HOUSE OF ASSEMBLY

Wednesday 26 August 1987

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

PETITION: PAYROLL TAX REBATE

A petition signed by 73 residents of South Australia praying that the House reject any measures to abolish the rebate of payroll tax in country areas was presented by Mr Blevins.

Petition received.

PETITION: SENTENCE REMISSIONS

A petition signed by 684 residents of South Australia praying that the House urge the Government to abolish parole and remissions of sentences for persons convicted of an armed holdup offence was presented by Mr Becker.

Petition received.

QUESTION TIME

TIMBER COMPANY

Mr OLSEN: Can the Minister of Forests say whether the Government authorised the Chief Executive of International Panel and Lumber (Mr Geoff Sanderson) to make the following statements attributed to him in a Christchurch newspaper, *The Press*, on 21 May this year:

> The Gladstone plywood factory, near Greymouth, will continue trading. The decision was announced by the Chief Executive of International Panel and Lumber (New Zealand) Limited (Mr Geoff Sanderson) in Greymouth last evening, after he had earlier talked to officers of the South Australian State Premier (Mr Bannon). Mr Sanderson said that, after last Tuesday's State Cabinet meeting and subsequent discussions with senior South Australian Government advisers, the Premier's office had announced its decision.

If Mr Sanderson was so authorised to make these statements, do they confirm that the Government did decide in May to inject another $3 million into this company, and will the Minister now provide the House with the figures on the Government's total investment in his venture as he undertook to do 24 hours ago?

The Hon. R.K. ABBOTT: The statement quoted by the Leader was only a short-term arrangement, as I understand it, and he had no authorisation to say that we injected an additional $3 million into that company. We have not.

Members interjecting:

The SPEAKER: Order!

PORT ADELAIDE SIGNS

Mr De LAINE: Can the Premier say when information and direction signs will be installed in and around Port Adelaide to direct people to the various historic attractions available in the area? It had been planned for signs to be erected at strategic locations in and around Port Adelaide at the time of the official opening of the South Australian Maritime Museum by the Prime Minister (Mr Hawke) on 6 December 1986. To date these signs have not yet been erected, and the South Australian Maritime Museum claims it is losing substantial numbers of visitors because people are experiencing difficulty in locating the museum office and ticket selling facility.

The Hon. J.C. BANNON: The member has raised this matter on other occasions, and I certainly welcome his interest. This question, of course, relates to activities in and around Port Adelaide where some major developments (covering residential, commercial, and industrial) are taking place, and this also includes its orthodox port function as well as tourism matters to which the honourable member has specifically referred.

This morning the new vessel *Island Seaway*, which will ply between Port Adelaide, Kangaroo Island, and Port Lincoln, was named. I put on record that I omitted to acknowledge, because I was not aware of their presence, a number of my colleagues who were at that ceremony. I acknowledged my ministerial colleagues who were sitting in the front row but among the audience were the member for Price (who asked the question) and the member for Semaphore, who is present at just about anything that happens in that area. Representing the Opposition was the member for Bragg, and of course the member for Alexandra, whose electorate is vitally affected by it, and who seemed in pretty good shape, was able to attend, if not clamber over the vessel.

That is just an example of the sorts of things that are happening at the port. The member's question relates particularly to a facet of the tourist promotion strategy of the port centre scheme. I am told that this coordinated sign scheme has been a priority, but that it has taken a little while to get off the ground. Tourism brochures have been widely distributed, and are available together with other promotional material at various points. However, the delay in erecting signs has, first, had to do with the heritage and conservation issues associated with the development of the attractions (that is, making sure that we know exactly what signage is necessary, pointing up what attractions, and what state of development), and, secondly, it is a self-funding project and they have to work within the timing of the available funds as the various exchanges of land, and so on, take place.

Nevertheless, I am pleased to inform the member that an appropriate sign scheme is nearing completion. It has been forwarded to the Port Adelaide city council for its endorsement. At this stage I am not sure whether the council has formally received that endorsement, but I would imagine that it has been before the council. We will see the historic street name signs, some of which have already been installed, in conjunction with sandwich board signs and a major signage project taking place in the next few weeks. Over 100 000 visitors have been to the Maritime Museum in its first seven months of operation. That in itself suggests that the area is already an important tourist attraction; and there are so many other reasons for going to the port. The vision of those who embarked on the redevelopment of Port Adelaide has certainly been vindicated.

TIMBER COMPANY

The Hon. E.R. GOLDSWORTHY: My question is directed to the Minister of Forests. What is the Government's total investment in the New Zealand timber company IPL? Yesterday the Minister explained that he did not have the figures available, but of course he will have them today.

The SPEAKER: Order! The question is out of order, being exactly the same question as was asked yesterday.

The Hon. E.R. GOLDSWORTHY: I rise on a point of order. The question yesterday was: would the Minister of

Forests confirm that an investment of $17.06 million had been invested in a New Zealand timber company? I submit that the question today—

The SPEAKER: Order! The question that the Chair is referring to and which was asked yesterday reads as follows:

My question is directed to the Minister of Forests. How much money has the South Australian Government put into the New Zealand-based timber company in which the South Australian Government has a 70 per cent ownership? Was $3 million more recently made available?

I rule the question out of order, as it is repetition.

The Hon. B.C. EASTICK: On a point of order, Sir, my colleague the honourable Deputy Leader very clearly asked 24 hours later, 'Had the Minister obtained the information which was sought yesterday?' Therefore, it is an entirely different question although it is based on the same material. He asked for an update 24 hours after the previous question had been asked. Therefore, I suggest that it is relevant.

Members interjecting:

The SPEAKER: Asking the same question 24 hours later does not mean it is not the same question. I rule the question out of order.

Members interjecting:

Mr LEWIS: On a point of order, Sir, over what time—

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order.

Members interjecting:

The SPEAKER: Order! The Chair would appreciate being able to hear, as I am sure would all members, the point that the member for Murray-Mallee is attempting to introduce. The honourable member for Murray-Mallee has a point of order?

Mr LEWIS: Three, Mr Speaker. Under what Standing Order is the question ruled out of order? Secondly, over what time frame in any given session—is it a day, is it a week, is it a month—can the same question be put again to a Minister?

Members interjecting:

The SPEAKER: Order! I have to interrupt again the member for Murray-Mallee and ask the Premier and the Leader of the Opposition not to conduct a dialogue across the floor of the Chamber. The honourable member for Murray-Mallee's second point was what?

Mr LEWIS: Over what time frame is it considered permissible to seek information asking the same question as was asked earlier in a session? Is it a week, is it a month or is it that, once a question about how many murders there have been in South Australia has been asked in a session, no such further question of that nature can be asked until the Parliament is reopened? That is my second inquiry of you, Sir. My third inquiry relates to the way in which Standing Orders prevent a question being asked even though it is not precisely the same terminology as a question asked by a member on an earlier occasion, whether the same member or another member.

Members interjecting:

The SPEAKER: Order! Taking the points of the member for Murray-Mallee in the order in which they were raised, there is not a specific Standing Order—

Members interjecting:

The SPEAKER: Order! The Chair can manage without any contribution on this from the Leader of the Opposition.

Members interjecting:

The Hon. Ted Chapman: The Chair can manage without Standing Orders—

The SPEAKER: Order! I ask the member for Alexandra to withdraw that interjection. He may do so in a seated position.

The Hon. TED CHAPMAN: I am up now and I withdraw, but I will be up again shortly.

The SPEAKER: Members should be aware that it is not only Standing Orders which guide the proceedings of the Parliament but also the traditions, customs and practices of the Parliament and of the House of Commons. References to the procedures that may be adopted with respect to the admissibility or otherwise of questions which repeat a particular matter can be found in Erskine May. I will consult with that text shortly in order to be able to provide members with the exact reference required.

However, concerning the second point regarding the time frame, as I recall, Erskine May implies that the same question should not be asked within the same session, although there are other references there to a period of three months. Thirdly, a question is considered repetition if it is remarkably similar in substance to a previous question.

COMMONWEALTH FUNDING CUTS

Ms LENEHAN: Will the Premier tell the House the extent of funding cuts to South Australia from the Commonwealth Government in recent years? As there have been recent conflicting reports about South Australia's position, I ask the Premier to detail the cuts in order to clarify the situation.

Members interjecting:

The SPEAKER: Order! There is far too much audible conversation in the Chamber. The honourable member for Mawson has the floor.

Ms LENEHAN: Thank you, Mr Speaker. I ask the Premier to detail these cuts in order to clarify the situation.

The Hon. J.C. BANNON: In the light of comments and statements to which the honourable member has referred, it is just as well to put the record straight. A lot of nonsense is being talked about the Federal cuts and their impact on South Australia. That was personified by an Opposition spokesman this morning who said that in 1985 the Government could easily have anticipated—

Mr S.J. BAKER: On a point of clarification, Mr Speaker, should the Premier tomorrow repeat this information in his budget speech, will it be ruled out of order in terms of repetition?

The SPEAKER: Order! I do not uphold the point of order.

The Hon. J.C. BANNON: The honourable member who just raised that fatuous point is one of those who should look at the record before he starts making statements about the nature of Federal cuts and their impact. It is not true, as members on the other side have alleged, that in 1985 we could have predicted the extent of Federal cutbacks that have taken place. Indeed, the situation that we are faced with in this financial year is one that arose as a result of the May statement and the May Premiers Conference outcome this year and it went well beyond not only our expectations but also those of the Commonwealth. In addition, this morning I found that the Leader of the Opposition was reported as warning me not to blame my budget difficulties on the Federal Government. I do not blame them on the Federal Government in the sense of saying that all of those difficulties are the responsibility of the Federal Government. On many occasions I have pointed out that we are in difficult economic times and that our own revenue is under threat as well.

An honourable member interjecting:

The Hon. J.C. BANNON: We will see about the pattern of our expenditure tomorrow when the budget is published.

This morning's statement by the Leader of the Opposition exposed yet again the way in which he just plays around with figures and puts false and misleading figures on the record. The article contains a couple of other misstatements such as that we have used money to employ 10 000 additional public servants. I do not know where those phantoms are. That is absolute nonsense. Four thousand or so FTEs, mainly in the Public Service departments—they have been policemen, prison officers and others—but I have not heard the Opposition complaining about that; in the Health Commission they have been nurses—and I have not heard the Opposition complaining about that; in the bank they have been bank employees—and I have not heard the Opposition complaining about the success of the bank. If Opposition members want to, they should put that on record. That is the first nonsense in this article.

Secondly, the Leader of the Opposition raised a matter that has been questioned about $17 million of taxpayers' money going into a New Zealand timber company. That is nonsense, but I cannot canvass that issue because of the legal proceedings. What the Opposition needs most of all is someone sitting on those benches with legal training or a decent legal mind. It has not had anyone since Robin Millhouse left, and it has shown its deficiency—

Members interjecting:

The SPEAKER: Order! I call the member for Murray-Mallee to order.

The Hon. J.C. BANNON: The member who interjects is a typical example. Bush lawyers are hopeless in this situation. They need someone who knows what matters such as *sub judice* and so on involve. It has been a major deficiency of the Opposition in this Chamber, and the Leader himself has acknowledged that publicly. He wants to get the Hon. Mr Griffin down here to give him a bit of a bolster, and we would be very happy to see him.

Members interjecting:

The SPEAKER: Order! I call the member for Adelaide to order. The honourable member for Light has a point of order?

The Hon. B.C. EASTICK: My point of order relates to relevancy. Mr Speaker, you have already indicated to the House on previous occasions that it is necessary for members to be relevant. You have also asked Ministers to be relevant. I ask you, Mr Speaker, to rule on the most recent statements by the Premier.

The SPEAKER: The Chair has difficulty ruling on that point of order, for two reasons—

Members interjecting:

The SPEAKER: Order! First, I gave an undertaking a few moments ago that I would be checking the exact Erskine May reference for the benefit of members, so my attention was partly occupied by that. Secondly, what little attention I had left was being distracted by the amount of interjection coming from members on my left. However, I will assume that the member for Light would not have raised a point of order had the Premier not been straying substantially from the subject.

The Hon. B.C. Eastick: Exactly.

The SPEAKER: Order! The Chair can cope without the assistance of the member for Light. I ask the Premier to restrict himself to the subject matter of the question. The honourable Premier.

The Hon. J.C. BANNON: The question concerned the impact of Commonwealth funding cuts on the State. The Leader of the Opposition, in the article to which I am referring, is reported as saying that since we came to Government Commonwealth funds to South Australia have been increased in real terms by 7 per cent after the cuts announced in this financial year. That is absolute nonsense! If the Leader of the Opposition is referring to general and specific purpose payments, they have in fact gone down by 3 per cent in the period from 1982 when we came to office—minus 3 per cent. In fact, in the past three years they have gone down to minus 9.6 per cent. Where is the 7 per cent there? If the Leader of the Opposition is referring to the global borrowing limits, they have gone down 52.2 per cent—where is the 7 per cent there? If the Leader of the Opposition is referring to total funds available from the Commonwealth, they have gone down in the period since 1982 by 13.4 per cent and in the past three years by 17.4 per cent. So much for that nonsense!

What has happened in the past few months? In December 1986, as I have already advised the House, the Commonwealth published its expected forward estimates on specific purpose payments. We had in place a three-year agreement for general purpose payments and Commonwealth tax sharing. That was the position then as we began the planning of our budget. Since then we have had the May statement, which, in relation to specific purpose payments, knocked out about $30 million (or perhaps more) from what we could have expected to see spent in this State. We then had the Premiers Conference which, in the general purpose area, knocked out $107 million that we could have expected. The real increase proposed under general revenue grants was terminated. The general purpose capital grants were slashed. The special grants that we put into housing and concessional loans were slashed by many millions of dollars, the total being $107 million.

On top of that, our global borrowing was reduced by $50 million. At least in the borrowings area we could have expected to maintain our position in the coming budget, but we lost $50 million. The total is around $190 million between May of this year and the formulating of the budget here and now. Those sorts of cuts are unprecedented since the Great Depression. They could not have been anticipated in 1982 or 1985, and I defy anyone to show that they could have been. What could have been anticipated was the fact that the Commonwealth Grants Commission in 1985 brought down a report which was affecting our share of the Commonwealth tax share.

Mr S.G. EVANS: On a point of order—

The SPEAKER: Order! The honourable member for Davenport.

Mr S.G. EVANS: On a point of order, Mr Speaker, at the time we changed Standing Orders and reduced Question Time from two hours to one hour, a guarantee was given that, where a matter could be given as a ministerial statement, that would be done. Another point is that Standing Orders state that a member may not debate an answer to a question. The Premier is debating the answer and I believe that, because of the original agreement, he is abusing the Standing Orders by not sticking to the agreement that a Minister would not use the opportunity in Question Time to debate an issue that could be given as a ministerial statement. It is obvious that this question was a Dorothy Dixer and the Premier is debating the question.

The SPEAKER: Order! Most of what the honourable member has raised are not matters that directly concern the Chair but relate to arrangements made between the Whips and the Deputy Leaders of the two major Parties. However, I am sure the Premier will take on board the points raised by the member for Davenport. The honourable Premier.

The Hon. J.C. BANNON: I was making the point that we could anticipate those severe reductions and, indeed, their effect was phased in over two years. However, we did not anticipate that the whole deal would be cancelled and

that we would be in an even worse position. That is the situation. I do not intend to go on any longer, although I must point out that in Question Time yesterday 17 questions were asked, and in the previous Question Time about 22 questions were asked. In fact, on average, we are getting through about three times more questions than was the case when members opposite were in Government, and I intend to maintain that. The five minutes I have taken to answer this question is not as long as the five minutes the Opposition and its bush lawyer mates on the backbench spent in disrupting the House with points of order.

Members interjecting:

The SPEAKER: Order!

TIMBER COMPANY

The Hon. E.R. GOLDSWORTHY: My question is to the Minister of Forests. Why did the Government agree in May to inject another $3 million into IPL, in addition to the $14.6 million, making a total of $17.6 million it had put into IPL, when on 11 May it filed an application in the Australian Federal Court claiming it had been defrauded in this venture and, in particular, that the New Zealand company involved, Westland Industrial Corporation Limited (WinCorp), had breached the Trade Practices Act in its negotiations with the South Australian Government, and that the Chairman, the Manager and a Director of WinCorp made false and untrue representations to the South Australian Government during those negotiations by stating that the New Zealand trading activities to be brought into the venture had made a profit of almost $600 000 in the four months before the negotiations began, when the profit was either nil or substantially less than the amount stated; substantially overstating the New Zealand assets involved; and by substantially understating the liabilities of the New Zealand operation?

The Hon. R.K. ABBOTT: It makes me wonder why the Deputy Leader of the Opposition is trying to jeopardise our case. I have made it—

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time.

The Hon. R.K. ABBOTT: I am not going to jeopardise our position in the courts by answering questions dealing with this case. Crown Law is handling the matter, and my advice is that these questions are *sub judice*. I have nothing to hide whatsoever.

Members interjecting:

Mr HAMILTON: On a point of order, Mr Speaker, given the constant taking of points of order by members opposite, particularly by the member for Murray-Mallee, is it possible that this House can hear in silence a response from the Minister who, after all, has been asked a question by the Opposition?

Members interjecting:

The SPEAKER: Order! Fortunately or unfortunately, depending on the point of view of the member concerned, what other members may consider vexatious or frivolous points of order nevertheless can be raised by honourable members, and there is no easy way for the House to deal with points of order of that nature because to do so would deprive individual members of their fundamental right to raise points of order. However, associated with the honourable member for Albert Park's point of order is the matter of the general noise level of the House when the Minister was trying to reply to a question. I ask honourable members to extend proper courtesy towards a Minister as he responds to a question.

The Hon. R.K. ABBOTT: I am not trying to hide anything at all in this case. I think that everyone would agree that that is against my nature. I am one of the few honest politicians in this Parliament.

Members interjecting:

The SPEAKER: Order! I warn members that the Chair is not prepared to accept 45 personal explanations. The honourable Minister of Forests.

The Hon. R.K. ABBOTT: When this case has been concluded in the court, I shall be prepared to give a full report to Parliament.

UNIVERSITIES

Mr DUIGAN: Has the Minister of Employment and Further Education seen recent comments by Dr Anwyl arguing the urgency of a national inquiry into tertiary education to provide the basis for coherent national planning for the 1990s? Can the Minister say what, if any, action is being taken by the South Australian Government to address the question of the future of tertiary and advanced education in this State? The South Australian Institute of Technology has made an application to be redesignated as the South Australian University of Technology. There are also other suggestions about the proposal to establish a State university which would combine a number of existing tertiary institutions. Recent arguments put forward by Dr Anwyl, particularly in the *Sydney Morning Herald*, claim that the binary system of CAEs, on the one hand, and universities, on the other, is no longer a viable operational model.

The Hon. LYNN ARNOLD: I thank the honourable member for his question. I have seen a report relating to comments by Dr Jill Anwyl about the tertiary education system in this country and the enormous pressures for change that exist. Clearly, however, merely because there are pressures for change does not mean that change is needed. Nevertheless, some questions have been raised by, for example, the application of the Institute of Technology to become a university of technology and, more recently, the application by the South Australian College of Advanced Education also to become a university. This raises the matters of the nature of the binary system, which first, presently sees our non-TAFE tertiary sector divided into universities and CAEs; and, secondly (and more importantly, in my view), questions the way in which funding allocations are made to various tertiary institutions.

Universities receive, built into their funding grants, not only an allocation for teaching duties, but also an allocation for research and development duties, whereas allocations to other sections of tertiary education, specifically the CAEs, only relate to teaching duties, their research grants being separately won by private bids to research funding allocations. In South Australia, upon receipt of the application from the Institute of Technology and after its consideration by Cabinet, the matter was referred to the Advisory Council on Tertiary Education, which advises both the Director of the Office of Tertiary Education and me as Minister. That council has been considering the matter for some time and has invited expert speakers on the subject to enable it to come to a firm conclusion, and I await its report to me on that matter. I have not yet received that report. When I receive it I will consider my view on the matter and report back to Cabinet, which awaits a further report.

In the interim, the suggestion of a State university has arisen, and that concept, as floated by those promoting it, would see all the non-TAFE tertiary institutions in this State perhaps amalgamate into one multi-university under one

board of governments. That would include, of course, the South Australian College, Roseworthy College and also the Institute of Technology. While, on the one hand, that idea may have some attraction, because there are certainly examples of this overseas whereby different campuses operate with a degree of autonomy within a multi-campus situation, I also believe that there are serious arguments against the proposition—and I note that some members of this House are nodding their heads in agreement with this statement—because certain specific purposes are being addressed by, for example, Roseworthy College, the South Australian College and the Institute of Technology, and it is not certain that an amalgamation of those bodies would allow those specific purposes still to be met.

I remind members that this debate in a way mirrors the debate that took place in 1981-82 when five campuses were amalgamated into the now South Australian College of Advanced Education. At that time, a worry was expressed that the specific purposes of the School of Art and Design and of the De Lissa Institute might suffer by amalgamation into that college.

I believe that events that have since taken place have shown protection for those particular sub aspects of the South Australian college. Nevertheless, the question remains valid—can you still maintain those distinct purposes by multi-campus? That question will need to be answered with any suggestion that there be a State university. I raise those simply as matters of note without indicating which direction will yet be taken, because I am still awaiting advice from the Advisory Council on Tertiary Education, as the Act requires me to do.

The SPEAKER: Order! It has been my custom in the Chair, where a member has had a question ruled out of order and he is then able to resubmit it in an acceptable form, not to subtract that from the total of questions asked from one side. I inadvertently called on the member for Adelaide shortly after that occurred, so the next two questions will be from Opposition members. The honourable member for Coles.

TIMBER COMPANY

The Hon. JENNIFER CASHMORE: My question is directed to the Minister of Forests. As Cabinet decisions are not *sub judice*, did Cabinet make the final decision to invest in IPL and, if so, before making that decision, did the Minister advise his Cabinet colleagues of the following facts: first, that the New Zealand operations being purchased had incurred financial problems in 1981; secondly, that in March 1984 another cash flow problem had arisen; and, thirdly, if not, what advice was Cabinet given about the history of the New Zealand company it was being asked to purchase?

The Hon. R.K. ABBOTT: The answer to the honourable member's first question is 'Yes'. The answer to the second question—

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: I took this matter to Cabinet on no fewer than three or four occasions before Cabinet finally made a decision to invest in this joint venture. We had all the information that we sought. At that point in time I do not think that that included a history of the New Zealand company, but as a result of a further inquiry the history of the company was referred to in that report.

Mr GUNN: I direct my question to the Minister of Forests. As this matter is not *sub judice* because it is not before the courts, what was the trading profit or loss incurred last financial year by International Panel and Lumber (Holdings) Pty Ltd, and was the company able to meet the interest on its advances of $11 million from the South Australian Government following its failure to do so in the 1985-86 financial year?

The Hon. R.K. ABBOTT: The figures sought by the honourable member are in dispute in this particular case; therefore, it must be *sub judice.*

Members interjecting:

The SPEAKER: Order! I call the Deputy Leader of the Opposition, the Premier, and the Leader of the Opposition to order. This is the third time this afternoon that I have called the Leader of the Opposition to order. If I have to do so again I will name him. The honourable member for Newland.

WOMEN'S CRICKET

Ms GAYLER: Will the Minister of Recreation and Sport indicate his attitude to the decision by the Australian Institute of Sport to deny to women cricketers the opportunity to obtain scholarships for the new cricket academy which is to commence in Adelaide early next year? In an article in today's *Advertiser* which reports this decision, the General Manager of the Australian Cricket Board, Mr Graham Halbish, is quoted as saying that he doubted there would be many young females ready to take on full-time scholarships, and that the academy would be unashamedly elitist. However, I point out that the Australian women's cricket team is currently the world champion in women's one day cricket and has been undefeated for three years. During this time our men's team has been resoundingly defeated. The Australian Women's Cricket Council Executive Director, Ray Sneddon, is quoted in the article as saying there were several women who would be interested in a scholarship to the academy, yet the Australian Cricket Board does not even pretend to be selecting scholarships holders on merit.

The Hon. M.K. MAYES: It is appropriate that the member for Newland should ask this question, because she is noted for her efforts against the press last year and she certainly outlasted some of her male compatriots quite well in terms of fielding. Unfortunately, she had to retire during that innings because she stopped a ball so well. We look forward to seeing her on the cricket field this year against the press and I am sure she will assist us in beating them on this occasion.

It is a serious matter and the community at large would be interested to know what is the policy on entrance to the academy. Mr Halbish's comments in terms of the elitist nature of the academy are quite correct in the sense that those academy students will be from the top of the cricketing tree in terms of that age span and certainly that category. Of course, that would not in my opinion eliminate women from being involved. Certainly, from the point of view of the State Government's commitment to the academy, we are delighted to have it here and certainly we believe that Adelaide is the most appropriate location for the academy. We believe that we have a lot to offer cricket throughout Australia and internationally as well.

Under the funding arrangement, we are providing $500 000 this year for capital works development in relation to the Adelaide Oval complex and part of the science aspect of the academy will be located at the SASI. Funding will be made available to upgrade the SASI to accommodate not only the cricket academy but also cycling. The South Australian Government will be providing $50 000 per annum towards the recurrent costs of maintaining the academy.

The South Australian Government's policy would be that women must have equal access to the program. As a consequence of the comment, however it has been interpreted in the press, I would be seeking an assurance from the AIS that not only our policy but also the Federal Government's policy will be met and I will also be seeking a clarification from the ACB in relation to the comments made by Mr Halbish. I know that there has been contact and discussion between the Women's Cricket Association and the ACB and I understand there is some difference in view about the contact that was made. My understanding is that there has been official discussion regarding the involvement of the Australian women's cricket team in coaching programs and programs in residence at the academy. I imagine that was part of the program that was discussed by the various directors when the program was first established for the academy.

It is important to note that the State Government's policy is quite clear and our view would be that selection for the academy must be on merit and certainly not on sex, and one would have to accept from the connotations of the comments that the implications are that selection would be on sex. I would have to strongly disagree with that. Certainly, it is not what the State Government envisaged. We certainly anticipated that the Australian women's cricket team would be able to use those facilities and that scholarships would be available to women as the program developed. I am certain that that was part of the discussions that we had at an officer level when the guidelines were first established for the academy.

I can assure the honourable member that the Government's policy is quite clear on that. I have noted the various prominent identities who have commented about the statement. I think it is fair to say, in acknowledgement of the Australian women's cricket team, that it is at the top of the tree and that women's cricket in Australia is growing in strength every year. It is three years since the women's cricket team was defeated in any of the major international venues. That stands alone as a record of their achievements.

The Hon. G.F. Keneally interjecting:

The Hon. M.K. MAYES: That is right. The Minister of Transport hopes that they do not challenge the men. I am afraid that, at the moment, a lot of effort must be put into men's cricket so that it starts achieving some of the goals that women's cricket has achieved. I am sure that the academy will assist us to put men's cricket back at the top of the tree again.

Mr Meier interjecting:

The Hon. M.K. MAYES: The honourable member is obviously not interested in cricket.

An honourable member interjecting:

The Hon. M.K. MAYES: No, he is not interested in women's cricket. I assure the House that the State Government will take up the matter with the AIS and the ACB to have the matter clarified. I am positive that women will come into the academy and that the women's cricket team will have access to those facilities when the academy commences early in 1988.

TIMBER COMPANY

The Hon. B.C. EASTICK: In view of his self-confession of honesty earlier in Question Time, I believe that the Minister of Forests will have no difficulty in answering my question. Did the Minister admit this morning on the Leigh Hatcher show that the Government's investment of more than $17 million in the New Zealand timber venture had been 'a bungle'? Does the Minister accept full responsibility for that bungle? If not, who is responsible?

The Hon. R.K. ABBOTT: No, I do not accept responsibility for the bungle. I indicated that there were problems and we have been quite open. There were problems and we have taken a number of initiatives to rectify many of them. There is a vast improvement, and I have made that clear. You can put your own interpretation on that.

The SPEAKER: Order! The Minister must direct his remarks through the Chair and not across the floor to the Opposition.

The Hon. R.K. ABBOTT: I apologise, Mr Speaker. The honourable member can apply his own interpretation to the question that was asked of me on the radio this morning. If he wants to consider it a bungle—

An honourable member interjecting:

The Hon. R.K. ABBOTT: I did not use that word. I said 'Yes', there has been a problem. We admitted that.

SMITHFIELD RAILWAY ACCIDENT

Mr ROBERTSON: In order to avoid a recurrence of the incident at Smithfield in which two schoolchildren were struck and killed by an express train at a level crossing, will the Minister of Transport consider investigating the installation of a signalling system whereby bells of different frequencies, one out of phase with the other, could be used to signify not only the imminent approach of a train but also the direction from which the train or trains is or are approaching?

The Hon. G.F. KENEALLY: I thank the honourable member for his question. The State Transport Authority would be prepared to consider any option that would provide greater security for the community at level crossings. When considering the tragic death of those two children at Smithfield and the tragic death two years ago of a child at Millswood (which the member for Unley brought to my attention and to that of the House), the decision of the coroner in the Smithfield incident must be considered. The coroner said that, over the past eight or nine years, there have been only two incidents of this nature and even then there were slight differences. Accidents of this kind happen very rarely. A number of accidents occur on the STA rail system annually. Unfortunately, a considerable number of them are not accidents at all, and that in itself is tragic.

I established a task force to look at safety at intersections or level crossings, whether at intersections or mid-block, some 18 months to two years ago at the request of the member for Unley, the present Minister of Recreation and Sport. The recommendation of that task force was that more study needed to be made to find a suitable protection facility for people who cross our rail lines. I have asked them to do that, and further information is now available.

We were contacted by a company by the name of the See Through Door Company, which prepared a prototype of a gate considered by the task force as being very promising. The gate was designed to overcome the vandalism that occurred to gates of the type established in Victoria, where considerable vandalism is experienced. That prototype will be considered when I have the benefit of the Coroner's full report, the Department of Road Safety and task force consideration of that report, plus the information they have been able to put together over the period of their study and the work that has gone on since that study report came to hand.

The Coroner in his report stated that it was impossible to protect all people against all possible contingencies; that

it was impractical to schedule trains so that movements do not cross at points where pedestrians could walk across railway tracks; and that the question of pedestrian protection involves a subjective element and it is virtually impossible to protect some people against their own folly. They are not my words or those of the STA, but the words of the Coroner.

The other point the Coroner made is that the cost of installing overpasses and automatic pedestrian gates would be astronomical. Members need to be aware that there are 260 STA crossings in the metropolitan area, so we have a complex and difficult problem. There is also the responsibility of ensuring that people who do cross at level crossings or mid-block crossings are, to the best of the ability of the Government and the STA, provided with safe crossings. All these matters will be considered. When I am able to give a detailed reply to all those people who have raised the issue with me, I will be pleased to do so.

TIMBER COMPANY

The Hon. H. ALLISON: Will the Minister of Forests say who, in July 1985, initiated negotiations for the South Australian Government to take a 70 per cent ownership in IPL (New Zealand)? What was the Minister's involvement in those negotiations, and what action did he take to ensure that the assets, liabilities and trading performance of the New Zealand operations to be purchased were accurately known to the Government at the time it made its decision to invest, initially, $14.6 million in this venture?

The Hon. R.K. ABBOTT: I received full reports from the South Australian Timber Corporation on this venture, and the matter was submitted to me. I eventually took it to Cabinet, where questions were asked and other information was required. Such information was sought and finally we agreed that it was a worthwhile proposition. Subsequently there have been the problems to which I have referred. I am convinced that, given time and the opportunity, this whole matter can work for the betterment of South Australia. I ask members opposite to support South Australia in this endeavour instead of jeopardising it in the way that you are.

The SPEAKER: Order! The Minister must direct his remarks through the Chair.

The Hon. H. Allison interjecting:

The SPEAKER: Order!

MEASLES IMMUNISATION

Mr FERGUSON: I direct my question to the Minister of Transport, representing the Minister of Health. Can the Minister inform the House whether the Health Commission has considered making child immunisation for measles compulsory? In an article in the *Advertiser* of Tuesday, 10 February by Gay Davidson, the dangers of measles to the health of children was explained. The article reported that in many overseas countries immunisation against this disease, which can be very damaging, is compulsory. In France, children cannot enter school and, before that stage, family allowance is not paid unless children have been immunised. In the United States it is not actually compulsory under Federal law, but going to school is, and so is production of evidence of immunisation, and each State has both the right and the responsibility to exclude children who are not immunised if there are any known cases of measles in the area. The article also went on to say that ear inflammation and damage, brain damage, mental and physical deterioration and many other side effects are possible from this infectious disease.

The Hon. G.F. KENEALLY: The honourable member raises a very important matter, and I will be happy to refer his question to my colleague the Minister of Health in another place. I assure the honourable member and all members in this House that the Minister of Health regards this as a very serious matter. It is certainly not a trifling complaint. There is evidence that some people feel that it is inevitable that everyone will get measles and that it is only a trifling child's complaint. It is anything but that, and the Government is aware of that. The Minister of Health and the Health Commission are working very strenuously to devise a system that will protect all South Australians from what is potentially a very dangerous disease indeed.

PATERNITY LEAVE

Mr S.J. BAKER: Is it the Government's intention to ratify convention 156 of the International Labour Organisation to pave the way for the introduction of paternity leave for working fathers in South Australia?

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: We have already agreed to the ratification of that convention. I am surprised that the honourable member did not know that we did that before the question of paternity leave came up.

TAFE

Mr KLUNDER: Can the Minister of Employment and Further Education indicate what is proposed for the two weeks of staff development within TAFE under the new package?

Members interjecting:

The SPEAKER: Order! I call the House to order. The Chair is having difficulty in hearing the question because of the amount of audible conversation in the Chamber.

Mr KLUNDER: In my discussions with TAFE lecturers, which have been quite intensive over the past few weeks, one common thread has been that TAFE lecturers have not been able to reconcile two things: first, the reduction of two weeks leave for staff development purposes and, secondly, their understanding of an ongoing in-service program.

The Hon. LYNN ARNOLD: I thank the honourable member for his question. Certainly this is one of the areas that will be subject to a lot of further work and examination. As I have indicated in many other places, we are quite prepared to discuss aspects of implementation of the new package of terms and conditions of TAFE employment with, amongst others, the Institute of Teachers. One aspect would be the professional development program.

Members interjecting:

The Hon. LYNN ARNOLD: It is not a change as the member for Mitcham claims, because I have said this publicly to the institute on a number of occasions. The package negotiated with the institute over many months, and arrived at and approved by Cabinet subsequently, meant that we had a statement of principles that then had to be implemented. The implementation requires further negotiation, and I have never denied that. One aspect of that is the professional development leave. A number of aspects will be involved in this. For example, we would expect that industry leave, for which many in industry and in the TAFE

system have been calling for a long time, will be provided for under the ambit of the two weeks. Indeed, we need to examine the capacity for the two weeks to be accumulated over more than one year so that people can get effective periods of industry leave which they think suits their specific professional development needs.

Another aspect to be discussed is the way in which the two weeks can be taken in subsets. It need not be two weeks: it may be shorter periods that are being accumulated out of the present 49 day period, which becomes 39 days of recreation leave and 10 days of professional development. We still have to discuss those aspects. I understand the point has been made that no money has been put alongside these provisions. However, the Department of TAFE spends a significant sum each year on professional development and will continue to do so. We need to know the program that will come out of this aspect of our negotiations. Once we have determined that, we must cost it. We know there will be a cost to it, but that cost still will be less than the money that we will save out of the new package of conditions.

TORRENS ISLAND POWER STATION LEASE

The Hon. D.C. WOTTON: Can the Premier say whether the sole benefit to the individual investors, whom the Premier asserts must remain anonymous, in leasing the Torrens Island power station will come from tax advantages and, if it will, what precisely are those advantages?

The Hon. J.C. BANNON: The transactions that involve the leasing arrangements certainly have a tax effective element in them. That is clear, but those arrangements are made within the existing tax laws: they do not involve tax evasion or any other illegal activity. As I said to the honourable member in reply to his question yesterday, although it was missed in the report of that reply, the upfront benefit that those arrangements provide for us amounts to about $3 million to $4 million a year. That is significant in terms of our financial advantages.

SPEAKER'S RULING

The SPEAKER: Order! During Question Time I undertook to find the appropriate references in Erskine May but, before giving those references, I remind members that the Chair, on 15 October 1984, circulated a list of what constitutes inadmissible questions. That list was also issued to those members who joined the Parliament following the 1985 election. I will again circulate that list. The references to questions already answered, or to which an answer has been refused, are on pages 342 and 343 of the 20th edition of Erskine May.

The Hon. E.R. GOLDSWORTHY: Mr Speaker, I have had the benefit of reading the missive that you sent out, and according to that a question is to be ruled out as 'an inadmissible question (page 4) repeating in substance questions already answered or to which an answer has been refused'.

Those were the grounds on which you made your earlier ruling, Sir. My point of order is that the question had not been answered: it had been asked but not answered, and an answer had not been refused. Under those circumstances, the Minister undertook to find out. So, on the grounds of the ruling that you circulated earlier, I submit that the question did not breach that point.

The SPEAKER: Order! A perusal of yesterday's *Hansard* proof does not indicate that the Minister undertook to provide an answer of the nature mentioned by the honourable Deputy Leader.

The Hon. B.C. EASTICK: On a point of order, Mr Speaker, concerning your ruling on the Deputy Leader's point of order, I refer to page 5 of yesterday's *Hansard* pulls, which shows the Minister saying in reply to the question I asked him:

> I will endeavour to get that information and those figures for the honourable member. I do not have the figures on this matter in front of me, but I undertake to get them.

On the basis that the Minister undertook to obtain the information, I submit that it was perfectly in order 24 hours later to ask the Minister whether he had fulfilled that obligation.

The SPEAKER: The question was ruled out of order because it seemed clearly to be a repetition of the question reported on page 3 of the *Hansard* pulls. I cannot accept the point of order. Call on the business of the day. The honourable member for Murray-Mallee.

Mr LEWIS: On further clarification of that point, in the missive to which you have referred—

The SPEAKER: Order! What is the honourable member's point of order?

Mr LEWIS: That is exactly what I was coming to, Sir. I am sorry if I interrupted your interruption.

The SPEAKER: Order! I take that as a reflection on the Chair and I insist that the honourable member withdraw it immediately.

Mr LEWIS: I do.

The SPEAKER: The honourable member for Murray-Mallee.

Mr LEWIS: During the reply given to the Leader of the Opposition today, the Minister admitted that in the past 24 hours the position had altered. That was, of course, as a consequence of the explanation given by the Leader of the Opposition about events that had transpired in New Zealand during the past 24 hours. If circumstances and factual information have changed since a question was asked previously to the occasion on which it is being asked, does that not mean that the question is admissible because it seeks new information about the new circumstances referred to?

The SPEAKER: It would be possible for a question to be asked in those circumstances, but the Chair would have to be convinced that those circumstances existed. Call on the business of the day. The honourable Deputy Leader of the Opposition.

The Hon. E.R. GOLDSWORTHY: I rise on a point of order in relation to your ruling, Mr Speaker, because I submit that the missive to which I have referred and which you sent out is not clear. It states, 'repeating in substance questions already answered'—not questions already asked. In fact, the Minister did not answer the question: he undertook to get the information. If your ruling today is to stand, Sir, it is my firm view that that instruction is misleading: it does not talk about questions already asked but about questions already answered, and the Minister did not answer the question.

The SPEAKER: Order! I will read the majority of the section in Erskine May on this matter. Under the heading 'Questions already answered, or to which an answer has been refused' it states:

> Questions are not in order which renew or repeat in substance questions already answered or to which an answer has been refused or which fall within a class of question which a Minister has refused to answer. Where, however, a Minister has refused to take the action or give the information asked for in a particular question, he may be asked the same question again after an interval of three months; and where successive administrations

have consistently refused to answer certain classes of questions, Ministers may be asked once a session whether they will now answer such questions. Among the subjects on which successive administrations have refused to answer questions upon grounds of public policy are discussions between Ministers or between Ministers and their official advisers on the proceedings of Cabinet or Cabinet committees . . .

Erskine May then goes on to mention matters that relate only to a national Government with security considerations. It continues:

A question which one Minister has refused to answer cannot be addressed to another Minister and a question answered by one Minister may not be put to another. An answer to a question cannot be insisted upon, if the answer is refused by a Minister, and the Speaker has refused to allow supplementary questions in these circumstances. The refusal of a Minister to answer a question on the ground of public interest cannot be raised and is a matter of privilege . . .

The rest refers strictly to House of Commons matters only. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Speaker. Having read the full text, I think that what you have circulated to members is an accurate synopsis of what you just read in full in that it refers to questions already answered or refused. I think that this is accurate. Therefore, I believe that your ruling today did not conform with this instruction or, indeed, Erskine May, in that the question was not answered nor was an answer refused.

The SPEAKER: If the material circulated by me and by my predecessors is inadequate, as suggested by the honourable Deputy Leader—

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker, you did not hear what I said initially. I said that I believed that what you had circulated was an accurate synopsis of Erskine May. I believe it was accurate.

The SPEAKER: My apologies. I heard 'an accurate' as 'inaccurate'.

The Hon. E.R. GOLDSWORTHY: I believe that this is an accurate synopsis of what you have just read in full to the House. You have repeated here what is repeated often in that ruling of Erskine May, that repeating in substance questions already answered or to which an answer has been refused is in fact an accurate synopsis. However, the question was not answered, I submit, nor was an answer refused. Therefore, today's question was relevant.

The Hon. B.C. EASTICK: Mr Speaker, in ruling on a point of order I raised in relation to a question which appears on page 5 of yesterday's pull, you indicated that the answer had been given in relation to a question that appeared on page 3. The only conjunction, I suggest, is the fact that the question on page 3 is in the name of my colleague the Deputy Leader, and obviously the Minister's initial response was as follows:

As I indicated to the Leader, I am not in a position to answer any question relating to finances or questions of a legal nature.

That is on page 3. On page 5 the Minister clearly indicated, as I said in my point of order:

I will endeavour to get that information and those figures for the honourable member.

That 'member' may have been specific, but it is taken in the sense of the Parliament as a collective. The Minister also stated:

I do not have the figures on this matter in front of me, but I undertake to get them.

The clear direction of the Deputy Leader's question earlier this afternoon was to get that update that the Minister had undertaken to obtain on behalf of all members in the House. I also make the point if I may, by leave, that it is necessary to take a point of order when the issue arises, and that therefore I cannot really place on notice a set of circumstances which can occur later. I believe that, when the *Hansard* pull for today is available tomorrow, it will be clear that my colleague the Deputy Leader of the Opposition was asking a question directly relative to that which appears on page 5 and not that which appears on page 3, which was the basis of your decision.

The SPEAKER: Order! The Chair will take on board the point of order raised by the honourable member for Light and give it consideration.

The SPEAKER: Call on the business of the day.

PLANNING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 20 August. Page 395.)

The Hon. JENNIFER CASHMORE (Coles): This Bill will implement, essentially, a series of operational changes. The Opposition supports the principal change to enlarge the Planning Commission. However, the other changes concern us. Since I regard this as a Committee Bill, I hope that our concerns can be allayed by the Minister during the Committee stage. In that regard, I express disappointment that the Minister for Environment and Planning is not able to be present to handle this Bill and that his colleague the Minister of Education will be handling it for him. Obviously, it would be infinitely preferable if the Minister himself were here to answer charges which, in essence, concern his administration of his department. The Bill does three things. It enlarges the Planning Commission from three to five members.

Members interjecting:

The Hon. JENNIFER CASHMORE: I said I regret that he is not here.

Members interjecting:

The SPEAKER: Order! The honourable member for Coles has the floor. I ask Government members not to interject and the Deputy Leader not to respond. The honourable member for Coles.

The Hon. JENNIFER CASHMORE: The Bill essentially implements three changes to the Planning Act. The first is to enlarge the Planning Commission from three to five members, abolishing the present system of deputy members, and establishing a quorum of three. The current planning professional and local government members are retained, and the current third member is replaced with an urban development-industry-design related person, an environmental-natural resources-community facilities person, and a second planning professional to act as Chairman in the absence of the appointed Chairman.

The Bill also amends the composition of the Advisory Committee on Planning to provide that the committee must still include a planning professional who need not be the Chairman of the Planning Commission, as is presently the case. Finally, the Bill amends section 43 of the Planning Act to ensure that supplementary development plans do not lapse with the expiry of the current 12-month limit which gives interim effect to the plans. Under the amendments embodied in clause 7, the 12-month lapsing provision will not apply once the plan has been subjected to the full display process and been referred to the Joint Committee on Subordinate Legislation. Like regulations, such plans will remain in effect until such time as the plan is disallowed, revoked or suspended. All of those provisions are, as I said, operational and essentially management matters on the surface,

yet the second two issues seem to have been, at the very least, inadequately explained in the second reading explanation, and there is inadequate justification for amendment of the Act.

The enlargement of the Planning Commission from three members to five is generally supported as being a commonsense move which will improve the operation of the commission. Whilst the commission was originally established with only three members, clearly in an effort to ensure streamlined decision making, for practical purposes it has not worked out that way. It is not always easy to get the three members of the commission together. The current system of deputies means that if, for example, objections are being heard and evidence needs to be taken over a period extending beyond one meeting, it then becomes difficult to obtain a true commission in the sense that the same people hear evidence which can be quite complex and range over an extensive period. To retain a sense of continuity in assessing that material is obviously impossible, and I have been informed that one almost needs a computer to ensure that a standing commission will be available in the present circumstances to hear full details of any matter before it.

Clearly, that is not a satisfactory way to operate and, equally clearly, the new provisions to enlarge the commission to five members and to incorporate a broader planning background into the composition of the commission will be an improvement. The more complex planning becomes—and it does become more complex because of technology and the interweaving of a large number of social, technological, economic and cultural issues—the more necessary it is to ensure that planning decisions are made by people who have the experience, the background and the qualification, collectively, to bring to bear for the best decision making on these matters. For that reason, the Opposition welcomes the Government's initiative in expanding the number of members of the Planning Commission.

Regarding the other aspects, we are not so wholehearted in our support. In the Minister's second reading explanation, there is a somewhat cursory and I would suggest inadequate explanation about why the composition of the Advisory Committee on Planning will be altered. The second reading explanation simply states:

> The Bill also amends the composition requirements of the Advisory Committee on Planning to provide that the committee must still include a member who is a planning professional, but that this need not be the Chairman of the Planning Commission.

I consider, and everyone whom I have consulted over a wide range of interested bodies considers, that the arrangements that have been in place, whereby the Chairman of the Planning Commission is Chairman of the Advisory Committee on Planning, have operated very satisfactorily indeed, and we see no reason to change those arrangements. As I mentioned, the Bill is essentially a Committee Bill and I hope that the Minister will be able to be more forthcoming than in the second reading explanation to provide justification for what seems to be an arbitrary move. Certainly, no-one who is involved in this area can understand why this action is being taken. I have consulted quite widely, and it is interesting that no-one who was immediately concerned was advised of it; I would be critical of the Minister for failing to consult with the people who will be affected by this decision and for not having the courtesy to advise the relevant bodies and individuals. Even if they had been advised, they were not consulted about the merits or the desirability of making this change. It may be that the Minister has based his decision on very sound grounds which we could support. If so, we would like to hear about them, and I hope that they can be explained in some detail, either in the Minister's second reading reply or during the Committee stage.

The third matter to which I refer is the role of the parliamentary Joint Committee on Subordinate Legislation, which is referred to in the Minister's second reading explanation. The actual effect of the amendment embodied in clause 7 is to ensure that supplementary development plans do not lapse if they have not been considered by the Joint Committee on Subordinate Legislation by the end of the 12-month interim period. The manner in which this matter has been expressed in the second reading explanation borders on criticism of the joint committee. The explanation states:

> Without implying any criticism of the joint committee, it is clear that many plans have still been at the joint committee stage when the 12-month limit has neared lapsing.

The words 'without implying any criticism' are there, but in my opinion there is a somewhat offensive imputation that it might have been the joint committee which was holding up the plans. That is not the case; we all know it is not the case, and it is hard to know why that phrasing—which is very subtle indeed—has been included.

I should make clear to the House, Mr Speaker, that no supplementary development plan has ever been held up by the Joint Committee on Subordinate Legislation. However, what has happened is that many a plan has been submitted to the joint committee at the death knock, at the eleventh hour, and very often beyond the eleventh hour. The Minister has been less than honest in his second reading explanation about the delays which are occurring during this 12-month interim period, which are placing burdens on the committee and on members of the House of Assembly who are invited by the Secretary of the committee to comment on the plans as they may affect their electorates, and which are not satisfactory by a long shot. None of these criticisms can be directed at the committee. They are, however, directed at the Minister and at his department, and I propose to give chapter and verse of a large number of criticisms that have come from a very wide range of quarters.

Before I do so, however, I would like to say, as one who has appeared before the joint committee, that I believe that the committee carries out a useful role in examining these plans, and I have nothing but praise for the manner in which the Secretary of the committee, Mrs Jan Davis, conducts her communications with members of the House of Assembly and indeed assists in the administration of the affairs of the committee. Her administrative role has, in my opinion, been exemplary and is greatly valued by members both of this House and indeed of the other place.

The arrangements for getting the plans to the joint committee are less than satisfactory. It is very difficult indeed for a member of the House of Assembly to consult with the relevant individuals and organisations in his or her electorate if little notice is given. Little notice can be given if the Secretary of the committee receives the supplementary development plan more or less at the moment it has to be considered by the committee in the knowledge that the committee has to approve it before the 12-month period lapses.

The Hon. G.J. Crafter interjecting:

The Hon. JENNIFER CASHMORE: The Minister says, by way of a *sotto voce* interjection or response, that this clause picks this up. So it does, but why does it need to pick it up? That is the question we want answered. Why is there such monumental delay in getting these plans from the department to the committee? The fact is that supplementary development plans are produced for a purpose. They are produced invariably in response to either a problem, an opportunity or a changing situation within a local

government area. As long as they are produced but not approved, that problem or that opportunity or that difficult situation remains unaddressed, and clearly that is an unsatisfactory situation. The attitude that I have found in consulting with local government developers, industry and planners—all kinds of people who are interested in this—is, 'Let us have time limits but let us stick to them.'

Twelve months in itself is a very long time to allow a plan to be in an interim stage. Quite often circumstances change during the period from the development of the plan to its ultimate approval and, if the time available continues to be extended, the planning process in South Australia will only become bogged down. Many people already say that it has been bogged down to the point at which something positive must be done.

I will convey to the House some of the comments that I have heard in discussing this matter with various people. One of my contacts said that the process is long enough and that it has got to the stage at which the department and the Advisory Committee on Planning must shoulder a great deal of the blame, as must the Minister. Someone else said—

The Hon. G.J. Crafter interjecting:

The Hon. JENNIFER CASHMORE: What sort of interest?

The Hon. G.J. Crafter: Yes.

The Hon. JENNIFER CASHMORE: Local government interest. I am not talking about developers but about local government. Of course, developers would warmly and vigorously share that view. Often plans are taking so long that they are out of date when they are authorised. That is a scandalous situation. We in this State have a long and proud history of planning which, over recent years, appears to have become so seriously bogged down that it is having not only the obvious adverse economic effects that come quickly to mind but also adverse social effects. In the long run it is adversely affecting individuals who cannot make personal plans for reasons of bureaucratic delays in respect of planning.

I have a list of councils that are having difficulties, and it is by no means an exhaustive list. I am sure that my colleagues can give far more detail than I will. The fact is that a period of three years is typical from commencing the supplementary development plan process to obtaining final approval. Many concessions must be made by councils to finally get to that stage, and they are not concessions that are made willingly because many councils are finding the department and the Minister extremely difficult to deal with. Most of the criticisms revolve around the fact that there is no clear policy direction to which councils can respond. Equally, I have heard from within local government circles that local government itself is by no means blameless but, when one gives people instructions to do this or that without giving them a framework of clear policy guidelines on which to base decisions, one asks them to do the impossible. Needless to say, they do not come up with the goods.

The difficulties are apparently due to many factors, one being a change in sector managers in the Department of Environment and Planning. This is a matter for the Minister to address because it is a matter of administration. It causes immense frustration at local government level because, just when a council believes that a supplementary development plan is acceptable to the department, there is a change in the sector manager, who may have new ideas, and the whole process is again held up. It goes beyond inadequacy of administration; it is reprehensible. People cannot be messed around month after month, year after year by getting them up to the barrier and then saying that the rules of the race have been changed and they must go back to the start.

Mr Duigan: Have you got any examples?

The Hon. JENNIFER CASHMORE: Yes, I have quite detailed examples. Another problem is that the department apparently does not like anything in supplementary development plans that departs from what the department considers to be the norm, for example, in regard to zoning names. If the department has a policy on that, why does it not make it clear to local government so that there will be none of this argument and difficulty? Another problem is single purpose Government agencies which insist on their particular standard policies being inserted in the supplementary development plan even when they may be repetitive or inconsistent with other provisions of the plan.

Another problem concerns ministerial supplementary development plans which are commenced but nobody seems to know what happens to them. Only the Minister can really respond to this point. Some examples are the Second Generation Parklands Study, the Hills Face Zone Enhancement of Natural Character Supplementary Development Plan, the Mount Lofty Ranges Bushfire Supplementary Development Plan, the Shopping Centre Policy Supplementary Development Plan and the Mount Lofty Watershed Supplementary Development Plan. I understand that the last plan has been frozen and placed in limbo for another two years for reasons of a review, the need for which is soundly based. However, that does not alter the frustration of councils at being continually placed in limbo.

Another matter is the freezing of the five areas considered for the long-term development of metropolitan Adelaide. The Minister has overstepped by nearly nine months his undertaking to make a decision about those areas. When the plan was released he was to make a decision early this year. Then he was to make a decision in June. It is now August—nearly September—and still nothing has been done. All we know is what we read in the *Advertiser* that appeared to drop off the back of somebody's truck, but local government has not been informed. The Parliament has not been informed. The people who have land that has been frozen have not been informed. I do not know whether it is a combination of procrastination, laziness or inadequate resources. Whatever it is, it is not good enough because it is having a very bad effect on planning in South Australia.

I have a number of specific details from various councils. The St Peters council (this will interest the Minister on the front bench, because it is in his electorate) commenced its supplementary development plan in January 1984. After going back and forth between the department and the council, the council finally thought that agreement had been reached after the best part of three years. However, very recently the council had to give an undertaking to review its residential densities. Last minute changes were brought up by the department, and I understand that the plan is before the Advisory Committee on Planning this very afternoon.

It is the manner in which the Minister and the department do these things that causes concern. The St Peters council spent untold time and professional resources developing its plan. It got up to the barrier but suddenly it was told that the plan did not comply with the urban consolidation policy. The urban consolidation policy has never been enunciated in specific terms by the Minister. The Kinhill report on the long-term options for the development of metropolitan Adelaide talked about the desirability of urban consolidation but did not at any stage define what it meant by 'urban consolidation'. Last year in the Estimates Committees when I asked the Minister exactly what the policy meant and

whether he could define it or be specific about it, he was unable to be specific beyond saying that he wanted to accommodate more people in the metropolitan area of Adelaide and fewer in the outer metropolitan sprawl.

On many occasions I have heard the Minister speak on this. He has given facts and figures but he has never defined the Government's policy in respect of urban consolidation. How can local councils possibly be expected to implement supplementary development plans which take account of Government policy when that Government policy has never been spelled out? It is not possible. These councils want to fall into line with Government policy if only they know what it is, and when they do know what it is, if only it did not chop and change, switch and turn from month to month and year to year on matters which should require long-term planning to ensure stability and, not least of all, to ensure the most economic use of planning and other resources, including infrastructure.

Walkerville council has also experienced considerable difficulty, which can be best summed up under four headings. First, the council, like many other councils, is concerned that the many changes and frequency of changes in SDP management staff (to which I have already referred) prolong matters thus causing additional meetings, discussion and reference to the department. Let us not forget that we are talking, in discussing the prolonging of decision making on supplementary development plans, about the voluntary time of council members, which is very precious, and about the paid resources of council staff. With the metropolitan councils it is the staff of the councils and in the country they are consultants: either way big money is involved. When plans literally take years, we are talking about hundreds of thousands of dollars—and probably collectively from the State's viewpoint millions of dollars—caused to be spent because of delays.

The second principal complaint is the extent of time to have SDPs processed. The third complaint, which is widespread, is that a State authority is taking over planners' roles in arguing and telling councils what is best for their area. I can see the Minister chuckling, and we all know that there will always be a difference of view between the respective responsibilities of State and local government when it comes to planning. A degree of overlap exists. However, as I said earlier, if local government were given clearly outlined policies, it would have the flexibility to observe the principles of those policies whilst adapting them to the circumstances of their locality. However, to have a centralised decision-making body dictating how one will dot i's and cross t's is an intolerable situation for local government and the developers. It should not be allowed to happen—it is not good management—but that is what is happening presently.

The other complaint is the extent of time that the Planning Appeal Tribunal takes to hear appeals. Walkerville council, for example, wants to rezone part of Park Terrace to prevent office development. There has been opposition from the department (so I am told from within Walkerville) that has caused a lot of delay and confusion. In the country, the Tatiara council did a supplementary development plan for its area. It zoned part of an area at Padthaway to allow for future development of a housing estate. That area was adjacent to a conservation area, and this has held up the supplementary development plan for a considerable time.

Kingscote on Kangaroo Island commenced its supplementary plan in 1984. In August 1984 the department acknowledged receipt of a draft supplementary development plan and stated that, 'no major issues or problems in the draft had been identified'. The plan was referred to the Minister in January 1985. On 17 October 1985—10 months later—the consultant for the Kingscote council wrote to find out what had happened to the plan. It is unconscionable for a plan to lie on a Minister's desk for 10 months and still not be brought before the Advisory Committee on Planning or put on public exhibition. On 20 February 1987 the council wrote to the Minister expressing concern. I understand that as a result of that plea the matter has proceeded rather better since February of this year.

Angaston council wanted to insert some prohibited developments into its plan. The department and ACOP took this opportunity to look at the rest of Angaston's existing plan and express concern on matters such as the name of zones. I hope that the Minister can explain in the Committee stage why the naming of zones by councils should hold up a supplementary development plan. That seems to be nit-picking of the very finest order and the kind of thing that generates endless frustration, involves endless costs and serves no useful purpose whatsoever.

Unley council submitted a non-residential supplementary development plan. It had to go to ACOP and on to public exhibition. It was sent to ACOP again in August 1986. On 10 March 1987—seven months later—ACOP wrote to the council asking for its comments on suggested amendments from the Royal Agricultural and Horticultural Society. On 20 March the council responded (in other words, very promptly) that it was comfortable with the amendments that the society was proposing. On 20 August the council formally advised that the SDP was approved with minor changes. In between there had been a seven-month gap when things were lying on the Minister's desk.

Stirling council also has had immense difficulty with matters being delayed in the department or on the Minister's desk. This information came to me exactly a year ago, which shows these problems are not recent origin—not just of the past 12 months—but have been going on for literally years. The Stirling council was initiating residential development policies for metropolitan Adelaide. It responded to a letter from the Minister requesting a response or comments on his proposal (on the Kinhill report) within three months. The council replied on 29 March 1985 with a submission. It was acknowledged by the Minister on 2 May and received no further communications.

In regard to the Second Generation Parkland Study, the department advised on 15 August 1984 of the Minister's announcement to initiate a feasibility study into the establishment of second generation parklands. On 25 August the council was invited to comment on the proposals. In October it was invited to participate in a Hills area working group. A number of meetings were held and a detailed submission was made by the council on 30 March 1985, such submission including maps, diagrams and proposals. No further contact or communication had been received from the department on that issue since August 1985. With the outdoor advertising supplementary development plan, the council strongly opposed the regulations.

The Hon. G.J. Crafter: What is the date of that query?

The Hon. JENNIFER CASHMORE: I am referring to outdoor advertising. The council made repeated submissions to the Minister and ACOP expressing strong opposition in March 1985. It made a public hearing presentation and received no response. Its most recent letter to the Minister, as at September 1986, had been in May 1986 and it had received no response by September. That is the best part of 15 months without a response from the Minister.

In regard to the hills face zone, the Stirling council made a submission to ACOP on 13 December 1984. On 14 November 1985—the best part of a year later—the council

received a copy of the authorised plan containing additional principles and proposals affecting its district. There was no consultation with it. It objected to the Minister on 23 December 1985 and got a response from the Minister—which happened to be unacceptable to the council—four months later, on 21 March. It goes on and, in fact, I have a catalogue of complaints by councils.

The Hon. G.J. Crafter interjecting:

The Hon. JENNIFER CASHMORE: I have detailed councils including Kingscote, Angaston, Unley, Walkerville, Tatiara and Stirling, and I could take up the time of the House for quite a bit longer because I have a lot of material in this file. If the Minister wants it all on the record—

The Hon. G.J. Crafter: If you want answers, you must give us the facts.

The Hon. JENNIFER CASHMORE: By all means: I am quite certain that the Local Government Association could provide the Minister for Environment and Planning and the Premier with a wad of material detailing the lack of courtesy, the lack of efficiency, the lack of competence and the lack of consideration that councils have been shown in respect of supplementary development plans. This is a serious issue, and I believe that I have placed sufficient material on the record to indicate that it is a serious issue. I think that, if a Minister takes five months, eight months or a year to answer correspondence, there is something seriously wrong indeed. There was no consultation with the Stirling council in relation to the Native Vegetation Management Act. Despite the fact that heritage agreements are of considerable concern to that council, no satisfactory reply was received. It took the Minister from 23 December 1985 until 12 May 1986 to even reply to the Stirling council's expression of concern.

The Hon. G.J. Crafter interjecting:

The Hon. JENNIFER CASHMORE: That has not been conveyed to me. My notes have all the details that are available. I have a comment from a senior official in local government who has no particular interest in any municipality but is concerned about planning as a whole. In summary, he says that councils are having supplementary development plans sent back to them and are being asked to amend them. It might take a month for them to make the amendment, and then another month before there is a council meeting to endorse the proposal; it then goes back to the department and it may take many months before there is a result. The claim is that the department changes its policy stance.

Many councils had plans ready when the department decided to move to urban consolidation. The plans have been returned and the department has asked councils to take this into account, even though they have not been given any guidelines. That is frustrating to these councils. Rural councils, which rely on consultants, are obviously in greater difficulty than metropolitan councils which have staff planners. Local government makes the point that, just when it gets things right, there is another ministerial SDP, as I mentioned, in relation to, for example, shopping centre policy, watersheds, the hills face zone or the freezing of the five areas. I suppose that this is a real cry from the heart, but it has been a very sorry process which has caused a great deal of financial cost, not to mention social cost.

Local government believes that there should be a better method of establishing local plans without greater centralised control which does not have any clear policy direction. Much of what has been said in relation to local government can be easily translated into a different point of view and the effect on developers. To give one example (and I could give many) in my own electorate in the local government area of East Torrens, the subdivision of the Gilburn brickworks was delayed by the department for well over a year. I am not in a position to ask the Minister of Education questions about this because I believe that only the Minister who is in charge of the situation could answer them.

The Hon. G.J. Crafter: This Bill will stop that.

The Hon. JENNIFER CASHMORE: It will not stop it at all. I am talking about administrative incompetence in the department; this Bill deals with extending the time to make sure that plans do not lapse. This Bill will not give local government any cheer whatsoever; it simply enables the Government and the department to get off the hook and continue to fiddle around without getting the plans up to the barrier within the 11-month period.

The Hon. G.J. Crafter interjecting:

The Hon. JENNIFER CASHMORE: The problem lies with delays in the department before matters reach the Joint Committee on Subordinate Legislation. Has the Minister not been listening? Everything I have said in the past 30 minutes has been based on the premise that the department—not the Joint Committee on Subordinate Legislation—is responsible for the delays which are causing local government, developers and individual residents endless frustration. This part of the Bill is simply a device to try to get the Government off the legal hook, and it is a device that has not been widely welcomed. I would be interested to hear members of the Joint Committee on Subordinate Legislation speak on this matter, if they choose to do so.

The reality is that the criticism is widespread: it is filtering through the planning profession, the architectural profession and the engineering profession, and it is rampant throughout local government and the development industry. So it is not confined to one special area. I suggest that the Minister and his colleagues would do well to take on board what is happening and ensure that the Department of Environment and Planning and the Minister vastly improve their performance. I suggest that the Minister should also improve the personal staffing arrangements in his office so that people have the courtesy of at least receiving replies to correspondence.

In short, the Bill is a very mixed proposition. We are prepared to hear from the Minister a rather more detailed response justifying the need for change which means that the Chairman of the Planning Commission will no longer chair the Advisory Council on Planning. We would also like to hear a response to the charges made against the Minister and his department in their failure to process, competently and reasonably speedily, supplementary development plans which have a purpose, because that purpose is being thwarted by these delays.

Mr ROBERTSON (Bright): I take this opportunity to refer to clause 6 and, in particular, new subsection (2a), which deals with cultural diversity in the planning area. It seems to me that the Bill contains a number of long awaited improvements, but new subsection (2a) moves a considerable way towards recognising that we live in a multicultural society in this country and need to consider other cultures when we plan our cities, and that we need to consider the nature of Australian society in areas such as housing and transport planning.

In relation to housing, it is probably fair to say that the recognition of cultural diversity and ethnic differences in this country is not aimed at preventing the survival of other cultures in Australian society; in fact, it is quite the reverse. This new subsection actively supports cultural diversity within this country and within planning. We need to encour-

age within our cities extended families, if that is the arrangement under which various ethnic groups are used to living.

We need not just to tolerate them but also to make allowances for their cultural differences and in some cases permit developments that would encourage the extended family. In the mainstream Australian society, we have gone some distance down that path by adopting a policy of urban infill, the construction of granny flats in urban backyards, and so on. However, the extended family probably needs a little more consideration than that and we need to ensure that in the case of ethnic groups from a non-English speaking background, just for the sake of mutual support, extended families are not only allowed but encouraged to exist.

That may mean that we need to countenance not just cooperative housing of the kind being currently encouraged by the Housing Trust, but probably to encourage and permit group housing of various kinds not previously contemplated in this country. We may also need to consider multiple dwellings of various kinds so that we have shared living areas as in other parts of the world and in other cultures. It may be that we need to consider different floor plans from the traditional Adelaide concrete raft and brick veneer exterior. We perhaps need to encourage inner courtyards of the type with which many African and European cultures live, and to have a more flexible attitude to the use of open space within domestic dwellings.

In the area of transport, we need to consider the populations of ethnic groups. As a generalisation, it is true that migrants in this country constitute the poorer section of society and that many migrants, especially from Europe, come from an urban environment and tend to find themselves by necessity rather than by choice on the fringes of our big cities. This is no less true of Adelaide than it is of Sydney and Melbourne. People generally living on the urban fringe, especially migrants, need to be considered specially and separately when planning decisions are made. Migrants have a disproportionate share of the transport problems. Whether they arrive at work by car, train or bus, they often do so with much more delay and inconvenience than many of us who live in the affluent middle range of suburbs around the city centre.

So, migrants wear more than their fair share of transport problems in our society. Therefore, we need to encourage the use of car pooling and perhaps a more flexible attitude towards the use of private cars. We may need to consider putting proportionately more resources into better roads and public transport in the urban fringes. We certainly need, if we are to be fair to our migrant population, to consider providing not just adequate but good quality public transport on the main trunk routes.

Mr S.G. Evans interjecting:

Mr ROBERTSON: The member for Davenport may be interested to look at the most recent statistics from the Australian Bureau of Statistics to see whether his area is carrying more than its fair share of the migrant population. However, it seems to me that that area is the last area of the State about which I am talking. We need to encourage the flexible use of other transport modes, including the multi hiring of taxis to a degree not at present contemplated. We need to extend to the taxi companies contracts to run on State Transport Authority bus routes after the normal STA buses have finished running at night. That would allow shift workers to commute to work at night and return home late at night and early in the morning and would be of great advantage to migrant communities.

We probably also need to consider strengthening the cross-links between the major trunk routes such as the north-south corridor, the bus corridors and the rail corridors. We should therefore look again at the use of small commuter buses, rather than large buses less frequently. We need possibly to work hand-in-glove with private enterprise in providing mini bus links between major trunk services, a transport improvement that would be to the advantage of the migrant communities in this State.

We also need (indeed, I heartily endorse and welcome their arrival) the Class 3000 railcars on suburban railway lines. Their introduction will go some distance towards making the lot of the long distance commuter somewhat easier and again be to the advantage of migrant communities, especially on the urban fringe. In general terms, the problems of migrants in the transport area are problems of poverty which we cannot afford to ignore from the point of view both of the migrant and of the mainstream third and fourth generation Australian. In doing something about public transport in this country, especially in the Adelaide metropolitan area, we will be doing something for the migrant population.

In conclusion, I welcome new subsection 14 (2a) in the Bill. I believe that it is necessary in the planning procedure in respect of housing and transport, as well as certain other areas of planning, to consider ethnic and cultural diversity. I believe that in future we need to consider making more allowances for that diversity. I welcome the clause to which I have referred: it is a step in the right direction, and I am confident that the Minister will ensure that the advisory committee well represents the ethnic communities of our State.

The Hon. D.C. WOTTON (Heysen): I wish to refer to a few of the matters contained in the Bill which cause me concern generally. Like the member for Coles, I regret that the Minister for Environment and Planning is not in the Chamber. I realise that he is absent because he is ill and we cannot blame him for that, but I suggest that it might have been better to defer consideration of the Bill so that we could get answers from the Minister. After all, it is appropriate that the Minister for Environment and Planning should be able to provide certain information.

First, I support the enlargement of the Planning Commission from three to five members. When the original legislation was being drafted, considerable consultation took place and there was much discussion about the number of members who should sit on the commission. Recognising that the former State Planning Authority had 11 members, I was especially anxious about the significant reduction in the number of members and I thought it appropriate that three people have the responsibility of membership. However, I now concede that five members are needed. Considerable problems have been experienced in respect of deputy members of the commission. I must admit that I had reservations about the introduction of deputies when the Bill was being drafted and it is appropriate, after the length of time that the legislation has been in force, for us to be able to rectify that issue.

So, for reasons of continuity, I certainly support the increase in the number of members from three to five. I have been especially pleased with the three present members of the commission who have had that responsibility since the original legislation was introduced. I take this opportunity of commending the Chairman of the Planning Commission (Mr Stephen Hains) and the other two members who are not public servants and who have given much time and effort and shown considerable dedication towards their responsibilities.

Concerning the amendments to the composition of the Advisory Committee on Planning, I cannot see a lot of

problems with what is being proposed. I find it interesting, recognising again the amount of representation that was received in earlier days, particularly from the planning profession which was very keen to see a planning professional as the Chairman of the commission, that these changes are now being promoted.

The Hon. Jennifer Cashmore interjecting:

The Hon. D.C. WOTTON: I was just going to say that it is obvious that there has not been consultation with the profession—or certainly not adequate consultation—because members of the profession to whom I have spoken in the past two days still feel very strongly that the Chairman of the commission should be a planning professional. I do not know what is behind this. I cannot see any reason why these changes should be made. I doubt whether the Minister handling the Bill will be able to provide the sort of information that we are looking for and I express some concerns as to why these changes are being made. I, too, will seek more detail from the Minister during the Committee stage regarding changes to section 43.

I have not changed my position on SDPs going before the Joint Committee on Subordinate Legislation. However, I still wonder whether that is absolutely desirable or necessary. I concur with what the shadow Minister said about the need for plans to be dealt with in a speedy fashion. A considerable process has to be gone through to ensure that the plans are in an appropriate form. There is the opportunity—although perhaps not enough opportunity at this stage—for appropriate consultation, and I wonder about the merits of SDPs going before the Joint Committee on Subordinate Legislation in any case. That has been the case ever since the legislation was introduced, and I will be interested to see what improvements result from the amendments to section 43.

I also express concern about delays. It would be most inappropriate to blame the Joint Committee on Subordinate Legislation for any delays in regard to SDPs. It falls back to the responsibility of the Department of Environment and Planning (and I do not wish to go through all that again because that matter has already been dealt with). I hope that the Minister, through his adviser, will be able to provide information about why we are seeing so many delays. Either it is a matter of lack of resources in the department or that a higher priority should be given to the department's responsibility to ensure that SDPs are dealt with as quickly as possible. I look forward to gaining some information when the time comes.

My greatest concern in regard to the planning structure relates to the uncertainties that currently exist. The member for Coles referred to a number of local councils which have given her information, and some of that information has been provided to me as well. The councils involved are very sincere in their concern.

The Hon. Jennifer Cashmore interjecting:

The Hon. D.C. WOTTON: Yes, they are competent, and that is another point I was going to make. I am pleased that in the majority of cases councils—which, as we know, have the added responsibility in regard to planning—have been able to take on extremely competent planners. I know that when the legislation was first introduced it was felt that there was not the expertise in local government so that it could deal with these matters. The vast majority of councils, certainly the larger councils, are now well equipped to handle that responsibility. Many councils have extremely competent people who prepare SDPs and they accept the responsibility of local government in regard to planning matters.

There are many uncertainties in local government. There is concern about the time that is being taken. There has been concern also about the responsibilities of the Advisory Committee on Planning (ACOP). I have said on a couple of occasions in this place previously, and I repeat, that when the Planning Act was first introduced it was never the intention that that committee be given the responsibilities it now has. Certainly, I saw it as a committee of people with certain expertise which would be able to advise the Minister on policy issues but which would not have the responsibility that it has at this stage.

I am aware of much of the concern that has been expressed, particularly on the part of local councils; they see ACOP as being almost another planning authority. The Minister smiles at that, but that is very much the case. It is seen to be as difficult to get through ACOP as it is to get through the Planning Commission. Many councils and people in the planning arena feel that ACOP has far too much responsibility—and I have expressed that view in this place previously.

The member for Coles referred to a number of SDPs that either have been lost in the process of being finalised or, because of a change in priority, have not come on stream. The one that comes to mind particularly is the fire prone areas supplementary development plan. Very soon after the last Ash Wednesday fire—at least 2½ years ago—the Minister for Environment and Planning, at the old St Michael's site, indicated that he would give priority to the introduction of an SDP setting out fire prone areas and particular conditions and regulations that would apply.

Mr S.G. Evans interjecting:

The Hon. D.C. WOTTON: In answer to the member for Davenport, I point out that the situation now is that councils have been advised. I know that the Stirling district council was given some indication of the requirements as a result of the introduction of that plan, and it does not know what direction it is presently taking. That has been around for a considerable time but has not been finalised. That is a glaring example. The other one that I am not so interested in relates to the second generation parklands, and I have always had some reservations about that concept. How many years is it since that concept was introduced with tremendous fanfare? The people were led to believe that that was going to be the greatest thing since green cheese, and we heard so much about it over a period of time. I am aware of a couple of reports that have fallen off the back of a truck and both have varied tremendously in relation to what was being achieved or what is was hoped would be achieved as a result of this new concept being introduced.

Goodness knows where the outdoor advertising SDP is at the present time. I led a deputation, again with representatives of the Stirling council and some of the other councils in the Southern and Hills Local Government Association, about four or five months ago, and we were told that that SDP was about to be released. I am not quite sure what the score is as far as that is concerned. As the member for Coles has already pointed out, how many times have we been told by the Minister for Environment and Planning that a decision was just about to be announced with regard to the five growth areas? I can recall well before Christmas last year the Minister for Environment and Planning saying that it was about to be released, that it would be released before the end of November.

In May of this year we had the Minister for Environment and Planning speaking at a meeting of the Chamber of Commerce at Mount Barker, and he indicated at that stage that the results would be released within a matter of weeks.

I am sorry that I do not have the transcript with me of what exactly the Minister said on that occasion. Again, we have not seen it; again, there is a tremendous amount of uncertainty. We have had a situation where development has been frozen in these areas and, with all of the speculation that is building up, it is absolutely essential that the Minister or the department or whoever is responsible gets off their backside and does something about it so that the people in South Australia know exactly what is proposed for those areas. I could go on with the responsibilities that the Minister for Environment and Planning is supposed to have.

I have concerns in relation to the Native Vegetation Management Act; we are told that everything is supposedly rosy in that section. We are told that the UF&S and the Government have come to this magnificent arrangement and all of the problems have been solved. I indicate to the Minister that there are a damn lot of problems that have not been solved as far as that legislation is concerned.

Mr D.S. Baker interjecting:

The Hon. D.C. WOTTON: If the Minister for Environment and Planning had been at the bench today, I would have been very pleased to provide him with numerous examples of people in my electorate who, as the member for Victoria has said, are going bankrupt because of that legislation. If the UF&S—

Ms GAYLER: On a point of order, Sir. I believe that the member for Heysen is now debating another Act entirely, the Native Vegetation Management Act, which is not the subject of this debate.

The DEPUTY SPEAKER: I am afraid that at this point in time I cannot accept the point of order because the debate was not being heard by me. I can assure the honourable member that I will take close account of the debate from here on.

The Hon. D.C. WOTTON: I have only three minutes left and I will not say any more about that area in any case, as long as the Minister accepts the point that has been made. What I am talking about is the number of delays that are being experienced as a result of the problems within the Department of Environment and Planning, and that is the responsibility of the Minister to sort out, and nobody else. The same thing could be said for the Heritage Act, but I will not go into that, because the member for Newland might get excited about that as well. This legislation is not meant to do anything about that. All we are doing is trying to get through to the responsible Minister, and I hope that the Minister at the bench will pass on to the Minister for Environment and Planning the absolute need to give high priority to consideration of the delays that are occurring. It is no good blaming the Subordinate Legislation Committee—it does not have responsibility.

The Hon. G.J. Crafter interjecting:

The Hon. D.C. WOTTON: Well, certainly looking at the second reading explanation one cannot help but believe that is what is being said.

The Hon. G.J. Crafter interjecting:

The Hon. D.C. WOTTON: It is the implication that we recognise in the second reading explanation. I welcome the enlargement of the Planning Commission itself. I have no idea why it was believed to be necessary to change ACOP itself, particularly with regard to its not being essential to have a planning professional as the Chairman. As far as the amendments to section 43 are concerned, I look to the Minister at the table to provide some of the answers and to clarify why those amendments are absolutely necessary.

Mr M.J. EVANS (Elizabeth): I support the Bill in general terms, although there are some areas which I am more concerned about than others. Certainly, I am happy to accept the almost unanimous advice of other members of the House—both Government and Opposition—that the extension of the number of members of the commission is desirable and that the other changes proposed by the Bill are at least not objectionable, even if they are not fully explained at this time. However, I would like to canvass other aspects of the Bill which have not been focused on to the same extent in the debate so far. Those aspects are the consideration of supplementary development plans by the Joint Committee on Subordinate Legislation; the whole area of consideration of Government development and Crown development and the way in which this Parliament reviews it; and the safeguards which the Act and the amending Bill before us provide for the community through the overall scrutiny of these measures by the Parliament. I believe that there are some potential shortcomings in that area which should again be discussed by the House.

Members will recall that some of these issues were canvassed when an amending Bill to the Planning Act was last before the House. That was on 14 April earlier this year. Some of the changes which we are now considering were in fact proposed at that time. On that occasion, I raised the issue of the way in which the supplementary development plans would be scrutinised by the Subordinate Legislation Committee and the way in which the reports of that committee would be considered by this House. Unfortunately, at that time the Minister for Environment and Planning was not able to be in the House; the Minister of Employment and Further Education, the member for Ramsay, was presiding and he gave a number of assurances in that regard on behalf of the Minister. I was hoping to again seek those assurances today but again, unfortunately for reasons of illness, we are not able to obtain that advice. By placing it on the record today, I hope that the Minister for Environment and Planning will be able to give further consideration to those issues and perhaps at the appropriate time give the assurances which I am seeking. We are on our second Minister for the day and the third in the process, but—

The Hon. T.H. Hemmings interjecting:

Mr M.J. EVANS: Yes, I will let the Deputy Premier answer for that, but surely the Government will be able to look closely at these issues and, I hope, address them in all seriousness when the legislation is again amended, as I am sure it will be, not because it is in any way defective but because I am sure that the Planning Act, like the Local Government Act and a number of others, will be perennially amended in this place.

We come to the important questions of supplementary development plans. Planning is perhaps one of those areas which impacts most strongly on the rights of individuals and organisations in our community and yet at the same time, of course, it is that very restrictive and intrusive planning structure which safeguards people's individual rights and protects them from the actions of others that might interfere adversely with the enjoyment of their property and their own environment.

Planning is certainly a two-edged sword in that context. It contains some of the most restrictive and intrusive legislation yet, at the same time, its purpose is to protect others from undesirable developments and actions that would negatively impact on their own property. While we have to recognise the one side of the coin, it is equally important to look at the other. To protect the community in that respect a very elaborate system has evolved of planning controls, of development plans amended by supplementary development plans, of consents, of prohibited uses and of the whole gamut of legal restrictions which together form

the planning system. Those who are affected by it must sometimes wonder as to the cohesiveness and integrity of the whole, but certainly the legislative system is there for their benefit and I hope that it is the job of Government and of the various agencies and ultimately of this Parliament to safeguard that system for the benefit of the community.

Supplementary development plans are of their very nature quite important in the system. People purchase property, make development decisions and expend considerable sums of money in the light of what they know the development plan to be. That plan is a very strongly expressed statement of the future intentions of the development agencies of the Crown and the local council, and people must have great confidence in its credibility in the long term or it will not serve the purpose for which it has been placed there. Supplementary development plans threaten that very credibility and stability, and therefore we must be certain that what they do is correct, appropriate and meets with community endorsement. It is that process to which we address ourselves today.

The ultimate step in that credibility determining process is the submission of the supplementary development plan to the Parliament and to the Governor, who forms part of that structure. The most important component of that is the submission of the plan to the Joint Committee on Subordinate Legislation. A number of things concern me about that. First, the Subordinate Legislation Committee has many other duties to perform. It is the primary body of this House to examine subordinate legislation in terms of regulations under Acts and all members know that the ever-increasing amount of legislation by regulation is of great concern to the community and that it is entirely proper that the Subordinate Legislation Committee be free to spend as much time as it needs in examining those regulations in general terms.

The added burden of the close examination of supplementary development plans, which are also bound to increase over the years as more and more of the State is brought under the system and as more supplementary development plans come forward, will necessarily limit the amount of attention that the committee can place on those various issues. It will certainly limit the amount to which the committee can take public evidence and hear representations from those who are affected by the plans where the change proposed is significant. By Act No. 71 of 1985, the initial period of 14 days that the Subordinate Legislation Committee had in which to consider a plan was extended to 28 days. That doubled the period for examination on the grounds that the committee did not have long enough to consider such matters.

It is important that the difference between supplementary development plans and regulations when they are considered by the committee be noted. Regulations take effect immediately, as do some supplementary development plans but not all. Those under section 43 take effect notwithstanding their unapproved status at the time. Other plans do not, unlike regulations which take effect immediately they are gazetted. Unfortunately the difference does not end there. When supplementary development plans come before the committee, unless the committee rejects them within that 28-day period, they are deemed by the Act to have been approved by the committee—a very dangerous assumption given the workload of other matters that also befalls the committee.

If the committee chooses to disallow a plan, it brings the matter before both Houses of Parliament, which have only six days in which to disallow the plan or the Minister can proceed to present it to the Governor for final ratification and approval, which is an irrevocable step in that context. Business of the House being what it is, the committee must tender its resolutions before the House in private members' time. Only two such days need necessarily occur during the six-day period, and it might well be less than that at the beginning of a session. It is quite easy to imagine a situation in which a six-day period, containing as it does only two sessions of private members' business, might well expire before the House had any time to devote to the matter at all. In the case of regulations, once a motion has been moved in this House opposing the regulation, the House has as much time as it wishes to consider that matter and the regulations can be disallowed at any time thereafter.

Mr S.G. Evans: Within the session.

Mr M.J. EVANS: Within the session, quite obviously, as my colleague says. In the case of the development plan, something often of much greater import, six days is all that is open to this House. After that time elapses, that is it, the plan may be proposed and approved and the House may not have got to the point of being able to consider it.

The Hon. G.J. Crafter: Sitting days.

Mr M.J. EVANS: Yes, sitting days, but six sitting days includes only two private members' days in which these resolutions opposing the plan could be considered. As it stands at the moment, such resolutions would not be considered in Government time so there would be only two hours in which many other matters also press for consideration. The last time that this point was debated, I sought from the Minister for Environment and Planning an assurance that time would be made available during that six-day period to ensure that the House could express an opinion on the resolution of its own committee—something which is not guaranteed. Because of the presumed approval that occurs at the end of the six days, unlike the case for regulations, that is a serious deficiency in the process. Unfortunately the Minister was unable to give that assurance last time because he was not here. The same situation prevails today and I hope that, because the matter has been raised again, it will be given more serious attention so that the House has such an assurance that Government time will be made available to debate and resolve these issues if necessary to fit within the tight deadline of six days.

I do not wish the debate on these measures to be extended unduly, for that would be undesirable. Given the very narrow constraints under which the parliamentary session and time is allocated, that is an important point. It fits in with my other concern that Crown developments (I only wish to canvass this peripherally, because they are not critical to this Bill) are tabled in this House and receive no consideration from anyone other than members who may wish to study them personally. There is no organised consideration by the House of those matters and that leads me to propose an alternative which I do not suggest can be adopted today but which should be considered in the future. I refer to the formation of an alternative committee of this House, or perhaps a joint committee of the Parliament, to review supplementary development plans and Crown development proposals as and when they are presented to the Parliament so that the House may be properly informed on both of those important aspects of planning and may give proper attention to them at the standard that they deserve.

I do not imply any criticism of the Subordinate Legislation Committee in that context because, as I said, it already has a substantial workload and is given only 28 days in which to consider those issues. Because of their importance and the increasing number of supplementary development plans and Crown development proposals, it is essential that

the Parliament is fully informed about them, and the way to do that is through the consideration of a separate joint committee of the Parliament to review those matters as its sole task.

Mr Duigan interjecting:

Mr M.J. EVANS: No, the honourable member misunderstands. I do not want to turn the Parliament into a development control authority but he should recall that the Bill which is now before the House and which is sponsored by the Government places that responsibility on the Subordinate Legislation Committee. I simply suggest that that committee has already more than enough to do with subordinate legislation and, if the Parliament is to fulfil its proper role of ensuring the accountability of the Executive Government and providing a means for the final review of these very critical proposals, more detailed scrutiny of those matters and, occasionally, public evidence on them would be a useful process. At the moment, Crown development is largely uncontrolled. There is no development control agency, if you like, for Crown development. Those matters are outside of the Planning Act. They are simply tabled in this House.

Ms Gayler: Some of them go before the Public Works Committee.

Mr M.J. EVANS: But the Public Works Committee is not a development control authority. It simply reviews expenditure and the appropriateness of public works. In no way does it constitute any review of the planning appropriateness of a particular project. It is not there for that purpose, and I suggest that it is not appropriate to shift that burden on to that committee. If the matter of the appropriateness in planning terms of the increasing number of Crown development proposals is to be looked at at all, my personal view is that such applications by the Crown should fit within the normal system. I see no reason why Crown development should not go through the normal planning process of prohibited use, consent use and through the councils out there that we have elected to do that job. There is no reason why either Commonwealth or State Crown development should not be treated as any other project except where it is of such critical importance that the Governor needs to lift it out of the planning process as he already has adequate power to do under the Act.

For routine proposals I fail to see why a fence around a school should be treated differently from a fence around a house or around any other property. It should be treated in the same way subject to the normal appeals and normal proposals. The fact remains that it is not and, under the Act as it stands, the Crown is completely exempt. The only requirement is that this House be notified through the tabling of some documents. I do not believe that that constitutes adequate accountability for Crown development proposals. Accordingly, that is why I put forward the suggestion this afternoon that the Parliament itself, if it is to fully discharge its functions, should take steps to ensure, just as it does with regulations, that those regulations are appropriate and beneficial to the community—the appropriateness of Crown development and supplementary development plans in the best way possible.

That will be a better way to do it. It would also provide for a greater degree of accountability for those plans because at the moment, unless the committee resolves against the plan, the House itself has no way of taking up the matter. It is not possible for any individual member of the House (as distinct from the case of regulations, where any member of the House may move for disallowance) to move disallowance of supplementary development plans. The only way that the House can consider a supplementary development plan is for the Subordinate Legislation Committee to resolve against the plan. That is indeed a very severe restriction on the process. I accept that there may be reasonable strategies behind that solution but, unless the other mechanism (the approved mechanism of committee consideration) is properly implemented, it will certainly not occur. I place that view on the record. I do not bring it forward by way of criticism.

Ms Gayler interjecting:

Mr M.J. EVANS: Did I not just say, Mr Deputy Speaker, that I did not bring it forward by way of criticism? I know fully from my own inquiries that the Subordinate Legislation Committee has devoted substantial time to this subject; in fact that is my very point. The Subordinate Legislation Committee, in my view, should be devoting its full attention to the matter of regulations which are increasingly complex and diverse as that is the function for which this House initially appointed the committee. If it is discharging its duties fully in that area I do not see that it will have the time available to devote itself to the increasingly complex and widening area of supplementary development plans.

If we add to that the question of Crown development proposals currently not looked in at any systematic way by this House, it is a whole new area of consideration that cannot realistically be added to the workload of the Subordinate Legislation Committee.

To look at the whole area properly, especially within the 28-day deadline (which adds additional pressure that certainly must be taken into account, although as it is a very proper pressure in that we do not want these things going on for ever), it certainly means that something must be put aside in order to consider matters that quickly. That is why I suggest an alternative committee of the House to look at both these areas in the fullest possible detail.

So, whilst I certainly support the Bill before the House I hope that, upon the Minister's return to good health and to this place, he will look closely at those issues because, unfortunately, the assurances sought previously and again today cannot be answered directly in that context and they are important if this mechanism is to work. At the same time, he may at his leisure review the question of consideration of Crown development proposals under section 7 which might then conveniently be combined with the supplementary development plans, allowing the Subordinate Legislation Committee to give its full consideration to the very many and increasing number of regulations coming before the House.

Mr MEIER (Goyder): I wish to take up a few matters in regard to this Bill. However, I do not wish to go over the points made by the shadow Minister for Environment and Planning (the member for Coles) or those put forward by the member for Heysen. Whilst I am sorry that the Minister for Environment and Planning cannot be with us today, perhaps his illness is a blessing in disguise for him because so many of the points made by the members for Coles and Heysen need to be addressed. I guess that the Minister would not mind that he is not sitting there having to take up those points, but rather they will be passed on to him by the Minister sitting in for him.

I was interested to hear the points made by the member for Elizabeth, because those areas need to be looked at in more detail. I came onto the Subordinate Legislation Committee at the commencement of this Parliament in 1986, so I have been on it for about 18 months. When I came on, it was pointed out that the committee meets only when Parliament was sitting. That rule has been transgressed once, twice, and quite a few times since then as you, Mr Acting

Speaker, would know, being a member of that committee. It appears that matters are increasingly going in that direction rather than maintaining the *status quo*. Therefore, the points that the member for Elizabeth brought forward need further consideration or perhaps could be addressed to some extent by considering whether the committee meets on a regular basis throughout the year, regardless of whether or not Parliament is sitting.

I wish to address my remarks to the proposed amendment to section 41 of the Act which provides that the proposed supplementary development plans must be referred to the parliamentary Joint Committee on Subordinate Legislation and to note the change that is proposed. It is pleasing to see in the second reading explanation the following statement:

> Without implying any criticism of the Joint Committee, it is clear that many plans have still been at the Joint Committee stage when the 12-month limit has neared lapsing.

The member for Coles highlighted that point exceptionally well in saying that in some cases plans have come in at the eleventh hour or later. When we consider that the Joint Committee on Subordinate Legislation has 28 days (which on my mathematical reckoning is one month), one month taken out of one year means that there are 11 months in which the Planning Commission can get its act together and present the matter to the Joint Committee on Subordinate Legislation. Certainly I know that, whether officially or unofficially, the Minister has made remarks in the past indicating that perhaps the Subordinate Legislation Committee could have dealt more expeditiously with a supplementary development plan. However, I would refute any suggestion that it has not dealt with such matters expeditiously, and I acknowledge that it is very important to have a deadline that needs to be kept within reasonable limits.

It worries me that with the proviso of the 12-month limit taken out, we may find things dragging on more than they should. Hopefully, that will not be the case. The current Subordinate Legislation Committee would not hold up matters but maybe matters must be looked at to ascertain why it takes 12 months to put the plans together. Perhaps stages could be considered, although that is out of the area of this debate to some extent. However, the Subordinate Legislation Committee (and no-one has said otherwise) has an important role to uphold in this area. I can see it in some way as a House of Review. Just as we have the Legislative Council as a House of Review in the parliamentary system, so, the Joint Committee on Subordinate Legislation is a committee of review.

Many supplementary development plans coming before the Joint Committee on Subordinate Legislation have been accepted without question, which is the way it should be. However, there are several examples where questions have been raised. In fact, a supplementary development plan now before the committee is being questioned in one important area, and I hope that it will be resolved as a result of the arguments being put forward.

I recall that the Murray Bridge supplementary development plan aroused considerable discussion among residents of that area. I think they appreciated the opportunity to air their views before a parliamentary committee, which was their last point of appeal. At the very least, I think that the persons involved were able to express their grievances and, once the Joint Committee on Subordinate Legislation had made its decision, that was the final decision and I believe people were satisfied.

Representations were made in relation to the East Torrens supplementary development plan and I think the problems raised were resolved satisfactorily. I will not detail the problems because the minutes are recorded in the evidence that has been tabled. I will now address the issue raised by the member for Elizabeth about the 28-day limit. I point out that it is a limit of 28 days—not a limit of 28 sitting days. Perhaps this matter should be reconsidered. It works well while we are sitting, but there is a problem when we are not sitting. We could either meet more regularly or we could have a limit of 14 sitting days, which applies to normal regulations. A period of 28 days does not necessarily provide sufficient time if a supplementary development plan—

Mr S.G. Evans: If Parliament does not sit for six months, what happens to the poor old council?

Mr MEIER: Indeed, there could be a real problem. Thankfully, commonsense has prevailed so far.

Mr S.G. Evans interjecting:

Mr MEIER: The member for Davenport acknowledges that commonsense may not prevail in the future and, the way things have been going lately, I agree with him. It seems that the Government is running scared on quite a few issues and, the sooner they can avoid having Parliament sit, the happier they will be. I hope that the Minister of Education passes on our comments to the Minister for Environment and Planning and recommends that the 28-day period needs to be reassessed. Nevertheless, as a member of the Joint Committee on Subordinate Legislation I think that this Bill will be an improvement which will resolve some of the hassles that have occurred in the past, but I hope that it will not be an excuse for further delays. It was very unfortunate to hear so many examples given this afternoon in relation to apparent delays, but I dare say the Minister will address them in due course. With those comments, I, too, can see sense in the general provisions of this Bill.

Ms GAYLER (Newland): I will deal with a number of points made so far in the debate on this Bill. First, I thought that the member for Coles' introductory remarks were somewhat uncharitable in failing to mention that the Minister for Environment and Planning is not here today because he is ill. The member for Coles' comments about the second reading explanation, particularly as it relates to the Joint Committee on Subordinate Legislation, border on criticism of that committee. The Minister and the committee exchange correspondence about the timetable for dealing with supplementary development plans, and the committee has not been holding up supplementary development plans. As a member of the committee I discussed this matter with the Minister and assured him that the committee was dealing with plans expeditiously, and I pointed out that it had decided to meet between parliamentary sittings because it is keen to assist in the process and keen that it not be responsible for added delays in the supplementary development planning process.

I believe that the 28-day limit should continue to apply, and I am pleased that the Bill maintains that. The proposed amendments to section 43 do not affect the role of the Joint Committee on Subordinate Legislation and, therefore, do not affect the role of Parliament in its scrutiny of supplementary development plans.

The Hon. D.C. Wotton: Do you believe that the plans should go before the Joint Committee on Subordinate Legislation?

Ms GAYLER: Yes, I think that is quite effective. The committee provides a vital safeguard and has power not to approve supplementary development plans. The member for Elizabeth made several comments about consideration of supplementary development plans by the Joint Committee on Subordinate Legislation and about scrutiny of those plans by Parliament. The honourable member suggested

that pressure of business on the Joint Committee on Subordinate Legislation in dealing with regulations, for example, meant that it might not have time to consider plans, take evidence and properly scrutinise them. In fact, the scrutiny of supplementary development plans by the committee has actually increased recently and, in fact, we have one matter which the member for Elizabeth might find interesting because it is the first of its kind that we have had before us.

It is a supplementary development plan for a regional town in South Australia which I cannot name because we have not yet tabled evidence. The final supplementary development plan from the council via the Advisory Committee on Planning was recently put before the Joint Committee on Subordinate Legislation. At a later date an issue arose about one of the proposals in the plan and, as a result, the committee has been very busy last week and this week considering evidence from business and property owners, nearby residents, the council and shortly from departmental officers. The committee has asked probing questions about the issue and next week will consider whether or not to recommend a proposed amendment to the plan at this late stage, which is a power that this committee has.

I assure the member for Elizabeth and the member for Coles that the Joint Committee on Subordinate Legislation takes its responsibility to scrutinise supplementary development plans very seriously and, in particular, it takes into account citizens' concerns about their rights and protection in the areas in which they live. The question of delays in getting supplementary development plans right through the process is not new. The process requires consultation with a wide variety of interest groups, and that is often lengthy. Councils and the department often revise their proposals as a result of representations and have further consultations. So, it is not surprising that some of these plans take time to reach finality.

The matter of ministerial supplementary development plans was referred to by the member for Coles. I believe that there are circumstances where ministerial SDPs covering matters of regional policy are vital. For example, we have seen the bushfires SDP, which applies to areas of high bushfire risk; the metropolitan watershed SDP; and policies relating to the future development of metropolitan Adelaide and urban consolidation. I am pleased that the Minister and his department are taking an active role in regional policies and SDPs that affect a number of council areas, especially where the issues involved are important to the metropolitan area as a whole, the Mount Lofty Ranges as a whole, or other parts of the State collectively.

In my electorate of Newland, my councils and I are affected by certain of these ministerial SDPs, including the Mount Lofty Ranges plan, the bushfires plan, and the watershed plan, and I unashamedly support the development of those SDPs for those vital areas affecting as they do fire risk, watershed pollution, water quality, and future metropolitan development.

The interim 12-month time limit applying presently to SDPs will, as a result of this Bill, be confined so that it becomes a requirement that the Minister submit an SDP to the Joint Committee on Subordinate Legislation within 12 months, and I believe that that is appropriate. The committee will continue to operate within the 28 days which it has to consider plans. On the other hand, the change will mean that the proposed SDPs are not put in jeopardy simply by the passage of time.

Mr BLACKER (Flinders): I support the Bill, as it aims principally to increase the number of members of the Planning Commission and also sets out in some degree the membership of the advisory committee. However, I take this opportunity of raising another issue which I believe could well come within the province of the Planning Commission: the control of the use of bays in the coastal areas of the State. I refer specifically to the enclosed bays such as Coffin Bay, Yangi Bay, Little Douglas Bay, Kelladie Bay, and Dutton Bay, all of which form an area of coastal waters that are now being subjected to applications for oyster leases.

It has been put to me that a case could well be made for planning controls over those coastal waters so that an area could be designated for agricultural purposes and set aside separately from areas used for ski runs, pleasure fishing, and such like. I agree with the sentiment of that request, because I believe that there is justification for such a procedure to be adopted in respect of such enclosed bays. I understand that at least 13 applications have been submitted for oyster leases in those enclosed bays and at least one plan accompanying an application shows the proposed lease smack in the middle of a ski run.

Obviously, it would upset many people to have to circumnavigate an oyster lease that is in the middle of a ski run. That might sound a little frivolous, but I think that the applicant for the oyster lease was probably well motivated and believed that it was an area of good water circulation and, therefore, a good feeding ground for oysters. However, no due regard had been taken of the opportunities that should be available, in this case, to the ski club. That is the type of problem that no-one seems to be able to address at present.

I recently learnt that an aquiculture committee has been set up of which Mr Stephen Haines (the Chairman of the Planning Commission) is Chairman. This committee includes seven people. I believe (whose names escape me), from the Department of Fisheries and a number of other bodies. The purpose of this committee is to try to coordinate these matters. The oyster lease applications involve about seven Government departments and five Ministers.

The Hon. D.C. Wotton: That would be a challenge.

Mr BLACKER: That in itself is a challenge, as the member for Heysen said. I do not think it is designed for that purpose. I believe that the aquiculture industry will develop and that it has a great place in South Australia; it can be used to great advantage. However, we must not allow haphazard development, otherwise we, as legislators, will rue the day that we allowed that without proper planning procedures and without the obligation of and respect for all citizens and sections of the community being taken into account.

I trust that the Minister will note the comments I have made and, hopefully, indicate that there are provisions in the present planning Act whereby this can occur. If that is not the case, perhaps an undertaking could be given that such amendments will be made in the near future, because these problems are developing. I have been told that one particular person does not have a lease but that there is active work going on on the lease site. Other people have indicated publicly in the newspapers that they have applied for leases, and there have been a considerable number of articles setting out maps and plans showing where these lease sites will be. As I mentioned, one lease site will be in the middle of a ski run; two others are adjacent to shacks; and two others are in the only beach and boat launching area where normal public access would be granted. It seems that a case could be made for planning control over enclosed waters in the areas to which I referred. This may not be relevant in other parts of the State, although I believe that,

where enclosed waters are used for public purposes, a case could be made for some planning control.

I hope that the Minister will give an undertaking, in his reply, about this matter. If not, I hope that further advice is taken and the House is informed where we go from here and what action can be taken to see that orderly planning and orderly establishment of an aquiculture industry can take place without undue interference with public access to those bays, which has been enjoyed over many years for recreational and commercial fishing, skiing, aqualung and skuba diving, and the other water pursuits that have been regular activities in those areas.

Mr S.G. EVANS (Davenport): I support the Bill. I note that it does not cover many areas specifically but, when one talks about increasing the size of the commission or trying to define the category of person who should be on the advisory committee, one can then consider the role of the committee or the commission and its responsibilities and duties, and that covers the whole area of planning. I refer to a matter mentioned by the member for Elizabeth, that is, a separate committee of the Parliament, other than the Joint Committee on Subordinate Legislation to look at development plans.

That idea is excellent for two reasons. First, the Parliament could look more specifically at the interests of a person who is to be appointed to the committee on planning matters because, to a degree, it is a specialist area. When setting up an advisory committee we try to vary the interests of its members, and maybe we could do the same in regard to a parliamentary committee. More particularly, as the work load is heavy, because we are trying to set a number of days and because Parliament does not sit very much, that committee will have to meet quite often when Parliament is not sitting. We could then consider the availability of people to attend committee meetings given their electorate work—in other words, what burden is placed on them, and whether or not they are prepared to serve.

The Joint Committee on Subordinate Legislation has a major role to play in looking at regulations and by-laws of local councils. For a long time I have argued that that committee's operations should be changed in relation to regulations. We give it too much work after the event. It is a negative committee that says 'No', when I believe that we could put many regulations before it and let it take a positive role.

Mr Deputy Speaker, I thank you for your indulgence in allowing me to go that far. I will go no further except to say that we should make that important change. Another change we should make which comes within the ambit of reporting back to Parliament (to which the member for Elizabeth referred) is a procedure followed by some Parliaments where the Chairperson of the Joint Committee on Subordinate Legislation (or his equivalent), or a representative of the Chairperson where the Chairperson happens to be in another place, gives a detailed report to Parliament on any day. There is a response from the other side, usually from a committee member. If we are to be an effective Parliament I do not see any reason why we should not give that committee an opportunity to report back, given that it has that responsibility under the provisions of the Act.

The other matter I have been encouraged to speak about was raised by the member for Bright. After an interjection from me (which was out of order but to which he responded) he inferred that people in my electorate do not have to be considered unless they happen to have been born outside Australia. In other words, if they are Australian born and if they are poor, of a particular class, race or creed, or are refugees from social isolation, victimisation, Australian poverty or racial prejudice in reverse, one might say (and I will explain that in a moment), we ignore them and they do not count in the planning process. We look to extending the planning provisions to cover all people born outside Australia who fall into those categories, but not the Australian born. That was the inference of the honourable member in saying that we should look at the demographic figures that are available of the people who live in my electorate, because there are not many recent refugees from other lands.

We have some reverse racial prejudices in this country now, and that was displayed quite clearly by the member for Bright. We need to be conscious of that. I believe in the extended family concept in relation to housing. I have argued it here for years—in the Party room and in the Parliament—and it has been rejected, mainly because some councils want the R1A category and a granny flat cannot be added. They want it to be dropped over the top of the house into the backyard, as occurs in Victoria. The family home cannot be extended or modified to accommodate under the one roof aged parents or the extended family. It is considered a sin in part of our society—a type of middle class to rich attitude.

A lot of our planning laws have been made on that basis. The middle and higher classes have tried to impose their standards on the rest of society. It goes right through the whole process of this Parliament in many cases. We talk about it; we talk about the disadvantaged, but, when it comes to somebody planning for their aged parents, and so on, we run shy of it. However, in recent times we have realised there will be an ageing population. I am sneaking up that way, but members should remember that they are heading in the same direction unless they are lucky and death gets them beforehand, and I say 'lucky' because that is the way society is going; the aged are being ignored by many local government authorities.

The honourable member also suggested the pooling of cars to transport people who work different shifts. That has been advocated many times, but we cannot even get the SGIC to agree that insurance premiums should not have to be increased. If a regular passenger who travels to work wants to sling us $3, $4 or $5 each week for fuel costs, he is considered to be a paying passenger; that cannot be done without putting at risk the insurance policy. That is the only thing that stops it. If we allowed that practice, we would solve a lot of the transport problems faced by people within the city, especially the outer reaches of the city. I do not believe that it would increase the claims against the SGIC one iota, especially if we could eliminate the sort of rackets highlighted in the *News* today by those who rig the system. I agree with the member for Bright that we should allow it. We have been arguing for it for years, and it is up to him, being in the Government, to get the SGIC to agree. The problem would be solved.

I refer now to the multiple hire of taxis. That already occurs. I do not know how it comes into the Planning Act, but the member opposite was allowed to refer to it. During the Grand Prix and at other times that practice is used; two passengers at the airport, if the initial hirer agrees, can get into the taxi. That is already allowed. It just has to be extended if the taxis agree or if we get the Taxi Board to make it a condition.

Another matter is better roads. We all want them. The honourable member said that better roads were needed for those people. I do not know whether we just make better roads for the Vietnamese and tell a socially disadvantaged Australian born that he cannot use it but should move over onto the rough road. I do not know whether that is sug-

gested—I would not have a clue—but that is what it sounded like. If we want to look at injustices in those areas, we might look at why some people who are refugees from other lands get advantages by, if you like, local councils ignoring a situation in which they run a business and live on the premises, against the regulations. However, if an Australian born person did it, they would be told, 'Cut it out. You are a digger; you were born here. You cannot do it. If you were not born here, ignore it.' I am the son of a migrant and I am all for helping migrants, but I hope we do not start suggesting that those who are disadvantaged, those who have been placed in the category of struggling and trying to get some recognition in society and were born here, should be ignored.

In other countries residences are built over the top of what we might call shopping strips and shopping centres. It is done tastefully and successfully. There is security for the people living upstairs with their families. They have enclosed playing areas away from the traffic, and they also have the security of knowing that their business is protected. There is not as much trouble from breaking and entering, and so on. That is a sensible move if we talk about picking up what happens in other cultures. I hope that when the member for Bright talks about new subsection (2a) which provides that:

> In making appointments to the advisory committee the Governor must have regard to the need for the committee to be sensitive to cultural diversity in the population of the State, . . .

that 'cultural diversity' includes the Australian culture and those who were born here or who have developed that culture since they arrived.

The member for Newland referred to the bushfire zone development plan and the watershed plan. The watershed plan might be more a State responsibility, but, if the bushfire provisions had been left to the local councils to sort out amongst themselves, I believe that they would have ended up with a proposition that was acceptable; the process would have been more rapid and more effective. I state this now and time will prove whether I am right or wrong. I believe that, if we get too many academic theorists saying, 'If you build a house in a certain way, in that shape or with that material, fewer properties will be destroyed by fire on a bad day,' and if we continue our attitude towards native vegetation and sometimes exotics, we will not achieve the goal we are talking about. One of the first things that we need to do is convince people to stay at home on a bad day. As long as they are fit and able and have a reasonable knowledge, they will be safe and, in most cases, their homes will be safe. The vast majority of homes are burnt after the fire passes. Nearly right throughout the world, that is the experience. Very seldom is it the reverse.

The water catchment question, mentioned by the member for Newland, is a difficult area, because of the sensitivity of local people. I can understand why it should be more a State responsibility in comparison with the bushfire zone development plan. I want to pick up the point raised by the member for Elizabeth in a different context—the power or the ignorance of the Crown, as I call it, especially in the Federal sphere. The Federal Government has decided to rebuild Woodside army camp and relocate thousands of people in the middle of the water catchment area. What sort of hypocrisy do we display when we tell others not to build any more houses but to stay within the defined township areas, while the Woodside army camp is allowed to run down? Millions of dollars has been spent on its rebuilding in the past five years.

The State Government steps in, as in the case of the Mount Lofty House restaurant in that water catchment area, and encourages the development, giving the council a bit of a nudge to make sure it passes it because it is a development. In other words, the Crown says that, if anybody else wants to do it and it is not a tourist development, it will not give permission. It is not on for a family of six to live there but it is acceptable, if a tourist attraction is developed on the site, if the septic tank is pumped out on a regular basis. I have nothing against the owners, because they are friends; I just make the point.

In Hahndorf a number of motels have been built to attract tourists into the water catchment area. Human wastes are a problem—but I suppose that tourists do not urinate or excrete. They must be special types. That is what we are talking about. They do not leave their dog home; they take it with them. That is the hypocrisy in planning. It is there for all to see in the water catchment area, and I could give many other examples to support that argument.

The member for Elizabeth raised the point about Crown development plans going before a committee. I agree with that and I will give the House a clue about what the Federal and State Governments can do if they want to sell their land and get around the planning regulations in a particular area. Australian National, for example, can say to a business enterprise, 'We have a piece of land in a residential area adjoining a railway line that is surplus. If you want to start a carpenter's workshop on it, we will lease you the land to start the business.' The planning authorities cannot stop them. When the workshop is established and operational, Australian National might decide to sell the piece of land with the workshop on it. If people doubt what I say, I suggest that they wait and see what happens within the next six months in a certain instance.

Why is it that Telecom and similar organisations can build their exchanges in residential areas? The Crown as it relates to the State can do what it likes without being subject to any scrutiny. I know that the member for Elizabeth did not go as far as I have, but there must be responsibility upon the Crown to front up if private citizens have to front up, because the Crown's activities infringe upon the lifestyle of others just as much as do those of private developers.

I wish to finish on a point concerning fire protection and native vegetation in the hills face zone. I own a block of land in that zone. Last year I received a notice from the Mitcham council instructing me to clean it up within four weeks or I would be liable to a minimum fine of $2 500 and a maximum fine of $5 000. I hope that the Minister takes notice of this matter, because it has happened to many others. The block was covered in native vegetation and had not been cleared for 40 years. I had only had it for 12 months. The council was obliged to issue me with that notice.

However, I could not clear the native vegetation because that is illegal in the hills face zone without approval. I was locked into that position. I got out the tractor and took out about three-quarters of an acre in the front near a neighbour's property and put a firebreak of about 50 metres or less along one side of it. The Mitcham council said that that was good enough. I broke the law relating to the clearance of native vegetation, and I broke the law relating to the hills face zone, but conformed to the fire prevention law. What do people do in those circumstances? They are stupid, ambiguous laws that cannot be obeyed. I support the Bill, and I know that we will never solve the conflict in relation to people's rights through planning.

Mr PETERSON (Semaphore): I support the Bill, and the amendments that have been proposed will add depth to the ability of the committee to consider community input. It is interesting that the Bill provides for a member of the Plan-

ning Commission to be responsible for environmental, natural resources and community facilities, and it is along those lines that I wish to make a few points today. That will help. One of the problems in our community is that environmental issues are not recognised correctly. When I say 'environmental issues' I include a wide spectrum of things but, in particular, I talk about, from my viewpoint, the suburban or metropolitan environment.

The Hon. Jennifer Cashmore: Port safety?

Mr PETERSON: Port safety is part of that. I also refer to the environment in which we live. We will be forced by people to make their living environment much more attractive. Civilisations and developments move on through phases. The first is to get a house to live in, paint it to look pretty and put in a garden. Then we want to make our whole environment better, and so it is moving that way. I will expand a little along those lines.

The member for Elizabeth spoke of the various areas of the planning facility and the division of responsibilities. If I heard her correctly, the member for Coles spoke about the rights of councils, and I will also touch on that point. One of the problems that I see is that, under the system of approval through councils, there is a right to appeal almost immediately. Developers, or people who put up proposals, obviously have some resources that the ordinary householder does not have. If a proposal is put to council and a decision is given against the householder, it becomes an appeal situation, and I am aware of one that is presently before the Supreme Court.

That puts ordinary householders in a very bad position. They generally are not in a financial position to support a case on a development issue to the Supreme Court and it seems to me that we are taking away the right of elected members of councils to make these decisions. A council should be able to stand by the decision it makes with exceptions (as my colleague from Elizabeth suggested to me) in the case of collusion, corruption or a mistake of law. It is not a matter of whether there should or should not be a development. There is no point in electing councillors if we take away their right to make decisions.

Members who do not represent an industrial area probably do not realise how important are the planning and environment functions. In the future we cannot allow the development of residential and industrial areas together. That is why planning facilities are needed. A plan—industrial land review—has been put forward for Port Adelaide. That is a very sensible review in many ways. Many development proposals have been put forward, but there will be conflict between residential and industrial development. Old industries are presently in the area and new residential areas have been proposed. We must ensure that the system protects those people. We cannot allow conflict to develop between residential and industrial areas.

I do not want to say much on this Bill, but other aspects have been brought forward by the member for Flinders about waterfront development. Such development involving residential areas is a distinct possibility in Port Adelaide, as the member for Price and I am aware. They have to be put into the system correctly so that they will complement each other, and so that people can live there without disruption to their life or interfering with the industrial setup. That is a real possibility in our area, and that different facet was brought forward by the member for Flinders. I support the Bill, and I support the concept of the Planning Act. It is sad to hear of delays in the system, as stated by the member for Coles. Surely that can be fixed and can be looked at.

The Hon. Jennifer Cashmore interjecting:

Mr PETERSON: A ministerial responsibility exists—we cannot deny that. If the situation is as bad as has been put forward, a distinct necessity exists for the Minister to become involved and straighten it out. That should not occur. Obviously it adds to the community's cost of any development apart from other problems. I support the Bill but make the point that environmental planning is necessary. It is not just a matter of the city layout and town layout. Many factors impinge on this issue. We could have a waterfront development or industry and residential development affecting each other. I think the appeal system is wrong in that it puts the average person or householder at a disadvantage because the whole appeal system can become far too expensive for a person to win what could possibly be the right case. I hope that that can be taken up by the Minister when he is healthy again.

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who have contributed to this debate and touched on many interesting matters—many of which do not relate precisely to the legislation before us. All were of considerable interest to me and to all members and indicate the importance of the planning law and indeed the involvement of all members of Parliament in the planning process, as we all receive representations from people seeking to wend their way through the planning process, whether or not their proposals have merit. They often believe that they do and seek to use our influence in that process in one form or another because the parliamentary process is intricately interwoven with the planning process.

It is interesting to note the huge differences expressed by members opposite and, indeed, by all who have spoken about the way in which members of Parliament should be involved in the planning process. When he was Minister, the member for Heysen attempted to remove the parliamentary process to a large extent with his simplification measures of the planning process. His colleague in another place, the Hon. Ren DeGaris, sat with me on a committee of managers all night. Eventually, bleary eyed in the early hours of the morning, we agreed that there should be a strong and enhanced role for the parliamentary process in such issues.

I apologise to the House that my colleague is not here, because of his illness. I am sure that he would have very much wanted to be here to rebut the criticisms of his officers and the process itself and to give some explanations to the House. When this matter is dealt with in another place, in a week or so, there will be an opportunity for fuller explanation to be given to all members of the allegations made, many of which I believe can be explained.

Obviously some improvements can be made in this area and I am sure the Minister can explain to the House the action he has taken to improve the planning process in this State. Members who have said that this matter should be speeded up must also realise that a cost is associated with that. Members opposite are critical of increases in staffing of the public sector and indeed it was the honourable member's own Party when in Government that changed the planning administration in this State and began the reduction of resources in the planning area. We have gone from a staff of 150 down to 80 persons working in that planning bureaucracy.

About one in 20 supplementary development plans proceed through the section 43 process. They are the most controversial supplementary development plans. That is why that bureaucratic aspect of the planning process takes a period of time. I notice that the member for Coles was quoting examples from people whom she had contacted in

the select number of councils and from private developers. She said that there was a similarity in representations received from those who spoke for local government and those who spoke for private developers in criticising the planning process. Those applications that go through this processs are the most controversial, and it simply is not a matter of supplementary development plans of this type sitting on the Minister's desk and not being attended to.

A whole series of negotiations, discussions and informal representations go on during this process to try to sort out some of the difficulties inherent in the development plan as submitted. It is important that it be explained to the House that this simply is not a matter of dotting i's or crossing t's. Substantive issues must be addressed and if they are not addressed during that period of the planning process it is more than likely that these supplementary development plans, even if they pass through the subordinate legislation process in this place and are accepted unaltered, will strike problems, which could be very costly for those investing in such proposals. That cost obviously is passed on to the broader community.

Whilst we have a system of local government vested with powers to make decisions to develop supplementary development plans, put them on public display and arrive at a decision in the interests of that community, there is vested in the legislation a responsibility on the State to then consider the broader community interest. That is not an easy task, and often very difficult matters need to be resolved during that process.

The criticism that some saw in the second reading explanation of the Subordinate Legislation Committee is certainly not of any substance. I know that those in the State Planning Authority and others working in this area are appreciative of the considerable cooperation received from the Subordinate Legislation Committee, which has in fact gone out of its way to schedule meetings when the House is not sitting to consider matters within the time limit.

As the member for Goyder explained to the House very accurately, the measure before us will make it easier for the Subordinate Legislation Committee to give full consideration without the pressure that the current system seems to place on that committee and its members. In that way there will be checks and balances on inordinate delays in the bureaucratic system if they do exist. If they do not get those supplementary development plans to the Subordinate Legislation Committee within 12 months the plans will lapse, and obviously there will be disappointment on the part of the local government authority and those with an interest in the matter, with considerable pressure on the authority to bring these matters to the Parliament expeditiously before they are lost.

Conversely, it relieves pressure on the Joint Committee on Subordinate Legislation so that it can deal with matters in a limited time frame. I believe that overall that will enhance the planning process. The member for Flinders discussed what is obviously a very real problem in his electorate. I point out that the aquiculture committee that he referred to was established some three months ago to deal precisely with those sorts of issues and to exercise a series of functions which will improve the planning difficulties of this type.

Once again, where you have a conflict of interest—in this case between an agricultural pursuit (if oyster farming can be described as such) and the recreational use of those bays—we need to be able to coordinate effectively, to consistently govern approvals to initiate changes if they are required, and give advice on the exercising of development control under the Planning Act, which takes the matter out of the hands of local government because the area in question is beyond the low water mark. That matter is being addressed. My colleague can provide the honourable member with further information, should he require it, about progress in resolving the issue to which he referred.

The member for Heysen referred to the supplementary development plan with respect to outdoor advertising. I point out to the House that I have received information from departmental officers to the effect that the outdoor supplementary development plan was authorised by the Governor on 2 October 1986, and regulations with respect to outdoor advertising were gazetted on 30 April 1987 and are listed on page 9 of the Notice Paper. I can only assume that the honourable member was making representations on those regulations in relation to their disallowance or some other aspect on behalf of constituents and others. If that is the case, the planning process proceeded down the track that I have described, and I think it is important to put that on the record. I hope that at a later stage the honourable member clarifies that matter and, if necessary, makes further representations to the Minister to correct the record with respect to the department's performance in that area, which is obviously complex and controversial.

I repeat that plans do not simply come into the department, because the department has 100 supplementary development plans currently before it for consideration. It is not a situation where nothing happens. Obviously plans must be placed in order of priority of importance and some are given more urgent attention than others. Plans are not simply set aside and nothing happens to them: they are worked on and developed as expeditiously as possible with the resources available in the context of the complexity and controversy surrounding each individual supplementary development plan.

A comment was made about sinister moves and other motives attached to the separation of the positions of Chairperson of the commission and Chairperson of the advisory committee. As I understand it, there is no criticism at all of the work of the advisory committee: I think it is held in high regard by people in the community and has the confidence of the community. However, it may have assumed powers greater than some people would like it to have—and that may be a criticism of the committee but it is certainly not a criticism of the personnel. The Government does not intend to play some sinister role in this, but I think it is important that there be, and that there should be seen to be, a separation of the judicial function from the legislative or policy function. The separation of the position of Chairperson of the Planning Commission from the position of Chairperson of the Advisory Committee on Planning is in accordance with that philosophy of separating policy making from development control issues and quasi-judicial functions. That will enable the appointment of separate Chairpersons in the future, which will allow the commission to deal with development proposals in accordance with written rules and the law as it has been established in its various forms so that there can be no allegation that decisions were influenced by policy changes, for example, in that process. It is for those reasons—and no-one could say that they are not sound reasons—that at some time in the future there should be that degree of separation. However, it is not done in the context of the matters alleged by the honourable member.

I appreciate the support given by members to the broadening of the membership of the commission and to the specifications of qualifications required of personnel who will occupy those positions. Generally, I appreciate the contributions made to this debate by honourable members.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. JENNIFER CASHMORE: In view of the fact that the Minister for Environment and Planning is not able to be present because of indisposition, and in view of the fact that the Opposition believes that it is essentially a Committee Bill and we want to ask a number of questions which can be answered only by the Minister for Environment and Planning, I suggest that progress be reported. I believe that the Minister for Environment and Planning should be present to do justice to the real concerns that members have about policy aspects which need to be addressed, in our opinion, through questions and answers on the Bill. I move accordingly.

Motion negatived.

Clause passed.

Clause 3—'Membership of the Commission.'

The Hon. JENNIFER CASHMORE: During the second reading stage it was made clear that we support the expansion of the commission. In relation to the new categories that are included, will the Minister say what consultation the Deputy Premier undertook with the relevant bodies (planning, development and local government) in order to establish what are generally considered to be the ideal components of a planning commission? So many aspects of human endeavour are related to planning that it is necessary to have as broad a background as possible. I do not quarrel with the outcome provided in the clause, but I would like to know the extent of the Minister's consultations, because on the other matters there appears to have been little or no consultation.

The Hon. G.J. CRAFTER: The amendments that are before us have come out of some of the difficulties that have arisen in the current operations of the commission and have come about as a result of representations from the commission for there to be some changes. Obviously, the Minister has discussed this matter with the Chairman of the commission, and I presume that the Chairman has discussed this matter with members of the commission. Obviously, the Minister has also discussed it with officers of his department. I cannot advise the member what other consultations the Minister has had on this matter.

However, I point out that the expansion of the categories or the qualifications of members of the commission is included in the current legislation, but this clause states it a little more clearly in relation to the expanded composition of the commission and separately categorises the qualifications, whereas at present members are chosen under a number of different categories and hats. It is currently in the legislation, and here we are just spelling that out and, at the same time, expanding the membership of the commission.

The Hon. D.C. WOTTON: I certainly would not support it, but I understand that some time ago thought was given to replacing the two part-time commissioners (if that is what they are called) with full-time commissioners. Instead of enlarging the commission to five members, has consideration been given to making it three full-time commissioners?

The Hon. G.J. CRAFTER: I think, as the member said in his preface to his remarks that he did not approve of it, that he will probably find that for a number of reasons my colleague would not approve of it, either. First, could one justify having three full-time commissioners in a State the size of South Australia? Secondly, the problems that have arisen, as I understand them, may not be overcome by appointing three people to full-time positions, because some people have had to disqualify themselves in a number of situations. Still, there is an inability to get to serve on the commission people who have the qualifications that are currently required under the legislation.

There is, therefore, much merit in having people who are part-time commissioners and who bring with them practical experience from the community rather than their being judicial officers, bureaucrats or whatever. I think that here we have dealt with a very practical problem of consistency and administration of this area of law in the functions that the commission provides. I believe that the most sensible solution has been found here.

Clause passed.

Clause 4 passed.

Clause 5—'Immunity of members of Commission.'

The Hon. JENNIFER CASHMORE: This is a standard immunity clause, and one wonders why it was not included at the outset. Has there been any suggestion of action against any member of the commission? Clearly, the commission has immense powers to affect the lives and livelihoods of people, and it would not be surprising if an aggrieved party were to consider suing if he or she felt that his or her interests had been disregarded or overruled.

The Hon. G.J. CRAFTER: As I understand the difficulty that has arisen, it has not been with respect to a suit for monetary damages but has related to an individual commissioner being subpoenaed to give evidence in the consideration of a matter. To split the commission's decisions up in that way is regarded as—

The Hon. D.C. Wotton interjecting:

The Hon. G.J. CRAFTER: There has been one instance where that has occurred, and it has been necessary to consider how protection can be given to individual commissioners and the commission as a whole; this is how it is to be done.

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

Clause passed.

Clause 6—'Constitution of the Committee.'

The Hon. JENNIFER CASHMORE: I was grateful for the Minister's explanation in his reply to the second reading debate and his outline of the justification for this clause—I put that on record. However, I must put on the record the fact that there is now a different Minister on the front bench, to deal with the Bill which is both technical and political in nature. I do not accuse the Minister of Transport of anything, least of all of being arrogant, but I think the Government has displayed a very arrogant attitude in proceeding, despite the Opposition's requests for deferment, with a Bill, which is essentially a Committee Bill and which requires the presence of the Minister who administers the Act in the Chamber at the time of the debate. We have had to have the Minister of Education responding, as best he could, to points raised during the second reading debate and in Committee, and now we have the hapless, in these circumstances, Minister of Transport, who could not possibly have had the opportunity to be briefed on this Bill.

Mr Robertson interjecting:

The Hon. JENNIFER CASHMORE: We are well aware of his wide-ranging talents, but I doubt very much whether they extend to the technicalities of planning—and nor could one expect them to. For that reason, I move:

That progress be reported.

Motion negatived.

The Hon. JENNIFER CASHMORE: I reiterate that this is a highly unsatisfactory circumstance and one to which the Opposition objects most strongly. I have no doubt whatsoever that the people in the very many interest groups who

have a concern for this Bill and who regard it as being very important to their lives and livelihoods will be equally concerned when this debate is circulated to them, as it will be at the earliest opportunity. In relation to this clause, I accept the Minister of Education's explanation, on behalf of the Minister for Environment and Planning—and I convey it to the Minister of Transport, who is handling the Bill—that the change in arrangements for the chairmanship of the Advisory Committee on Planning has been undertaken because the Government believes that the separate judicial functions of the Planning Commission and the advisory functions of the planning committee should be seen to be separate. That makes very good sense. In my opinion, that explanation and justification should have been included in the second reading speech, and that would have saved some bewilderment and confusion on the part of the people with whom we have been consulting on the Bill and who were never consulted by the Government.

Apart from that, the critical point now is that it is no longer a requirement that the Chairman of the Advisory Committee on Planning be a professional planner. It was automatic when the Chairman of the Planning Commission was Chairman of the advisory committee, because there is a requirement that that person be a professional planner. The clause now provides that the Governor will appoint a member of the committee to preside at its meetings. It is clear that the Chairman could be either a person who is a corporate member of the Royal Australian Planning Institute Incorporated or any one of a number of other people, with diverse qualifications, ranging from urban and regional planning and environmental management to experience of local government matters, environmental matters, commerce and industry, rural affairs, housing or urban development, or wide experience of the utilities and services that form the infrastructure of urban development.

As the member for Heysen explained in his second reading contribution, when as Minister he was drafting the original Act, he had very strong representation from the planning profession that the Chairman of these bodies should be a professional planner. I know because I have consulted the planning profession, which the Minister did not, that the profession's view is still the same. I would like the Minister of Transport to explain, if he is able, why there were no official consultations with the planning profession on this matter and why the Government, notwithstanding the separation of powers and the fact that the Chairman of the Planning Commission need no longer be Chairman of ACOP, has not carried out that continuing requirement that the Chairman be a professional planner?

The Hon. G.F. KENEALLY: There is a clear distinction, as the honourable member has pointed out, between the commission and the advisory committee. Both the Chairman and Deputy Chairman of the commission must be corporate members of the Royal Australian Planning Institute Incorporated or they must have qualifications and experience in urban and regional planning, environmental management or a related discipline. That is clear and that has already been debated and agreed to by the committee. The Government acknowledges the necessity to have people with planning experience from the Royal Australian Planning Institute in those positions. It is not quite as essential, I would argue—and the Government would argue—in relation to the advisory committee. However—

The Hon. D.C. Wotton interjecting:

The Hon. G.F. KENEALLY: I am responding to the shadow spokesperson in this matter. However, this particular provision does not prevent the Minister from appointing a person with those qualifications. It is not unlikely that the members of the planning institute would wish that the Chairperson of this committee be a member of their institute. That is not unusual and I would not expect otherwise. A number of other qualities are not only perceived but held by experienced people within the community, qualities that have been expressed in relation to this amendment, such as wide experience in local government, environmental matters, commerce and industry, rural affairs, housing or urban development, and the utilities and services that form the infrastructure of urban development.

There may well be an opportunity to use the quite outstanding qualities of another member of the advisory committee; that person could be placed in the chairing role with great benefit not only to the planning process but also to the community of South Australia. I think it is wrong for people to assume that all of the planning qualities that people need to be able to advise the Government are held by people who are members of the planning institute. There are people in the community in other disciplines and with other qualities whom the Government may see fit to utilise in the position of Chairperson, and that is why the Government has provided the flexibility in this provision whereby people who may well be but who are not necessarily members of the planning institute can be appointed to the chairing role.

The Hon. JENNIFER CASHMORE: I said that this was a Committee Bill and I regard the Minister's explanation as being less than satisfactory. Before I could approve this clause I would want to do more consulting than I have been able to. I have consulted with professional planners and with representatives of the institute but not as widely as I would have liked. I do not deny the validity of the Minister's argument that there can be attributes in other aspects of other professions which are extremely beneficial, including personal qualities, which make a person eminently suitable to chair a committee. Sometimes those qualities can almost override in importance the actual professional qualifications. However, it may well be that, after further consultation, the Opposition in the other place may wish to insist that the Chairman of ACOP be a professional planner, for the simple reason that, if we are to recognise the importance of planning, I think we diminish that importance by not insisting that someone who is appropriately trained in that discipline is the person to take the lead in advising the Government.

The Hon. G.F. Keneally interjecting:

The Hon. JENNIFER CASHMORE: The Minister said by way of interjection, 'He or she may be' and that is true. We are talking about the law and not what may be but, rather, what should be, because the law should define what should be when a very important issue is involved. My preliminary consultations have led me to believe that the planning profession regards having a planner as Chairman of ACOP as being important. As the Minister said, that is an entirely predictable response for any profession. No doubt in past years the doctors would have liked to see a doctor as Chairman of the Health Commission.

During the past two weeks, because of family illness, I have been prevented from being in the House and, therefore, I have not been able to consult on this Bill as widely as I would have liked although, over the past two days, I seem to have done a lot more consultation than did the Minister in the far more generous time that he had by way of lead-up to this Bill. I believe that the Government is diminishing the undoubted importance of planning as a discipline in itself by not insisting that the Chairman of the Advisory Committee on Planning be a professional planner.

I give notice that, after further consultation, an amendment may well be moved in another place to require this to occur.

The Hon. G.F. KENEALLY: The authors of any SDP have to be planners, so when the SDP comes before the advisory committee—

The Hon. Jennifer Cashmore: It takes one to judge one, perhaps.

The Hon. G.F. KENEALLY: Not necessarily. I just make the point—and the honourable member quite rightly drew our attention to the fact—that the Chairperson of the Health Commission may not necessarily be a medical practitioner and it is for a very good reason. After all, the advisory committee is an advisory committee to the Minister and to the Government; it does not have a judicial function. The planning process is there to protect the interests of the community and not to protect the interests of the planners or any other vested group—not that the planners believe it is there to protect them; they do not. However, it is there to protect the interests of the community. There are people with enormous skills in the community who could act as Chairperson of the advisory committee but who may not have those planning qualifications.

A member of the Royal Australian Planning Institute will be on the advisory committee. That in itself ought to be sufficient protection for those people who believe that planning is such a skilled discipline that it is essential to have that discipline involved in the advisory committee work. The Government believes that also. It is not necessary for the Chairperson to be a planner. The Chairperson may well be a planner; that is within the power of Government to determine.

What we are saying is that the Government should have the flexibility to choose from a whole range of skills and qualities that will be available to it on the committee. The member for Coles and I have alluded to people who are included in this provision, and that shows quite clearly the range of experience and quality within the advisory committee. The Government is acting properly in providing the opportunity for those who qualify under clause 6 to chair the committee. As I have said, it may well be that the appropriate person is a planner. It may also be that the appropriate person is not a planner. The role of the committee would not be harmed in any way by not having a planner as chairperson.

The Hon. D.C. WOTTON: Because the Minister was not here during the second reading stage and is not aware of what was said, I will reiterate the comments that I made. When the legislation was being drafted, an enormous amount of consultation occurred and very strong feelings were aroused in the profession. I am not talking about RAPI only; it came from other organisations as well. I am interested whether the Minister can indicate specifically which organisations and associations were consulted in regard to this matter.

The Hon. G.F. KENEALLY: The consultation process that took place with the Minister was essentially through the Planning Commission itself. Members opposite seem to believe that, somehow, the Government and the Minister do not have a role in the formation and determination of policy. This decision has been made by the Government quite properly. There is no purpose in having Ministers with responsibilities unless they are able to make decisions.

There is no reflection on members of the institute. It would be drawing a long bow to suggest that it is a reflection. It would also be drawing the long bow to say that an advisory committee—I emphasise that—needs its Chairman to be part of the prescribed discipline, in this case a member of the Planning Institute. That is not a necessary part of an advisory committee. After all, it is there to advise the Government. On the committee will be a person of the background about which members opposite are concerned. The fact that that person may not be the Chairperson of the committee does not in any way affect the quality of the advice that the committee is able to provide the Government. If it did, the Government would not introduce such a measure. Having considered this, the Government is quite confident that the quality of advice will not be affected if a person who is not a planner but who is eminent in his own field (whether it be local government, the environment, commerce or a number of differing disciplines and backgrounds bearing on planning), is appointed Chairperson.

The Hon. D.C. WOTTON: I make the point that, because it is an advisory committee on planning policy and procedures to the Minister, it is even more appropriate for a person from the profession to head up that committee. I know that the Minister will meet with the Chairman of the Advisory Committee on Planning many times. Currently, it is a simple procedure because we have the one person in the dual role, but there will be times when the Minister will want to speak separately and gain information on behalf of the Government's advisory committee. It seems essential that that person have professional planning experience. Is the Minister suggesting that this is a recommendation from the Planning Commission, that it is not necessary to have a person who is part of the planning profession as Chairman of ACOP?

The Hon. G.F. KENEALLY: No, I am not suggesting that the recommendation came from the commission. What I said was that the Minister, in preparing for this legislation, certainly discussed this matter with members of the Planning Commission.

The Hon. Jennifer Cashmore: Are you sure about that?

The Hon. G.F. KENEALLY: With members of the commission—that is my advice, and I have no reason to question that advice. The difference here is that, if members of the Opposition were in government, they would like to have the Chairperson of the advisory committee which advises the Minister, whoever he or she may be, to more appropriately be from the planning profession. The Government of the day believes that there are a number of qualities present in many members of the community and in existing members of the advisory committee which make them eminently qualified to do an excellent job in the Chair.

I am sorry that Opposition members do not believe that those qualities are currently present in other members of the Planning Commission. That is their judgment—it is certainly not my judgment or that of the Government. We believe that there are people on the committee and people in the community who would do an excellent job if they were available and if the Minister thought that they ought to be on the commission and ought to hold the position of chairperson. Obviously, some of these people are members of the Planning Institute.

An advisory committee is there to advise. It will have the skills that members opposite would like to see in regard to chairing the committee. Those skills will be there as part of the committee. A number of Ministers, if not every Minister, have important or key advisory committees that recommend changes of policy, etc. I have one as the Minister of Transport: the Road Safety Advisory Committee is an important committee and the Chairperson, who is excellent in that capacity, does not have qualifications in road safety as an engineer or in a whole number of other disciplines. I would not like to change him and say that I need someone with qualifications in a discipline directly related to road safety.

After all, it is the advisory committee that should advise the Government about matters dealing with a whole range of issues that are impacted upon or touched by the planning process. If a person is a member of the Planning Institute, the person is eminently qualified to give that advice. If a person is not a member of the institute but is involved in a whole number of other disciplines and has different qualifications and experience that are needed on the advisory committee, that person is equally well qualified to give advice to the Government on behalf of the committee.

I point out that the Chairperson does not go to the Minister and give the Minister unilaterally the benefit of his or her advice without consideration of the view of the advisory committee. It would be normal, when the Chairperson talked with the Minister, to advise the Minister of the consensus or general view of the advisory committee. In those circumstances what one needs is a good chairperson and one who is eminently qualified and that person does not necessarily need to be in the planning discipline.

Clause passed.

Clause 7—'Interim development control.'

The Hon. JENNIFER CASHMORE: It is as we get to clause 7 that the farcical nature of the Government's arrangements for the conduct of this Bill becomes glaringly apparent. There are a large number of questions, many technical and many political, which the Minister of Transport could not possibly be expected to answer on behalf of the Minister of Education, who, presumably, has been briefed on behalf of the Minister for Environment and Planning. Therefore, for the third time, I move:

That progress be reported.

Motion negatived.

The Hon. JENNIFER CASHMORE: During the second reading debate I alluded to the specifics of a large number of supplementary development plans that had been delayed, sometimes for periods up to a year or more, in the department, and I mentioned one supplementary development plan for East Torrens involving the Gilburn brickworks on which I gave evidence to the Joint Committee on Subordinate Legislation. I understand, from a variety of sources, that one of the reasons for the delay in approval of the supplementary development plan involving the Gilburn brickworks development in East Torrens, within my electorate, was due to political influence brought to bear on the Minister by the ALP sub-branch in Coles.

I would like to know from the Minister at the bench—as I have no other way of finding out at the moment—precisely what representations were made to the Minister by the Coles ALP sub-branch, in what form they were made, why they were not made to the East Torrens council, and what effect those representations had on the considerable delay of many months in getting that supplementary development plan approved.

The Hon. G.F. KENEALLY: At the outset I point out that the Committee stage should be used to ascertain information that will in one way or the other influence the voting intention of members in Committee. The honourable member has asked a question that could well be asked of the Minister in a number of other forums available to her within the parliamentary process. I would deny that any pressure is put on any Minister to alter his or her ministerial function or decisions in the way that the honourable member has suggested. She thought there was undue pressure. Having said that, the honourable member asked what contacts were made with the Minister for Environment and Planning and what was the nature of such contacts that she alleges were made by the ALP sub-branch in Coles.

I am not aware of them, but, because I do not believe that the answer would in any way affect any member's voting intentions on this measure, I will refer the honourable member's questions to the Deputy Premier for his information. If the Deputy Premier feels that he ought to respond to those matters, I am sure that he will do so. I reject any suggestion that the Deputy Premier would be subject to such pressure from an ALP sub-branch that he would make any decisions in relation to a supplementary development plan that were not in the best overall interests of the State.

The Hon. JENNIFER CASHMORE: Again, this highlights the totally inadequate circumstances under which we are debating this clause. I suggest to the Minister that the question is indeed relevant because it has been quite clear, as a result of information I have gained from a wide variety of sources, that the purpose of this clause (which is to ensure that SDPs do not lapse during the interim period if they cannot be considered by the Joint Committee on Subordinate Legislation before the 12 months has elapsed) is, in effect, to let the department and the Minister off the hook in terms of the pressure they are presently under by virtue of the 12-month interim period.

The member for Newland made a very interesting Freudian slip when she said, 'This clause will ensure that proposed supplementary development plans are not put in jeopardy simply by the passage of time.' If this clause is passed, as I presume it will be, it will remove all the pressure which should rightly be applied to the department and the Minister to get plans approved in time. The Minister of Transport, very loyally on behalf of his colleague, has denied absolutely that the Minister or the Deputy Premier was subject to pressure from an ALP sub-branch in respect of a development bordering on the hills face zone. That is a very broad statement to make. The Minister may not have succumbed to pressure. I did not say he had; I said that he had been subjected to pressure.

The fact that that information is so widely known among so many people who are close to the Minister suggests that the Minister was indeed subjected to pressure, which is quite improper, and that that was a key reason among the reasons for the delay on that subdivision. If that is so, it is scandalous, and the facts should be known. That is why I am asking for those facts to be stated here and now because this is the forum in which they should be known.

When that supplementary development plan was considered by the Subordinate Legislation Committee and when I proceeded to investigate the merits of the plan—as the committee invited me to do—it highlighted the absolutely farcical nature of a system that seeks approval for a plan from a parliamentary committee when the roadworks and the infrastructure of the subdivision are already in place. If the committee had rejected that plan (and it did not do so) we would have had a hillside an which the kerbing, the roads and public tennis court had been established. I point out that this continuation of time, which is being sought as a result of this clause so that plans do not lapse, is not in the best interests of competency, decision making, or ensuring that things are done properly.

I leave those remarks on the record and go on to the next point that was raised with me by a number of developers and local government authorities. I refer to the complaint that one of the reasons for the delay in approval of supplementary development plans is changes in sector managers in the department. The Minister did not hear the second reading speech so I will briefly recapitulate for him. It is not uncommon for local government to submit plans, to get them considered and virtually approved, or ready for

approval, and, because a sector manager is suddenly changed, the plans are whipped out of the hands of the person who had all but approved them, and are put into the hands of a new person who goes back to the drawing board and says, 'No, I don't like this. We want a few changes here.' That complaint has been raised so often that it is important to ask the Minister how many changes there have been in departmental sector managers during the last three years and what the effect of those changes has been on the approval of supplementary development plans.

The Hon. G.F. KENEALLY: Before I deal with the two critical issues that the honourable member has raised—that is, the reference to the Subordinate Legislation Committee and the effect that sector management changes have had upon the planning process or on the process of the supplementary development plan—I want to acknowledge that the honourable member has clarified her earlier comments. She said that the Minister was subject to pressure rather than that he succumbed to pressure. I accept that. All Ministers are subjected to pressure from a lot of community groups on a lot of issues, and the Minister of Transport is no exception. The fact that a Minister has been subjected to pressure by a concerned community group is not unusual and is not something about which people should be amazed; it happens all the time.

If a group in the member's electorate, even the Coles ALP sub-branch, makes submissions to the Minister, that is quite an appropriate course of action that is available to them. An application has to be referred to the Joint Committee on Subordinate Legislation within the 12 month period, and once it has been referred to that committee the plan remains open unless either House has moved for disallowance, and the normal processes that apply to regulations would then apply to the supplementary development plan. So, there is that protection.

The member wanted to make the point that some of these delays may have occurred in the department itself because of changes in sector management, as a result of which a new sector manager has to pick up the docket, be well informed and then process it. I do not think that there is any denial by the Minister that there have been several changes over the past few years. I will ask the Minister whether he is able to inform the Committee of that number of changes, but I think it is quite clear that there have been several. I do not know whether 'several' is different from 'considerable'; I suppose it depends on how one interprets it.

The Minister has taken action to ensure that in future any sector management changes will not affect the progress of supplementary development plan work in the department. The necessity that the member talks about of getting plans before the Joint Committee on Subordinate Legislation still exists. The critical nature of the timetable of 12 months is still there; it is not indefinite. Therefore, the Minister is not providing an indefinite nature to the supplementary development plan at all. Many, if not most, of the delays occur because of differences between the local planning procedures and the local planning officers and the State planning procedures and the State planning officers.

It is essential that we do not place a Joint Committee on Subordinate Legislation in the unenviable position of having a very short time to deal with very critical, important planning questions. A number of major planning applications bear on very large, complex and socially divisive developments. It would be grossly unfair to the committee, with the best will in the world and everything operating as quickly as it could, for the application to reach the committee very close to the end of the 12 month period. That would place on the committee, which had to consider the application, the very difficult task of making a decision on this very complex, socially divisive and very huge development a time span that was quite unreasonable. What the Minister has done is allow the parliamentary process to work as effectively as it is designed to work. I am surprised that anyone could criticise that.

This provision allows the Parliament to give due consideration to a complex and difficult supplementary development plan that it might not otherwise be able to do. I do not think it is reasonable for the member to suggest that the main cause for delays in these supplementary development plans reaching the Joint Committee on Subordinate Legislation is some difficulty that may have arisen in the department because of the sector management changes. There are many other reasons why these plans take so long to reach the Subordinate Legislation Committee, and this provision allows the Parliament to give due consideration to the plans when they reach the committee.

The CHAIRMAN: The member for Coles has spoken to this clause three times.

The Hon. JENNIFER CASHMORE: I understand that I have asked two questions. My first comment on this clause was in respect of the motion that progress be reported.

The CHAIRMAN: I disagree with the honourable member. The honourable member spoke to the clause and, in fact, mentioned the clause, finishing her remarks with the motion that progress be reported. The Standing Orders which I am defending allow a member to speak only three times. If a member wanted to circumvent the Standing Orders, he or she could be speaking and merely saying that progress should be reported. So, I am afraid that I cannot agree with the honourable member.

The Hon. D.C. WOTTON: There is no doubt in my mind that, whether it be as a result of lack of resources or a matter of not determining the appropriate priority, the fact is that the delay is in the Department of Environment and Planning. I know that there are some contributing factors. I know, for example, that when there is negotiation between a local government authority and the department there can be delays, but there is no doubt at all that the number of changes in regard to sector managers, for example, to which the member for Coles has referred, is a major contributing factor to the delays currently occurring.

I reiterate the impossible situation that we have. The Minister at the bench would not even know how many people in the Department of Environment and Planning are responsible for the matters we are discussing in this Bill—he would not have a clue. Here we are, trying to seek information from the Minister, trying to have him explain to the Committee in some detail just why these delays are occurring, and he is not able to do so. There are almost allegations in the second reading explanation that the delays that have been occurring have resulted from the failure of the Subordinate Legislation Committee to deal with a matter. Those allegations are certainly made in the explanation.

If there are sufficient resources within the department, and if it is not because of the change in sector managers and senior personnel who have been dealing with these plans, why are the delays occurring? The Minister certainly has not been able to indicate that up to this point.

The Hon. G.F. KENEALLY: At the outset of his remarks the member for Heysen said he knew a whole lot more about the department than I knew; that he was the previous Minister and knew how it operated; and he was asking me why the delays occur. He is telling me that I know nothing about it and that I am not telling him why the delays occur. He cannot have it both ways. I have already acknowledged

that delays have occurred because of the previous system when sector managers changed. I suspect it applied when the honourable member was the Minister. He might have done something about it if he was so concerned about it.

The Deputy Premier has changed the policy to provide for a system of ministerial circulars which summarises the progress of the particular issue addressed by the supplementary development plan: those policy issues that come out of that plan, whatever subject the plan is addressing. Those circulars are available to the new sector managers, and bring them up to date very quickly, so that these delays do not occur. I do not know what other delays the honourable member alleges occur within the Planning Division.

The Hon. D.C. Wotton: We advised you of some during the second reading debate.

The Hon. G.F. KENEALLY: The honourable member should give those examples again.

Members interjecting:

The Hon. G.F. KENEALLY: If the honourable member who just interjected had been here longer, he would know that one cannot address the second reading debate during the Committee stage of a Bill and that I, as Minister, cannot refer to a second reading debate when answering questions about a Bill in the Committee stages. That might be a useful piece of parliamentary procedure for the honourable member to consider before he interjects again. If the member wants to make allegations about the Department for Environment and Planning then I will make sure that his allegations are passed on to the responsible Minister for his consideration, and if he feels that the allegations are warranted he can have them investigated. However, if he feels that they are merely a point scoring exercise to denigrate the good services of public servants in this State, the Minister may reject those allegations.

The Hon. D.C. Wotton: Get out of the gutter.

The Hon. G.F. KENEALLY: The honourable member says 'Get out of the gutter.' He alleged that there was a problem in the department, yet when I said that he should substantiate that allegation, if it was not made for purely political purposes, he said that I was in the gutter. He is trying to live by two standards. He should not make such allegations about South Australian public servants employed in a department of which he was once Minister unless he is prepared to be challenged about those allegations.

The Hon. D.C. WOTTON: I reject what the Minister has just said: I am not making allegations about the department. I probably know more than the Minister about the competency of people in that department. I am concerned because it is quite obvious that there are insufficient resources for the department to carry out its added responsibilities. This was recognised earlier when we considered the introduction of supplementary development plans: we recognised that there was an obvious need for more personnel to be involved in the process. The only person who can ensure that that happens is the Minister responsible for the department.

I know that delays occur, and I am not for one moment blaming any member of the staff of that department, as I recognise that the majority of them are extremely competent people. However, the fact is that delays are occurring and that local government in particular is frustrated about these matters. Delays cause uncertainty. Many of them have been brought about by changes to senior personnel, particularly sector managers. I hope that I have now clarified the point. It is totally inappropriate for the Minister to suggest that I am making allegations against the department.

Can the Minister of Transport say what is the policy of the Department for Environment and Planning in relation to zone names? The member for Coles raised this matter this afternoon. Has the department enunciated a policy in relation to zones and, if so, why are there differences in zone names and why is this matter cited so frequently by local government representatives as the reason for undue delays in the Department of Environment and Planning approving SDPs? Again, I point out that it is unfortunate that the Minister was not in the House for the second reading reply, because all this was explained. However, I ask the Minister to provide information to the House concerning details of that policy of the Department of Environment and Planning.

The Hon. G.F. KENEALLY: I acknowledge the honourable member's clarification of his attitude towards people in the Planning Division, and I welcome that. We have that much in common. I also want to respond quickly to a statement that the honourable member made earlier when he said that the Minister for Environment and Planning in his second reading explanation had blamed the Subordinate Legislation Committee for delays. I refer the honourable member to the comments that the Minister made in that speech where, quite clearly, he said that he implied no criticism at all of the operations of the Subordinate Legislation Committee. He made that quite clear. Here again, honourable members want two standards: they imply one thing, I take them up on it, they challenge me on that, and then they explain that that is not what they were saying. In relation to the Government's policy on zone names, the Government is determined to have a consistent approach across all local government authorities so that, for example, the term R1 will mean the same thing in all local government areas. That is a desirable aim by the Government, and it is a simple fact—

The Hon. Jennifer Cashmore: Has it conveyed it clearly?

The Hon. G.F. KENEALLY: I expect that it has been conveyed clearly—but, if not, the honourable member can now convey it to those people who have come to her and said that they were unsure about the Government's policy in this regard. There need be no uncertainty about the Government's position and the Minister's clarification of it. I make the point that this matter will be subject to the ministerial circular that I mentioned earlier. This will clarify these matters quite clearly, particularly those pertaining to sector management changes but more particularly those in relation to local government's understanding of zone names.

The Hon. D.C. WOTTON: Very briefly, I make the point that that clarification is long overdue. Certainly, the councils that have contacted me have expressed for some time the need to clarify this matter, and why in the world it has not been done before, I do not know, as this is a major policy when it comes to local government planning matters, and I suggest that there is an absolute necessity to make that clarification as clearly and as quickly as possible.

The Hon. G.F. KENEALLY: I accept the honourable member's statement. This recommendation came from a joint local government/State review committee. The ministerial circulars—I have been advised that some 11 or 12 of those are in draft form—will be distributed to local government and will clarify the concern that the honourable member has addressed. I do not think that there is any disagreement with the Minister's statement that these matters need to be clarified.

The Hon. E.R. GOLDSWORTHY: What is the current status of the various ministerial supplementary development plans, and specifically I refer to the second generation parkland plan, the shopping centre development plan, the Mount Lofty Ranges bushfire SDP, the hills face zone—enhancement of the natural character thereof—and the oth-

ers? There are numerous ministerial supplementary development plans. What is the status of those at the moment?

The Hon. G.F. KENEALLY: I will refer the honourable member's question to my colleague so that a report can be brought down. I think that my colleague would respond to those supplementary development plans that the honourable member has mentioned and that would show up in the *Hansard* report; I hope that the Deputy Leader is not asking for a status report on every supplementary development plan that is currently—

The Hon. E.R. Goldsworthy interjecting:

The Hon. G.F. KENEALLY: Point well taken. That information can be obtained for the benefit of the Committee. I am advised that a progress report on these ministerial supplementary development plans comes out in the planning newsletter every three months. In any event, I will get that information for the members who wish it.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That this Bill be now read a third time.

The Hon. JENNIFER CASHMORE: The Bill which comes out of Committee is exactly the same as it went in. However, the Committee has been enlightened somewhat as to the Government's intentions. We cannot really pay much regard to that enlightenment, because it did not come from the Minister himself, and he is the one we would like to be able to question on these matters. However, the Opposition accepts the sound reason for ensuring that the Chairman of the Planning Commission is restricted to his judicial function and the Chairman of the Advisory Committee on Planning is a different person and, therefore, the advisory function is separated from the judicial function. Had that explanation been included in the second reading explanation, I think the minds of many members would have been set at rest and there would have been less confusion and bewilderment, but the Government seems to have little concern about the extent of confusion and bewilderment that its lack of consultation ensures.

The Opposition has no serious quarrel with clause 7 of the Bill. Our quarrel largely is with the Minister's administration of his department in its administration of the Act. That is why we have had the best part of four hours of debate on what would no doubt have been considered by the Government to be a relatively minor and uncontentious Bill.

The Hon. D.C. Wotton: Four hours and two Ministers later.

The Hon. JENNIFER CASHMORE: Yes. The fact that there have been a number of speakers and that members have spoken at length should demonstrate to the Government the extent of discontent in the community about the Government's administration of planning and the very serious concerns that a large number of influential bodies in South Australia have about the way in which the Minister is administering the Act.

I certainly hope that the changes that will result as a consequence of this Bill, notably the changes to expand the Planning Commission and give it a broader background as well as a better operational capacity, will assist in speedy consideration of or dealing with plans, and I hope that new clause 7 does not encourage the department to just think it has another four weeks with which to delay local government in the approval of supplementary development plans. I hope also that the two Ministers who have tried to defend their colleague in respect of his department will convey this message most firmly: a great deal needs to be done to raise the standard of that department to proper operating capacity and it must start and end with the Minister.

The Hon. D.C. WOTTON (Heysen): I support what the member for Coles has said. I make only one other point. I hope that the message will get through to the Minister responsible that there is an absolute necessity to improve the standard of consultation in regard to legislation that comes before the House. I suggest that very little, if any, consultation has taken place with professional associations that have so much to contribute to this type of legislation. I go so far as to say that the lack of consultation is an absolute insult by the Minister for Environment and Planning.

The Hon. Jennifer Cashmore: Arrogance, absolute arrogance!

The Hon. D.C. WOTTON: It is arrogance that the opportunity has not been provided for organisations and associations associated with the planning profession to have their say in regard to this and other legislation.

Mr Duigan interjecting:

The Hon. D.C. WOTTON: What I am saying—

Mr Duigan: Say it.

The DEPUTY SPEAKER: Order!

Mr Duigan interjecting:

The DEPUTY SPEAKER: Order! The House will come to order.

The Hon. D.C. WOTTON: There has been no consultation and, if any members from the other side want to go out and check just how many of the organisations or representatives from the organisations have had a say in this matter, they might understand what it is all about and they might understand also why there is so much concern in the community about that lack of consultation. As the member for Coles has said, this is a relatively small Bill; it is significant, but it is not substantial. I hope that, with other forms of legislation that will come before this House, the Minister will recognise the necessity to go out and talk to people who are in the profession and who understand the profession and that he will not just rely on the officers within his department. It is essential that that should happen.

Mr Duigan: And it does.

The Hon. D.C. WOTTON: It does not, or it has not.

Bill read a third time and passed.

PERSONAL EXPLANATION: HOSPITAL TRANSPORT

The Hon. B.C. EASTICK (Light): I seek leave to make a personal explanation.

Leave granted.

The Hon. B.C. EASTICK: My position has been misrepresented by the Hon. Dr Cornwall in another place in relation to a question that was asked in that place yesterday. On that occasion the Hon. Mr Cameron indicated circumstances relating to an aged gentleman from Aldinga who had been given less than proper treatment by the hospital system in respect of transportation.

The SPEAKER: Order! The honourable member has to be very cautious at this point, because he cannot allude to debate in another place.

The Hon. B.C. EASTICK: I would cross swords with anybody who would deny me the opportunity of placing my own integrity in proper perspective when I have been

misrepresented by a Minister in another place in debate in another place. It is the misrepresentation to which I refer. I indicated that the basis of the question related to a gentleman from Aldinga and on the same occasion the Hon. Mr Cameron said that a matter had been raised by me on 6 August in this House regarding a person who had passed away following a refusal to a request for ambulance transportation.

The SPEAKER: Order! The Chair does not wish to deny the honourable member any of his traditional rights and privileges. Nevertheless, he cannot allude to debate in another place. The Chair has the difficulty of how the honourable member can make a personal explanation about how he has been misrepresented. I will give the matter further consideration but I am of the view that the honourable member cannot give a personal explanation in this matter and will have to rely on his colleagues in another place to make some point on his behalf.

The Hon. B.C. EASTICK: I rise, Mr Speaker, to ask whether the precedent that has been set by this House over a long period that a member may satisfactorily safeguard his own integrity is to be denied by a completely new interpretation different from that which has been applied by Presiding Officers of both political persuasions in both Houses. I point out that the Minister in another place in answer to a question—not in debate—indicated—

The SPEAKER: Order! It is immaterial whether it is a question or some other form of the other place. In my view, it is debate and the honourable member cannot allude to debate in another place. If the honourable member wishes to approach the Chair privately to see whether this matter can be resolved to his satisfaction, he is welcome to do so.

The Hon. B.C. EASTICK: You leave me no alternative, Sir, if that is to be your attitude in this matter, but to indicate that I cannot accept your ruling and that I am quite prepared to put that in writing. The position is that the Hon. Dr Cornwall has indicated—

The SPEAKER: Order!

The Hon. B.C. EASTICK: —that I misled this House.

The SPEAKER: Order! Is the honourable member formally moving dissent from the Chair's ruling?

The Hon. B.C. EASTICK: If you leave me no other option, Sir, yes. I move accordingly.

The SPEAKER: Order! In that case—

Members interjecting:

The SPEAKER: Order! In that case, I ask the honourable member to place that in writing and bring it up to the Chair.

The Hon. B.C. EASTICK: Yes, Sir.

The SPEAKER: Order! The motion of dissent before the Chair from the honourable member for Light reads as follows:

> I disagree with your ruling which is at variance with the normal practice of this House and denies me the right to defend my integrity on the material that I supplied to the House in the grievance debate on 6 August 1987.

The Hon. B.C. EASTICK: Standing Order No. 147 provides:

> No member shall allude to any debate of the same session, upon a question or Bill not being then under discussion, except by the indulgence of the House for personal explanations.

I also draw to your attention, Sir, Standing Order No. 149, which provides:

> No member shall allude to any debate in the other House of Parliament, or to any measure impending therein.

I have already indicated to you that I have been misrepresented by the Minister of Health in another place when he was giving an answer to a member of that place, wherein he indicated that the Hon. Dr Eastick was very substantially at odds, as so often happens—

The SPEAKER: Order! I must stay firm on the very point of order on which the honourable member for Light is moving dissent. The ruling that I have given is that he may not refer to any debate in the other House of Parliament. That also applies to this debate at the moment.

The Hon. B.C. EASTICK: Sir, the situation very clearly is that a Minister has imputed wrong motives to me when entering information to this House in a grievance debate on 6 August 1987. There have been numerous occasions in the history of this House in the 17 years that I have been here when a member has been permitted to rise in his place on a point of personal explanation and call to question imputations of an incorrect nature that have been directed against their integrity by a person either within this House or another place—

The Hon. Jennifer Cashmore: Including Dr Cornwall, himself.

The Hon. B.C. EASTICK: Including Dr Cornwall, himself, as my colleague indicates. Sir, to my knowledge there has never been a denial of the right of a member to correct an obvious and—one must believe—a deliberate reflection upon their integrity. The information that I gave to the House on 6 August was given after taking evidence from the family of the person who was so disadvantaged. Indeed, I was able to relate to this House information relating to a number of persons who have been patients at the Royal Adelaide Hospital.

The information I gave on that occasion in respect of the late Mr Siostrom is precisely as is known to the late Mr Siostrom's family. They are quite prepared to put it in a statutory declaration, not having believed that it was necessary to go to that extent after having been questioned closely as to the content of the information that was being put. To impute, Sir, and to be denied the opportunity to correct that imputation that a Minister in another place has called my integrity on that very vital and sensitive matter into question is against the real principles with which I believe all of us enter this Chamber.

It leaves me with no alternative but to indicate that I cannot accept your ruling, albeit that I understand that you have the numbers to prevent my—

Members interjecting:

The Hon. B.C. EASTICK: Who—

The SPEAKER: Order! The honourable member for Light, of all people, must be aware that he must direct his remarks through the Chair and not respond to interjections or noises that can almost pass as interjections, which are highly disorderly.

The Hon. B.C. EASTICK: Thank you, Mr Speaker, you have indicated the consequences that caused me to falter in my delivery. The position is, Sir, that you have denied me, a member of the House—not a former Speaker but a member of this House—a right that I believe every Speaker who has occupied that Chair since I came here in 1970 has accorded, and you left me no alternative but to take the course of action that I have taken.

The Hon. LYNN ARNOLD (Minister of State Development and Technology): I oppose the motion before the House not because I wish to deny the honourable member the chance to redress a grievance he feels against a statement made by another but because of what are the Standing Orders of this place.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: The member for Light a few moments ago made the statement, 'If you leave me no other option'. I remind the honourable member and other

members of this place that you, Mr Speaker, prior to that statement being made, indicated that 'if the honourable member would like to come up to the Chair', and went on to suggest that an alternative could be found that would accommodate the Standing Orders and traditions of this place and allow the honourable member to redress the grievance that he feels.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: Standing Order 149 is quite clear in what it says, and makes an absolute statement:

No member shall allude to any debate in the other House of Parliament, or to any measure impending therein.

The Hon. Jennifer Cashmore interjecting:

The Hon. LYNN ARNOLD: That happens to be all there is to Standing Order 149. The totality of that statement may have brought about something that could need addressing at a future time, and I guess the Standing Orders Committee could have that matter referred to it.

I refer honourable members to Erskine May, page 427, where the following statement appears as to why such a ruling exists:

The rule that references to debates of the current session in the other House are out of order prevents fruitless arguments between members of two distinct bodies who are unable to reply to each other, and guards against recrimination and offensive language in the absence of the party assailed.

A subnote states:

See Mr Speaker's declaration that it was a very wholesome rule of the House not to illude to statements or debates, of the current session in the other House as to do so might bring the houses into collision . . .

We either have Standing Orders or we do not have them. The Standing Order here clearly indicates what is possible and what is not. You, Mr Speaker, did not leave the member for Light with no other alternative. You did invite the member for Light to come to the Chair to arrange an alternative means by which his legitimate right to aggrieve what he feels is a slight upon himself can be attended to. I suggest that after this motion is defeated, as I hope it will be, the member for Light will avail himself of the opportunity to take up your invitation.

The SPEAKER: When I accepted the nomination of the House to take the position of Speaker I gave certain undertakings with respect to fairness—undertakings which I have endeavoured to adhere to in spite of some difficulties that have been placed in my way. Standing Order 149, as has just been pointed out by the Minister, states:

No member shall allude to any debate in the other House of Parliament, or to any measure impending therein.

It is part of the general approach of our Standing Orders, traditions, customs and practices to prevent quarrels between individual members and, in this case, quarrels between Houses. To other than strictly adhere to that Standing Order would take us on a downhill path to a slanging match between members of different Houses. This same Standing Order is reflected in the Standing Orders of the other place.

Members interjecting:

The SPEAKER: Order! That Standing Order is there by a tacit agreement that in our endeavours in this House to uphold the rights and privileges of members of the House of Assembly, we be very wary about how we affect the rights and privileges of these members of the other place and their Standing Orders mirror ours for just that reason. The Chair did not deny the member for Light a personal explanation. The Chair did rule that that personal explanation could not allude to the debate in another place. In fact, as the Minister has pointed out, the Chair made every endeavour to try to accommodate the aggrieved feelings of the member for Light. The offer was clearly made that the member for Light could privately approach the Chair to ascertain whether there was some way that he could achieve satisfaction with his grievance without infringing Standing Order 149. The question before the Chair is that the motion of dissent of the honourable member for Light be agreed to.

The House divided on the motion:

Ayes (14)—Messrs Allison, D.S. Baker, S.J. Baker, and Blacker, Ms Cashmore, Messrs Eastick (teller), S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Olsen, Oswald, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold (teller), Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Payne, Plunkett, Rann, Robertson, and Slater.

Pairs—Ayes—Messrs P.B. Arnold, Becker, Chapman, and Meier. Noes—Messrs Bannon, Crafter, Hopgood, and Tyler.

Majority of 8 for the Noes.

Motion thus negatived.

TECHNICAL AND FURTHER EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 August. Page 143.)

Mr S.J. BAKER (Mitcham): The Opposition supports this measure. There are a number of aspects that have to be canvassed in the debate on this Bill relating to the terms and conditions of employment of those people within the TAFE sector. Before embarking on that course, I would like to refer members to my contribution last night on the Long Service Leave Bill, which was a rewrite of the 1967 Act. I canvassed some of the questions about the terms and conditions under which we work in this State and in this country. I do not wish to reiterate the material that I presented to the House last night, but merely point to the fact that we must consider our position in the world.

This measure seeks to provide TAFE teaching staff with the same long service leave entitlements as those available to public servants under the Government Management and Employment Act. The major amendment is designed to allow teaching staff to take pro rata long service leave after seven years service at the discretion of the Director-General. If the leave is approved, the timing and extent of the leave will be subject to departmental convenience. Under the previous Act it was not possible for TAFE staff to take leave until 10 years service had elapsed. It is appropriate that the conditions be brought into line with those operating in the public sector at large.

However, an anomaly has existed in this State for many years. The long service leave provisions that are available to public servants are somewhat different to those that are available under general State awards. If members turn to the long service leave legislation they will find that, although there is a 10 year period before people actually earn the right to take long service leave, there is also a provision concerning the taking of pro rata leave after seven years. More importantly, the accumulated leave stops at nine days per annum and not, as in this provision, with the nine days increasing to 15 days per annum after 15 years.

This is one of those strange anomalies that exist in the State Public Service. I do not know whence it came, but at

some stage we must question whether the State Public Service in general should enjoy conditions that are at odds with those in State awards. In looking at the general question of terms and conditions in the TAFE system, it should be remembered that we are in the middle of a very serious situation with TAFE staff. On the one hand the Minister giveth, as indeed he has in this Bill, and on the other hand he taketh away.

Mr D.S. Baker: He belteth.

Mr S.J. BAKER: He certainly does belteth. Over the past month or so we have been treated to a tirade of abuse from the Minister about the actions of the TAFE staff. The Minister has attempted, and is still attempting, to change the conditions that exist in the TAFE sector. To remind members of exactly what the Minister is trying to do—

Members interjecting:

The SPEAKER: Order! The terms of reference of this Bill are extremely restricted, and the Chair would appreciate a degree of quietness that would allow me to hear the remarks of the honourable member for Mitcham to make sure that he does not inadvertently stray from those terms.

Mr S.J. BAKER: The terms and conditions of the Bill detail the long service leave conditions that will apply to the TAFE sector, and it is stated clearly that these conditions are being brought into line with the GME Act. That has a number of ramifications that we have already seen in relation to bringing TAFE into line with the GME Act in another context.

I wish to address the question of the Minister's behaviour and the treatment of the TAFE sector over the past two months. Over this period the Minister has attempted to impose on the TAFE sector conditions which will result in some extraordinary differences in the operations and conditions that TAFE enjoys. For those members who have not kept up with the debate, I repeat that the Minister intends to introduce a new tutor demonstrator classification, making it harder for promotion between lecturer levels. He includes the introduction of a new level of part-time instructor and a reduction from 49 days to 42 days a year in annual leave entitlements of principals, vice-principals and heads of schools.

The SPEAKER: Order! The honourable member for Mitcham should be aware that none of the matters that he has enumerated in the past minute or so are actually in the Bill. The purpose of this second reading debate is to consider the principles of this Bill. Other methods of attaining the proposed objects may be considered, but that does not open up the principal Act for discussion of other matters contained within that Act. The Bill deals solely with the long service provisions of the Technical and Further Education Act, and the honourable member must restrict his remarks to those provisions.

Mr S.J. BAKER: I contend that it has been the tradition of this House that debate on aspects of legislation can be quite wide ranging. I refer you, Sir, to the remarks of the members for Bright and Davenport in the previous debate on the Planning Act Amendment Bill. If you refer to *Hansard*, Sir, you will see that both members used an extraordinary amount of licence when debating that Bill and, indeed, the relevance of their comments—

Mr Groom interjecting:

Mr S.J. BAKER: I am saying that the relevance of the remarks of both members was hardly in keeping with the Planning Act Amendment Bill. In this debate on the Technical and Further Education Act Amendment Bill I am canvassing the terms and conditions of TAFE staff, because they are addressed in this Bill.

The SPEAKER: Order! The point just made by the honourable member for Mitcham illustrates what he should not be doing, that is, broadly canvassing those terms and conditions; he should refer only to those matters relating to the long service provisions.

Mr S.G. EVANS: On a point of order, Mr Speaker, I have been here for a while and so have you, Sir. I believe that members try to follow the precedents that have operated in this House. I believe that the precedent set by you, Sir, and every other Speaker in my 19½ years in this place has been to allow broad debate on Bills with a parent Act to be broad during the second reading stage, and at the third reading stage debate has been confined to the material submitted. I submit that past practice has allowed broad debate during the second reading stage, especially in relation to long service leave because you cannot gain that unless you render the service.

The SPEAKER: The honourable member for Mitcham.

Mr S.J. BAKER: Thank you, Mr Speaker, I will continue. Another change has been the reduction in the two step pay scale for heads of schools to a single salary, the removal of time and a half in lieu of evening work and the removal of paid meal breaks.

Mr Groom: What's that got to do with it?

Mr S.J. BAKER: It is a package of goods just as long service leave happens to be a condition under which TAFE staff will either benefit or not benefit.

The SPEAKER: Order! The Chair's interpretation of the procedures of the House is that they should always be directed towards trying to benefit the House as a whole. If the Chair does not adhere to the ruling just given—that members should deal only with matters directly related to the Bill—the same latitude will have to be shown to every other member of the House, and that will not contribute to the quality or conciseness of debate. The Chair will continue to insist that the member for Mitcham and all other members restrict themselves to the Bill before the House. The honourable member for Coles.

The Hon. JENNIFER CASHMORE: Mr Speaker, with the greatest respect, I think that some members, if not all, could take exception to your comment foreshadowing the quality of debate in respect of the material that members might choose to include. I draw your attention to Erskine May, pages 527-8, in respect of second reading debates, which states:

> The stage of second reading is primarily concerned with the principle of a measure. At this stage debate is not strictly limited to the contents of a Bill, but other methods of attaining its proposed object may be considered, and even the inclusion of cognate objects recommended.

It is quite clear that the member for Mitcham is including cognate objects in his speech, as he is entitled to do in accordance with the principles laid down by Erskine May.

The SPEAKER: Order! The Chair has already advised the member for Mitcham that he must try to restrict himself to the contents of the Bill or other methods of attaining its proposed object. It is up to the Chair to determine whether or not the objects that he may initially include are actually cognate.

Mr S.G. EVANS: On a point of order, I would like to have clarified whether you are making this type of ruling for this Bill only, or is this setting a precedent for all future Bills which come before this House? It is a change in the practice of the House, and I believe that as members we need to know.

The SPEAKER: Order! The fact that on a previous occasion an incumbent of the Chair may have given a slightly different ruling at a particular point of time does not mean

that this is not a correct ruling now. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: The clear instruction from the Chair on this matter has been something like, 'I hope the honourable member can relate his remarks to the Bill.' In other words, there are occasions when the Chair questions the relevance of material and the member is enjoined to indicate its relevance. In relation to your ruling I submit that the honourable member is canvassing the conditions of service in TAFE, and that this relates to this Bill. This Bill relates to one of the conditions of service, namely, long service leave. The honourable member is dealing with that matter peripherally but, nonetheless, is dealing with the matter in terms of the conditions of service, of which this is one. All precedent has been, to my knowledge, that the Chair occasionally may question the relevance of debating points but, nonetheless, when the member has indicated he is talking about the conditions of service, as the member has done here, the relevance is perfectly obvious.

The SPEAKER: Order! I take the point of order of the honourable Deputy Leader. I said a moment ago, dealing with the reference to the inclusion of cognate objects, that it would be open to the interpretation of the Chair as to whether or not something was cognate; it is simply a continuation of the very practice mentioned by the Deputy Leader of asking members to direct themselves to the Bill. Those peripheral but cognate matters that may be introduced by a particular member can be touched on peripherally.

However, the member for Mitcham gave every indication that he intended that to be the main thrust of his argument for some minutes to come. If that is the case, those remarks would be out of order and would not be sufficiently directly related to the Bill. If he is only going to touch on them peripherally, that is another matter. The honourable member for Mitcham.

Mr S.J. BAKER: On a point of order, if I, as the lead speaker in this debate, should spend some minutes developing a particular aspect related to this legislation, how many minutes am I allowed to cover those peripheral matters? It is my intention to talk about how the terms and conditions of people within the TAFE system are changing—how they relate to the fundamental issue of how long they are going to spend in the service—because there are grave doubts, with what the Minister is doing on another front, as to whether he will have too many high quality staff within the service.

This Bill canvasses long service leave, which is a privilege—indeed, a right now, because it has been deemed over a number of years that people should be rewarded for service to an employer—in this case, TAFE—and that people shall have a leave entitlement or payment in lieu entitlement as a result of that long service. The very substance of what the Minister is presently doing on another front touches on the matter of long service leave.

The SPEAKER: Order! The Chair would appreciate clarification on whether the honourable member for Mitcham has actually concluded his point of order and has resumed his contribution to the debate.

Mr S.J. BAKER: On a point of order, Sir—

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham.

Mr S.J. BAKER: As I was saying previously, serious changes are taking place. That seriousness has been fuelled by the Minister's actions, which have affected the desire of people to provide service in the TAFE sector. It is not enough for the Minister to attempt to change unilaterally the conditions in the TAFE sector; it seems that he must drag the employees down at the same time. We have heard a number of statements over a period of time that conditions are not negotiable.

I refer members opposite to newspaper articles, one of which appeared on 22 July, in which the Minister was reported as saying he saw no purpose in further negotiations. Another article, in the *News* of 23 July, asked where was the guarantee that we would not again be wasting months of discussion. An *Advertiser* article of 18 July reported that the conditions were non-negotiable. Yet the Minister has said on a number of occasions that he is willing to come to some sort of agreement. The Minister has said continually in the public arena that the terms and conditions which he wishes to implement and which affect the future desire of people to participate in the department's long service leave scheme are non-negotiable—'You're going to lump them or you can like them.' Even worse were the inflammatory statements made by the Minister suggesting that people in the TAFE system work only 15 hours a week. To compound the mischief caused by those statements—

Members interjecting:

Mr S.J. BAKER: I suggest to members on the other side that, if they wish to refute the assertion that there is anger and disenchantment felt by all members of the TAFE sector toward the Minister, they will have an opportunity to do that during this debate. When the Premier appeared on the Philip Satchell show he went to great lengths to explain that the aim was for TAFE lecturers to work 38 hours of contact time each week. Under the Minister's definition, 38 hours a week of contact time creates an expectation that lecturers will work 65 hours or 67 hours a week. I heard the Minister saying on radio that these people work only 15 hours a week.

Members interjecting:

The SPEAKER: Order! I ask Government backbenchers not to interject in any case, but particularly not to interject in a way that is bound to bait the honourable member into digressing from the subject matter to which the Chair is trying to restrict him. The honourable member for Mitcham.

Mr S.J. BAKER: I raise this matter because it is a serious issue that will impact on the desire and willingness of people in the TAFE sector to provide the strong, viable, efficient and effective education system that they have supplied in the past. The Minister has seen fit to depreciate the coinage in the public arena and to set the community at large against the TAFE sector, yet he has never taken the time—except more recently when he discovered he had a problem on his hands—to give praise to those people who perform such a valiant service.

Ms Lenehan interjecting:

Mr S.J. BAKER: The member for Mawson should remember that he certainly came down a cog or two when the TAFE sector finally said, 'Enough is enough'; that is the only time that the Minister paid some form of homage to the good works of people within that sector. This has been an extraordinary exhibition by the Minister. To take one simple point: how many members of this place would deny the proposition of arbitration? Yet, consistently the Minister has said—

The SPEAKER: Order! The Chair has given a certain amount of latitude to the member for Mitcham as the lead Opposition speaker, a latitude that will not be extended to subsequent speakers from either side. Nevertheless, the honourable member is now beginning to digress from the subject matter of the Bill before the House relating to long service provisions and is beginning to make a contribution

that might be better placed in private members' time by way of a private member's motion regarding what he might believe to be inadequacies on the part of the Minister. The honourable member for Mitcham.

Mr S.J. BAKER: Thank you, Sir. Yes, I will relate my comments to the Bill before the House. This Bill has been brought before the Parliament as it is within the province of Parliament: we debate it and we have the right to agree to it, to amend it or to oppose it. This is within the province of Parliament. In the same way, those involved have a right to have terms and conditions of employment, whether pertaining to the private sector, the semi-government sector, or even the Government sector, arbitrated in the Industrial Commission. Just as this Parliament has certain rights and responsibilities, various rights and responsibilities exist for all those people who are employed.

We are considering this Bill on its merits and in just the same way that the people in the TAFE system should have their case considered on its merits. There is certainly no merit whatsoever in the Minister's performance. As I have said, he has time and again denigrated the people within the system. I am sure that the members from marginal electorates have heard from a very large number of TAFE lecturers about the performance of the Minister. In fact, my phone has run hot and I have correspondence which is piled about one inch thick on the matter of terms and conditions that prevail in the TAFE sector. It is absolutely hypocritical of the Minister to bring a Bill before this House dealing with long service leave provisions while at the same time actively denying the rights and justice of the system, namely recourse to the Industrial Commission to determine fair and equitable conditions.

I do not intend to canvass the history of this matter: as the Speaker has said, this matter would be better canvassed in another debate, and so it shall be, whenever we get around to sorting out the little problem of private members' time. But on the matter of whether the Minister has acted properly, there is no doubt that this House should use this debate to condemn the Minister for all the things he has done to reduce within the community at large the standing of TAFE personnel, for the anguish and the anxiety that he has created amongst those people, their families and their friends, and for the absolute ignorance and arrogance of the Minister in the way that he has dealt with the people concerned, saying, 'Well, we can talk to you but we are really not going to negotiate—these are the conditions that you have to accept.' I believe that I will have another opportunity to canvass all these elements very fully, but it is an appropriate time for me (and for all members of this House) to openly support the contention that the Minister has acted not only with undue arrogance; his approach has been incompetent and he has reduced the standing of the Ministry in this State and indeed his own performance. I support the Bill.

Mr S.G. EVANS (Davenport): I originally intended to speak for just three minutes and make one point, but now that we have a ruling from you Sir, that we must speak to the narrow confines of the Bill, I will speak for the whole 20 minutes because I believe—

Members interjecting:

The SPEAKER: Order! I call the honourable member for Mawson to order.

Mr S.G. EVANS: I am quite capable of speaking for 20 minutes to the Bill even if I read the whole Bill and go through each clause. I am disappointed that the practice of the House has suddenly changed. In particular, I know it is late and that some members think we should finish early. I accept that, and I know that many speakers have pulled out and decided not to speak. I told the Opposition Whip that I wanted to make just one point. Now that we have this ruling, I will just have to show that if we are forced to speak to a Bill, we can, and we can quite easily take up the 20 minutes. That is not difficult at all. The people who work at TAFE and have this Bill prevailing over them, a Bill that will affect their long service leave and other provisions, have a deep interest in this Bill and whatever other actions the Government may take in relation to their occupation.

The only way they could qualify for the provisions of this Bill is by being employed as a servant of the Minister through that department. If they serve long enough, of course, they will eventually qualify for long service leave. As the Bill provides, if they serve for seven years, they will receive a pro rata rate of long service leave. By application, the Bill provides that if they apply to the department, they will be able to take that with approval. If they want to serve a bit longer, say for 10 years, they are automatically entitled to it. Clause 4 refers to amendments to sections 19 and 21 of the principal Act. Subsection 19 (1) *(b)* provides:

> The officer is then entitled to 0.75 of a day's leave for each subsequent complete month of effective service until the end of the fifteenth year of effective service.

It mentions 'effective service' twice. I cannot find either in the Act or in the Bill the definition of 'effective service'. I do not know whether going on strike, trying to get a message home to the Minister about other conditions that the Minister is forcing upon the personnel, is 'effective service'. I think it is 'effective service' in the sense that at least it is getting home to the Minister what those personnel think of the Minister's actions, but I doubt whether it is 'effective service' in carrying out the duties that they are employed to do in trying to tutor people. If 'effective service' is the term, surely there should be a clear definition of what is 'effective service'. It appears that that will be a matter of interpretation for somebody in the future—lawyers or others—and I can see that they will make a feast out of what is meant by the words 'effective service'.

I believe that another Act covering teachers runs alongside the Education Act. If we give to that profession the opportunity to get 0.75 of a day's leave for each subsequent month up until the end of the 15th year, I calculate that we are giving nine days extra leave for each year served. It is nice to use the word 'month', and I have not checked out whether it means 28 days. If that is the case, we are then perhaps talking about 13 lots of 0.75 and not 12. If we are talking about 13, then we are talking about 9.75 days extra a year after the fifteenth year.

The Hon. T.M. McRae: The Acts Interpretation Act covers that.

Mr S.G. EVANS: The member for Playford is now going to speak. That will help the debate, because he has more clues on industrial matters than I have. He will be able to explain fully to the House later those points. As a lay person I say that it is at least nine days per year. My colleague, the member for Victoria, has the formula under the old Act, but I do not want to take up any more of my 20 minutes, so I will stick to what I am saying. Paragraph *(c)* provides:

> The officer is then entitled to 1.25 days' leave for each subsequent complete month of effective service.

After 15 years service an officer is entitled to 1.25 days extra long service leave for each subsequent complete month of service. For 12 months, that is at least 15 days extra long service leave on top of the other leave provided. I congratulate the Minister and I am sure that the personnel agree with this Bill, because its provisions are quite generous, in

that they provide for 15 days extra for one year of service. If people are starting to get up a little in years—

An honourable member interjecting:

Mr S.G. EVANS: I will have to slow down. I was trying to get too much into my 20 minutes.

Ms Gayler: You've already lost 4 per cent productivity; it has already gone.

Mr S.G. EVANS: I do not think that the productivity debate is part of the Bill but, if members want to talk about remuneration for productivity, then I am quite happy to enter that debate. I am in the right mood for that. It is quite clear that, in relation to long service leave provisions, TAFE personnel will be reasonably treated. In recent days I have had a lot of communications from people employed in TAFE. I have had representations at my office, and I believe I have two more coming tomorrow. I have received letters and telephone calls. Further, people who live in my electorate and who work in TAFE have stopped me in the street to express their anger about what the Minister is doing. They have all highlighted the damaging things that the Minister is doing to their profession, but to my knowledge not one person has raised the matter of long service leave. They have raised other topics which are of very great concern to them but which I am not allowed to talk about here. Do not worry, Mr Speaker, I will not do so. As to the topic of long service leave—

The Hon. Jennifer Cashmore interjecting:

Mr S.G. EVANS: My colleague interjected and said that Erskine May says I can, but unfortunately Erskine May does not prevail here—you do, Mr Speaker and you have said that I cannot talk about that. I have received numerous representations from people who have raised other issues, but at no time have they mentioned that the Minister is a great guy and that he is providing them with something that they see as being an extra benefit that they did not have before in relation to long service leave. New section 21 provides:

> ... (1) Where a person ceases to be an officer in the teaching service after not less than seven years' effective service, the person is entitled to payment of the monetary equivalent of the officer's long service leave entitlement as at the date of cessation of service.

I believe that that benefit applies in most other occupations, especially those relating to the Public Service and I see that as being only just and proper. New section 21 (2) states—

> Where an officer dies—

If a person died as they were about to leave the service or while they were in the service, I think all members would agree that that would be quite sad in that the person could not enjoy the benefits to which they were entitled. In that event, the equivalent payment is made to the officer's personal representative or such of the officer's dependants as the Minister considers appropriate. I am not sure about that, and I seek clarification. The member for Playford might help me when he speaks. The Bill speaks of the officer's personal representative. I take it that that would be somebody handling the estate, such as a lawyer or trustee, but if there was nobody in that category, the Bill provides that payment may be made to such of the officer's dependants as the Minister considers appropriate. Does an officer, when employed, have to make a declaration in the case of a de facto spouse? I do not know whether a de facto spouse would have a right in this case because, in all other aspects of the law, I believe that we have provided for such things. I hope that the Minister or, more particularly, the member for Playford can inform the House of that, if he so desires, later.

The Minister's second reading explanation sets out that if there are any outstanding claims under the Act against the officer the Bill empowers the Minister to deduct an appropriate amount from payment in lieu of long service leave. As I understand the clause, the only way that an outstanding claim could be made under that provision would be if it were associated with the department. I can see nothing wrong with the Minister claiming from a person's entitlement to long service leave moneys to pay another debt that may have been established while an officer was employed by the department.

The Minister states that clauses 1 and 2 are formal and that clause 3 amends section 5 (2), which defines 'effective service' of an officer for the purposes of the Act to mean the continuous full-time service of the officer subject to ministerial discretion. I raised the point about effective service earlier because it comes back to an interpretation of 'ministerial discretion': the Minister having a report in front of him saying that an officer believes that a person has or has not carried out effective service, and the Minister may take a punt and agree or disagree with that departmental advice or may seek advice from Crown Law. In other words, there is no clear-cut definition, and the Minister admits that in his explanation of the clauses.

I raise this issue for that very point. It is not clear cut or well defined, and it should be. If continuous part-time service automatically counts as effective service does that mean that ministerial discretion does not apply in that case? In the earlier example, ministerial discretion applied if there was any doubt. However, according to the explanation, the amendment removes the reference to full-time employment so that continuous part-time service will count automatically as effective service. I wonder why the discretion applies in the first case, which is full-time service, but not in the second case, which is part-time service that is considered to be full time. If that is to be clarified, it must be done before the Bill goes to the second reading so that the member for Mawson also will not get excited and will understand it.

In the service that these people are giving to technical and further education, one of the most important areas in our society today, we are considering whether or not the period of service is full time. 'Effective service' is not just the amount of time involved but whether officers have behaved within the limits of what has been expected of them as tutors.

They are tutoring in a field that is important. The point has been made by the Minister many times, about how important it is to raise standards of expertise in certain sections of the work force, saying that it is critical to our State for its future. If the State is to meet its Treasury commitment for long service leave, we must have a community that can earn that income—by exports if need be—in order to earn the income to pay these people their long service leave. If we do not achieve that goal we will not be able to afford to keep them.

Therefore, I support the Bill knowing that the Minister and the Government have a responsibility to make provision for a happy work force in carrying out appropriate tutorial duties. After hearing the contribution of the member for Mitcham—and no doubt I will get some sort of payout from the Minister shortly myself—I will be able to talk to those people who still have appointments to see me on matters of concern in TAFE—

The Hon. Jennifer Cashmore interjecting:

Mr S.G. EVANS: It is a huge number coming. It is one of the greatest representations I have had on any subject.

Mr Robertson: Three?

Mr S.G. EVANS: There are more than three subjects, but I am not allowed to mention all of them. The member

for Bright should be bright enough to know that there are more than three issues.

Members interjecting:

The ACTING SPEAKER (Mr Klunder): Order!

Mr S.G. EVANS: Although there are more than three issues at stake, the only one about which I can talk tonight is that pertaining to the long service provisions in the Bill. I will now ask those people who come along—because they have not raised it previously—whether they are satisfied with the provisions in the Bill on the basis that, when the Bill is in another place (and I have to be careful how I talk about that now), I may be able to make representations to members there on any further suggestions made to me on this proposal.

There is much disquiet within technical and further education and the Government should be aware of it and should give us the opportunity to debate the matter in this House. That is all I wanted to say initially, but that was destroyed so I thought I would make sure that the sort of rulings given tonight do not really encourage anyone to shorten their contribution when time is running short. I will support the Bill to the second reading. I have saved a couple of seconds for the House.

The Hon. JENNIFER CASHMORE (Coles): It is impossible to overestimate the importance of the Technical and Further Education sector to the present economy and the future of South Australia. In fact, the South Australian Government has placed the development of our people's skills at the centre of its five-year economic plan. Unfortunately, the placement of those skills at the centre of the plan has not been reflected in the Government's appropriate commitment to TAFE in respect of fulfilling the objects of that plan.

It is clear that skills shortages are emerging in vital areas of the State's economy such as manufacturing, tourism, financial services and information technology. We will be expected—as will the beneficiaries of this Bill—to fall behind our international competitors if we cannot ensure that the staff of TAFE are provided with the resources that they need to do the job that the Government requires of them in the interests of the future of this State.

The ACTING SPEAKER: I assume that the honourable member will shortly tie her remarks to the Bill.

The Hon. JENNIFER CASHMORE: Certainly, Mr Acting Speaker. As is the custom in a second reading debate, in accordance with Erskine May, I intend to canvass the subject broadly and to speak about the role of lecturers and the responsibility of TAFE staff who are the beneficiaries of the Bill and to link up those remarks with the long service leave provisions of the Bill in accordance with the general traditions of the House at the second reading debate stage.

The ACTING SPEAKER: The honourable member is aware of the ruling made earlier today by the Speaker. That ruling will be adhered to.

The Hon. JENNIFER CASHMORE: Of course the ruling will be adhered to. I believe that the House would be interested indeed to hear outlined the nature and detail of the staff who will benefit from the long service leave provisions of this Bill. It is appropriate, in discussing a Bill on technical and further education containing industrial provisions, to look at the nature of the people who will be affected by the Bill. I regard that—and I hope that you, Mr Acting Speaker, would agree—as a perfectly proper way of approaching debate on this matter.

The ACTING SPEAKER: I shall listen to the honourable member with great attention.

The Hon. JENNIFER CASHMORE: When we are talking about skills which South Australia needs to keep it in the race with its competitors, both in the Australian States and in competing nations, we are talking about technical skills that are embodied in the courses offered at the metropolitan and country technical and further education colleges in South Australia.

For example, in the metropolitan area at the Adelaide college there are senior lecturers, lecturers, seconded lecturers and temporary lecturers teaching Aboriginal education, adult literacy, adult migrant education, business studies, general studies, hairdressing, learning resources, music, performing arts, prisoner education, small business and computing, technical studies, and general administration. At the Croydon Park college, which embodies the North Adelaide School of Art, courses are offered in automotive engineering, general studies, hairdressing, printing and graphic arts, and general administration.

At the Elizabeth college one can undertake business and matriculation studies, general studies, technical studies, and general administration. The Light college simply has administrative staff. The Gilles Plains college—in which you, Mr Acting Speaker, would have a particular interest, as I am aware that you have had many representations from staff at that college—offers general studies, paradental studies, and technical studies. The Hills college has a total staff of 6.5 equivalents and general administration. Kensington Park, which has a State-wide reputation for excellence in its matriculation studies courses, also offers general studies. Kingston college offers general and technical studies whilst Marleston has courses in building and furnishing, and wool and textile studies.

Noarlunga college has general and administration courses. Panorama college offers business studies, general studies and technical studies. Port Adelaide college offers general studies and has administrative staff. Regency college, which is one in which I have a particular interest because of its tourism and hospitality components, offers electrical engineering, electronic engineering, food and catering, mechanical engineering, plumbing and sheetmetal work and general administration. Tea Tree Gully college, another which would interest the Acting Speaker has general administration. The country colleges offer a variety of courses through Eyre Peninsula, Murraylands, Naracoorte, Port Pirie, Port Augusta, Riverland, South-East and Whyalla colleges.

That summary gives some indication of the breadth of courses that are offered. If one looks at the certificates that are issued to apprentices, for example in bricklaying, cabinet making, chair making, floor and wall tiling, sign writing, plumbing, refrigeration mechanics, butchering, cake and pastry making, binding and finishing (printing), aircraft mechanics, farm practice and footwear manufacturing, one can see that the role of TAFE is very broad indeed. I have not even touched upon the role of the city college which deals with dance, education and drama. Any member who has attended performances at that college would be immensely impressed with what is occurring in TAFE, especially in courses relating to the performing arts.

In respect of these lecturers, many of whom will be the beneficiaries of this course, I have had representations made to me which lead me to believe that the Minister's management of the industrial provisions, of which this is one, leaves a very great deal to be desired. Some of my constituents have told me that TAFE is structurally out of kilter in that the lecturing base is predominantly in the metal trades, and that it is very much understaffed in areas such as business, commercial, hospitality, tourism, communication and literacy support.

If the Government is going to have the capacity to fulfil the objectives of its five year economic plan, it will certainly have to restructure TAFE and it will have to tackle that restructuring in a far more effective and conciliatory manner than has been undertaken so far. The issue that is concerning the people who have been making representations to all of us is that there has been a total change of conditions for all persons employed under the TAFE Act. That includes all the college senior staff and the teaching staff. They are desperately unhappy with the manner in which the Minister has unilaterally chopped off negotiations and has tackled the whole issue in what the staff believe to be an entirely unsatisfactory manner.

I have had representations from a lecturer in cabinet-making who complains that the Minister's approach is counterproductive in that the savings that he is seeking by altering the conditions of the staff will not result in effective financial benefits to the college at all. There has been an enormous amount of disruption and heartbreak, especially in respect of principals; with little or no financial gain to the Government. How much better it would have been to take a conciliatory approach by putting the issue before the Industrial Court in an endeavour to allow both sides to come to some arrangement of give and take.

In relation to cabinet-making, as I said, my constituent states that for the past five years lecturers at the Gilles Plains college have been updating notes and curriculum in out of contact hours, and that in some cases lecturers may have been brought in to take lectures to enable other lecturers to update. The point that these people are making is how can one possibly maintain the quality of lecturers if one brings in demonstrators who are going to earn less than they would earn as a tradesman outside the college.

That is one aspect of the Minister's treatment of this issue which has caused great concern. Another aspect that was raised with me by lecturers in leisure courses at the college is that staff realise the need for constraints and increased productivity. They maintain that both sides need to sit down and, using the Mills report as a basis, devise ways of ensuring greater coordination and cooperation between colleges. One person to whom I spoke was very concerned at the effect of the Minister's actions on programs that rely very heavily on the goodwill of staff. The senior lecturers to whom I spoke believed that productivity in their college would be very much diminished as a result of the devastating effect of the Minister's actions on staff morale.

Again, I come back to the Government's five year plan: if it is to succeed everyone must work together and pull in the same direction. The fact that this is not occurring has a flow-on adverse effect which starts with the principals (who cannot be blamed for feeling utterly devastated at what the Minister has done to them), flows through to the senior staff and inevitably affects the students themselves. The students are supposed to be the purpose of all this—what they learn and what they can achieve.

As a result of the Minister's blundering and arrogant attitude the students are already, I am told, being affected. Contract lecturers who had hoped for permanency will now only be offered demonstrators' positions. They will not be able to afford to stay in the system, and this has a direct relationship with the long service leave provisions. Some of the people who would and should have benefited from the amendment to this Act will simply be out of the system. They will be demoralised to the point that they will not stay in the colleges to which they have previously been most enthusiastically committed. The reason why they will not stay is the Minister of Employment and Further Education's gross mishandling of the matters relating to their industrial conditions.

I have received representations from a lecturer in cabinet-making who states that his particular area has already been adversely affected by the Minister's actions. Another lecturer in painting, decorating and sign-writing claims that what has been done to the principals by the Minister could open the door to anything.

The provisions of this Bill relate to long service leave. The Government's capacity to meet these benefits will obviously be determined by the Government's capacity to ensure that continuing huge deficits do not build up in State budgets. The fact that TAFE staff believe that the Minister's actions, far from saving the Government money, are simply going to cost the Government money is very much related to the Government's capacity to pay benefits under this Bill.

If I had the time, I could continue at some length. However, I will conclude by saying that, while this Bill offers a benefit in terms of long service leave, the manner in which the Minister has handled not only the industrial conditions applying to technical and further education staff but also the cuts to the technical and further education budget can only prejudice the whole quality of technical and further education in South Australia, and this will be very much to the detriment of the State's future.

I commenced by saying that it is impossible to overestimate the importance of technical and further education to the future of South Australia. Indeed, many of our past successes have rested on the fact that we have been able to develop a skilled and committed work force. Those skills and that commitment have enabled us to be competitive and ingenious and have given us the ability to devise means of ensuring that this State's economy stays afloat. As a result of the death blows that the Minister has dealt to the technical and further education sector, I believe that that future is very much prejudiced. Even though I support the Bill, I have nothing but criticism for the way that the Minister has handled other aspects of the industrial provisions applying to technical and further education staff.

The Hon. LYNN ARNOLD (Minister of Employment and Further Education): I move:

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

Motion carried.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): In speaking to this Bill, which deals with the conditions of service of TAFE employees, and particularly long service leave, I will place on the record comments that are pertinent to the Bill and to the conditions under which TAFE employees labour. I refer to no less a journal than the South Australian *Teachers Journal*, the most recent copy of which came into my possession yesterday. It contains some interesting sentiments, and it seems that a refreshing change has come over that august journal. As this Bill deals with industrial relations, particularly long service, I will read into the record what the *Teachers Journal* has to say about industrial relations. An article entitled 'Industrial Relations—Rambo I' states:

The following press release best illustrates the high handed behaviour of the Government in this dispute . . .

That refers to conditions of service.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: No doubt the honourable member enjoyed reading it nearly as much as I did, so he will enjoy my reading it into the record. The article continues:

. . . and the insidious methods used to undermine TAFE lecturer morale:

Arising out of a radio debate today, the Minister for TAFE, Mr Lynn Arnold, telexed the President of SAIT, Mr Bob Jackson, with the following message:

Please give details of allegations made on radio of purported seven errors in my letter to TAFE lecturers.

The President of SAIT responded by expressing concern at the appearance of the Minister looking to preserve his foundering reputation in this dispute rather than genuinely resolving it.

I do not know whether this Bill will help resolve that dispute, but it is typical of the methods adopted by the Minister (and I could refer to other matters put before Parliament) when seeking to solve problems by ministerial fiat and Government action when they were—

Ms Lenehan interjecting:

The Hon. E.R. GOLDSWORTHY: No, I support the Bill. He supported the Bill. I heard what he said. He did not like for a moment the way the Minister was handling these industrial matters. This Bill is concerned with one of those industrial matters. Under the heading 'Industrial relations—Rambo 2' I read this:

The Government has now deliberately escalated the dispute by legislating regulations on inferior conditions—

I am not sure, linking that up, whether the conditions in this Bill are inferior or superior to the existing conditions. The Minister no doubt will take great pleasure in explaining that to us but, nonetheless, we are talking about the conditions. Under this heading it is said that the Minister is attempting to prevent the TAFE staff having all parts of their award heard in the Industrial Commission, and the article continues:

This follows on the Government's attempt to muzzle TAFE principals by sacking them, abolishing their positions and re-employing them award free as public sector 'managers'.

Of course, these long service leave provisions will obtain if these TAFE lecturers are, indeed, sacked. Part of what we are dealing with in this Bill relates to what will happen to these TAFE lecturers when their long service falls due. Of course, if they get the chop, it will fall due, so I link up my remarks in that way.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: I am almost finished. I do not want to prolong this debate. The article continues:

Simply, the Government is attempting to cut wages, remove overtime loadings, reduce leave and introduce a lower paid level of worker to TAFE. A great precedent for the New Right.

What have they got here? They have got something wrong here; they are a bit mixed up.

Members interjecting:

The SPEAKER: Order! I call on members on both sides to cease interjecting, which is likely to distract the Deputy Leader from his efforts to link his remarks to the Bill.

The Hon. E.R. GOLDSWORTHY: This is the final link in the chain. I continue:

We now have our local version of industrial relations Queensland style.

I cannot entirely agree with that, but the article goes on:

There is a message for all teachers (and other public sector workers)—be vigilant—this might just be a practice run.

We approach the Bill in the light of those comments by the organised teachers union. I will not read any more, but the earlier journal carried the heading 'ALP sacks TAFE' and we find in the description of the altered conditions under which the TAFE employees labour numerous statements. The final proposition is as follows:

The ALP has thrown out its commitment to TAFE. It is pushing TAFE colleges into becoming tax centres for the State Government by charging large fees. Technical education in the future will be available only to those who can pay.

That is over the name of Mr Jackson, the retiring President. This Bill comes to us in this very unfortunate industrial scene where the Government, by Government *fiat*, has decided to circumvent the deliberations of the Industrial Commission. I can just imagine what would happen to a private sector employer who sought to impose conditions on his employees by the stroke of a pen as the Minister has sought to do in this heavy handed fashion in relation to the employees of TAFE. With those remarks, I commend the Bill for further consideration.

An honourable member: It's a hard act to follow.

The Hon. LYNN ARNOLD (Minister of Employment and Further Education): For once I would agree with that. I would like to thank members of this House for their contributions tonight. All members bar one, in fact, were talking to the Bill that is before us, and one member, the Deputy Leader, was talking to a Bill that is nowhere to be seen. He made a number of comments about which I will speak later.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: This Bill is about long service leave. It is true that what is being proposed is a change of conditions, and this Bill proposes that the conditions that have been introduced under the Government Management and Employment Act should also apply to TAFE lecturers. One way or another—whether it is an improvement or a deterioration of conditions—it is a change in conditions. I am interested to note a number of comments members have made about the general area of changes in terms and conditions of employment.

Allegations have been made tonight that the Government has unilaterally changed TAFE conditions. There have been criticisms made tonight that the Government has refused to negotiate about changing conditions.

Members interjecting:

The Hon. LYNN ARNOLD: I will come to those points in a moment. I make the point that, with respect to other terms and conditions of employment that are the subject of debate currently in the community, the decision was not unilateral in the context put by the member for Mitcham, nor was it non-negotiable in the context put by the honourable member. This Bill, however, I regret to inform the House—and I must apologise to members for this—does in fact contain the characteristics of a unilateral and non-negotiable Bill and there were no negotiations leading up to it. This appears to have been the cause of great concern to members opposite who suggest that they are concerned about those particular aspects.

I note that they support the Bill, but I also have to say that I note with regret its unilateral nature and the fact that it has not been negotiated. But apparently it would seem that things do not always have to have the same bounds of reason to be logical to the Opposition. The fact is that that legislation is something that the Government wishes to introduce to standardise the provisions for people employed in the various avenues of Government service and, in fact, it represents an improvement in conditions.

The Deputy Leader, while attempting to give serious thought to this matter, advised the House that he did not know whether the conditions contained in the Bill were inferior or superior to existing conditions. I can advise him, as his colleague the member for Mitcham did earlier this evening, that they are an advantage to TAFE lecturers and pick up improvement of conditions. I note that the Government is not being congratulated, as I thought it might have been, by the Opposition. I will refer to some of the

other matters that have been raised. The point about the unilateral nature of the general package of terms and conditions requires a response.

The facts are as I have outlined in this House and in other places on a number of occasions, as follows. In August last year reference was made to this issue in the Governor's speech as being something that would be opened up for discussion. In November 1986, the matter was raised by the Government with the Institute of Teachers and it was agreed that discussions would be entered into between those parties to canvass whether or not there was an agreed position on what were the teaching conditions in the TAFE service, including aspects of long service leave. Those discussions proceeded over a period of nearly three months. At the end of that time the Institute of Teachers and the Government could not agree on what were the accepted and existing terms and conditions of TAFE employment.

The matter was further considered by the Government and in March of this year Cabinet agreed to reopen negotiations in an attempt to achieve an agreed package of conditions and with an emphasis on the fact that conditions needed changing in the economic climate of 1987. The letter of invitation that went to the Institute of Teachers inviting it to take part in those discussions, dated, I believe, 23 March 1987, indicated that the outcome of those negotiations might lead to a stage that would not be registered as an award.

That was the invitation extended to the institute; that was the invitation accepted by the institute when its representatives took part in the discussions that ensued over the following three months from 23 March. There was then a significant giving and taking by both sides; negotiators for both the institute and the Government gave ground. For example, the starting point for the Government with respect to recreation leave was that it should be limited to 20 days a year. The end package was 39 days a year with an additional 10 days staff development time for lecturers and 30 days for principals, vice principals and heads of schools.

That hardly seems to be an inflexible stance, when 20 days becomes 30 days for one category and 39 days for another. There are other examples of where the Government gave significant ground. I do not want to dispute the fact that the institute negotiators did not themselves also give ground—they did. We reached a stage in May where it was found that there was a package which it was agreed could be put to both parties. I acknowledge that that package was a package without prejudice to the negotiators who took part. That is clearly the case, and I announced that soon after Cabinet made its decision—that SAIT's position had been a without prejudice position.

The Institute of Teachers negotiators took that package to a general meeting of its members and proposed it to the members, and they rejected it. They then came back to the Government and, in reporting on this matter, they said, 'We suggest that we have further negotiations.' Well, I am not closed to negotiation and consultation: I think my track record shows that I have been more than willing to talk with people about changes that have been necessary. However, the key question that I had to ask the negotiators for the Institute of Teachers at the time was: 'Can you give any reasonable undertaking that further negotiations would be likely to arrive at a package that would be acceptable to your members?' That simple question was not able to be met with an answer of 'Yes'. In that context I simply had to ask: what would be the purpose of further discussions? They would be seemingly endless discussions without result. There comes a time when the Government is constantly asked by the community to bite the bullet, to make a decision, and not just to allow things to be frittered away in endless and purposeless talks.

In that context I had to report back to Cabinet that the institute could give me no undertaking that further negotiations would be likely to arrive at an agreed package. It was in that context that the Government decided to proceed with the package that had come out of the negotiations with the institute—not the package that had gone into the negotiations, which was a significantly tougher package. I would say quite clearly that that belies the assertion that the Government has been unilateral or that it has not negotiated in this matter. But it does explain my comments that from that point on we were going to treat the package as non-negotiable, because the institute could not give us any understanding that further negotiations would actually achieve anything.

What I have said (and I have said this publicly) is that we are certainly prepared to negotiate with the institute aspects of the implementation of the package, provided that industrial action is called off. For example, the statement that 25 per cent of the employment should comprise tutor/demonstrators is an overall statement and an approximation, and it has always been admitted to be so. Clearly, some subjects would involve very few tutor/demonstrators, if any, while other subjects would involve a significant number of tutor/demonstrators. I acknowledge the right of the institute to be involved in negotiations in that arena, to determine in which subject areas such personnel would be applied.

I also acknowledge the possibility of negotiation on other aspects of the implementation, such as how to define what would be the areas in which the Director-General, under the regulations we are proposing, can make variations to the contact hours below 21. If members take the trouble to read the regulations, they will find that they provide for the option of a variation below 21 hours, subject to there being a good reason for that. I am willing to have the institute talk with us about what is to be defined as 'good reason'. Likewise, in relation to the matter of professional development, as I stated in answer to a question from the member for Todd on this very matter today, we need to talk about how we will put into place a proper professional development package that will meet the needs of staff who are now being asked to do 10 days of that a year from out of their original 49 days recreation leave.

That does not seem to me to be a non-negotiable stance. The point we also want to make is that an important part of the package has been significantly overlooked by many people who have debated this matter, and that is the removal of inappropriate non-lecturing tasks from the day to day duties of lecturers—a very significant point in the package. When asked why some lecturers in TAFE are only having 15 hours contact time a week, the answer has been that some of them have to do lots of other duties that really should not be the job of a lecturer but that of an administrative assistant, such as duplicating, filing or other clerical duties. I said to the institute last year when this point was raised with me: I agreed—why should highly paid lecturers do those duties when they could well be done in the TAFE colleges by the equivalent of the school assistant position in the primary and secondary system. I believe that that is an implementation of the recommendations that is well and truly negotiable, and should be so.

The member for Mitcham suggested that I said on radio that some TAFE lecturers work only 15 hours a week. I did not say that, and I ask him to get in contact with the appropriate media private monitoring services and obtain a transcript of any such statement of mine. What I said was

that some TAFE lecturers lecture 15 hours a week, that their contact time is 15 hours a week. I would suggest that, if the member for Mitcham wants to take part in a debate such as this, he should at least do the courtesy to this House of getting his facts correct.

He then said that never until recently has the Minister chosen to praise the many TAFE lecturers who do well and above the basic job specification. He then reduced it to being the only time I had said it, as if I had only ever once said it. Well, I wish he had been on the steps of the Adelaide College of TAFE about 10 days ago when there was a rally protesting my actions—I fully admit that. On that day testimony was given to my praising of TAFE lecturers over a long period of time by no less a person than the President of the Institute of Teachers, who quoted my own words from public documents on a number of occasions over a number of years. That is something of which the member for Mitcham chooses not to be cognisant.

The other point being made by the member for Mitcham is the proposition of arbitration. Why will the Government not go to arbitration? Again, I must say I have to offer my regrets to this House. If that is what this House wishes, that everything of an industrial relations nature go to arbitration, I must regret that this Bill which is presently before us and which the Opposition supports has not gone to arbitration. My regrets, Sir. The facts are that not every matter is supposed to go to arbitration. Some are the prerogative of management decision making—

Mr S.J. Baker interjecting:

The SPEAKER: Order! The Chair has tried particularly to listen to the remarks of the Minister to make sure that he does not stray into the same error of debate as other members were on the verge of doing—

The Hon. D.C. Wotton interjecting:

The SPEAKER: —and that is not made easy by members interjecting. I now take the point and particularly call to order the honourable member for Heysen for interjecting at the moment that the Chair was—

Mr D.S. Baker interjecting:

The SPEAKER: Order! I warn the honourable member for Victoria.

The Hon. LYNN ARNOLD: The question then is what is a matter that should be arbitrated. What is a matter of management disposition or what is a matter for legislation? This Bill comes clearly within the ambit of a matter for legislation. I would have to say I would not accept the contention that every single aspect of employment condition should be a matter for arbitration. Some matters well and truly fall within the province of legislation and some fall within the province of simple management fiat. For example, the matter of the disposition of hours is such a matter. If in fact we were proposing by fiat that TAFE lecturers should work 45 hours a week, and make everyone work that—and many TAFE lecturers do of course work 45 hours or more a week—then that should be arbitrated.

But the disposition of the basic working hours component—in this case the basic 35 hours—is surely the right of management prerogative and, if it is not, then there are serious implications for the management of a lot of aspects of government. I point out that the very question of non-contact time in primary schools and secondary schools, together with other duties in the education institutions of this State, if the Opposition had its way, suddenly would become the subject of an arbitration process and not the process of management. That is something that I know anybody who has had the actual experience of being a Minister would know is a foolhardy suggestion to support. Of course, the member for Mitcham has not had that experience and will not have it.

The member for Davenport chose to open his remarks by saying that he wanted to share one thought with us and that he would take three minutes: he then said that he would take 20 minutes. The fact that he managed to spin one thought out to 20 minutes was a fairly impressive effort (although somewhat boring) and with little repetition. He did it by simply misunderstanding some basic elements of the Act or by not using his own knowledge of the legislation in years gone by when he talked about what does a month mean; is a month a month, or is it not a month and, if it is not a month, what is it? He even had us believing that there are 13 months in a year. I suppose that the thirteenth month is Evansber, or something like that—October, November, December, Evansber. In fact, if he who has been in this place for quite a long time spent some time on just drawing to his own attention the Acts Interpretation Act, he would know that a month in fact is a calendar year.

Ms Lenehan: He has been here for how many years?

The Hon. LYNN ARNOLD: I think that he has been here for 17 years. He raised a question about proposed new section 21 (2) *(b)* and asked why is it that the Minister has some power to determine who are the descendants who may be the beneficiaries of a pay-out under the long service leave provisions of the legislation. It is true that this is a little different to the GME Act. The facts are that a similar kind of provision exists already in the TAFE Act and, therefore, if we are to make a change of condition which is an improvement in conditions, it was the opinion of the Government that we should not take away some special provision that already existed in the TAFE Act. We are preserving some special condition which in one sense puts TAFE employees a little ahead of people already under the long service provisions of the GME Act.

The member for Coles made some assertions about her opinion as to the Government's commitment to TAFE. I think that, by implication, she would have this House believe that the Government has not put increasing effort into the TAFE system. The facts are that, in every year since this Government came to power in 1982, increased financial allocations have been made available to TAFE in each budget. That is reflected in employment numbers, because one could suggest that increased allocations mean nothing. One could do all sorts of things with figures, but the way to measure it is by determining how many people have been paid by State funds in the TAFE budget. Those figures were: December 1982, 1 339; December 1986, 1 551; and June 1987, 1 651. That is a clear and significant increase, and I think that it answers the query by the member for Coles about the Government's appropriate commitment to TAFE.

The member for Coles said also that the management of conditions (of which this is one) leaves a lot to be desired. It was as if she queried the genesis of this legislation. Funnily enough, of course, the Opposition chooses to support it. However, she then went on to make one very significant point and that related to the skewing of the resource allocation within TAFE, indicating that there was a heavy preponderance of resources going towards the metals area. That seemed to conflict with her own comments about the needs for revitalising manufacturing industry, to which she referred also in her speech, but she indicated also that there were staffing pressures in business studies, tourism, communication, and the like. Further, she said that it was time to restructure TAFE. In putting this issue to the Institute of Teachers, we have said that there are three things we need to do. First, we need to have bottom line

savings in these very difficult financial times when the community asks that of Government.

The second is to have increased productivity out of the TAFE system to build on the productivity gains that have been seen in that system over the past five years. The third point is to make sure that TAFE is sufficiently flexible to react to changing needs in the job training requirements of our community, which is precisely the point raised by the member for Coles and precisely what the Government is attempting to do.

If, for example, a business studies lecturer lectures for 15 hours a week, because a lot of his or her time is taken up with ancillary duties, why if those ancillary duties are taken off and given to somebody else and that lecturer goes to 21 hours per week, will there not be more students going through business studies classes? Surely the mathematics is that a lecturer lecturing 21 hours a week, not having to do administrative duties as was previously the case, is meeting and teaching more students than the one who has only 15 hours a week lecturing time.

The matter of tutor demonstrators is one that interests me. I was somewhat amazed by the attitude of many people in opposing it. However, I can partly understand some within the TAFE system who are anxious about it because, while the provision has existed in the Act for a long time for there to be tutor demonstrators, they have not yet been introduced into TAFE. One sometimes becomes fearful of something that one does not know about or has not worked with until one has actually seen it in place. The facts are that, for many years, tutor demonstrators have worked in other areas of tertiary education—the universities and colleges of advanced education. There has not been a deterioration in the quality of the education in those institutions. In fact, it has enhanced it because they can play a positive role to support the teaching programs of lecturers in those institutions.

Of particular significance is the fact that the Institute of Technology is paid about $1.3 million per year by the State Government to run some TAFE courses. The lecturers who run those courses have a similar pay rate to TAFE lecturers. They get four weeks leave a year, that is, 20 days, not 49 days, and they do not receive time and a half off in lieu for lecturing after hours. They are supported by tutor demonstrators and no-one is able to provide any evidence that the students who come through those TAFE courses run by the institute and funded by the State Government are poorer in their education than are those who come through TAFE colleges. No evidence has been put forward because none is available.

Tutor demonstrators will be qualified people. That indication has already been made publicly. Tutor demonstrators have a pay scale that is not cheap. Although it is not as high as the top levels of the lecturer 2 scale, it overlaps the middle and bottom levels of that scale. I ask those members who have been through university, CAE and institute education to consider whether they feel that their quality of education was poorer because they came into contact with tutor demonstrators. The answer cannot be 'Yes'.

The member for Coles said that what needs to be done is for both sides to sit down. I presume that she meant to say 'and talk'. Unless an indication can be given that there is a purpose to further discussion, as I have indicated, at some stage the Government must make decisions and that is what it is doing.

The Deputy Leader stood up to read out from a journal which I recall some years ago (1979 to 1982, in fact) he was often wont to quote from in somewhat different terms from that which he quotes now. Things are very different when they are not the same—and this time he quoted from the industrial relations aspect of the journal and indicated that it seemed to be long lost friends coming back to him. He made some reference to a telex that I sent to the institute with respect to a claim made by Bob Jackson about seven errors in a letter. I did send a telex about that, and I received a reply about what the supposed errors were. The errors claimed were all absolute furphies. One error was that he said that I made the statement in my letter that I had been quoted as saying that changes are non negotiable. That statement does not say that I deny making the statement, and I did not deny it. This evening I have gone through why that statement was made. He goes on to believe that apparently I am denying that. But I am not. Statement 2 was as follows:

> The Government set up a joint SAIT/TAFE working party but it was unable to reach consensus.

The working party did in fact reach consensus, but it was not able to reach consensus which was acceptable to both parties, which was the point being made. The members were merely representing the bodies from which they came and consensus surely is only possible when those bodies can agree. Statement 3 was as follows:

> It was agreed by the Government and SAIT negotiators that the package of proposed terms and conditions should be presented to SAIT members.

That is not a mistake or an error. In fact, that is what was agreed and it was what happened, because it was presented to a general meeting of the TAFE membership as I mentioned before but was summarily rejected. Statement 4 was as follows:

> I would like to correct misinformation that TAFE has cut some 40 lecturer positions in the last financial year.

Mr Jackson chose to criticise that statement, saying that it was wrong. I have just now read into *Hansard* statements of what the actual lecturer numbers have been, and I put it to any member by even the most bizarre mathematics to get the increase that has taken place over the last financial year into a position of a 40 decrease. They go on in that vein. For example, statement 7 provides:

> The Government has no intention of sacking TAFE principals. He says that that is not true. The fact is that the Government has no intention of sacking TAFE principals: it has not sacked TAFE principals. The Government changed the Act under which they are employed, but they have not been sacked.

The SPEAKER: Order! The Minister will have to restrict his remarks to the Bill under debate. He will have to be cautious to ensure that, in attempting to respond to points of debate that may have been made by the Opposition, he is actually dealing with the Bill. It would be most unfair if the Chair was to allow the Minister a great deal of latitude in his concluding remarks in view of the fact that the Chair has endeavoured to make other members stick to the Bill.

The Hon. LYNN ARNOLD: Thank you, Mr Speaker, I will certainly come back to the Bill. I thank you for the indulgence that all members have shown tonight in this matter. I have been exercising a right of reply to that. However, you, Sir, are advising me strongly (and I take the point) that I should not be replying to a greater extent than answering the comments that have been made.

The Deputy Leader said that he did not know whether the conditions in the Bill before us were inferior or superior to existing conditions, but nevertheless he chose to speak for 15 minutes or so on that matter. That seems to be an unusual way to go about debating matters of substance in this House—that is, to not know what they are about. I can tell the member, as the member for Mitcham could tell him, that the conditions contained in this Bill are superior.

The Hon. E.R. Goldsworthy: Are you sure?

The Hon. LYNN ARNOLD: I suggest that the Deputy Leader is now challenging his own Partyroom colleagues, who have intimated the same this evening.

The Hon. E.R. Goldsworthy interjecting:

The Hon. LYNN ARNOLD: I can assure the honourable member that they are superior, from the point of view of TAFE lecturers, than are the present conditions, and I hope that both Houses see fit to pass the Bill. Coming back to the Bill, I note that the members for Mitcham, Davenport and, I guess, by some sort of implication, the Deputy Leader and the member for Coles support the Bill.

I thank members for their support of the Bill and ask them to consider carefully that, in all matters of a related or cognate nature covered in community debate, they spend a bit more time trying to know the facts rather than simply accepting many cheap assertions and allegations that are made. If they do, they will come back to the point that the member for Mitcham was urging the Government to accept last year in the Estimates Committee, that is, greater productivity by changes to TAFE hours.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Repeal of ss.19 to 21 and substitution of new sections.'

Mr S.J. BAKER: I noted the unusual conciliatory response from the Minister on the subjects that have been raised tonight, and I can only suggest that he is learning some lessons. This clause, which amends section 20, gives the Director-General discretion to make allowance for those persons who may be serving for a reasonably long time on higher duties. Will the Minister clarify how this situation will be handled and say with which qualifications will a person receive a higher remuneration than their substantive salary?

The Hon. LYNN ARNOLD: In some situations, because of illness or some other extended leave, a person in a higher duty position may be away from that position for an extended period. Therefore, somebody fills that position in an acting capacity. Sometimes it is not possible or appropriate for the position to be filled by somebody else in a substantive manner. If somebody is doing it in an acting capacity for an extended time, it is not unreasonable not only that they receive the benefit of the pay but also that it is measured in terms of long service leave provisions. Rather than try to set down arbitrary rules on how it should happen in all instances, it is proposed to be more effective if the discretion rests in the hands of the Director-General to determine whether a case warrants that special condition.

Mr S.J. BAKER: I find that response a little strange. If we are talking of having the same conditions that exist under the Government Management and Employment Act, I understand that the qualifying period for persons acting on higher duties is some two years. Anything below that qualifying period means that the person is precluded from receiving a higher duty allowance in their long service leave remuneration. I would hate to think that we are going to have some *ad hoc* decision making in the TAFE sector when indeed different conditions apply within the Government Management and Employment Act.

The basis of this Bill was to bring the terms and conditions relating to long service leave into line with those under the Government Management and Employment Act. It would be wrong to have a situation that puts them out of kilter. Indeed, precedents could be set in the TAFE area that do not necessarily apply within the Government Management and Employment Act. I should be pleased if the Minister would clarify the situation, as it could raise serious anomalies in the treatment of the various employees and perhaps introduce a further need to change administrative instructions or have another amendment to this Bill.

The Hon. LYNN ARNOLD: Section 9 (1) *(b)* of the fourth schedule of the Government Management and Employment Act provides:

> Subject to the regulations, where the employee was employed at a higher classification level (either before or after the commencement of this Act) during part of the employee's effective service, such additional salary as is determined by the Commissioner.

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: Perhaps to help the Committee in this matter the answer could be given in another place, if the member for Mitcham is agreeable.

Mr D.S. BAKER: When I looked at the Bill, I tried to find the Act and looked in the alphabetical list at the back of the statutes, but I still could not find the Act. Eventually I asked the Parliamentary Library to find out where the Act was listed and was told that it was listed under the Further Education Act of 1979, which of course was not available in the alphabetical listing under the statutes. In fact, the Further Education Act was passed in 1975, with amendments in 1979, 1980 and 1983.

The point I wish to make is that the long title in the principal Act was amended by clause 3 of the 1983 Bill by striking out 'Further' and substituting 'Technical and Further'. It appears to me that this is an anomaly and that something should be done about it: that is, if the title of an Act is amended, the old Act should be repealed and the new Act proclaimed. This is a fairly minor Act, but I raise the matter at this point, because the Minister may wish to comment on it. If an Act is a major Act and has to be referred to often, and the original Act does not appear in the index in the statutes, it is very difficult to find.

The Hon. LYNN ARNOLD: I note the point made by the honourable member. I will refer the matter to the Attorney-General, who is responsible for the publication of Acts. I know that very often it is difficult to find an Act. Perhaps the indexing system could be improved accordingly.

Clause passed.

Title passed.

Bill read a third time and passed.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 August. Page 144.)

Mr S.J. BAKER (Mitcham): The Opposition supports this Bill. I would have liked to refer to the comments made in connection with the Technical and Further Education Act Amendment Bill but thought better of it, because most of the comments were related to the actions of the Minister in relation to the TAFE dispute. This Bill brings the long service leave provisions, which operate under the Government Management and Employment Act, into the education arena. It is supported by the Opposition, and that is all that needs to be said.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this Bill.

Bill read a second time and taken through its remaining stages.

ADJOURNMENT

At 10.45 p.m. the House adjourned until Thursday 27 August at 11 a.m.