HOUSE OF ASSEMBLY

Tuesday 12 March 1985

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Bail,
Classification of Publications Act Amendment,
Electrical Workers and Contractors Licensing Act Amendment,
Industrial and Commercial Training Act Amendment,
Land and Business Agents Act Amendment,
Legal Practitioners Act Amendment,
Local and District Criminal Courts Act Amendment,
Police Regulation Act Amendment (No. 2),
Renmark Irrigation Trust Act Amendment,
South Australian Waste Management Commission Act Amendment,
Statutes Amendment (Bail).

SUPPLY BILL (No. 1) (1985)

His Excellency the Governor, by message, recommended the House of Assembly to make provision by Bill for the defraying of salaries and other expenses of the Government of South Australia during the year ending 30 June 1986.

PETITION: PORNOGRAPHY IN PRISONS

A petition signed by 50 residents of South Australia praying that the House urge the Government to withdraw pornographic material from prisons was presented by Mr Lewis.

Petition received.

PETITION: SPECIAL WATER LICENCE

A petition signed by 1 505 citizens of Australia praying that the House establish an inquiry into the environmental effects of the special water licence granted to Roxby Management Services; suspend the existing licence pending the outcome of the inquiry; and release the environmental impact statement on the Olympic Dam project for public comment was presented by Mr Becker.

Petition received.

PETITION: FLINDERS RANGES NATIONAL PARK

A petition signed by 13 residents of South Australia praying that the House ensure that the Flinders Ranges National Park remains inviolate and is extended, where possible, was presented by Mr Trainer.

Petition received.

PETITION: ETSA

A petition signed by 62 residents of South Australia praying that the House call upon the Governor to establish an inquiry into the financial management of the Electricity Trust of South Australia was presented by Mr Becker.

Petition received.

PETITION: RANDOM BREATH TESTING

A petition signed by 57 residents of South Australia praying that the House support the retention of random breath testing was presented by Mr Becker.

Petition received.

PETITION: PORT HUGHES DEVELOPMENT

A petition signed by 1 195 residents of South Australia praying that the House refuse to allow the proposed development at Port Hughes by John Connell and Associates to proceed was presented by Mr Olsen.

Petition received.

PETITIONS: HOTEL TRADING

Petitions signed by 387 residents of South Australia praying that the House reconsider legislation allowing hotels to trade on Sundays were presented by the Hons J.C. Bannon, Ted Chapman and B.C. Eastick and Mr Rodda.

Petitions received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* 343, 374, 377, 378, 381, 384, 399, 405, 407, 408, 415, 418, 419, 424 to 429, 432, 438, 439, 442, 446, 447, 459, 461, 463 to 465, 479, and 490; and I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

MOUNT GAMBIER RAIL SERVICE

In reply to the **Hon. H. ALLISON** (19 February).

The Hon. R.K. ABBOTT: Under the Rail Transfer Agreement, prior agreement from the State Minister must be sought if Australian National (AN) proposes a reduction in the level of effectively demanded services on the non-metropolitan railways. To date, I have not received any approach requesting agreement to reduce services on the Adelaide to Mount Gambier line. My last advice from AN with regard to these services was that they were under study and alternatives were being considered so that demand could be met in the most convenient and efficient way possible. The honourable member can be assured that any requests for a reduction in service will be carefully considered and, if considered necessary, an objection will be lodged.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. J.C. Bannon)—
Pursuant to Statute—
Stamp Duties Act, 1923—Regulations—Stamp Duty on Interstate Cheques.

By the Minister for the Arts (Hon. J.C. Bannon)—
Pursuant to Statute—
State Opera of South Australia—Report, 1983-84.

By the Minister for Environment and Planning (Hon. D.J. Hopgood)—
Pursuant to Statute—
National Parks and Wildlife Act—Report on Administration of, 1983-84.
North Haven Trust—Report, 1983-84.
Planning Act, 1982—Crown Development Reports by the South Australian Planning Commission on proposed—
Borrow pit for Stuart Highway.
Construction of Child Care Centre, Kesters Road, Para Hills West.
Sewerage Scheme, Port Lincoln.
Land division, Hundred of Noarlunga.

By the Minister of Lands (Hon. D.J. Hopgood)—
Pursuant to Statute—
Surveyors Act, 1975—Regulations—Fees.

By the Minister of Education (Hon. Lynn Arnold)—
Pursuant to Statute—
Metropolitan Milk Supply Act, 1946—Regulations—Milk Distribution.

By the Minister of Tourism (Hon. G.F. Keneally)—
Pursuant to Statute—
Radiation Protection and Control Act—Report on Administration of, 1983-84.

By the Minister of Local Government (Hon. G.F. Keneally)—
Pursuant to Statute—
Public Parks Act, 1943—Disposal of Parklands, Corner of Torrens and Harrison Roads, Renown Park.
Corporation of Adelaide—By-law No. 2—Vehicle Movement.
Corporation of Noarlunga—By-law No. 11—Controlling the Beach and Foreshore.
Corporation of Tea Tree Gully—By-law No. 46—Dogs.
District Council of Lacepede—By-law No. 25—Controlling the Beach and Foreshore.
District Council of Cleve—By-law No. 34—Vehicles upon Parklands and Recreation Reserves.
District Council of Port Elliot and Goolwa—By-law No. 40—Keeping of Poultry.

By the Minister of Community Welfare (Hon. G.J. Crafter)—
Pursuant to Statute—
Credit Union Stabilization Board—Report, 1983-84.
National Companies and Securities Commission—Report, 1983-84.
Trade Standards Act, 1979—Regulations—Precious Stones (Opals).
Rules of Court—Local Court—Local and District Criminal Courts Act—Costs.

MINISTERIAL STATEMENT: SCHOOL COUNCILS

The Hon. LYNN ARNOLD (Minister of Education): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: The activities of school councils have increased and broadened in recent years. Yet the current regulations covering the powers, roles and responsibilities of the councils date back over more than a decade—to the Education Act of 1972. It was for this reason that in May 1983 I set up a review on the role of school councils. This review constitutes the third policy development paper to be issued under the Government's pre-election commitment to involve the community in changes to educational direction.

Three further papers in the series will be issued later this year examining the areas of equality of opportunity, senior secondary education and schools in a changing society. The school councils review canvasses many of the most difficult issues facing councils: the level of parental involvement, and school council contributions to school finance management and fund raising, staffing and curriculum planning, grounds and building maintenance, for example. If school councils are to have the option to be more active in school planning and decision making in the future, a major and critical stocktake of what they do now would seem a useful starting point. While many school councils have made valuable contributions to education in this State, it would be wasteful should this review develop into an exercise of simply justifying what happens now. It is not just asking for self-congratulations on the *status quo*. For example, the involvement of relatively few parents in school affairs is a challenging issue raised in the report and requiring serious attention.

As Australian and overseas studies show that the quality of the relationship between home and school stands out as a vital influence on student achievement and behaviour, the question of greater parental involvement begs further urgent attention. I challenge school councils to find imaginative ways within their capacities to penetrate the 'silent majority' on the vital questions about the future of school councils and other forms of parental/community involvement.

If real headway is to be achieved through this review, the school councils themselves must accept some responsibility for distributing the document and encouraging discussion. It would be irresponsible should this document reach no further than the school principal or council chairperson. The review's proposals will be translated into the major community languages, and groups or individuals are invited to respond to the review in their own language. These submissions will be translated by the Department. Responses should be sent to the Director-General, South Australian Department of Education, GPO Box 1152, Adelaide, by 17 May 1985.

MINISTERIAL STATEMENT: STATE AQUATIC CENTRE

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

Leave granted.

The Hon. J.W. SLATER: Over the past 2½ years, South Australia has asserted itself as a leading contender for the staging of major sporting events. At the time of approving the upgrading of the North Adelaide Swimming Centre, no thought had been given to holding the Commonwealth Games in South Australia. However, since then, this Government has made major progress in achieving an accelerated growth of sporting projects for this State. A number of world-class facilities have been approved and built or will be built with the help of Federal funding, and this progress will continue.

Unfortunately, the questions asked of me in Parliament a fortnight ago referred to certain parts of a confidential report being prepared by the Department of Recreation and Sport. This report is a feasibility study into the possibility of South Australia hosting the Commonwealth Games either in 1994 or 1998. Although the figures mentioned by the Opposition were contained in the first draft of the report, I believe their revelation has done a tremendous lot of damage to our chances of holding the games. In fact, one newspaper gave almost a full copy of this draft report that was yet to be finalised in many ways—including the type of sport, possible venues and cost.

The Opposition was aware of this confidentiality, but chose to exploit it by using documents not officially released by me, the departmental director, or departmental staff. There has been immense speculation in the media since then. This speculation has centred mostly around the possible costs of staging the games. I only hope that the South Australian community has not been misled by this unnec-

essary publicity at this early stage. I certainly hope that they will support any Government proposition in this direction after all the necessary investigations have been completed and all the facts put before them.

During Question Time on 27 and 28 February, the Opposition raised a number of questions regarding cost overruns, construction delays, and standards of the Adelaide Aquatic Centre. Before answering each of the questions raised, I would like to make the following comments about the previous Government's Hindley Street proposal so that the current facility being upgraded at North Adelaide is seen in context.

In March 1982, the previous Minister of Recreation and Sport announced the previous Government's intention to construct an aquatic centre on the West End Brewery site, which included a 50m eight-lane pool, a diving pool and community pool, each 25m by 16m. The total estimated cost at the time was $7.5 million. However, on 13 October 1982, the then Premier (Hon. D. Tonkin) wrote to the then Prime Minister indicating that the April 1982 price had risen to $10.3 million and would be $12.2 million by the time it was completed in June 1984. In other words, the estimated cost had risen $4.7 million, or 63 per cent, in only six months, and this was even before tenders had been called.

This letter of 13 October 1982 sought additional Commonwealth Government funding in view of the escalated costs. It was clear from this letter that the then Government had not made a firm commitment to proceed with construction. In part, the letter stated that it was 'critical that detailed funding arrangements are finalised as soon as possible prior to the State Government giving its approval to proceed with construction.' After all, the election was only a few weeks away and the previous Government's intention of using the proposed Aquatic Centre as an election gimmick was confirmed when it purchased the brewery site land the day before the election!

One of the issues raised by the Opposition was whether the North Adelaide State Aquatic Centre would be capable of staging international swimming events to FINA *(Federation Internationale de Natation Amateur)* standards. The member for Torrens, who raised this question, would no doubt be aware of a letter dated 12 March 1982 to the then project directors of the State Aquatic Centre project. So as to refresh the honourable member's memory, I seek leave to table a copy of that letter. In that letter FINA stated that an overall depth of 1.8 m was required for Olympic Games and world championships. For other main international events, for example, the Commonwealth Games, the pool can vary from 1m to whatever is required.

The redeveloped North Adelaide Aquatic Centre will contain a main pool, 50 m by 21 m, with a depth ranging from 1.07 m to 1.98 m. This pool will contain a movable boom to enable the pool to be divided into two 25 m pools. The Hindley Street proposal was for a pool to be 2.2 m. This is not required for Olympic Games and world championships, but would have accommodated the Commonwealth Games, as would the North Adelaide centre, according to FINA standards.

However, it was never this Government's intention to use the North Adelaide centre for the conduct of Commonwealth Games. Contrary to written advice from FINA, the Amateur Swimming Union of Australia had confirmed in writing that the pool would be accepted for international standard competition, except Olympic Games, Commonwealth Games and world championships. Cabinet was made aware of this situation in the initial submission, and the decision to proceed with the construction of the facility was made on this basis. Also, half the funding for the redevelopment of the North Adelaide centre was approved under the Fraser Government's international standards sports facilities programme.

The project was also discussed with the Parliamentary Standing Committee on Public Works on 1 December 1983, and it was made clear in these discussions that the pool would not be suitable for Commonwealth and Olympic Games. An additional cost of $2 million to $2.5 million would have been needed to bring the facility up to the required standard and, at that stage, the additional cost could not be justified. In addition, the pool would not have been suitable for recreational use. It should also be pointed out that, by the time the State has attracted a Commonwealth Games, the FINA requirements could have again altered.

When the submission went before the Parliamentary Standing Committee on Public Works, it was indicated that the estimated cost for the facility then was $4.85 million and this would increase to $5.1 million by the time the facility was completed. Upon receiving tenders for the construction of the pool, the final cost was estimated to be $7.2 million. The difference between the $5.1 million and the $7.2 million was attributed to the following major factors: under-estimation of the structural steel costs; the magnitude and complexity of the project limited the range of competitive subcontractor tenders; the short construction period may have increased costs to cover overtime and offset possible penalty payments; erroneous costs received during the documentation stage from suppliers for some materials resulted in the inclusion of higher cost finishes.

Cabinet resolved to proceed with the facility with an instruction to Department of Recreation and Sport and Public Buildings Department staff to endeavour to identify ways of reducing overall costs. The tender of A.W. Baulderstone was accepted on 3 May 1984. A 20 December 1984 date was agreed to as an acceptable date for completion.

Constant monitoring of the project by PBD and a recent reassessment has indicated that the cost of the facility will now be in the order of $7.6 million and the facility will now not be completed until the end of August 1985. The delay in the completion date (between May and September 1984) has been caused by: additional work, delays in the fabrication and delivery of constructional steel, inclement weather, minor industrial disputes and the erection of the frame taking longer than envisaged.

Members interjecting:

The SPEAKER: Order! Leave has been granted.

The Hon. J.W. SLATER: The most significant of these delays was the fabrication and delivery of the structural steel.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. J.W. SLATER: Delays between December 1984 and now have been caused by attempts to save costs by installing a cheaper but equally efficient acoustic ceiling treatment. A potential condensation risk was identified which required the issuing of an instruction to stop work while the potential problem was investigated and resolved. Instructions to proceed with a modified design using the same ceiling material were given in February 1985. This delay was compounded by the unavailability of a framing support member and an increase in the scope of the work in the roof. The current cost estimation varies between $7.275 million and $7.975 million, with the most realistic one being $7.575 million.

These additional costs are attributed to extra steel fabrication costs; additional work on toilets, lighting and the eastern stand; claims from contractors for delays; additional redesign and supervision costs; cost to rectify latent problems (for example, repairs to diving tower, repairs to tiling and joints in the main pool, repairs/replacement of water treatment pipes, and replacement of storm water pipes. The pool

is 15 years old and has been exposed to all elements over that period. The existing diving tower does not meet FINA standards but this will be rectified during the upgrading work.

In earlier negotiations with the Adelaide City Council, it was indicated that the pool would be given to the Government in good condition and it is anticipated that the cost of some of the rectification work on piping, the diving tower, tiling and joints will be paid for by the Adelaide City Council. Costs may further increase as other latent items, undetectable at the commencement of the project, become evident and cause further delays. As honourable members would appreciate, the quality and soundness of the existing filtration, piping and other systems under the ground was not able to be assessed accurately until it was exposed during the construction work. The South Australian Amateur Swimming Association regrettably has been advised that the pool will now not be available until the end of August and the State winter championships and the national short course championships will have to be relocated to other venues.

While I am disappointed over this delay, I wish to make quite clear that it is not as serious as the Opposition is trumping it up to be. Once completed, the centre will be open for a long, long time and provide top level facilities for the public, as well as competitors in water polo, diving and swimming championships. It will stand as testimony to this Government's concrete achievements in an area where the former Government achieved exactly nothing.

YATALA LABOUR PRISON

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

Yatala Labour Prison—B Division Upgrading.

Ordered that report be printed.

QUESTION TIME

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

That the time for asking questions be extended to 3.25 p.m.

Motion carried.

CENSURE MOTION: STATE AQUATIC CENTRE

Mr OLSEN (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to allow me to move a motion without notice, that motion being:

That, because the Government has persistently and deliberately concealed from this Parliament and the public serious problems associated with the costs and construction of the State Aquatic Centre, this House censures the Minister of Recreation and Sport and the Minister of Public Works, as the Ministers directly responsible for this project, and calls upon them to resign forthwith.

The SPEAKER: Is there a seconder?

Honourable members: Yes.

Mr OLSEN: I seek this suspension because the Minister's statement today is testament to the fact that over recent weeks he has misled this Parliament. On each of the major points that we have raised in Question Time in recent weeks, he has now conceded in his Ministerial statement to this Parliament—

The Hon. J.C. BANNON: I rise on a point of order. I understand that the Leader of the Opposition, in taking this quite unprecedented action, which is in contradiction to the workings of this House, must in his remarks confine himself to the reasons why this should be moved in this way and not canvass the issues that are involved.

The SPEAKER: Order! Clearly the Leader must confine himself to the reasons for the suspension.

Mr OLSEN: The reason for this suspension without the customary prior advice to the Government of the day is because the Minister gave an indication publicly last week that he was prepared to issue a Ministerial statement to Parliament today to allay the fears of the Opposition as it relates to our questioning on the Aquatic Centre. We could not give notice prior to hearing the statement, as promised by the Minister. Having now heard the Minister's statement, by his own words the Minister has confirmed that this Parliament has been misled by him during Question Time, not on one occasion but indeed on a number of occasions.

It is far too serious a matter to be deferred until tomorrow for debate in this Parliament. It is a matter of concern that ought to be debated now. The Minister has put down his statement. It should be capable of being debated by this Parliament here and now, and not deferred to another day. I know that the Minister was greatly relieved that we were not sitting last week so the Government could go through the documentation and put together a seven page Ministerial statement that seeks to excuse the Minister and the Government for not telling the truth to the Parliament in relation to the Aquatic Centre.

The SPEAKER: Order! The Leader is straying. It is a very restricted debate.

Mr OLSEN: The debate that I seek to bring on is for the purpose of answering specifically questions that we have been denied—and denied in the Ministerial statement that the Minister has brought down. A fortnight ago one of the reasons given for the delay—one of the reasons for the cost escalation of the Aquatic Centre—was inclement weather. Today, quite clearly a different position is being put by the Minister.

The SPEAKER: Order! The honourable Premier.

The Hon. J.C. BANNON: Mr Speaker, I ask that you rule whether those remarks are straying to the substance of the matter or are dealing with whether or not this matter should be debated immediately, here and now, without regard to the proper courtesies and procedures.

The SPEAKER: Order! I ask the honourable Leader to come back to his reason for moving for suspension.

Mr OLSEN: This matter has been dragging on long enough. This Parliament is entitled to have the opportunity to debate the matter now. The Minister's statement does not allay the fears of the Opposition; rather it confirms our fears and confirms his inability to control this project, on which a large proportion of taxpayers' funds have been over-expended to the extent that we in this Parliament should have the opportunity to debate the matter forthwith.

The Minister has indicated that he wanted the matter brought on today because he said that he would present a Ministerial statement—after finding out what was going on. I note that the Minister said that he had no idea what was going on and that he had to use the intervening week when Parliament was not sitting to attempt to ascertain from the Public Buildings Department and his own Department what was the position relating to the Aquatic Centre. This half-baked Ministerial statement—

The SPEAKER: Order! That remark is out of order and is straying from the topic.

Mr OLSEN: In that Ministerial statement the Minister is straying significantly from the topic of the Aquatic Centre, namely, the overrun—

The SPEAKER: Order! The question is not whether the Ministerial statement is straying but whether the honourable gentleman is straying.

The Hon. MICHAEL WILSON: I rise on a point of order. The Opposition has moved this motion because of the Ministerial statement. I ask how the Leader can address the reasons for the suspension of Standing Orders if he cannot refer to the Ministerial statement.

The SPEAKER: There is no point of order. I ask the Leader to return to the question of suspension.

Mr OLSEN: The Government has been covering up what is happening at the Aquatic Centre and it has sought to fudge and not be honest with this Parliament. The Ministerial statement which was put down today merely perpetuates that cover-up by the Minister and continues to fudge the issue as it relates to the Aquatic Centre. The Minister's statement this afternoon is totally unsatisfactory, because it does not address the core problems relating to that centre. It seems to be putting the blame everywhere but where it belongs, and that is at the feet of the Minister—the buck stops with the Minister. Well might the Treasurer laugh: the Auditor-General brought to his attention the need for cost-effective analysis of this project but the Premier on his own admission as Treasurer has ignored that fact.

The SPEAKER: Order! I ask the Leader of the Opposition to resume his seat. Those remarks are clearly out or order. I ask the Leader to come back to the topic.

Mr OLSEN: The Minister's statement is full of holes. Further debate on this matter cannot wait until tomorrow. It is a matter of urgency. It has been going on for several weeks and it ought to be cleared up here and now. The Parliament ought to be given that opportunity—and not because the Government has been caught a little offguard and the Premier wants to do a little more homework, as does the Minister of Works, who is just as responsible in this regard as is the Minister of Recreation and Sport. They ought to be called to account here and now for the gross mismanagement of public funds as it relates to the Aquatic Centre.

The Government has refused consistently for weeks now to confirm quite serious allegations, despite the fact that the Minister refers to them as merely trumped up allegations. In his statement the Minister in many respects confirms the allegations that we have been making for several weeks in this Parliament.

The SPEAKER: Order! Those remarks are out of order. I rule them out of order.

Mr OLSEN: I hope that the Government will not continue to run away from its responsibilities. I hope, too, that the Government is prepared to front up to its responsibilities here, now, today in this Parliament. Let us debate the matter and sort out fact from fiction as contained in the Ministerial statement. Any refusal by the Government to support this motion for suspension of Standing Orders will merely confirm that it has something to hide. We want the opportunity for the Government to front up squarely to the Parliament today and not run away from the facts.

Incompetent Ministers have been hiding in the past, and it cannot go on any longer. The Parliament ought to have the opportunity to put forward today the facts of the past, the Ministerial statement and new facts relating to the Aquatic Centre. If we are denied by the Government the opportunity of proceeding with this motion we can see that the Government obviously does not want those new facts revealed to the public.

I commend this motion to the House, because it gives the opportunity for the Government to front up for once and answer squarely the allegations that we can make and substantiate in this Parliament. The Government should not refuse, despite the fact that prior notice was not given. I have indicated why prior notice was not given: because we had to wait until the Ministerial statement was made in Parliament before making a judgment. We have heard the statement and we have made a judgment. The Minister must be called to account. Responsibility is with the Parliament, and that responsibility has to be here and now. Let us not have more cover up. Let us face up now. The Opposition is prepared to put its information on the line. Let us see whether the Government is prepared to answer it or whether it will run away once again.

The Hon. J.C. BANNON (Premier and Treasurer): If we needed evidence that the Opposition was going bad, we have certainly had it today. A few weeks ago we had the pathetic sight of the Opposition moving a motion of no-confidence which they had widely flagged around without even having the wording correct and the motion properly organised until half an hour before the debate came on. That was a pathetic fiasco, despite the preparation and notice involved.

Standing Orders can be suspended in these cases: according to Standing Order 460, in cases of urgent necessity. The onus was on the Leader of the Opposition to demonstrate that urgent necessity. He had to go further than that: he had to explain why the normal courtesy always observed in these cases (that is, of giving the Government notice that it was intended to move such a motion) had been thrown out the window and had not been observed. If the Opposition felt that this issue of the aquatic centre was a matter of such immediate and urgent necessity, it had open to it the proper recourse of giving notice that it would be moving a motion of no confidence, but Opposition members did not do so.

Later than that, the Opposition could have given notice of an urgency motion, but it did not do so. So, there we have a situation where there were agreed procedures which have been followed in this House and with which some members opposite are familiar. However, they were not observed, obviously because the Opposition wanted to turn on a stunt. I listened carefully to the Leader of the Opposition to try to get some idea why he had thrown out that convention in moving this motion. He did not give any real reason (I will come to the pathetic and dishonest attempt that he made to explain it in a minute), except to try to traverse the honest and complete statement made by my colleague the Minister of Recreation and Sport.

So, it comes down to this: if this was a matter of compelling urgent necessity and of great moment and concern for the Opposition, it could easily have moved its motion. We are told that members opposite could not do that because they had not heard what the Minister of Recreation and Sport would have to say in his statement. What utter nonsense! If the Opposition has all this special information, this detailed knowledge, it could have produced it, the Minister would have replied in due course and we could have had a debate. There was a procedure whereby this debate could have occurred today, but the Opposition chose not to follow it. Indeed, they have no intention of debating this matter today. They wanted to stage a sheer stunt, and what a fiasco!

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I do not wish to detain the House too long on this pathetic attempt, but let me remind the House of what the Leader of the Opposition said in his pathetic offering on why this motion had to be moved in this way. The Leader said, in effect, 'We had to do it without notice because the Minister said that he was prepared to make a statement.' I have talked about that. The Leader said that, having heard (two seconds before he rose in his place) what the Minister had said, he decided that they had no choice but to move such a motion. As the Leader sat down, he said, 'We heard the statement. We made a judgment, and I just had to get to my feet and spontaneously

move this motion. I could not contain myself: I was so overwhelmed by what the Minister said.' How is it then that the Leader was able to read this motion from a typed piece of paper? Has he a typist in the Chamber? Oh, I now see that he wrote it out.

Members interjecting:

The Hon. J.C. BANNON: I am wrong. I owe the Leader an abject apology. I am sorry. In the light of the Minister's statement—

Members interjecting:

The SPEAKER: Order!

An honourable member: Withdraw the statement!

The Hon. J.C. BANNON: No. I will go further. I owe the Leader a profound apology. I did believe that he was quoting from a typed piece of paper: he must have destroyed that before he came in. I congratulate the Leader on the speed with which he hand-wrote the motion from which he read. I would certainly congratulate him on his speedy response; no doubt it was because of his shock and outrage at having just heard the Minister's statement! The facts are that the Opposition came here today determined, irrespective of what the Minister said and of what facts he put before the House, to put on such a stunt and play politics in this way. The Opposition's dishonesty in stating that it did not know what it was going to do until it heard the Minister's statement should stand revealed to everyone.

The Government does not shrink from debate. We will have a debate on any issue of confidence, given the right notice. I invite the Opposition to move its motion tomorrow and we will have the debate then. If overnight the matter has ceased to become of urgent necessity, a scandal or an outrage, then I give notice that the Government will move such a motion in its own terms on this matter. So, there we are! We will have the debate, either at the behest of the Opposition, of which proper notice needs to be given, or we will have our own motion. In fact, I foreshadow that, if it is in the Opposition's form, major and substantial amendments will be moved to its nonsensical motion. Have no fear—there will be a full debate.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: My colleagues and I look forward to laying out the facts before the public.

The House divided on the motion:

Ayes (20)—Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen (teller), Oswald, Rodda, Wilson, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), M.J. Brown, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Mrs Adamson and Mr Blacker. Noes—Messrs Payne and Peterson.

Majority of 2 for the Noes.

Motion thus negatived.

QUESTION TIME

AQUATIC CENTRE

Mr OLSEN: Will the Minister of Recreation and Sport confirm that during the past week there have been discussions with Government officers about further major problems associated with the plumbing of the Aquatic Centre? It is all very well for the Premier to tell the Minister not to worry about it and he can answer it tomorrow: I would like an answer today. I want the answer today; I am entitled to ask the Minister a question, and he has a responsibility to answer—

Members interjecting:

The SPEAKER: Order!

Mr OLSEN: —and not take a dictate from the Premier to ignore questions without notice asked in the Parliament.

The Hon. Michael Wilson interjecting:

Mr OLSEN: He is obviously frightened of the reply that will come from the Minister.

The SPEAKER: Order!

Mr OLSEN: The Opposition has been informed that during the past week the Government has been apprised of the fact that plumbing associated with the major pool at the Aquatic Centre leaks, and that the Government has also been told that it will cost several hundreds of thousands of dollars to repair, but that the Government has directed that this work should not be undertaken. I do not know what the Government intends to do—perhaps just drop a hose in to keep it topped up all the time.

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

The Hon. J.W. SLATER: Obviously the Opposition relies on obtaining information from leaks, and this case is no different. The matter raised by the Leader of the Opposition was known to both the owners of the pool (the Adelaide City Council) and the project people some time ago. I think it was noticed in August or September last year, during the construction phase of the Adelaide swimming centre, that there was a leak in the pool.

I understand that that matter has been taken into consideration and can be rectified. I made the point in my Ministerial statement earlier that the pool has been operative for about 15 years and that during that time it has suffered some deterioration. It was agreed by the Adelaide City Council that the pool would be handed over in good order.

Members interjecting:

The Hon. J.W. SLATER: I point out to the stupid members opposite, who continually interject and will not give me an opportunity to reply, that a question has been asked and that they want the answer to it. All I ask is the courtesy from members opposite, particularly from the member for Todd and his cohort behind him, of allowing me to answer the question. I am not afraid to answer any question about the Aquatic Centre, and I look forward to an opportunity to debate this matter tomorrow. Indeed, I have replied to the honourable member's question. The information that the honourable member is trying to convey at present is incorrect, as are a lot of other assumptions and allegations that he has made in relation to this matter.

FROZEN FOOD SALES COMPANIES

Mr MAYES: Will the Minister of Community Welfare, representing the Minister of Consumer Affairs, investigate the activities of frozen food sales companies in South Australia and report to the Parliament those practices found to be unacceptable? The Victorian Government Consumer Legal Services Co-operative Report mentions a number of frozen food credit companies and then lists certain complaints against them. The report cites activities that involve the sale, on credit, of freezers that were overpriced compared to the market price of other freezers. The food involved also was over-priced compared to market prices, and its quality was found to be below that applying in the market place, and the weight of food per unit cost was under market acceptability. In total the food quality was found generally to be poor.

In addition, interest charges on the credit sales of the food and freezer were of the order of 27 per cent. The

company mentioned in most reports was Permanent Pantry. I am informed by constituents that this company is operating in Adelaide and was mentioned recently in the Legal Services Commission debt call-in. I am told that one particular caller had considered suicide as a consequence of the debt charges he had been facing and of the way in which the company was pursuing the recovery of the debt. In addition, the company and its practices have resulted in its not only applying these charges on credit sales but also forcing people to maintain contracts that they have wanted to rescind within the cooling-off period. In summary, the practices mentioned in the Victorian report are of such concern to my constituents who have raised this matter and to me that I ask the Minister to urgently investigate the situation.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and for raising these matters on behalf of his constituents and other consumers in South Australia. I will be pleased to refer his question to the Minister of Consumer Affairs for urgent inquiry. I understand that he is currently investigating the collapse of a similar company in this State. I believe that there are provisions in the Consumer Credit Act that enable investigation of one of the issues that the honourable member has raised, namely, excessive payments on purchases of this nature.

STATE AQUATIC CENTRE

The Hon. MICHAEL WILSON: When was the Minister of Recreation and Sport first advised of delays in the construction of the State Aquatic Centre which would prevent it opening before September 1985? The statement today of the Minister of Recreation and Sport shows that there is a deliberate and massive cover-up by the Government of the serious problems associated with this project. The Government now admits that the completion cost of the pool will be at least $7.6 million and that it could be almost $8 million, or even more. That is a doubling (or more) of the original estimates.

It is also clear that the Government has attempted to mislead the Parliament about the completion date. During the last Parliamentary sitting week the Opposition asked specific questions about the completion date and the cost. The Minister said that the completion date would be May and that the cost would be $7.2 million, yet in giving that information he must or should have known of the cost escalation and delays. However, he refused to give the information to the House. Therefore, I ask the Minister to state specifically when he was told of the latest cost estimates and of the delay in completion until at least August.

The Hon. J.W. SLATER: I am very happy to answer that question, because I had discussions on Thursday of last week with the project managers (the PBD) and the major contractors (Baulderstone) and was advised at that time of the latest developments in relation to the project.

Mr Lewis: When were you first advised?

The Hon. J.W. SLATER: That is the position, and I do not need to add any more than that. Questions have been asked in this place over the past few weeks, and certainly the information I have conveyed to Parliament has been based on those facts of which I was aware at the time. I assure you, Mr Speaker, and the Parliament that there has been no cover-up. I have conveyed the facts as I have known them, and the latest information that I gave to the House today was made available to me last Thursday from both the contractor and the project manager.

RACE BROADCASTS

Mr PLUNKETT: Is the Minister of Recreation and Sport aware that since radio station 5AA has taken over the TAB race coverage it is impossible to receive race broadcasts in some country areas? I have been contacted by people in the country who enjoy a bet on the TAB and who then like to listen to the race to see how their bet has gone. They have complained that they cannot do that now. Is something being done to improve the racing coverage for those country areas?

The Hon. J.W. SLATER: I am aware that there are some difficulties in country areas in regard to 5AA reception.

Members interjecting:

The Hon. J.W. SLATER: For the benefit of the people concerned and of members opposite who continuously interject, I advise them in particular to buy a decent radio and not a Dick Smith transistor, otherwise they will not get satisfactory reception. We do have difficulties—

The Hon. Ted Chapman: Radio station 5AA didn't even bother to transmit the Black Opal Stakes.

The SPEAKER: Order! The honourable Minister. I ask the member for Alexandra to come to order.

The Hon. J.W. SLATER: I will wait until the racing broadcast on the other side finishes before I answer the question. I point out to the member for Peake and to other honourable members that the operations of 5AA are in the hands of the board of Festival City Broadcasters which makes the day-to-day decisions about radio broadcasts.

The Hon. Ted Chapman interjecting:

The SPEAKER: Order! I have called the member for Alexandra to order once: I will not do so again.

The Hon. J.W. SLATER: Of course, it is subject to certain conditions laid down by the Federal Broadcasting Tribunal. I understand that the radio signal from 5AA is somewhat less powerful than that of 5DN, which means that there are some technical difficulties regarding reception in some parts of South Australia. However, I am advised that 95 per cent of the public of South Australia can receive radio broadcasts from 5AA.

By way of interjection, the member for Alexandra raised a question about broadcasting the Black Opal Stakes. That was run in Canberra last Sunday. New Atlantis, which is regarded in South Australia as a champion, was one of the fancied runners and was successful in winning that race. The TAB, which is the major shareholder in 5AA, has representation on the Board. I understand that an agreement was reached that, if a race is not covered by the TAB, then a broadcast will not take place. The broadcast of the Black Opal race on Sunday was done by station 5DN. It seems rather peculiar that a station which wanted to stop broadcasting races, and which advertised that it had let all the horses out of the stable, should broadcast that race on Sunday afternoon. No-one was able to have a legal bet on that race through the TAB and no bookmakers operated on the race, so I thought that was rather unusual. I wonder whether 5DN will be returning to race broadcasting on a full-time basis.

The point that has been made by the member for Peake is certainly noted. Station 5AA has been broadcasting races for only one week, and no doubt there will be some teething problems. I wonder whether the Opposition supports the racing industry in this State, because in the past few years and even before that it has given no indication that that was the case. Let me assure honourable members that this Government does support the racing industry. It strongly supported 5AA remaining in the hands of a South Australian group, the TAB. I believe that it was in the interests of the racing industry generally to acquire a radio station. There will be some knockers, and I know that Opposition members are champions at knocking. They do not believe in anything that ought to be for the benefit of South Australia, and the interjections today are another example of that. They do not believe that a commercial operation such as radio 5AA

ought to exist for the benefit of South Australia generally and for the racing industry in particular.

I certainly will refer the question of the member for Peake to the Board of 5AA, Festival Broadcasters, and the TAB and advise them of the concern expressed by people in South Australia. I assure honourable members that they will make their best endeavours to ensure that the people of South Australia are properly serviced with racing broadcasts.

STATE TAXATION

The Hon. E.R. GOLDSWORTHY: My question is to the Premier. By how much more will his Government increase State tax collections before it gives tax relief? In a speech the Premier made last Thursday to a Sydney investment seminar, he said (among other things):

> I can give an assurance today that if our revenue base continues to improve in South Australia further tax concessions will be made.

In this financial year the Government estimates it will collect almost $767 million in State taxes, or 39.7 per cent more than in 1982-83. That is some improvement—the highest of any of the States in terms of total State taxation collected over the last two years. In his Sydney speech the Premier also said:

> South Australian State taxes are well below the national level.

He said this in claiming that, on a per capita basis, our State tax collections are higher only than those of Tasmania and Queensland. There is some considerable doubt about that statement, as will be pointed out in the Supply debate tomorrow by the Leader. What the Premier did not go on to say last Thursday was that, under the former Liberal Government, at June 1982 South Australians were paying the lowest State taxes per capita of any State. This fact did not stop the Premier earlier, when he was the Opposition Leader, from claiming that the former Liberal Government was a high tax Government. Again, quoting from the economic document he published in May 1982 (at page 49), he said:

> It is in fact a high tax Government.

He was referring to the former Liberal Administration. In other words, he asked South Australian taxpayers to believe that when they had the lowest taxes per capita in Australia they had a high tax Government, but now that they have possibly the third highest tax per capita they have a low tax Government. The Premier has been talking in riddles about State taxation for too long, and those riddles continue. The speech he gave last Thursday has raised speculation about tax relief—relief that South Australians are seeking right now. I ask the Premier to be precise when he states to what extent State tax collections must further increase before he gives the tax relief that he announced in Sydney.

The Hon. J.C. BANNON: It is clear that the Opposition does not like the facts about our financial position or tax, and they have indicated that consistently, of course, by total refusal to face the facts in this matter. I have told the House on a number of occasions—and I will repeat it, because apparently the message has not seeped through to the Deputy Leader, whose understanding of State finances is as abysmal as is that of the person who sits beside him and who will shove off the Treasurship because he needs someone else to help him with the figures—that we have to wait until we know what our fate will be at the hands of the Grants Commission.

Members interjecting:

The Hon. J.C. BANNON: Opposition members groan at that, but we stand to lose something like $50 million per annum as a result of adjustments which could be made then and which would be a devastating blow to our State financial base. That has been made quite clear on a number of occasions. It would be totally irresponsible for any moves to be made until we are quite sure of our position. I will certainly not do what the previous Government, to which members belonged, did: it recklessly abandoned our revenue sources without any thought of the consequences, resulting in the worst crisis in State finances since the great Depression.

It is all very well to say that we may have had, for a very brief time, the lowest per capita tax collection, but that was accompanied by virtual bankruptcy and any Government that is so irresponsible in the future would stand to be roundly condemned. I will certainly not do that. It was certainly true that the rhetoric of the Tonkin Government in many respects did not match its performance—in areas such as power tariffs, for instance, which rose at unprecedented levels. But I have been totally frank. From the time that the assessment of the Treasury on our State finances was tabled openly in this Parliament (a detailed financial document), through the wage pause, through our tax package announced in August 1983, through our first and second Budgets, I have laid out our finances before the public and explained why we have done what we have had to do.

I now believe that our finances are returning to a stability that might enable some relief to be given, but I am not going to announce tax relief measures which will be wiped out overnight by an unfortunate result at the Federal level; until we are sure of our financial position in the next few years I as Treasurer will not be so irresponsible.

SCHOOL ALARM SYSTEMS

Mr FERGUSON: Can the Minister of Education say whether the Education Department's policy of introducing security contracts, the installation of alarm systems and other security measures has worked during the present financial year? The last report to Parliament on this matter is recorded on page 318 of *Hansard* (2 October). Figures given then suggested that there was a downward trend in vandalism and arson, possibly because of the installation of the alarm systems. As the long summer vacation has now ended, it would be interesting for the public to know whether the deterrent effect of the school alarm systems is still working.

The Hon. LYNN ARNOLD: I can give some information regarding the programme and its effect up to the present. First, I reiterate what I have said on other occasions: no strategy will ever totally eliminate vandalism, damage or arson in any building in the State, let alone school buildings. The best that we can hope for is to minimise the damage that may take place. Various things have been tried over the years: some have worked and others have not worked in all situations. Before 1984, we relied entirely on security contracts with security companies and other measures such as the design of schools, lighting of schools, and the like. Also, some experimentation was done with a helicopter flying over certain schools.

As a result of the massive spate of fires during the 1982-83 financial year, when we lost through arson about $5.5 million in buildings and contents, the Government moved into the area of installing silent alarms in schools, and we have not only maintained that programme but in the most recent Budget it has been expanded and it will be again subject to growth in the coming financial period. We have not identified the schools at which alarms have been installed because that would defeat the purposes of the alarms, but we are achieving significant results in those schools that have been so equipped.

During the period from 1 July 1984 to 31 October 1984, the average cost of equipment lost through theft in those schools that have alarms in place was only $167 a school, which compares with about $850 for the corresponding period of the preceding year. So, a significant reduction has been achieved in the loss rate of those schools that have the alarms installed. It can therefore be said the scheme is paying for itself. As the number of schools with an alarm system is growing, we need to look at having proper staff support to monitor the programme and to enable it to be properly serviced. I expect that soon we will announce an increase in staff allocations in this area because not only must we install alarms: they must be properly monitored and operated. There has been a significant improvement in the 1983-84 financial year. There has been a significant reduction in the loss caused by arson: the figure was down to about one-third of what it had been a year earlier. While the figure for this financial year is somewhat up on last year's figure, for the whole State it is still significantly reduced on the 1982-83 figure, which was the worst figure on record.

CASINO LICENCE

The Hon. B.C. EASTICK: Will the Premier table a certified copy of the written guarantee that the Government has given to the ASER Property Trust in relation to the Trust's purchase of equipment for the casino, and will he say how much the Trust is spending under the terms of the guarantee? An article in the *Sunday Mail* at the weekend referred to 'Secret Government moves' to push ahead with planning for the opening of the casino. In particular, a Government spokesman confirmed that the Government had given the ASER Property Trust the go-ahead to purchase equipment for the casino and that, if it was not appointed as the operator of the casino, the Government would reimburse the Trust's costs. This action by the Government conflicts entirely with the statement made by the Premier in this House on 14 November last year, when he said that the Government must stand at arm's length from the decision on the casino operator. This action can only be interpreted as Government pressure on the Lotteries Commission—

The SPEAKER: Order! The honourable member's comment is out of order.

The Hon. B.C. EASTICK: The assertion is clear: it is pressure on the Lotteries Commission to nominate the ASER Property Trust rather than other applicants for the operator's licence.

The Hon. J.C. BANNON: On the contrary, it is an attempt to expedite proceedings so that the outcome that we all (with some exceptions, such as the shadow Minister of Tourism) wish to see achieved: namely, the opening of the casino in South Australia as early as possible.

Mr Ashenden: Will you give the same guarantee to the Adelaide consortium?

The Hon. J.C. BANNON: That interjection is totally irrelevant. Members opposite as well have been critical of the delays experienced in letting the contract and deciding who will operate the casino. There is considerable concern. We want to get this casino up and running as early as possible. Until the Lotteries Commission decided who it would nominate and until the supervisory committee, in terms of the legislation, has decided, no operator can officially begin work. That creates great problems of timing, and I would have thought that all honourable members would be pleased to see the Government doing all it could to expedite matters. What we have done has not been secret, but it has been aimed at expediting the matter. It is not at odds with my statement of 14 November, because the Government has at all times kept scrupulously at arm's length from the process. That has been one of the most frustrating aspects: the inability of the Government to speed things up.

As I have said before, we have had to stand helplessly on the sidelines waiting for the formal processes to be gone through. The legislation has deficiencies in it: that has been acknowledged. However, honourable members would know that, especially with the opposition we had in even getting this far, mostly from members opposite, including the shadow spokesman on tourism, it would have been foolish for us to try to amend the Bill. We had to make do with the legislation that we had. That process has been going on. On 14 November there was no decision from the Lotteries Commission as to who would hold the licence. On 24 December, the Lotteries Commission announced that it had made a decision and that, subject to finalising the heads of agreement to take before the supervisory committee, it would in fact recommend the ASER Property Trust as the operator.

That decision was made, but in the intervening few weeks there has been intensive legal work done on the agreements, because the Supervisory Authority has taken the view that the Lotteries Commission must come to it with all the documents finalised before it will consider the application. That, I understand, is to take place within a matter of days. However, in the intervening weeks, the operator having been chosen or nominated by the Lotteries Commission, the work was going on to finalise the agreement. In the interim, it was also put to me that physical work should begin to take place on the building because, even if at the end of the day the Authority said that it did not find that operator acceptable, someone would be operating the casino and the shorter we can make the lead time, if there has to be a reconsideration, the better, and the earlier we can get the casino open. It was on that basis that I authorised certain physical work to be done.

It was also put to me that the equipment for the casino (particularly the chips, which must be minted and which take a lead time of between six and nine months from order) could be ordered and that, if we had to wait until the Authority made its final decision, the time would have slipped away even further. As the Lotteries Commission had made clear whom it would recommend, I suggested that the lead time could be shortened by ordering the chips, because whoever is to run the casino will need the chips to do so.

If the Authority decides that it is not satisfied with the licensee that has been recommended, obviously the Lotteries Commission must either amend the terms of the licence or find another one, and that will take some months. In the meantime, they can be getting on with it. The operator said, 'That is all very well, but we will have to undertake the legal obligation of ordering these things.' I said, 'In that instance, it would be quite appropriate for some kind of indemnity to be given to you so that, in the event that you were stuck with orders of which you could not take advantage because you did not have the licence, those orders could be either transferred to a new licence holder or, if there was any problem with that, the Government would take up the risk and find some other means of disposing of it.' That has all been done on the basis of getting the casino open, up and running. I would have thought that nearly all honourable members would be supporting fully any Government attempt to do so.

The Hon. B.C. EASTICK: I rise on a point of order. I did ask the Premier to table the certified copy of the document in the House. I have as yet no answer to the base question.

The SPEAKER: There is no point of order.

CADDS MAN BUREAU

Ms LENEHAN: Will the Minister of Technology outline to the House the level of usage of the Cadds Man Bureau located at the Regency Park Community College? One of the Government's first initiatives after the establishment of the Ministry of Technology was to provide reciprocal arrangements between TAFE and the Bureau for the State's first facility for computer aided design and computer aided technology. As the arrangement was made to ensure that TAFE, State agencies and private industry were at the forefront in training and education with minimum capital outlay in the technology, which comprises vast benefits for industry and the State's economy, could the Minister bring the House up to date on what has been achieved?

The Hon. LYNN ARNOLD: I am happy to advise the House that the Cadds Man Bureau's relationship with the Regency Park College of TAFE has been a very successful one, not only benefiting the private company and the TAFE college involved but also clearly advantaging South Australia in the national context. I remind honourable members that the Cadds Man Bureau came to South Australia in 1982 under, as it turned out, some very shallow verbal agreements with the then Government that it would be given some support by Government. However, nothing ever came to fruition by the then Government.

When I became Minister for Technology, I was informed that a very disillusioned bureau at that stage was on the verge of leaving South Australia because these commitments had not been met. We examined the case in great detail as well as what would be a good arrangement to benefit not only a high technology company but also South Australia at large. I came to the determination that, if we could allow the Bureau rent-free accommodation at the Regency Park TAFE College and give it a servicing cost to maintain the equipment, in return for which we would gain access to the equipment after hours for students, it would be a good way of providing assistance. That proposition was approved by Cabinet along with other supplementary financial assistance that was available to the Bureau.

The question is whether that decision was worth while and correct and whether that faith in public/private sector co-operation had been well placed. In fact, I received a letter from Cadds Man giving me an update on the situation and, amongst other things, it makes the following point:

> The Cadds Man Bureau is the best equipped, largest and most experienced CAD/CAM bureau in Australia.

It further states:

> I thank you for your assistance and the support given us by TAFE. We believe we can make an outstanding contribution to South Australian industry now and in the future.

To what does that translate in figures? In terms of the number of terminals, it has grown from three in June 1982 to 14 currently, with 16 projected by the end of the year. That is over a quadrupling or nearly quintupling of the number of terminals. In regard to utilisation of the first shift, in 1982 it was 17 per cent, and it is now 85 per cent. In 1982 there was no second shift because of a lack of support. The utilisation of that shift is now 40 per cent and is projected to be 50 per cent by the end of the year. In 1982 the number of customers committed was three; it is now 42. The number of prospects contacted was 70 in 1982 and is now 260, while the number of staff has grown from two in 1982 to 12 now, with an estimated 14 by the end of this year. So, this is clearly a successful public/private sector enterprise.

BOAT REGISTRATION NAMES

The Hon. D.C. BROWN: Did the Premier hear the statement on Sunday by the member for Unley concerning his objection to the names of certain boats on the River Murray? Is the Premier aware of which boats the honourable member is objecting to and is it true that in particular he is objecting to the River Murray Queen?

The Hon. J.C. BANNON: I will take that question on notice. I suggest that the honourable member take up the matter with the member for Unley.

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

SUPPLY BILL (No. 1) (1985)

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to apply out of Consolidated Account the sum of $440 000 000 for the Public Service of the State for the financial year ending 30 June 1986. Read a first time.

The Hon. J.C. BANNON: I move:

That this Bill be now read a second time.

As members are aware, it has been customary in this period of the year for Parliament to consider two Bills for the appropriation of moneys—one in respect of Supplementary Estimates for the current financial year and one to grant Supply for the early months of next year. This Bill is for the second of these purposes.

At this stage, appropriation authority already granted by Parliament in respect of 1984-85 is adequate to meet the financial requirements of the Government and, barring a major unforeseen event (for example, a natural disaster), that seems likely to remain the case through to the end of the financial year. Although the Government will, of course, be monitoring the situation very closely, I do not at this point expect to find it necessary to introduce Supplementary Estimates. Members will recall that when I introduced the Appropriation Bill at a similar stage of the last financial year I explained that amendments to the Public Finance Act in 1981 had given the Government more flexibility in terms of its financial arrangements. This meant that in future years it was less likely that the Treasurer would need to come to Parliament for additional appropriation by way of Supplementary Estimates.

Last year, there was every indication that the Government would have been able to manage its financial affairs without any need for Supplementary Estimates. However, I decided then to follow the practice of introducing an Appropriation Bill to allow an opportunity for the traditional financial debate. A similar situation has occurred this year, but on this occasion, rather than introduce Supplementary Estimates which would virtually be contrived, I believe that it would be more appropriate for honourable members to use the debate on this Bill as an opportunity to enter into a general debate on financial issues if they so wish.

With over one-quarter of the financial year still to run, it would not be appropriate for me to seek to make precise forecasts of the final Budget results for 1984-85. I can, however, advise the House that they are likely to show an improvement. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Recurrent Budget

This year the Government budgeted for a recurrent deficit of $25 million. This represented an improvement of $4.7 million on the result which the Government achieved in 1983-84.

Present indications are that there will be a further significant improvement in the recurrent budget this year. The improvement is occurring on both the expenditure and receipt sides. The State's finances are now feeling the benefit of the improved economic performance of our regional economy while also experiencing reduced pressure on the payment side as a result of strict budget monitoring and control of departmental expenditure.

By far the most important factor influencing the improvement in receipts is stamp duty collections. I stress that there are still three months of the financial year to run; however, to date there has been a significant increase in duty from real property transactions above budgeted levels. The increase has resulted from the fact that the average value of properties on which the duty is levied has risen sharply, and the number of transactions taking place has shown a similar increase. As I have pointed out on a number of occasions, this is a direct indicator of increased activity in our economy and if the trend is broadly maintained through to the end of the financial period it will bring additional revenue to the State's finances in the order of approximately $15 million.

Stamp duty on motor vehicle registrations is also expected to improve beyond what was anticipated when the Budget was brought down. A major factor contributing to this improvement has been the shift in vehicle sales to new vehicles and away from the second-hand market. Again, the increased average value of cars sold is matched by an increase in overall sales activity. These pleasing improvements in economic activity, and consequently the State's financial strength, are expected to be offset to some extent by a shortfall in royalties resulting from Cooper Basin and Stony Point production difficulties. This is expected to result in a shortfall of approximately $4 million.

As I have said, the payment side of the Budget reflects the benefits of the close monitoring and firm control which my Government has instituted on recurrent expenditure. There have been some minor variations; however, at this stage Government agencies are working well towards meeting their budgetary targets. The most significant variations from Budget are likely to be items which are offset elsewhere in the State's finances—for example, additional spending financed from Commonwealth specific purpose grants and the effects of wage and salary awards on departmental budgets which will be met from the general round sum allowance provided for these purposes.

Capital Budget

The Budget provided for outlays from the capital side of Consolidated Account of $411.8 million, and a surplus of $25 million to offset the expected recurrent deficit of that amount. Again, our close monitoring suggests that capital expenditures overall are proceeding according to plan. Some relatively minor variations below Budget are expected to be offset by equally minor variations in the other directions.

The major new item not provided for in the Budget is the Jubilee Road Asset Grant Scheme which has been announced by the Minister of Transport and under which the Government will be making loans to local government authorities at the concessional interest rate of 9 per cent. We expect to allocate up to $5 million for this purpose in 1984-85 from the capital budget; the bulk of preliminary expenditure on the Grand Prix will be met by a loan from the South Australian Government Financing Authority, thus avoiding a major call on the Consolidated Account.

If, as expected, the recurrent result is better than the Budget forecast, and capital expenditures are broadly as allowed for in the Budget, it would mean that the Government would need to borrow less from the South Australian Government Financing Authority, thus reducing future interest costs below what they would otherwise be. Although this year's Budget is expected to show a significant improvement in our finances, we face an unprecedented uncertainty concerning next year and beyond. The present tax sharing arrangements between the Commonwealth and the States expire in June of this year, and we expect a fundamental review of the basis of distributing these moneys between the States. The potential effects on our Budget are very large, although the fact that we have taken responsible action to improve our financial situation should work in our favour when decisions are made concerning the new arrangements at the Premiers' Conference and Loan Council meetings scheduled for May and June.

But the uncertainty we face gives special emphasis to the need to maintain a tight grip on our recurrent expenditure. It also highlights the need to approach the question of State revenue raising in a responsible manner. The House will recall that the Government was required to introduce a number of revenue measures following the extraordinary weakening of the State's financial position which occurred under the previous Government, coupled with the enormous pressures of the natural disasters we experienced early in 1983.

Those difficult and extraordinary circumstances required responsible action by the Government. It has always been my view that Governments fail in their duty to those who have elected them if they pursue short-term popularity at the cost of long-term problems for succeeding generations. I have already advised the House of the evidence in the Grants Commission reports of a sudden and large deterioration in the State's finances leading to the record deficit which occurred under the former Government. That financial reality has been the foundation of the budgetary problems with which my Government has had to grapple since coming to office.

It has always been our intention that, once the Government was able to overcome these problems and restore the State's finances, it would move to a consideration of concessions in the area of State revenue. I have recently indicated outside the House that we hope to be in a position to make these moves in the next financial year. But, I stress that such decisions will need to have regard to the final end of year results and the outcome of the review currently being undertaken by the Grants Commission.

Supply Provisions

I turn now to the legislation before us. This Bill provides for the appropriation of $440 million to enable the Public Service of the State to be carried on during the early part of 1985-86. In the absence of special arrangements in the form of the Supply Acts, there would be no Parliamentary authority for appropriations required between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. It is customary for the Government to present two Supply Bills each year, the first covering estimated expenditure during July and August and the second covering the remainder of the period prior to the Appropriation Bill becoming law.

Members will notice that this Bill provides for an amount significantly greater than the $360 million provided by the first Supply Act last year. However, approximately $60 million of the increase is explained by the effect of three accounting changes:

- First, as from 1 July 1985, the Government has decided to change the basis upon which departments are charged for superannuation costs. Under present arrangements, departmental accounts show the Government's portion of pensions paid during that year in respect of staff previously employed. The new system will involve departmental accounts showing each year an estimate of the superannuation liability incurred as a consequence of employing staff in that year.

Further, it has been decided that departments should be charged for these costs by requiring them to make regular superannuation payments to Treasury. To achieve this, additional appropriation will need to be provided to each department. This approach has only minimal net effect upon the Consolidated Account, for the Government still pays pensions only when they fall due.

- Secondly, certain Commonwealth Government health grants which previously were handled outside Consolidated Account are now channelled through that Account to the South Australian Health Commission.
- Thirdly, additional interest payments (offset by equivalent receipts) have resulted from debt rearrangements with Government financial institutions which took place at the end of 1983-84. These rearrangements, which have no net effect on the interest commitments of the public sector, were referred to in the Second Report of the South Australian Government Financing Authority.

I believe this Bill should suffice until the latter part of August, when it will be necessary to introduce a second Bill. Clauses 1 and 2 are formal. Clause 3 provides for the issue and application of up to $440 million. Clause 4 imposes limitations on the issue and application of this amount. Clause 5 provides the normal borrowing powers for the capital works programme and for temporary purposes, if required.

Mr OLSEN secured the adjournment of the debate.

CHILDREN'S SERVICES BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 36 to 38 (clause 3)—Leave out definition of 'pre-school education' and insert the following definition:

"pre-school" education means programmes for the development and education of children who have not attained the age of six years:.

No. 2. Page 3, line 20 (clause 7)—Leave out 'under this Act' and insert ', any committee established under this Act and any person involved in the administration of this Act,'.

No. 3. Page 3, lines 21 and 22 (clause 7)—Leave out paragraph *(a)* and insert the following paragraph:

(a) to ensure the provision of pre-school education and such other children's services as are necessary for the proper care and development of children;.

No. 4. Page 3, lines 32 to 34 (clause 7)—Leave out paragraph *(d)* and insert new paragraph as follows:

(d) to ensure that the multicultural and multilingual nature of the community is reflected—

(i) in the planning, implementation and structure of programmes and services for children and their families;

and

(ii) in the membership of any committee established under this Act and in the staffing of the various bodies, authorities and other agencies involved in the administration of this Act or in the provision of programmes and services for children and their families;.

No. 5. Page 3 (clause 7)—After line 37 insert new subclause as follows:

(2) In dealing with children under this Act, the Minister shall regard the interests of the children as the paramount consideration.

No. 6. Page 6, lines 15 and 16 (clause 15)—Leave out 'appointed by the Governor'.

No. 7. Page 6, lines 17 and 18 (clause 15)—Leave out paragraph *(a)* and insert new paragraph as follows:

(a) twelve persons, elected by the regional advisory committees in accordance with the regulations, being at the time of their election, parents of children enrolled at, or attending, any establishment that provides children's services;.

No. 8. Page 6, lines 19 to 23 (clause 15)—Leave out paragraph *(b)* and insert new paragraph as follows:

(b) six persons, appointed by the Governor, being persons selected by the Minister from a panel of persons nominated in accordance with the regulations by each regional advisory committee and by such organisations involved in the field of children's services as may be prescribed;.

No. 9. Page 6, line 24 (clause 15)—After 'persons' insert 'appointed by the Governor, being persons'.

No. 10. Page 6, line 27 (clause 15)—Leave out paragraph *(d)* and insert new paragraphs as follow:

(d) one person, appointed by the Governor, upon the nomination of the South Australian Commission for Catholic Schools;

(da) one person, appointed by the Governor, upon the nomination of the South Australian Independent Schools Board Incorporated;

(db) one person, appointed by the Governor, upon the nomination of the South Australian Institute of Teachers, being a person employed in the provision of children's services;

(dc) one person, appointed by the Governor, upon the nomination of the Public Service Association, being a person employed in the provision of children's services;

(dd) one person, appointed by the Governor, upon the nomination of the Federated Miscellaneous Workers Union, being a person employed in the provision of children's services;

(de) one person, appointed by the Governor, upon the nomination of the Association of Junior Primary Parent Clubs, being a suitable person to represent the interests of persons involved with Child Parent Centres;

(df) one person, appointed by the Governor, being a person who, in the opinion of the Minister, is a suitable person to represent the interests of establishments that provide children's services and that are not assisted by public funding;.

No. 11. Page 6, line 29 (clause 15)—After 'persons' insert 'appointed by the Governor, being persons'.

No. 12. Page 6 (clause 15)—After line 29 insert new subclause as follows:

(2a) In selecting persons for membership of the committee under subsection (2) *(b)* the Minister shall seek to ensure that the person selected have an appropriate diversity of experience in the provision of pre-school education for children, non-residential care of children, family day care for children, and such other children's services as the Minister thinks fit.

No. 13. Page 6, line 35 (clause 16)—Leave out 'A' and insert 'An appointed'.

No. 14. Page 7, line 11 (clause 16)—After 'appointed' insert 'or elected'.

No. 15. Page 7, line 20 (clause 18)—Leave out 'Fifteen' and insert 'Seventeen'.

No. 16. Page 7 (clause 18)—After line 28 insert new subclause as follows:

(6a) The committee shall meet at least once annually in a country region in the State designated by the Minister under section 21.

No. 17. Page 7 (clause 20)—After line 41 insert new paragraph as follows:

(ba) to consider reports made to the committee by regional advisory committees;.

No. 18. Page 8, line 8 (clause 22)—Leave out 'The' and insert 'Subject to subsection (2a), the'.

No. 19. Page 8 (clause 22)—After line 9 insert new subsection as follows:

(2a) Each regional advisory committee shall have more elected members than appointed members.

(2b) A majority of the members of a regional advisory committee must be, at the time of their election or appointment, parents of children enrolled at, or attending, any establishment that provides children's services..

No. 20. Page 8, lines 20 and 22 (clause 24)—Leave out subclause (3) and insert new subclauses as follows:

(3) The chairman of a regional advisory committee shall—

(a) as soon as is practicable after each meeting of the committee, make a report to the committee on the business transacted at the meeting;

and

(b) make such reports to the Director and the committee on the deliberations of an conclusions reached by the committee as the Minister may require.

(3a) A regional advisory committee shall hold at least five meetings in each year.

No. 21. Page 12 (clause 42)—After line 34 insert new subclause as follows:

(2a) The registration of a Children's Services Centre under this section does not affect the title of the Centre to any of its property.

No. 22. Page 14, lines 7 to 9 (clause 49)—Leave out subclause (2) and insert new subclause as follows:

(2) The Minister shall cause a copy of a report furnished to him under subsection (1) to be laid before each House of Parliament within fourteen sitting days of his receipt of the report if Parliament is then in session, but if Parliament is not then in session, within fourteen days of the commmencement of the next session of Parliament.

No. 23. Page 15, line 13 (clause 57)—After 'of members of' insert 'the committee or a'.

No. 24. Page 15, line 14 (clause 57)—Leave out 'committees' and insert 'committee'.

No. 25. Page 15, line 19 (clause 57)—Leave out 'and'.

No. 26. Page 15 (clause 57)—After line 21 insert the following:

and

(c) the selection, or nomination, of candidates for election;.

Consideration in Committee.

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendments be agreed to.

I do not intend to speak at length. These matters have been thrashed out very thoroughly both in this Chamber and in another place. Also, considerable consultation has been involved in arriving at the amendments from members in another place. This whole initiative has had a somewhat chequered history and some considerable delays and, perhaps, potential problems (which might be the best way of putting it) have been involved. However, it is very gratifying indeed to have reached a point in this place where we are now in a position in this place to accept these amendments and thus secure the passage of this legislation.

Of course, it is well known that the Government intended that this Bill should be passed by both Houses before the end of last year and that at about this time the new system could have been in operation. However, it was eventually decided that it might be more appropriate to defer the consideration of this Bill to allow for further consultation to take place. I concede that, although I am not happy with a number of these amendments, equally, there are others that will improve the legislation. I believe that, as has been stressed throughout, the passing of this legislation will provide us with an enabling Act which confers considerable benefits on all those involved in the administration of children's services in this State. This really does mark the beginning of a new era for children's services.

The consultation process, which has been so much a feature of this legislation, will of course continue on in terms of administrative arrangements, regulations and other aspects, and I can assure the House that the Act will not be proclaimed until the Government is ready to see these provisions properly implemented. Of course, work on that is well advanced. I am pleased that we have reached a point where, notwithstanding whatever difficulties that have occurred along the way, we have a Children's Services Bill which when enacted will form the framework for a new deal in children's services.

I will not deal in detail with the amendments. They are fairly self-explanatory. Amendments have been made in areas that relate to the objects of the legislation. For example, a new definition of 'pre-school' has been inserted; some further requirements have been placed on the Minister; some reference to multi-culturalism has been inserted in some parts of the objects of the Act; and some changes have been made in the committee and consultation structure as far as both the regional advisory committees and the central committee are concerned, in terms of both representation on the committees and how those representatives are arrived at. Although the amendments cover some five pages, of course many of them inter-relate, particularly those dealing with the composition of the various committees, and a number of consequential amendments had to be made as a result of one or two changes of principle.

There is also a provision requiring that the Minister's report be laid before Parliament within a certain number of sitting days after that report has been received, as well as a few tidying up aspects. But in regard to those major areas of policy—the new objects, the restructuring, and changing of some representation on the committees—the Government is satisfied that these matters do not fundamentally affect the integrity of or the ability to operate the new children's services arrangements. Therefore, the Government finds these amendments acceptable and commends them to the Committee.

The Hon. MICHAEL WILSON: The Opposition supports the amendments, and in doing so points out that most of the amendments increase the involvement of parents in the system of regional committees and advisory committees which will be part of the new Children's Services Office structure. As such, the Opposition is more than happy to support these amendments. It is very much a part of Liberal Party policy that the role of parents in education generally be increased, and in this case that relates to the Children's Services Office.

I also must point out that many of these amendments were moved by my colleagues in another place after consultation and representations from parent organisations (not all of them, but many of them) and, accordingly, the Opposition supports the amendments. I agree with the Premier that there is no need to go through them in great detail, because many are consequential. However, in his speech a few moments ago the Premier said that the amendments would not affect what he described as the integrity of the legislation. Of course, he is right in that regard, as the amendments are peripheral to the main intent of the Bill. At this stage I want to say that I hope the Government realises the enormity of what it has done. The Premier referred to the chequered history of the measure: he referred to delays and said that this was an enabling Bill that would confer considerable benefits on children's services in this State. I mention this because it is important, and I repeat: I hope that the Government now realises what it has in fact done. It has destroyed a statutory authority which has for 80 years given this State service and, by the Education Minister's own admission, very good service for those 80 years.

The Hon. Lynn Arnold interjecting:

The Hon. MICHAEL WILSON: In this legislation the Government has destroyed that institution, without bringing about the co-ordination in childhood services that the Coleman Report (commissioned by the Government) recommended. The Government has set up a costly, bureaucratic statutory authority, which will not achieve the full effects of what everyone in this place wants, namely, a proper co-ordination between child care, toy libraries, and pre-school education.

The Minister of Education said in this House only recently in answer to a question that child/parent centres will not be moved from Education Department property. I accept that, and agree with it. The Liberal Party would not move child/parent centres out of Education Department schools, either. However, the setting up of the Children's Services Office and the Minister's statement conflict, because now the Minister can only co-ordinate these services by some diverse type of administrative structure which must be between a statutory authority and a Government department, whereas everyone who is interested in pre-school education and in children's services generally genuinely wants to see a co-ordination of all children's services. In this event, that will not happen, and it will really take all the skills of the Minister of Education (because he will have to do the work,

as the Premier will not have the time to do it) to achieve the very necessary co-ordination between the various services.

I put to the Committee that all that needed to be done for was for the Minister to take power of direction over the Union, and then it would be his job to co-ordinate all children's services under his Ministry—and he could have done that. I am sick and tired of the misleading statements that have been made in another place and outside this Parliament about the model put forward for co-ordination from this side of the House, by which means we were setting up another Childhood Services Council. The Hon. Dr Cornwall was one who made much play about this matter and said that we were proposing to set up another Childhood Services Council, which we had done away with when in Government, and then he said that it should have been done away with.

The Hon. H. Allison interjecting:

The Hon. MICHAEL WILSON: My friend from Mount Gambier will be pleased to know that he has the support of the Hon. Dr Cornwall at least in that regard.

Members interjecting:

The Hon. MICHAEL WILSON: I do not blame anyone for being hysterically happy about this ('hysterically' being the operative word). The model put forward by the Liberal Party did not involve the setting up of another Childhood Services Council of the type chaired by Judge Olsen. It was a co-ordinating unit which consisted of full-time public servants, or people on the public pay-roll, who would be working directly under the Minister to co-ordinate the diverse sections of children's services in this State. I repeat that all that really needed to be done was to bring all those children's services under the control of the Minister of Education, and he would have been given the job to do that. The job would then have stood or fallen (as it will now) on the calibre of the Minister concerned. Therefore, it does not give me a great deal of pleasure to accept the Premier's motion that these amendments be agreed to except to the extent that they increase the role and involvement of parents in the system, which does give me some pleasure. I repeat that I hope that the Government realises that what it has done was unnecessary in the extreme.

Mr ASHENDEN: I wholeheartedly support the remarks made this afternoon by the shadow Minister of Education. It is unfortunate that when he becomes Minister of Education within the next 12 months he will be forced to bear a situation brought about by this Government.

Members interjecting:

Mr ASHENDEN: I notice, and want recorded, the mirth with which members opposite, including the Minister of Education, regard this Bill. I can assure them, after having gone to many Kindergarten Union kindergartens in my electorate, that this Government will not be forgiven for a long time, if ever, for what it is doing here. As has been pointed out to me, and as we have tried to point out to Government members, this Government presides over the demise of one of the most efficient preschool education systems ever devised anywhere in the world. The parents of children attending Kindergarten Union kindergartens know of the efficiency and effectiveness of the preschool system of education that their children were fortunate enough to be provided with.

They know that this Government has destroyed that system of preschool education. They know only too well that in future the directors and staff of kindergartens will no longer be reporting to a line of trained educationists as exists under the present 'hierarchy' in the Kindergarten Union. People holding positions of power in the new Childhood Services Office will be professionals, I do not deny that, but professionals in areas not including education. There will be professional health care workers and social workers, but with due respect to those professionals they have not received training in education. However, these people will be responsible for directing education in kindergartens (not all kindergartens, mind you, but I will address myself to that matter shortly). These people will be directing the way in which curricula will be developed in kindergartens.

No doubt the Minister will say, 'But there will be some people trained in education remaining in the hierarchy.' I do not doubt that, but a situation has now been created where persons not trained in education can (and I have no doubt will) be placed in positions of control, authority or direction (whatever one wants to call it) over specialists in an education field. How can those persons have any understanding of the particular problems of preschool education? They cannot, and therefore will not be as effective in their leadership of staffs of kindergartens.

I again ask the Minister why, knowing full well that child/parent centres should be left under the care and control of the Minister of Education (which is exactly where they belong and where they are staying), he determined that that group of kindergartens would remain in an education system controlled by educationists and professionals in their fields but has taken away the Kindergarten Union, which has served the State for 80 years and was developed to meet a need for which the Government of the time could not, would not and did not provide a system of education; which has developed as one of the best systems in this country, if not the world; and which this Government has destroyed without the slightest twinge of conscience.

The Hon. G.F. Keneally interjecting:

Mr ASHENDEN: If the Minister is so worried, I was wondering who the Chairman of Committees is, whether it is the Minister of Local Government or the Chairman himself.

The CHAIRMAN: Order! I take that remark as a reflection on the Chair. I hope that the honourable member for Todd does not pursue that line and that he will get back to the matter before the Committee.

Mr ASHENDEN: Mr Chairman, my remarks were at no time meant to reflect on you, and if you have taken them that way I unhesitatingly withdraw them. I have previously commented on the way you control the Committee and have no hesitation in withdrawing the remarks on this occasion. However, you may not have heard the remark which the Minister made and which was directed to me, telling me to address myself to the clauses in the Bill. I believe that he was reflecting on your chairmanship, which was not my intention at all. I refer the Minister to the first amendment brought forward, defining 'preschool education'. I notice that the Minister now could not care less when I am trying to respond to his remarks.

The CHAIRMAN: Order! It would be better if the honourable member confined his remarks to the amendments before the Committee and did not worry about any Minister opposite him.

Mr ASHENDEN: I am addressing myself to the amendments. What we have here is a change in the definition of 'preschool education'. I am making the point that under preschool education we certainly have child-parent centres, and those centres are still controlled by the Minister of Education through the Education Department (and, I repeat, so they should be: I agree with the shadow Minister of Education). We say that if it is good enough for child/parent centres to remain within the system of education and to report to the Minister of Education, surely to goodness it is good enough for the Kindergarten Union to be treated similarly.

Why has this Government determined that it will destroy the Kindergarten Union but leave its own child-parent centres where they should be? Preschool education is of vital impor-

tance and it should remain within a section, just as the Kindergarten Union has been an entity in itself, controlled by professional educationists. A Children's Services Office is under the Premier's jurisdiction, and the Premier has no training or expertise whatsoever in education.

The CHAIRMAN: Order! The Chair has been very patient with the member for Todd. These amendments have nothing to do with the ability or inability of the Premier, the Minister of Education or the Minister of Local Government. We are simply dealing with the amendments from the Legislative Council. I hope that the honourable member will come back to them.

Mr ASHENDEN: I firmly believe that the control of preschool education should be with the Minister of Education, because he and his Department have the training and expertise in that area. I am critical that the amendments we are now considering unfortunately do not return the area of preschool education to the Kindergarten Union and therefore to a line of control with education expertise. The Government has made a shocking decision. It is unfortunate that the amendments that we are now considering do not repair the damage brought about by the way in which the Bill was originally presented.

I point out to the Minister and to the Government that certainly within my electorate the parents of children who are attending, have attended and who they thought would be attending Kindergarten Union kindergartens in the future cannot accept this Government's action. I certainly cannot support it, and I am extremely disappointed with these amendments, because of the control that exists in another place by Parties other than our own which, unfortunately, have not reinstated the Kindergarten Union system of preschool education to its rightful place.

The Hon. LYNN ARNOLD: I do not wish to speak at great length. I did not catch all the comments made by the shadow Minister of Education, but I have heard the member for Todd's comments. Apart from one or two truisms in his contribution with which everyone in this place would concur, the rest of it was unmitigated tripe. I hope that over the months ahead we will see a departure from the kind of white-anting treatment which has taken place over the months that this matter has been before South Australians and which has been fostered by certain sections within the Liberal Party in this State who are deliberately seeking political self-interest rather than attempting to serve the present and future needs of children in South Australia.

That is clearly what has happened since the middle of last year when one compares previous statements made by certain people in the Liberal Party nine months ago with statements being made now. I hope that they will accept the will of the Legislature, as we are doing in accepting these amendments, and that the matter will now be given the chance to prove itself. Clearly, it is up to the Government to prove itself with respect to the Children's Services Office. We acknowledge that challenge, and we believe that we can answer it: we believe that faith is being put in us to do that and that, as a result, the needs of all children in South Australia will be served. However, they will not be served if the white-anting of certain members of the Opposition continues on its merry way.

The Hon. MICHAEL WILSON: I was going to be very responsible and just ask the Minister a question, which I will do in a minute. However, I cannot let his remarks go unanswered. Does the Minister really think that we on this side of the House are so good that we can generate this tremendous white-anting, as he calls it? I am flattered that the Minister has such a high opinion. The truth is that the reason why this Bill has been delayed and why there has been this enormous public outcry about it is the concern generated by the people out in the areas where education is delivered to the children of this State.

The Kindergarten Union management committees, child-parent centre communities (including school councils) and the Playgroups Association have made their views about this legislation known to members on both sides. They have caused the Government to stop and reflect. I warn the Minister that he cannot ignore the views of those people when he comes to apply this legislation. So, let us be sure who is talking tripe in this place—it is the Minister of Education and not the Opposition.

The Minister says he hopes that we will accept the view of the Legislature on this legislation and let the Government get on with it. Of course, we accept the view of the Legislature, and we hope for the sake of the children of this State that the Government will be able to pull the threads together. I say this now, in case I am misrepresented again outside this Chamber, that the Liberal Party is not giving a commitment to unscramble this piece of legislation, but it is certainly giving a commitment to review it and to review the operation of the Children's Services Office when we take office in the next 12 months, because we want to see all children's services in this State co-ordinated properly. I now wish to seek information from the Minister: what is his best guess as to when the legislation will be proclaimed and when the Children's Services Office will be set up and be operational?

The CHAIRMAN: Order! I cannot allow that. The Chair has been very lenient in this debate so far. In fact, the Chair points out that this has gone dangerously close to a second reading debate. We are not dealing with questions of when the Bill might be proclaimed or when it might not be proclaimed: we are dealing with amendments before us from the Legislative Council. The question is quite out of order.

The Hon. MICHAEL WILSON: I rise on a point of order. Mr Chairman, you may or may not be right on the question of whether it is turning into a second reading debate, and you know from past experience that I would be the last person to disagree with anything you have to say. But I ask one specific question on the content of these amendments, a question canvassed by the Premier, who said when putting this motion—and I really am trying to be very reasonable—that the Government would proclaim the measure as soon as possible. Surely, I am entitled to ask a question.

The CHAIRMAN: Order! The Chair is finding it very difficult to work out what is the point of order, because we are now venturing into another second reading speech. I do not uphold the point of order, despite the flattery which has been dished out to me and which I usually accept but which on this occasion I will not. The question before the Chair is that the amendments be agreed to.

Mr BECKER: Are we allowed to seek information at this stage?

The CHAIRMAN: Yes, as long it relates to the amendments.

Mr BECKER: Thank you, Mr Chairman. Is the Minister in a position to inform the Committee from what date the legislation will operate?

The CHAIRMAN: Order! The member for Hanson is completely out of order.

Mr Becker: Why?

The CHAIRMAN: The Chair will not allow that to happen. The question before the Chair is that the amendments of the Legislative Council be agreed to.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 25 to 31 (clause 4)—Leave out subsection (1a) and insert new subsection as follows:

(1a) Where—

(a) a person is authorised or required by a provision of this Act to act in a particular office or position while the holder of the office or position is absent,

or

(b) a provision of this Act provides for the appointment of a person to act in a particular office or position while the holder of the office or position is absent,

the provision shall be construed as authorising or requiring that person to act in the office or position while the holder of the office or position is absent from the duties of the office or position is temporarily vacant.

No. 2. Page 2, line 4 (clause 5)—After 'within' insert 'the period of one month after'.

No. 3. Page 2 (clause 5)—After line 16 insert new subsection as follows:

(1c) A supplementary election to fill the office of a member that has become vacant pursuant to subsection (1) *(ea)*—

(a) shall not be held within the period of one month after the vacation of the office;

and

(b) in any event, if a complaint is laid under subsection (1a)—shall not be held until the matter has been finally dealt with by a court of summary jurisdiction.

No. 4. Page 2, line 30 (clause 7)—Leave out 'and'.

No. 5. Page 2 (clause 7)—After line 34 insert the following:

and

(c) by inserting after subsection (11) the following subsection:

(12) In this section—

'agenda', in relation to a meeting, means a list of items of business to be considered at the meeting.

No. 6. Page 3, line 16 (clause 8)—Leave out 'two' and insert 'the Chairman or two other'.

No. 7. Page 4, lines 15 to 16 (clause 10)—Leave out 'or any three or more members of the council'.

No. 8. Page 4 (clause 10)—After line 17 insert new paragraph as follows:

(d) if a person is not appointed under paragraph *(c)*—a suitable person shall be appointed by any three or more members of the council to act in the office.

No. 9. Page 5, line 2 (clause 15)—Leave out 'subsection' and insert 'subsections'.

No. 10. Page 5, line 5 (clause 15)—After 'notify' insert 'the member,'.

No. 11. Page 5 (clause 15)—After line 6 insert the following subsection:

(4) A notification to be given to a member of the council pursuant to subsection (3) shall be given by letter sent to the member by registered mail.

No. 12. Page 9, lines 14 to 33 (clause 45)—Leave out the clause and substitute new clause 45 as follows:

45. Section 668 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) A proposal for the making of a by-law with respect to—

(i) suspending or prohibiting traffic upon certain streets or roads;

or

(ii) the temporary closure of streets or roads,

should be referred by the council to the Road Traffic Board of South Australia for consultation and advice before a by-law to give effect to the proposal is made by the council.

No. 13. Page 10, lines 2 and 3 (clause 46)—Leave out 'have any force or effect unless it has been approved in writing by' and insert 'be brought into effect until the council has consulted with'.

No. 14. Page 10, line 5 (clause 46)—After *Gazette* insert 'and in a newspaper circulating in the area'.

Consideration in Committee.

The Hon. G.F. KENEALLY: I move:

That the Legislative Council's amendments be agreed to.

Members will recall that during debates in this Chamber a number of matters were drawn to my attention by the member for Elizabeth and the member for Light, the shadow spokesman for local government, with particular emphasis on the powers of the councils in relation to by-laws and the powers of the Road Traffic Board to influence those by-laws. It was mentioned that the powers given to the Road Traffic Board were too strong and that an elected arm of government, local government, was then subject to veto by the Road Traffic Board.

A number of other matters were drawn to my attention, particularly the filling of vacancies, clearing up the meaning of the wording in relation to agendas, and so on, and I gave an undertaking that these matters would be discussed with my colleagues, with the Local Government Association and with my Department and, if it was agreed that the amendments would improve the Act, we would move such amendments in the Legislative Council. The matters addressed by the member for Light and the member for Elizabeth were valid and it was considered that the amendments would improve the Act; such amendments were moved and passed in the Legislative Council.

The amendment moved by the Hon. Mr Milne, who wanted to extend the period of time for a councillor who had not filled in the pecuniary interests register from the month that was provided within the original Bill to an additional month, is acceptable to the Government. I think these amendments to the Act will make its intent clearer, and those people who would have a need to both read the Act and comply with it will be able to understand it more clearly as a result of the action taken by the Legislative Council. I ask the Committee to support the amendments.

The Hon. B.C. EASTICK: The Opposition does not want to argue with any of the amendments, but it questions the need for one or two of them, particularly in relation to the extension of time for a person to make available information about his pecuniary interests. That was a measure dear to the heart of the Hon. Mr Milne in another place and it has been acceded to by the Government. I think it is purposeless, and the sooner people in local government recognise (as I believe most do already, and as has been the case in this place) that the bogy of pecuniary interests is not as grave as it was thought to be, the better it will be for local government. But that is not to stand in the way of the principles that some people wish to stand upon.

I am particularly pleased that there has been variation in respect of the activities of the Road Traffic Board. I think the Minister would agree with me that the further we went with that issue the greater the problems which existed in the minds of local government and indeed many local government bodies were able to clearly identify where they had been disadvantaged, where their people had been advantaged, or where there had been a long term of procrastination in respect of activities or an almost dictatorial role by some decisions of the Road Traffic Board. Hopefully, that is in the past and the amendments will be satisfactory to that end.

I am disappointed that the Bill has not come back with further amendments in relation to the voting system, but that battle has been fought and lost for the moment. I believe that it will be a continuing one and the Minister probably got some idea of that from his recent contacts with local government, both at the Eyre Peninsula Local Government Association meeting and at the meetings of the Institute of Municipal Management that we have both attended recently.

The other issue which is addressed in these amendments and which is an improvement on the Bill as it went from this place is in relation to an agenda, how an agenda shall be formed, what it shall contain, and whether information on that agenda will be satisfactory in the minds of people in the community who want to know all and who unfortunately do not always respect the responsibility of a council or other bodies in relation to information which is available to them and which could impact quite seriously on the

financial viability of a project or of negotiations which have to take place at a responsible level as between a vendor and a purchaser and sometimes a third party. I foreshadow that this is an item which we will be seeing again possibly in the not too distant future.

I am happy that what we are doing at present will be acceptable to local government, but there is still that niggling fear in the minds of a number of practitioners of local government, particularly at the Clerk level, that there will be problems. They base their fears at present on experiences they have had in the past, and I have no doubt that they will look closely at some of the requests made of them in future.

I place on record the view of the Opposition that this level of government, which provides the enabling measures for the local government tier, must be mindful of the security which is given to local government in its dealings with people in total, not just the security it might give to those who want information. If we find from experience that some people are perverting the best interests of local government by the demands that they can make within the provisions relating to the agenda and the freedom of information, then this Parliament would need to give serious consideration to fine tuning it to the point not that people are denied information but that people are not of right able to demand information which in any other sphere of commercial or business activity, or in Government, Federal or State, should be close to the chest at the time of negotiations. I believe that that is a totally responsible attitude to take, and that it fits in closely with the attitude the Minister would take under such circumstances.

I support the measures and look forward to the results of the forthcoming local government elections although I am concerned that what we are offering them and the review that will follow those local government elections will not be able to give a totally clear picture of the alternatives which were canvassed when this measure was put before the House earlier.

Mr M.J. EVANS: I support the amendments. Many of these amendments were foreshadowed in this House previously, by me or the member for Light, or by the Minister. They improve the substance of the Bill which is under consideration, and they will benefit local government and those who must practise it in the field. In particular, I consider the amendment regarding voting and on option for proportional representation will provide a much fairer and better mechanism for determining the will of the people than the several other options that have been either canvassed in debate or incorporated in the Bill. I support the proposal. Time alone will tell in relation to the proposal. It will have to be reviewed after the May elections to determine the effect that it has had on local government and whether further improvements need be made. However, we will have a reasonable time in which to conduct that review, and our colleagues in local government will keep us informed as to their requirements in that regard.

I also support the remarks of the member for Light in relation to the Road Traffic Board. The amendment that the Minister now proposes that we should accept concerning the Road Traffic Board significantly improves the previous proposal. Obviously, the Road Traffic Board needs to justify clearly any interference with the decisions of an elected body. Councils are elected by their constituents for the better management of that area, especially in regard to traffic management and the opening and closing of roads, and their decisions should not be challenged without substantial merit being demonstrated by those who seek to challenge them. The power which it was contemplated might be given to the Road Traffic Board was significant. However, I believe that the new proposal in relation to consultation considerably improves that area of the Bill. The Road Traffic Board is on notice that it must justify any interference that it might seek to make in the activities of an elected council.

I also support the remarks about the agenda of council meetings. However, I seek an assurance from the Minister on a matter that I have taken up with him previously concerning councils being able to omit from the agenda matters which are otherwise declared to be confidential in relation to their minutes. Even though 'agenda' is now narrowly defined as being simply a list of items to be considered at the meeting, the question still remains as to how that list is to be construed in relation to those items that the legislation declares should be confidential. One could conceive a situation, as the member for Light expressed, where there could be difficulties for the council if it were required, by naming an item to appear on the agenda, to create a situation whereby it was in legal difficulties or where there was premature disclosure of matters of staff management or property purchase.

I would seek an assurance from the Minister that councils will, under other sections of the Act, still have the power to exclude from that an item which would disclose matters of a confidential nature. That provision is in the legislation, but I would appreciate the Minister's assurance. Otherwise, the proposed amendments from the Legislative Council have my full support.

The Hon. G.F. KENEALLY: In relation to the matters raised by the members for Light and Elizabeth, I recognise the sensitivity of the agenda and acknowledge the points raised. It is likely that, as a result of the practice of preparing the agenda, there might be a need to look at this provision again. One hopes that that does not happen, but that is always the risk. The Government is aware of the risk, and we will try to educate the chief executive officers throughout the State in the preparation of an agenda that does not allow the abuses that both honourable members are concerned to prevent.

One problem in respect of allowing chief executive officers to declare areas of privilege or to say that, because matters are confidential, they should be dealt with in committee and not be placed on the agenda, is that the agenda will show only the opening time of the meeting and little else, so we have not provided the chief executive officer or the council with the power to exclude sensitive items from the agenda. However, we have encouraged the chief executive officers to include them on the agenda in a way that would not provide the opportunity for abuse. It is our intention to see how the provision works.

We are trying to ensure that the abuses referred to by the member for Elizabeth do not occur but, if there is any indication that they are occurring and if there is a problem about which we need to take further action, we will take such action. Indeed, every action will be taken by the Government, by local government, and by the chief executive officers in this respect.

We have discussed this matter with the Local Government Association which, at this stage, is content to accept what we are doing. If there are any problems, the Chairman of the Local Government Association, in his inimitable way, will doubtless make representations to me to have the legislation amended. Because the Government holds the Local Government Association, and especially Councillor Des Ross, in high regard, those representations would be treated seriously.

Motion carried.

POLICE OFFENCES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill, to amend the Police Offences Act and to change its name to the Summary Offences Act, is the first major and wholesale change to the Act for 30 years. It is made necessary by outdated provisions, inadequate penalties and provisions which were increasingly irrelevant and antiquated in contemporary circumstances. The Bill is one of a series of measures that have been taken and will be taken by the Government to protect the rights of individuals against law-breakers and to ensure that the community can go about its legitimate lawful business without fear and harassment.

In addition to the major changes being proposed in this Bill to the substantive law, to police powers and to penalties and offences, there are a series of other measures that have been taken by the Government to protect the community and to improve the quality of policing powers. For example, the Government has acknowledged that criminal activity cannot be confined by State borders, and has become a full and active participant in the National Crime Authority. In addition, the enactment last year of the Criminal Investigation and Extra-Territorial Offences Act enabled investigations to be pursued beyond South Australia, and within South Australia when committed elsewhere in Australia.

The South Australian Government, through the Controlled Substances Act of 1984, has attempted to deal with drug abuse, its promotion for profit and the diversion of huge sums of money into organised crime by:

- increasing to $250 000 and 25 years imprisonment the penalties for the offences of possession and sale of prohibited drugs and drugs of dependence;
- providing powers to enable courts to order the forfeiture of the property of persons convicted of such offences.

South Australia was the first Government in Australia to introduce legislation to prohibit the sale or hire of the extremely violent and sexually violent videos—the so called video nasties. In 1983, the Government moved to toughen the laws regarding the distribution and production of child pornography, which are now the most stringent in the Commonwealth.

One of the most injurious and humiliating offences on the Statute Book is rape. The Government, while continuing to tackle the evidentiary problems in rape trials through the establishment of an inquiry into the rape laws and penalties, has already moved to reduce the burden of anguish on the victim by amendments to the Evidence Act restricting the admissibility of irrelevant information about a victim's past sexual history.

We also removed the requirement that a judge must as a matter of law warn a jury in sexual cases that it is dangerous to convict an accused on uncorroborated evidence. No distinction is now drawn on this point between sexual and other cases and therefore further protects the victim of sexual assault. The unsworn statement was reformed to ensure that irrelevant and gratuitously insulting aspersions could not be cast on Crown witnesses.

Sexual offences and sexual assault and abuse are not confined to adults. Children are also the unfortunate victims of abuse and a task force is currently preparing advice for the Government on how to deal with this grave social problem. The successful prosecution of crimes of personal violence and assault was enhanced by action taken by the Government in 1983 through other changes to the Evidence Act. The first dealt with competence and compellability which provided the opportunity, for the first time, for spouses to give evidence about each other; this was considered to be useful in cases of spouse and child abuse. The second was the notice of alibi which required persons charged with an offence to give notice of any alibi which they intended to use in their defence, prior to trial proceeding to court. This would allow the prosecution, whether the police or the Crown Prosecutor's office, to investigate the alibi.

In 1979, as Leader of the Opposition in the Legislative Council, the Attorney-General introduced the first Bill in South Australia to give the Crown the right to appeal against lenient sentences. This had been recommended by the Mitchell Committee. This Bill was not proceeded with by the Liberal Government, but in November 1980 a similar Bill was finally passed. From December 1980 to the change of Government in November 1982 only 17 Crown appeals had been instituted. Since 1984, the Crown has adopted an active role in appealing against lenient sentences and for the 1983-84 financial year 44 appeals were instituted by the Crown.

The Parliament has passed a Bill for a new Bail Act. There has been for some time widespread concern in the community about the granting of bail to persons charged, particularly with assault and sexual offences. The current Bill gives the Crown the right to appeal against the provision of bail where circumstances warrant it. These measures have been taken in recognition of the concern in the community about violence and the treatment of offenders. Many of the measures deal with matters relating to offences against the person. However, the Police Offences Act was amended last year in recognition of the violation of other persons' property rights which was highlighted in recent cases dealing with squatters and mushroomers.

The current Bill then is part of a series of reforms that the Government has undertaken since coming to office, which are designed to find an appropriate balance between the rights of the community to security, protection and freedom to go about their lawful business, on the one hand, and the rights of an accused to a free and unprejudiced trial, on the other.

This Bill addresses the substantive law by redefining some offences and abolishing others for which there is no longer a need, as they are dealt with in other Acts (e.g. amendments to section 15 of the principal Act delete certain offences relating to drugs as they are now dealt with in more detail under the Controlled Substances Act), or because they cannot be treated as criminal behaviour (e.g. vagrancy). The Bill also increases the powers of the police to investigate crime, and increases and rationalizes penalties some of which have not been touched for 30 years.

The name of the Act is also to be changed. It will now be called the Summary Offences Act. The distinguishing characteristic of the offences created in the Act is that they are trialable in Courts of Summary Jurisdiction. The proposed new name reflects that characteristic.

The amendments to the substantive law fall into three categories:

1. Several sections of the Act which penalize behaviour and which subject that behaviour to criminal sanctions in a situation where a person has caused no harm to persons or property, and has no intention to cause such harm, are repealed. These are the offences of having insufficient means of support (section 10); loitering in a place without giving a satisfactory reason (section 18 (1)); being a person suspected by a police officer of being a person who is about to commit an offence (even though the person has not done anything to indicate he or she is about to commit an offence) (section 19); playing games so as to cause annoyance (section 53);

and injuring oneself (section 63). The offence of fortune telling (section 40) has been recast so that the mere telling of fortunes is not an offence. The loitering provisions in section 18 (2) have been retained. These are a useful policing tool and necessary if the police are to be able to deal effectively with a variety of situations where unruly crowds threaten to disturb the peace.

2. Some sections of the Act have been rendered obsolete by changes in Commonwealth and State laws. These are repealed. They include publication of information relating to divorce or similar matters (section 34); use of land for training horses without consent (section 44); the extinguishing of street lamps (section 49); street musicians (section 54); and control of dogs (section 55); and part of section 15 (drug offences). The posting of bills (section 48); and false reports to the police (section 62) have been amended to take into account defects in those provisions.

3. Two new offences are created. A new section 11 *(a)* creates the offence of avoiding payment of an entrance fee and new section 17a (2) *(a)* creates the new offence of behaving in an offensive matter while trespassing. The new trespassing offence, when combined with the recasting of all of section 17, will ensure that landowners can have the quiet enjoyment of their land without undue interference by others.

The second main area dealt with in the Bill is the powers of the police to investigate criminal activities. Police powers to investigate offences are increased in several ways. Section 68 of the Act now empowers a member of the Police Force to stop and search any vehicle upon which there is reasonable cause to suspect that there are any stolen goods. A person suspected of carrying stolen goods can similarly be stopped and searched. Both the Mitchell Committee (in its second report) and the Australian Law Reform Commission, in its report on criminal investigations, recommend an extension of this power.

The power to stop and search without warrant is extended to the following situations:

Firstly, where there is a reasonable cause to suspect that there is an object, the possession of which constitutes an offence; and secondly, where there is evidence of the commission of an indictable offence. The requirement of "reasonable cause to suspect" will give sufficient protection against arbitrary and unwarranted interference with the right of the citizen to proceed about his business.

The power of a police officer to require a person to give his name or address is limited, by reason of section 75, to persons found committing or whom he has reasonable cause to suspect of having committed any offence. There are other situations where it is reasonable that a police officer should have the power to request a person's name and address: for example, where police wish to interview all those who may have been in the vicinity when a crime has been committed; where police wish to interview witnesses to a suspected crime; or where a police officer suspects a person is about to commit a crime. Section 75 is amended to allow a police officer to request a person's name and address in these circumstances.

Section 75 empowers any member of the Police Force, without a warrant, to apprehend any person who he finds committing or who he has reasonable cause to suspect of having committed, or being about to commit, any offence. The arresting officer must then comply with section 78 and the arrested person must be delivered forthwith into the custody of the member of the Police Force who is in charge of the nearest police station.

It is well established that it is not permissible to delay the delivery of the arrested person to the officer in charge of the police station in order to interrogate him. The reality of policing is that there must be an opportunity at some stage to question suspects and tie up loose ends that are necessary to bring criminal charges successfully to fruition. Accordingly, section 78 is amended to allow a police officer to delay delivering a person into custody for an initial period of four hours. A magistrate can authorise an extension of this period.

The rights of the person detained for questioning are also protected by giving him, *inter alia*, a right to have a solicitor, friend or relative, and an interpreter present while he is being questioned. He must be informed of these rights and his right not to answer any questions and warned that anything he does say may be taken down and used in evidence. It should be noted that the power to detain suspects for questioning only arises once a person has been arrested i.e. the arresting officer must have had reasonable cause to suspect that the person arrested had committed an offence. This is in accordance with the recommendations of the Australian Law Reform Commission.

Fingerprints of a person in custody on a charge of committing an offence can be taken if a police officer considers it is necessary for the identification of that person. It is not clear whether the power is to be exercised solely for the purpose of identifying the suspect with the offence for which he is in custody, or whether the suspect can be connected with other offences which the police are investigating.

Section 81 is amended to make it quite clear that the power to take fingerprints is to establish who the suspect is and for the purpose of identifying the suspect with the offence for which he is in custody. Application can be made to a magistrate for authorisation to take fingerprints in other circumstances. Scientific techniques have developed since section 81 was initially enacted. Section 81 is amended to recognize these developments by permitting not only fingerprints and photographs to be taken but also prints of hands, feet, voice recordings, handwriting samples and dental impressions.

Lest it be thought that these extra powers will permit a police officer to act beyond his authority it should be remembered that the courts expect police officers to comply with the Statute and have a discretion to exclude any evidence obtained contrary to the provisions. There are also internal mechanisms for ensuring that the police act in accordance with their powers and regulations set out by the Police Commissioner. In addition, the Police Complaints Bill currently before the Parliament should assuage any lingering fears that any individual might have that these powers would or may be used in other than the community interest.

The third main area dealt with in the Bill is the penalties for offences under the Act. Over 50 penalties are increased. They include an increase from $200 or 12 months, or both, for assaulting police to $8 000 or two years. The offence of hindering police will now carry a maximum fine of $2 000 or six months imprisonment, rather than the $100 or six months as at present. Disturbing the peace could now attract a maximum fine of $1 000 or three months imprisonment, which is up from $100.

Indecent behaviour, soliciting for prostitution, fraud, unlawful possession of property believed to have been stolen, wilful damage, along with a host of other offences, have had their penalties increased. The increases put the offences in line with those in other Acts and in line with contemporary standards. Such dramatic increases are unlikely to occur in the future as the proposal to grade offences into categories and continually review those penalties comes into effect. The Government believes that the proposed increases are justified, particularly given that successive Governments have not amended them for 30 years.

One of the most important roles for a Government in a democracy is to provide an environment in which people can go about their daily lives and business in confidence

that their person and their property will not be violated. It is an essential freedom that people be secure and protected from lawless and criminal behaviour. But the long tradition of our law in protecting the rights of those suspected of crimes must not be overlooked.

The Bill seeks to achieve a balance. On the one hand, the Bill clarifies and expands police powers and increases penalties. On the other, it clarifies a suspect's rights and removes from the Statute Book some unnecessary and in some cases quite iniquitous offences such as section 10—being without insufficient means of support—which hitherto had carried a penalty of 12 months imprisonment.

The Government has been conscious of these collective and individual rights to protection in framing this Bill and the other initiatives the Government has taken. It is a comprehensive review and renaming of an Act that forms an important part of ensuring our community's security. The Bill provides protection to the individual, it respects his rights and provides the police with adequate authority to investigate crime. At the same time, it provides the necessary checks and balances to ensure that ordinary people are neither harassed by the police nor prevented from going about their daily business by people intent on committing crime.

Clause 1 is the short title. Clause 2 provides for the commencement of the measure. Clause 3 changes the short title of the Act to the 'Summary Offences Act'. Clause 4 inserts two new definitions into the Act, one being a definition of 'place of public entertainment' and the other a definition of 'telephone'. Clause 5 proposes an amendment to section 6 of the Act by striking out subsection (6). This subsection relates to the use of offensive or abusive language in the hearing of a member of the Police Force. The Mitchell Committee recommended its repeal. Clause 6 provides for the repeal of section 8 (3). This section makes it an offence to send or accept any challenge to fight for money, or to engage in a prize fight. Subsection (3) empowers a court to order an offender to find sureties to keep the peace. The Mitchell Committee recommended that the subsection be deleted.

Clause 7 proposes an amendment to section 9a of the Act by striking out subsection (5). This subsection makes it an offence for a person, other than a registered pharmaceutical chemist, to sell or supply methylated spirits between 6 p.m. on Saturday and 9 a.m. on Monday, or on public holidays. The offence no longer has relevance in the context of this Act. Clause 8 provides for the repeal of section 10. This section makes it an offence for a person to have no lawful or apparent means of support or insufficient means of support, punishable by 12 months imprisonment. The Mitchell Committee recommended the repeal of the section. It may be submitted that the section applies to people who are not only innocent of any antisocial behaviour but who need assistance and not prosecution.

Clause 9 proposes the insertion of new section 11a. This section would make it an offence to gain admission dishonestly to a place of public entertainment without paying a fee knowing that a fee is payable. It would apply to a situation such as where a person attempts to sneak into a drive-in picture theatre. Clause 10 proposes amendments to section 15 of the principal Act to delete certain offences relating to drugs. These matters are now provided for by other legislation.

Clause 11 proposes the insertion of a new section 17, which will be a rationalisation of present sections 17 and 17b. Clause 12 provides for amendments to section 17a so as to include a new offence of behaving in an offensive manner while trespassing on premises. This offence will enhance the associated provisions relating to being on premises without authority. Clause 13 repeals section 17b, which is now to be included in new section 17. Clause 14 provides for the repeal of section 18 (1). This provision relates to loitering without a proper reason in a public place. The Mitchell Committee recommended its repeal, stating in relation to the provision that at best it allows for unwarranted interference with liberty. Clause 15 provides for the repeal of section 19. This section makes it an offence for a suspected person or reputed thief to be in a public place or a place adjacent to a public place with intent to commit an indictable offence.

Clause 16 provides for the repeal of section 34. This section restricts the publication of particulars of judicial proceedings for divorce, dissolution or marriage or other similar matters. The section has been rendered superfluous by Commonwealth legislation and can be repealed. Clause 17 is an amendment to section 35 of the Act that, coupled with the repeal of section 36, is consequential upon the repeal of section 34. Clause 18 provides for the repeal of section 36 by reason of the amendment of section 35. Clause 19 provides for the repeal of section 40. This section makes it an offence to pretend to tell fortunes or to use palmistry or other subtle craft, means or device to deceive a person. The Mitchell Committee recommended the repeal of this section and the insertion of a new provision in the Criminal Law Consolidation Act to make it an offence to act for reward as a spiritualist or medium, or to exercise powers of telepathy, clairvoyance or similar powers with an intent to deceive. The Government has decided to act upon the Mitchell Committee recommendation, the amendment to the Criminal Law Consolidation Act being included in a later provision of this Bill.

Clause 20 provides for the repeal of section 44. This section makes it an offence to use land to train or exercise horses without the consent of the owner or occupier. The provisions of the Act relating to trespass can deal with this type of conduct and so section 44 can be repealed. Clause 21 proposes an amendment to section 48. This section makes it an offence to affix bills, posters, etc., on any building or structure or to write upon walls, footpaths, etc. The section further provides that the court may order a person found guilty of an offence to restore damaged or defaced property. However, often damage has been repaired prior to the court proceedings. Accordingly, it is proposed to revise the existing subsections (2) and (3) and provide simply that a person convicted of an offence may be ordered to compensate the owner or occupier of property for the damage that has been caused.

Clause 22 provides for the repeal of section 49. This section makes it an offence to extinguish street lamps. The Mitchell Committee recommended that this obsolete provision be repealed. Clause 23 provides for the amendment of section 53. This section makes it an offence to play games in or adjacent to a public place so as to cause damage or annoy or cause annoyance. The amendment implements a Mitchell Committee recommendation to delete reference to conduct which annoys or is likely to annoy a person. Clause 24 provides for the repeal of section 54. This section relates to the power of a householder to request a street musician to depart from the neighbourhood and makes it an offence to fail to comply with such a request. Its repeal was recommended by the Mitchell Committee.

Clause 25 provides for the repeal of section 55. This section makes it an offence to allow unmuzzled ferocious dogs to be at large. The provisions of the Dog Control Act make this offence superfluous and the section can be repealed. Clause 26 proposes in effect two amendments to section 62, which is a section dealing with false reports to the police. Civilian employees are increasingly undertaking duties in police stations and a false report to such a person would not be within the purview of the section. It is therefore

proposed to extend the operation of the section to include a false representation made to a person who is not a member of the Police Force where the person making the representation knows that it is likely that the representation will be communicated to a member of the Police Force. Furthermore, it is intended to strike out subsection (1a). This subsection provides that, where a representation concerns a member of a Police Force, a person may not be convicted under the section on the uncorroborated evidence of members of the Police Force. The issues raised by this subsection are to be addressed by new legislation dealing with a Police Complaints Authority.

Clause 27 provides for the repeal of section 63 of the Act. This section relates to causing injuries to oneself. Recent reforms to the law relating to suicide and reasons of public policy make it appropriate to remove this offence from the Act. Clause 28 proposes amendments to section 68. This section relates to the power of police to search vehicles where there is reasonable cause to suspect that they contain stolen goods, and to search people reasonably suspected of carrying stolen goods. However, the section is limited to searches for stolen goods and it is proposed to expand the provision to include searches for objects that are illegal to possess and for evidence of the commission of serious offences (being indictable offences). Clause 29 is a consequential amendment to section 73, deleting the definition of 'place of public entertainment', which is now to be defined in the main interpretative provision (see clause 4).

Clauses 30 to 31 relate to amendments concerning the powers of police to take names and addresses. Section 75 (2) and (3) enables a police officer to require a person found committing an offence, or whom he has reasonable cause to suspect of having committed any offence, to state his name and address. Refusal to state a name and address or the giving of a false name and address is an offence. However, the police may need to take names and addresses in other cases. For example, they may want to know the names of potential witnesses to the commission of a crime, or may, suspecting that a person intends to commit a crime, want to know his name in order to warn him off. The proposed new section 75a would allow the police to act in such situations. Under subsection (1), a policeman could ask a person to state his name and address if he had reasonable cause to suspect that the person has committed, was committing, or was about to commit, an offence, or that the person might be able to assist in the investigation of an offence or a suspected offence. Where the policeman believed that a false name or address had been given, he could, under subsection (2), require the production of evidence to prove identity. A penalty of $1 000 or imprisonment for six months for non-compliance is proposed. Furthermore, it is proposed that, where a person is required to give his name and address under this section, he be able to request the police officer involved to state his surname and rank.

Clause 32 provides for the reform of section 78 and the procedures to be observed on the arrest of a person without a warrant. It is well established under the present section 78 that it is not permissible to delay the delivery of an arrested person to the officer in charge of a police station in order to interrogate him. It is sometimes the case that police are severely hampered by not being able to interview people immediately upon taking them into custody without warrant (especially in relation to serious crimes). It is therefore proposed to insert a new section 78 which will allow police to delay delivering the person into the custody of an officer in charge of a station for so long as is necessary to complete the investigation of the alleged offence, or a period of four hours, whichever is the lesser. The police will be allowed to take the person to places relevant to their investigations, and a magistrate will be able to extend the four hour period (by another four hours) in appropriate cases. It is also proposed that the police be able, with the consent of a magistrate, to remove temporarily a person from a police station for a purpose related to their investigations. Applications to a magistrate under this section will be able to be made by telephone. Delays occasioned by a person requesting that a solicitor or other person be present shall not be taken into account in determining the four hour period. Other provisions in section 78 relating to police bail will be rendered superflous by other proposed legislation on bail and may therefore be repealed.

Clause 33 amends section 78a so as to clarify that a person arrested under that section may be detained under section 78. Clause 34 provides for a new section 79a that would prescribe a person's rights upon arrest. A person would be entitled to have his solicitor, or a relative or friend, present during any interrogation and, if English were not his native language, would be entitled to the use of an interpreter. Furthermore, the provision allows a person to make one telephone call to a nominated person to inform him of his whereabouts. To avoid misuse of these rights, the police would be empowered to object to a particular relative or friend being present or being telephoned if there was reasonable cause to suspect that communication with that relative or friend would lead to the destruction or fabrication of evidence or to an accomplice taking steps to avoid apprehension. The new provision would also statutorily require a policeman, upon arresting a person, to inform the person of his rights under the section and to warn him that anything that he might say could be taken down and used in evidence.

It is also intended to insert a new section 79b. This provision would empower a policeman to arrange for the removal and storage of a vehicle upon the arrest of its driver. There are numerous situations where to be able to move the vehicle of an arrested person would be of benefit to its owner, the police and the public generally. However, the police would not be able to move the vehicle if the arrested person was accompanied by a person who was willing and able to move it instead. Police would not be liable for any damages occasioned to a vehicle being removed and stored under this section. A person would be able to recover his vehicle upon the payment of the reasonable costs of the Police Department. Vehicles left with the police for more than six weeks could be dealt with as unclaimed property.

Clause 35 proposes amendments to section 81 dealing with the power of the police to search, examine and take particulars of persons in custody on a charge of committing an offence. It is intended to extend the power to search a person to all persons in custody, not just those who have been charged. This will enable police to search for weapons, etc. Furthermore, it is proposed to amend the section to include a power, in relation to a person who has been charged, to take prints of hands, fingers, feet or toes, to take impressions of teeth, to take voice recordings and to take samples of handwriting. However, the power would only be available to connect a person with the commission of a particular offence if the police had charged him with the offence or had obtained the authorisation of a magistrate. Material obtained under the new provision would have to be destroyed if the person was subsequently acquitted. Clause 36 provides for the inclusion of a schedule that will amend various penalties in the Act. Clause 37 effects an amendment to the Criminal Law Consolidation Act, 1935, relating to acting as a spiritualist, medium, etc. This reform was prompted by a Mitchell Committee recommendation and is specifically intended to relate to people who act with intent to defraud.

The Hon. D.C. WOTTON secured the adjournment of the debate.

COAST PROTECTION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 February. Page 3011.)

The Hon. D.C. WOTTON (Murray): The Opposition supports the Bill. I wish to refer to a number of matters, and I will seek clarification from the Minister on a couple of issues. We have been informed that the Bill has resulted, in part, from a review of the legislation that has been carried out over recent years. I did not realise that the review had been going on for 12 years, as indicated in the Minister's second reading explanation. I find that interesting, and I wonder whether the report that came out of that review has been made available or whether the Minister might like to make it available. If the review has taken that long, and recognising the importance of the legislation, I should be most interested in seeing the report.

The Bill clarifies the position of the Coast Protection Board in respect of its authority to undertake the beach replenishment programme. I am pleased to see that this matter is to be brought under legislation. I am aware of the problems that have been experienced over an extended period of time in respect of the legalities of that programme. It is vital to the beaches along the metropolitan coastline that that replenishment programme be able to be continued.

Many problems have been brought forward at various times by councils and individuals. Not very long ago a report was released, and I noted that a row was brewing over the route used for the annual removal of sand from beaches in the Port Adelaide area. That has occurred during the term of the present Government. I received similar complaints while I was Minister. I do not want to go into detail over a number of issues, but I am pleased that it has been decided to bring under the legislation the provision to enable the beach replenishment programme to continue.

The Bill makes amendments to provide that the West Beach Trust has the same rights and obligations as local councils under the Act. My colleague the member for Hanson, who is the local member for that area, wishes to speak to this part of the legislation. I realise that the West Beach Trust currently is responsible for the management of the coastal land. I appreciate also that at this stage it has none of the rights nor any of the obligations that are given to councils that find themselves in similar situations along the metropolitan foreshore. The member for Hanson will speak in more detail in regard to that matter.

The Bill extends the period for making representations on management plans and, of course, that amendment brings this legislation into line with the advertisement provisions applying to amendments to the development plan under the Planning Act. Section 20 of the Coast Protection Act obliges the Coast Protection Board to investigate coast protection districts in consultation with councils, to prepare and publicly exhibit management plans for those districts and to refer the plans with a summary of representations to the Minister. It has always been intended (and I presume it is still the case) that some seven coast protection districts are to comprise the South Australian coastline. The metropolitan coast protection district was the first to be investigated. The coast is expected to remain as one of the most popular areas of the State for development, tourism and recreation. I am sure that it will continue to provide outstanding opportunities for these activities which should, I suggest, be encouraged in such a way as to minimise environmental damage.

The management plans are general documents aimed at achieving this objective. The management plan is inherently a policy document. It is divided into general policies which cover the main coastal issues throughout the State and district policies, which are grouped according to the major land forms found within the various districts. They are important documents and, whilst this is a relatively small matter it is important that, as far as the timing is concerned, it should be brought under the same provisions as the Planning Act.

The Bill also provides for the appointment of wardens to overcome what are referred to as limitations in controlling restricted areas that are declared under the Act. Again, we would support that provision strongly. I was very keen as Minister to see that happen. I am sure, now that the provision is in the Act for wardens to be appointed, that it will be a very satisfactory process. I am aware that a number of restricted areas have been declared, mainly in the very sensitive areas, and it is important that as much assistance as possible be provided by the public generally and by people who have some authority, as will be provided under this legislation.

I was concerned some little time ago to learn of damage being caused and the damage referred to in a report prepared for the Coast Protection Board. That report stated that many of the South-Eastern Aboriginal sites of national, if not international, importance were being damaged and destroyed by vandals and developments in the South-East. Many of the damaged and disrupted sites, so the report states, are now virtually worthless from an archaeological viewpoint. The report goes on to refer to the removal of Aboriginal artifacts by amateur collectors and souvenir hunters which has resulted in considerable damage to a number of important sites.

The report also states that the sites have been destroyed by the development of land near the coast for roadways, parking areas, housing, rubbish dumps, and so on. Indeed, it has been claimed that the diversity and preservation of many of those sites make them of national importance. It has also been claimed that Aboriginal sites such as those along the South-East coast represent the only traces of the traditional agricultural culture and lifestyle that no longer exists in south-eastern Australia. The report goes into much detail, and I was able to obtain a copy of it.

It is interesting to note in the report, which came out some time ago, a recommendation for the construction of a secondary treatment works to treat Mount Gambier effluent and sewage that flows into the sea at Finger Point. It is a pity, with the importance placed on that matter, that it has not been taken up by the Government. Much emphasis was placed in the report which was prepared for the Coast Protection Board on the need for such a facility. The matter has been brought to the attention of the Government on numerous occasions. Of course, that is outside the provisions of this Bill.

I am aware that, in some cases, some of these restricted areas are being severely damaged, and I hope that the matter of appointing wardens will work successfully. I ask the Minister to refer to that matter. I am not sure how wardens will be selected or appointed. I have, for example, had some concerns about the appointment of wardens under the historic shipwrecks legislation. As the Minister would be aware, I have asked a series of Questions on Notice in regard to wardens appointed under that legislation. I would be interested to hear the Minister throw some light on how those wardens will be appointed and outline their responsibilities under the legislation.

The Bill also provides for the Board to delegate its development control powers as considered appropriate. A safeguard exists that the Minister must be aware of and, in fact,

approve such delegation. This same provision is available to the South Australian Planning Commission under the Planning Act, and I can see no reason why the Coast Protection Board should not be given the responsibility to delegate.

My opinion has not changed—it has always been the same—regarding the work and advice that the Coast Protection Board is providing for the Minister. It is an excellent Board. I have had the opportunity in recent times to travel interstate to look at what was happening in other parts of Australia in regard to coast protection, and I am sure that the system that we have in South Australia, along with the Board which accepts its responsibility with a great deal of dedication, is better than any other system that I saw in other States. I am sure that, with the right sort of encouragement provided by the Government, the Board will continue to be able to carry out that work well.

The provision in the Bill for the Board to delegate development control powers will enable the Board to administer its development control powers more efficiently. The Bill limits the time in which a person aggrieved by a decision of the Board can appeal to the Planning Appeal Tribunal. I think that that makes sense. Again, that provision is also an integral feature of the Planning Act, and, as the Minister indicated in the second reading explanation, this amendment will provide a more certain finality in relation to the Board's decision and will ease the administrative burden of the State Government in preparing evidence for appeal hearings.

As I have stated, the Opposition supports the legislation. I am pleased that the Bill has come before the House. Again I make the point that it has taken 12 years to review this matter, so we cannot say that the homework has not been done. I am sure that the Bill will improve the conditions under which the Coast Protection Board can work and that it will provide more protection for the South Australian coastline, which is a very important part of the State.

Mr BECKER (Hanson): It would be fair to say that, since the removal of the shacks in front of the Engineering and Water Supply Department's sewage treatment works at West Beach, at least 10 metres of sand dune and beach has been lost in that area. The sewerage pipes and the sludge pipes were well and truly buried in the sand and beneath the beach previously. Since the removal of the shacks, certain aspects of those pipes have had to be removed; they have had to be reinforced; and gradual loss of the foreshore in that area has occurred.

After much prompting and cajoling from me, the Government began installing rip-rap walling adjacent to the esplanade at Glenelg North (along what I call the million dollar beach) and along the foreshore in front of the sewage treatment works. Unfortunately, that work did not proceed beyond the ramp of the Holdfast Bay Yacht Club. Where that walling has been installed the foreshore has been protected, as have the Glenelg North esplanade—because we would have lost half of that without such protection—and the adjacent properties, which are worth quite a considerable sum. Unfortunately, from the area used by the Holdfast Bay Yacht Club down to the beginning of West Beach proper, probably another 10 metres of foreshore and sand dunes has been lost, simply because no rip-rap walling has been installed. There is nothing at all to protect the area, except the hope and belief that the sand dunes would act as a buffer against storms, that the sand from those dunes would replenish the beach and that the sand dunes themselves would be replaced. However, that has not happened.

It is tragic that no-one has been able to provide the money to attend to this problem. It would be totally unfair to ask the West Beach Trust to do it. The charter of the West Beach Trust, going way back to 1954, was to provide and develop some 400 acres of land for recreational purposes. The Trust has been doing that on a steady basis and has been able to generate a considerable amount of money by way of the golf course (which is an exceptionally good golf course), the caravan park, which is highly regarded throughout the country, and further improvements. The acquisition of Marineland was forced on the Trust. That occurred because the person who had built it, having made his money, decided that that was it and that he would get out. He would have left the whole thing there, and it was left up to Geoff Virgo to encourage the Trust to pay $200 000 or thereabouts for its acquisition.

The Hon. J.W. Slater: It was a good investment.

Mr BECKER: That is very doubtful: structurally, it is not all that good. Many problems have arisen, and the Trust and the staff have had to do a lot of hard work to keep the Marineland side of the project going as well as contribute to the improvement of the playing fields in the area, as the Minister of Recreation and Sport would know. He helped to enhance the area by providing some $400 000 to the South Australian Softball Association to build some first class facilities.

This is all leading up to the fact that the West Beach Trust has, with limited resources, developed a recreational facility of considerably high standard, but there is a long way to go and much more needs to be done. I am concerned that the Trust could be put at a disadvantage, although that may not occur. The sand dunes in the area must be regenerated, because they have been depleted over the years because previous managements have had difficulty in meeting requirements aimed at ensuring that the natural grass takes hold and grows. For example, no sooner had sprinkler systems been installed than vandals came along and ripped them up. So, I can understand that the work that has been undertaken by the Trust over the years in protecting those sand dunes in some respects is beginning to work, but in other areas the Trust is unable to cover the whole location and a considerable amount of degradation is evident.

I can understand the benefits of bringing the West Beach Trust under the umbrella of the Coast Protection Board where it will receive financial assistance for protection work. The Board can pay up to 100 per cent of the cost, although generally I believe that it pays about 80 per cent to local government. I believe that the Trust was given a charter by the Government of the day (and I think the present Government would expect it to maintain the development of the area), so perhaps the Government through the Coast Protection Board could ensure that protection work was met 100 per cent by either the Government or the Board.

For facilities there is a grant of up to about 50 per cent. I think it is in the Trust's interest to improve the facilities for the benefit of the State and, if there is a contribution from the Coast Protection Board, it will not be beyond the State Government to help out or for the Trust to use some of its limited funds, depending on the facilities involved. It will mean that there will be a concerted and well planned effort in developing this last strip of our natural sand dune environment.

Further, there are grants of up to about 80 per cent for restoration purposes. I would like to see that programme promoted more strongly to ensure that that whole area of those last sand dunes is given the complete protection that one would expect should occur. So, I can see benefits from that point of view. However, during the Committee stage I shall seek assurances from the Minister that the West Beach Trust will not be disadvantaged financially. I can see benefits in legalising the sand carting programme. An issue that occupied a considerable amount of my time when I first came into Parliament (and I can see the enthusiasm of the shadow Minister in supporting the work of the Coast Pro-

tection Board) is now bearing fruit. The problems associated with the groyne at Glenelg North are well known to all of us.

The sand carting programme has paid off. Although there will always be many arguments for and against it, I believe that financially the best proposition is to cart sand from where it collects to the beaches where it is needed. Lateral drift then tends to occur which replaces sand lost as a result of storm damage or heavy usage. This programme has worked. In the past 12 months the beaches adjacent to Glenelg North have been the best they have been for many years and they have withstood considerably heavy seas.

There are signs of a considerable loss of sand in the past 48 to 96 hours. However, I believe that there is enough sand there to replenish any drift now occurring, but I am surprised that anybody would ever challenge the legality of the Board to remove sand from one point and take it to another for the purpose of replenishing our beaches. However, if we must tidy this matter up legally, then let us do it as quickly as possible. I have always been concerned (as has the member for Murray) that there has been considerable argument and debate about sand removal, particularly from the Torrens outlet at Henley Beach South.

There was an occasion on which 60 000 tonnes of sand was removed from this area, and allegations were made to made to me that about two metres of sand had been removed from West Beach. There was evidence that on that occasion too much sand had been removed, but within 12 months the beach was replenished. West Beach has been very popular this season amongst people wishing to use metropolitan beaches, so much so that the local lifesaving club has reported a record year for beach usage. If members ever want a body to provide general knowledge about movement on beaches, lifesaving club officers and officials are one of our best sources of coast watchers. I respect the advice that they give from time to time in relation to sand removal and general movement of sand over the years.

We unfortunately still lack a good supply of sand to replenish all the sand lost from Brighton, Somerton, and particularly the Glenelg North/West Beach area near Marineland Park because of the horrible construction called the groyne. There is no doubt that with the advent of Jubilee Point the Coast Protection Board will have a major role to play in this area. I am quite confident that Jubilee Point will proceed. Members of that organisation are mindful of the problems that now exist at the Patawalonga outlet and what has been experienced at North Haven. I was on the Select Committee considering North Haven that was told about the build-up of sand. Certain advice that was given was ignored and they now have that problem there.

I am not an expert on this subject, but plans afoot indicate that the build-up of sand at the Patawalonga (or the groyne as we know it) will be piped back to Brighton. It is believed that a two kilometre pipe can be run to replenish those beaches. They will also be able to replenish sand on the northern side and to build up a strong beach on the northern esplanade at Glenelg North. Hopefully, that sand will move along to the outbreak creek at Henley Beach South, and provide a solid beach through the West Beach area. A considerable amount of work is planned for that area in the next 10 to 15 years. I understand the need and reasons for the Board to be involved with the Planning Commission and to have certain powers in relation to this matter.

I was a little amazed at some of the development on the West Beach Trust where they built holiday chalets with air-conditioners on top. I was surprised that they were built so close to the sand dunes. Perhaps the Board or the Planning Commission might have been able to exercise some power in relation to their location. However, they are there now, and everything is being done to enhance the location. No doubt shrubs will grow and improve the general environment of that area. I also like the idea of the legality of wardens. There are no protected areas in the metropolitan areas, but there is again the problem in the West Beach/Glenelg North area of people finding a hole in the Engineering and Water Supply Department fence or taking a post off a ramp to allow them to take cars or beach buggies on the beach. There were three of them on the beach one Saturday afternoon practising for a competition. Such people have no regard for other beach users. Last Saturday afternoon there were no fewer than 14 cars parked between the rip-rap wall and the Engineering and Water Supply Department boundary, which caused quite an amount of traffic flow through that area. I believe that that area should be blocked off to prevent further damage.

I can see merit in all that the Board is trying to do. It has certainly been a long hard battle for those on the Coast Protection Board and its staff to ensure that our beaches are maintained and protected. From time to time concern has been expressed by residents in the metropolitan area who have lived in the area for many years, have seen a lot of the changes that have occurred, and who are reluctant to accept some of the methods and systems being advocated to implement changes. Like all programmes, once results start coming and once they start rebuilding (and it does not take long to damage a beach, but does take a long time to repair it), the public gets behind organisations such as the Coast Protection Board, which has undertaken an extensive community educational programme. It was launched in the past 18 months or two years, using a film and literature. It is those types of community awareness programmes that should be continued by the Board to ensure that those of us who live along the metropolitan coastline do all they can to assist in the protection and preservation of our beaches.

Mr PETERSON (Semaphore): Previous speakers have covered this subject well. I agree that the Coast Protection Board has done a great job over the years. Results are much more evident now than they were previously. The problem of carting sand (I understand it is impossible to use any other system at this stage—and I have read all the reports issued by the Coast Protection Board) is a real one because of its disruption of residents. There was a problem at Port Adelaide when a councillor threatened to lie in front of a bulldozer to stop the removal of sand. That was a little theatrical and dramatic, but there was a strong feeling there at the time. Steps have been taken to alleviate this problem. The District of Semaphore and the District of Port Adelaide contribute many tens of thousands of cubic metres of sand to this programme. Without that source of sand many southern areas would disappear into the sea. It has been said that perhaps some of them should disappear into the sea, but I would not support that. We contribute many thousands of cubic metres of sand to this programme, and removal of that sand from our area causes problems. Searches for offshore sources of sand to use for beach replenishment have been unsuccessful except for a source found recently off North Haven.

I am concerned about this matter. One of the proposals of the Coast Protection Board was to dredge and stockpile sand at North Haven for relocation, as required, on the southern beaches. Only two weeks ago a question was asked in the House about disruption to people's lives from sand and dust blowing in the area. If sand is stockpiled in the North Haven area, one will see more sand blowing than one can poke a stick at. At the moment, there is severe disruption to people's lives from the residential development in the harbor, where sand is being blown.

Mr Lewis: Just as well they don't live in the Simpson!

Mr PETERSON: If people choose to live in the Simpson Desert where they can anticipate that happening, that is their right, which I do not dispute. However, if people live in a residential area that they beautify with shrubs, trees, and the like, they do not accept such disruption to their lives. They have accepted this as a passing problem but, if sand is stockpiled in the area, there will be a revolt. The coast protection people will disappear into the distance, and that would be a sad thing, as it would affect their standing in the community. Those people have been doing a good job. In the Minister's response, I invite him to comment on the proposals involving a store of sand offshore, compared to the unnacceptable proposal to stockpile it onshore.

I have no objection to the legislation, but I question the need for the extra provision as contained in clause 21a. I remember, on several occasions, questioning the legality of the removal of sand from beaches over the years, because some beaches are under the care and control of the council (from Marine and Harbors and, particularly in my district, the Department of Lands). It is a while since I have made inquiries about the matter, but all the responses I have had say that the Coast Protection Board has been legally within its rights to take sand. If that is the case, why do we need this clause to clarify the matter?

If the current legislation has been legal until now there seems to be no need for this clause to be introduced. I am also concerned about the clause involving liaison between the coast protection people and councils: will it give the coast protection authority any more power or will the established system of liaison with councils and residents be maintained? It is very important that people are aware of what is going on and that they understand and accept it. If there is to be a temporary disruption to their lifestyles while sand is being carted, that must be explained clearly to them so that they will accept it.

I entirely support the idea of a warden. However, it seems that the warden will come from local government, which will need to supply personnel to look after certain aspects of this legislation, as in the case of the Dog Control Act and the measure relating to backyard burning. I do not dispute the principle, because we have wardens in some areas. However, someone has to pay that person who will function in a local government area, and I wonder whether at some stage local government will be able to supply such a person without employing extra staff at an extra cost to ratepayers. For instance, in an area such as Port Adelaide the appointment of a warden would be of no use, because the sand would be relocated on a southern beach. It would impose a cost on Port Adelaide, and that would not seem justified. I would appreciate the Minister's response to that point.

Mr LEWIS (Mallee): The substance of my remarks relates to the general thrust of this measure and to clause 8. First, I refer to the Minister's second reading explanation of 28 February, and will quote from the part inserted in *Hansard* by leave of the House, as follows:

> In some cases restricted area signs and fencing are ignored altogether. A particular problem has been with the use of motor bikes in dunes. The Board has experienced considerable difficulty in enforcing the restricted area provisions of the Act. Although the Act in its present form does not preclude appointment of persons who may assist in policing restricted areas, such persons would not be empowered to act beyond their capacity as ordinary members of the general public.

That means that they are only entitled to exercise powers of civilian arrest, which is a bit ridiculous really. Why appoint them in the first place or why even leave the capacity in the Act to appoint them? The Government should make up its mind about that. The explanation continues:

> Offenders would not be obliged to comply with any request which is made by such persons.

In the next paragraph of that speech, it is stated:

> To overcome these limitations the Bill provides for the appointment of wardens to assist the Board in carrying out its duties to investigate alleged breaches of prohibitions and restrictions applying to a restricted area, to prevent or terminate any breaches of such prohibitions and to lay complaints alleging commission of offences.

I agree that there is a necessity for restrictions to be applied. I agree that the use of motor bikes and moon buggies (those three-wheeled outfits from which fools seem to be incapable of being dislodged: they are very safe in that respect, unless they decide to drive them on the ceiling or up the wall)—

Mr Trainer: I got lost in your syntax.

Mr LEWIS: I was talking about the way in which people otherwise incompetent to control a motor vehicle seem to be able to control and remain mounted on a moon buggie. That is unfortunate, because they become the means of carriage across large parts of very fragile environments in this State. These environments are to be found particularly in the fore dune systems around our coastline, especially around the gulfs and elsewhere where there are no immediate onshore wave actions causing cliffs, but there is a graded sandy beach.

My concern is that that practice is very undesirable, very destructive and ought never to have been permitted in the first instance. The people who are largely engaged in it think merely of their self-gratification and pleasure, completely ignoring the fact that the environment through which they are driving the vehicle in question is incapable of even short run duration, let alone impact of an enduring nature. That kind of activity ought not be permitted anywhere on fragile fore dunes. Sand is known to have very poor soil structure and, therefore, it cannot withstand that kind of crunching.

That structure is very quickly destroyed and vegetation upon the sand is easily killed by that kind of activity. In consequence, the sand is left exposed to the action of wind, in particular, and water to a lesser extent in most instances. I am not saying that I have any precious attachment to the particular form of a fore dune or section of fore dunes along our coastline or any coastline in the natural circumstances around the world, because I well appreciate that they are features of the total topography which are very dynamic.

They in no way compare with mountain ranges or tomboloes. Tomboloes are a less enduring feature than fore dunes. However, they do move and are constantly on the move in their natural state. There is no question about it: human activity in the Coorong area prior to European settlement meant that there was constant movement of sand, even in that vicinity.

Whereas the member for Hanson explained quite properly in great length the problems that have arisen along four or five miles of coastline frequented by a large number of people who live in metropolitan Adelaide and he explained also the origins of those problems, I want to draw to the attention of the House the problems that exist along not four or fives kilometres of coastline but along more than 200 kilometres of coastline in my district, and along the whole South Australian coastline in general. The consequence is identical. Man must get off and stay away from fore dunes with buildings and permanent development and any other activity which tends to destroy the fragile soil structure and the ecosystems of vegetation and the animals that live within it.

There is nothing wrong with vehicular access along a beach where the beach is covered by high water at some point during the course of the lunar month, the cyclical height to which flow tides rise at some point according to the pull of the moon when it is full. That is quite okay. I have never seen that do enduring damage of any kind that

I would be concerned about. However, I am concerned at the damage which is done by people who do not understand what they are doing when they get beyond the highwater mark up into where some people say the real fun is. Damn it, it may be fun for them, just then, but it will not be for many people for long or for them for long on that particular location if they keep it up. If it cannot be kept up in perpetuity then any such activity ought to stop forthwith.

I quoted a continuing section from the second reading explanation, wherein it referred to wardens, for a deliberate reason: I can see no reason why we cannot appoint a system of honorary wardens around South Australia. It is otherwise impossible for us to ever police and assist in the education process of the public in the behaviour which is acceptable and can be continued in perpetuity in those fragile environments to which this measure addresses itself in no small part.

We use justices of the peace who are paid very minimal sums, if any, for a large number of very responsible jobs relating to the exercise of the law where the citizen's rights are paramount: statutory declarations, and the like, can be witnessed by justices of the peace. Such justices in recent years only, but prior to that with no training whatever, have sat and do sit on the bench. They are men and women not of ignorant ill will, incompetence, lacking in intellectual capacity and intelligence; they are deliberately and carefully selected, recommended and appointed in much the same way as other cultures appoint tribal elders or other people with particular responsibilities.

I see no reason why it is not within the competence of this Parliament and any Government to place a like trust and a like responsibility with people who would be willing to accept that trust and responsibility as honorary wardens in capacities to enforce the law where it relates to this kind of measure. It seems to me utterly ridiculous for us to simply say that we must pay someone before their work can be relied upon as either worth while, valid or competent. It just does not work that way. I do not think that payment of musicians in a band necessarily means that they will perform more effectively and in greater harmony than non-payment. There are ample examples of community bands in this State and the nation to illustrate that point. So, the competence with which people discharge responsibilities given to them to work in harmony with others and to do a particular job is not necessarily related to the fact that they receive any remuneration for their service.

I think it is regrettable, in this present day and age, that we therefore say that because we have to pay them we would otherwise not appoint them and that, flowing from that, we have insufficient money to pay enough to do the job and therefore sufficient numbers are not appointed and the job goes undone, even though there are hundreds of people out there competent and willing to do the job. That is regrettable, it really is, because it simply means that the fragile environments to which this Bill addresses itself, and what is more, the way in which we can protect them, are otherwise unnecessarily and ridiculously restricted. That is the substance of my concern about the first part of my remarks.

The second part of my remarks relates to the way in which we might be able to more effectively sanction this undesirable behaviour and send a message to the fools who cannot or will not or have not understood the damage they do when they take off-road vehicles into such fragile environments and/or otherwise conduct activities which are capable of enduring impact on those environments. Clause 8 provides:

Section 34 of the principal Act is amended by striking out from subsection (5) the passage "fifty dollars" and substituting the passage "two hundred dollars".

If I had my way, I would send a message to the general public from those of us who have had the good fortune or the common sense to understand that valid scientific evidence means that these environments cannot withstand such stupid actions as would require them to be punished if they were caught doing it: I would simply substitute for '$200' the figure '$2 000'. I would also personally like to see any equipment or vehicles used by anyone engaged in such activities and committing a second offence confiscated. By that means we would get the message across.

I view it so seriously as to stand here and say what I now think, recognising that it will attract a great deal of criticism from a large number of people whom I might otherwise have happily left peaceful and unconcerned by my concern. I am committed if for no reason other than to raise it in this place in this way because we all know, or we should know, that once a sand dune has gone, it will not return in a lifetime or several generations; it has gone for good. What is more, there is a great deal of damage being done at present as the number of off-road vehicles and the people using them proliferates at an increasing rate in those areas of coastline in my district to which I have referred. I know of one case where fore dunes have been damaged by this kind of activity and it is inevitable now that a dwelling will go under the sand.

The sand is drifting as a result of damage to that vegetation. Although the environments are dynamic, they would never have moved that mass of sand that fast. The soil of the locality would not have moved at the rate at which it has moved and is still moving had it not been subjected to that kind of activity. It must be stopped.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I thank honourable members for the consideration that they have given this important measure. I will comment briefly on certain matters raised by each of the speakers in the debate. First, I make clear to the shadow Minister in this matter (the member for Murray) that there has not be a conscious review of the legislation for 12 years issuing in a report. I realise now that the words used in the second reading explanation had a degree of ambiguity about them. That explanation states:

This Bill amends the Coast Protection Act, 1972. It gives effect to changes that arise from a review of the operation of the Act over the past 12 years . . .

What is intended by those words is that the Act has been going for 12 years and so it was thought reasonable, within the last year or so, by the Board and the officers of my Department that after that span of time there should be a review of its operation. I appreciate that the other interpretation of those words is reasonable, although I would have thought that the application of Ockham's razor would have come down on the side of my interpretation rather on the side of that of the honourable member.

There is no formal report of the sort that the honourable member had in mind, such as the Local Government Act Review Report, which came down some time ago. Basically, the results of those investigations are those that we have before us in this Chamber.

The member for Murray and the member for Semaphore raised the matter of the legality of beach replenishment, and the member for Murray said that from time to time there had been criticisms (I think he said 'challenges') to the Government's right, through the Board, to be able to carry on this sort of activity. So far as I am aware, however, no-one has mounted a legal challenge or, indeed, has threatened the possibility of a legal challenge.

The Hon. D.C. Wotton: I did not infer that.

The Hon. D.J. HOPGOOD: I realise that. It is also true that from time to time the Board has been satisfied that it is probably in a secure legal position, but there is such a thing as the Legislature putting a matter beyond all reasonable doubt. That is why we believe it is prudent to proceed along these lines at this stage. True, from time to time there have been criticisms of over-use of certain parts of the metropolitan coastline for source material, and there has been criticism of the mechanism used for obtaining this source material and the carting of it to its ultimate destination. We have tried to address those things as sensitively as we could. I place on record my appreciation of the attitude of the Mayors of the cities of Woodville and Port Adelaide. I have from time to time negotiated and talked with them and I have always found them understanding on this matter. In the Bill we are trying to put the matter beyond all reasonable legal doubt.

I echo the complimentary remarks of the member for Murray and other members concerning the members of the Coast Protection Board and the officers of my Department who service the Board. I agree with the member for Murray that possibly South Australia is in the vanguard in this matter. Queensland is probably the only State that has come near, in a less subtle and perhaps more brutal way, because it has been involved in a much larger sand replenishment programme. The origin of that programme is of interest to the House and is germane to my subsequent remarks. The problem arose as a result of the New South Wales Government's building a groyne at the mouth of the Tweed River, and the effect of that groyne, as is always the effect of groynes where there is long-shore drift, was to starve the Gold Coast beaches of the natural replenishment effect of the long-shore drift northwards, up the northern New South Wales coast and on to the southern Queensland beaches.

The result came early in the 1970s with costly storms and coastal damage that affected the Gold Coast. The only thing available to local government authorities at the time (save placing a gelignite charge under the groyne on the Tweed River, I suppose) was to get into a large replenishment programme. This they did, and I understand that that exceeds considerably, in cubic metres, what has been needed to be done along the metropolitan coast in South Australia. Our measure is more far reaching and has affected all parts of the coast, perhaps not so much in beach replenishment which has been largely a metropolitan problem as in terms of the facilities that have been provided in local government areas as far away as Denial Bay and other places .

The member for Hanson raised several matters. He talked about the loss of the beach at Glenelg North and the effect of rip-rap walling. However, the less resistant the material behind the beach the better, because that dissipates the wave energy so as to minimise scouring. So, rip-rap walling is very acceptable as a replacement for the hard standing sort of sea wall that was built in ignorance by our forefathers.

The best possible protection for a beach is the backing of a sand dune, and the aggressive type of replenishment programme at such places as Brighton is now producing some sort of a dune system to replace those dunes that we long ago buried under concrete and asphalt. The problem along the Glenelg North coastline, and getting up towards the West Beach coastline, has been the effect of the Patawalonga groyne, and replenishment is the only viable option there. I do not know whether the member for Hanson has visited that area in the last week. I was there last Wednesday and there was work in progress immediately north of the yacht club.

Both the member for Semaphore and the member for Murray raised the matter of the selection of wardens, and the member for Mallee also raised the matter of payment and whether the wardens would be honorary. I noted that he indicated that amateur musicians may be as competent in their trade as are the professionals. In a sense, all these wardens will be honorary because they will receive no remuneration over and above that which they currently receive. They will be officers of the Board or local government, members of the Police Force, rangers under the National Parks and Wildlife Act, or possibly inspectors under the Fisheries Act. They will be people, in effect, acting as wardens in their normal professional capacity, and that will be extended to this new responsibility.

There is nothing in the legislation to preclude the appointment of a retired person as warden and nothing that would enjoin upon me the necessity to pay that person to undertake those responsibilities. As I see it, the problem concerns not the payment or lack of payment: it concerns the matter of training of people who will deal firmly but sensitively with members of the public. So, if there are people in the community who fall into those categories, there is nothing in this legislation to preclude that from happening. However, we would expect that we would be largely appointing people who, in the normal course of their operations as officers of the Coast Protection Board or in any of the other categories to which I have referred, undertake a policing function and are aware that, when dealing with members of the public and telling them that they must stop doing what they are doing, the officer must do that sensitively but firmly as members of the Police Force have been used to doing for a long time.

Mr Lewis: And some National Parks and Wildlife Service blokes ought to.

The Hon. D.J. HOPGOOD: Indeed, I am sure they all do, as they are thoroughly trained in the jurisdiction that they undertake. The member for Hanson also raised the matter of Gulf Point Marina which I do not want to canvass in detail except to say that, as I understand it, a proposition that was looked at in a very broad brush manner on the piping of sand down the beachfront to Brighton is not likely to proceed. It would be subject to aesthetic objections, either because it will be left bare or because the beach would have to be disturbed in the laying of the pipe (if it was to be an underground pipe), and probably that would be politically unacceptable.

On the other hand, we have looked at the possibility, as a charge against the total project, of the piping of sand around the marina to ensure that the present problem which has been referred to by the honourable member and which I have identified, that is, the lack of replenishment at the North Glenelg and the south west beachs, can somehow be taken account of, and the natural replenishment, which was long ago interrupted by the Patawalonga groyne, being somehow, by some engineering feat, re-established.

The other matter to which I refer regarding the comments of the member for Semaphore is that of wardens. I have already indicated by implication to the honourable member that it is not expected that additional costs will be incurred by the appointment of wardens. The honourable member took as his illustration the matter of sand replenishment and the fact that that is, for the most part, of no great benefit to the northern beaches. I make two points in regard to that matter. In fact, one can have such a thing as too much sand on the beach, and I should have thought that some benefit would flow to the northern beaches by the removal of sand provided that it was done sensibly. However, the Coast Protection Act involves far more than sand replenishment, and I would hope that the council in his area would see other benefits through this legislation if in future it should be asked to pay for whatever accrues to it. The Coast Protection Board is involved in the protection of areas, the payment facilities, and so on.

This brings me to another matter raised by the member for Hanson. I am trying not to take the honourable members in chronological order but to aggregate the various topics that they raised. I refer to the West Beach Trust. The Coast Protection Board has provided a good deal of assistance to the West Beach Trust area over the years. This legislation advantages the West Beach Trust in many ways, and I give two examples. It does allow for direct grants to be made available to the Board which I understand are not available at present. The work is done and payment recouped from the Trust; so, direct grants would be available in the same way as they are now available to local government. Secondly, the West Beach Trust would have a seat on the consultative or advisory committee which operates under the Act and would therefore be in a better position to have a contribution to the development of policy in these areas. So, I believe that there is only benefit for the West Beach Trust and the coastline in general by what we are undertaking.

The only other matter to which I must respond at this stage was that raised by the member for Mallee in relation to the destruction of dune areas by moon buggies and other forms of wheeled vehicles. I agree with the honourable member: potential exists for a good deal of damage to occur and, indeed, some of that damage is going on right now. The honourable member would be aware that Governments have, over the years, looked at thorough-going off-road vehicle legislation, and it has been decided that that legislation would be very difficult to enforce and, therefore, probably impractical until acceptable off-road areas in which those people could do their own thing were set up.

I have had discussions with the Minister of Recreation and Sport on that matter, and it is proceeding. A couple of areas have been identified and, for all I know, some work may already have occurred on them. I know that one is in the Port Gawler area. The problem is often that these are reasonably remote areas. The honourable member may be aware, for example, that on land under the care and control of the Minister of Water Resources on Sir Richard Peninsula at Goolwa, adjacent to the Murray mouth, there has been a good deal of planting of marrum grass, fencing, considerable revegetation and recovery of dunes. However, that is an easy area to police, because it is adjacent to a settled area and it is possible for the authorities to act. Under this legislation they will be able to act rather more effectively than has been the case under the present Act. With more remote areas it becomes more difficult.

I will not delay the House by referring in great length to controversy in the honourable member's area over a management plan for a national park that has a very long coastline. However, clearly, those who drew up that draft plan (which is still subject to approval, or otherwise by the Government of the day) had in mind that, although they would agree with the honourable member that driving a vehicle along a beach subject to high tides from time to time is likely to do very little damage, there is an enormous frontage of dune area and policing becomes difficult where people want to drive at will from the beach up into the sandhills. They are the sorts of problems that one must keep in mind.

I agree with the honourable member that the penalties provided here are still inadequate. The reason for the amendment before us is to bring this penalty into line with that laid down in the National Parks and Wildlife Act. I give a pledge to the House that, when I bring in amendments to the National Parks and Wildlife Act (which I would hope to do within this calendar year), any upgrading of the penalties under that Act will flow on to this Act. In other words, the amending Bill would seek to amend not only the National Parks and Wildlife Act but also this Act as amended. I do not think at this stage that it would be prudent to push the penalties laid down in this Act beyond what is already contained in the National Parks and Wildlife Act. I thank honourable members for their consideration and look forward to the Committee consideration of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr BECKER: Will the Minister tell the Committee the amounts available to the West Beach Trust as applies to councils? Will he confirm the formula in relation to payments—whether it be a straight-out grant for works done in the general area, protection works, facilities, restoration or whatever? I believe a formula is set out, and it is not always 100 per cent payment. I seek this information, because I would like to have on record, for the benefit of the West Beach Trust and the Committee, the scale that is set down.

The Hon. D.J. HOPGOOD: I draw to the attention of the honourable member and the Committee the provisions contained in section 32 (3) of the parent Act. This section (as designated in the margin) deals with 'Contribution towards works to be performed by council'. Under the clause that we are considering, this will include the West Beach Trust. Subsection (3) provides that:

> The amount of the grant shall be determined by the Board subject to the following provisions:
> *(a)* where the works consist in storm repairs, the grant may cover the whole or any portion of the cost to be incurred by the council; and
> *(b)* in any other case, the grant may cover up to four-fifths of the costs to be incurred by the council.

Mr BECKER: The West Beach Trust has a pumping station to provide water to assist in the regeneration of natural grass along the sand dune area. I understand that the pump is not big enough to provide sufficient water to cover the whole of the area and that it needs to be upgraded. Will that type of facility attract a grant for assistance?

The Hon. D.J. HOPGOOD: Provided that the facility is within the defined foreshore area, it could attract a grant. The honourable member would be aware that the authority of all the local governments involved extends well beyond the foreshore area. Provided that the facility is within the defined foreshore area, which I understand is the case in relation to the equipment referred to, it would attract a grant.

Clause passed.

Clauses 4 to 6 passed.

Clause 7—'Planning Appeal Tribunal.'

Mr BECKER: Perhaps I should have referred to this matter when the Committee was considering clause 3. Will the Board now have the opportunity (as the Act provides) to oversee certain projects, such as the Jubilee Point project, for example? I understand that the bulk of the Jubilee Point development will take place out to sea, from the coast outwards. In other words, the project will involve reclaiming the beach and building on that beach, as well as putting in a boat marina, etc. Will the Board have greater access in overseeing that type of development? In this regard, the Minister may remember the construction of holiday chalets at West Beach, which I disputed: I thought that they were too close to the sand dunes. However, my question is whether this will give the Coast Protection Board a greater opportunity to oversee the development of that type of project and provide that, in order to protect sand dunes, for example, a project must be modified. Will the Coast Protection Board have greater access new because of this clause?

The Hon. D.J. HOPGOOD: Clause 3 allows for any part of the coast protection district to be a restricted area under section 34. So, in the absence of any special legislation that might override any of these provisions, that is the case. I

make that point, because, as the honourable member would know, projects as large as, say, the Jubilee Point project are often subject to specific legislation. There is no doubt that the provision in clause 3 will give a greater measure of control. Of course, clause 7 merely brings the time in relation to an appeal into line with what is currently laid down in the Planning Act.

Clause passed.

Clause 8—'Restricted area.'

The Hon. D.C. WOTTON: As was pointed out by the member for Mallee, the increase in the penalty from $50 to $200 does not seem to be very substantial. I should have thought that an amount larger than $200 could apply to this. Did the Minister consider making the amount larger? If not, why did he not choose a larger amount? Much has been said this afternoon and on many other occasions about damage that is caused by irresponsible people and, accordingly, I think that a figure must larger than $200 should apply for this penalty.

The Hon. D.J. HOPGOOD: As I have just indicated, we are, after all, laying down restricted areas in clause 3. We are providing for the employment of wardens, which may help us get over the vexed question of 'how you catch 'em', irrespective of the penalty that is provided. It is probably prudent to wait and see how the system operates. In any event, I reiterate what I said in my summary at the end of the second reading debate, namely, that I recognise that it is probably necessary to further upgrade the penalties. The Government intends to bring the penalties into line with those applying in the National Parks and Wildlife Act. When we amend that Act, which I hope to do in short order, we will then be in a position to further amend the provisions that we are now considering so that equivalent penalties will apply.

Clause passed.

Clause 9 and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (CROWN LANDS) BILL

Adjourned debate on second reading.

(Continued from 28 February. Page 3015.)

The Hon. P.B. ARNOLD (Chaffey): To all intents and purposes, this Bill is a re-run of a Bill that was drafted by the previous Liberal Government in 1982. The former Government intended not only to repeal the Crown Lands Development Act, the Land Settlement (Development Leases) Act, the Agricultural Graduates Land Settlement Act and the Livestock (War Service Land Settlement) Act but also to repeal the Marginal Lands Act, on the basis that it has now served its purpose and that only some 15 per cent of marginal lands in South Australia are actually under marginal lands perpetual leases. I shall deal with that matter a little later.

The Opposition supports this legislation, although we will seek to amend the Bill during the Committee stage in relation to the Marginal Lands Act. The Minister has set out the reasons for the repeal of the four Acts that the Government considers should be repealed at this stage, and the Opposition certainly has no objection to that. The reasons for repealing the Acts that the Minister has given are exactly the same as those given in relation to the Bill that was prepared in 1982. In relation to the Crown Lands Development Act, which provided the authority for the Minister of Lands to develop land for settlement of primary production, the point has been made that since no development has been undertaken for many years, and is not likely to be undertaken in the future, obviously that Act is superfluous in this day and age.

The Land Settlement (Development Leases) Act, which was certainly an important piece of legislation in its day and which played an important part in the development of agriculture in South Australia, authorised the issue of leases to the Australian Mutual Provident Society and other approved persons for the purpose of promoting land settlement on Crown lands. This was an extremely successful approach to the development of lands in the Upper South-East of South Australia. Not only did it bring that land into production, but at the same time quite a lot of development took place in the agricultural machinery field to bring that country into productivity. In the same way, the development of land on Kangaroo Island played an important part, from a secondary industry point of view, in the development of farm machinery, and this industry has a solid base in South Australia.

Much of the machinery developed during those years to bring this country into productivity is now being marketed in other major agricultural countries around the world. Similarly, the Agricultural Graduates Land Settlement Act was introduced in an endeavour to place agricultural graduates on the land at a time when there was a need to develop potential agricultural lands in South Australia. There is little potential for further agricultural development in South Australia, so quite obviously the Agricultural Graduates Land Settlement Act is no longer necessary and Governments are not likely to provide large sums of money to develop small parcels of land. The Livestock (War Service Land Settlement) Act was an Act that empowered the Minister of Lands to buy, sell and breed livestock and to dispose of their products. At the time it was a worthwhile and necessary piece of legislation. However, times have changed, and that legislation is no longer of any value to this State.

I now come to the crux of the legislation so far as I am concerned. This is, principally, the streamlining of the administrative procedures of handling land in South Australia. There is a great deal of expense incurred, not only by the Government, because of some of the archaic methods used until now and because of the procedures that have to be gone through by law. Not only is this an expense to the Government, but the time delays that can occur as a result of going through the various processes can result in considerable expense for the people involved in the transfer and subdivision of land. Any such delay in this day and age, with interest rates being what they are, can cost the people concerned large sums of money. That has certainly occurred in the past, and the cost to individuals in some instances has been extremely high.

I appreciate the point made about the Governor's position relating to this matter. I well remember the position adopted by Sir Mark Oliphant when Governor in relation to some measures. At that time there were considerable delays as a result of the Governor's attitude. At the same time, he made a valid point that was picked up by the previous Government and has been acknowledged by the present Government. That is an example of where we are streamlining procedures. We certainly do not want a streamlined procedure that will put at risk land dealings in this State. By the same token, we do not want a top-heavy system bogged down in bureaucratic hum-bug, as it has been described on other occasions. In the main, the Opposition has no argument with this legislation. However, we will seek to amend it by also repealing the Marginal Lands Act.

I refer to the position in 1982 when it was the intention of the previous Government to repeal the Marginal Lands Act. Its provisions apply to only 15 per cent of the area generally classified as marginal lands. It is no longer relevant, as primary production in South Australia has reached a

stage where no further differentiation between perpetual leases issued under that Act and perpetual leases issued under other Acts need apply. It has been generally accepted that any control deemed necessary over marginal lands should be applied to all such lands through general management laws. The Soil Conservation Act, Planning Act and South Australian Heritage Act all provide various land management controls supplementary to those provided in the Crown Lands Act itself and in leases issued under that Act.

The fact is that only 15 per cent of marginal lands in South Australia actually come under the Marginal Lands Act. I have lived all of my life in an area surrounded by the marginal lands of this State. The majority of agricultural properties in the area in which I live are made up of some Crown perpetual leases and some marginal perpetual leases, yet they are one property. Certainly, the farmer does not distinguish between which paddock is under a marginal perpetual lease or a Crown perpetual lease. In fact, the farmer treats all paddocks on his farm with the same degree of care. It is a rare instance in this day and age involving the type of management that occurred in years gone by and caused bad soil erosion. Present trends and techniques in dry land farming, which were largely developed in South Australia and are generally practised by the vast majority of farmers, have overcome many of these problems.

Whether or not a lease was a marginal lease or a perpetual lease had absolutely no bearing on whether or not a farm was well managed or whether certain paddocks on a farm were better cared for than others. I think that it is perfectly sensible and reasonable that all land that falls into the category of marginal lands should receive the same care and that there should not be a singling out of that 15 per cent of land currently under marginal lands perpetual leases under the Marginal Lands Act. I hope that the Government will look at this matter from a practical point of view and not have its view on this matter completely dominated by one or two persons who have probably not had much direct practical experience in marginal land farming. In fact, I venture to say that the two gentlemen I have in mind have had no practical experience in marginal land farming whatever. I trust that the Government, in looking at the amendments I put forward, will not have its view clouded by the attitudes expressed by the persons I have in mind.

Farmers are a responsible section of the community, and it is quite absurd to think that a farmer today would destroy his asset now and for future generations by treating a marginal perpetual lease any differently from the way in which he would treat a Crown perpetual lease. The Minister might suggest that, if he agrees to this, then the farmer or the lessee would have the immediate right to make application to freehold that land. The sooner the owners of the leases are given the opportunity to freehold, that will overcome another problem with which the Minister is confronted—that is, the vast number of leases in South Australia that have a very small rental fixed in perpetuity on them.

It is far more desirable that the Minister agree to the freeholding of this land and that he let the protection of that land be governed by the present legislation, which quite adequately copes with this situation, providing for the care and control of land and ensuring that degradation does not occur. I have always had a fear that the present Government will look at those leases that were issued with fixed rents. There is no doubt that the Government of the day, if it has control or the numbers in both Houses, can do virtually anything.

A number of people in the farming community have this fear about what the Government might have in mind for them in the long term in relation to these very low rentals. I appreciate that it costs the Government of the day something like $25 a year to service each lease. However, if the Government has in mind any thoughts of legislating to change the basis of the leases that have been in place since the last century, it should come out and state its intention.

I believe it is high time that the Marginal Lands Act is repealed, that leases under that Act become part and parcel of the Crowns Lands Act and that the lessees involved should be given the opportunity to freehold their land. At the moment, they can freehold half their property because it is Crown perpetual lease, but they cannot freehold the other half of the property, which is marginal perpetual lease. That is an absurd situation. I do not believe that the Marginal Lands Act provides any real purpose in this day and age. The agricultural lands in South Australia can be well protected under existing legislation.

Mr LEWIS (Mallee): I agree with all the remarks made by the member for Chaffey, and I especially emphasise his last sentence. In addition, I draw attention to those four Acts that are to be repealed in the event that this Bill passes. In its present form it is quite likely to pass, wherein those four Acts will be repealed. The first is the Crown Lands Development Act. As stated in the second reading explanation, it simply gave the Minister of Lands the power and authority to develop lands for settlement for primary production.

I lament the fact that it is being repealed. I do not deny that it is no longer necessary for the Minister to involve himself in the conventional development of what was referred to as native bush to bring it into agricultural production in the traditional sense. However, that Act and the next Act taken in concert would have been able to provide for the development of particularly unique aspects of primary production in South Australia.

I now refer to aquiculture in general, and the subset of science called mariculture in particular, although not to exclude other aspects of aquiculture. Whilst I lament the passing of these two Acts, although these may go in their present form, with my own effort this might result in the drafting of a Bill which would enable a large corporation like the Australian Mutual Provident Society in conjunction with the Government to develop a significant area of land just above sea level, if above sea level, for the production of oysters, or any other—

Mr Gunn: Within a national park?

Mr LEWIS: The member for Eyre poses a very interesting proposition, in that it would probably enhance the survival of the Coorong, especially in the southern lagoon (I am sure that it was the Coorong National Park to which he was referring). If one such development programme were undertaken at the southern end of the Coorong National Park now, out towards Tilley Swamp, there is no reason at all why a scheme there could not develop an industry worth $20 million-odd a year and generate completely new jobs in our economy.

It would not only enhance the population and prosperity levels in the general vicinity, but it would also make it more interesting as a tourist destination and enable the establishment of more of the appropriate facilities for tourists in that area. They would enjoy not only what could be caught from the sea at Long Beach but also what could be grown in the oyster reaches or other crustacean production that could be undertaken in those lagoons so created. In addition, they could walk it off during the day in the Coorong National Park taking in the sites there.

When such a scheme is introduced, the great benefit to the national park will be that the Coorong—the body of water—will not continue to increase in salinity in the southern lagoon, as is the case at present, to the point where it becomes a saline, eutrophic waste land, anaerobic and incapable of supporting any life whatever. It was never like

that. The Minister knows, and I myself have heard him say, that the Coorong is a very dynamic environment—the aquatic part as well as the topography adjacent to and above water level.

It is dynamic historically, because it is that appendage attached to estuarine lakes established through sand thrown up from the ocean on to its beach, preventing the flow of water from the river and the estuarine lakes out to sea. However, this created a long, thin marshland or body of water. When such rivers as the Murray and its tributaries flood they inundate their so-called coorongs. There are no other rivers elsewhere in the world that have such a long appendage, or coorong, as the one we have in South Australia.

We have substantially changed that by the way in which we have regulated the flow in the Murray with run off catchment storage, the lock system and the barrages. The barrages and other engineering features—innovations introduced for great economic benefit to the country—have nonetheless sounded the death knell to the Coorong. Other engineering features to which I have not yet referred are the drainage systems of the South-East. Those drains prevent water in the South-East from travelling in the natural north-westerly direction in which it used to flow, and now such waters from the South-East pasture lands (that used to be wet lands) find their way to the coast through the drains that were cut last century and earlier this century.

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

Mr LEWIS: Prior to the dinner adjournment, I explained how I believed that, of the four Acts to be repealed by this Bill, the first two would have some effect on the capacity to introduce and establish a new industry in South Australia under much the same type of terms as those two Acts would permit. I pointed out that I believed that I might then have the opportunity in due course, and soon, to have a Bill drafted and presented to this House by which it would be possible to do that.

The vicinity to the south of (and it is part of) the Coorong southern lagoon would make an ideal location for the development of aquiculture. The species chosen would be those that are normally referred to under that subset of aquiculture called mariculture: not freshwater species, but saltwater species. The most profitable and pre-eminently suitable of these would be the North Pacific oyster, which grows faster than the oyster which is indigenous to the rivers of the eastern seaboard and is regarded by most gourmets as more acceptable.

This legislation would have enabled that to be done in the same way as the Australian Mutual Provident Society developed land under the terms of the Land Settlement (Development Leases) Act, as a substantial corporate interest with large sums of capital could invest that capital in conjunction with many probably unemployed who, properly psychologically and vocationally selected by a process of personnel examination, could go there with their families and do something of the sort that was done under the terms of the AMP scheme on the dry land to which that scheme was applied a few decades ago.

By doing that, we would introduce an industry worth about $20 million to South Australia. There is no reason why that could not happen: it is a matter of the Government's implementing enabling legislation and getting the parties together—the individual citizens who want to work in the co-operative effort and the development of the scheme who will then ballot for the oyster reaches after it is completed, as well as the corporate interests with money to invest in the project, taking compound interest on the capital so invested for the duration of the development scheme and being repaid over a long period (say, 20 years) in the same way as the AMP Society was repaid for its contributions to the development of those lands in the South-East of South Australia and across the border (Telopea).

I make the point that that would be of great benefit to the southern lagoon of the Coorong because it is becoming an increasingly saline and ultimately dead part of the environment (that is, the wet environment will die, as will all the species and birds that depend on it). Anyone involved as the corporate partner would have to be given Government approval to sink a number of culverts, simply, easily and inexpensively, through Younghusband Peninsula. The culverts would be 2 metres or 3 metres in diameter where the entrance points were below low tide levels so that they were not affected by tidal turbulence (that is, the entrance points of water from the Southern Ocean off Long Beach to the west of Younghusband Peninsula). The water would then flow at high tide through those culverts through the one-way stop valve, on the inner end of them, into a catchment lagoon from which, at shallow depth, it would be warmed. The tidal food produced by the algal flor and other detritus and organisms in the water would be enhanced by that increase in temperature in the shallow lagoons, and then it would move through the channels between the causeways in a sheltered environment far safer and more secure than any other oyster producing areas in this country and, where I have seen it, it would be equal to the best in the world.

The only risk would be in those few years (once a century or so) when such heavy flooding in the Murray River resulted in a slug of water building up in the Coorong and preventing the tidal flow from bringing in fresh salt water for such a time as would have the oysters starve to death. That would take about seven months, and it is unlikely, on my reading of the logarithmic interpretation of the flow intensities in the Murray River system, that that would happen more frequently than the so-called 1 000-year flood. It may otherwise happen because of the wide variety of climates of the Murray River catchment areas and its tributaries, which extend from the Darling Downs, through the Australian Alps in north-eastern Victoria, not overlooking the Campaspe, in the Western Districts of Victoria.

All that could have been facilitated by the two Acts to which I have referred. Now they have gone and something must take their place if it is to be able to happen. It is in South Australia's interests that it happen. In part, I lament the passing of those Acts and I serve notice that I intend to ensure that such a project will be possible in future.

Looking at what the second of these Bills (the Land Settlement (Development Leases) Act) has done for South Australia: only recently a book entitled *Bush Battalion,* was commissioned by the AMP Society, the authoress being June Fergusson. The book was launched last November at ceremonies held in Keith and in Adelaide. It has been universally acclaimed by those having anything to do with land settlement schemes, such as were facilitated by this Act, as an outstanding historical document, easily read and accurate in detail.

I pay a tribute to the AMP Society not only for what it did under the terms of this Act but also for the way in which the history of service to the Australian community by that great Australian company, the AMP Society, was done. June Fergusson has virtually lived with that story, in the development of her brief and initial draft, for over a year. She has done a tremendous job. She happens to be well known for her outstanding work with the *Stock Journal.* As Promotions manager, she edits the *Stock Journal* magazine section and handles special features. She also manages a city-country promotions company which is a subsidiary of the *Stock Journal* and has many clients, including the Stud Merino Sheep Breeders Association. She is a tremendous woman who has done a great job.

Bush Battalion is an appropriate title, because in the main it refers to the returned soldiers from the Second World War who were given the opportunity to make a life for themselves by joining a partnership, as it were, with the AMP Society and some of their fellow citizens who had served in one of the three services during the war. Large areas in my district, many times larger than the total of the greater metropolitan area, have been developed and brought into production under the terms of that Act, which we are about to repeal. It has been, without exception, to the enhancement of the living standards of all South Australians in particular and Australians in general that the legislation that we are about to repeal was enacted in the first place to enable such a scheme or schemes (if we look at them on a location by location basis) to be developed.

At the time *Bush Battalion* was launched, detailing the history of those schemes, some very relevant remarks were made by the eminent dignitaries who were present on that occasion, in the Keith Golf Club and here in Adelaide. I think it was almost a case of a mutual admiration society, but with just cause. During the course of her remarks, June Fergusson said of the men and the women who were a part of those programmes (those AMP schemes):

> They were young, keen, energetic and worked extremely hard. Their wives deserved medals. The young women cheerfully supported their husbands while living in isolation from their families under very primitive domestic conditions.

There is no question about that. It was not only the AMP scheme in which that occurred. Much of South Australia's rural land was developed by people willing to suffer those privations over the years since European settlement of this part of the continent.

Other speakers that day included John Dingle, South Australian AMP manager, and Bert Taylor, who is a district councillor and Keith business man and farmer, one of the original settlers. Mr Stuart Spencer, who responded, said in part (and I am quoting from the *Stock Journal* of 29 November 1984):

> The scheme gave us all a chance to be self-employed and do what we wanted to do. I have greatly enjoyed what I have done for 80 per cent of my time, and not too many people can say that.

Stuart is the sort of man who never says anything he does not mean; nor does he leave unsaid things that ought to be said. He is prepared to make statements which are as informative and entertaining as they can otherwise be controversial.

At the launching of the book here in Adelaide, the Minister of Agriculture (Hon. Frank Blevins) said:

> It shows what brought the project together—

speaking of the book—

> how it came together at the appointed time to give South Australia a large area of agricultural production which it will now always have.

I was amused, of course, at the term by which he referred to June Fergusson in the course of his remarks. However, I suppose that is an aside and not entirely relevant to the Bill, so I will leave that. I am very impressed, and I think all South Australians at this point ought to recognise the outstanding contribution which this Act of Parliament has made to their welfare. In repealing the Act and bringing down the curtain upon its function, we ought not to overlook that.

It is of interest to me, of course, that not one person on the Government's benches for at least two decades has had any involvement with and work on these kinds of schemes (facilitated by any of these Acts) as somebody chancing their arm, using their wits and applying themselves, in the course of doing so to provide a future for themselves, their families, children, grandchildren and beyond. I think that is a commentary, as much as anything on the mores of honourable members opposite. They tend to take for granted the necessary confidence, faith and courage and straight-out guts that taking those risks really requires, and make the statement rhetorically in public meetings too often that farmers are extremely wealthy and unjustly fat, parasites on the rest of the community. That is what I have heard them called by some members opposite. They would like to see farmers dispossessed of their land entirely so that it would be—

The Hon. D.J. Hopgood: What would we do with it?

Mr LEWIS:—simply owned by the Crown and charged rent for its use, believing of course that that is a fairer way to decide who should do what, not taking into account for one moment the consequence of that notion. The Minister who interjects looks amazed and hurt, and I agree that he would be one of those people from amongst the ranks of the Government who would see that proposition for the stupidity that it is. However, the not long since departed former member for Elizabeth would have no compunction about expressing those views.

The Hon. D.J. Hopgood: Did he ever express them?

Mr LEWIS: In public, but not in this place.

The Hon. D.J. Hopgood: When?

Mr LEWIS: When I heard him speaking at the Adelaide University, on the lawns in front of the Student Union building one Friday when I was a student there myself in the late 1970s. I was amazed and appalled that anyone in such a position of responsibility could demonstrate such outrageous opportunism or ignorance—either or both; he could choose whichever.

The Hon. D.J. Hopgood: Why was it opportunism?

Mr LEWIS: Because he was talking to an audience of naive though sincerely interested impressionable minds. The third Act that we are going to repeal is one about which I have some feeling, of course, because it refers to those who have graduated from Roseworthy Agricultural College or other similar institutions of tertiary education. It is called the Agricultural Graduates Land Settlement Act, 1922. I do not know that it ever got any great number of graduates from Roseworthy on to the land, but it certainly had good intentions and acknowledged the capacity which those graduates of the college would have to contribute to improved farming practice.

Wherever they went, regardless of how they came to find their way into farming, graduates from that institution (which, by the way, is the oldest agricultural college in Australia, and I think in the Southern Hemisphere) made an impression wherever they went. Whilst the Act itself did not seem to be of great significance, the institution to which it referred certainly has been. The number of graduates who found their way on to the land under the terms of the Act was fairly small—I am not sure, but it might be about a handful. I have not done my homework thoroughly enough on that. Maybe the Minister can tell the House on how many occasions the Act was used to enable a graduate of Roseworthy to be settled on the land.

Notwithstanding that, several hundred others, by other means, have been settled on the land and made substantial contributions to the development of agricultural technology for which this State is world famous in more than one sphere. It is not just rain fed dry land farming and grazing, but also in the area of irrigated horticulture, viticulture and oenology. Without the foresight of some of the earlier European settlers of this then colony in establishing that institution (just 102 years ago now, I think), we would not have been able to enjoy the benefits which it has conferred upon us, nor would the example which we set by establishing it in South Australia have been followed elsewhere in Australia.

Having expressed my concerns, in addition to those matters that have been spoken of by the Opposition's lead

speaker on this topic, the member for Chaffey, I conclude the remarks which I wanted to place on the record about the measure. I want to underline exactly what the honourable member said and to support his proposed amendments wherein we not only change or abolish those other kinds of leasehold lands but also do away with the necessity for the retention of so-called marginal leases as a particular kind of title. I see no value whatever in that. It is possible to regulate the practice of what can be done on the farm with animals and crops (if such practices are detrimental to the long-term survival of farm and farm lands) without needing to retain this category of leasehold. It is a waste of time. The bottom line really is that I sincerely wonder whether the Lands Department *per se* now continues to be a necessary part of the South Australian Government bureaucracy.

The Hon. TED CHAPMAN (Alexandra): I understand that the member for Eyre is keen to address the House on this subject. Whilst he is located by the member for Victoria, I will make a few remarks in support of my colleague the shadow Minister of Lands. Earlier today he indicated the Opposition's support for the Bill. Unfortunately, I was absent when the debate commenced, but I am aware of his intentions and the matters which he canvassed in the meantime, more particularly the repeal of those Acts that have become obsolete.

I am pleased that the Government has at last seen fit to take off the Statute listings those Acts which are simply cluttering the shelves of the respective departments. However, the Government has a long way to go to match the efforts of deregulation in that regard performed by the previous Government.

The Hon. D.J. Hopgood: You've got to be joking!

The Hon. TED CHAPMAN: Following the Minister's interjection, I remind him of a single Bill introduced in the Parliament which sought and managed successfully in the one Bill to repeal some 32 Acts. From what I can ascertain from the Library, that is a record in Australian politics. I am pleased that a short time ago my private member's Bill was introduced; although it embodied the intention of the previous Government, time did not permit us to put it through before the election. We therefore gave it a fly after we came to Opposition. In all fairness to the Minister representing the Minister of Agriculture in another place, he gave the right instruction to the Labor Party and it supported the repeal of those 32 Acts. So, it can be done and has been done, and I commend the Government for its efforts to repeal these several Acts also.

It is a coincidence, but worthy of mention that, while members were talking about marginal lands and their ultimate tenure earlier today, I was a witness to discussions about live sheep exports from those marginal lands.

Members interjecting:

The DEPUTY SPEAKER: Order! The Chair is finding it difficult to listen to the intelligent remarks of the member for Alexandra.

The Hon. TED CHAPMAN: Thank you, Mr Deputy Speaker. I was referring to the produce that comes from the outback marginal areas, particularly the marginal pastoral lands, from where we draw our live sheep for the all important export industry. Ironically, whilst the shadow Minister was addressing that subject this afternoon, I was in attendance at a Senate Select Committee meeting in Adelaide to consider that same subject. The Committee was hearing witnesses from the Saudi-Australian Livestock Transport Company; in particular a partner in that outfit was before the panel giving evidence in protection of his industry—indeed, in defence of a persistent attack that has prevailed in this country from animal liberations.

I was more than interested to hear a response from Senator Georges, chairing that meeting, that it was a real and important component of the Australian sheep industry that the continued opportunity to export live sheep to Middle East countries was in their interests as recipient importers and, indeed, in our pastoral interests as an avenue for unloading aged sheep surplus to our domestic market. I was further impressed by the submission made by the Arab panel. It was able to negate the allegations made by the animal liberation group over the period. The Senate Committee acknowledged that difficulties being experienced in the tranport of livestock from this State and others to the Persian Gulf States have been largely overcome.

I hope that the National Party, Liberal Party and ALP members on that Senate Committee will continue to recognise the importance of the industry and report accordingly. I understand that the report is expected in about June this year. The member for Eyre has finished his other Parliamentary duties and returned to the House. I will therefore delay further remarks on this subject and await his contribution. I conclude my remarks by supporting the comments made by the member for Chaffey, our shadow Minister of Lands, along with the contribution of the member for Mallee, and support the Bill.

Mr GUNN (Eyre): I will not take a great deal of the time of the House. First, these measures should have been repealed a considerable time ago. The previous Government had in train action to repeal these matters and also go further, which would have been not only appropriate but also correct. It appears that the Minister has again come under the influence of Dr Coulter and Mr Sibley who, from time to time, get in his ear. They may be pleasant gentlemen—

The Hon. D.J. Hopgood: Of course I talk to them; don't you?

Mr GUNN: They do not seem to be on my visiting list these days.

The Hon. D.J. Hopgood: I am sure that you are the poorer for it.

Mr GUNN: I am sure that they would gain a little wisdom if they conversed with me on these subjects. I make that comment because, in my judgment, the amendments to the Crown Lands Act are long overdue, as they would allow people to transfer or mortgage their leases without obtaining the Minister's permission.

I will comment on the matters canvassed by the member for Chaffey in regard to marginal lands. A large percentage of marginal land is in my electorate, and these lands are farmed in conjunction with other Crown leases or freehold properties. There is no reason why the Marginal Lands Act should not be abolished and why these lands should not all be under perpetual leases. In my judgment, common sense dictates that course of action, and appropriate safeguards can be provided under other Acts. Adjoining much of the pastoral lands in my electorate is a considerable amount of land that is under miscellaneous lease. While we are discussing these matters, can the Minister say what plans he and the Government have in relation to these miscellaneous leases?

I had the opportunity to read a report that examined unallocated Crown lands on Eyre Peninsula. I have no doubt that that report was brought into existence because of the representations that I had made during the time of the previous Government to try to get a bit of common sense to prevail. We were just about down the road. However, these greenies, and others who suddenly have become knowledgeable in these subjects now want to put their beaks into things that they know little about. Some of the officers of the department have a bit to learn, although I will not go into that any further at this stage. However, I am sick

and tired of it. I spent a considerable amount of time this afternoon arguing against those people at another forum.

I want to know from the Minister exactly what he intends to do with those leases. People have held and managed those leases very well for a long time. I sincerely hope that those leases will not be arbitrarily removed from them, and that those people will be able to renew and develop those miscellaneous leases as they see fit, taking into account the necessary protective measures. I am looking forward to the Minister's response to this matter. I believe that the most appropriate form of land title for land is freehold title and that all steps necessary should be taken to allow people to freehold their properties at a reasonable rate. All those people who currently hold miscellaneous leases should be able to freehold them for the 15 per cent of unimproved value, the same as applies to people holding Crown perpetual leases.

I want to make one other comment. I know that the Minister has instigated considerable work on the Pastoral Act. I hope that those deliberations will see the light of day in the relatively near future, that proper protection can be given to pastoralists and that more secure titles can be given to them so that they can set about developing their properties knowing full well that they have security of tenure. That will allow them to arrange long term finance to achieve those aims.

The development of South Australia basically has been carried out by the family farmer. The only way that he has been able to raise the necessary finance to carry out such development has been to mortgage his land title. Therefore, in my judgment, it is essential that the land title system keep abreast of modern trends. I do not think that today is necessarily the time for the Minister to consent to mortgage or transfer because under law there are various protections available to make that unnecessary.

I hope that when the appropriate time comes and we are considering improvements to this measure that have been put forward by the member for Chaffey the Minister will consider them favourably. It is not necessary for me to say anything other than to strongly urge the Government to allow people who currently hold marginal perpetual leases to convert them to Crown perpetual leases. I also strongly urge the Government to allow those people on Upper Eyre Peninsula who currently hold miscellaneous leases to give them an undertaking that they will be able to continue to occupy those leases well into the future and that they will not have them taken away from them when they expire. I will not delay the House any further. I support the Bill as far as it goes, although it does not go far enough. I hope that during the Committee stage the Minister will give proper attention to the matters that I have raised.

Mr RODDA (Victoria): I do not have any points of great moment to make, apart from making some historical references. It is a longer time than one cares to remember when the Livestock (War Service Land Settlement) Act now proposed to be repealed was enacted. That empowered the Minister to do certain things in regard to purchase of livestock, apart from selling and breeding livestock and disposing of their products. I was privileged to be one of the agricultural officers in the Department for eight years during the administration of the War Service Land Settlement Scheme in the South-East. The provisions of the Act were exceedingly successful. I do not think this occasion should pass without my giving some credence to and expressing my appreciation of what that Act did.

The soldier settlement estates were purchased at Pareen, Mount Schank and portions of Eight Mile Creek. There were verdant pastures in what one of the senior officers (Mr David Walker) used to call four season country. The stock consisted principally of Friesian heifers that were purchased from the Murray Flats and at the day-old calf sales around the State. There was also a preponderance of Jerseys and the Illawarra shorthorn. An excellent herd of animals was built up as these heifers were mated. Of course, this development coincided with the allotment of properties in the South-East. I am not sure, but some may have gone to Wanilla and other areas, while, apart from house cows, other settlers on those properties may have had just a few cows to assist them. This was a very cogent and valuable asset for those settlers.

I know that some of the very many settlers are now looked on as quite successful old graziers in the South-East region, some of whom have now sold their properties. One I can recall was Mr C.J. Williamson, OAM, who gave many years of distinctive service to the Naracoorte District Council and who was a very successful grazier. He got his start from this scheme. Throughout the region there were many dairies comprising a valuable asset, and the animals on these farms were bred from the best herds in the State. The bulls that were brought in for mating were also some of the most valuable and highly productive stock in Australia. Their lines were bred on, and I suppose it would be safe to say that some of the most valuable dairy herds that we now have in the South-East and across the border were given that great infusion of blood due to the war settlers scheme. We can recall now in 1985 that that scheme was mooted in 1946, so it has now served the State for 40 years.

I do not think that the Minister would want passed this Bill which provides for the repealing of an Act that did so much for the dairy industry without some comments being made about it. It has had a rather explosive aspect in Victoria recently. The Holstein or Friesian cow has been developed, and originally those female calves could have found their way into ham and shrimp paste, and that sort of thing, had it not been for the sort of era that occurred in the South-East. It is something that should be mentioned and that should be put into the annals here upon the occasion of repealing the first enabling Act.

The other Act involved was the Agricultural Graduates Land Settlement Act, which encouraged graduates from Roseworthy College and gave them an opportunity to settle on the land. During my time in the Department I saw a few Roseworthy graduates who were on the land, and they did very well. That was a tribute to the Government of the day and to their Alma Mater. That Act, too, obviously outlived its usefulness. The AMP scheme also in the main was extremely successful. If one goes to Keith, where the desert blooms, one sees that those settlements are in a high rainfall area. North of the Dukes Highway they have problems, but there has been a rationalisation of land in those areas much akin to that under the Marginal Lands Act, which caused the merging of existing holdings. For instance, two holdings merged, followed by the merging of two, three or more properties, resulting in successful primary production in this area. This Act has been a remarkable achievement and will leave a lasting mark on the dairying and livestock industry.

The Hon. D.J. HOPGOOD (Minister of Lands): I commend this Bill to the House. Deregulation is very much the name of the game, although there are perhaps one or two things that I should point out. What seemed to be coming from honourable members in the House this afternoon and this evening was not so much an aggressive hymn of praise of deregulation but rather a valedictory to dear departed friends. We have had the member for Victoria and the member for Mallee saying what has been achieved by these pieces of legislation. With due process of this legislation through both Houses of Parliament we will see that legislation

depart the scene. However, I noted nostalgia in the voices of members opposite.

I point out that having matters like this on the Statute Book often does not involve anybody in any massive bureaucracy—these matters are just sitting around on the Statute Book. It is often irrelevant to a scheme of deregulation, as it affects the ultimate citizen, whether or not such legislation stays on the Statute Book. I have for some time had in my bag a measure relating to the Camels Protection Act. I think I am the only member of this House who has ever asked a question about that Act. If it is 10 years before we get around to repealing that measure, I do not know if that will matter much to residents of the North of the State or anywhere else.

I cannot resist mentioning that I had not realised until the member for Victoria rose to his feet that he was once a public servant. I always felt that perhaps he was a little more human than some of his colleagues, and I am sure that that experience in the Public Service is one of the reasons for that.

Members interjecting:

The Hon. D.J. HOPGOOD: Every law is made to be broken and there are such things as the exception which proves the rule. I will now pick up a few things said by honourable members during their remarks. I think that the remarks made by the member for Chaffey in respect of that famous incident involving Sir Mark Oliphant when he was Governor perhaps indicated the necessity for the things that we are doing here this evening. I think it was the honourable member who said in the course of his remarks (I do not think he meant it in this way, although it came out this way) that Sir Mark Oliphant objected to the attitude of the Government of the day.

The Hon. P.B. Arnold: The requirement of the legislation.

The Hon. D.J. HOPGOOD: That is precisely the point that needs to be made, because the Government of the day was doing only what the legislation enjoined it to do. Whatever the impact of these things is on people outside, if we can streamline procedures within the Public Service obviously we should do so.

I will return in a minute to the remarks made by the member for Chaffey in respect of the substantive matter he raised regarding the repeal of the Marginal Lands Act. The member for Alexandra talked about deregulation, but, as I indicated earlier, sometimes repealing an Act does not do that much and sometimes, when one wants to repeal an Act, one finds that there are reasons why it should continue in place. I was given the Sandalwood Act to repeal some time ago. I discovered that to do that would have left a particular species unprotected. The obvious thing to do was transfer that tree to the schedule under the National Parks and Wildlife Act so that it became a botanical species, could be protected, and the repeal could proceed.

The member for Alexandra was talking about the necessity for deregulation right after his colleague, the member for Mallee, suggested that perhaps we should not repeal those pieces of legislation, as they could still have some sort of use. Regarding the matter raised by the member for Mallee, (and I will not go into his whole lecture to us about the ecology of the Coorong), I must state that—

Mr Gunn interjecting:

The Hon. D.J. HOPGOOD: It did seem to stray from the matter that we were discussing. What I say with regard to his proposition is that there is power under the industries assistance legislation for that sort of project to be assisted if it can be justified on economic and environmental grounds. While dealing with the member for Mallee, I must say that I was interested in his reference to what I might call his hidden agenda for the Labor Party in respect of the ownership of land. He was suggesting (and I notice that he absolved me from this charge) that the Labor Party does not like the freeholding of land at all, is opposed to the freeholding of land, and that, if it had its way (if it had a majority in both Houses), people would be denied the freeholding of land and we would revert to leasehold and that sort of thing.

I make the point for the benefit of the honourable member that this Government has continued to freehold Crown leases. That is recognised by members opposite because, in effect, they are saying, 'Why cannot that same mechanism be available for people who hold marginal leases, as the Government currently makes it available to people who hold Crown leases?' I will return in a minute to the matter of marginal leases, but I make the point that Governments and political Parties are not to be judged on what one or two individuals might say but on what they do when in office, and in office we are allowing people to freehold Crown leases.

The member for Eyre raised various matters in respect of the Pastoral Act. I am not sure that I am within Standing Orders in responding, but I signed a letter to the honourable member this day and have included therein the text of a speech which I made to the Rangeland Society and in which I know he will be very interested. I have also indicated a couple of my officers to whom the honourable member might want to talk about these matters.

Mr Gunn interjecting:

The Hon. D.J. HOPGOOD: On the miscellaneous leases.

The Hon. D.C. Brown: You banned certain public servants from talking to the member for Eyre.

The Hon. D.J. HOPGOOD: I have suggested that the member for Eyre might find it more fruitful to talk to senior public servants who would be in a stronger position to tell him exactly what is going on in relation to this matter. The honourable member knows what I am talking about, and I think that he is pretty relaxed by the procedure that has been adopted. The honourable member also raised with me the matter of miscellaneous leases on Eyre Peninsula. He indicated that he has available to him (I do not know whether he got it through me, but certainly it is a public document) a report on unallotted Crown lands on Eyre Peninsula and, of course, the bearing that that has on some miscellaneous leases.

I say to the honourable member at this stage that there is no final Government decision on those matters but that the agenda is laid down in that report. If the honourable member would like to make representations to me as to the contents of that report, I will be only too happy to meet with him on that basis. However, there is no agenda at this stage beyond the matters addressed in that report.

The ultimate decision is a matter for the Government. I will be putting appropriate advice before my colleagues in due course. Finally, I come to the matter of the Marginal Lands Act. I put this matter in context. As the member for Chaffey would well know, the reason that the Government has not legislated in respect of this matter previously has been the vexed question of the marginal lands. As he rightly indicates, this is little different from a Bill that had been prepared when he was Minister, except in respect of the matter of repeal of the Marginal Lands Act.

As the honourable member and the House would know, this is a somewhat controversial matter. It is not a matter of one or two individuals jumping up and down. The member for Eyre mentioned a couple of individuals, but there is a substantial body of opinion outside that would urge caution on the repeal of the Marginal Lands Act. There is some degree of unanimity between this Government and that body of opinion outside as to the conditions that would have to be laid down for repeal of the Marginal Lands Act.

First, I think that everybody accepts that Governments have a right and responsibility to the condition of land, the

securing of the condition of land and the maintenance of the condition of land. The question is whether those controls should be exercised through the form of tenure or whether they should be exercised independent of the form of tenure. For the broad mass of the agricultural lands, Government—and I think this is now a bipartisan position—has accepted that it is no longer appropriate that controls should be exercised through tenure. Otherwise, this Government would not be encouraging people to freehold their Crown leases. However, in fact we are doing so, and we have accepted that for the broad mass of the agricultural lands other mechanisms are available to us under the Planning Act through soil conservation and all those sorts of things.

Mr Gunn interjecting:

The Hon. D.J. HOPGOOD: I have not finished. Please may I develop my argument in my own way. Of course, this refers particularly to the higher rainfall areas and more closely settled areas of the State. Going to the other extreme—and I know that the member for Eyre will probably disagree with me here—this Government accepts that in the pastoral areas of the State, notwithstanding that other pieces of legislation that are available for control, controls should still be exercised through tenure. That is why we oppose freeholding of areas like that and why we opposed the Bill that his colleague introduced into this place a little over three years ago.

It would seem that the marginal lands fall somewhere between those two extremes. As the honourable member has said, it is true that the actual area of the State addressed in this Act is only a small portion of what is now recognised as the marginal lands. It is also true that the marginal lands, in terms of their aridity, their general condition and the sort of use that is made of those lands, stand somewhere between the sort of land use and climatic conditions that operate in the large bulk of agricultural lands, on the one hand, and the climate and land use that operate in respect of pastoral lands, on the other hand. Some time ago the Government set up a working party which looked at this matter. Those people made a recommendation which has been accepted by this Government and which has largely been accepted—

The Hon. P.B. Arnold: Who were they?

The Hon. D.J. HOPGOOD: Mr Colin Harris, the Manager of Conservation Programmes in the Department of Environment and Planning, was the Chairperson, for example. I can get that information for the honourable member. The working party said that it thought our agenda should be to work towards repealing the Marginal Lands Act, but what was required before that Act was repealed was that there should be a new Soil Conservation Act. Of course, the Minister of Agriculture in another place is working towards the introduction of that legislation. In the light of that legislation it may well be that the Government would then say, 'We no longer need tenure control in respect of the marginal lands.' So, I do not specifically want to address myself to the suggested amendment at this stage because I would be out of order, but I should place on record why the Government has not placed in the Bill the clauses which were previously in it and which the Opposition will obviously seek to reinsert. I commend the measure to the House.

Bill read a second time.

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

A quorum having been formed:

The Hon. P.B. ARNOLD (Chaffey): I move:

That Standing Orders be so far suspended as to enable me to move a motion without notice.

Motion carried.

The Hon. P.B. ARNOLD: I move:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider a new clause relating to the repeal of the Marginal Lands Act, 1940.

Motion carried.

In Committee.

The CHAIRMAN: Clauses 1 and 2—that these clauses stand as printed.

The Hon. P.B. ARNOLD: It is not clause 1: we have to go back to the long title.

The CHAIRMAN: As I understand the position, the long title amendment in the name of the honourable member is taken into consideration after the whole of the Bill when we come back to the title. When the Chair reads out the title of the Bill, that is when the honourable member will have his opportunity to convince us how we should change the long title. Is that clear?

The Hon. P.B. ARNOLD: Yes, Sir.

Clauses 1 to 8 passed.

Clause 9—'Insertion of new subsections 5aa and 5ab.'

The Hon. P.B. ARNOLD: Regarding the operation of proposed section 5ab, can the Minister cite an example of where this would occur? Will he say how the Minister would arrive at the determination of how much would be payable by the lessee in that instance?

The Hon. D.J. HOPGOOD: It is intended that a premium would be fixed having regard to the concession price at which the owner had originally acquired the land and the likely increase in the value of the land arising out of the proposed removal of the restrictive trusts. A situation could arise where, when it was desired by the trustees to get rid of a piece of land, it was found that no cost had been involved in the first place. We believe that it is reasonable that there be a contribution in those circumstances because of the increase in value that has occurred in relation to the land in the meantime. So, in this way administrative costs would somehow be taken into account.

The Hon. P.B. ARNOLD: Would that be determined on the recommendation of the Valuer-General?

The Hon. D.J. HOPGOOD: Yes.

Clause passed.

Clauses 10 to 17 passed.

Clause 18—'Delegation by Minister and Director.'

The Hon. P.B. ARNOLD: To what extent does the delegation of power go in this instance? Can the Director delegate to other officers in the Department? Is that to the extent of delegating powers to regional officers so that work can be undertaken in the various regional headquarters?

The Hon. D.J. HOPGOOD: Yes. That development was well under way when the honourable member was Minister. The Lands Department has been significantly regionalised, and it is the regional officers that we have in mind here.

Clause passed.

Clause 19—'Power of delegation for Board.'

The Hon. P.B. ARNOLD: Regarding the powers of delegation for the Board, what is the value in retaining the Land Board if the Board delegates many of its powers and functions to officers of the Department?

The Hon. D.J. HOPGOOD: Basically, it concerns questions of mechanics, and the primary function of the Land Board will continue, especially on overall matters of policy, where it continues to advise the Minister direct. The mechanism provided in both cases is the same: there is provision for revocation of delegation as there is in respect of the Ministerial power.

Clause passed.

New clause 19a.

The Hon. P.B. ARNOLD: I move:

Page 8, line 24—Insert new clause as follows:

Section 22a of the principal Act is repealed.

This is the first move that is necessary in respect of amendments required to repeal the Marginal Lands Act. The Minister has given his views and reasons why that Act cannot be repealed: he believes that significant pressure is coming from the environmental lobby as to why the Act cannot be repealed. If the Minister is to base the whole of his reasoning for not agreeing to the repeal of the Marginal Lands Act on that ground, then he bases his argument on the assumption that the environmental lobby has had vast experience in the marginal lands of South Australia and in farming in that area. Obviously, however, that is not so and I am surprised that the Minister is prepared to take totally the views that have been put to him by the environmental lobby. With due respect to that lobby, very few of its members have had practical experience in the field and on the farm. Most of the farms about which we are speaking are made up of a mixture of Crown perpetual lease and marginal perpetual lease land.

Although the Minister on the one hand agrees to the freeholding of half the farm, he denies the farmer the right to freehold the other half, producing an absurd situation. I agree that the Government is responsible for ensuring that the lands of South Australia are adequately protected, but this situation makes an absolute farce of the Minister's stand on this matter. If the Government is not prepared to accept this new clause, which is necessary for the repeal, then obviously it will not accept the amendments that flow from it. I ask the Minister to accept new clause 19a.

The Hon. D.J. HOPGOOD: I think that I was asked by way of earlier interjection about the membership of the working party that considered this matter. That working party comprised Mr Colin Harrison, of the Department of Environment and Planning, as Chairman; Mr David Tyne, of the Department of Lands; the then Executive Officer of the Conservation Council; a representative of the United Farmers and Stockowners Association; and a representative of the Department of Agriculture.

The Hon. D.C. Wotton: Who represented the United Farmers and Stockowners Association?

The Hon. D.J. HOPGOOD: As the name escapes me for the moment, I will get that information for the honourable member. I cannot say whether the recommendation from that committee was unanimous, but the working party that was set up represented the interests and Government departments to which I have referred, and its recommendation was as I have indicated.

Without going over all the area I traversed when I responded to the second reading debate, there was perhaps another matter I should have picked up a little earlier. One of the points honourable members have made is that, given that the Government is freeholding Crown leases (perpetual lease perhaps I should say, to be exactly accurate), we could get into an anamolous situation whereby a person is able to freehold one lease he has, but another lease contiguous to it and regarded by that person as being part of the working unit of the property in fact cannot be freeholded.

So far as I am aware, I cannot think of any one instance in which we have freeholded a perpetual lease in the marginal lands. The Government's decision in relation to continuing with freeholding of perpetual leases was in respect of the inside country, in respect of the perpetual leases in the more closely settled agricultural or horticultural districts. I apologise to the Committee that I did not point out that matter earlier. I do not think that, under the present policy, a person would find himself in that position. That leaves unaddressed the basic question of principle that I indicated earlier, but it is one that this Government at this stage feels it should adhere to.

The price for a change in the marginal lands policy, the repeal of the Marginal Lands Act, is an upgraded Soil Conservation Act. People have been looking for such legislation for quite some time. It is one that I understand the Hon. Mr Blevins is now turning his attention to with some degree of aggression. Once that is available, we will have a better idea just how adventurous we are being in repealing the Marginal Lands Act. At this stage I ask the Committee to reject the overtures of the honourable member.

The Hon. P.B. ARNOLD: When the Minister claims that he is allowing freehold to proceed in South Australia, it is a very limited freehold, and I have been led to believe it is proceeding at a fairly slow rate; the processing of applications is extremely slow at this stage. The Minister is virtually stymying a large percentage of the applications that could come in for freeholding because unfortunately a farmer may happen to have in the midst of his farm a marginal perpetual lease which is not identifiable in any way from all the rest of his farm. It is a crazy situation.

The Hon. D.J. HOPGOOD: I do not think the statistics are on the side of the honourable member. In fact, the vast majority of perpetual leases are not tied in in any way with a marginal lease, and that is purely a matter of geography. The marginal lands in this State as defined geographically are very much smaller than the agricultural lands to the south of them, and we have the honourable member's own admission that only 15 per cent of those lands in fact is covered by the piece of legislation, so the vast majority of that land which is available for freeholding under this Government's policy is not really affected by the sort of considerations that the honourable member has raised.

As to the procedures under the freeholding, I really think that what has happened there is that the enthusiasts got in early. The people who were straining at the leash to freehold jumped in quickly, as soon as the Government of which the honourable member was a part announced a freeholding policy, so they were dealt with fairly early in the piece, and the freeholding is proceeding. I think one of the other things that some of perhaps the less adventurous people have been saying is, 'Just how much is there in it for me to be freehold?' They have to pay a certain amount to the Government. They get a piece of paper. In fact, most of the things they can already do under that piece of paper they can do under the perpetual lease anyway.

The Hon. P.B. Arnold: Some people like to own the land they live on. If you suggested to half the people of Adelaide they should live on leasehold land, they would laugh.

The Hon. D.J. HOPGOOD: People in Canberra were able to put up with it for a long time.

The Hon. P.B. Arnold: You could not convince too many in Adelaide.

The Hon. D.J. HOPGOOD: It is a matter of 'Now you have got it, you do not go back to the old system.' For those people who just want the warm, cosy glow associated with freehold, I suggest that largely they got their act together two or three years ago, and I treated them in the first 18 months or so in my Ministry. When it gets back to cold, hard, economic facts, there must be those people who think two, three or four times before they wonder whether it is worth while paying the premium involved in transferring.

The Hon. P.B. Arnold: It is purely up to the individual.

The Hon. D.J. HOPGOOD: Of course it is, and that is my explanation for why freeholding is not proceeding at the level the honourable member suggests it should be.

The Hon. P.B. ARNOLD: I think the Minister has admitted to what I have been saying all along: 85 per cent of the marginal lands we are talking about is not even affected because they have already Crown perpetual leases. I do not believe the Minister suggests for one minute that the 85 per cent of marginal lands in South Australia that are under Crown perpetual leases have been treated any differently or harmed in any way. They are not being better treated or

better husbanded by the fact that they are marginal perpetual leases. There is little more that I can say. I think it is just unrealistic for the Government to continue on the track down which it is headed.

The Committee divided on the new clause:

Ayes—(18)—Messrs Allison, P.B. Arnold (teller), Ashenden, Baker, Becker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Rodda, and Wotton.

Noes—(22)—Mr Abbott, Mrs Appleby, Messrs L. M. F. Arnold, Bannon, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Mrs Adamson and Mr Blacker. Noes—Messrs Payne and Peterson.

Majority of 4 for the Noes.

New clause thus negatived.

Clauses 20 to 33 passed.

Clause 34—'Repeal of section 78a and substitution of new sections.'

The Hon. P.B. ARNOLD: This clause refers to life leases for certain shacks. In this clause the Minister is picking up the determination of the Shack Review Committee in relation to life tenure. Whilst the Minister is making a provision for the life tenure, no provision has been made for the recommendation in the Shack Review Committee's Report in relation to the 30/40 year category. Not only has the Government given no indication of what it is going to do in relation to that recommendation, but also it has not made any provision in legislation for the lease that would be required to put that recommendation of the Committee into effect.

The Hon. D.J. HOPGOOD: I thought that, when the Government wrote to every holder of a licence or a lease on a shack on Crown land in the State, we made a public statement that we were specifically rejecting that recommendation on 30/40 year miscellaneous leases. We said that we understood what the committee was driving at but that we felt it was unnecessarily complicated to be erecting a third category into the system between those that would be freeholded and those that would be life tenure. We stated that all those sites identified as suitable for a 30/40 year miscellaneous lease would be placed in a category of shacks that had the potential for freeholding on the presentation of an appropriate management plan for that area.

We did away with that recommendation as a policy option altogether and instead said to those licence or leaseholders that they might be in line for freehold, provided that certain things happened, and those things are being worked through. The second point is that, in any event, if we had adhered to the recommendation of the committee, we would not need to legislate along such lines as power already exists for miscellaneous leases to be granted in that form.

Clause passed.

Remaining clauses (35 to 75) and title passed.

Bill read a third time and passed.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 28 February. Page 3017.)

The Hon. D.C. WOTTON (Murray): I intend to speak only briefly in this debate. At the outset I express my disgust at the lack of consultation between the Government and the institutes, associations and organisations involved with this legislation. Indeed, I make the same point about lack of consultation between the Government and concerned bodies in regard to the Planning Act. However, I will not dwell on that as it is a separate piece of legislation.

It is all very well for the Minister to say that we have had two years of review and that there has been opportunity for consultation. I am aware of the number of submissions that have been received by the review committee. That committee's report has been circulated, but matters have been raised, particularly in the planning legislation, that were apart from the recommendations made by the review committee. There are certainly matters in this Bill of which many of the organisations (I refer to the Institute of Surveyors, the brokers, the Housing Industry Association and many others) have expressed grave concern that, after having been virtually promised the opportunity for consultation with the Minister, such consultation has not occurred.

Consultation had not occurred in some cases until yesterday afternoon, when, I understand, a meeting was hastily arranged in an attempt to allay some of the fears and concerns that had been expressed by the organisations involved. It is not good enough that this situation should occur. It is all right for the Minister to smile about it now, but, if the Minister could say that this legislation had been available and that they have had all this time, that would be fine, but I think it is a pretty poor show to not have made details of this legislation available to these organisations, interested bodies and individuals. I make no bones about the fact that I have made the Bill available in the few days that we have had since it was introduced.

The Hon. D.J. Hopgood: It is a public document; why shouldn't it be?

The Hon. D.C. WOTTON: I am making no apology for that. However, in a majority of cases this is the first opportunity that people have had to note the legislation and to provide an input in relation to its content. They had an opportunity to express a view to the review committee and in relation to the recommendations that came from the subsequent report, but certainly they were not able to do so in relation to the legislation.

The Bill is comprised mainly of technical matters; it is mainly a machinery Bill. I appreciate that. I was about to say before the Minister interrupted that I make no bones about the fact that I see this legislation as being one of the most difficult Bills to understand that I have seen in the 10 years that I have been in this place. That opinion has been expressed to the Parliamentary Counsel. I am not blaming Parliamentary Counsel, but it is certainly a difficult piece of legislation to understand. Very few members in this Chamber would understand fully the Real Property Act, and I certainly do not profess to know all the ins and outs of that legislation.

I would have thought that because of this difficulty it was even more important for people to be properly briefed on what the legislation was all about. Recently, reference has been made to provisions contained clause 7, and I refer to the proposed new paragraph *(c)* of section 223lb(4) of the principal Act, which provides that:

> The contract provides that the grant, transfer, conveyance, mortgage or encumbrance of estates or interests in land pursuant to the contract shall not have effect until the plan of division or strata plan contemplated by the parties has been deposited in the Lands Titles Registration Office by the Registrar-General.

Legal people have told me that, apart from that clause being very difficult to understand, it is most unlikely that it will work. I understand that representations have been made, if not by the Minister, by departmental officers, by those people in relation to their concerns about clause 7. If the Minister is aware of the concerns that have been expressed about the uncertainty of those provisions, I would appreciate the Minister's providing the House with details of those representations and of what he has been able to do in

relation to allaying the fears that have been expressed, particularly by the legal fraternity, about this clause.

As I have said, the legislation is mainly technical. I can understand concerns that are being raised, because technology has advanced to the stage where many Government departments now have modern planning practices and computerisation of land information systems. I know that that is the case now in a number of Government departments and that they require each allotment or polygon, as it is described in this legislation, to have a separate number or identifier. I appreciate that a move has been made in this legislation to amend the definition of 'allotment' to provide for separate numbering of those polygons without implying that separate certificate of title can issue from them, unless prior planning approval has been obtained.

I understand also (and this is spelt out in the Minister's second reading explanation) that the existing legislation has caused inconvenience and often, we are told, undue hardship. I have had some personal experience in relation to where a proposed plan of division requires a private easement to be created. I know that the Act requires these easements to be granted before the division plan can be adopted, and I am aware of some of the concerns that have been expressed. Only very recently a constituent approached me and expressed concern about the problem in relation to this part of the legislation.

The amendment to the open space requirements of the Act when land is divided makes sense. I know that some institutes want to make representations to me between now and when the Bill goes to the Upper House. A couple of them have concerns in regard to these requirements. If we are unable to sort out something, it will be necessary to introduce amendments in the Upper House in regard to that situation. I appreciate that amendments will not alter the amount of monetary contribution per allotment. It is appropriate that that should be the case at this stage.

The Hon. D.J. Hopgood: That was fixed up three years ago.

The Hon. D.C. WOTTON: Yes, we fixed up more than that three years ago, although I will not go into all that. Other amendments will be made by way of this Bill that I generally support. As I said earlier, I do not intend to go into a lot of detail, except to make the point again that, because of the lack of consultation, I would not be surprised if it was necessary for more homework to be done between now and when the Bill goes to the other place and if more amendments were necessary then.

The fact is that the opportunity for consultation has not been provided. The meeting that took place yesterday probably answered a few of the questions in relation to problems that it had been suggested were evident prior to that time. I know that some of those questions were answered, but that there are also further matters that interested bodies wish to bring to my attention. They will have the opportunity to do that between the time when the Bill passes this place and when it is introduced into the other place. I do not intend to oppose the legislation, but I foreshadow that amendments will probably be moved in the Upper House.

Mr BAKER (Mitcham): I want to make a small contribution to this debate, and perhaps take the Minister back to 1976-77, when the first idea was expressed and a working party got together for the consideration of the total development of land information systems in South Australia. This has some relevance to the legislation before us tonight. At that time a vast number of people, including myself, were involved with computerisation of some form or other and were interested in getting a system of computerised development that would be at minimum cost with maximum benefit.

The working party recommended that we have a land information system with a common base. At that time there were some very expensive developments taking place. The Highways Department was digitising its roadworks pattern and the allotments. The Lands Department was attempting to digitise the *cadastre*, and the E & W S Department was attempting to locate its underground services by computerised format. At that time there was great hope that all these sectors of the Public Service with their expensive machinery would get together so that we would have one of the best systems in Australia and be up with some of the development in the rest of the world. That did not happen because of some of the petty jealousies occurring in the departments concerned (and I can name departmental heads involved) and the manoeuvring that took place in them at that time.

Let me assure those people, if they are still around, that when we get back into Government questions will be asked about the actions of those particular people and the way in which they prevented the formation of a land information system on a common base that could be used by a multiplicity of people within and outside government.

The Hon. D.J. Hopgood: Fortunately, they will all be retired by then.

Mr BAKER: They may well be. A couple of them have already retired. It was a great disappointment to me that each department played politics and that the Ministers concerned perhaps did not bring them up to the mark. Literally millions of dollars were spent on equipment and software systems so that each department could develop its own system unique to it that could not be transferred between departments. I know the views expressed at the time that the report was issued when the land ownership and tenure system was going to be the first system off the rank. We were looking forward to furthur development, including land use, a system incorporating encumbrances, undergrounding of services and census information, which was to go on to the geocode.

Many other developments were thought of at that time. One of the pieces of information we believed it was important to put on subfile at that time was the thing we are talking about in this Bill, the identification of an allotment which, in fact, has individual title but is separated by certain barriers. The Minister in his second reading speech said that there are a number of allotments in South Australia that have one title but comprise four or five separately identifiable pieces of land. I am not sure whether this piece of legislation is out of order. Like my colleagues I have great difficulty in understanding the terminology of the Bill.

This must be one of the hardest pieces of legislation to understand. I defy the Minister to understand its wording and the way the Real Property Act fits together with these amendments. I have mentioned a number of times in this House that if we cannot understand legislation that we are passing we should not pass it. I do not think that we can continue to put laws of this State in such legal terminology that nobody except lawyers can understand them. I believe that it is about time that this Parliament became more responsible in the way it operates. We continue to get Bills such as this, which I think the 47 members of this House have difficulty in understanding. I can guarantee that not one of the 47 members in this House fully understands this Bill. Therefore, it is time that we started all over again.

I return to the proposition that I have put on a number of occasions, that perhaps it is principles that should be put into Acts and not the fine wording of the lawyers who feel that it is necessary to use that terminology to tie up an Act so that it is free from appeal and legal proceedings. We fail often in this regard because the courts are full of cases where our enactments are subjected to scrutiny and question. The very process of someone saying that something is not

clear and seeking to have it determined in the courts is a very expensive one—expensive for the person concerned and expensive for the community of South Australia. I repeat the point again that I do not believe we should have a Bill before us that we cannot understand. I spent a lot of time trying to understand this Bill and gave up in disgust because it was beyond me.

Some of the amendments to be moved are consequential. I do not know how they fit together—I would not have a clue whether all the knots have been tied or whether in six months somebody will say to the Supreme Court that they believe that the recognition of title on land is invalid for various reasons. I do not know, and I do not think anybody else in here knows, either. As I said previously, unless the Minister can satisfy me on the first proposition about the separate identifier, I wonder why this Bill is before us.

There are a number of other provisions in the Bill, one adding flexibility to the 12.5 per cent contribution by land developers. In principle, I am not opposed to that proposition, although there is some danger with it that some open space land will be converted to liquid assets rather than being utilised as community open space.

There is a little give and take, but it is not clear where that give and take is to occur. The position previously was more clearly enunciated than it is in the Bill before us today. We also have the proposition that when people want to develop large tracts of land they have to show on the development plan for that land such things as easements, and so on. This is a time-consuming and costly process. I can agree with the sentiments expressed there, but cannot agree to this Bill. I cannot say that this is the way that we should be doing things. There are Bills I have examined whose intention has been clear, but that is not the case with this Bill.

The Minister in charge of this Bill is not a lawyer and, if I put him under scrutiny and said I wanted everyone of these clauses explained in full, he would have difficulty explaining them. That is not good enough. I return to my original proposition. I would like the Minister to come forward on a number of issues, particularly the identifier and whether we have to put this in legislation. In my view, all we have to do with the land ownership and tenure system is put a star or some form of identification on a file which will refer a particular allotment to a subfile. The subfile will clearly show that in the case of an allotment that is broken by barriers three or four pieces of land are separately identified.

While looking at the Real Property Act I would like to raise a proposition I have been concerned about for many years, that is, the indefeasibility of existing titles. I wrote to the Minister some time ago (and I do not know whether he remembers this) about people who have property boundaries that have existed for 50 to 80 years: a person comes along to tell them that the surveyor says that they own 12 inches of that person's property. There have been a number of properties in Adelaide, and I can name three (and if I can name three there must be hundreds) properties bounded on all sides with no break in the fence line, where one resident has had to have a boundary moved and has had to move the garden and lawn and alter the house alignment because somebody has come along with a later survey result and said, 'You owe me some land'.

The Valuer-General's response to that is that it is written into the law that the title is indefeasible, which means that it must be survey correct. Back in the 1970s we were looking at the possibility of using aerial photographs as a means of solving that problem. The simple proposition was that the boundaries were easily identifiable. Any incursions are historical. A person buying a property is buying what he or she sees—not where the survey peg goes. However, those properties should be retained within their boundaries.

Nothing has been done about the problem. Fences continue to be pulled down, and neighbours tend to become rather aggravated when they lose property. If people find that after a survey has been done they owe their neighbours 12 inches or two feet of land, they do not suddenly say, 'Sorry, I have to move the fence back into my property by 12 inches or two feet to satisfy the requirements.' They keep quiet and let the boundary slide.

A neighbour has the right to conduct his own survey at a cost of $1 000. I know one person aged 70 years who has lived in a house for 50 years and who had her boundary moved. She said, 'I am sure it is right because we had a surveyor check it 40 years ago.' Our Valuer-General's friend said, 'But this man has a survey and unless you can produce a survey you will have your boundary moved.' As a pensioner she could not afford the new survey. Even if she had been able to it may not have been any different from the previous survey. Fundamentally, this is wrong. I would like to see these things rectified in Acts and attention paid to some of the rights of people rather than to the sort of situation we have here with so little information and the statement that we need an identifier. I would not think that one needed an identifier to put something on a computer system.

We will change the rules concerning the contribution of developers to councils for open space. We will make that a little indeterminate. If someone is short of cash they will prefer a cash option, not the open space option. We hear the statement, 'When you develop a large allotment and delays occur, the costs involved in easements, etc., become prohibitive.' I do not understand what is written here so I do not know if it will help that situation or create further problems.

I have taken the opportunity to put these matters before the House. Perhaps in our Ministry, which will be forthcoming fairly shortly, we can make an honest attempt to fix up real identifying problems instead of skating over the surface with legislation that no-one can understand and concerning areas that I do not believe are necessary. Perhaps the Minister can clear up some of the matters I have raised tonight in his response and in the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Entry as to easement to be made on original and duplicate certificates of title.'

Mr BAKER: Section 88 of the Act charged the Registrar-General with having to enter easements on original and duplicate copies. It is now suggested that he can do this if he wishes. As I can find no indication in this Bill, will the Minister explain what is intended?

The Hon. D.J. HOPGOOD: The matter of the registration of dominant title, I am told, has not occurred for 120 years, or something like that, so it is a matter of how one deals with the servient title. This would give the Registrar-General flexibility in that matter.

Mr BAKER: Is the Minister saying that easements are not registered on the title, or something different?

The Hon. D.J. HOPGOOD: That is right: it is not registered on the dominant title.

Mr BAKER: I have seen a title with easements shown on it.

The Hon. D.J. HOPGOOD: That is the servient title to which the honourable member referred.

Mr BAKER: I see, and that will continue to exist?

The Hon. D.J. HOPGOOD: Yes.

The CHAIRMAN: Order! The Minister cannot allow the member for Mitcham to stand and ask four questions and say he has asked only two.

The Hon. D.J. HOPGOOD: I am sorry, but I think we have satisfied the honourable member.

Clause passed.

Clause 4—'Incorporation of long forms of easements in instruments.'

Mr BAKER: Why does the short form become the long form?

The Hon. D.J. HOPGOOD: I am advised that if in a document one uses the short form it implies the long form so this provides for abbreviation, and it stops one from writing out pages of guff, if you like.

Clause passed.

Clause 5—'Deposit of plan showing rights-of-way.'

Mr BAKER: As I understand it, under the existing rules when a plan is deposited if it has a right of way on it that must be shown on the plan. New sub-section (2) provides:

Subsection (1) shall not apply to a plan of subdivision deposited with the Registar-General after the commencement of the Real Property Act Amendment Act (No. 2), 1985.

That is the one with which we are dealing. Does that mean that rights-of-way will no longer be shown on deposited plans? If so, why? If there is an encumbrance on that land, someone may want to purchase it, but the encumbrance is not shown.

The Hon. D.J. HOPGOOD: There is confusion here because the honourable member is talking about private roads. However, this refers to public roads that have been delineated at some stage on the plan but never constructed. It is a way of getting rid of some of those ancient lines on maps that have no meaning.

Mr BAKER: What if they are taken up by the local authority or whatever? Legally, the right of way exists and, if the old plan comes back and it previously had a right of way shown on it, would that not create a legal problem?

The Hon. D.J. HOPGOOD: No. Section 90 of the parent Act provides for the protection of people's rights and this provision does not derogate from section 90.

Clause passed.

Clause 6—'Interpretation.'

Mr BAKER: This clause provides for the creation of an allotment, but would such an allotment be a legal entity? In the 1970s, an allotment that had a single title was simply designated a piece of land that was cut by a road or railway by establishing a subtitle, so we did not take away from the legal status of certificates of title, although we showed clearly that the land was divided.

The Hon. D.J. HOPGOOD: I refer the honourable member to the statement on clause 6 in my second reading explanation of the Bill.

Mr BAKER: I have read that and it does not solve my problem. What is the historic background of this provision?

The Hon. D.J. HOPGOOD: I am reminded of a rather historic issue in respect of an area of what was part of my old Mawson District: Hallet Cove Estate or what was once called Hallett Cove Model Village. In those days, it was possible to lay out streets and people would get title to those streets. In some parts of the State that provision may have carried over. An historic battle was waged to get the Marion council to take over the streets so that work could be done on them and sewerage mains laid. That provision no longer applies, but that is the historical background of the clause.

Mr BAKER: I am not satisfied with that explanation because, under subdivisional law today, if land is subdivided that provision is no longer necessary because the requirements for subdivision include water, sewerage, roads and electricity. Therefore, there appears to be a new legal entity. If a new legal entity is created, will that have the same status as an allotment with a certificate of title? If not, where is the variation? It seems that, by this measure, we are creating more allotments than exist today because of the existence of roads or some other permanent barrier between the pieces of land. Are we creating new legal entities if the land is cut four ways, or are we merely recognising that there are permanent impediments?

The Hon. D.J. HOPGOOD: We are not creating new legal entities in the sense in which the honourable member has represented.

The CHAIRMAN: The Chair points out that there is nothing in Standing Orders that can force me to make the Minister convince the honourable member that he is right.

Mr M.J. EVANS: I appreciate the Minister's assurance, which relates to a question that I was going to ask but which has now been adequately addressed: that the initial provisions of new paragraphs *(c)*, *(ca)* and *(d)* do not create new allotments as such or new separate legal entities. If they did, it would have a traumatic effect on the planning of the State and on other things. However, the Minister says that it creates not separate legal entities but merely separate computer identities for the purpose of planning. That is perfectly reasonable. Concerning the definition of 'service easement', this is a new class of easement that is created by the new definition which sets up easements in relation to the Minister of Water Resources, and council or the Crown for drainage purposes or ETSA.

I appreciate that they are all Crown or public bodies in that sense and therefore rate certain priorities. Given the status to which natural gas reticulation has risen in this State, and given the nature of the provision of the service throughout most of the metropolitan area, is there any reason why the supply of gas is not included in the definition? I realise that the South Australian Gas Company is a private corporation as distinct from a public corporation, but it is regulated by Act of Parliament and its quasi-public status is fairly apparent. Can the Minister say why, if there is an advantage in such a definition, gas is not included in it?

The Hon. D.J. HOPGOOD: It is not possible in legislation such as this to vest that sort of authority in a private company. We are here talking about agencies of the Crown and it is not possible for that vestment to apply to a private company. I assume that the Gas Act ensures that a system of reticulation is expedited in the way that it should be to give a supply. Although it is true that the Gas Company is subject to Statute, the South Australian Gas Company is not the only company subject to Statute. In fact, it might be argued that, under the Companies Act, every investment company in the State is subject to Statute. However, this provision must apply only to Crown agencies.

Clause passed.

Clause 7—'Unlawful division of land.'

The Hon. D.C. WOTTON: During the second reading debate I said that concern had been expressed to me about new paragraphs *(a)* and *(c)* of this clause. It has been put to me by legal representatives that, concerning the contract and the wording set out in the clause, the provision will not work. I have also been contacted by banks that have expressed concern, saying that they will not settle until plans have been deposited. I understand that representation has been made to the Minister. First, I would like to know whether that is the case, or whether the Minister is aware that concern is being expressed about that provision and what he intends doing about it.

The Hon. D.J. HOPGOOD: What the Minister intends to do is to urge the clause on the Committee, because there has been very recently discussion between officers and a representative of the Law Society, and I understand that the Law Society now expresses itself as being satisfied that this clause will do what it is contemplated it should do. This is a consumer protection matter, if you like. It provides that the parties can withdraw before it is too late, if there is mutual agreement that that should happen. I am told that

the only way in which the thing could possibly go off the rails is in relation to the withdrawal of the plan, but that is most unlikely and is protected in other ways. So, yes, I can confirm for the benefit of the honourable member that there was some concern before this matter was discussed, but in the light of discussions and explanations that have been given, my understanding is—and I do not want to mislead the Committee in any way in this respect, but this is what I am told—that the Law Society is now happy with the way in which the clause will now operate. Basically it is there for the protection of members of the public.

The Hon. D.C. WOTTON: I am not too sure about the Law Society, but the representation I received was very late this afternoon and was on behalf of a number of lawyers who were continuing to express concern: Either they have not got the correct information through the Law Society or perhaps they were acting themselves, but they have expressed real concern. I would be interested to go back to them to determine whether they are satisfied and, if they are not, this is one area that we might need to pursue when the Bill goes to another place.

Clause passed.

Clauses 8 to 12 passed.

Clause 13—'Open space requirements.'

Mr BAKER: I mentioned in the second reading debate the added flexibility of this provision. Perhaps the Minister can indicate, given that there are now various ways in which developers can satisfy the open space requirement, what he perceives as the responsiblity of developers and councils in this regard, so that it is quite clear to us at least in this House, as it is not written into the legislation, what we are trying to achieve here.

Are we trying to achieve open space so that people can use it for recreation purposes, or are we trying to compensate the council for any costs that it may incur over and above the costs that it can make the developer pay, or what are we trying to do? I think it was fairly clear previously that we had deemed that developments should in fact have open space provisions for the people of those areas affected to enjoy. Under this provision, it seems that we have no longer adhered to that policy and perhaps the Minister could indicate very clearly how he envisages this section will work.

The Hon. D.J. HOPGOOD: There is little doubt that in a large subdivision it is important that the open space contribution should be in respect of open space, but in respect of smaller subdivisions it is sometimes not realistic that that should occur, and what we would seek to do is for there to be the maximum flexibility available to both the proponent of the development and local government as to how this should be handled, so there are circumstances in which it is appropriate that the contribution should be made to the Planning and Development Fund. There are other circumstances when it is more appropriate that the open space be provided.

I think we have got to accept there are circumstances in which probably in the past open space which has been provided because of the technical requirements of the Act, has proven to be somewhat of a burden to local government. No-one is keener on open space in many respects than am I, particularly in relation to the broader environmental areas of the State, as the honourable member will know, and, of course, when we are talking about things like second generation park lands. But in the urban situation, we often get a position where we have small blocks of land which continue as weeding paddocks for a long, long time, and they are of really little asset to that local community. I would see the import of this legislation as preserving the maximum flexibility, always given the fact that obviously it is appropriate that, in the situation of the large subdivision, open space should be provided in accordance with the Act.

Mr BAKER: I would like a clearer indication from the Minister of the principles involved. You do not have to be a mathematical genius or an economist to work out that councils will find it is easier to have a monetary contribution in respect of large subdivisions, because it costs money to maintain open space. The Minister is well aware that every park and oval that we have is a very necessary and essential item for modern day living; in fact, for historical living.

There must be some principle upon which we are asking councils to take on this responsibility. If a council has the choice between receiving land which is going to cost it money to continue to upkeep or, on the other hand, receiving money which is going to keep that space clean and tidy and watered for the use of the public at large, I have a feeling that many councils may opt for a cash contribution. Not only do they have cash in their treasury boxes but they also avoid the cost of maintaining space which is expensive.

Perhaps the Minister could satisfy me. I do not know whether there is any further amendment to the Act needed in that regard to actually set down principles. I can fully appreciate what the Minister said, and I know of one or two subdivisions where the provision of open space is really counterproductive. I understand that we need further flexibility. There may be some other area in the Act which prescribes it better, but there is nothing in this particular which says that the Government in principle wants open space unless there is something quite impractical about its provision and a cash contribution would be preferable.

The Hon. D.J. HOPGOOD: I do not think I am able to satisfy the honourable member. Perhaps the only other point that it is appropriate for me to make (because we are not here really to debate the general principles of the open space issue; we are here to approve or otherwise certain specific amendments) is to refer the honourable member's attention to page 6 of the Bill and in particular to new subsections (5) and (8). New subsection (5) makes absolutely clear that the subdivider cannot as it were do nothing, that either open space or the financial contribution has to be made available, and new subsection (8) makes clear that, in the case of moneys received by a council, those moneys should be paid into a trust fund and shall be applied by the council for the purpose of acquiring or developing land as open space. The money does not disappear into the general revenue of the council. It is still available for open space provision.

Mr BAKER: I will just record my disappointment with this. As I have said, if it goes into the trust fund, there are a number of councils where they have not been able to develop, particularly in the newer areas. The honourable member himself has an area which is a developing area and which is very expensive in terms of roads and the infrastructure required. There will be areas which the council will want to develop, and it will see this as one area to which it can transfer the cash contributions, although that may not be in the best interests of those primarily affected by the development.

I do not believe that this clause is satisfactory as it stands, and I hope that when people have had a chance to review its operation, and if things are not going according to plan, we will be bringing back amendments to show quite clearly in the Act that the open space provision is indeed one to provide for the future resources of our children and, as such, should as far as practicable be provided in land form rather than by cash contribution.

Clause passed.

Clauses 14 to 21 passed.

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.

Clause 22—'Insertion of new schedule 6.'

Mr M.J. EVANS: I draw the Minister's attention to the way in which the technology of housing estates and society in general is moving. It is something that I would like him to take into account at some future time, of perhaps to comment on now. Although we have here the traditional rights that people might have for easements for sewerage, drainage, gas supply, electricity and now cable television I believe that, given the nature of this kind of Act, we should be looking further into the future. People in parts of Europe and America are not only laying cable television ducts, pipes and cables but also optical fibres for transmission of television and other material. More particularly, they are using those kinds of device to transmit on a two-way basis computer information back and forward to households.

First, will the definition of 'ducts, pipes and cables' include a duct to carry optical fibres? I would assume that it would, given that a duct can presumably contain anything. I would appreciate an assurance that optical fibres can become part of the system of ducts, pipes and cables. Also, what is the Minister's view in relation to including at some future time in such definitions, systems for the transmission of computer data to enable two-way communication links? Telecom is already moving in the area of the Biotel system, which would provide a two-way link between centralised computers and home computers. I wonder whether we should be looking at this at some time in the future.

The Hon. D.J. HOPGOOD: The honourable member raises an important point. He would be aware that the verbiage is fairly general and broad in the way in which it is drawn. It would be my belief that optical fibres were covered by the legislation. Perhaps we should take the opportunity at some time in the future to consider seriously whether further amendments of the kind implicit in what the honourable member said should be put into the Act. I give that assurance. As to the specific matter of optical fibres, a reasonable interpretation of what we are doing here would suggest that they are covered.

Clause passed.

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): I record again the concern that I expressed earlier on the lack of consultation. I would have thought that the Minister might take the opportunity in winding up the second reading debate to give some explanation as to why the opportunity had not been provided for appropriate consultation. He obviously decided that that was not necessary, but I bring to his notice in the final stages of this Bill that a great deal of concern has been expressed by those who have an interest in this legislation that the opportunity was not provided by the Minister for the Bill to be seen in its final form before it came into this place. I hope, so that the situation could be avoided in future, that the Minister will on another occasion, particularly with legislation as complicated as this, take the opportunity to make the Bill available to those who show an interest in it.

Bill read a third time and passed.

PLANNING ACT AMENDMENT BILL (No. 2) (1985)

In Committee.

(Continued from 28 February. Page 3027.)

Clause 2—'Commencement.'

Mr MEIER: This clause fixes the date of proclamation and other aspects affecting the subsequent proclamation. It disturbs me that this Bill was introduced the week before last and debate occurred in that week. When it will be proclaimed, I do not know, although I suppose time will tell. I asked the chief executive officer of one of my councils today, whether he had any knowledge of the Planning Act Amendment Bill, and he indicated that he did. When I asked when he received the Bill, I was told the middle of last week. That was the recess week, but one would have hoped that chief executive officers would have had a chance to have their input. We have no date for proclamation. I realise that that is out of our hands, but it concerns me that we have been railroaded into this Bill.

Although I acknowledge the Minister's indication the week before last that he would hold up any further move after clause 1, we have now had a time for amendments, which is appreciated. However, I do not believe that councils have had a chance to look properly at the legislation. The Chief executive officer to whom I spoke had not got around to it, and I believe that many others would be in the same position.

Clause passed.

Clause 3 passed.

Clause 4—'Interpretation.'

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

Page 1, after line 28—Insert new paragraph as follows:

(ab) by striking out paragraph *(f)* of the definition of "development" in subsection (1) and substituting the following paragraph:

(f) where the land is an item of the State heritage or is, or forms part of, a State Heritage Area—the demolition, conversion, alteration of, or addition to, the item or the State Heritage Area;.

The Bill would then continue on. In the original draft which is now before honourable members, it was not picked up that, whilst the Bill seeks to control demolition in respect of items, it is appropriate that it should apply also to a State heritage area as well as to specific items. The principle seems to be the same, and it would be unfortunate not to take the opportunity to include this in the scheme of legislation before us. The amendment was circulated earlier in the day, and I hope that honourable members have had a chance to address themselves to it. I commend it to the Committee.

Amendment carried; clause as amended passed.

Clause 5—'Concept of change in the use of land.'

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

Page 2, lines 13 to 16—Leave out paragraphs *(a)* and *(b)* and the word 'and' between those paragraphs and insert the following paragraphs:

(a) in relation to land that is not within the area of any council—the Commission;

(b) in relation to land within the area of a council—the council or the Commission.

This amendment is designed to ensure that the council and the Commission can act independently in respect of the matters addressed by this clause.

Amendment carried; clause as amended passed.

Clause 6—'Application of Act.'

The Hon. D.C. WOTTON: Section 6 (2) of the principal Act provides:

The Governor may by proclamation exclude any specified portion of the State from the application of this Act or specified provisions of this Act, or exclude any specified form of devel-

opment from the application of this Act or specified provisions of this Act.

In his second reading explanation the Minister said:

Subsection (2) of section 6 of the Act enables the Governor by proclamation to exclude specified areas or types of development from the operation of the Act. As it is more appropriate for the Act to apply universally, the Government is of the view that section 6 (2) should be deleted.

Surely there must be reasons other than those indicated in the second reading explanation for the Government's finding it necessary to delete that provision. I would have thought that it was more appropriate for the Government to have that provision in the legislation. I am sure that instances will arise (if they have not done so already) when it will be necessary for the Government to use that provision. Has the Minister received ongoing representations from a certain group or groups? Whatever the case might be, I think we deserve to know a little more why the Government has found it necessary to delete those provisions?

The Hon. D.J. HOPGOOD: It is true, of course, that a Minister is often the creature of the sum total of representations that are made to him. I have to stand here in this Committee and say that this one is all my own work. No one has put any pressure on me either from outside or from within Government in relation to this matter.

The Hon. D.C. Wotton: Well, why are you doing it?

The Hon. D.J. HOPGOOD: It relates to a philosophical attitude that I have to the whole of the planning mechanism, namely, that there should be some form of due process (and I do not use that in the technical sense, but I think the honourable member understands the sense in which I use it) whereby any proposition for development must come under consideration. It is just too easy for a Government to be able to say that it does not like that and so it will use section 6 to get around our inconvenient Planning Act. I remind the honourable member that other mechanisms in the Act are available in these sorts of circumstances.

For example, there is section 7, which does not bind the Crown, but which provides for reference of the application for development to the Planning Commission and for public notification of any amendments that the Minister is suggesting to the Crown authority should take place. In fact, that public notification occurs in here, because, as the honourable member knows, practically every Tuesday I have to table a sheaf of section 7 reports. I know that it is not going through the full gamut of the Planning Act. It is advisory only that there is a process of public notification and assessment involved. Further, if the Government of the day does not like that, it can go to section 50 and can pull the whole of the application out of the Planning Act completely using section 50. However, there is due process, by way of an environmental impact statement.

Finally, if the Government of the day does not feel that either of those two things are appropriate it can legislate. The present Government has legislated in respect of the ASER development. The honourable member knows that and saw that legislation going through the House being considered by the House, and I think he voted for it. The previous Government legislated for an indenture for the Roxby Downs development, and the Stony Point development. In a sense, those things were seen as being too big for the Planning Act. Of course, there was no section 6 at the time, because at that time we were still operating under the old Act.

However, I am sure that the honourable member would not have got too far if he had suggested to the previous Cabinet that it should use section 6 to get Roxby Downs or Stony Point going. At that time it was seen as appropriate that legislation should be couched. Many people do not like that either, and ask why the Planning Act should be set aside. However, at least it is a public process and it must run the gamut of both Houses of Parliament. I am saying that, given the continued existence of section 7 and section 50, and given also that it is always open for the Government of the day to legislate if a certain proposition does not admit a treatment within the confines of the Planning Act, who needs section 6, except as an excuse for a Government to cheat occasionally, as it were?

Mr M.J. EVANS: I congratulate the Minister on his initiative in deleting parts of section 6. From my previous experience as a member of local government, I have always found it an offensive part of the Planning Act. I think those provisions certainly detract substantially from the rights of people in communities that are affected by planning decisions as well as from the rights of the local councils that are affected by those decisions—to see the Planning Act being completely set aside in relation to certain defined areas at the whim of the Governor, virtually (in other words, at the whim of the Government of the day).

The courage that the Minister has shown in striking out those provisions is to be commended. I support the Minister's comments and perhaps go a little further regarding the philosophical aspect of it, I think that section 7 is far too wide in that sense. I appreciate that we will be discussing that next, so I do not want to pre-empt into that debate. However, I certainly think that in respect of Crown developments at least there is almost no planning process. While there is a public notification process, in fact there is no planning process, because, even though the Minister is required to table before this House copies of development statements in relation to a development, there is no mechanism by which this House can disallow or prevent that development, and, regardless of the notification, the development still proceeds. So, all that is open for the Parliament to do is simply take note of that development.

Therefore, the provisions of section 7 of the Act are indeed very wide. Of course, section 50, as the Minister pointed out, is indeed almost as wide, because where the Governor is 'of the opinion that declaration under this Division is necessary it may apply within development generally within specified parts of the State or specified forms of development throughout the whole State or specified parts of the State and the Governor may take over that planning process'.

Certainly there is no lack of power in this Act for the Government to by-pass the planning process if it feels that desirable in a particular instance. Certainly, the removal of subsections (2) and (3) will take away the capability of stealth where a notice may simply appear in the *Gazette*, representing a *fait accompli*. I appreciate the Minister's action in this respect. However, I would appreciate an assurance from him that the striking out of these provisions will effect the repeal of any proclamations that already exist under this section. In other words, where the Governor has already used this power in relation to subsections (2) and (3), will the repeal of these provisions have the effect of repealing the previous proclamations so that they are no longer operative, and will land which had previously been exempted now fall under the Planning Act?

The Hon. D.C. Wotton: No way, surely.

Mr M.J. EVANS: I would appreciate the Minister's advice in relation to that matter.

The Hon. D.C. Wotton: You will have a few problems if it does.

Mr M.J. EVANS: I am simply asking the question: if there are problems, that will be for the Government to resolve. But I would just like to know the answer to that question.

The Hon. D.J. HOPGOOD: There is one proclamation in existence. It is intended in due course to repeal that

proclamation. We will proclaim this amendment (assuming that the Parliament accommodates us, of course, with this legislation) at the same time that we repeal that proclamation.

Clause passed.

Clause 7—'Extent to which Crown bound by this Act.'

Mr BAKER: This is where we take Government development away from the scrutiny of the Parliament. I can see that there are three rules laid down to cover this contingency. Where there is no opposition to the development but the council would prefer to see some change made to a plan, will that be regarded as opposition? New subsection (9a) *(c)* states:

a council has expressed opposition to the proposed development in its report under subsection (4),

What does the Minister say is opposition and are we taking Government development away from the scrutiny of the Parliament?

The Hon. D.J. HOPGOOD: If a local government authority wants amendment, that is clearly opposition and will be treated as such. I think the Committee understands what we are trying to do here. Why it is necessary to table large masses of notifications about dunnies at country primary schools about which there is no opposition and no argument at all? If, in fact, there is opposition it is quite clear what has to occur: the notification will proceed.

Claused passed.

Clause 8—'Membership of the Commission.'

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

Page 3, lines 1 to 6—Leave out paragraph *(a)*.

Will the Minister say why he finds it necessary to amend this section of the principal Act in the way he is amending it? The principal Act states that two members will be appointed as part-time members of the Planning Committee and that one must be a person with practical knowledge of, and experience in, administration, commerce, industry or the management of natural resources. When we looked at the draft of the original Planning Act much consideration was given to that wording, which it was felt was adequate. I note that the Bill is now to add to those qualifications environmental management and housing. I do not have great problems with that, as I guess that housing is an important part and goes hand-in-hand with planning.

I am not quite sure what is the difference between environmental management and management of natural resources. I guess that one could say that there is perhaps expertise in pollution control, or whatever the case might be. However, I do not see that as being an important qualification that is necessary with regard to planning approval. I have particular concern about the need for adding welfare services to those qualifications. I can see no reason why we should be looking at a person with qualifications in welfare services. I might be very cynical and might have in mind something that the Minister is not considering, but I think it is vitally important when appointing people to these positions that they have a very good knowledge (and we are looking here at a limited number of people—two or three) of planning procedures I believe we should retain the *status quo*. I hope that when the Minister replies he will indicate why the Government has found it necessary to include welfare services in the qualifications required for these appointments.

The Hon. D.J. HOPGOOD: I ask the Committee to reject the amendment being urged on it by the member for Murray. I guess that the word 'necessary' is a little too strong. Obviously, the Planning Commission is working well at present with its membership. If for any reason this provision is lost I guess the world will not fall and the planning system will not fall to the ground, but the Government believes that the full range of interests involved in urban and regional development need to be addressed and it fetters us a little less in relation to any future selection of people on this body that we might want to make.

I point out to the honourable member that in the last couple of years a much broader range of controls have been exercised under this Act than were exercised under the old Act, or indeed were even envisaged by the honourable member when he introduced his legislation. He was responsible for the whole concept of environmental impact assessments being written into the legislation, but I think that perhaps that has been a livelier field than originally indicated. That does suggest that people with expertise in that area should somehow be involved. We have, of course, things such as vegetation controls now operating under the legislation.

The Clean Air Act amendments that became law marry certain aspects of the Planning Act with the Clean Air Act and I expect that when I get around to legislating in the noise control area a similar sort of marriage will occur. As for welfare services, the provision of infrastructure not only of a physical kind, particularly in new subdivisions, is something that cannot be ignored and something that is a lively issue.

I know that we are not going to finish up with super men or women who incorporate all of those various qualities, but it does enable Governments, should they at some stage in the future want to change membership of the Commission (and I am not suggesting that that is what the Government has presently in mind), to exercise a broader range of choice. I ask the Committee to reject the honourable member's amendment.

The Hon. D.C. WOTTON: I am not satisfied with that explanation. I reiterate what I said before; that we are looking at the appointment of two people. I recognised, and indicated earlier, that I perhaps see the need to have somebody involved in environmental management because that can cover a multitude of things. The Minister has referred to clean air, vegetation clearance and noise control, but I get back to the point I made earlier, that when we are looking at the appointment of these two people surely, with the responsibilities they have, they should have more expertise than suggested by the Minister. I do not see welfare services as being an important qualification that is necessary, in view of the responsibilities such a person would have. I cannot say any more. I do not know whether the Minister has somebody in mind whom he wants to appoint and who will fall into that category, but I see this as a situation that is not at all necessary, and I urge the Committee to support my amendment.

Mr BAKER: I will support my colleague. In principle, we are in the Act aiming for particular expertise on the Board. The Minister said that almost anything was desirable here, as long as they do something: under this definition, anyone with particular expertise could be included. It is far wider than the previous provision. The existing section obviously tries to tighten that a little.

Moving now to subclause *(b)*, can the Minister enlighten the Committee as to what is a personal interest? It is astounding, in this day and age, that we have legislation worded in this way. I refer to clauses 8, 9 and 12 together because they are consequent on each other: a commissioner or a member of a tribunal or advisory committee cannot adjudicate or make a decision if he has a personal interest. It is quite clear under the legislation as it stands today that a personal interest really is restricted to a direct or indirect pecuniary interest, which is fairly simple. One can see that it is almost simple although, once the family is extended a little, there is perhaps a question whether there is a long lost cousin who will benefit from a particular development. Has the court ever interpreted 'personal interest'? I hope

that there is a certain amount of interest in every development.

Further, I hope that commissioners will dispense their function with a great deal of interest. This subclause suggests that the people involved are incompetent and are not able to make a decision, to deliberate or participate in debates on the basis of a personal interest. I have been in Parliament for only a short time, but I cannot remember when a personal interest has been used as a definition to preclude participation or an action of any nature.

Certainly, we have had this conflict of interest where money is involved, but what is personal interest? My concern relates to decisions of a tribunal being put at risk because someone says that a commissioner, member of the tribunal or advisory committee has a personal interest in a development, for whatever reason; that places at risk the whole deliberation and decision made. That is my simple interpretation of what is in the Bill. Perhaps the Minister can enlighten me and say that my fears are quite ill-founded.

The Hon. D.J. HOPGOOD: I would have thought that we were being cautious and responsible in respect of this matter. As I understand it, the request originally came from a member of the Planning Appeals Tribunal who felt that pecuniary interest was simply too narrow and that a person on the tribunal should have to declare an interest in the sense that, for example, his brother was the developer who was appealing to the tribunal against a decision of a local council and that in those circumstances he should not sit in judgment on this matter. That seems to be perfectly reasonable. By extension, it seems that that should apply not only to the tribunal but also to the Commission itself. That is what we have in mind.

Mr BAKER: I am not debating the question of a brother making a dollar out of a development and that that should not be declared. This is probably provided for under the existing definition. But, what is the interpretation of 'personal interest'? There is no definition of that term. It is a figment of someone's imagination to say that this Bill will exclude those people who might legitimately ask a friend on the Commission or a friend involved in a development for a whole range of reasons and where it is undesirable that a person on that tribunal should sit in judgment. However, because there is no definition of 'personal interest', it could encompass a broad spectrum. If I were to get out the Websters or Oxford dictionary—

The Hon. D.J. Hopgood: That's what you should do.

Mr BAKER: Perhaps, now that the Minister has jumped out of his box, he can enlighten us as to the dictionary definition. I understand that 'personal' relates to the person and that 'interest' is having an awareness or a particular involvement in that subject. Can the Minister give me a definition that shows clearly that personal interest cannot encompass a wide range of events? My question is serious, as the Minister must understand. He will have to go back to the drawing board and work out another definition to cover those cases where there may not be direct or indirect pecuniary reward but a relationship between someone on the tribunal and the person doing the development which could place it at risk. This amendment is totally and utterly incompetent and places the whole process at risk.

I will read from the dictionary to edify all people in the Chamber. First, we go to the definition of personal: 'one's own, individual, private'. He could have a private opinion. I read further: 'of the body' or 'clothing'. The mind boggles! If the Minister wants to interpret that definition, that is fine. However, we do not have a definition in this Bill. The dictionary defines 'interest' as 'legal concern, title, right, pecuniary stake, vested interest, advantageous' and 'thing in which one is concerned'. That is an enormous range. Some members have private feelings about something, but under the dictionary definition that excludes them from acting on an advisory committee, the Tribunal or on the Commission. How ludicrous!

I must admit that words fail me when I see this garbage placed before this Chamber, which deserves much better than as wide a definition as 'a personal interest'. If the Minister thinks he is being smart by inserting that definition, he should think again because the ramifications of an indeterminate definition like this are very extensive. I remind the Minister of his responsibility. I know that he thinks it is a joke, but he probably never looks in the dictionary to see what words he puts in the Act. I hope that a little more attempt is given to this matter in the Upper House to ensure that nefarious things such as this do not happen if this Bill is interpreted literally.

The Hon. D.J. HOPGOOD: In the one in 10^9 chance that this should come unstuck in courts we will legislate to fix it up. I suggest that the honourable member will no longer be a member of this place then; neither will I nor any other person when that necessity arises.

Amendment negatived; clause passed.

Clauses 9 and 10 passed.

Clause 11—'The Commissioners.'

The Hon. D.C. WOTTON: I could stand and say 'ditto' as to the reasons given in the last amendment: the Opposition opposes this clause. I am still far from satisfied with the Minister's explanation given in regard to the need for welfare services as being one of the criteria, one of the qualifications necessary. It is quite obvious that the Minister is not going to bend in regard to this matter and it is one that we will have to put forward in another place. I would urge the Committee to support the opposition to this clause.

Clause passed.

Clauses 12 and 13 passed.

Clause 14—'How decisions of the Tribunal to be arrived at.'

The Hon. D.C. WOTTON: The Opposition opposes this clause also. The principal Act states the Planning Tribunal should be constituted of a judge and not less than two Commissioners. This particular clause would result in the Tribunal being constituted of a judge and not less than one Commissioner. The advice that I have received from a wide cross section of people would suggest that the *status quo* should remain. Again, I am not sure why the Minister has found it necessary to reduce from two to one the number of Commissioners.

I would be particularly interested in the Minister's explanation as to why he is doing that, but I understand that the system is working well and I see no reason to change the present situation. The Opposition opposes this clause and would recommend that the *status quo* remain.

The Hon. D.J. HOPGOOD: We are addressing here the situation where a Commissioner dies or becomes so ill as to be unable to continue sitting on the particular appeal. In those circumstances, do we force the appellant to the expense of having to go back to square one? There is no problem—

The Hon. D.C. Wotton: How often does that happen?

The Hon. D.J. HOPGOOD: It does not happen too often. There may have been a couple of cases that have arisen and it is certainly something that was considered by the Review Committee, as I understand it. We believe that is something that should be avoided in that very limited case. There is no problem about this matter of points of law, because, as the Committee well knows, in the case of points of law, the opinion of the judge prevails. In other matters, in the more general planning matters, the normal numerical situation applies. But that is what we are endeavouring to address and it seems a not unreasonable problem to try to fix up. I think perhaps the honourable member has not

quite understood why we are moving the way we are here, and I—

The Hon. D.C. Wotton: I see no necessity for moving.

The Hon. D.J. HOPGOOD: That is the reason for the amendment we have before us. I think it is a reasonable step to take and I urge the Committee to reject the honourable member's amendment.

Mr BAKER: There is another section in the Act which caters for that contingency, from my reading. I may not have read it correctly, but as I understand it, if there is some debilitating illness or whatever, the Tribunal as constituted can make a decision when there are two people involved. Here we are saying, in principle, the Tribunal can sit with two members. Perhaps the Minister could clarify the situation. As far as I was aware, the Tribunal should start out with three people originally and, if there is a problem with one member, that does not affect the decision that is being made. Can the Minister perhaps clarify it?

The Hon. D.J. HOPGOOD: Certainly. I have to refer the honourable member and the Committee to page 15 of the parent Act, where there is clearly a conflict of this point between section 25 (2), which is obviously the subsection to which the honourable member was referring, and section 26. Let me quote for the Committee section 26, which provides:

> Where the Tribunal is constituted of a judge and two or more Commissioners, any question arising before the Tribunal shall be determined in accordance with the opinion of the majority of those constituting the Tribunal or, where they are equally divided in opinion, in accordance with the opinion of the judge.

That tends to negate the intent of 25 (2). The effect of my amendment is to fix it up.

Mr BAKER: Can we have an assurance from the Minister that he is never going to have a Tribunal constituted of two members?

The Hon. D.J. HOPGOOD: *Ab initio,* certainly. It arises only where something untoward happens during the hearing.

Clause passed.

Clauses 15 and 16 passed.

Clause 17—'General powers of the Tribunal and Land and Valuation Court with respect to appeals.'

The Hon. D.C. WOTTON: Again, the Opposition opposes this amendment, and again I ask the Minister why he found it necessary to introduce this amendment. There must have been a reason. There must have been a court ruling. I understand that there was a court ruling that suggested this amendment was warranted, but that, at a later stage, that ruling was overturned.

Now I have some concerns about it because I would suggest that changes in this Bill allow the Tribunal to excuse its own defects. I see no reason for it whatsoever. I am seeking clarification in the first part, but because I believe, as I have indicated before, that the *status quo* should remain, I oppose the clause.

The Hon. D.J. HOPGOOD: The effect of clause 17 is to reword the existing section 35 of the Act to ensure that the original objective, which the honourable member had in mind when he introduced the legislation—that is, irregularities in the procedure leading to a planning decision—may be cured by the Tribunal where this is conducive to justice and equity. What I have to do is refer to recommendation 6.4.5, at page 65 of the Planning Act Review Committee, and I think perhaps at the risk of taking just a little time, I should quote that recommendation to the Committee. It states:

> That section 35 of the Act be amended to empower the Tribunal to cure a failure to comply with a provision of the Act or regulations only where the Tribunal considers the failure to be minor and the cure to be in the interests of justice.

The explanation is this:

> Section 33 of the Act provides that the Senior Judge of the Local and District Criminal Courts may make rules governing the operation of the Tribunal. As, in practice, the Chairman of the Tribunal would be advising the Senior Judge, and as the Senior Judge is remote from the actual operation of the Tribunal, the committee considers that section 33 should be amended to allow the Chairman of the Tribunal to make and amend the rules of the Tribunal.

It is necessary also that I read 6.5, at the bottom of page 64, which states:

> Section 35 of the Act empowers the Tribunal to cure irregularities which may have occurred either in relation to an appeal or in relation to the decision on which the appeal has been brought. However, it is unclear whether this provision would allow the Tribunal to overcome a failure by a planning authority to comply with a mandatory provision of the Act or regulations. It was put to the committee that section 35 should merely enable the Tribunal to exercise a discretion to cure minor inconsistencies (for example, public notice being given for thirteen days rather than fourteen), but not allow a discretion to cure a major transgression (for example, failure to notify). The committee supports this view and considers that section 35 should be amended to empower the Tribunal to cure a failure to comply with a provision of the Act or regulations only where the Tribunal considers the failure to be minor and the cure to be in the interests of justice.

This is being done on the advice of the Planning Act Review Committee and it would apply in the circumstances I have just outlined in the words of that committee.

Mr BAKER: We have just heard a dissertation from the Minister about why he has done it. We then read the Act, which says that it does not matter whether it is minor or major. I cannot see that he has in this clause determined whether a ruling should be made on minor or major matters. Surely, if the Minister believes that we need this power to overcome small impediments where the spirit of the requirements have been complied with, yet there might be some small technical difficulty, again there is no opposition from this side. This provision gives *carte blanche.* Will the Minister tell us which set of words indicates quite clearly that we are not going to clear up any major matters and that it is related only to minor difficulties? I cannot see that in the reference, and perhaps the Minister can edify us with the exact reference to help the Committee pass this clause.

The Hon. D.J. HOPGOOD: The only way in which I can help the honourable member is, first, to make it clear that the present Act talks about irregularities rather than minor irregularities. So, in a sense we are confining the ambit of discretion available to the Tribunal in one sense. I refer honourable members to the second reading explanation of clause 17.

Mr Baker: We've read that.

The Hon. D.J. HOPGOOD: He quotes the actual case. One or two honourable members opposite said that they understood that there had been a case—

The Hon. D.C. Wotton: Wasn't the decision in that case overruled?

The Hon. D.J. HOPGOOD: I refer to the case of *Briggs and others v. the Corporation of the City of Mount Gambier and Michelan (1982)* 30 SASR 135, in which Mr Justice Wells adopted a very restricted interpretation of this provision. It stated that the new subsection implements the original intention of the subsection with the object of avoiding the difficulties that His Honour had with the original provision.

The Hon. D.C. WOTTON: I am certainly not satisfied with that explanation. As the member for Mitcham said, it opens up the whole thing, if we are going to allow a significant change like this to be made without any further explanation. I am aware of the findings brought down by Mr Justice Wells, but I am not satisfied with what the Minister has just stated. I do not believe that enough evidence exists to suggest that this change needs to be made.

Clause passed.

Clause 18—'Jurisdiction of the Court.'

The Hon. D.C. WOTTON: The point has been made to me that this clause could be seen as being retrospective. Section 36 of the Act provides powers for a planning authority to take civil enforcement proceedings in respect of the breaches of the Act. It is proposed to extend those powers to acquire unlawful developments which occurred prior to the Act coming into operation. I know that a couple of institutes have expressed some concern about that and see it as being retrospective legislation. Does the Minister see it as such?

The Hon. D.J. HOPGOOD: Clearly, it is retrospective, but I needed to get some advice in regard to the mechanism. The Acts Interpretation Act would allow action to be taken of this kind irrespective of what we were doing. This allows for civil, rather than purely criminal, proceedings which would operate under the provisions of the Acts Interpretation Act. That is what we are doing. It clearly is retrospective in general principle terms, only in the sense that the Acts Interpretation Act envisages. This problem arises in dealing with legislation replacing earlier legislation, but obviously where there is an ongoing jurisdiction with which one must be concerned.

Clause passed.

Clauses 19 and 20 passed.

Clause 21—'Amendment to the Development Plan.'

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

Page 6, lines 3 to 46—Leave out paragraphs *(f)* and *(g)*.

Section 41 of the Act stipulates that all SDPs must go before the Advisory Committee on Planning and that the committee must report to the Minister. This Bill limits the opportunities that the committee would have to comment. I have sought some information. I thought that it may have been a matter that the advisory committee was not able to handle all SDPs coming before it and that there might have been a hold up in the system as a result of some SDPs coming before that committee. The provision was put in the Bill in the first place that all SDPs go before the committee because that group of people is seen as a watchdog committee. It is serving the planning system very well indeed. I have had excellent reports on the involvement that the Advisory Committee on Planning has had and the way in which it is accepting its responsibility. Again, I recommend that the *status quo* remain. I seek from the Minister some comment as to why he sees that it is necessary. We are anxious to speed up the process, streamline the system, and all the rest of it, but if there are not significant hold ups or problems being experienced by the advisory committee I would like to know why the Minister is moving this way.

The Hon. D.J. HOPGOOD: In a sense the honourable member has answered his own question—it is a little bit of deregulation that we are going for. Quite obviously, if a Minister simply treats his advisory committee with contempt and continues to shunt things past it, there will be no advisory committee but only mass resignations, and rightly so.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: I do not know that the Advisory Committee on Planning is all that unhappy with the Government's attitude on Victor Harbor. I would hope that the honourable member is unhappy, in the right sense. The Victor Harbor supplementary development plan is the very thing that requires close involvement by the advisory committee as it is a controversial plan. Where there is no controversy it seems not unreasonable that the business should be pushed on. I have no doubt that, in this set of circumstances, the Minister would consult with the Chairman of the advisory committee, who, as the honourable member knows, is also the Chairman of the South Australia Planning Commission.

It seems that circumstances exist in which it is desirable that a plan on which there is no controversy should go through without the bureaucratic business of going before the advisory committee. It is a little bit of deregulation. We have been trying to ensure that approvals proceed as quickly as possible. We have used section 43 in one case where, but for that, subdivisions could not have proceeded as quickly as they might have, and in the spirit of that we are urging this amendment upon the committee. I urge the Committee to have no truck with the honourable member's amendment.

The Hon. D.C. WOTTON: Has the Chairman or the committee recommended that this should be the case? Has there been consultation with the committee, and does the committee consider that this is a necessary step? I certainly cannot swallow what the Minister says, namely, that this is a significant piece of deregulation.

The Hon. D.J. Hopgood: I didn't say 'significant'; I said 'a little bit'.

The Hon. D.C. WOTTON: Notwithstanding that, I can see no reason for it whatever. I thought that, recognising the importance of supplementary development plans, they should all go through the advisory committee. What the Minister has just said does not make sense. Again, I do not know whether there is some other reason for it that the Minister will not indicate. However, I am sure that it is not just because of deregulation. If the Minister has not already done so, he should consult with the Chairman or with the committee generally to ascertain how they feel about this provision.

Mr BAKER: I wish to speak to the clause. I agree with my colleagues wholeheartedly on this issue. The supplementary development plans process should not be circumvented. My colleagues have outlined this matter fairly well. Clause 21 *(i)* refers to substituting 28 days for 14 days presently stipulated in section 41 (14) of the principal Act. I presume that under this provision IDC will exist over that 28 days. In Queensland or the Northern Territory it would mean that there would be IDC for two years. I seek clarification of that amendment to the principal Act, which at the moment provides that:

> Where a supplementary development plan has been referred to the Joint Committee on Subordinate Legislation and, at the expiration of 14 days from the day on which it was so referred the Committee has neither approved nor resolved not to approve the plan, it shall be conclusively presumed that the Committee has approved the plan.

Is 14 days too short a time for the Joint Committee on Subordinate Legislation to consider the proposals? What is the reason for the extension to 28 days, especially as we are trying to speed up the process?

The Hon. D.J. HOPGOOD: The Chairman of the Joint Committee on Subordinate Legislation made a request on behalf of the committee. Considerable traffic of this type of subordinate legislation has gone through the committee which it did not have to deal with prior to the introduction of the Planning Act. We felt that we could do little more than comply with the request of that very important Subordinate Legislation Committee.

Amendment negatived; clause passed.

Clauses 22 and 23 passed.

Clause 24—'Copies of Development Plan to be available to councils and members of the public.'

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

Page 8, lines 27 to 32—Leave out paragraph (b).

This clause stipulates that councils will have to withstand the cost incurred in printing a supplementary development plan where the council or the Minister requests that such a plan be prepared. In many instances a developer prepares the supplementary development plans in the first place on behalf of a council to facilitate their development. In those

circumstances, it is certain that councils would require the developer also accept the associated costs, and, since the supplementary development plans are prepared in the interests of the public, it is felt that it would be appropriate for the community to contribute. I understand that the Local Government Association supports that view: that the council should stand the cost and that that should be written into the legislation.

I find it very difficult to understand that, because a number of councils have contacted me and indicated that they are dead against it. Obviously either the Local Government Association is not working and is not finding out how the councils feel about the matter, or some of the councils are expressing a concern different to that expressed by their Association. However, I see no necessity for this being written into the Act at all. I understand that there is a very good arrangement at present, which has worked well, and where agreement has been reached in relation to the costs of a supplementary development plan. There is no reason for the Bill to stipulate that a council should pay. A number of councils have expressed concern about this matter.

The Hon. D.J. HOPGOOD: I ask the Committee to reject the honourable member's amendment. In this regard, the Committee is being asked to agree to a proposal whereby, if a plan has been prepared by a council, the Minister may recover costs in relation to it.

The Hon. D.C. Wotton: No it isn't.

The Hon. D.J. HOPGOOD: I imagine that the honourable member has had as much involvement in this as Minister as I have and, accordingly, he would well know that assistance is given to councils, particularly small councils, which lack the capacity, because of limited rate revenue, to be able to employ planners. I would imagine that in that spirit it is unlikely that costs would be recovered from councils with very limited means. However, where a council undertakes a supplementary development plan purely in relation to its area and it has considerable means, it seems to me that it would not be unreasonable that all the other councils through the normal revenue system should have to subsidise that cost. But, I would stress that this relates only to plans that have been prepared by a council and that the discretion is there for the Minister to charge or not to charge.

The Hon. D.C. WOTTON: That clarifies the situation to a further extent than was the case following the second reading explanation. I am sure that councils will be relieved that that is the position, and that is why I sought clarification. Perhaps this is due to a lack of consultation but, as I said earlier, there are still many councils (although I do not know how many) that have not even had an opportunity to look at the legislation. I presume that the Local Government Association has done so, but very few local councils had seen it prior to its introduction in this House. That is one of the problems involved in this, namely, the lack of consultation in relation to this Bill.

Amendment negatived; clause passed.

Clause 25 passed.

Clause 26—'Heritage items.'.

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

Page 10, line 2—Leave out 'as expeditiously as possible' and insert 'within one month after the application was referred to him under subsection (1)*(a)*.'

Clause 26 stipulates that if the Minister desires to make representations in relation to an application for planning authorisation in respect of a development affecting an item of the State heritage he should do so 'as expeditiously as possible'. I do not think that is good enough. I have received representations from a couple of the institutes in relation to this matter. I am not sure what 'as expeditiously as possible' means. I suggest that it is necessary to stipulate a time, and my amendment seeks to leave out 'as expeditiously as possible' and insert 'within one month after the application was referred to him under subsection (1)*(a)*'. I ask the Committee to support my amendment, and it is not too much to ask the Minister to do so. If the Minister cannot make representations within a month, and cannot get his act together within that time, there is something very wrong. I am sure that, with current discussions and debates occurring about heritage matters generally, this amendment will be received very well by the community at large. I ask the Committee to support it.

The Hon. D.J. HOPGOOD: I urge the Committee to support the honourable member's amendment. I point out that there is perhaps an element of inconsistency here, in that the verbiage contained in the Bill is the same word for word, as that contained in amendments to the City of Adelaide Development Control Act that we all voted for not long ago.

The Hon. D.C. Wotton: I would have changed that one, too.

The Hon. D.J. HOPGOOD: The honourable member found it unremarkable at the time that that verbiage was present and did not seek to amend it.

The Hon. D.C. Wotton: I will next time.

The Hon. D.J. HOPGOOD: I am a reasonable fellow, as the Committee well knows, so I am happy to accept this reasonable amendment.

Mr M.J. EVANS: I support the amendment. It is important that throughout the planning process we should define as clearly as possible limited periods of time in which various parties involved, be they councils, objectors, third party appellants or the Minister, should make their representations, objections or appeals that they are entitled to make under the Act. It is important that those provisions be set out in the Act so that the minimum delay possible in the whole system is achieved. I commend the Minister on his decision to accept this amendment, which I believe will improve the Bill.

Amendment carried; clause as amended passed.

Clause 27—'Preparation of environmental impact statement.'

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

Page 10, lines 37 to 44—Leave out paragraph *(b)*.

This clause introduces a new section dealing with environmental impact statement procedures and stipulates that when the Government grants consent to a development following an environmental impact statement the Minister may vary or revoke conditions to which the consent is subject, or attach new conditions at various intervals as the development proceeds. I recommend that the Committee support this amendment.

I have very real concerns about this—probably more than any other provision in this Bill. It is a very dangerous concept to reach a stage where approval is given because on an ongoing basis conditions can be changed, revoked or whatever the case may be. If a firm decision cannot be reached when approval is granted, I do not think that approval should be granted. I can see, and know, that there are developers who are particularly concerned about this provision, and I suggest that, if the Government is going to press ahead with this clause, it will be a particular disincentive for developers to become involved in development in this State. I urge the Committee to support the amendment. I see no advantages but I see very real disadvantages and disincentives to the development industry generally. I express a very real concern about this clause.

The Hon. D.J. HOPGOOD: I have taken some advice because I want to be as helpful as I can to the Committee in this matter. The honourable member referred to 'the Minister', and I am sure that I did not mishear him. In

fact, the Planning Commission is involved. We are talking about the amendment to section 49, not to section 50.

The Hon. D.C. Wotton: It doesn't matter.

The Hon. D.J. HOPGOOD: But it is not 'the Minister': it is 'the Planning Commission'. The whole point is that the parent Act allows for an EIS to be varied from time to time but it does not allow the conditions that arise from the assessment to be varied from time to time. This provision does not allow the Government of the day, because there has been a change of Government and suddenly the new Government does not like a particular proposition, to do what it likes: it provides that as the environmental conditions may change as a result of the development of the project, new conditions may have to be imposed, but they would have to be imposed for the same reasons as the original conditions were imposed.It provides the sort of flexibility that I think the honourable member envisaged when he inserted section 49 in the Act in the first place but, with respect, I believe that the drafting was not sufficiently comprehensive to take account of the flexibility he desired.

The Hon. D.C. WOTTON: I have always been a proponent of flexibility, and I hope I always will be, but this seems to be far too flexible. I understand what the Minister has said. I think I referred to 'the Minister' but I am not particularly concerned about that. The point is the variance of conditions. This provision opens up the whole thing to abuse. I hope that, if the Government does not accept the amendment in this place, we will be successful in having the same amendment passed in another place. If not, I hope that the Government will not use this provision to abuse the system. It certainly provides that opportunity. Again, I cannot see that it is necessary. I know that EISs can be varied, but the varying of conditions is a totally different situation and I urge the Committee to support the amendment.

Mr BAKER: I support the member for Murray on this issue. An EIS was carried out at Roxby Downs, and conditions will apply to the provision of services for the town. There are other means to the end without resorting to this process. Under this amendment, the Planning Authority can, at any stage, make up its mind to do something different in principle from that which was originally agreed. We cannot always say that we will have three good persons and true on a committee. Large-scale developments may suddenly be deemed to be undesirable by one or two people who might use this provision to prevent the development going ahead after significant amounts of money have been spent.

We could be fairly fanciful about what can happen in those circumstances, but as this clause stands here it gives the right to a planning authority, once it has approved something in principle, to keep putting on conditions. I realise that this can have some positive benefits since one does not have to make conditions so harsh and Draconian that the original development becomes not feasible. However, on the other hand, the development could be quite uncertain.

When we are talking about environmental impact studies we are obviously talking about large-scale developments. I hope that that is the case, and that small-scale developments are not involved, otherwise we will never get any development in South Australia at all. We obviously have to be careful in the way we treat those people making large investments because they are putting their money into developments in South Australia. By the same token, we do not want those developments to rape the State.

We have an existing set of rules by which we operate. They seem to be satisfactory and there does not seem to be a particular problem, yet we now have a provision that the Planning Authority can at any time vary the rules. If that is literally interpreted no-one can plan with any certainty, because at some stage of development the Planning Authority can say, 'We require of you much more than we agreed to originally.' That is not fair for anyone. Investment is a very risky business today, as it has been for the past few years, and we should not subject people to this new risk—a risk with which people quite often cannot comply. How many developments have we seen in Adelaide that have run out of money or have had to stop because of some impediment, which is often financial? Extra impediments will place extra financial burdens on people. Does the Minister think that there is a useful principle involved here? If he goes back to the redrafting stage, we could delete this subclause until he comes up with something more satisfactory to the Parliament.

The Hon. D.J. HOPGOOD: First, I refer honourable members to page 56, paragraph 4.19 of the report. I will not extend our sitting by reading what was recommended there, but this was something that, in terms of general principle, arose out of the deliberations of the Planning Act Review Committee. The honourable member's example is not a good one because specific legislation applied to Roxby Downs. In most of these very large projects there is specific legislation which usually overrides the Planning Act or incorporates such parts of it as are seen as expedient for that purpose.

We are dealing with a very limited spectrum of developments, the vast majority of which do not come within the purview section 49 of the Planning Act, anyhow. They are dealt with in the normal way. As I said, it would only be possible for this provision to apply where there was a change in the objective environmental conditions that could justify it. Otherwise, I do not think that there is any doubt that the courts would be involved and almost certainly the Government would not win the day.

Mr BAKER: The courts can only operate on what is in this legislation, which gives the planning authority power. It does not say, 'You should use this power wisely or equitably.' It says that the Planning Authority has the right to impose these conditions at virtually any stage during the process.

The courts cannot come back and say that it is inequitable. The law states that the Planning Authority can apply these conditions. What the Minister is telling us is inconsequential. It is wrong in the terms we are dealing with here. We are giving people the right to change the rules. That right has nothing to do with equitability at all in this clause. We would like to think that it has something to do with equitability. We on this side strongly oppose the subclause.

The Committee divided on the amendment:

Ayes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Oswald, Rodda, Wilson, and Wotton (teller).

Noes (22)— Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Blacker and Gunn. Noes—Messrs Payne and Peterson.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clauses 28 and 29 passed.

Clause 30—'Third party appeals.'

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

Page 12, line 15—Leave out 'and (9)' and insert ', (9), (10) and (11)'.

Page 13, after line 10—Insert new subsections as follows:

(10) Except by leave of the Tribunal, an appeal under subsection (7) shall not be pursued—

(a) where a conference of parties to the appeal is held as required by this Act—beyond the conclusion of the conference; or

(b) where such a conference is dispensed with by the Tribunal—beyond the time at which the Tribunal decides to dispense with the conference.

(11) An application for leave to continue an appeal under this section must be made within seven days after—

(a) the conclusion of the conference; or

(b) the decision of the Tribunal to dispense with a conference,

as the case requires, and if an application is not made within that period, or if leave is not granted, the appeal shall be deemed to have been dismissed.

This is a redraft of the present provisions to make clear that the tribunal under the conditions laid down may dispense with conferences on third party appeals.

Amendments carried; clause as amended passed.

Clause 31 passed.

Clause 32—'Advertisements.'

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

Page 13, lines 32 to 35—Leave out paragraphs *(a)* and *(b)* and the word 'and' between those paragraphs and insert the following paragraphs:

(a) in relation to an advertisement that is not within the area of any council—the Commission;

(b) in relation to an advertisement within the area of a council—the council or the Commission.

This provision has been canvassed in dealing with an earlier Government amendment to clause 5. It again ensures that the council and the Commission can act independently.

Mr BAKER: What is the difference between a penalty of $500 and a default penalty of $100 for hoardings not removed?

The Hon. D.J. HOPGOOD: This is the verbiage currently in the Act. We are amending the section and ensuring that the penalties remain unaltered. The default penalty is the daily penalty that applies with respect to every day in which the person is in breach of the legislation.

Amendment carried; clause as amended passed.

Clauses 33 to 35 passed.

Clause 36—'Professional advice to be obtained by councils in relation to certain matters.'

Mr M.J. EVANS: I have two questions in relation to this provision. I agree that a council should be required to receive advice in relation to important planning matters on which it may have to make a decision. Clearly, members of a council are entitled and should be required to receive that advice. However, I have two concerns about it. First, after it has received that advice, it is not my view that a council must act on it. Obviously, it should receive such professional advice as it wishes or we may require it to have, but it should not be required to act on that advice simply because the person giving it is a professional. The council, as an elected body, should make its own decision.

Secondly, it concerns me that the person giving that advice may end up before a court in an appeal and that person may be required to give evidence to the tribunal and relate the advice given to the council. That may then be used against the council in the hearing. The allegation may well be made, 'You were advised by professional X that you should take this particular course. You did not do that and we are using that as a grounds to upset your decision'.

The advice of a professional, which we require as a matter of law the council to hear in relation to these issues, should be privileged so that the council cannot in effect be called to account for why it did not accept that advice. It might well be that in the provisions of the judicial process my fear is accounted for, anyway, but I would like the Minister to take that on board, assuming that that is the case or, alternatively, to give consideration at some time in the future as to what provision might be made in relation to that.

Less importantly, so that the Minister can address both issues at once, in relation to subsection (2), I know that the Minister will not use this power capriciously, but a council having employed a person of whom the Minister approves at a particular point, if the Minister withdraws his approval, his employment might become ill-founded. That person might not have a job in reality because he is no longer able to advise the council in relation to the matters on which he was engaged by the council. I would like the Minister's comment in relation to the position in which it leaves a person in relation to that situation.

The Hon. D.J. HOPGOOD: In relation to the first matter that the honourable member raised, I take it that we are here talking about a planning officer of a council. I do not see how a planning officer of a council could be forced to give evidence in the Tribunal, say, in opposition to the position of his employer. The position is that a council takes a decision against a development. The developer then appeals to the Tribunal. The developer can call witnesses from all over the place. I do not see that the planner who gave the initial advice to the council could be used in that respect. I can calm the honourable member's fears in relation to that first matter.

In relation to the second matter, it would not apply where a person continues his employment with a council. It may apply in a situation where a person is seeking appointment to another local government authority where different rules and regulations apply: it may be from a small country council to a large metropolitan body where, in the view of the profession, upgraded qualifications are required. So, in the circumstances that the honourable member explains, that problem should not arise.

Mr M.J. EVANS: I accept the Minister's explanation in relation to the second matter, but I draw his attention to section 29(1) of the principal Act, which provides:

The Tribunal may, for the purpose of proceedings before the Tribunal—

(a) by summons signed on behalf of the Tribunal require the attendance before the Tribunal of any person; (and)

(d) require any person on oath or affirmation that he will truly answer all questions put to him

by any member appearing before the Tribunal. It appears that section 29 provides very sweeping powers for those who appear before the Tribunal to require the attendance of any person and put that person on oath, to require the production of books and papers that might well be the advice tendered to the council, and require them to speak on that basis. Given the powers under section 29, I would appreciate the Minister's further assurance.

The Hon. D.J. HOPGOOD: I am rightly corrected by the honourable member. On advice, I am told that from time to time officers are called to give evidence in respect of these matters. It is seen as proper that they should do so. Also, as professional people they would simply make clear the advice that was given to their local government authority and the basis on which that advice was given. The local government authority that employs them would see that as being strength to the arm of that authority rather than as fodder for the other side of the argument.

Mr BAKER: I have concerns similar to those expressed by the member for Elizabeth. My reading of the provision is that the Minister may require a particular person to be hired to assist in Supplementary Development Plan preparation, and so on. Is that a wrong interpretation? What is his power? It states that a person shall seek and consider the advice of a person and, if one takes out the commas it reads 'approved by the Minister for that purpose.' That means that the Minister can stipulate which bodies must be employed by councils to do their work.

The Hon. D.J. HOPGOOD: It is the level of expertise that we are talking about, not the individual.

Clause passed.

Clause 37 and title passed.

Bill read a third time and passed.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

ADJOURNMENT

At 11.32 p.m. the House adjourned until Wednesday 13 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 12 March 1985

QUESTIONS ON NOTICE

SAFA ADVERTISEMENT

343. **Mr BECKER** (on notice) asked the Premier:

1. Why did the South Australian Government Financing Authority place a two page advertisement in the *Sunday Mail* on 18 November and how much did the advertisement cost?

2. What is the advertising programme and budget for 1984-85 using all media for the Authority and what is its purpose?

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

1. The advertisement formed part of an advertising campaign currently being conducted by the Authority. For reasons of commercial confidentiality, it is not proper to give details of the cost of the advertisement.

2. The Authority decided to conduct the campaign as a lead up to a public loan it anticipates undertaking early in 1985, subject to market conditions. The advertising programme provides for a 'launch' phase in late 1984/early 1985 to increase public awareness of the Authority's existence and activities so as to enhance the success of the loan followed by an invitation to the general public to subscribe to the loan when it opens.

For reasons of commercial confidentiality, it is not proposed to release details of the cost of the campaign, but the overall amount is not inconsistent with the advertising budgets of other semi-government authorities throughout Australia which conduct public loans. Further, SAFA's aim is to conduct a public loan which, including all expenses, will be at least as cost effective as other forms of borrowing techniques it could have employed, e.g. private placements. SAFA's total advertising budget for 1984-85 is $175 000.

TRAMS

374. **Mr BECKER** (on notice) asked the Minister of Transport: Why is there a difference of four tramcars between the report of the MTT as at 30 June 1969 which showed a stock of 26 and the Auditor-General's Report of 30 June 1983 which showed a stock of 22 and what has happened to them?

The Hon. R.K. ABBOTT: The State Transport Authority requires only 22 operational trams to maintain its present service. Of the 26 trams being used in 1969, 22 are still in use, one is stored unusable at City Depot, one is stored unusable at Hackney Depot and the other two are on loan to the St Kilda Tram Museum.

PETROL PRICES

377. **Mr BECKER** (on notice) asked the Minister of Community Welfare, representing the Minister of Consumer Affairs:

1. Does the Government propose to take action to control the wholesale price of petrol and, if not, why not?

2. How many representations have been made to the Government, and by whom, over the past three years for action to control wholesale and retail petrol prices?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The wholesale price of petrol is subject to price control by the Federal Prices Surveillance Authority. The State Government, in conjunction with three other State Governments which fixed maximum wholesale prices for petrol, relinquished formal control in July 1984 when the Prices Surveillance Authority took over control. All State Governments agreed to accept the decision of the Prices Surveillance Authority, which set a common basic wholesale price for all oil companies throughout Australia.

2. Wholesale prices have always been subject to control. There appears to be no great demand for control of retail prices as there has, in recent times at least, been a very competitive market.

5AA

378. **Mr BECKER** (on notice) asked the Minister of Recreation and Sport: Why have questions asked by the member for Hanson during the Estimates Committee relating to radio station 5AA not been answered and when will answers be forthcoming?

The Hon. J.W. SLATER: During the Estimates Committee on 3 October 1984, the honourable member asked a question concerning the terms of the loan from the South Australian Financing Authority for Festival City Broadcasters Ltd. This was followed by a subsequent question from the member for Torrens, which was responded to on 10 October 1984, as under:

Terms of loan re Festival City Broadcasters Ltd:

Principal $4 million.

Received on 4 September 1984, and repayable on 4 September 1989.

Interest: payable quarterly commencing on 4 December 1984, at an interest rate calculated by SAFA at the common public sector interest rate for each quarter as determined by the Treasurer. That rate is based upon average cost of the State public sector's average debt and includes a guarantee fee applied by the Treasurer as well as a small administrative fee.

AIDS

381. **Mr BECKER** (on notice) asked the Minister of Tourism, representinng the Minister of Health:

1. How many cases of acquired immune deficiency syndrome (AIDS) have been reported to health authorities, and how many are adults and children, male and female, respectively?

2. When and at what locations will AIDS screening testing equipment be available?

3. What action is being taken by the Minister's Department in relation to community awareness and education programmes and to curb the incidence of AIDS and, if none, why not?

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

1. There has been no case of AIDS reported to the Central Board of Health in South Australia. To date (18 February 1985), four cases of lymphadenopathy syndrome have been notified. This is a related but usually self-limiting disease caused by the AIDS virus. These figures compare with 53 cases of AIDS notified to date in the rest of Australia. Fifty of these were adult males and three were infant males.

2. Screening test kits for antibody to the AIDS virus should be available to blood transfusion services and the Institute of Medical and Veterinary Science as soon as licensure of the products is finalised. Presently, it is thought that the products will be available in South Australia by late April or early May. All doctors in the State will be able to forward specimens to the IMVS for testing.

3. The South Australian Health Commission has taken concerted action to educate the public and professionals

concerning AIDS. All material forwarded from the AIDS Task Force, chaired by Professor Penington, and from the National Advisory Committee on AIDS, chaired by Ms Ita Buttrose, is disseminated in South Australia to special interest groups or the public at large as each item requires. Special arrangements have been made with the *Advertiser*, in particular, to publish factual articles on the subject. Public information pamphlets are presently being printed in Victoria for distribution in all States and are expected to be available within a month.

BOGUS CHARITY COLLECTORS

384. **Mr BECKER** (on notice) asked the Minister of Community Welfare representing the Minister of Consumer Affairs:

1. How many complaints has the Minister received concering bogus charity collectors and how many involved adults, teenagers or other children?

2. How much money was involved and what charities were affected?

3. What action does the Minister propose to take to curb such incidents in future?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The Collections for Charitable Purposes Act was transferred to the Minister of Recreation and Sport's administration in June 1984. Since then there have been two instances of people collecting money without being holders of the necessary licence. On both occasions the guilty parties were adults and were subsequently apprehended by the police. Reports have been prepared and appropriate action taken. Prior to the Minister of Recreation and Sport being responsible for the Act, it was under the control of the Chief Secretary and from inquiries made it appears that a close liaison was maintained with the CIB (Police Department) in controlling any malpractices involving bogus collections, etc.

2. The money collected in the two aforementioned instances was $1 020 by the Australian Quadriplegic Association of N.S.W. and $19 by the Hunger Project Inc.

3. The Collections for Charitable Purposes Act is in the process of being reviewed by officers of the Department of Recreation and Sport in consultation with the Parliamentary Counsel and the intention of the review is to further prevent areas within the Act which may be open to abuse.

GOVERNMENT VEHICLES ADVERTISING

399. **Mr BECKER** (on notice) asked the Minister of Transport:

1. To which Government department or authority is Sigma station wagon registration number UFU-242 issued?

2. What is the Government's policy in relation to fixing political advertising material on Government motor vehicles?

3. Who was responsible for attaching ALP election advertising material to the vehicle UFU-242 during the recent Federal election?

The Hon. R.K. ABBOTT: The replies are as follows:

1. Engineering and Water Supply Department.

2. The Government's policy is not to approve the display of any political advertising material on Government vehicles.

3. The 'election advertising material', which consisted of a small sticker with the words 'Advance Australia' and 'Authorised by the Australian Labor Party' printed on it was fixed to the vehicle by an employee of the Department. His supervisor instructed it to be removed immediately it was noticed on the vehicle.

MARINE AND HARBORS DREDGE

405. **Mr BECKER** (on notice) asked the Minister of Marine:

1. Did the Department of Marine and Harbors hire a dredge from Western Australia to replace the dredge *Meyer* and, if so, for what period and cost?

2. Has such a dredge now been purchased and, if so, at what cost, how many major overhauls has it had, what was the cost of the tumbler ladder, and how many buckets were replaced and at what cost?

The Hon. R.K. ABBOTT: The replies are as follows:

1. The Department of Marine and Harbors hired the bucket ladder dredger *AD Victoria* on 'bare boat charter' on 19 February 1980 until 31 August 1981. The hire charges amounted to $820 190 plus cost of mobilisation from Albany to Port Adelaide of $139 500.

2. The *AD Victoria* was purchased on 10 September 1981 at a cost of $1.5 million. At the same time expenditure of a further $1.25 million was approved, being $0.4 million for essential repairs, $0.15 million for spare parts and $0.7 million for modification of the bucket band. The dredger is required to comply with Lloyds Surveyors regulations which require it to be surveyed annually and slipped every two years. Slipping could be classified as a 'major overhaul' and this has been done twice, first in 1982 and then again in 1984. No other major overhauls have been carried out on the *AD Victoria* since it was purchased by the Department of Marine and Harbors.

In conjunction with the 1984 slipping, the essential repairs and modifications envisaged at the time of purchase were carried out. The major modification required was the replacement of the bucket chain and top tumbler and this cost $612 000, being $540 000 for the new buckets of improved design and the balance for the new design tumbler.

SWAN REACH

407. **Mr LEWIS** (on notice) asked the Minister of Water Resources:

1. Has the Director of the Engineering and Water Supply Department advised the Minister that he has received a petition from residents and land owners of Swan Reach asking that the Department provide additional water supply facilities and improve water reticulation?

2. Will the Government take the necessary steps immediately to provide additional water supply facilities and improved reticulation in the township:

(a) to ensure that the higher areas have consistent supply at adequate pressure;

(b) to avoid the necessity for some residents to install their own supply or to cart water over considerable distances; and

(c) to cater for recent and future additional residences?

The Hon. J.W. SLATER: The replies are as follows:

1. Yes.

2. An investigation is being conducted by the Engineering and Water Supply Department into upgrading the existing system, including the need to improve the pressure of the water supply in the high areas of the town and cater for recent and future additions to the township. This investigation is not expected to be completed before the end of this year and the eventual construction of any proposed improvements to the water supply system will be dependent upon the availability of funds and the priority of the project in relation to other projects. The Department will continue to endeavour to maintain the existing water supply at a satisfactory standard.

MOUNT GAMBIER EFFLUENT

408. **Mr BECKER** (on notice) asked the Minister of Water Resources:

1. What is the reason for the delay in building a sewage plant to treat effluent from Mount Gambier?

2. Is approximately seven million litres per day of raw sewage and industrial waste being pumped through the Finger Point outlet and what is the assessment of the potential health hazard?

3. Are designs, plans and specifications being prepared for a sewage treatment plant for Finger Point and, if not, why not?

4. What is the estimated capital cost and annual recurrent cost of building and operating such a plant?

5. When will construction commence for such a plant?

The Hon. J.W. SLATER: The replies are as follows:

1. Current financial constraints have precluded funds being made available for this project on the Engineering and Water Supply Department's Capital Works Programme.

2. No. The average annual daily raw wastewater flow for 1984 was 3.85 million litres per day, with a peak daily flow figure of 5.09 million litres per day. As a result of the decision to defer the construction of a sewage treatment works, the Government has taken steps to minimise the risk to public health and to protect the reputation of the South Australian Fishing Industry as follows:

- The South Australian Health Commission considers that excluding the public from the beach and bathing waters for a distance of 1 kilometre either side of the outfall is acceptable from a public health point of view. Most of the area is fenced off and signs warn the public not to swim in the area.
- All waters within 1 000 metres of the outfall were closed to fishing under section 46 of the Fisheries Act, 1971-1982, by proclamation of the Governor on 9 June 1983. The Department of Fisheries considers that prohibition of fishing will minimise the potential risk, however small, of contaminated seafood entering the market to the possible detriment of the fishing industry.

3. No. The Engineering and Water Supply Department's resources have been allocated to those projects which are on its Capital Works Programme.

4. The capital cost of constructing a sewage treatment works at Finger Point has been estimated at $8 million, with recurrent costs of $2 million per annum. These figures are December 1984 values.

5. The commencement of this project is dependent upon the availability of funds and its priority in comparison with other projects.

WESTERN REGION SWIMMING CENTRE

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

1. What financial arrangements are being made between the Government and Western Metropolitan Region councils for the building of a Western Region Swimming Centre and, if none, why not?

2. What is the estimated cost and commencement date of the project?

The Hon. J.W. SLATER: The replies are as follows:

1. The Department of Recreation and Sport to date has only received one written application for financial assistance—that was during the 1983-84 financial year—for which it received $2 500 towards the Western Region Aquatic Centre Study. The inference from the Metropolitan Regional Council Western was that it would apply for assistance under the Community Employment Programme.

2. A verbal request for financial assistance was made to me toward the construction of a major aquatic centre in the western suburbs by the Western Metropolitan councils. As the total estimated cost of the project was in the order of $12 million the Department, within its current resources, was not able to provide any substantial assistance, particularly in light of its considerable contribution to the development of the Adelaide Aquatic Centre in the North Adelaide Parklands. The Western Metropolitan Councils indicated that it had intended to seek funding from the Commonwealth Government.

RATE CONCESSIONS

418. **Mr BECKER** (on notice) asked the Minister of Community Welfare:

1. How many persons are in receipt of land tax and local government, electricity and water and sewer rates concessions and what is the estimated cost to the Government in each category for this financial year?

2. Is the Government considering increasing the concessions in any or all categories and, if so, which ones and by how much and, if not, why not?

3. What impact will the Federal Government's assets test have on the number of persons receiving concessions and how many persons will lose the benefit entirely?

The Hon. G.J. CRAFTER: The replies are as follows:

1. *(a)* A total of 186 pensioners receive concessions on land tax. The 1984-85 budget for this is $9 000.

(b) Approximately 86 200 pensioners and beneficiaries receive concessions on council rates at an annual cost of $10.9 million in 1984-85.

(c) Approximately 80 000 pensioners and beneficiaries receive concessions on water and sewer rates at an annual cost of $10.4 million in 1984-85,

(d) Approximately 108 000 pensioners and beneficiaries receive electricity concessions at an annual cost of $5.6 million in 1984-85.

2. Concessions are the subject of review.

3. The original estimates of the Department of Social Security are that the introduction of the assets test would affect about 2 per cent of the total pensioner population in South Australia, that is, 4 000 people. It is unknown how many persons will lose the benefits entirely.

PIPELINES AUTHORITY OF SOUTH AUSTRALIA BOARD

419. **Mr BECKER** (on notice) asked the Premier:

1. Who are the members of the Pipelines Authority of South Australia Board, what is the date of appointment, remuneration and out of pocket expenses of each and are they paid travelling allowance and, if so, at what rate?

2. How many times did the Board meet in 1984?

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

Members of the Board:	Date of Appointment
Mr Ronald David Barnes—Member, Chairman	July 1976-June 1984
	July 1984
Mr Robert Keith Johns—Member	July 1983
Mr Keith William Lewis—Member	January 1985
Mr Edgar Frank McArdle—Member	July 1984
Mr Leslie Wedgwood Parkin, A.O.—Member	April 1967-October 1973 and January 1975
Judge David Hugh Taylor—Member	September 1976

Fees payable:
Mr R.D. Barnes ..... $11 800 p.a. paid quarterly
Mr E.F. McArdle ..... $8 350 p.a. paid quarterly
Mr L.W. Parkin ..... $8 350 p.a. paid quarterly
No fee paid to R.K. Johns, K.W. Lewis or D.H. Taylor as they are officers of the Crown. Reimbursement of expenses is paid by the Authority but no travelling allowance is paid to the Chairman or members. The Board met on 11 occasions during 1984.

HOUSING TRUST SURPLUS LAND

424. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: Does the Housing Trust consult and use local licensed land agents when disposing of surplus real estate and, if not, why not?

The Hon. T.H. HEMMINGS: When disposing of land which is surplus to its requirements in the country, the Trust ordinarily invites local real estate agents to represent the Trust and to arrange the disposal of the land. The Trust also responds to inquiries from the public and from agents seeking land on behalf of clients, and assists where possible. These circumstances usually arise in country towns where the Trust, many years ago, purchased and divided land to meet an anticipated growth but through changing economic conditions the land is surplus to requirements as established on a projected five year building programme. These allotments are frequently purchased by country people wishing to retire in the local township or by those leaving home on marriage and wishing to remain in the locality.

In the metropolitan area, the Trust has sold a small number of allotments which were not required for use in its housing programme. These allotments have normally been sold in response to inquiries from the public and community organisations and, consequently, no estate agent is required. In one instance at Taperoo in 1982 a small group of allotments were auctioned through a real estate agent. Some allotments were also auctioned recently at Fulham Gardens through another real estate agent who is also handling a similar auction at Novar Gardens later in February.

LAKE MERRITI

425. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Water Resources:

1. Was the control gate on Lake Merriti constructed for the purpose of retaining water in the lake following a high river and, if so, why was the regulator not closed when the river fell late in 1984?

2. Will the Chaffey and Cooltong irrigators be disadvantaged because of the failure to retain the high quality water in Lake Merriti?

The Hon. J.W. SLATER: The replies are as follows:

1. The outlet regulator on Lake Merriti was constructed to enable controlled release of low salinity floodwaters retained in the lake to reduce the salinity in Ral Ral Creek. When floodwaters recede the salinity in Ral Ral Creek can rise because of saline backwater return flows. As the salinity of floodwaters retained in the lake tends to remain relatively stable in the short term, the water is generally held to dilute water in Ral Ral Creek and released as the effects of the saline backwater return flows become evident.

Water is not retained in the lake for very long after a flood recession as the salinity in the lake would increase due to groundwater inflow and concentration due to evaporation. Generally, water is expected to be released within 45 days. Also, with any raised storage level in the lake highly saline groundwater flows to Ral Ral Creek could be established. The nature of the 1984 flood was such that it was predicted that highly saline conditions would not occur in Ral Ral Creek and no dilution would be necessary. Lake Merriti water was therefore allowed to discharge without restriction. As predicted, there was no significant deterioration in Ral Ral Creek salinity after the flood had receded.

2. It is considered that irrigators will not be disadvantaged by the release of the water from Lake Merriti. The water in the lake at the time of release was not of particularly good quality and its retention could only have made it worse, as detailed in question 1.

ROAD SAFETY INSTRUCTION CENTRE

426. **The Hon. D.C. BROWN** (on notice) asked the Minister of Transport:

1. Was the reduction in the number of field officers within the Road Safety Instruction Centre from 18 to 13 over the past few years due to budgetary restraints and, if not, what were the reasons?

2. Who authorised the reduction?

3. What are the consequences of the reduction in terms of road safety instruction?

The Hon. R.K. ABBOTT: The replies are as follows:

1. and 2. Between January 1981 and the present time the number of field officers employed at the Road Safety Instruction Centre has reduced from chief field officer and 18 field officers to chief field officer and 14 field officers. The reductions were the result of revisions of departmental priorities within overall budget and staff ceiling restraints.

3. Some reduction in the types and number of courses offered has occurred. A review of the effectiveness of the courses is currently in hand. Staff and funds allocated to the centre will be reviewed on completion of the study.

TOW TRUCK ROSTER SCHEME

427. **The Hon. D.C. BROWN** (on notice) asked the Minister of Transport:

1. How many people are involved in the total administration of the Tow Truck Roster Scheme, and what are the positions held by each person?

2. What is the total cost, including direct and indirect costs, of administering the scheme?

3. What capital costs were involved in the implementation of the scheme?

4. What manpower resources do the police put into the scheme?

The Hon. R.K. ABBOTT: The replies are as follows:

1. Total Permanent Staff—Six: Executive Officer; Senior Inspector; Inspector; Operations Co-ordinator; Stenographer Secretary; and Collator Clerk.

Temporary Secondment—One: Clerk.

2.

	$
Salaries	111 000
Contingencies	51 000
Total	162 000
Anticipated Revenue	60 000
Net Operating Cost to M.R.D. Budget	102 000

3. Nil.

4. A workload analysis indicates a daily manpower involvement of 4.6 hours.

POLICE BATONS

428. **Mr BECKER** (on notice) asked the Minister of Emergency Services:

1. How many Monadnock PR-24 Prosecutor Batons have been purchased by the police and how much did they cost?

2. How many will be required to fully equip the Police Force?

The Hon. J.D. WRIGHT: The replies are as follows:

1. 100; $3 500.

2. There are no proposals at this stage to equip the entire Police Force with these batons.

IMPERIAL HONOURS

429. **Mr BECKER** (on notice) asked the Premier: What were the terms of agreement reached between State and Federal Governments concerning the method of appointing Australia's State Governors and the future of Imperial Honours system and when was the agreement completed?

The Hon. J.C. BANNON: The first question—that of advice to the Queen on the appointment of State Governors—is still the subject of some negotiation in the United Kingdom. The present position is that some compromise has been achieved to enable the States to furnish advice to the Queen on the appointment of their respective Governors, unfettered by the intervention of the Federal Government. This compromise has yet to be the subject of final agreement by the United Kingdom Government.

The second question—that of conferring Imperial Honours—has been resolved by leaving it to the individual Parliaments of the States to determine whether or not such honours should be able to be awarded in the future. When the legislation package comes before Parliament, it will be for this Parliament to determine whether to abolish the right of the State Government to recommend to the Queen the conferral of honours in future, or to leave that facility in existence subject to the right of any particular Government of the day to decline to take advantage of it.

WOODS AND FORESTS DEPARTMENT EMPLOYEES

432. **Mr BECKER** (on notice) asked the Minister of Education, representing the Minister of Agriculture:

1. How many employees of the Woods and Forests Department working at sawmills and forests have been apprehended and dismissed for smoking marihuana during the past two years?

2. Have any dismissed employees been reinstated and, if so, why?

3. What is the Department's policy in relation to sawmill and forest employees smoking on the job and, in particular, to marihuana smoking?

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

1. Three employees of the Woods and Forests Department have been apprehended and dismissed for smoking marihuana during the past two years.

2. One dismissed employee has been reinstated by order of Industrial Magistrate Cunningham in his decision on a claim heard in the Industrial Court of South Australia.

3. The Department's policy in relation to smoking on the job restricts smoking in areas where it may present a fire, safety or health hazard. For the comfort of all persons, smoking is also restricted in some meeting rooms and offices. Employee on-the-job consumption of marihuana is not permitted as it is in contravention of the law.

HALLETT COVE LAND

438. **Mr MATHWIN** (on notice) asked the Minister of Education:

1. Does the Education Department own any of the land bounded by Ramrod Avenue, Swerner Drive, Ragamuffin Drive and Oliver Terrace, Hallett Cove and, if so:

(a) which parts;

(b) when did the Department acquire the land and from whom was it acquired and at what cost, if any;

(c) is it the intention of the Department to sell any of the land and, if so, when and by what method will it be sold and to whom; and

(d) is it the intention of the Department to transfer any of the land to any other department or body and, if so, to whom and under what arrangements?

2. Has the Department any other land in the Hallett Cove area bounded by Marino in the north, Port Stanvac in the south, and Lonsdale Road in the east and, if so, what is the location and the size of this land?

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

1. The Education Department owns a site bounded by Ramrod Avenue, Swerner Drive, Ragamuffin Drive and Oliver Terrace, Hallett Cove called Patpa Primary School site. It is allotment 3, part section 478, hundred of Noarlunga and consists of 4.119 ha. This site was acquired in December 1978 from the Hallett Cove Development Company for $85 000. In accordance with the revised Hallett Cove Structure Plan the site was declared surplus in October 1984. The land is now in the hands of the Department of Lands for disposal through their normal processes. A portion of the site consisting of approximately two housing allotments in area is to be transferred without costs to the Department for Community Welfare for the development of a child care centre. The balance of the site will be sold to various interested parties at market valuation.

2. The Education Department owns two other sites in the area bounded by Marino in the north, Port Stanvac in the south and Lonsdale Road in the east—these are: Hallett Cove High School site on the north-east corner of Gledsdale Road and Sandison Road—9.026 ha. Hallett Cove East Primary School site off Rogano Crescent (lot 50, part section 461, hundred of Noarlunga)—3.999 ha.

POLICE RESIGNATIONS

439. **Mr GUNN** (on notice) asked the Minister of Emergency Services: In the past three financial years, how many police officers holding the rank of sergeant and above have resigned from the Police Department other than for retirement purposes?

The Hon. J.D. WRIGHT: 1981-82, one; 1982-83, one; and 1983-84, three.

MORPHETT VALE EAST DEVELOPMENT

442. **The Hon. D.C. WOTTON** (on notice) asked the Minister for Environment and Planning: Has the percentage of public housing against private housing been determined for the Morphett Vale East development and, if so, what is it and, if not, when is it anticipated that it will be determined?

The Hon. D.J. HOPGOOD: The Government has an overall objective of mixing public and private housing in growth areas. However, it does not normally set a fixed percentage of a given development as public housing, as it must be prepared to adapt to changing circumstances in the future. The public housing programme varies from year to year, but generally around 25 per cent of total Adelaide Statistical Division commencements were obtained in 1981-82 and 1982-83.

Northern and southern metropolitan growth areas have experienced a lower proportion of public housing in the past four years because the South Australian Housing Trust has focussed a significant proportion of its programme on the central sector of Adelaide, in support of the Government's urban consolidation objective. In future, however, with the progressive diminution of available residential land in the central sector, an increasing proportion of new dwelling commencements will be directed to the growth areas. This trend will apply to both public and private housing alike.

Overall, it is likely that the South Australian Housing Trust's share will be around 25 per cent-30 per cent of total new commencements in the growth areas, and a similar proportion is anticipated for Morphett Vale East. It is the Government's aim to integrate the public and private housing at Morphett Vale East.

RAIL TRANSFER CHARGES

446. **Mr S.G. EVANS** (on notice) asked the Minister of Transport:

1. What was the charge to STA by AN for use of the permanent way for the rail service between Belair and Bridgewater in each financial year since the rail transfer?

2. What was the charge by STA to AN for use of STA rail tracks between Belair and Mile End in each financial year since the transfer?

3. What was the STA charge to AN for use of other metropolitan permanent ways in each financial year since transfer?

The Hon. R.K. ABBOTT: The State Transport Authority accounting system does not provide for costing of expenditure by section of rail tracks, therefore, the information in the form requested is not available. However, the total charge raised by both STA and AN in each financial year for the use of rail tracks since the rail transfer on 1 March 1978 has been as follows:

Year	STA charge to AN ($000's)	AN charge to STA ($000's)
1977-78 (4 months)	593	12
1978-79	2 046	45
1979-80	2 413	47
1980-81	2 386	46
1981-82	2 283	50
1982-83	2 146	68
1983-84	2 318	80

ELECTRICAL TRADES COURSE

447. **Mr MATHWIN** (on notice) asked the Minister of Education:

1. When will the Minister reply to the member for Glenelg's letter of 9 January 1985 asking for sympathetic consideration to be given to continuing a prevocational electrical trades course at Kingston College, O'Halloran Hill?

2. Is the Minister aware of the hardship caused to the residents as a whole and in particular to youth of the southern areas of Adelaide with his action in transfering the course to Regency Park and, if so, will he reconsider his decision and, if not, why not?

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

1. A reply was sent on 20 February 1985.

2. The reason the course will not run at Kingston College of TAFE is due to recent changes in the requirements of the Industrial and Commercial Training Commission. It is intended to use the first few months of 1985 to develop the extra resources necessary at Kingston. This should enable the course to recommence in July 1985 at Kingston.

ENTERPRISE INVESTMENTS

459. **Mr BAKER** (on notice) asked the Premier: What is the current state of funding for Enterprise Investments (S.A.) Ltd from all sources and how much has been lent or invested with high growth potential businesses?

The Hon. J.C. BANNON: A private placement of redeemable preference shares, and the successful public issue of convertible notes and ordinary shares in November 1984 gave Enterprise Investments the following funding base:

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Convertible Unsecured Notes	5.0 million
Redeemable Preference Shares	5.0 million
Ordinary 50 cents shares	.6 million
'A' Class 50 cent shares	.1 million

As to the second part of the question, Enterprise Investments is a public company, and such information as is required to be made available by the company to its shareholders will be disclosed in the company's accounts, and to the Australian Associated Stock Exchanges.

HACKNEY BUS DEPOT

461. **Mr BAKER** (on notice) asked the Premier:

1. Has the Government's delay in making a decision over the use of the Hackney bus depot land effectively prevented the construction of the tropical conservatory?

2. Does the Minister's recent announcement of a major inquiry in to the feasibility of returning that property to parkland indicate that the Government is opposed in principle to the construction of a conservatory adjoining the Botanic Gardens?

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

1. No.

2. No.

VICTOR HARBOR RAILWAY

463. **Mr BAKER** (on notice) asked the Minister of Transport: What response, if any, has been received from the Commonwealth Government in respect of the retention of the Victor Harbor railway line?

The Hon. R.K. ABBOTT: Following the decision of the arbitrator on 16 November 1984, the Commonwealth are obliged to retain the Victor Harbor railway line until 31 October 1986. In the interim period AN are not obliged to provide any train services on the line. A committee under the direction of my colleague, the Minister of Tourism, is currently examining the cost and means of financing a tourist railway venture in conjunction with Steam Ranger Tours.

HOUSEBUILDING COSTS

464. **Mr BAKER** (on notice) asked the Premier: In response to the *Advertiser* report of 16 January 1985, when will regulations be made to assist in reducing the costs of house building associated with soil testing and design of footings?

The Hon. J.C. BANNON: Amendments to the Building Act and regulations were published in the *Government Gazette* on 31 January 1985.

REHABILITATION

465. **Mr BAKER** (on notice) asked the Minister of Community Welfare representing the Attorney-General: Will a

summary of public reaction to the report issued in November 1984 on Privacy and Offender Rehabilitation be released and, if so, when?

The Hon. G.J. CRAFTER: Late last year there were issued three discussion papers for public consideration and comment. One was produced by the Privacy Committee appointed by the Government and the other two, dealing with several aspects of the rehabilitation of offenders, were issued by the Attorney-General's Department. Over 20 submissions from both Government and private respondents were received by the Privacy Committee when cut-off date (25 January) passed. The committee is expected to reconvene shortly to prepare its final report to the Government.

In relation to the discussion paper 'Old Criminal Convictions', the submissions received will be taken into account for the purposes of preparing a final draft Bill for Cabinet to consider. In respect of the paper 'Adult Aid Panels and a Formal Police Caution System' submissions received will be used to formalise proposals for further consideration. A lot of work still remains to be done on these proposals. It was never intended to publish any prepared summary of the reaction to these various papers. However, the honourable member will be advised of decisions taken in due course. Should he require a briefing on the issues raised then this can be arranged.

PERMANENCY

479. **Mr BAKER** (on notice) asked the Premier: When does the Premier intend to remove the permanency provision associated with senior appointments in the Public Service as announced in November 1984?

The Hon. J.C. BANNON: The Final Report of the Review of Public Service Management has proposed more flexible arrangements for the appointment of heads of Government departments and executive officers and designated equivalent levels. The Government has endorsed, in principle, those and other proposals as a basis of consultation with unions and preparation of draft legislation. Cabinet will make final decisions in due course.

PRIMARY SCHOOL STAFFING

490. **Mr BAKER** (on notice) asked the Minister of Education: Was the teaching and ancillary staffing allocation for primary schools this year based on the forward estimates of student numbers as at October 1985 or at some other date?

The Hon. LYNN ARNOLD: The teaching staff allocations for primary schools for 1985 were based on each school's estimate of its October 1985 enrolment level. The ancillary staffing allocations were then based on the number of teachers allocated to each school.