowhere have we ever promoted in a positive sense—even I suspect as an alternative—a three-year period of office.

So, it will come as no surprise to the Minister that we will seriously oppose that three year all in all out clause, which is supported by a considerable number of councils. (I will not suggest as a result of discussions as recently as last Friday that it is a majority, but I suggest that it is by a significant and an increasing number of councils). In due course I will seek to put before the Parliament and will pursue an alternative which is between the current two year term annual elections from which I believe we must move. In no way would I like to see local government held back into that position. Unless the Minister's approach to the eventual passage of this legislation is considerate it may be that local government is left with that and all the other features that are in the Act at present.

Voting by the optional preferential method was not and has not been an approach of the Liberal Party. Let me quickly say that the Hon. Mr Hill, when he first brought this matter out into the open during 1981, put forward in a paper the possibility of optional preferential voting as one of the issues to be considered. The reaction from local government, members of Parliament, and the public generally certainly had him move back from that position at a very early stage of the discussion which took place. We would not accept optional preferential voting.

It would be more consistent with our attitude when looking at preferential voting for it to be full preferential voting. But, at this juncture, we do not seek to move from first past the post with a cross, associated with the current Act and required by a large number of local government bodies which have reported on this issue. In regard to meetings after 5 p.m., which have been introduced by this Government and introduced previously by the Minister's predecessor (Hon. Mr Hemmings), it is certainly not a feature which has been put forward by this Party, nor would it be supported by this Party. We are firmly convinced that a decision of the local governing body should determine when it will meet.

We would not by any means resile from the needs of a 75 per cent decision of a council to determine a time structure, and certainly not a compulsory (as is required by this Bill) after 5 p.m. commencement time. Likewise, the system of allowances will be opposed. It has not been promoted by the Liberal party at any stage. I firmly support proper allowances for *bona fide* expenses for travel or directly associated issues. It has been widely suggested that that might and perhaps should extend to postage and telephones. Quite honestly, I do not know how one could necessarily monitor satisfactorily that provision. But meals, accommodation or travel involved in local government activities of this nature have been *bona fide* for a long time and would retain the support of members on this side.

In the past, we firmly believed (and still do) that the mayor should only have the casting vote. I indicated previously our belief that the Chairman should only have one vote—that is the one he brings forward by way of a deliberative vote at the correct time. It has been strongly suggested that the practice of the Legislative Council and House of Assembly, which give a certain voting right to Presiding Officers, might well be a suitable method. I air the matter without necessarily promoting it at this stage and without even seeking to put it forward as a direct amendment to the Bill that we are considering.

But, there are a number of very worthwhile aspects of a vote of that nature. Certainly, under all the circumstances, we would say that decisions were made on the council or

committee floor on the basis of the motion passing in the negative unless there was a majority—that is an equality of votes would give the *status quo*. There is much to be said for that being the most democratic way. The argument can come forward on a later occasion, after it has been further researched and promoted, but it is an area which varies slightly from what is proposed. We accept the proposal. At the moment I simply mention the alternative as one which may suit the local government scene as well as it does the Parliamentary scene.

As I indicated previously, the register of interests is not a matter supported by the Liberal Party. Many would suggest that, because it is now a fact of life in relation to Parliamentary service, there is no reason why it should not carry over into the local government sphere. It has been interesting to note just how emphatic local government has been in relation to this matter; in fact, I would say that the vast majority of reports on the Bill to the Local Government Association and to the Government have homed in on two issues: the register of interests and times of meetings. I will demonstrate that a little later in some material I will put before the House. It almost seems that in some circumstances attention of councils and councillors was drawn to those two matters to the exclusion of many others. It is unfortunate that many of the submissions made do not address a number of other vital issues within the Bill.

The longer I spent at the Local Government Week, the Local Government Annual General Meeting, and Expo, the more and varied reasons I heard as to why councils and councillors gave their attention to those matters. But I do not believe that a number of councils have really come to grips with a number of other issues. I suppose that if that is taken as a criticism of some of the councils, I am quite prepared to wear it. But, I speak as I have seen the responses and on the basis that those two issues are not necessarily the only important issues contained in the philosophical introduction by the Labor Party to the Bill that we are considering.

Amalgamations have been something of a nightmare and remain so, as anyone who has viewed the scene would know. The new Bill contains a number of worthwhile aspects which should overcome a number of those difficulties. But let me say to the Minister, quite sincerely, that, apart from what is in this Bill in relation to amalgamations, unless there is proper consultation and decision reached, based on the evidence, amalgamations will continue to be a nightmare. The better approach provided by this Bill is commendable. To complement the measure requires the right attitude of those members participating in the debate, as well as the right attitude and direction from the Minister.

An issue causing considerable concern to a large number of councils (it is referred to in their submissions and has certainly been referred to verbally in direct consultation) is the introduction of UTLC into the membership of the advisory commission. I believe that there is clear understanding and acceptance by the councils of an interface with the AWU or the MOA, because they are the two industrial groups that have direct involvement with local government.

Whilst it may be contemplated that the UTLC will be responsible for making sure that the representative from the UTLC was from one or other of those organisations, it flies in the face of reality, I suggest, for the UTLC to be introduced as a factor when local government more directly recognises its interface and involvement with the AWU and the MOA. I suppose that we can conjecture that, if there was to be only one position and there was some concern as to whether the Minister was the one who decided whether it involved the MOA or the AWU, as the AWU has rather more members than the MOA there might be some pressures and uncomfortable times for the Minister: therefore, give it to someone else (in this case the UTLC)!

However, the very involvement and introduction of the UTLC has not been well received universally, although it is accepted that there should be union involvement. It is a fact of life that there is a far better and far more reasoned path through industrial affairs today than there was even five years ago. In that industrial affairs situation, let me say that I commend the attitude of the City of Adelaide in recognising that the removal of Parts IXA and IXAA, which is contemplated in this Bill and which is an area considered specifically for the City of Adelaide some three to five months ago, is not in dispute. The position that arose, as correctly pointed out to the House at the time as being an alternative, has been solved so far as the city council is concerned, although perhaps not by all of its members.

However, there is certainly a recognition that the matter of industrial affairs comprises one parcel, as does superannuation, which we have dealt with but which is reconfirmed in this Bill, as being good and proper housekeeping in the area of local government. It is right that I include that aspect of the industrial situation which rankles somewhat a large number of members of the local government fraternity, although we certainly support and herald our approval of the section which allows for a proper investigation of difficulties confronting local governing bodies. Difficulties have existed off and on for quite a long period, and I believe that a number of issues will continue to arise until there is proper and regular peer review by the people who make up the senior executive and senior management or who take up senior positions within local government.

I advised that attitude to the Institute of Municipal Administration, which is now the Institute of Municipal Management, and it has acknowledged that that is one of its aims. Many of the difficulties that councils have encountered have been a result of the cussedness and wrong approach or attitude adopted by some councillors. Many other serious problems have arisen because a boy has been sent to do a man's job or because a person appointed as town clerk or district clerk has not been qualified to do the job and has not been able to handle it. That has occurred in the past, and it will occur in the future. However, with this more enlightened approach to local government and with recognition of the need for peer review and proper training of persons within the local government administrative community, we will hopefully see less of this happening and the provisions contained in this Act will greatly assist the proper functioning of local government in that respect.

I pointed out previously that I had had the opportunity to review many of the reports made by the local governing bodies in connection with the Bill which was distributed by the Hon. Mr Hemmings, and I have prepared an analysis of responses from 125 local governing bodies to key issues which I have tabulated as table 1. As it is purely statistical, I seek leave to have that information inserted in *Hansard* without my reading it.

Leave granted.

ANALYSIS OF FIVE KEY ISSUES FROM 125 LOCAL GOVERNMENT BODIES
Table 1

	Allowances	Time of Meetings	Optional Preferential	Term of Office	Register of Interest
CITIES					
Adelaide	X	X	X	X	X
Brighton	Optional	—	X	Agree	X
Burnside	—	—	X	Agree	Divided
Campbelltown	Agree	X	Agree	Rotational	X
Elizabeth			No Record		
Enfield	—	X	X	—	X
Glenelg	—	—	X	X	X
Happy Valley			No Record		
Henley and Grange	Agree	—	—	Agree	X
Kensington/Norwood	Qualified	X	—	—	X
Marion	—	Uncertain	Divided	—	X
Mitcham	—	X	X	X	X
Mount Gambier	Agree	X	Agree	X	Limited acceptance
Noarlunga	—	X	X	—	X
Payneham			No Record		
Port Adelaide	X	X	X	X	X
Port Augusta	X	X	—	X	X
Port Pirie			No Record		
Port Lincoln	—	X	—	—	X
Prospect	Agree	Council not Committee	Agree	Rotational	X
Salisbury			No Record		
Tea Tree Gully	X	X	—	Agree	X
Unley	—	Council not Committee	Agree	Agree	X
West Torrens	X	X	—	X	X
Whyalla	—	X	X	Rotational	X
Woodville	Agree	X	X	Rotational	X
CORPORATIONS					
Gawler			No Record		
Hindmarsh	X	For Committees	Agree	Rotational	X
Jamestown	—	X	Agree	X	X
Moonta			No Record		
Naracoorte	—	X	—	—	Qualified
Peterborough	X	—	—	—	X
Renmark	—	—	—	—	—
St. Peters	X	X	—	X	X
Thebarton	X	—	X	—	X
Walkerville	—	X	X	X	X
Wallaroo	—	X	—	—	X
DISTRICTS COUNCILS					
Angaston	X	X	X	Yes Rotational	X
Barmera			No Record		
Barossa	—	X	X	X	X
Beachport			No Record		
Berri	—	—	X	Yes Rotational	X
Blyth	X	X	—	Yes Rotational	X
Browns Well	—	X	—	—	X
Burra Burra			No Record		
Bute	X	X	—	X or Rotational	X
Carrieton	—	X	—	—	X
Central Yorke Peninsula	Agree	X	—	—	X
Clare	X	X	—	—	X
Cleve	X	X	—	1/2	X
Clinton	—	X	—	1/2	X
Coonalpyn Downs	X	X	—	—	X
Crystal Brook	X	—	—	—	X
Dudley			No Record		
East Torrens			No Record		
Elliston	—	X	X	X	X
Eudunda			No Record		
Franklin Harbour	X	X	X	Agree	X
Georgetown	X	X	—	—	X
Gladstone			No Record		
Gumeracha	X	X	X	X	X
Hallett			No Record		
Hawker			No Record		
Jamestown	X	X	—	X	X
Kadina			No Record		
Kanyaka Quorn			No Record		
Kapunda	X	X	—	X	X
Karoonda-East Murray			No Record		
Kimba	X	X	—	—	X
Kingscote	Doubtful	X	—	Reluctantly	X
Lacepede	X	X	Compulsory Preferential	X	X
Lameroo	X	X	—	X	X
Laura			No Record		

	Allowances	Time of Meetings	Optional Preferential	Term of Office	Register of Interest
Le Hunte	X	X	X	X	X
Light	X	X	X	X	X
Lincoln			No Record		
Loxton	—	X	—	—	X
Lucindale	X	X	—	—	X
Mallala	—	X	X	X	X
Mannum	X	X	—	X	X
Meningie	X	X	—	X	X
Millicent	Agree Reluctantly	X	Agree with Reluctance	Reluctantly	X
Minlaton	X	X	—	Rotational	X
Morgan	X	Subject to unanimous vote	—	—	X
Mount Barker	—	X	Agree	X	X
Mount Gambier	X	X	—	—	X
Mount Pleasant			No Record		
Mount Remarkable	Agree	X	Agree	—	Agree
Munno Para	Agree	Subject to Council	—	—	X
Murat Bay	—	X	X	—	X
Murray Bridge	X	Subject to Council	X	—	X
Naracoorte	X	X	—	2 years	X
Onkaparinga	—	X	X	Rotational	X
Orroroo	X	X	—	—	—
Paringa	X	X	X	X	X
Peake	Agree No refusal	X	—	—	X
Penola	X	X	X	X	X
Peterborough	X	X	—	—	X
Pinnaroo	X	X	—	X	X
Pirie	X	X	X	X	X
Port Broughton	X	X	—	X	X
Port Elliot & Goolwa	X	X	—	—	X
Port MacDonnell	Mayors in advance	X	X	No Rotational	X
Redhill	X	X	—	Agree	X
Ridley	1/2 & 1/2	X	—	—	X
Riverton	X	X	X	—	Qualified
Robe	—	X	—	—	X
Robertstown	X	X	—	—	X
Saddleworth & Auburn	X	X	—	—	Divided
Snowtown	Divided	—	—	—	X
Spalding			No Record		
Stirling	If by Regulation	Divided	—	X	Qualified
Strathalbyn	—	X	—	—	X
Streaky Bay	—	X	Doubts	X	X
Tanunda	X	X	X	—	X
Tatiara	Agree	X	—	—	X
Truro			No Record		
Tumby Bay			No Record		
Victor Harbor	X	X	Agree	—	X
Waikerie	If one then all	X	X	Agree	X
Wakefield Plains	Agree	X	—	Agree	Qualified
Warooka	—	X	—	X	—
Willunga	Agree	X	X	X	X
Yankalilla	Agree	X	X	X	X
Yorketown	X	X	—	—	X

The Hon. B.C. EASTICK: Although I have indicated that that is from 125 local governing bodies, 18 local governing bodies are not included in the report. Their names are there and they are shown as a 'no record' entry. There are five of the 26 cities; there are two of the 11 municipalities; and 18 of the 88 district councils that may well have reported, but I have not had access to those reports. Several of those councils indicated that it had not been their intention to report, and I believe that they did not report, for example, to the Local Government Association or the Department of Local Government.

However, the analysis picks up five key issues: allowances, the time of meetings, optional preferential voting, term of office and the register of interests. A cross appearing in the tables indicates opposition. Where a point has been made of either agreement or opposition, an attempt has been made to give a simple notation that would indicate a particular council's approach to any one of those five matters. Where the council has reported on some matters but not on others, there is a dash, and I think that that explanation will give some idea of the approach by various councils.

The second table which I seek leave to insert is really a summation of table 1, setting out the number of councils that have an attitude of opposition, no comment, no record, agreement or qualified agreement. I seek leave to have that table 2 inserted in *Hansard* without my reading it.

Leave granted.

Analysis of five key issues from 125 Local Government bodies
Table 2

	Cities	Municipalities	D.C.	Total
ALLOWANCES				
Against	5	4	40	49
No Comment	9	5	15	29
No Record	5	2	18	15
Agree or Qualified	7	—	15	22
	26	11	88	125
TIME OF MEETING				
Against	14	6	63	83
No Comment	4	3	3	10
No Record	5	2	18	25
Agree or Qualified	3	—	4	7
	26	11	88	125

Analysis of five key issues from 125 Local Government bodies
Table 2

	Cities	Municipalities	D.C.	Total
OPTIONAL PREFERENTIAL				
Against	10	2	21	33
No Comment	6	5	43	54
No Record	5	2	18	25
Agree or Qualified	5	2	6	13
	26	11	88	125
TERM OF OFFICE				
Against	7	3	23	33
No Comment	5	5	31	41
No Record	5	2	18	25
Agree or Qualified	9	1	16*	26
	26	11	88	125
REGISTER OF INTEREST				
Against	19	7	63	89
No Comment	—	1	2	3
No Record	5	2	18	25
Agree or Qualified	2	1	5	8
	26	11	88	125

*Most provided scheme was rotational

The Hon. B.C. EASTICK: Again, I believe that members will find that when they refer to these tables they will have some idea of the attitude of individual councils to the matters with which we have dealt. In relation to the two issues which I point out were opposed most vehemently by local government bodies, based on the records that I have introduced, of the 125 local government bodies, 25 did not record and so we are looking at the records of 100. In respect of time of meeting, 83 of that 100 were against a 5 p.m. starting time.

The Hon. E.R. Goldsworthy: That is 83 per cent.

The Hon. B.C. EASTICK: Yes, 83 per cent of those who recorded a vote were against that. In respect of a register of interest, again, 25 did not record a view at all and 89 out of 100 registered a view against a register. The other three sub-tables in respect of allowances, optional preferential voting and term of office are by no means as decisive as are the figures on the two tables that I have mentioned, but at least there is a balance to the issue that is worthy of consideration, and I commend those tables to the House.

A number of the local governing bodies in relating to the Local Government Association or the Minister's Department indicated that they had been prevailed upon to make a report without necessarily distributing their information widely. Whether that was a directive or a suggestion or what, I do not know. However, many of them wanted their local member to know what they were thinking or what they felt about the issue. Whilst many of them appreciated and stated in the body of their reports that they appreciated that they should be placing their trust in the Local Government Association which, fortunately, represents every local governing body in South Australia at this time, a number of them said to their members, 'However, we want you to most seriously consider our views on these matters and represent them in Parliament.' They were leaving nothing to chance. They were not wanting, for example, a decision necessarily of the Local Government Association or the Local Government Department to be seen as their final word on the matter. It is not exhaustive, but I just point out that some of the comments fortify the statement that I have made. A letter from the City of Adelaide states:

> Your interest in council's attitude is therefore particularly welcome. . . . The Lord Mayor or the Town Clerk would be pleased to discuss with you any matters which you...

Coonalpyn Downs states:

> Your support in having the Bill amended is regarded as important.

The City of Enfield 'sets out the various points which the council desires to express an opinion on'. Franklin Harbour states:

> Please consider these matters.

Jamestown states:

> ...seeks your support for the items in the submission.

Marion states:

> This information is supplied in good faith on the basis as advised you in my letter of 28 November 1983 that the council is not for a second to be thought to be playing politics on the issue.

I respect that attitude. We have not sought to play politics on the matter but we have sought to bring the desires of the individual councils into the open. Murray Bridge states:

> I trust you will be able to incorporate this recommendation in your discussions and deliberations on the Bill.

As I have said, there are many reports of this nature and I do not intend to refer to them all. I am sure that other members will pick up the important issues. Over a period the Local Government Association has certainly been to the fore on this issue. It made information available to all members of the House and I appreciate the time it made available for discussions on various issues.

In a document dated 15 March 1984, which was directed to all councils from the Secretary-General, after the Bill was actually introduced by the Minister, the Secretary-General gave a statement from the President in respect of the Bill and then set out detail relative to an introduction and a letter to councils from the Secretary-General going as far back as 3 May 1983. He then referred to a letter to the Minister of Local Government of 13 December 1983, a letter to the Minister of Local Government of 27 February 1984, and indicated that at that stage there had been no reply from the Minister of Local Government. I do not know whether that letter has been replied to even yet. I now refer to comments from the District Council of Loxton of 26 March 1984 to my colleague the member for Mallee which I found quite important and which states:

> Although the Minister honoured his promise of consultation with local government, it is obvious from recent press statements that the Minister has taken little notice of the submissions received.

I have only to refer to the 83 per cent and the 89 per cent vote to fortify that the view expressed by Loxton and a number of other individual councillors is a fact of life.

The technical problems have been addressed: perhaps not all but, in the main, they have been addressed. The real issues which cause concern to local government appear not to have been addressed. I refer again to a recent occasion when the Minister attended the Mid-North Local Government Region 8 meeting at which the then President of the Local Government Association, Mrs Meredith Crome, was present. She indicated that 'local decisions should be made by local people'. There could not have been anything clearer than that in the exhortation that she gave to the meeting. That was heard by the Minister as well as a number of other people. She made further statements about consultations with Government departments—she was referring not just to this Minister's Department but to a number of others. We certainly saw the implications of this when the former Minister and the Minister of Water Resources introduced a Bill which was against the considered opinion of the Local Government Association, and the agreement that was reached with the Local Government Association.

We could go on and say the Bill we will consider after this (Bill No. 3) has not been or was not, at the time that it was lodged, sent out to local government widely and, more particularly, to those upon whom the clauses had a direct influence. There may have been consultation in the past, but there was a lack of direct consultation with them at the time of delivery of the Bill to the House. The City of Whyalla is a case in point in respect of which quite a lot of the Local Government Act is deleted. Whilst there was discussion some time ago, there was no indication that the Bill was going to come in on a particular day. Adelaide City Council was not aware that the Bill, which was to alter the situation in respect of the 200, was in the House. Certainly, the Local Government Association was not aware of many of the implications of a Bill introduced last October or November.

I do not dwell on the negatives, but I want to point out that it is extremely important that consultation be total and that this and other organisations that are directly impacted upon by legislation before the House are given the proper opportunity. It is well that the Premier should be in the House, because he would know what a significant part he had to play to pour oil on troubled waters in respect of a Bill associated with flooding that was introduced by two of his Ministers without the knowledge of the Local Government Association and how in May of last year that Bill was withdrawn without further debate because it was against the decision reached in consultation with the Local Government Association. That is a fact.

Mrs Crome went on to indicate that in her view the Government should look very seriously at what it is hoping to achieve with some of its suggestions. In addressing the meeting to which I referred the Minister stated that the State and Federal Governments and local government 'cannot go it alone'. I commend that as a statement of reality. Not one of the three tiers of government can go it alone, and it is important that they do not seek to do so. I suggest to the Minister that he will be going it alone if he ties himself to the clauses of this Bill which are totally abhorrent to local government and against their expressed wishes.

The Minister also said that changes to the Local Government Act 'may be radical for South Australia but that they had been introduced elsewhere in Australia'. I can accept that situation, but, as Mrs Crome was able to tell the Local Government Association last week (for which she was clapped most heartily, and subsequently she was given a standing ovation for the courage that she has shown on this issue and other matters throughout the year), from feedback from the Local Government Association of Australia it has been indicated that a number of those radical changes referred to by the Minister are not working interstate. Therefore, before we get ourselves in to a hole and seek to force such changes on local government we should rethink this situation. In due course I will give the Minister an opportunity to do just that.

The frontispiece of a document prepared by the Corporation of the City of Adelaide, which was distributed to members, is commendable in its sentiments. It stated:

> While the general thrust and intentions of the Bill for an Act to amend the Local Government Act, 1934 is supported, certain aspects of the Bill will impair the efficiency of local government in South Australia.

I say 'Hear, hear' to that. It is quite clear that to proceed with a number of issues contained in this Bill would impair local government in South Australia. The Liberal Party is committed to giving local government the opportunity to function properly. With the support of members opposite the Liberal Government was responsible for introducing a Bill to give local government the opportunity of having a place in the State Constitution. It was believed that local government had a place in the broader government community. The Liberal Party will continue to support those things which are good for local government and for which local government has asked in a reasoned and thoughtful way. We will seek to assist an alternative point of view in some aspects of that objective where no clear decision has been indicated by local government on an issue.

I refer in particular to the term of office. Members may not be aware that the policy on term of office was withdrawn by the Local Government Association at its annual general meeting last week and that a form of recommittal was brought in later in the day. After some debate and discussion as well as involvement from the chair, a vote was taken, the end result being that there was a viewpoint expressed that the *status quo* should continue, by about 55/45 or 60/40, as the case may be. I have had a clear indication of attitudes towards the Bill in my movements amongst people at the Local Government Association Week and more importantly at the Local Government Association Annual General Meeting and from recommendations made to my office by individuals who are elected members of local government (I say that because there has been a singular absense of involvement by officers of local government in those aspects of the Bill which are obviously of a political nature).

The officers of local government, through the MOA, gave a clear indication of what they believed to be correct or otherwise in regard to technical aspect of the Bill. Certainly, as individuals they have not sought to put a point of view concerning matters that are political. That is their proper place; they are there to serve the master, whoever it might be, the same as are departmental heads. Certainly, there has been an increase in the number of elected members of local government who support an alternative to what exists at the moment and what the Government would force upon local government—a system of three-year all in all out, which will be a form of four years and a biennial election. That is a matter that we will consider in Committee.

At this stage I do not think it is necessary to go into greater detail in regard to certain aspects of the Bill which can be dealt with in Committee. The Opposition proposes to move a large number of amendments to the Bill—some for discussion and some for positive action. We will ask questions. I hope that the Minister will accept that both sides of this House are seeking to give local government in a technical sense the best possible end result. I believe we saw the achievement of that in relation to the Bill dealing with superannuation which was dealt with last week when the Government accepted some measures which fine tuned certain aspects of the provisions. I believe that it is possible for a similar approach to be taken in relation to this Bill. I most certainly commend the Bill to the House at the second reading stage.

The Hon. E.R. GOLDSWORTHY (Kavel): I wish to make only a few brief remarks on the Bill. I do so because of the attitude of councils in my electorate, which has been typical of that of councils around the State. I say that with some conviction after listening to the statistics outlined by the member for Light. I will also put the point of view of my constituents and I will refer to my observations of the way in which local government operates, particularly in country districts such as mine. Responses have been received from the District Councils of Tanunda, Angaston, Ridley, Barossa, Gumeracha, and Onkaparinga, which councils are spread over a large part of my electorate. The responses are almost unanimous in regard to a number of fundamental issues highlighted this evening by the lead speaker of the Opposition. First, if the Government is intent on destroying the effective operation of local government in country areas,

it will proceed with its prescription in relation to the time of meetings.

I can think of nothing better designed to destroy the effective working of local government as I know it in country areas. The proposition that councils should decide their own meeting times is not unreasonable, but for the Government to dictate that council meetings shall not commence before 5 p.m. will mean that the work of local government, certainly in my electorate, will be greatly impeded, to the extent that it will not work effectively. The Government's proposition is to to give effect that Party dogma. It has some idea that people are clamouring to serve on local government and are currently being precluded because of meeting times. I do not believe it for a moment, especially in relation to the areas that I am familiar with.

Mr Mayes: You are certainly not familiar with all the areas.

The Hon. E.R. GOLDSWORTHY: I am familiar with my area, and that is what I am talking about. If the honourable member listened to what the member for Light said, even with areas he may be more familiar with there is certainly not overwhelming support for the Government's proposition. The responses given to the member for Light came from right around the State, and, even allowing for those who did not respond, it is clear that the overwhelming number of councils is totally opposed to a number of areas that the Government is seeking to thrust upon them, and this is one. I speak in this debate simply for the councils in my electorate. Other members will no doubt speak on behalf of councils that have made submissions to them. I, for one, and the councils unanimously in my electorate will not have a bar of being told that they will meet after 5 p.m. It will exclude a large number of capable people currently serving on local government and will circumscribe their efforts to a very large degree.

There is no demand, certainly in my area, for allowances over and above the expenses which currently can be claimed in terms of travel and the like. I believe that one of the strengths of local government is that people are prepared to serve without remuneration of this kind, but people do not have to be out of pocket: they can be paid mileage and the like to cover those expenses. If the Government wishes to strike a blow at that principle, which it clearly is, that will weaken local government. The rationale behind that is far from clear.

The proposal in relation to term of office has no support at all in my constituency. There is a distinct advantage in having rotation and in not having all councillors retire at the same time. This could be damaging, particularly when pressure groups arise from time to time and there is a degree of dissatisfaction. They are organised, they will make radical changes, and they tip out the whole of the council. There is a lot to be said for half of the councillors retiring at one election and the other half retiring subsequently. There is no support at all for the Government's suggestion that we mirror the local government elections on what happens in this place: the two are not comparable, nor do I believe is it desirable.

There is no support at all for the Government's proposal of optional preferential voting. This is a part of Labor Party dogma. The Party has sought to introduce that principle into elections because it sees in this place perhaps some electoral advantage, but to enforce this provision at local government level is a retrograde step. I shall be casting my vote for the *status quo*. Last week, at a function I attended, a typically sensible member of local government stated that local government was doing very well and asked why we wanted to mess about with it. No-one in the country areas in my electroate is asking for these changes, and no-one has suggested that there is graft or corruption in relation to the operation of local government. All councils work effectively, and all of these changes will be disruptive. I would far rather see a full preferential system, but I see no compelling reason for changing the present voting system.

Councils are unanimous in relation to the register of interests. This debate has been gone into in this place and it has been kicked around for a long time in relation to our sphere of government. I have taken part in those debates over the years, but the result of one of the committees set up in the House of Commons summed up what I think was a fairly cogent view in relation to the register of interests, which is that one cannot legislate for honesty: if people want to get around a law they will. However, I had no violent objection in the end to what was proposed here, except with the Labor Party's motives in trying to paint the Liberals as the well heeled Party, the Party of wealth, which is nonsense.

If one looks at the register, all of the filthy rich are on the other side of the House. I would not mind the member for Henley Beach's share portfolio! I read that the local rag (the *Herald*, is it?) reproduced the so-called assets of the shadow Ministry and it could not get that right. I found that the other side is where the dough is, not here; we are the poor men of the place. So, if people looked at that, it back fired. This open government garbage was designed as a political stunt to try and fossick out the interests of people on this side of the House.

It was a shemozzle, with one Minister not capable of declaring that he owned two houses. The whole thing was a farce! In the end the whole thing was a farce. One had to declare one's wife's assets but—

The SPEAKER: Order! The honourable gentleman is straying.

The Hon. E.R. GOLDSWORTHY: No, I am talking about the pecuniary interests register, the declaration of interest, which is one of the provisions in the Bill for which there is no support in my electorate. I was suggesting that one had to declare a spouse's interest. There are all sorts of things. The member for Mallee introduced some very interesting and sensible methods to tidy that up. It really was a bit of play acting and window dressing by the Labor Party—a bit of Party dogma to try to sell the idea that it had open government. We will not go down that track. We know that is also completely illusory.

Here we will thrust it on local government, too. It is not at all necessary. It certainly has no support in my electorate. I do not intend to canvass any other areas of the Bill except to say that in relation to allowances, time of meetings, optional preferential voting, register of interests, and term of office there is no support from the councils in my electorate. For that reason, the Opposition certainly will support the amendments that the member for Light intends to move in relation to those matters. I believe they are so important that we will pursue them with a deal of vigour. I trust that some amendments can be made in relation to those matters, because they tend to overshadow the other provisions in the Bill, many of which of course are desirable.

But, when we confronted the legislation (and we heard this point made by the Minister of Labour) which the Minister says has widespread support but in which there are a number, (maybe not a large number) of obnoxious provisions, they cancel out in the public mind any good provisions which may also be apparent in the legislation. I believe that these are so important that there would be a number of people in this State who would be happy to see the legislation fail. It was certainly their attitude in relation to some other pieces of legislation before the House during this session. I shall not refer to those any further. I will not say any more, except that we are far from happy with this legislation in a number of important respects. I have men-

tioned a number of those in relaying to the House what people in my electorate, where local government works well and effectively, as is typical of country areas, believe in relation to this legislation.

Mr MAYES (Unley): I rise to speak in support of this Bill and in support of the Minister's comments at its introduction which related to local government amendments. I was interested to listen to comments from the other side. The Deputy Leader and the member for Light indicated that there is a lack of support for the proposed amendments, indicating that local government representatives are not in favour of some key amendments to the Local Government Act. Those have been highlighted by members opposite as council meeting times, the register of interests, changes to the first past the post system of electing council representatives, annual allowances and terms of office.

Other points were raised by members opposite—the advisory commission, the expansion to include a representative from the United Trades and Labor Council, the question of the casting and deliberative votes, changes to the Act which will bring in the one vote, and recognition for members of district councils or municipal councils. It is interesting to look at what is in fact being debated and why it is being opposed by the Opposition. We have already had reference by the member for Light to comments last week by a former executive member of the Local Government Association accusing members on this side of the House and the Caucus of lacking experience.

I suggest that the honourable member review her remarks and look at the experience on this side, because, quite frankly, she obviously has not taken that into account, and it was an ill-informed and poorly prepared statement. My experiences in local government have been such as to lead me to support these major amendments. There are many what one would call rats and mice amendments which tie up some loose ends of the Local Government Act.

The Hon. Michael Wilson: Local government seems to be taking a high profile in your electorate lately.

Mr MAYES: Exactly! Perhaps the Liberal Party is taking a high profile in local government in my electorate, which normally and traditionally it has not. The position is such that areas that require review are reviewed and it is proposed, I believe, to democratise local government and take it further into the twentieth century—giving the community representation. We have heard tonight that there is no support from the councils but we have not had comments about public or community representation at local government level.

Mr Mathwin interjecting:

The SPEAKER: Order! The honourable gentleman is entitled to a fair hearing.

Mr MAYES: I went into a council situation where there were closed meetings. The public virtually had to subpoena information from the council.

Mr Ingerson: That is still true now.

Mr MAYES: No, because we changed it. But it has come back to a situation where we find that many local government bodies do not open up their council meetings. So, my experience has been that local government has not been generally receptive to the idea of open government.

Mr Mathwin: Oh, come on!

Mr MAYES: It is not, and it is quite clear that in many ways it is still not interested in having all its affairs exposed to the public at large. These proposals contained in the review of the Local Government Act were put forward by this Party as part of its policy. We have a mandate to introduce these amendments. In fact, we have a mandate to introduce our local government policy, which could have been taken further. We have a mandate to open up local government, to democratise many of its processes. In many ways one can see the reactions of the established councils, which I think it is fair to say represent perhaps the more conservative elements of our community—not in all cases but in general. They are hanging on to the last vestiges of their power and control. I believe that these amendments will provide the whole community, the public, with an opportunity to become involved in their local government bodies and be representatives, if they wish to be involved personally.

If we look at comments in the *Advertiser* last week, we see the following statement:

> Local government is traditionally concerned with roads, rates and rubbish, but the healthy debate emerging in this Local Government Week concerns reform and increasing expansion into social welfare areas.

The Hon. Michael Wilson: Now it would be roads, rates and registers of interests.

Mr MAYES: It is not even worth a comment because local government has traditionally been seen as the 3Rs. I have had an opportunity through two Select Committees to view smaller local government bodies in country areas. Many of them are taking that step to become more involved in the community and participate at a broader level, providing community facilities and community resources. I think that is an important step forward into the twentieth century. Changes have been talked about in local government for many years, as has the need to review the Local Government Act. It is only now that these major changes have come about, and I have heard of them in the past 10 years, when my involvement first began in local government. I think it is important that this Parliament introduce these steps and I believe that they will provide a greater accountability and representation for all the community because local government is an important third tier of government in this country.

When one considers the issue of public meetings, there is a great deal of debate from the other side about holding meetings after 5 p.m., and the Deputy Leader and the member for Light said that there is no clamouring, shouting or demands for meetings after 5 p.m., and that it will be disruptive and will upset local government. I can tell them from firsthand experience that people in country areas have contacted me as a union official seeking support for time off from their employers to attend local government meetings which are held during the day. Those meetings were held at committee level and council level. Those employees were refused permission.

Members interjecting:

Mr MAYES: Therefore, there is obviously a situation where people are not being given the opportunity to participate in local government activities. I heard the member for Bragg ask about Unley. From my personal experience (and I am not sure about his experience in local government), it was very difficult for me to attend day-time committee meetings because I had a very demanding position—

Members interjecting:

Mr MAYES: The position is quite clearly stated: those people who are self-employed or who can come to some arrangement with their own business are able to more easily attend and participate in local government activities. Many committees of the council were meeting during the day, which prohibited many of the council members attending. In fact, several of my colleagues had resigned from the council because they could not meet the daytime commitments. I believe that these provisions can and will be managed.

Mr Mathwin interjecting:

Mr MAYES: I am not sure that the honourable member's Party has taken into account shift workers in any event in their form of proposals and statements. However, I am sure

that the council can take into account shift workers provisions, and I know of one shift worker who attends a council that meets at night. Therefore, it is being argued by the other side that councils cannot operate if they do not have the facility to meet during the day. It is quite clear that if there are inspections (and I am not sure whether or not members opposite can account for their times in local government) which may be required they can be arranged, inspections of sites and planning situations.

Mr Ingerson interjecting:

Mr MAYES: The member for Bragg is muttering through his fingers, but perhaps it is not worth hearing anyway. The situation would be that councils can operate, and this provides for people who are the ordinary wage and salary earners and who do not have the luxury of being able to drop tools and walk out whenever they want to attend a council meeting, as are many people who are currently involved in local council in Unley and other areas in South Australia. It precludes those people who do not have that facility from attending council functions and thereby precludes them from being involved in local government activities.

I believe this is an important amendment that can be adjusted to by local government. It has been argued that country people will suffer dramatically. I believe, and I have firsthand experience, my own family having come from the country, that it can be managed in the situation in the country areas. Therefore, I do not believe that the arguments put up by members opposite can be sustained. I believe that this amendment is an important democratic process which will add far greater accessibility and representation for local government. As to the register of interests, having been involved as a councillor and alderman in one of the larger city councils, it has been my experience that there are situations which—

Members interjecting:

Mr MAYES: The register of interests is an important part. Members opposite say that it will never eliminate crime, but we can go a long way towards eliminating people being intimidated or attracted by offers at local government level, because one is dealing at a local level and first hand with people who are making applications by seeking local government decisions, and the attractiveness of offers which would otherwise determine their decisions is more available.

I have some first hand experience of people who have been in that situation and I think that it is perhaps to South Australia's credit that the rumours are not as rife as they are in States such as Queensland. I have been informed of various situations in Queensland, where there is a definite need for a register of interests of this sort to prevent people from being attracted to alter their vote in accord with some financial gain. I think that it happens in Adelaide (I am certain that it happens here), where there are situations where people are tempted. I believe that this is an important part of a similar provision that operates for the Parliament, and, because of the local government level and the vulnerability of people at local government level, this is an important step in the right direction.

As to annual allowances, I think that it is important that local government people have the opportunity to recoup some of the costs they incur. During the time that I was in local government, I believe that there would have been many councillors who were out of pocket by many thousands of dollars. I think it is only proper that, if they wish, they can have those allowances. If they do not, they can return them to the council, the point being that there are people who may not be able to afford it. They may not be wealthy pharmacists who can afford to contribute their time or money. They may be very ordinary people who have not the wealth or resources that some members opposite have to devote to local government.

For example, I refer to women in the work force who have to meet extensive costs for child care. This facility would offer them the same opportunity to meet the cost to allow them to attend local government activities. This is another step in the right direction and part of our Party platform to offer everyone the opportunity to be involved in local government. '

Mr Mathwin: Who will pay—the ratepayers?

Mr MAYES: That is fine. I refer to the term of office. We have had arguments from members opposite that three years is not acceptable and that 'all in all out' should not be on for local government. I have had various discussions with local government people who want the extended term and others who said that they do not.

Mr Mathwin: What about Unley?

Mr MAYES: I have had discussions with Unley council. It is important that we give local government the opportunity not always to be facing the election process. My experience during the period when I was on the council was that there were about six elections—and we were always geared up for the next election.

Mr Mathwin: How long were you on the council?

Mr MAYES: Long enough to know about it, for your information. The situation is that one is constantly facing re-election. Certainly, it offers council members time to settle in and work together.

The Hon. Michael Wilson: Were you opposed very often?

Mr MAYES: Yes, I fought elections and not many councillors around South Australia can say that. I fought elections every time and beat them all, what is more.

Mr Mathwin: That is what I like to hear: a born fighter.

The SPEAKER: Order! I hope that the honourable member will not reply to interjections.

Mr MAYES: I believe that we have another process which will democratise the processes of local government and which will allow access to all people to be involved. One important fact raised by the member for Light involved one vote for the chairman or mayor. I am not too sure exactly what he was saying, but it is important to know that this Bill will provide an important change, because a comparison with the present Act is that no member will receive more than one vote. In the case of a mayor or any person acting in that capacity, he will receive a casting vote only and not a deliberative vote, while the chairman of a district council will receive a deliberative vote only. To clarify the position, we are giving the chairman or mayor one vote.

Finally, I want to comment on the closing of the rolls. It is important to note that the Bill provides for a closing of the rolls on the second Thursday of March. I believe that this will give an appropriate and proper time for the rolls to be closed and allow people to gain access to them. This matter was raised with me by members of Unley council and I undertook to raise it with the Minister. I am pleased that the Bill allows for it. Finally, in referring to the comments in the *Advertiser* about the Bill, I note that the summary states:

> In general this Bill will go a long way to reforming Government in this State. At all levels in council the concern for roads, rates and rubbish clearly needs to be augmented with a healthy dose of the fourth 'r'—reform.

The Hon. MICHAEL WILSON (Torrens): Although I thought that we were going to adjourn now, never let it be said that I was not ready to talk. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 12.4 a.m. the House adjourned until Wednesday 4 April at 11.45 a.m.

HOUSE OF ASSEMBLY

Tuesday 3 April 1984

QUESTIONS ON NOTICE

AGRICULTURE PORTFOLIO

281. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agriculture: What action has the Government taken following its 1982 election campaign promises on the following matters in relation to the Agriculture portfolio:

(a) how many regional councils representing both growers and winemakers have been legislatively provided for since 10 November 1982;

(b) what has been the nature and result of encouragement given since 10 November 1982 to regional wine industry councils for—

(i) developing regional identities which reflect the unique characteristics of each of their respective regions;

(ii) collection of statistics of planting;

(iii) setting relativities in wine group pricing; and

(iv) directing research into special needs such as more economic use of energy, labour effectiveness and new technology,

and

(c) what has been the success of the undertaking to obtain from the Commonwealth Government:

(i) protection against imported brandy; and

(ii) a guarantee that a wine tax will not be introduced?

The Hon. LYNN ARNOLD: With regards part *(a)* of the question, regional councils have been formed since 10 November 1982 in the Clare and Southern Vales areas. The Riverland and Barossa groups were already formed at 10 November 1982. It is intended that a South-East group be encouraged. Such councils are not provided for legislatively at this point but it is planned to do so in proposals to form a South Australian Wine Grape Industry Council.

The proposal to form a South Australian Wine Grape Industry Council has been further developed by a steering committee comprising representatives of the growing and winemaker sectors and the Department of Agriculture. The report of the steering committee is almost finalised and will be with the Minister of Agriculture within the next week or so. It shall then be referred to the wider industry for comment before it is adopted.

With regards part *(b)* (i) of the question, regional councils are autonomous in their intent and actions. However, it will be desirable to have some consistency between regional councils and with the State council, without losing the unique nature of each regional council. With regards questions *(b)* (ii), (iii) and (iv), planting statistics, grape pricing and research are all issues covered by the proposed South Australian council. Section *(c)* of the question seeks information on undertakings from the Commonwealth Government.

With regards protection against imported brandy, the Commonwealth Government did, in February, in response to an approach from industry, impose a cash security of $2.10 per litre alcohol. This is an interim measure pending full consideration of the industry's claim for a counterviling duty. In this respect a meeting of all parties has been called by the Australian Customs Service for early April to discuss the allegations of material injury. As for the long standing issue of a wine tax, pressure has been kept on the Commonwealth Government at every opportunity but no guarantee has been given that a wine tax will not be introduced.

DEPARTMENT OF AGRICULTURE

290. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agriculture: In what identifiable way has the Government boosted morale of the Department of Agriculture since 10 November 1982?

The Hon. LYNN ARNOLD: The honourable member is quite correct in inferring that the morale of the service required lifting after three years of mediocre Liberal Government. As an indicator, at the time the Government changed about half the key management positions in the Department of Agriculture were filled on a long term acting basis. This created significant barriers to the efficient and effective management of the Department, and undermined morale. The Labor Government has moved to rationalise this practice in the Public Service developed during the three years of Liberal Government. Now only five of the 23 key management positions are being filled in a long term acting capacity, and this is being reduced as quickly as possible. We have also moved toward giving officers in the Department greater responsibility for their actions; proceeded with a review of the organisation's management structure and implemented changes where appropriate; improved the communication system between the Department and the Minister's office; and improved the rate at which legislative proposals can be processed. The Government has provided for stable and supportive management of the Department of Agriculture; management has been made more representative through the establishment of a board of management; and a senior management training programme has been instituted. In the longer term, the Government's review of Public Service management, and the implementation of those recommendations, will go a long way towards increasing the efficiency, effectiveness and morale of the service, including the Department of Agriculture.

CEREAL YIELDS

293. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agriculture: Has the Government instituted a programme of applied research into the problems of cereal/medic rotation systems and, if so, what are the parameters of that programme and what have been its findings to date?

The Hon. LYNN ARNOLD: A programme of applied research into the problems of cereal/medic and cereal/subterranean clover systems has been initiated by appointing a research officer to Turretfield Research Centre commencing on 1 January 1984. The Research Officer, Mr P. Wegener, is undertaking a programme of monitoring wheat yields on farms. This innovative approach measures a large number of variables such as the rate of superphosphate and the number of years of pasture, and relates these factors to the measured yield of wheat in a particular paddock. Since this technique uses historical data it provides a means of monitoring the factors that are affecting wheat yields in the farming systems.

A further programme is planned to commence in 1985. This will employ three trainee district agronomists on a similar programme of monitoring cereal yields in cereal/livestock systems. Funds to employ these three officers have been requested from the State Wheat and Barley Research Committees. The extent of the funds available will not be known until the committees meet in April. There are no results available to date.

FORESTRY

294. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Forests: What action has the Government taken following its 1982

election campaign promises on the following matters in relation to forestry:

(a) Has the Government been successful in obtaining new Australian and/or overseas markets for its forestry thinnings either as woodchips or pulp since 10 November 1982 and, if so, where have those new markets occurred, what are the tonnages involved in sales to date and what are the contractual details;

(b) has the Government been successful in obtaining markets for sawn timber and pre-cut components in order to reduce the Woods and Forests Department's dependence on fluctuations in the building industry and, if so, what are the contractual details;

(c) what has been the Government's success in finding alternative markets for 'other producer' marketing of their products such as particle board since 10 November 1982;

(d) by what method has the Government followed up Middle East and North African inquiries for South Australian forestry expertise and what contractual arrangements have been made for the provision of such expertise;

(e) what changes have been made to the investment priorities of the Woods and Forests Department away from the provision of subsidies of private farm forestry since 10 November 1982; and

(f) to what extent has the Government increased investment in new product research and development in the forestry industry since 10 November 1982?

The Hon. LYNN ARNOLD: The replies are as follows:

(a) The impact of fires on South Australian Government forests in early 1983 caused a change of priority from marketing forest thinnings to salvaging burnt material. One major sales contract has been negotiated for processing for export of flitch and chip to Japan through the Mount Gambier-based company of N.F. McDonnell and Sons. Total volume of log will be 200 000 cubic metres over two years and the operation has begun.

Chip loading facilities have been installed at the Portland Harbour which will assist the prospects for longer term exports. However, market acceptance of chip produced from fire-killed trees containing small quantities of carbon is not assured at this point in time.

Additionally, some trial shipments of chip and composted wood fibre have been forwarded to Arabian Gulf countries, totalling approximately 100 cubic metres so far. Prospects for expansion of this outlet for salvage wood and subsequent thinnings are dependent upon current development of technology for composting products but they appear potentially good.

(b) During 1983-84, markets for the Woods and Forests Department sawn timber products were established in Malaysia and Singapore. No long term contractual arrangements have been concluded and the volume sold to date is not large, however, the potential exists to further develop these outlets over time.

(c) Marketing of 'private producer' products has always been the responsibility of the companies concerned. The preoccupation with salvage cutting over the past 12 months followed by an up-turn in demand in the local market has provided some time in which to plan export initiatives, particularly in the light of the State's depleted raw material resource following the February 1983 fires.

(d) An enquiry from Algeria for forestry expertise has been followed up by a visit by combined SAGRIC and SATCO staff and proposals are being prepared for that Government now by SAGRIC. It is expected that negotiations will be prolonged if similar bilateral technical assistance involving a number of European countries and Algeria is regarded as indicative. No other North African and Middle East forestry assistance projects are active at this time.

(e) Funds were not specifically provided for private farm forestry prior to November 1982 and hence no re-deployment has taken place. All capital available for forestry will be deployed in re-establishment of fire-killed plantations over the next 7-10 years.

(f) Additional funds for research and development expenditure have been principally directed towards monitoring log quality whilst in storage. The Government's investment in water-stored log following the February 1983 fires is approaching $30 million and research and development funds have been allocated to protect this investment as far as possible.

ASPARTAME

351. **Mr BECKER** (on notice) asked the Minister of Tourism, representing the Minister of Health: Have products using the artificial sweetener Aspartame, sold under the trade name Equal in South Australia, been withdrawn from the market following the report that it could be responsible for various health problems?

The Hon. G.F. KENEALLY: Aspartame is not used in foods in this State. Although Aspartame is sold in the State as a table top sweetener under the trade name of 'Equal', the food and drugs regulations have not been amended to permit its use in special dietary foods without added sugar, low joule foods and brewed soft drinks on the same basis as saccharin and cyclamate. The Food and Drugs Advisory Committee is seeking expert advice as to the basis of the claims of ill-effects caused by Aspartame as the substance has been subjected to extensive assessment prior to the approval for use in other countries.

STATE GOVERNMENT TRAVEL CENTRE

366. **Mr BECKER** (on notice) asked the Minister of Tourism:

1. Who is the advertising agent for the State Government Travel Centre?
2. When was the appointment made?
3. What are the terms and conditions of the appointment?
4. Does the contract vary from the previous one and, if so, to what extent?

The Hon. G.F. KENEALLY: The replies are as follows:

1. Clemenger Adelaide Pty Ltd.
2. The initial appointment was from 1 July 1982 for a period of 1½ years, subject to renewal at the option of Cabinet for a term to be decided by Cabinet. Subsequently, Clemenger Adelaide Pty Ltd was reappointed for a period of two years from 1 January 1984.
3. The terms and conditions of the appointment are contained in an agreement made between the Minister of Toursim and Clemenger Adelaide Pty Ltd and are in accordance with standard industry practice.
4. No.

DENTAL SERVICES

368. **Mr BAKER** (on notice) asked the Minister of Tourism, representing the Minister of Health: With respect to the announced provision of public dental services in Noarlunga, Port Adelaide and Elizabeth, respectively, what is the estimated cost of capital works for office space over the next three financial years, what is the estimated cost of manpower and what will it comprise over the same period, and what savings will be forthcoming in the health budget to allow this development?

The Hon. G.F. KENEALLY: In accordance with the Government's policy to improve the availability of public dental care, the Minister of Health recently announced that patients

from the waiting list of the Adelaide Dental Hospital have been offered treatment in school dental clinics at Port Adelaide, Somerton Park, Elizabeth Field and several country centres. The current resources of the South Australian Dental Service have been used and no capital costs were involved. Plans being developed for the Lyell McEwin health service, the Noarlunga health village and the Port Adelaide community health service include dental surgeries in each instance. Plans for these dental facilities have not yet reached the stage of cost estimates.

NURSE EDUCATION POLICY

385. **Mr BAKER** (on notice) asked the Minister of Toursim, representing the Minister of Health: Further to Question on Notice No. 76, what instructions, if any, have been issued by the Minister of Health to the South Australian Health Commission regarding nurse education policy agreed to at the 1983 ALP Convention and what action has been taken within the Commission to implement the policy?

The Hon. G.F. KENEALLY: Cabinet has considered the matter and the Chairman of the South Australian Health Commission is currently involved in discussions with the Chairman of the Tertiary Education Authority of South Australia aimed at implementing the policy.

INTEREST RATES—DEPARTMENTS AND AUTHORITIES

395. **Mr BAKER** (on notice) asked the Treasurer: Further to Question on Notice No. 124:

(a) which departments and authorities are affected by the new arrangements for interest rate charges;

(b) what is the current outstanding debt for each department or authority;

(c) what are the amounts of principal outstanding at the various rates of interest on which funds were originally supplied; and

(d) what is the estimated additional servicing costs per annum for each department and authority?

The Hon. J.C. BANNON: The replies are as follows:

(a) All departments and authorities are affected by the new arrangements.

(b) and *(c)* The current outstanding debt for each department or authority is listed below. The various (weighted average) rates of interest on which funds were originally supplied to authorities are indicated also. However, specific rates of interest are not applied to capital funds provided to departments. For many years, Treasury has calculated an annual average Treasury rate to enable interest paid by Treasury to the State's public debt to be apportioned among departments. It is stressed that this rate is merely an accounting device adopted to simplify book-keeping entries between Treasury and departments.

Name of Department or Authority	Outstanding Debt at 16.3.84 $	Weighted Av. Interest Rate $
Adelaide Festival Centre Trust	14 813 029	9.6
Board of Botanic Gardens	1 010 453	9.9
Coast Protection Board	4 940 217	10.6
Council of Adelaide College of Technical and Further Education	1 108 368	15.4
Country Fire Services Board	391 064	15.6
Department of Agriculture—capital purposes generally	1 206 534	
Department of Fisheries—capital purposes generally	1 386 723	
Highways Department—roads and bridges	6 812 357	
Department of Lands—capital purposes generally	10 454 916	
Department of Marine and Harbors—Harbor Facilities and Services	117 638 140	
Department of Mines and Energy—capital purposes generally	4 465 463	
Department of Services and Supply—capital purposes generally	11 373 956	
Department of Tourism—tourism working account	140 000	
Electricity Trust of South Australia	950 991 104	11.5
Engineering and Water Supply Department—Metropolitan Floodwaters	479 584	
Waterworks, Sewers and Irrigation	790 808 444	
Eyre Peninsula Regional Cultural Centre Trust	1 703 959	9.8
General Reserves Trust	1 461 586	9.8
History Trust of South Australia	2 613 446	9.9
Kindergarten Union of South Australia	4 160 359	12.2
Libraries Board of South Australia	2 026 963	11.8
Lotteries Commission of South Australia	1 893 805	10.5
Minister of Agriculture (SAMCOR)	26 881 348	10.3
Minister of Forests	1 356 927	15.2
Minister of Lands (in respect of former Monarto Development Commission)	6 408 263	10.5
Minister of Planning (in respect of former State Planning Authority)	6 197 023	9.9
Minister of State Development (in respect of former South Australian Development Corporation)	5 257 464	9.4
North Haven Trust	7 605 608	12.9
Northern Regional Cultural Centre Trust	6 183 337	13.2
Outback Areas Community Development Trust	3 375 090	11.4
Pipelines Authority of South Australia	55 635 797	9.8
Public Buildings Department—primary and secondary schools	150 024 733	
Technical and Further Education	36 095 986	
other Government buildings	240 768 272	
Racecourses Development Board	2 508 800	11.7
Riverland Regional Cultural Centre Trust	3 314 440	16.7
Roseworthy Agricultural College	19 834	9.5
South Australian Film Corporation	4 531 716	11.6
South Australian Health Commission	1 360 602	10.9
South Australian Housing Trust	289 934 063	12.1
South Australian Metropolitan Fire Service	8 888 237	12.8
South Australian Teacher Housing Authority	11 941 608	11.5
South Australian Timber Corporation	3 497 659	12.2
South Australian Totalisator Agency Board	1 000 000	9.5
South Australian Urban Land Trust	16 848 739	12.6
South Australian Waste Management Commission	150 023	13.7
South Eastern Drainage Board	14 698 449	
South East Regional Cultural Centre Trust	3 959 348	11.2
State Bank of South Australia—advances to State Bank	43 368 594	11.0
advances to settlers	1 235 407	10.75
loans for fencing and water piping	22 526	10.75
loans for vermin proof fencing	26 092	10.75
student hostels	1 091 479	10.75
loans to producers	23 556 217	11.1
State Clothing Corporation	681 462	11.5
State Opera of South Australia	2 631 208	12.1
State Transport Authority	75 313 790	12.7
The Black Hill Native Flora Park Trust	2 900 000	10.4
The Cleland Conservation Park Trust	1 461 586	9.8
Trustee of State Heritage	1 256 354	12.5
West Beach Trust	604 200	9.7
Woods and Forests Department	18 533 846	

(d) The common public sector interest rate now applicable can only be determined at the end of the period to which the rate applies. Therefore it is not possible to give precise details of changes to these bodies' debt servicing costs.

An indication of the extent of variation in 1984-85 could

be obtained by comparing the interest payable on debt outstanding at 16 March 1984, at the weighted average rates shown above with the interest payable on that debt at the rate of 12.5 per cent per annum, the estimated average common public sector rate for that year.

BOARD AND COMMITTEE MEMBERS

425. **Mr BECKER** (on notice) asked the Premier: Who are the members of the following boards and committees, what remuneration and allowances are paid, and how many meetings have been held in the past 12 months, respectively—Builders Appellate and Disciplinary Tribunal, Builders Licensing Advisory Committee, Builders Licensing Board of South Australia, Building Advisory Committee, Building Fire Safety Committee, Cinematograph Projectionists Board, Commercial and Private Agents Board, Liquidators Disciplinary Board, Co-operatives Advisory Council, Dried Fruits Board, and Electrical Workers and Contractors Board?

The Hon. J.C. BANNON: The replies are as follows:

BUILDERS APPELLATE AND DISCIPLINARY TRIBUNAL

The Tribunal is presided over by any one of the judges of the District Court and part-time members. In practice, the judges of the District Court who preside in the Appeal Tribunals deal with all matters coming before this Tribunal. Presently, those judges are Their Honours Judge Roder and Ward. A third judge has yet to commence duties in the Appeal Tribunals on a permanent basis. The part-time members of the Tribunal are:

Mr Thomas Hampton Adamson, M.A.I.C.
Mr Leslie Theodore McEntee, F.A.I.B., F.I.Arb.A., F.I.O.D.
Mr Malcolm John Doley, B.Arch., F.R.A.I.A.
Mr Bernd Stoecker, M.A.I.B.
Mr Leslie Dick Richardson, A.A.I.B.
Mr Allan Russell Thomas, F.A.I.B., F.I.Arb.A.
Mr George Trotta
Mr Colin Frank Norton, Dip.Arch., M.R.I.B.A., A.C.I.A., F.R.A.I.A.
Commissioner Francis Paul Bulbeck, B.E., F.S.A.S.M., Dip.T.P.
Commissioner Kenneth James Tomkinson, O.B.E., J.P.
Commissioner David McDonald Fordham, Dip. L.G., F.G.A.A., J.P.
Commissioner Donald Graham Pitt, Dip.L.G., F.I.M.A., M.I.A.A.

Each of the members of the Tribunal, other than the judges of the District Court and the full-time Commissioners of the Planning Appeal Tribunal, are paid a remuneration which is presently at the following rate: attendance for a half day (four hours or less)—$85.00. Each additional hour or part thereof up to a maximum of eight hours per day, including the first four hours, is paid at an hourly rate equivalent to a quarter of the rate for a half day.

The Tribunal sits to hear appeals or inquiries whenever necessary. During 1983, 31 matters were lodged for the adjudication of the Tribunal. Most matters would have a duration of between one and two days which would normally include a site inspection. Consequently, the Tribunal sits at least fortnightly, and quite often, weekly.

BUILDERS LICENSING ADVISORY COMMITTEE
No members are currently appointed. No meetings were held during 1983.

BUILDERS LICENSING BOARD
Members: D.G. Thomas (Chairman)
P.E.J. Broderick (Deputy Chairman) (no remuneration)
A.J. McKeough
H.J. Williamson
M.J.B. Russell
I.A. Black
D.K. Pett (Deputy of McKeough)
Remuneration and Allowances:
Chairman: $1 500 per annum (retainer)
$5 000 per annum (board meetings)
$100 per half day sessions (up to four hours) for investigations
Members: $4 250 p.a. (board meetings)
$85 per half day sessions (up to four hours) for investigations
Meetings held in 12 months to 31 December, 1983: 53

BUILDING ADVISORY COMMITTEE
The Building Advisory Committee meets on the first Friday of each month. The members of the Committee for 1984 are:
Mr R.G. Lewis (Chairman) (Department of Local Government) (no remuneration)
Dr. D.S. Brooks
Mr C.J. Buttrose
Mr J.R. Dyer
Mr D.A. Grubb (S.A. Metropolitan Fire Service) (no remuneration)
Mr L.G. McEntee
Mr N.F. McPeake
Mr P.C. Odgen (S.A. Housing Trust) (no remuneration)
Mr J.D. Ramsay
Mr J.T. Walter
Remuneration: $1 700 p.a.

BUILDING FIRE SAFETY COMMITTEES
Under the provisions of the Building Act, 1970-1982, a separate committee can be formed for each council area. To date, 61 committees have been formed. During the period 1 March, 1983 to 29 February 1984, 23 different committees met for a total of 106 meetings. In addition to the meetings, the committees carried out numerous inspections of buildings. The members of the committees are:
The Chairman—Mr G. Brown, Department of Local Government
The Chief Officer or his nominee—S.A. Metropolitan Fire Service
The Building Surveyor for the council area concerned.
No remuneration is paid to the committee.

CINEMATOGRAPH PROJECTIONISTS BOARD OF EXAMINERS
Members: W.L. Lewis (Chairman)
R. Altschwager
P. Bowyer
Remuneration:
Chairman: No remuneration
Members: $6.50 per examination plus $3.50 for each candidate
Meetings held in 12 months to 31 December 1983: 15

COMMERCIAL AND PRIVATE AGENTS BOARD
Members: D.H. Wilson (Chairman)
J.E. Govey
V.S. Heron
J. Murray
J.D. Richards
Remuneration:
Chairman: $100 per half day session (up to four hours)
Members: $85 per half day session (up to four hours)
Meetings held in 12 months to 31 December 1983: 25

COMPANIES AUDITORS AND LIQUIDATORS DISCIPLINARY BOARD:
Chairman: R.M. Lunn
Members: W.J.M. Ewing
M.J. Mount
Deputy Members: A.H. Giles *(vice* Mount)
M.C.E. Summers *(vice* Ewing)
Remuneration:
Chairman: $100 per session
Members: $85 per session
No meetings were held during last 12 months.

CO-OPERATIVES ADVISORY COUNCIL
No members have been appointed to this Council as yet.

DRIED FRUITS BOARD
Chairman: T.C. Miller
Deputy Chairman: P.N. Fleming
Members: K.H. Dunstan
H.R. Swanbury
A.R. Milway
Remuneration:
Chairman: $2 125 p.a.
Members: $1 125
Held 10 meetings last year.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ADVISORY COMMITTEE

Mr. G.J. Burdon—Chairman
Mr R.A. Hill—Member
Mr J.H. McFawn—Member (Mr D.R. Larkin—alternate member)
Mr K.K. Wilkins—Member (Mr J. McCarthy—alternate member)
Mr R.C. Ellin—Member (Mr R.J. Down—alternate member)
Mr R.M. Glastonbury—Member (Mr F.J. Fahey—alternate member)

No fees are paid to the committee members. The committee meets every fortnight for about two hours (25 meetings per year).

T.A.B. AND 5AA

429. **Mr BECKER** (on notice) asked the Minister of Recreation and Sport:

1. Does the Government support the T.A.B.'s proposed takeover offer for all the shares in Festival City Broadcasters Ltd radio station 5AA and, if so, why?

2. Will the Government oppose any further increase in the T.A.B. offer to match or exceed the Consolidated Press Ltd offer of $18 per share and, if so, why?

3. How many shares or acceptances did the T.A.B. have in 5AA as at 20 March 1984 and at the date of the answer?

The Hon. J.W. SLATER: The replies are as follows:

1. The Government supports the proposed takeover bid of 5AA as it will have long-term benefits to the racing industry.

2. The South Australian T.A.B. has increased its original offer to $19 per share.

3. It is not appropriate to release any information on the number of shares or acceptances held by the South Australian T.A.B. until the takeover bid is finalised.

FREEHOLD PROPERTIES

430. **Mr BECKER** (on notice) asked the Premier:

1. What is the Government's policy in relation to foreign ownership of freehold property and companies?

2. What now is the approximate foreign ownership of freehold rural properties, commercial properties and companies in South Australia?

3. What action is the Government taking to ensure majority ownership of these properties and companies remains in South Australian control?

The Hon. J.C. BANNON: The replies are as follows:

1. The State Government supports stated Federal Government policy in this regard, which includes a commitment to give Australians 'adequate opportunities to participate as fully and effectively as practicable in the development of Australia's industry and resources'. During the examination process of foreign investment proposals, the Foreign Investment Review Board gives the State Government the opportunity to comment on proposals which affect South Australia. In those cases the proposals are examined by the State Government, particularly from the perspective of net economic benefits to South Australia.

2. It is not possible to answer this question because the collection by the Australian Bureau of Statistics, of statistics relating to foreign participation in industry in Australia ceased during 1978 and early 1979. This was a result of resource constraints following the imposition of staff ceilings by the Federal Government of the day.

The collection of foreign participation statistics is now being reintroduced, but at this stage the only figures available relate to the mining industry. I understand that statistics on foreign participation in the agricultural sector are expected to become available in late 1985.

3. Assuming that this question relates to foreign ownership, the answer would be as for question 1.

GUERIN REPORT

438. **Mr BECKER** (on notice) asked the Premier:

1. Has the Government frozen all senior Public Service positions since receipt of the Guerin Report into the State Public Service and, if not, why not?

2. What impact will the Guerin Report have on the future effectiveness and efficiency of the Public Service?

3. Has the Guerin Report adversely affected the morale of the Public Service and, if so, what action is being taken to ensure that situation does not continue?

The Hon. J.C. BANNON: The replies are as follows:

1. No. The Government does not intend to take any steps which will disrupt the operations of the Public Service. However, while more detailed work is being undertaken on the most appropriate means of giving effect to the report's recommendations, departments will be expected to take action in keeping with the basic principles and objectives for management contained in the report.

2. Very positive.

3. The response to the report has been very constructive.

PUBLIC SERVICE

440. **Mr BECKER** (on notice) asked the Premier:

1. What action has the Government now taken to correct the imbalance of an 'ageing' Public Service?

2. How many persons have been employed in the Public Service in the age categories, 16 to 21, respectively, so far in this financial year?

3. Will additional junior recruiting campaigns be undertaken from time to time and if not, why not?

The Hon. J.C. BANNON: The replies are as follows:

1. In July 1983 Cabinet approved a youth employment programme which was structured to give greater emphasis to the employment of young people in the under 20 years of age group. The programme resulted from recognition of the problems of an 'ageing' Public Service and in addition the programme acknowledged the particular employment problems of young people in the South Australian community. An overall employment target of 300 young people has been set by the Government for the 1983-84 financial year and the programme has been operating continuously since it was approved. In essence, the programme has weighted recruitment in favour of young people, adding to existing specific programmes which operate each year for school-leavers.

2. For statistical purposes, the Public Service Board follows age groupings established by the Australian Bureau of Statistics. Consequently the relevent available age grouping is 15 to 19 years. Within the 15 to 19 year category, 271 young people have been employed in the Public Service to the end of February 1984. The Public Service Board is confident that the target employment figure of 300 young people will have been achieved by 30 June 1984.

3. The Public Service Board is closely monitoring the overall effects of the 1983-84 Youth Employment Programme on the age structure of the Public Service and will continue its monitoring activities in the future. As the Board identifies imbalances, recommendations for appropriate remedial action, which may involve further junior recruiting campaigns, will be formulated for Government consideration. The Board proposes to conduct its annual School Leaver Recruitment Programme once again in 1984-85. The programme will be advertised on 11 August 1984.