HOUSE OF ASSEMBLY

Tuesday 30 March 1993

The House met at 2 p.m.

The ACTING CLERK: I have to advise the House that, owing to absence on Commonwealth Parliamentary Association business, the Speaker will not be able to attend the House this week.

The Hon. FRANK BLEVINS (Deputy Premier): I move:

That, pursuant to section 35 of the Constitution Act 1934 and Standing Order 18, the member for Henley Beach (Mr D.M. Ferguson), Chairman of Committees, do take the Chair of this House as Deputy Speaker to fill temporarily the office and perform the duties of the Speaker during the absence from the State of the Speaker on Commonwealth Parliamentary Association business.

Motion carried.

The DEPUTY SPEAKER (Mr D.M. Ferguson) took the Chair and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Courts Administration,

Firearms (Miscellaneous) Amendment,

Land Agents, Brokers and Valuers (Mortgage Financiers) Amendment,

Police Superannuation (Superannuation Guarantee) Amendment,

Public and Environmental Health (Review) Amendment,

Road Traffic (Pedal Cycles) Amendment.

STATE BANK

A petition signed by 14 residents of South Australia requesting that the House urge the Government to allow the electors to pass judgment on the losses of the State Bank by calling a general election was presented by the Hon. Jennifer Cashmore.

Petition received.

RAPE CRISIS CENTRE

A petition signed by 4 205 residents of South Australia requesting that the House urge the Government to ensure the autonomy of the Rape Crisis Centre was presented by Mrs Hutchison.

Petition received.

QUESTIONS

The DEPUTY SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 1, 321, 337, 343, 356, 363, 375, 430, 431, 433 and 436; and I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

AUSTRALIAN NATIONAL

In reply to **MR GUNN (Eyre)** (2 March).

The Hon. LYNN ARNOLD: I am pleased to advise the honourable member that, following discussions between State Government officials and Senator Collins' office, Senator Collins has agreed that copies of the AN 'Alice Springs-Darwin Railway, a Review of Economic Benefits and Costs' report will be made available to both the Government and Opposition. AN will forward a copy of the report to the Minister of Transport Development and to the Opposition spokesperson on transport matters.

The AN assessment shows that the Alice Springs to Darwin railway can generate an operating surplus in every year of operation. If the construction is spread over three years at a zero real interest rate, the construction cost of $950 million can be repaid in 44 years. At a 1 per cent real interest rate, the construction cost can be repaid by the end of the 50 year operational life. At a 2 per cent real interest rate, the debt cannot be repaid. The economic evaluation shows that the national economic benefit of construction outweighs the economic costs. The rate of return of the project in economic terms is between 6.7 and 8 per, cent.

GRAND PRIX

The Hon. LYNN ARNOLD (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. LYNN ARNOLD: Mr Speaker, in February last year the Opposition Leader in another place, the Hon. Mr Lucas, asked a series of questions of Ministers about consultancies commissioned by the Government over the previous two years. On 9 September last year, in compiling answers to those questions, the Executive Director of the Australian Formula One Grand Prix Office, Dr Hemmerling, provided to the Executive Director of the Department of Premier and Cabinet a signed memorandum detailing six consultancies commissioned by the Grand Prix Board. That information was provided to Mr Lucas on 4 December last year, along with information on other consultancies falling within my department's responsibilities at that time.

Dr Hemmerling's memo provided an incorrect figure for the cost of an industrial relations consultancy commissioned by the Grand Prix Board from Fraser Consulting. The memo listed the cost of the consultancy as $7 500. I have now been informed the cost was $59 130. I have been advised that an administrative error within the Grand Prix Office resulted in the incorrect figure being provided to my department.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. Frank Blevins)—

Superannuation Act 1988—Regulation—Higher Salary.

By the Minister of Housing, Urban Development and Local Government Relations (Hon. G. Crafter)—

Classification of Publications Board—Report 1991-92.

District Council of Cleve—

By-law No. 3—Bees.

By-law No. 4—Caravans and camping.

By-law No. 6—Council land.

Response to the Environment Resources and Development Committee Report on the Mount Lofty Ranges Management Plan and Supplementary Development Plan—Planning Issues.

By the Minister of Environment and Land Management (Hon. M.K. Mayes)—

Auditor-General's Department—Report 1991-92.

Crown Lands Act 1929—Regulation—Fees, proclamations, notices.

By the Minister of Labour Relations and Occupational Health and Safety (Hon. R.J. Gregory)—

Motor Fuel Licensing Board—Report, year ended 31 December 1992.

By the Minister of Health, Family and Community Services (Hon. M.J. Evans)—

Institute of Medical and Veterinary Science—Report 1991-92.

Response to Social Development Committee Report on Social Implications of Population Change in South Australia.

EMPLOYMENT PROMOTION COMMITTEE

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.M. LENEHAN: Mr Deputy Speaker, I am very pleased to announce the establishment of a South Australian Employment Promotion Committee. The committee is made up of a small group of leading South Australians brought together for six months to actively promote job generation in South Australia. The establishment of this committee has had bipartisan support, and I acknowledge the member for Fisher for his endorsement of this initiative.

The Chair of the committee will be Denise Picton, of Denise Picton and Associates. The Deputy Chair will be Damien Young, General Manager of Mobil Refining Australia Pty Ltd. Other committee members are: Gosia Hill of 'Options Australia' Consultants; Margaret Lehmann of Peter Lehmann Winery; Stavros Pippos, Managing Director, Channel 10; Bill Sparr, General Manager, Ramda Grand Hotel; and Peter Wylie, Managing Director, Advertiser Newspapers Ltd.

Committee members are freely contributing their time, expertise and energy to this project. The terms of reference of the committee will be to promote actively job generation in South Australia through activities such as the promotion of support to promotional campaigns undertaken by other organisations, the promotion of the range of Commonwealth and State Government assistance available and encouragement to the community to employ additional people and, finally, the acknowledgment of contributing employers. I am confident that the committee will make a significant contribution to the creation of employment opportunities in South Australia.

SPECIALISED ROOFING SYSTEMS

The Hon. R.J. GREGORY (Minister of Labour Relations and Occupational Health and Safety): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.J. GREGORY: Last Wednesday, I was asked a question in this House by the member for Henley Beach about the actions of the Hon. Julian Stefani MLC in relation to a prohibition notice issued against his family's company, Specialised Roofing Systems. It was alleged that Mr Stefan approached the Industrial Court to question a decision made to uphold the prohibition notice. I now advise the House that I have received correspondence from the President of the Industrial Commission, Justice Brian Stanley. The letter written to Mr Stefani reads as follows:

Dear Sir,

I acknowledge receipt of your letter of the 24th instant. My inquiries reveal that on the 3rd day of March 1993, a person who identified himself as Julian Stefani telephoned the Industrial Court and spoke to one of the members of the staff in the registry. The person who said he was Mr Stefani asked the member of the staff about the number, names and background of the industrial magistrates and whether they were legally qualified. He was given that information. The person concerned made no mention of any proceedings currently being heard before the Industrial Court or about any matters that had been disposed of by it.

The proceedings in relation to the application to review a prohibition order placed against Specialised Roofing Systems Pty Ltd had been completed by the committee appointed under the Occupational Health, Safety and Welfare Act 1986, which was presided over by one of the industrial magistrates, by an interim order which was made on 24 February 1993. On the information available to me, nothing the person who said he was Mr Stefani did or said indicates that he sought to interfere with the administration of justice.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. R.J. GREGORY: It is signed: 'Yours faithfully, Justice B. C. Stanley.'

QUESTION TIME

REPUBLIC

The Hon. DEAN BROWN (Leader of the Opposition): Will the Premier join the Liberal Party in supporting the proposal for a constitutional convention to examine fully the major issues to be resolved should Australia become a republic—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. DEAN BROWN: —including a proper sharing of powers between the Commonwealth and the

States and the preservation of the independence of the States?

The Hon. LYNN ARNOLD: Goodness me, the Leader of the Opposition has been stung by this morning's editorial and the *7.30 Report* last night. He has been made to realise just how foolish he has been, looking over the various comments he has made—none of which actually comes close to expressing a view. His colleagues in other parts of the country are expressing views. Even those of his colleagues who still want to see a monarchy in this country are quite prepared to stand up and say that, in terms of the National Party leaders in Queensland and New South Wales. The Premiers of New South Wales and Tasmania are both prepared to stand up and say, 'Yes, this is the path that this country is moving towards.' But this Leader, when asked for a personal view, kept harking back to the Liberal Party, which itself he admits does not have a view on this matter. When asked time and again about this issue on the *7.30 Report* last night he kept avoiding the question. The best we can get out of him is that it will take eight years, and therefore that gives him time to think.

He will have to do a lot better than that if that is how he comes to policy decision making matters. He wants to see that the whole country is behind a certain issue before he will decide to get on to it. He really has been stung by the defeat of his Federal colleagues and by the fact that he was entrapped in a number of the issues that they were roundly defeated on at the national election. He clearly understands and believes that his best ground is, therefore, having been bitten once never to say another thing, keep in the background and hope that the electorate—who will have long since forgotten about him because he will have disappeared from the scene—might choose to pick him at the next election.

What do we have on this republican issue? I was asked on Sunday about this matter, but my views have never changed on this issue. I have previously said this on other occasions. I was prepared to stand up on this issue long before many others spoke on it. It got some new prominence on the weekend because I was asked again about the matter. I quite believe that this country should be moving towards a republic. I believe that this is something that naturally the Australian people will decide; they will make that decision. The Prime Minister has indicated that next week he will announce a process to enable this whole decision making process to be gone through so that all Australians can have a say about Australia becoming a republic. I have also expressed my personal view, which is that I would hope that Australia is already a republic. That is my personal view, and I understand that others want to take longer to decide that.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. LYNN ARNOLD: The member for Murray Mallee asks, 'Is that a Labor Party view?' He can ask other members of the Labor Party. Hendrik Gout did not seem to be able to get the Leader's personal view out of him. He wanted a personal view from the Leader. He was not prepared to stand up and tell the people of South Australia where he is going to go, yet he now wants a constitutional conference. What is he going to say to this constitutional conference? I can see him standing up at that place and saying, 'Well, on the one hand maybe this and on the other hand maybe that', and a lot of umming and erring and a lot of well, well, welling without actually coming out with a view.

This Government does support the process being put in train for Australians to consider whether they want this country to be a republic or not. The Prime Minister announced that process last week, and he has a mandate for that because he was elected on this issue. He had the guts to come out up front before the last Federal election and say what he wanted to do on this matter, so he has a mandate on that matter and we are prepared to support him in that context. I look forward to a vigorous debate in this country from those who are prepared to express their views and in the process side-line those who do not have the guts to put their views on the public record.

EXPLORATION

Mr HOLLOWAY (Mitchell): Is the Minister of Mineral Resources concerned by comments made at the national level regarding declining levels of exploration and the impact these comments may have on exploration in South Australia? These comments have been made by industry leaders at the Petroleum Exploration Association's conference in Queensland, and they have been reported as stating that there are not enough incentives or high enough returns to encourage exploration.

The Hon. FRANK BLEVINS: I thank the member for Mitchell for his question. It gives me an opportunity in one way to agree that insufficient exploration is taking place in Australia. It would be difficult for me to conceive of a position where sufficient exploration was taking place to satisfy me. Nevertheless, overall in Australia it appears that exploration is not as high as all of us would hope.

I am pleased to announce that the position in South Australia is actually increasing. New Australian and overseas companies are setting up offices here, old companies are coming back into the State, and the State Government is doing all that it can to encourage companies to come here and to begin work.

This Government has put its money where its mouth is. It is all very well for the mining industry to get patted on the back every now and then, but I always feel that some tangible expression of appreciation goes down well. In the last budget we allocated an additional $11 million to the South Australian exploration initiative. Those funds are being used to explore various regions of the State from the air with the use of state of the art aerial magnetic equipment, which allows experts to guess better what might be hidden underground, and from the ground through seismic testing and drilling. I was privileged to release the first raft of data from that initiative last week at the offices of Western Mining Corporation. I know that the whole of the industry is looking forward to further releases from that data. Over the past 12 months more kilometres have been flown in regard to the accumulation of this data than in the previous 20 years put together. That gives an indication of the extent of the work that the South Australian Government is doing.

A considerable amount of petroleum exploration is occurring on land, but offshore drilling is also at an

all-time high. BHP has completed one drill hole off Robe and it will be drilling three further sites this year. Several companies are involved in the South-East, undertaking further seismic work around the Katnook area to extend the search for gas in that region.

A further $7 million of Federal Government and State funds is being used to explore the Officer Basin in the State's far west. This money is being used for seismic and aerial magnetic surveys of the region. This follows the signing of a historic agreement with the Aboriginal communities last year. Under this project, departmental work crews are in the region drilling for water—an essential component for seismic testing and a valuable resource for local industry and communities.

To sum up, this Government is keen to see the level of exploration in South Australia increased. The economic benefits ought to be obvious to all in the development of mining sites and operations. Its potential was highlighted in the A.D. Little report, and the Government has responded in a positive way. We will continue to encourage and work with the mining industry to ensure that the total potential of this State is realised as far as practicable.

REPUBLIC

Mr INGERSON (Bragg): My question is directed to the Premier. Does the South Australian Government intend to follow the Queensland Government by immediately removing all references to the Queen and the Crown in oaths, affirmations and legislation?

The Hon. LYNN ARNOLD: I thought that when the Leader gave me a dorothy dixer on this question it was just his own stupidity, but now I realise there is also malice aforethought over there against their own Leader, as the member for Bragg chooses to come into this issue and raise something about which the Leader clearly does not want to be on any public record with any serious views. A few moments ago I answered the Leader's question and said that the Prime Minister, who has a mandate in these matters, has indicated a process—

Members interjecting:

The Hon. LYNN ARNOLD: He does have a mandate in these matters, because the Prime Minister announced before the last election—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. LYNN ARNOLD: —unlike John Hewson—who was all over the place on this issue as well, I might say—what he was going to do with respect to the process of Australia's considering whether or not it should be a republic. I happened to note that on 13 March he was elected, and by rather a sizeable majority. It seems to me that standard interpretations of politics indicate that, when you are elected with a fairly sizeable majority, you have what is called a mandate, and you have a mandate in those things that you told the electorate you were going to do. And one of the things he said he was going to do—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. LYNN ARNOLD: —was set in train a process for Australians to consider whether we wanted to become a republic. What I have indicated is that I support that. I publicly support that, and I am waiting for the Prime Minister to give the details of that process so that we can get on with this debate in this country and I can say again what my views are; others who have views can say what their views are; and those who do not have views can stay at home and watch it all on telly, like the Leader of the Opposition. Then we can discuss it, and Australians can make their decision. That is the process I am supporting, and I look forward to the Prime Minister's statement in the next couple of weeks.

CREATION AND SPORT PARTICIPATION

Mr McKEE (Gilles): Will the Minister of Recreation and Sport tell the House of the findings of recent surveys into access for women, girls and parents to recreation and sport? An article in this morning's *Advertiser* showed that a report, the result of two surveys commissioned by the South Australian Women's Consultative Committee, revealed that 97 per cent of parents wanted to participate more in sport and recreation.

The Hon. G.I. CRAFTER: I thank the honourable member for his question and indeed for his interest in this aspect of recreation and sport policy in South Australia. I can confirm to the House that I was pleased yesterday to release the results of these two important surveys referred to in the honourable member's question. The aims of the surveys were to identify the recreational and sporting needs of parents and women and to recommend ways and means by which those specific needs could be met. The first looked at parent participation in sport and was completed by 1 000 parents across South Australia, while the second involved more than 3 000 women.

Most parents surveyed believed that their children's needs should take priority over their own sporting and recreational involvement, while Aboriginal and lower income parents claimed that they were financially and culturally alienated from sporting and recreational centres and other opportunities. The survey also revealed that women participate more in recreational and exercise or sporting programs and that parents participate less than non-parents but, while parenthood had less effect on male participation, it had a significant effect on female participation.

The reason for this is that many women did not believe that they are entitled to leisure time, at least not without some feelings of guilt about it, because they feel they have a responsibility to put family needs above their own, so that many of the barriers to access to sport and recreational programs by women, girls and parents can be overcome. The report offers a number of recommendations, among them a call to educate organisations providing sporting and recreational activities on the needs of parents, women and girls, and a program entitled 'Wise move', a program for active women, will now be undertaken as a joint venture between the Department of Recreation and Sport and Women's Sport and Recreation South Australia.

It will be a 14 week program of two hours each week with an emphasis on education and understanding so that,

while women are participating in a variety of activities, they are also learning about time management, goal setting, health issues and so on; at the end of the course, they will be able independently to decide how to arrange and manage their own active lifestyle and, hopefully, become leaders for others in our community.

PORT ADELAIDE

Mr OLSEN (Kavel): What explanation can be given by the Minister of Transport Development to the State's exporters and importers for the fact that the wharf charges at Port Adelaide are up to 50 per cent higher than those charged by our main competition in Melbourne and Fremantle, and does the Minister concede that this is yet another example of businesses in South Australia being left at a serious disadvantage in attempts to expand their markets?

I have received a confidential report comparing charges levied in the ports of Adelaide, Melbourne and Fremantle. With only one exception, charges in Adelaide were higher than its competitors. For example, with respect to 20ft dry containers, charges were 30 per cent higher than Melbourne and 37 per cent higher than Fremantle; for bulk liquids, they were 65 per cent higher than Melbourne; and for motor vehicles, they were 19 per cent and 25 per cent higher than Melbourne, depending upon the size.

The Hon. M.D. RANN: On behalf of my colleague in another place, I will obtain an urgent report for the House on this matter.

INDY CAR RACE

The Hon.. J.P. TRAINER (Walsh): As the Minister responsible for the Grand Prix, is the Minister of Tourism concerned at the impact on this year's Australian Formula One Grand Prix of the recent Indy car race in Queensland, and does the Minister believe that the Indy cars present any great competition, whether in terms of ticket sales, the event as a spectacle or, for that matter, the performance of the cars themselves?

The Hon. M.D. RANN: I am pleased to see some positive and strong interest from this side of the House in the Australian Formula One Grand Prix. We have recently seen the third Indy car race staged on the Gold Coast, with lots of gold and gloss, tack and tinsel, and there looks like being another $10 million loss on that race, bringing the total accumulated deficit for the Indy car race to more than $40 million over the past three years. That compares with less than a $14 million deficit over the entire experience of the Australian Formula One Grand Prix in Adelaide, which pumps approximately $40 million a year into the South Australian economy.

However, in South Australia, we also give the public much more than a race. Over the past few years we have also brought to the Grand Prix carnival international acts such as Cher and Paul Simon, as well as our own Ultimate Australian Concert, and we also bring a sense of excitement and pride to the Adelaide community. We have talked about the financial comparisons between our Grand Prix and that of the Surfers Paradise billycart parade, but let us get some real comparisons which show how down market the Indy car race is. They have one-third of our race program. They have inferior off-course activity and, quite frankly, their track would not meet the stringent safety requirements of the FIA and therefore would not be able to hold a true Formula One Grand Prix.

We also know that the Indy car race is where some Formula One drivers go to retire or have a rest, while others may go to Formula Two, Formula Three, and so on. We know that for scores of years this blue between Indy and Formula One has been going on as to who is the best and the brightest. While Indy is essentially a US outfit, Formula One is a world contest. Let us pull it on once and for all. Let us settle it in the streets as to which is the real, genuine world-class event and which is the real, genuine world-class formula.

Members interjecting:

The Hon. M.D. RANN: Members opposite do not like it because the Liberals in this State do not like the Grand Prix, and we have seen them want to bring it down. Let them listen very quietly. I have asked Mal Hemmerling, who I am sure members opposite know, to contact Bernie Ecclestone to see if we can hold the ultimate race between a Formula One car and an Indy car here in South Australia on the streets of Adelaide. Certainly that would be a world event, one that would attract enormous world attention. Of course, we would allow the best drivers in each—come on Nigel, come back, we would love to see you back here—to participate, so there could be no argument about which is the fastest, which is the best and which is the No. 1 formula. I believe that would be the ultimate challenge, the ultimate event, and we could deal with this once and for all. It would also show from their reaction where lies the Liberals' patriotism, which at present is somewhere up on the Gold Coast.

Members interjecting:

The DEPUTY SPEAKER: Order!

GENTING GROUP

Mr S.J. BAKER (Deputy Leader of the Opposition): Does the Deputy Premier still claim that the investigations into Genting at the time the Casino licence was granted were adequate?

The Hon. FRANK BLEVINS: I am very pleased that we are back to matters of substance. The issue of the queries, legitimate or otherwise, that the Opposition has raised on Genting are now the subject of an inquiry by the Casino Supervisory Authority. I do not just welcome that inquiry: I warmly welcome it.

The Hon. Dean Brown: Why didn't you last week?

The DEPUTY SPEAKER: Order!

The Hon. FRANK BLEVINS: I do not know what material the Deputy Leader—

The Hon. Dean Brown interjecting:

The DEPUTY SPEAKER: Order!

The Hon. FRANK BLEVINS: I am trying to be patient. I did not want to have to go through it all again, in deference to the House. I would have picked that, today of all days, the Leader of the Opposition would sit there and say nothing, after last night's *7.30 Report,*

which embarrassed even me. I watched it with some people, and I felt embarrassed for members of Parliament. I was asked whether I knew the Leader, and I was reluctant to say 'Yes'. Nevertheless, I thought that today of all days he would have kept silent.

As I was saying, I have no idea what material was put before the Casino Supervisory Authority. I have no idea what prompted the authority to investigate that material. Nevertheless, as I said, I warmly welcome it and I guarantee that anything that the Casino Supervisory Authority puts before me which the authority says can be put before Parliament will be put before Parliament, and I look forward to that report.

Mr S.J. Baker: Without alteration?

The Hon. FRANK BLEVINS: The Deputy Leader interjected, 'Without alteration?': all the reports that I have brought back here from the Casino Supervisory Authority have been absolutely without any alteration whatsoever. I have a reputation for placing things before Parliament, and anywhere else. As much information as can be given out will be, and the only restriction on the release of information will be a restriction, if any, placed on it by the Casino Supervisory Authority.

HOUSING INDUSTRY ASSOCIATION

Mr HERON (Peake): Will the Minister of Housing, Urban Development and Local Government Relations inform the House what measures, if any, have been taken by the Master Builders Construction and Housing Association to distance itself from the Housing Industry Association's Federal election campaign? In the lead-up to the recent Federal election, the Housing Industry Association campaigned vigorously against the Government in marginal seats. The thrust of this campaign—

Mr BRINDAL: On a point of order, Sir, I ask you to rule on the propriety of the question. I do not believe that it is a matter for which the Minister is responsible to this House.

The DEPUTY SPEAKER: I do not accept the point of order. It comes well within the Minister's purview.

Mr HERON: The thrust of the campaign related to independent contractors and allegations that it would put militant unionists loose on the public.

The Hon. G.J. CRAFTER: I certainly receive representations from the respective housing and building industry groups on a regular basis, and this matter is of particular importance to the good relationship between Government and respective industry associations in this State.

The views of the Master Builders Construction and Housing Association on the electioneering of the Housing Industry Association during the recent Federal election campaign were published in the *Financial Review* on Friday last, 26 March, for all of us to see. In a letter to the editor of that newspaper, the association said that the time had come to look objectively at the claims by the HIA about contractors. The question was asked: was the HIA campaign fairly based? In the eyes of the Master Builders Association, and on its legal advice, the HIA campaign contained so many factually wrong statements about subcontractors and unions that it is difficult to know where to start. There has been no use to date of the so-called contractors legislation in the building industry and no indication that it will have any effect whatsoever on house building or any other aspect of the industry.

The Master Builders say that claims made by the HIA that the legislation 'gives militant unions a monopoly on house building', will 'put militant union members in your backyard' and means 'union workers or nothing' were simply untrue. It is pointed out by the Master Builders Association that there is nothing in the Act that does that. It relates only to reviews of individual subcontractors that are harsh and unfair. The Master Builders claim further that, in the absence of any real evidence, the HIA at one point used a 'roping in' to a 1988 building unions ambit log of claims regarding wages and conditions for building employees, not subcontractors, a log that was heard and decided by the Industrial Relations Commission in 1990, and made claims that this was a use of the contractors legislation effective from July 1992 to unionise the housing industry.

We can see how false that very extensive campaign was by this so-called reputable organisation in our community. The Master Builders Association correctly points out that the HIA is wrong if it says that this already decided log of claims will affect contractors in any way or do more than extend the coverage of the existing Federal award for employees. The Master Builders Association movement says that it will continue to represent the view of the housing industry to Government, to oppose unnecessary legislation and to appear before the Industrial Commissions to represent its members, as it has done successfully in the past. That organisation has not found it necessary to become a blatantly partisan political front for the Liberal Party in that Party's marginal seat campaign across Australia.

WAMI KATA HOSTEL

Mr GUNN (Eyre): Is the Minister of Aboriginal Affairs aware that, two weeks after the Federal election, the Federal Government is backing down on its pre-election promise to continue funding the Wami Kata Aboriginal Hostel at Port Augusta, with devastating effects on its elderly residents? What steps has he taken to have the Federal Government honour its commitment?

I understand that, 10 days before the election, an agreement was reached with the Federal Government that the Wami Kata hostel's funding would continue until June 1994. I am told that, two weeks after the election, the Federal Government has reneged on this agreement, and the hostel could close tomorrow. This involves 25 elderly Aboriginal people who have literally nowhere to go. These include seven residents who require nursing home care, one of whom is 103-year-old Gallipoli veteran Ben Murray. I am told the position is desperate unless a commitment is made today that the $98 000 promised by the Federal Government will be paid for the hostel to survive until the end of the financial year.

The Hon. M.K. MAYES: I thank the honourable member for raising this matter. While we were both at Ceduna, a similar circumstance was brought to our attention of a hostel at Ceduna that had been closed and

we were informed that the consequences on the community were very significant. Given the information that has been brought to my attention over the past week, I have made an appointment to see the Federal Minister, I hope later next week, and I intend to raise this issue with him.

Members interjecting:

The Hon. M.K. MAYES: It was the earliest I could get to see him. I intend to raise with him the question of funding, not only for Port Augusta but for all the hostels, and to get a picture of what the Federal Government is proposing. Hopefully we can recuperate those hostels and look at funding for other services that the honourable member, other members of the Aboriginal Lands Trust Committee and I considered when we were in Ceduna and at the Maralinga lands. It is to be hoped that we can capture additional funds, either through the Federal Government line or through ATSIC, to assist the programs that the committee discussed and believed informally should be supported in those communities. I will take the matter up with the Federal Minister when I meet with him and, hopefully, we can see a renewal of commitment from the Federal Government.

ECONOMY

Mr HAMILTON (Albert Park): Could the Premier advise the House whether recent economic indicators give any sign of an economic recovery in South Australia and increased confidence in the State?

The Hon. LYNN ARNOLD: A number of indicators or actual figures are worth reciting to the House. These figures can be taken as predictors, but nothing is ever certain, and I would put these predictors in that context. However, the predictors are very reassuring. They indicate that a level of confidence is returning in South Australia and this matches a lot of the evidence that is being picked up around the place as we talk to people in the community.

First, if we look at the facts on a number of points, such as employment, we see that the February labour market figures that were released in March show that total employment in South Australia, on a monthly basis, increased by 5 400 over the previous month, and on a year-by-year basis increased by 11 100. These are seasonally adjusted figures. That is an increase and it is certainly well worth noting. In the three months to February of this year average employment in South Australia was 4 600 higher than a year ago—and that was an increase—whereas the nation had a decrease over that same period. The employment levels in South Australia are at their highest since June 1991. That is very good news. I am certain all members on both sides of the House are very happy that those figures are the highest since June 1991.

The number of people unemployed in South Australia fell by 6 000 from January to February this year, the third consecutive decline. I am certain that members on both sides of the House are very happy about that news as well.

I now turn to another set of figures. This has brought a bit of silence from the other side, but let us go to the building approvals. In February this year South Australia was the only State to record a rise in building approvals. We had a seasonally adjusted rise in new dwelling approvals of 8 per cent, compared with a fall nationally of 4.5 per cent. On original figures—not seasonally adjusted—in the three months to February, total dwelling approvals in South Australia were 22 per cent higher than a year earlier.

Let us turn to the car industry, which even Chris Gallus, before the Federal election, had the guts to say prospered under Federal Labor policies. When she was interviewed on the TV news, she said that Federal Labor got the policies right in the car industry.

An honourable member interjecting:

The Hon. LYNN ARNOLD: Well, what is a replay?

The Hon. Frank Blevins interjecting:

The Hon. LYNN ARNOLD: She was elected on our policy. Watch the TV news repeats of her comments just before the Federal election. She had the guts to stand up. She dumped on her own Federal Leader, just like Steele Hall dumped on his Federal Leader, but the Leader of the Opposition here, of course, was again lost in the awkward embarrassment of wondering what he should do.

Returning to the car industry figures: employment at the South Australian assembly plants rose in February to the highest level since the end of 1990. That is good news. I think we should be very happy about that; certainly, all members on this side are, although there is a bit of glumness over the other side about this. Employment in the two automotive plants in South Australia was 7 per cent higher than a year earlier. Mitsubishi reached its highest employment level in over 15 years.

Let us look at another set of figures that are good news—industrial disputes. It is obviously in our interests to have low levels of industrial disputes. The figures from South Australia now are not going to be big figures, they are going to be small figures. Over a year ago, in November 1991, Australia had 268 days lost per 1 000 employees. South Australia was much better than that: our figure was 113. Victoria was not too far different from that—of course, remember, this was under Joan Kirner in November 1991—with a figure of 138. Let us move to November 1992, the latest figures available: the figures for Australia at large have dropped, quite significantly, from 268 to 152. That is good news for the nation. The figures for South Australia have been an absolutely stunning effort.

Mr S.J. BAKER: I rise on a point of order, Mr Deputy Speaker. There is a tradition in this House that the Premier should address the Chair.

The DEPUTY SPEAKER: I had not noticed it but, if the Premier was not addressing the Chair, I ask him to do so.

The Hon. LYNN ARNOLD: I apologise, Sir. The Deputy Leader knows the figures that are coming and he is trying to stop them. The member for Hayward is trying to work out a point of order so that he can suddenly rise up and stop these figures coming out. The figure for South Australia improved, because it went from 113 down to 22. That is a stunning figure—absolutely stunning.

Mr Ingerson interjecting:

The Hon. LYNN ARNOLD: And it is good news. I appreciate the fact that the member for Bragg publicly acknowledges that this is good news. There is silence everywhere else, but one member opposite has the courage to say that. I might say that he is the member who has been promising the public since August last year that he would release the Opposition's industrial relations policy. 'August' he said, but it did not come. 'Christmas' he said, but it did not come. He then said, '11 January', and still it did not come. Now he is saying, 'June'. One really has to admire the front of the fellow that he actually—

Mr S.G. EVANS: I rise on a point of order, Mr Deputy Speaker. I take the point that the Premier is debating the answer and not relating it even in part to the question asked.

The DEPUTY SPEAKER: At this stage I do not uphold the point of order. This answer has now gone on for about half a minute longer than the average so far. I ask the Premier to wind up his answer as soon as possible.

The Hon. LYNN ARNOLD: I will wind up with the very fact they are trying to stop me making; that is, what happened in Victoria under Jeff Kennett's industrial relations policy. The Liberal Party in this State does not want to make public what its policy is, and that is why it repeatedly delays the date of its release. The national figure went down from 268 to 152; in South Australia it went down from 113 to 22; and in Victoria, under Jeff Kennett and under the sorts of policies with which the Party opposite is associated, the figure went up from 138 to 349.

FOSTER CARE

The Hon. D.C. WOTTON (Heysen): What assurance can the Minister of Health, Family and Community Services give that the full funding of post-adoptive services will not affect the level of funding for foster care, in other words that Peter will not be robbed to pay Paul? I have been reliably informed that, because of the acute lack of funding in the department, the continuation of the much needed post-adoptive services will be achieved only by further funding cuts for foster care. It has been pointed out to me that to continue such cuts would be catastrophic for struggling foster parents and for foster care services in this State, which are already labouring under the effects of the State Bank losses.

The Hon. M.J. EVANS: Of course, the honourable member draws a long bow when he suggests that one can link the post-adoption program to the foster care program. There is no definitive link with the basis of any budgeting exercise that is being undertaken by my officers at all. I would point out that the grant that was given to the adoption service has served a very useful purpose. I believe that the service has made good use of that money. While it would be very desirable to try to continue those funds to all of those self-help organisations, which put a great deal of time and voluntary effort into this area, unfortunately funding can never be provided to cover that whole range of services. One has to provide the best and most targeted assistance that is available at the time to assist those groups that are most in need. I believe that the terms of the grant were well-known to the organisation at the time, and I have undertaken to investigate the possibility of providing additional funding for it over and above that which was originally agreed.

The Hon. D. C. Wotton interjecting:

The Hon. M.J. EVANS: I have already indicated to the House that it is indeed, and I agree with that statement. However, that is the case with many services provided by the Government and the voluntary agency sector. All of those sectors deserve an opportunity to be heard in a budget context. Certainly, this particular agency and support service will have that opportunity. The foster care program is very much a mandated and committed program. The foster care payment levels are well-known and publicly declared. Certainly, the department has no opportunity to make significant inroads into that area. We could not take a percentage off that; it is not a practical proposition at all. I am quite sure that the linkage that the honourable member has sought to establish between those two programs simply will not occur.

ABORIGINAL BUSINESS OPPORTUNITIES

The Hon. T.H. HEMMINGS (Napier): Can the Minister of Aboriginal Affairs advise the House whether the State Government has any initiatives in relation to promoting business opportunities for Aboriginal people? It has been put to me by members of the Aboriginal community in my electorate that for many years Aboriginal people have been disadvantaged in many areas such as education, health and, importantly, employment and business. They have told me that this Government has a fine record in providing opportunities for Aboriginal people. They tell me, however, that getting started in business is a difficult task for anyone, but the difficulty is greater for Aboriginal people, who for years have faced disadvantage in many areas. Business enterprises are especially hard for country Aboriginal communities, who have fewer opportunities to access education, transport and communication facilities than do other groups.

The Hon. M.K. MAYES: I thank the member for Napier for his question. I note that some members on the Opposition side sniggered during the question. I know full well that the member for Napier has an ongoing interest in the Aboriginal community, because he has a significant number of constituents who are of Aboriginal descent. He has always been a very strong advocate for their interests and has ably advocated their issues and case in the Caucus and in the Cabinet. It is very pleasing to be able to respond to the honourable member's question in this area because we are taking some steps to assist the community in establishing business enterprises and also assisting them with existing business enterprises so that they can achieve greater rewards for their own communities.

Underlying this has been the establishment of the Business Advisory Panel, which is under the chairmanship of Mr Ian Duncan, the General Manager of the Olympic Dam operation at Western Mining. He has some significant community leaders who support him in

that, and quite a number of them have wide-ranging interests in the community. I refer to Mr Don Blessing, who is, of course, a former chairperson of the Grain Research and Development Corporation; a well-known farmer, Peter Brokenshire; Michael Schultz; and, of course, the Chairman of the Aboriginal Lands Trust, Mr Garnet Wilson.

The underlying principle of the panel is that those members volunteer their time. They provide that to the community as a whole, and I think that is very significant. In my meetings with them I have found that those contributions have been very significant. Of course, the experience and skills that that advisory panel offers the community are outstanding. To offer their expertise and skill to the community in a voluntary way provides what would normally be a very expensive consultancy at a very reasonable rate. Of course, their time is given freely. From speaking to them and from the meetings that we have had, I know that they enjoy every minute of this, the challenge and the opportunity to be a part of what I would see as some important growth industries around South Australia.

In addition to that, there are important and tangible links with ATSIC, particularly to fit in with its business enterprise schemes. I hope we can see, as a result of the advisory panel working with the communities around South Australia, the establishment of quite a significant number of enterprises involving tourism, culture and small business in the manufacturing field and farming. The benefits that will flow will be significant to the community not only from the point of view of what is brought in the way of skills and enterprise but also in respect of the training that is offered to the community in learning and seeing how these things can get off the ground and how we can establish them and run them successfully. I am very pleased, and I thank the members of the advisory panel for their support and I look forward to working with them, as do, I am sure, the Aboriginal community of South Australia.

Mr LEWIS: Mr Deputy Speaker, I rise on a point of order. At the commencement of the Minister's answer, he breached Standing Order 127, which relates to personal reflections on other members of the House, by saying that members of the Opposition sniggered as the question was being asked. No member of the Opposition sniggered. The Minister well knows that when he circulates his response to the Aboriginal communities and their representatives they will be given the mistaken impression that the Opposition did not consider this to be an important matter. I believe that is an unfair and unwarranted reflection on me and other members.

The DEPUTY SPEAKER: Order. The honourable member has made his point, which is now recorded in *Hansard.* I do not uphold the point of order because Standing Orders refer specifically to a member reflecting on another member—

GRAND PRIX EXECUTIVE DIRECTOR

Mr BRINDAL (Hayward): My question is directed to the Minister of Tourism. Has the Grand Prix Board agreed to forgo income from consultancies negotiated by the Executive Director Dr Mal Hemmerling and, if so, is the reduction of $100 000 in Dr Hemmerling's salary and benefit package illusory? Dr Hemmerling's previous salary package was worth just over $380 000 a year. According to media reports this is to be reduced by $100 000, but it has also been reported that the Grand Prix Board will forgo income from management consultancies in which Dr Hemmerling is involved. Public evidence given to the Economic and Finance Committee shows that these consultancies have generated as much as $250 000 in annual revenue for the Grand Prix Board, meaning, of course, that the Grand Prix Board will actually be $150 000 worse off under these new arrangements. The effect of these arrangements is also that Dr Hemmerling is being given up to three months leave to earn even more than he has received in the past.

The Hon. M.D. RANN: I am delighted to be asked this question because I was told that there was a ban on questions to me. I did not get one for about 18 months because I kept mentioning the Liberal leadership. We know that there is a leadership challenge on when they start asking me questions again. And the way the Leader performed last night I think, John, you are going to be there soon, mate. The member for Hayward has certainly got it totally wrong. The board's decision not to buy Dr Hemmerling's private consultancies will not cost the tax payers. If the honourable member had telephoned the Minister's office or the Grand Prix office to check the facts, he would have saved himself a great deal of embarrassment. I want to set the record straight. In 1992, when there was such a buy back agreement, which I think I recall members opposite then questioned, a profit of $370 000 was returned to the Grand Prix Board from Australian Event Management, a wholly owned subsidiary.

Mr LEWIS: Mr Deputy Speaker, I rise on a point of order. The Minister appears to be quoting from a docket, and I ask him to table it.

The DEPUTY SPEAKER: Is the Minister quoting from a docket?

The Hon. M.D. RANN: Absolutely not, Sir. I can assure the honourable member I am not feeling poorly and I will not be going for any long walks with him. These contracts resulted from the direct negotiation and skill of Dr Hemmerling and his team. This profit was generated from running events such as the Australian Motor Cycle Grand Prix at Eastern Creek in April 1992, the Malaysian Grand Prix at Kuala Lumpur in April 1992 and three national motor racing events staged at Sandown Park in Victoria. It is particularly important to note that these tasks were performed in addition to the position of Executive Director of the Grand Prix.

The Economic and Finance Committee, of which the honourable member is a member, inquired into the public accountability of the board. The board has taken the suggested strategy of getting out of this type of entrepreneurial activity and, further, Australian Event Management failed to win the tender for the 1993 Australian Motor Cycle Grand Prix at Eastern Creek or the 1993 Malaysian Motor Cycle Grand Prix. Therefore, there is no money coming in as the board has no significant contracts in Australian Event Management for the 1993 year. The honourable member suggests we should still be paying the $100 000. He wants us to hand

out that $100 000 to Mal Hemmerling; the same people opposite who said we should take it away because he was getting paid too much. You cannot have it both ways and you cannot support the Grand Prix one day and oppose it the next because you have no patriotism for this significant event—

Mr LEWIS: Mr Deputy Speaker, I rise on a point of order. The Minister is saying, 'You cannot do this' and 'You cannot do that', but I did not know that you were, Sir. If he is referring to us, he ought to be told to address his remarks to the House through you, Sir.

The DEPUTY SPEAKER: I uphold the point of order, and I would ask the Minister to address his remarks through the chair.

The Hon. M.D. RANN: Thank you, Sir. Consequently the board's decision not to buy Dr Hemmerling's private practice rights is entirely prudent and in the best interests of the State. There has been a $100 000 reduction. I am happy to sit down, and so is the Grand Prix Board, with either Rob Lucas or other members opposite to explain the facts to them. It is interesting that Rob Lucas with his bit of flurry on Friday did not bother to take up that opportunity. Let us get the facts right. People cannot say one day, 'Let's strip some money off him' and next day say, 'We should not have done that.' You just cannot behave in that way and expect to be a credible Opposition. Let me say this to members opposite: I am sure, very soon, there will be another 3 a.m. meeting.

MOBIL OIL AUSTRALIA LTD

The Hon. D.J. HOPGOOD (Baudin): Can the Minister of Labor Relations and Occupational Health and Safety inform the House whether the Industrial Court has recorded any convictions against Mobil Oil Australia Ltd in relation to an accident which occurred at the Port Stanvac Oil Refinery three years ago and, if so, what penalty was imposed? In January 1990, from memory, two workers at the Mobil Oil refinery at Port Stanvac were badly burnt (one fatally) when oil from a suction pipe, estimated to be at a temperature of at least 130 degrees Celsius, erupted from an underground sump tank and showered the workers, drenching them.

The Hon. R.J. GREGORY: I thank the member for Baudin for his question. As he described, two contract workers were called in by Mobil Oil Australia to remove an oil blockage from an underground sump tank at the Port Stanvac refinery. The two men were going to remove the blockage by pumping super heated steam down the pipe. However, an employee at the refinery had activated a heating coil in the sump and this was left on for a considerable time, possibly overnight. Unaware and unwarned of this action, the two contract employees connected the steam pump and switched it on. It had been operating for only a short time when there was an explosion within the sump tank of sufficient force to blow an inspection cover from the top of the tank, spraying the overheated oil, or it may have been bitumen, over the surrounding area.

Both workers were struck by the oil, one being hit far more than the other. That man's burns were so severe that he died as a result of that injury three months later; the other worker received burns to approximately 18 per cent of his body and was hospitalised for a long time. The Mobil Oil company subsequently pleaded guilty to two charges under section 19 (1) of the Occupational Health, Safety and Welfare Act, and the maximum penalty for that type of offence is $50 000. The charges were heard in the Industrial Court on 11 March of this year when the magistrate imposed two convictions with penalties totalling $31 390.

PAEDOPHILES

Mr SUCH (Fisher): My question is to the Minister of Emergency Services. What steps will he take to counter the very dangerous and sinister information circulating in the community concerning the activities of paedophiles who are seeking subscriptions for a magazine put out by a paedophilia organisation called Blaze? I have been given what could best be described as a newsletter, which is circulating in our community, put out by Blaze in which it argues for the decriminalisation of consensual sexual relations between men and under age boys. The newsletter, which is written in a beguiling, factual way, states that worldwide research indicates that, while the majority of sexual contact between men and young girls is abusive, that between men and young boys is not and is statistically shown to be harmless to the boys concerned.

I am informed that the police are concerned at the present level of activity by paedophiles in Adelaide. Senior police to whom I have talked feel that parents need to be alerted to the dangers facing their children by this active group called Blaze and the insidious nature of its propaganda.

The Hon. M.K. MAYES: I thank the member for Fisher for his question. I will certainly take up this matter straight away with the Commissioner of Police and I will also refer it to my colleague in another place, the Attorney-General, because we both need to look at this in a comprehensive way. I am concerned, from what the honourable member has said, in regard to the text of the article, and I am sure that all members in this place are very concerned about the language and description that he cited. I view it, as he does, as a very serious statement and something of concern to the whole community. I will take up the matter straight away with the Commissioner and with the Attorney-General.

HERITAGE AGREEMENTS

Mr De LAINE (Price): My question is directed to the Minister of Environment and Land Management. What is the Government doing to recognise and assist farmers and graziers who are looking after native bush and wildlife on their property? Although $60 million has been utilised in the forming of heritage agreements through financial assistance to landholders undertaking heritage agreements and installing fencing under these agreements, with over 700 heritage agreements comprising approximately 500 000 hectares of native bushland vegetation being dedicated under heritage agreements in South Australia—

The Hon. D.C. Wotton: A very good policy?

Mr De LAINE: Yes—ranging from 1 hectare to several thousand hectares, there is a need to look at managing these and other areas of native vegetation so that they will be of long-term benefit. There is also a need to acknowledge the rural communities that are undertaking conservation of their native wildlife, whether or not these areas are under heritage agreement.

The Hon. M.K. MAYES: I thank the member for Price for his question. I think that this is one of the most significant pieces of legislation that has been brought before this House and Parliament. Many people in the community have a view about this legislation being static and locking up parcels of native vegetation throughout the State, but it is in fact a living Act, which has an important role within our community.

First, it is important to acknowledge the role of the farming community, which has played a very significant part in the Native Vegetation Act and its implementation. As part of that ongoing living exercise, which has been part of the process of discussion with the Farmers Federation and with farmers themselves, we have established a series of awards. We have also established a process by which, as the former Minister, the present Minister of Education, Employment and Training, has said, we can maintain a living experience in terms of developing and caring for native vegetation within South Australia.

In consequence of discussions between the South Australian Farmers Federation, the Department of Environment and Land Management and significant large private companies that are involved in rural industry in South Australia, we have established what are called the Ibis awards, which I am sure members on both sides will support. That involves recognition of primary producers throughout South Australia who have done the most to encourage wildlife—that is, native flora and fauna—conservation on their properties as an integral part of a successful and commercially sustainable farming process. The awards have been designed to cover more than the heritage agreement areas: they include methods of wildlife conservation outside those areas. It is significant that we have seen the establishment of the Ibis awards. It is a cooperative award between the Farmers Federation, farmers, large private rural corporations and the Government. I look forward to continuing to work with the community to see the recognition and the success that has been achieved.

Finally, I thank those South Australian farmers who have worked on and participated in the Native Vegetation Act and who have also worked outside the broad spectrum of the Act with the rest of the community to see the retention of native flora and fauna throughout this State.

GRIEVANCE DEBATE

The DEPUTY SPEAKER: The question before the Chair is that the House note grievances.

Mr HAMILTON (Albert Park): In recent weeks I have raised the question of increased speed limits on roads within my electorate. That was as a consequence of 6 000 questionnaires that I had distributed throughout my community after I was advised that the RAA had approached the Department of Road Transport and the Government with a request to increase speed limits up to 70km/h on certain roads in my area. My concerns are recorded in *Hansard* on at least two occasions.

Last Thursday, whilst I was walking home from Parliament House, my wife received a telephone call from a very distressed constituent who said that her son had witnessed the death of a motorist. My concerns have been clearly enunciated in this Parliament about the need for a review of the increased speed limits along Military Road and West Lakes Boulevard. My concerns were amplified again on Friday when I received four telephone calls from very angry and distressed constituents relating to the death of that motorist. Anyone who has witnessed an accident or a death on the road knows that it is rather traumatic. It was very traumatic for this woman and, I understand, a number of students who were getting off a bus. The tragedy to the immediate family goes without saying.

I do not know the causes of the accident, but I faxed a letter to the Minister on Friday seeking information and an urgent review, which should commence this week, into the cause of the accident and a further review of the increased speed limits along those roads. Road accidents and deaths are traumatic. I shall be watching this matter with a great deal of interest. I shall refer my constituents who will be reading this contribution to other contributions that I have also made in relation to this matter. I have expressed my concerns about elderly and young people who have to cross these busy roads. I have also indicated my concerns about the large number of people who have to cross West Lakes Boulevard to Football Park. As I said, I shall be watching this matter with a great deal of attention and I shall be asking the Minister a question about the issue in the House this week.

Another matter that I want to address is play equipment at the Seaton High School. With the amalgamation of the Seaton North Primary School grounds into the Seaton High School grounds, the question as to whether play equipment will be retained and an area set aside for it is of critical importance to local people. Since the beginning of 1992, I have raised this matter on a number of occasions and I have addressed questions by way of correspondence to the former Minister and the present Minister in relation to the retention of that land. I advise my constituents who read this contribution that I fully endorse and support the need for playground equipment and land to be set aside. For too long in our area we have not had adequate areas set aside. That is the result of Governments of all political persuasions and, indeed, local government not addressing this need for young people in our community, so that parents can take their children to a safe area in which to play.

I indicated to the Minister twice last week that I will be raising this matter in the House. Indeed, I hope to be able to put a question and get a positive response from the Minister on this very important issue. There is a need

and it has to be addressed, but it has to be done properly. We must have safe equipment and a safe area in which our children and future generations can play in Seaton. There is very little available for them at this time, but such an area and equipment has to be safe and it has to be provided to the local community.

Mr OLSEN (Kavel): Rains on 30 August 1992 followed by those of 8 October and further rains in December last caused widespread damage to property in the Adelaide Hills, costing two lives. What is now required is Government action to minimise the effects and damage of any future similar occurrence. The water inundated many houses, with councils in the Hills region suffering extensive damage to infrastructure, for example to roads, bridges and fire tracks. The very large falls were the highest on record, and the characteristics of this rain were that run-off was different from previous storms, as these occurred during winter with saturated ground, whereas the previous rains did not.

Consequently, the run-off characterised the equivalent of a 100 year occurrence and, with three storms, the cumulative effect of the three floods on infrastructure was significant. A number of planning and mitigation methods to address the suitability of the waterways, roads and farm dams needs to be put in place to establish protective measures for the future. The financial impact on councils will run into millions of dollars. It is important that we look now at the necessity of installing a flood warning system so that there is an opportunity to take action before critical flood levels are reached. In addition, flood plain mapping on which to base designs for mitigation works ought to be undertaken.

As the storms have generated significant cost savings for the E&WS Department—that is, the reduced need for pumping—the Government should consider diverting these unused budget funds, first, to putting in place an early warning system for flooding in the waterways; secondly, to underwriting, in conjunction with local councils, flood mitigation schemes; thirdly, to undertaking flood plain mapping on which to base designs for mitigation works; and, fourthly, to allocating funds for watercourse maintenance to ensure that debris does not compound the flood conditions.

As previously mentioned, these storms are a 1 in 60 years event but, with the run-off, the equivalent of a 1 in 100 years event, thereby causing damage well beyond that expected from regular storms. Quite simply, the financial resources and capacities of councils in the area to accommodate the cost of repairs is limited. Councils have two choices: they can either seriously reduce their capital works program and reallocate those funds for repairs or simply pass on the cost via rates to the ratepayers of the region.

It would be unjust to pass on additional costs to ratepayers who have already had to pay for repairs to their own properties. Without adequate Government compensation, councils have no choice but to adopt one or other of the above options. It is now clear that flood mitigation works need to be undertaken as a matter of urgency and priority. The State Government has a responsibility in assisting to put flood mitigation programs in place. After all, the water collected in the Hills to feed our reservoirs and then a majority of South Australians in the City of Adelaide and environs provides an essential commodity to South Australians. There is no doubt that a flood warning system similar to that in place for Brownhill Creek is urgently required.

A similar system installed in the Torrens/Onkaparinga catchment to give early warning of flooding could lessen the impact and also help to ensure that there was no loss of life. With the reserves of three major downpours and the amount of water collected and channelled through the system now on record, the development of a flood plain map will assist in the development of extensive flood mitigation works. Mitigation undertaken by the District Council of Onkaparinga worked effectively during recent floods. It is important that that be extended to give greater protection to residents in the region.

Other areas that need addressing are access requirements for emergency services and the implementation of a disaster plan at local level. That will enable response to early flood warnings and thus coordination of emergency services throughout the region in any similar occurrence. Local government should, as a priority, be given the capacity and resources to maintain the water course to remove debris and to ensure that trees are not planted in the water course channels. My comments result from discussions and meetings with councils in the region and with people directly affected by recent floods, and from an excellent report prepared by the District Engineer of the District Council of Stirling, Mr Harrison.

The Government has a clear responsibility in this matter. It will not be good enough simply to say that this is a 1 in 60 years or 1 in 100 years occurrence and that we do not need to worry about it now. What we have on record is a clear impact of such an occurrence and what measures need to be and can be put in place to minimise the damage and effect of any similar event. Given the savings effected by Government, it is appropriate that these funds be put in place to ensure that we minimise infrastructure damage in the future. The prudent application of funds now will ensure that damage is minimised in any future occurrence.

The Hon. D.J. HOPGOOD (Raudin): I have in my hands one of the most significant books ever written about the socioeconomic development of Australia, W.J. Hancock's book which, in fact, is called *Australia.* Hancock is described as a Fellow of All Souls College, Oxford, and Professor of Modern History in the University of Adelaide. If the name is somewhat familiar to members who would be too young to have known this gentleman, it may be because his nephew is the Professor Keith Hancock who was Professor of Economics at Flinders University for some years and also, of course, the gentleman who has graced the arbitration system in this country. In the book, written in 1930—

Mr Atkinson: When did this fellow die?

The DEPUTY SPEAKER: Order!

The Hen, D.J. HOPGOOD: In the book, Hancock discerns what he sees as a socioeconomic consensus which exists in the Australian community. It is a consensus which was built up largely from the radical nationalism of the 1890s and the first decade of this century and which was brought into political reality largely by the work of the nascent Labor Party and also

the more radical elements of the old Liberals in this country. The consensus centred around such matters as protection, industrial arbitration, social security and State intervention. What Hancock is really saying in this book is that those who would challenge the consensus challenge it at their political peril. He notes that, where it has been challenged from the left, it has been challenged by the Labor Party; where it has been challenged from the right, it has been challenged by conservative politicians who have usually gone under such names as National United Australia Party or Liberal.

The yearning for this form of sociopolitical consensus perhaps arises out of the insecurity of the early settlers to this country. If I can briefly quote from the book, it states on page 82:

In their eagerness to stake their claim to a continent the Australians have made strenuous and sometimes very crude efforts to increase the quantity of their population. But, it must be confessed, they are more concerned with its quality. They would rather have a small and prosperous community than one which would be a 'prey to all the abuses of industry'. Outside observers have sometimes noted this preference and criticised it as an expression of 'the parochial spirit extended to a continent'. Yet it has its roots, not merely in self-interest, but in idealism. It is the natural fruit of Australia's mid-nineteenth century radicalism. Protesting Chartism became on Australian soil a protesting nationalism fired with the passion to fashion a new community free from the hereditary oppressions of the Old World... Australian democracy pictured itself as a vine brought out of Europe and dreamed of a time when its boughs would be like the goodly cedar tree. But the vine was still young and tender and must be encompassed with a hedge, lest the wild boar out of the woods (the capitalistic boar of Europe's industrial woods) should root it up.

It is interesting that the book was published only a year after that extraordinary election in 1929 when the conservatives were swept from office by Scullen under Labor and when the previous Prime Minister, S.M. Bruce, lost his seat at the election, possibly the only time that has occurred in Australia in a Federal poll. What did Bruce promise to do in his policy? He promised to get rid of industrial arbitration at the Federal level and to return it purely to the States or simply to allow the States, if they wanted to, to pick up that responsibility.

Mr Lewis: What a good idea.

The Hon. D.J. HOPGOOD: I hear the member for Murray-Mallee walk into the trap that I have been weaving for him, because is there not some sort of echo? Have we not seen in only the past few months a determined effort on the part of the conservative interests in this country to disturb that consensus? Have we not seen promised a goods and services tax that was really only a symbol of a broader sort of program that frightened people to their back teeth? And who can blame them? And who, in the light of this, can be surprised at the results of the recent Federal election? I believe that Hancock should be required reading for every aspiring young politician in Australia.

Mr INGERSON (Bragg): The other day I received a letter from a constituent in relation to juvenile offenders. He wrote to me about what I think is a difficult issue, one that I hope the Minister will acknowledge and do something about. In his letter he said that, irrespective of what the police may say, he doubted whether the person concerned was not responsible for two break-ins at his home, the first being on Tuesday 16 March followed by another on Friday of the same week, 19 March. On the first occasion, the offender was arrested by the Unley police. My constituent's letter states:

We were advised of his arrest on Thursday morning at approximately 7.30. However, being a juvenile—

Mr ATKINSON: On a point of order, Mr Deputy Speaker, as the member for Bragg is describing the matter, it would appear to be a case before the criminal courts. I ask you to rule whether it is *sub judice.*

The DEPUTY SPEAKER: I am not in a position to know whether it is *sub judice.* All I can do is ask the member for Bragg whether it is *sub judice.* If it is *sub judice,* I would call on the next speaker.

Mr INGERSON: I do not believe it is. It is a matter of my going through the process and you, Sir, will see that it is not.

The DEPUTY SPEAKER: I have to accept the honourable member's word, because I am not in a position to know.

Mr INGERSON: The letter states:

We were advised of his arrest on Thursday morning at approximately 7.30. However, being a juvenile, the offender, against police advice, was let out on a surety. He is to appear, I understand, today in the court, which has now been put off. I have ascertained—

The Hon. Frank Blevins interjecting:

The DEPUTY SPEAKER: I would caution the honourable member, because it sounds very much as if the matter is *sub judice.* If it is *sub judice,* and the honourable member has now given the House an assurance that it is not, he would be misleading the House.

Mr INGERSON: I accept that, Mr Deputy Speaker. Because there is some confusion, I will take up the second issue and come back to that matter on a later occasion. The second issue relates to the Marryatville High School, which is clearly questioning the junior sports policy as it relates to that school. I quote from a letter sent to me by the Chairman of the school council:

The wider school community at Marryatville places great value on the contribution that school sport makes to the education of our students. At Marryatville we have taken our responsibility to provide quality sporting opportunities very seriously. We have had probably the most extensive program of regular weekly competition of any State high school with a large number of teams spanning a wide range of sports for both girls and boys.

The letter continues:

We have had probably the strongest involvement of teachers in any State school, but it is becoming increasingly difficult to maintain, let alone increase to a level which could be regarded as satisfactory for our needs.

The letter then quotes the South Australian Government junior sports policy as follows:

The Education Department of South Australia, the Catholic Education Office and the Independent Schools are responsible for the overall education of young people. Sport is a legitimate and significant activity within the school curriculum.

Further:

Where sport forms part of the curriculum, specific responsibility rests with the Education Department or other authority... The education authorities are responsible for the implementation, resourcing and monitoring of the policy within the curriculum of schools.

The concern of the school council is that it sees the whole area of junior school sport falling down at Marryatville High because the extra teacher is not available for this specialised area of school sport. I ask the Minister to inquire as to whether it is a reasonable proposition for that school to have one extra part-time teacher. That would be a step towards overcoming some of the difficulties as other staff would be further valued and compensated.

I note that the recently released findings and recommendations of the Senate Inquiry into Physical and Sport Education corroborate the observations of the school regarding the need to have a well rounded and experienced group of people in the physical education area.

Mr ATKINSON (Spence): In the week before the recent Federal election, the Prime Minister (Hon. Paul Keating) honoured the town of Hindmarsh with a visit. He attended the old Hindmarsh School, the first school established outside the City of Adelaide in the metropolitan area, to open that school as the new Hindmarsh Community Centre. There was a large rally of local people present, and he received an enthusiastic welcome to the town.

Mr Lewis: By 17 or 18?

Mr ATKINSON: No, running into hundreds, I can assure the member for Murray-Mallee. It was an enthusiastic rally and an emotional moment. The people of the town of Hindmarsh rewarded the Prime Minister with support for his Government by a margin of more than two to one in booths in that area. It is a quirk of the electoral system that that overwhelming preponderance of votes for the Australian Labor Party could not elect a member of the House of Representatives, and the people of the town of Hindmarsh have the misfortune to be represented by an absentee member who lives in Netherby, not even in the electorate.

At that gathering at the old Hindmarsh School was a reporter from the *Advertiser,* one Mr Paul Lloyd, who wrote a series of sketches of the Federal election campaign in South Australia for the *Advertiser.* In his article reporting the gathering at Hindmarsh on 10 March, Mr Lloyd wrote:

Hindmarsh is considered the home of the mythical, disabled, single parent, yuppie lesbian on stress leave from the Public Service.

Mr Lewis: Who said that?

Mr ATKINSON: Mr Lloyd, a reporter from the *Advertiser.* That seems to me a bit rich coming from Mr Lloyd because, as we know, he lives at Rosewater. Leaving that aside for the moment, it seems to me that Mr Lloyd almost had someone in mind in writing such a thing. Being a resident of the town of Hindmarsh, I believe that that line is a rather silly, ill-considered group defamation of the people of the town of Hindmarsh. I have no idea why we should be characterised in that way. I have no idea what Mr Lloyd's evidence is for such a characterisation. I do not think it is in the slightest bit funny, and I do not think it is true. What is true is that the Housing Trust has established a program to accommodate disabled people in the suburb of Renown Park, and a splendid housing development it is, but I do not think Mr Lloyd would have taken that into account when he wrote what he did.

I will move slightly off this track and refer to the contempt in which the people of the town of Hindmarsh are held not by Mr Lloyd but by members opposite, that is, the members of the Liberal Party of Australia. That contempt shows through clearly in the Liberal Party's policy of closing Barton Road at its junction with Hill Street, North Adelaide, and excluding people of the town of Hindmarsh from access to western North Adelaide. Indeed, the Liberal Party, through the member for Adelaide and the member for Hanson, now has a policy of fining residents of the town of Hindmarsh if they drive their motor vehicles or ride their bicycles through the bus lane in the Barton Road closure into western North Adelaide. It is an appalling form of apartheid, and I am surprised that members opposite—that is, the Liberal Party—persist in supporting that closure, and support it they do to a man.

Mr BRINDAL (Hayward): It was with much regret that I picked up last week's *Courier Messenger,* which covers the State electorate of Unley, and found recorded in there a two page article on the hidden poor in Unley and the problems besetting, particularly, inner suburban electorates because of cutbacks brought about largely in the name of Government efficiencies. The continuing withdrawal of State-funded human services in Unley is coinciding with economic hardship and high unemployment in—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr BRINDAL: —a suburb that has been regarded by many as traditionally affluent. However, as I have moved around the electorate of Unley, particularly around parts of Goodwood and Unley, I have found that it is a mixed electorate, and I am sure that I would not have to tell members that. In some corners of the electorate there is a great degree of affluence and some insulation from the current economic climate. However, in a great deal of Unley, there are students, first generation Greeks, in particular, and other people from a multitude of backgrounds with a great diversity of cultural heritage, a large range of educational standards, a large range of occupations and, of course, a high income diversity. Some of those people are feeling great pain because this Government has seen fit to subject on Unley a rather benevolent neglect.

It is easy to drive around such suburbs as Wayville, Goodwood, Unley and Highgate, and think that nothing is wrong because the trees are established, and there are gutters and footpaths. There is the impression that everything is all right in Unley because it was settled many years ago and the infrastructure is apparently all in place. However, once the infrastructure is in place, it is very easy to neglect its maintenance and continuation so there is the sham and the appearance of affluence, in many cases, rather than a reality. In choosing to run after marginal seats, which are traditionally located in mortgage-belt areas to the south and the north, the

Government pours countless dollars into those areas and ignores and neglects people in areas close to the city who have as much right as any other group to expect community services.

I remember that, not too long ago, two bus services were to be amalgamated. The Minister of Transport at the time withdrew from that rather hastily because, in the end, people in suburbs such as Unley would have been disadvantaged. While the member for Mitchell seeks to make light of this, I point out that a person can be as isolated one kilometre from the GPO as someone else can be 1 000 kilometres from the GPO. People who are physically handicapped or in circumstances of need can be just as isolated in Unley as they can be in Mitchell Park, Warradale, Gawler and Port Pirie, and I ask members opposite to remember that.

I draw the attention of all members opposite to the *Courier Messenger* of last week because it raises important points. I see that the member for Price is in the Chamber and I know that his area of Port Adelaide is very similar to the one about which I am speaking. It is an older area and it is easy to neglect older, established areas. What I am saying, but not in terms of Liberal and Labor, is that all South Australians deserve a fair go, whether they live in older suburbs such as Port Adelaide or Unley or whether they live in the newer suburbs of Gawler or Hackham West.

All South Australians deserve a fair go and it will be at this Government's peril if it does not rethink its policies in such a manner that social justice is available in some measure to all electors, not just a situation in which the Government concentrates its resources in a few marginal seats for the purpose of trying to scurry home at the next election. Government should be about the good of the people and not the survival of one particular Party in this place.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

SITTINGS AND BUSINESS

The Hon. FRANK BLEVINS (Deputy Premier): I move:

That the time allotted for completion of the following Bills:

Development,

Environment, Resources and Development Court,

Statutes Repeal and Amendment (Development),

Mutual Recognition (South Australia) and

Racing (Miscellaneous) Amendment

be until 6 p.m. on Thursday.

Motion carried.

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 October. Page 1061.)

The Hon. FRANK BLEVINS (Deputy Premier): I move:

That this Bill be discharged.

Bill discharged.

DEVELOPMENT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 2443.)

Mr OSWALD (Morphett): The Opposition supports the Bill although in the Committee stage a substantial number of amendments will be moved. In commencing my remarks, I congratulate those people who have been heavily involved in this piece of legislation from its inception. It has now come through three Bills and I suppose that the number of contributors put together collectively would be quite substantial. It has been a very healthy and stimulating debate. There have been winners and losers and, at the end of the day, the development industry has gained, and I will come to that in the course of my remarks. I have to qualify that statement by saying that they believe that they have gained only marginally. The Bill is a step forward, and those who were involved in its drafting should be acknowledged. I should not like any contributor to the debate to be offended at some of the remarks that I will make because I think they have to be made if we are to be objective about where the debate has been and where it is going.

The first thing that I should say is that I believe it is ridiculous that members are expected to debate a Bill without the final regulations before them. This is a planning Bill and its clauses relate to the regulations; yet we do not have the latest regulations in front of us. There is also a link with the strategic plan and, once again, although we have the draft plan, we do not have the current one. There has been such a substantial change in the Government's thinking and direction, particularly in the past six months, and that has probably been because the new Minister has bent over backwards to try to get this exercise back on an even keel. However, it is very difficult to debate a Bill such as this without the regulations.

I imagine that the reason the Minister has got behind this Bill is that the Government has realised at last that, if there is to be an economic-led recovery, it will have to free up some of the constraints on the development industry that have been in place for some time. The linkage between the regulations and the Development Bill is vital, as I said, as one is totally dependent on the other. The Government should not expect this Bill to pass the Parliament—which means another place as well—without the Opposition being given the opportunity to sit down with its advisers and look at the Bill and the regulations. I would like to quote one example. Clause 88, which was brought to my attention by the Local Government Association only last evening, provides:

(1) Subject to this Part, a private certifier may exercise the powers of a relevant authority to make any assessment, give any consent or approval or make any decision in relation to a proposed development or particular aspect of a proposed development.

(2) A private certifier may only exercise a power under subsection (1) to the extent prescribed or authorised by the regulations.

As far as local government is concerned, it is all very much a matter of taking it on trust. Without the latest regulations, they do not know what powers they are giving up, if indeed we were to pass that clause over the course of this evening or tomorrow morning. I think that is a good example of where we are going.

On 4 April 1990, the State Government established the planning review to advise on the future planning for metropolitan Adelaide. The review team was asked to devise draft policy objectives for metropolitan Adelaide. It reported in July 1992, presenting us with a strategy plan and a draft Bill. Since then, and following the outcry from most sections of the development industry, as well as architects and the planning profession, the Government again—at great expense, I guess—set about rewriting the documents. Only the Bill has been fully completed and is before us.

I would like to apologise to the House in advance this afternoon for the length of my contribution. It should be noted that the review, including the consultation and the drafting phase of this whole exercise, has now taken between two and three years, all of which has been marked with controversy, and this is our first opportunity to formally respond to the Parliament. So, it will be a long response, but I would ask members to bear with it.

Because of the vital linkage between the State strategy and the Bill before us today, I would like to put on the record some of the main industry and local government concerns which were raised with me concerning the original strategy document. Obviously, if we do not get the strategy right then the development plans will also be flawed. I will then address the Bill in some detail.

I should point out that the comments I am about to make relate to the original planning strategy. We have not seen a new document, so we can only assume that the Government's views have not changed. But I just flag to the Government a message from local government, which thus far does not have an input into the composition of the strategy: if the Government expects it to be a partner in implementing the development plans, local government is expecting a far greater role in the consultation process. I do not know whether local government was involved in reaching the original strategy but, when we read all those submissions we received from local government and the planning industry and talk to local government afterwards, I doubt if it was involved.

Local government has made the point to me very strongly that, if the Government of either persuasion has a strategy whether local government wants to have an input. I know there is a consultation process in the Bill, but in the view of local government that consultation process does not extend far enough to ensure that it will in fact be involved. As it was put to me by the Local Government Association, 'How can we go out to local councils and ask them to cooperate when they say and we say that we have not had any input into the direction?'

The general comment that I have received in relation to the original strategy went along the following lines. In many areas, such as transport and housing, the strategy did not take a long term view. It was sold as a 20:20 vision, which was up to the year 2020, and the growth of Adelaide beyond 2001 was left uncertain and apparently unplanned. The planning strategy is a corporate document laying down broad desirable directions for Adelaide's future and offering a coordinated structure for Government, but it is completely flexible in the hands of Government—as distinct from Parliament—and in itself is not an effective planning instrument.

The extent of fringe growth is dependent on very substantial changes in the current distribution of new dwellings and the proportion of those dwellings which are non-detached. The assumptions are contrary to what little market research has been done on the review.

Many organisations believe that the proposal to constrain development in the southern metropolitan area is unrealistic and unacceptable. The review fails to recognise the fundamental role of the private sector in development and does not adequately address how it is to be attracted. The key role of a State Labor Government in this process was not recognised.

Some of the bigger councils, such as Marion, consider the strategy recommendations for residential development to be reasonably sound, believing it will build on the work already undertaken by the council. However, Marion has many concerns, such as the lack of a comprehensive study for the Marion and Noarlunga centres.

The Adelaide City Council has concerns relating to the implications of the proposed new integrated development legislation, for the efficiency and effectiveness of the development control in the City of Adelaide, and as late as this week they reinforced that; likewise, the mechanism for coordination of council and State strategic planning and capital investment to ensure that agreed strategies are effectively put in place.

The rationale for proposing a new Development Act, combining the development control provisions of the City of Adelaide, the Planning Act, the Building Act, etc., is understood. However, the general feeling is that the cost is a Development Bill which is more complex, less clear and harder to follow than the major individual Act it replaces.

I interpose here that this last draft that the Minister has given us is a dramatic improvement. However, some elements of the industry are still coming back to that particular statement. Whilst the Development Bill incorporates many worthwhile improvements to the existing legislation, the improvements have been affected and the common procedures have been established through amendments to the individual Acts. Large councils such as the City of Adelaide believe the object of streamlining procedures for applicants is likely to be hindered rather than helped by the legislation proposed. Conflict between the requirements of heritage listing and compliance with current standards of building safety is not effectively addressed by the relevant sections of the draft legislation.

The 'one-stop-shop' concept, which is based on the supposed integrated system of development control, is also an illusion. It is clearly not a 'one-stop-shop' system. It is difficult, of course, for us to comment here, because we were told that the EPA and all this other

legislation was coming in with this Bill, so we cannot make the comparison at this stage.

MOSS (the metropolitan open space system) was not defined, nor were the reasons put forward for determining its extent and distribution criteria. I know that is open to debate, but that is one of the messages. Some councils believe that the rates of growth estimated in the review are unachievable and need to be corrected. For example, in the south, the Noarlunga council believes that the estimated rate of growth in the medium term involved an overestimation of the ability to redirect growth in the centre and northern sectors over the same period. The southern area is a highly desirable residential area and to cut off this option for many is to unreasonably restrict choice of residential location.

There is a lack of encouragement for modern, light industrial development opportunities in the south. The strategy seems clearly predicated on increased levels of public investment and infrastructure at a time when the public capital investment over the next two years looks like decreasing. The projections that the central sector will meet around 48 per cent of forecast housing demand over the next 10 years will be challenged, as will the affordability of central sector housing.

The land component of the strategy is based on a five to 10 year time horizon and not a true 30 years with 20:20 vision. There was an implicit assumption in the review document that Government land banking and control of fringe land will continue, which the development industry thinks should be re-examined. The developers are not impressed by the suggestion that Government contributions to infrastructure will depend upon developments achieving 'improved design and environmental objectives'. I see that as a distinct disadvantage.

The strategic plan lacks the underpinning of a research economic strategy. The Arthur D. Little projections do not match up with the population projections of the department. The strategy notes investment as the key to sustained economic growth—as if we did not know that. However, after stating all the problems, the report is unable to specify how the metropolitan planning strategy can assist in economic growth. The time of the development of the Gillman MFP site is not specified in that document, although it was high on the Government's agenda at the time and it still remains in the clouds. The creation of a significant growth in tertiary employment opportunities in regional centres is a key component of the strategy, but there is little specific information as to how it is to be achieved.

The economic component of the strategy reflects a public planning bias. It does not reflect the paramount role of private investment and private sector economic activity in the State's economy. If the aim is to support urban growth to the year 2020, Adelaide requires a good private or public transport system. The proposed strategy, as it reads, provides neither. The review alludes to the efficient use of the existing road infrastructure. Its reference to upgrading of deficient links needs to be clearly spelt out, prioritised and explained. The plan is non-committal on the third arterial road to the south. The plan also talks about 'strengthening' the north-south route. In planning terms, what does 'strengthening' mean? There really is no qualification for it.

The transit link system may offer improved operating efficiencies for the STA, but its success in terms of enhanced community access will depend entirely on community-based feeder links, and I question whether or not that is to involve local government. How are these to operate and will they be viable? That is left vague. All the road proposals are considered in 5 to 10 year horizons. My advice is that it is impractical to confine oneself to 5 to 10 years when one is talking about road proposals.

The lack of a more positive strategy to support either public or private transport will probably result in continued growth in private transport, which is against what I believe was the thrust of the document. No reference is made to the airport or any need to expand its capacity. I thought that may have featured somewhere in the Government's strategy. The commitment to a network of cycle tracks to link employment and other activities receives prominence in the north but receives no direct commitment to the central or southern areas. The Tonsley interchange did not form part of the transport planning strategy. The criteria for the establishment of heritage listing at both local and State levels needs to be made more clear, including the rights of appeal. That will be the subject of part of the debate this afternoon or this evening.

No consideration seems to have been given to development beyond the year 2001, nor the implications or strategic options relating to areas such as Sandy Creek, Roseworthy and Virginia. If that has been corrected in the past nine months, perhaps the Minister could mention it during his reply. The release of land at the DSTO Salisbury for urban development is still unclear. It was a major feature of the presentation when the report came down. However, my advice is that that has yet to be clarified. The bias in the review towards the northern sector as a residential location is unlikely to be supported in the marketplace and, indeed, runs right across market forces. Development to the north will require considerable upgrading of the main road through Elizabeth and so on with, I imagine, grade separations having to be planned for the future.

The review rejects the reality that the south is a preferred residential location for some. This could place additional pressures on the Hills if in fact the Government succeeds in its objective. Employment opportunities and transport provisions in the south are played down for some reason. Finally, no attempt has been made to cost the wide range of Government actions, particularly the infrastructure investment, required to implement the strategy. That is a summary of dozens of submissions that we received, and I am sure the Government received them also.

There is a specific linkage in relation to the strategy plan. We are told that the strategy plan has to set the directions that are taken to local government for its development plans. If the strategy document is rubbery—and that one was—there is not a lot of faith that local government will be able to set up its development plans. I understand that the strategy is being redrafted and rewritten. All I can say is that I hope that the strategy which we receive and which will accompany this Bill and go to local government will be far more specific and address more realistically future expectations over

the next 30 years for the development of Adelaide. When the Government finally finishes redrafting the strategy, I hope it picks up these concerns.

I would now like to assess the Bill itself. I think I can sum up the mainstream reaction by referring to the fourth term of reference in the original planning review document. Essentially, the fourth term of reference is that which the development industry was really looking at having some positive results, with promised improvements to the administrative and development controls, particularly in regard to the powers and responsibilities of planning authorities, the formulation of planning policy, the approval process and appeal rights. It promised a revised planning system with a greater degree of predictability and one that was more prompt, efficient and responsive to our requirements. None of these objectives has been achieved, although the new system makes the aims more achievable. That is a pretty small step from the development industry's point of view.

The review team has changed the structure and the procedure but it has not changed the substance. It depends on how one reads this term of reference, because it refers to improvements not in development controls but in the administration of development controls. Essentially, the development controls themselves have not changed and there is no guarantee that they will change. That really depends on the political will and the commitment of the Government of the day.

In referring to the Development Bill, I would like to give the House two quotes: First, 'It is one thing to build a powerhouse; it is another thing—which is much harder—to turn it on'; secondly, 'We have constructed the engine; we now have to build the rails for it to run on.' Perhaps we should think on that. We have done that with this Bill and it is now up to us to try to make it work, considering the amount of effort that has been put into it by others. From day one in Government, we will very closely monitor this Bill and review it, if necessary, without any hesitation.

I have been pleased to see that some sort of consensus has come out of the planning review. I would like to refer to the overall rationale for the review and the consultation process. Both the industry and the Opposition supported the need for such a review and have not been critical of the consultation processes, which have been extensive. However, it was not possible to accommodate an outcome for every group. In terms of the strategic plan as a concept and the process of ongoing strategic planning at Government level, there has been support for the need for that to occur. Previously we saw individual departments, SDPs and councils all running off in different directions. In terms of the overall structure we still have a State policy advisory group and a State Planning Commission and we still have local government involvement.

One major change is the establishment of the new Environment, Resources and Development Court, and we think that that makes sense given that there is such a wide variety of pieces of legislation dealing with land and the environment in one way or another. In principle we have no criticism of the court concept other than where it should reside—and we will come to that in another Bill tomorrow—subject to the provision of adequate resources so that no further delays are created.

I would now like to address some of the major industry components that have been raised with me as problem areas. The first rests with the fear of and antagonism from and to local government. A series of matters relate to the system and the great reliance on local government. A number of these fears and antagonisms are well founded because of past and current experiences. I am talking about industry perceptions of local government and not my personal perception of local government.

First, I refer to the issue of politics *per se* in the decision making process. Often elected members have to wear two hats: first, as the elected representative of their people; and, secondly, where numbers of people might object. In other words, we are looking at a numbers game. It is the democracy issue versus their role as a planning authority implementing what is set out in development plan guidelines. Whilst they may like the professional opinions put to them by council staff and others, they will vote according to local political pressures. Clearly the administration, from time to time, can be a problem in the level of competency from one council to another. Some council administrations are not as supportive of development as other councils. Some even have quite negative views about it. Some of this has led to inconsistencies in decision making and some of it has led to delays. Clearly a variety of resources, systems, willpower and attitudes is needed within councils to deal with the current system let alone the new system.

Another point is the growing concern at the conflict of interest issue of local government as a developer as well as a planning authority. The proposed system shifts even more power, coordination and administrative responsibility to local government, and there are fears and concerns on the grounds of whether the new system will be more certain or more efficient than the current one. We are dealing with a variety of councils across the State with varying degrees of competence and physical computer resources which all play the game quite differently. Generally, local government is becoming more competent to deal with all this, but it does not get away from the basic fear in the system that it is being asked to wear two hats. It is expected to get involved with developers, and that might blur its own position as a planning authority.

I would now like to refer to some improvements, which could result in a reduction in concerns about the role of local government. First, wherever possible times or time constraints should be nominated. I admit there has been some improvement in this Bill. There are still instances where greater specification can be put in the Bill. For example, there are still no time requirements in dealing with prohibited or non-complying applications. Even though an application may have very great merit it can still get to the bottom of the basket. For example, I know of a minor application where a particular council was looking at concurring with it but simply did not do so for a period of three months because it was busy with other items. That particular development had to sit and wait, and in those cases there should be specific time limits. The other suggestion has been to have a system of

deemed approvals where, if the time frames are not respected, there is some form of penalty or the like that the developer can seek to recover.

At the moment developers see themselves at the mercy of councils in terms of the time equation. Whilst there are time frames for some, or the various administrative actions, if they are ignored by council there is little recourse for a developer. The developer can go to court, but it takes a fortnight to get a notice served. The court will then direct that the council make a decision within three weeks. All it does is get the council off side with the likelihood of a refusal anyway. So the developer is very much over a barrel in progressing things at council speed. Some councils are very good with speedy delegations, but others are not. It has been suggested that there should be another mechanism to encourage them to be more efficient and prompt in their processing.

There is some industry support for the issue of delegation and freeing up in the Local Government Act with consequential amendments to have delegation to staff and councillors where there are joint committees. We can see the possibility of this being used to a greater extent to improve things like consistency and impartiality in decision making. We are certainly still maintaining the local political input, which we would encourage, but we are having it lined up against the development plan, the strategic plan, and the professional opinion available.

There has also been a suggestion that comes from the fact that the metropolitan area has a lot of small councils and there have been only a few attempts at amalgamation that have come off. Bearing in mind the concerns at the inconsistencies in some councils, it has been suggested that councils be grouped into small subregions and the planning decisions made by those groupings under a delegated authority. It might be the northern region or the southern region, etc. There will still be a role for local government along with input from the professionals and from the State Government. The result would be a body which would be a mixture of local government and State Government with input from professional representatives.

The development industry sees some plusses in this in terms of consistency and impartiality. The negatives from other peoples' perspective is that it would be insular and removed from the grass roots. Others feel that the system would see the build up of a third level of bureaucracy. The UDIA, one of the local institutes, does not see this as the case because we already have regional groupings and there is no reason why the various councils cannot simply nominate a representative to sit in on a meeting on, say, a bi or monthly basis; it could be administered from the existing system. This would cover the concerns of abuse or misuse of power by the various councils.

Another improvement which needs to be inserted relates to councils' perceived conflict of interest as both the development and planning authority. We will be making a number of suggestions that it should be more explicit in the Bill. There should be a mechanism whereby the applicant, if there is a perception of bias because of the knowledge of involvement of the council, has the right to go to the Minister and ask that the State body deal with it. At the moment it is the council that has to make the request. It should be the applicant that triggers the mechanism, or certainly the applicant should have the mechanism to trigger it.

The response from the Government is that the term 'to undertake development' is now defined in the Bill. The Bill provides that, if the council is undertaking development, it should not be a planning authority. What that term means in relation to development is a matter of interpretation. The Bill defines 'to undertake development' as follows:

> ...to commence or proceed with development or to cause, suffer or permit development to be commenced or to proceed.

Two planning solicitors have brought this to my attention so there is obviously some concern with it. It is this phrase, which is open to interpretation, where the councils in certain cases are causing suffering or permitting, because of their joint involvement, for example, a road closure or whatever. I think it is a matter we should carefully address during the Committee stage of the Bill.

I would now like to refer to amendments to the Development Plan. This is only a section of those clauses. The system proposed requires an initial three year review and then a five year review. This is supported but we are concerned at the snowballing effect of all councils having to do all those reviews within a certain period, or a number of them commencing the reviews, having to negotiate what the Bill calls the Statement of Interest and the Government not being able to agree with it and then perhaps the review never being concluded on time and its dragging on. Whilst they have to commence their reviews in three to five years, actual changes to the development plan might come a lot slower than that. The fact that about 140 councils, or even the metropolitan councils, are having to do it at the same time could clog up the system. Industry is fearful that the planning policies and the development plan, to be responsive to change and new trends and opportunities, will be very slow. They are extremely concerned about what will happen at the end of the three or five-year period.

Alternatives are put forward by the development industry. One is to allow applicants to initiate rezoning or changes to policy, which occurs in some other States. There has been some debate about this during the review, but it has been discounted because of the risks it can open up. The other alternative, if the applicant cannot trigger it, is for the applicant to have a right of appeal on a non-complying development, but only if the development plan has not been amended or updated within the three or five-year period provided in the Act. On non-complying development, if there has not been an amendment to the plan, there should be an appeal right so that the court can look at the changed circumstances. The UDIA has been seeking greater ministerial control over councils and directions in that they include certain things in their development plans when they are amended. I see no difficulty with that.

There is a gap between the strategic development plan and the local plan. The department says that this will be overcome by the statement of intent. There will be a negotiated set of regional policies that would need to be put into the council's plan, but we caution that they should be more specific by a clause in the Bill providing that, in amending the development plan, the council

shall—I emphasise 'shall'—incorporate or have regard to regional policies that influence the strategic plan. There is a lack of linkage here. I believe we can resolve this in Committee, so we can now extend our minds into the regional concept of planning.

It may not be a problem for councils which are supportive of the strategic plan, but there will be a number of councils that do not support the detail, such as urban consolidation, and they could white-ant, go slow or not come to an agreement on the statement of intent and drag out the whole process. That would not be desirable to the Government of the day, bearing in mind the need for all councils to fit in with the development plan if the Government is to make the process work. The link between the development plan and the strategic plan must be nominated and included in the Bill.

There is industry fear that local heritage can be railroaded by a fairly narrow, sometimes extreme, group and that the effect of local heritage will be almost as significant as State heritage in terms of limitations on what one can and cannot do. There is concern that it is being dealt with differently with no appeal rights or compensation. The industry's view is that it should be dealt with as for State items.

Industry can live with the Development Bill, but certain constraints need to be placed upon it, for example, appeals to the local heritage component of the local heritage agreement and so on. When development plans are amended, one can put in submissions, which are heard by the council and then by the Minister or his committee, but a political decision is then made and there are no appeal rights. The industry is saying that, if local heritage listing is to be covered in the Bill, there should be some appeal mechanism in terms of locally listed heritage items. This could be done through this Bill and this system rather than transferring it to a heritage Bill.

The development industry still has concerns about the incredible looseness of the local heritage value. Members may wish to refer to clause 23 (4). It is a matter of interpretation and degree. What is important to the local area or what is. an important part of the lives of local residents is significant. For example, what may be of aesthetic merit in the local area is very subjective and loose in this criteria. If some councils go down that track, eventually there will be a severe constraint on redevelopment and urban consolidation. One clause was pulled out from the previous Bill when the review team dropped one of the criteria, which was even worse. However, there is still this fear of local government getting carried away with this whole issue, and there are insufficient counterbalances for owners in development zones through appeal mechanisms.

Referring to the environmental impact statement system, there are two issues. First, an EIS can still be required for what are now permitted or complying developments in a zone. In a particular zone, whether it be tourist accommodation and a hotel is permitted or a shopping zone and a shopping centre is permitted, there is nothing to stop the Government of the day from pulling it out and requiring an EIS, even though in that zone the development is permitted or is a complying development. There are not so many permitted or complying developments that come up in these zones but, in those cases, no matter what the scale, the zoning and the amendments to the development plan should be given greater weight and, whilst there is still a process involved in dealing with those undertakings, they should not be pulled out and be subjected to an EIS.

It was put to me that a developer who wanted to erect a factory, in which chrome, copper arsenate or some sort of chemical would be used, would still need an EIS. I suggest that, if we get the policy right, if we get the development plan correct with community input first, we should not have this problem at all. If we get the policy and the development plan right, that is as far as it goes. Once we get that right, with the community input and it is a permitted development, we should be able to proceed without an EIS.

Another thing with the EIS system is that there seems to be a retrospective loss of approvals. If approval is granted but the implementation of it has not started and an EIS is required, basically we have frozen and lost the benefit of the approval. The Gawler Chambers approval is one that might come to mind. I call this pseudo-retrospectivity. This retrospectivity issue is important, because it could occur where approval has been granted and financial arrangements are in place, but it might not have started. There may be a change of heart, a change of Minister, or a change of Government—who knows!—and we suddenly have a situation where an EIS can be called for on something that might have already been approved and is still within the time frame.

Another area relates to civil enforcement and the ability of third parties or 'any person' to trigger civil enforcement, and that is basically a watchdog role. It has been put to me that this could come from the American system where neighbours and various organisations watch and get involved in this sort of thing. It will clearly lead to more litigation. Our view is that it is probably the responsibility of councils or the State planning bodies. Usually, in the first instance, if an individual believes that there has been non-compliance with a condition or that a development approval has been undertaken without approval, he can go to the council and bring it to the attention of those bodies. Industry believes it should then be left to those bodies at their level to take it further rather than 'any person' being able to go straight to the courts and set up the mechanisms for the conferences and so on.

This area of pseudo-retrospectivity in relation to heritage places could bear one more mention. It is already in the current Act and is opposed. It means that, if someone has an application which has been dealt with in the course of that process and suddenly it is decided that it should be a heritage item and an interim heritage order is brought in, the law to be applied is the new law, not the law applying at the time of the application—Gawler Chambers revisited. During the Committee stage we will be strenuously opposing that.

In relation to the disallowance of amendments to the development plan, in the past there has been a requirement that either House should disallow plans which gave greater power to the Upper House but, under clause 27(8) of the new proposal, that can occur only if both Houses of Parliament pass the motion. This removes the belief in the power of the Upper House to be a House of review and has some consequences, and I would like to telegraph the fact that we will be opposing

that clause and will endeavour to reinsert the provision that either House can move the disallowance motion rather than, as the Government is proposing, both Houses, and that will allow the Upper House once again to assume its power of review.

On the question of resourcing local government to handle its new role, from reading the new Bill I feel that not a lot of thought has gone into this issue. If it has, I will be pleased to hear from the Minister when he winds up this debate or during the Committee stage. In reference to resourcing local government to handle the new system, the question of fees arises, and I would be interested to know the Government's or the Local Government Association's plans as regards the issue of fees.

To date, there have been nominal fees for planning applications everywhere except in the City of Adelaide. Certainly, it now seems to be on the cards that the fees will be more reflective of the work and efforts involved on the part of local government. While that can be supported to help resource the new system, the cost currently is not being borne by the individual developer or the applicant: it is being borne generally by the community as a whole. Quite often, the complexity of the application is not necessarily a product of the scale of development. In some cases, there can be a change of use from no actual building works or building formats which might be extremely controversial.

The question of fees is an interesting debate, but this Bill has not come out clearly as to what is planned. The industry is fearful that fees will rise, and there is some suggestion that it might be the LGA that sets fees across all councils, with or without differentiation between councils. This whole question is a bit clouded and I would like the Minister to address it, because some councils, because of their computer resources, will set fees at one level and another will set fees at another level. But if we are to have flat fees across the whole of metropolitan Adelaide, I believe the Minister should let us know.

There are now three areas of concern to the development industry: the nature and form of development controls; the nature and identity of the planning authority to administer those controls; and third party appeal rights. One of the industry's greatest concerns is that, until the 1982 Act, there was a set of development control regulations which were, first, simple and, secondly, more or less uniform over the metropolitan area. They followed a standard form and gave a degree of certainty, because a large proportion of development was permitted. I do not believe we can go back to that, but some of those qualities that existed in the pre-1982 system were and remain desirable.

One of the major changes has been the increased discretion the planning authority has by way of consent development. Large amounts of development have been transferred from the permitted category (under this legislation called 'complying category') into the consent category. As a result, industry does not know where it stands on development subject to council approval. That is exacerbated by the fact that there are not clear and detailed performance criteria which tell planning authorities how to administer their discretion or which tell applicants how that discretion will be administered.

So, there is a discretion that is very much at large, and that is a major concern to industry. The new system does not change that because, essentially, the system has really been concerned with the organisational structure. The means by which the development plan is amended is refined, I acknowledge, but in the actual development plan the final controls have not been changed, and that has disappointed industry because of the expectation that the strategic plan would not be at such a high abstract level.

It had been hoped that the strategic plan would be more like the 1962 plan, which was a regional plan that actually sought to achieve change on the ground. I personally would not deny the use of the strategic plan; I think it is worthwhile. Nevertheless, there is extreme disappointment amongst some sections of the community, and certainly amongst sections of the industry.

The second aspect is that the industry would say that councils, which, in the main, are the planning authority, are, because of their political nature and complexion, inherently unsuitable for making administrative decisions under the Planning Act, because they are prone to local vested interest groups and, in particular, to residential lobbies and their elected politicians, which includes us in this Chamber, if we seek to influence local decisions.

Naturally, they will be sensitive to what their local electorates are saying and, on the other hand, planning is really concerned with broad policies that do not just have local implications: they have a broad regional and metropolitan implication and, if a system is totally subjected to local influences, the NIMBY syndrome permeates the whole system. To get away from the NIMBY syndrome, we may have to come up with a planning authority that is more responsive to broader issues and less responsive to local political issues.

Industry says that this new Bill does not change the nature of the planning authority. The planning authority remains basically as it was before. In many instances, the councils are the local planning authority, and that is the objective of the Government—to devolve the administration of power to local government.

I come back to my three points. With regard to the first point about the nature of the control having changed, there is one little gap (a chink, if you like) that would enable changes to be made directly: in the current system, all permitted development is set out in the development plan whereas, in the proposed system, permitted development can also be set out in the regulations. If necessary—and I think it is in the HIA document—all residential development of one or two storeys could be made a complying development through the regulations. I am not sure that that is not what is intended and I am not sure that the Government has any intention of doing it, but the regulatory power is available to change it, because the introduction of this ability to specify complying developments through the regulations would bypass development plans.

I have not received advice about the implications in terms of a conflict with the development plan and the regulations, but essentially it was introduced because permitted use rights (or development in pursuance of existing use rights) was previously specified separately in the regulations. This complying development provision has been brought in—a subject that I am sure any

solicitors who read *Hansard* will expand further, because this was put to me by one of Adelaide's leading planning solicitors.

Apart from that, not a great deal can be done to change the development plan through the legislation. The industry has some concern that there will be a lack of political will to make the changes or to force councils to make the changes through time. Really, the hard decisions have been put off and the procedures have been improved and made a little easier for the Government to make changes but, essentially, all the hard work has to be done in the reviews, which must be conducted during those first three years. If the Government lacks the political fortitude or does not have the political security to make tough decisions and really take on some of these councils, the *status quo* will prevail and very little will have been achieved.

I now come back to the subject of regional planning and regional policies. There has been some thought, and some submissions were made to the planning review, about providing the Government with a means of introducing regional policies which prevail over local policies. At the moment, because local policies are more detailed, they prevail over regional policies which are more general and abstract. That has been specified by a number of Supreme Court rulings which state that the more particular prevails over the more general. That usually makes sense.

It is interesting that the New South Wales Government has introduced regional policies, and they must prevail over local policies. I know that that often leads to difficulties in interpretation, but those difficulties are sorted out in what is called the Environment and Land Court. I guess there is no reason why we could not do the same here. The only alternative is to make work what is proposed here. That actually involves the State Government in having to push and pull a great deal in preparing development plans with recalcitrant councils. Essentially, it would involve a great deal of push and pull to get them up to the barrier. If the Government is not prepared to dedicate the resources and time in battling it out with councils, essentially councils will be the development control body, and they will control the development in this State. We should consider that matter in great detail.

I will now assess the Bill through the eyes of the planning industry. Until now, my remarks have reflected the views of the development industry. The planning profession probably looks at this Bill in a slightly different light. I will open the batting by referring initially to the big picture and then try to focus on some of the relevant issues. In the Government's eyes, the big picture is the development plan having the policy right and the development plan amendment process having the ability to get that amendment undertaken in an efficient and convenient way, where local government and/or the State Government can amend its own plan. That has been our biggest concern and in many ways it remains so, not so much as what is in the legislative component as in the bureaucratic culture that we have.

We have a problem that, no matter what is written in the legislation, the bureaucratic process at all levels holds things up. It is very slow and often takes up to a couple of years to get through the amendment process. In this context, I will address the development plan amendment process, the planning strategy, major projects and then Crown development. First, on the subject of the development plan amendment process, the whole concept of a development plan is to provide for certainty, and the industry wants certainty in this respect. The development plan amendment process needs certainty, first in the process and the ability to amend the plan, and secondly in being able to react quickly.

Our principal concern was this delay and the ability to change it. In the new Bill, as opposed to the old Planning Act, the Government has inserted the statement of intent procedure and a legislative consultation procedure with Government agents as a legislative formality which principally did not occur. We are not unhappy with that. Previously a developer went straight to the department through ACOP and had the amendment processed by ACOP, whereas in reality it was by the bureaucrats and then to ACOP. The fact is that you cannot go to ACOP until you have gone to the bureaucrats, and they take as much time as they need.

The statement of intent goes to the Minister, and the Minister must agree. That is a good step. The unfortunate thing is that it does not actually get to the Minister. It goes via the bureaucrats again, and the Minister may consult with his advisory committee to make sure it is taken on board. At the end of the day, it is a good process, and I am happy with it. Similarly, consultation with Government departments is a good process, if only it could be made to work quickly.

I support the Government's introducing the ability of the Minister to save the intent time and bypass Government department consultations and go straight to public display. Whilst the plan is on display, consultation can be had with the Government, and the two month period of the display can be saved. Planning consultants have been saying that for years. In fact, it has been a non-statutory component, and the department always insisted on going through the two month consultation process with Government before public display. That added another two months, but the ability to go straight to display is excellent, and we support it. That process actually avoids ACOP and reporting to the Minister to decide whether or not it goes on exhibition. ACOP is no longer involved. ACOP plays a role only if the Minister chooses it to play a role. Alternatively, after a plan has gone on exhibition and there is a big outcry, the Minister is required to put it back to ACOP for an opinion. ACOP is used to undertake the procedure for the Minister when he prepares a plan or is in a position to prepare a plan.

In statutory terms, the amendment process is longer. I was not impressed to learn a couple of weeks ago that officers in the department have admitted that the new procedures are expected to add about a month to the processing of an amendment to the development plan from go to whoa. They are talking theoretically of a 13-month process. In my view, that is absolutely and utterly intolerable and inexcusable, especially for a short or minor plan amendment. That should be able to be brought forward quite dramatically. At a subsequent discussion, I learnt of the decision to allow the plan to go on display virtually immediately and jump over the public consultation issue. That could save up to four

months in the process, and it is fantastic that the Government has actually admitted to that, but that still only brings it down to eight months. The reality is: how many times will a Minister take this unusual step? It is much easier to go down the long, easy road, and that is still there for a serious concern, but we do not have a system in statutory terms that will get us to easy street.

The Government has put a limit on the time for an agency to respond, and that limit is six weeks. Planners will be delighted with this because they were in a position where they would get either no response or a response saying that the department would respond, but it would be three to five months before anything came forward. Now there is a time limit, and whether it be six weeks or four weeks is a matter that we will resolve during the Committee stage of the Bill. When the Bill was first drafted, I understand that the limit was four weeks. It has been extended to six weeks, but I will be moving to amend it to four weeks. If four weeks applied previously, I see nothing wrong with four weeks still applying now.

I will be moving to extend the time limit on the actual procedure of getting on to exhibition, because that is singularly the most important delay period. It has been known to take five months just to be allowed to address ACOP, which is then months away before plans are actually allowed to go on display. For someone who has not been involved in the planning process to hear consultants tell you that it could take that amount of time just to get before ACOP demonstrates that something is wrong with the system. The procedure of getting to the public exhibition period is the biggest delay. To date, the industry's problem is actually getting to the race. It is still continuing with the practice referred to in this Bill.

The other day a planner told me that, when he pointed out the fact that ACOP was not to be involved, the department advised him verbally that, whilst it is not written in the Bill, the plans would, in practice, go to ACOP and then to the Minister. I am told that a similar provision is to apply in relation to major projects. There is another procedure, separate from what the actual legislation implies, and members of this House ought to be aware that the department is not administering the Act strictly. It is administering a procedure which might be adopted by others. In other words, if we think that we have set up the sequence of events through the legislation, the department may or may not necessarily follow it.

With respect to the planning strategy, I think that this is where we have gone wrong in the past decade. We have focused on controlling development rather than on getting the overall picture right and then making sure that the little pictures fit the big picture. The planning strategy now gives us the mechanism to set the big picture, but it is very Government driven as a mechanism. It is a bureaucratically driven mechanism in the sense that consultation is provided for in the strategies and there is a report-back process to Parliament. However, what form of consultation there will be and what sort of comeback the community and those consulted will have is not clear. In other words, the strategy plan is prepared, they may consult, and they may have to report to Parliament that they have consulted, but at the end of the day there is no control over that document. Nevertheless, having the mechanism for strategy is very important.

The Government has made a strong push, as has the planning review group, but there is no statutory or legal linkage between the strategy and the development plan. In many ways, that is not possible, and I accept that. However, on the other hand, it would be desirable to get some linkages that have a great deal of empathy, and that is important. Those linkages must have empathy, because at the end of the day a development plan can be prepared with a degree of inconsistency with the strategy. Whilst it is supposed to be considered, the degree of inconsistency cannot be held against the development plan and a development application cannot be held to be inconsistent. One cannot rely solely on the development plan. There is only one occasion when one can rely on the development plan, and that is largely with EIS-type developments. I guess that, having a development strategy, we are further advanced than we were, although there is still some cloud over the ability to implement it.

I shall now refer to the development control process. In many ways, this is similar to the current Act although it is complicated by the Building Act provisions. We have yet to be convinced that this integration will work, that it will be a marriage that will work effectively. The building and planning culture in this country is such that building has been a very precise process, and training for building work has been precise in terms of technical education, ability to calculate load bearings and the like. On the other hand, the planning profession makes both subjective and objective judgments. We are now combining the subjective and the more factual in one decision. Given time, it is possible that there will be integration. However, a lot of work needs to be done and, if the time frame for operation of 1 July as advocated by the department is still in vogue, a lot of homework will have to be done and a lot of training will be required to overcome the problem.

The development control process is not a lot different from the current system in many respects, although in other areas it is quite different. The department has adopted a new terminology for development that was either permitted or prohibited. It will become complying or non-complying development. That will be dealt with in a formal procedure. Complying development is equivalent to what was known as permitted development. The essential thrust in this Bill, with which I disagree, is to make all development complying, that is, to require approvals for all forms of development. That varies from the current situation with permitted developments. The department's argument is that it has given more certainty to individuals, and I think there is some merit in that argument. On the other hand, I do not agree with it, because I believe there is a reasonable degree of certainty. People can read development plans, they know that they are permitted to go ahead in a particular vein and the incentive to be able to do so is far greater than having to get consent.

The question of consent, even for something that is permitted, always brings in the risk of political local government nuances, neighbourhood disputes, etc., and I know of many councils where things that satisfy the plan are refused. There may be other reasons as well and, if there is discretion to make a decision, the provision that

complying development must be approved should be observed. One of the planks of the planning review was to have certainty, yet one of the first major steps in controlling development is to introduce uncertainty in an additional approval process, with new paperwork and new staff to be employed.

When we come through the system to 'development', under complying or non-complying, the Bill lists three categories of development (categories 1, 2 and 3) and this relates to the public notification process. I notice that the department has virtually taken on board the entire submission of the Planning Institute in terms of categories of development and is allowing for the consultation process under clause 38. Initially, the department had a process where category 2 development was subject to consultation with interested parties and with those who were on the same title of land or adjoining neighbours. However, it has focused that more narrowly to adjoining owners and, most importantly, it has provided under clause 38(2)(a) and (b) the ability to assign various forms of developments to categories, and this equates with the section 38 regulation which exempted certain things.

For example, a detached dwelling in a residential zone was exempt from public notification. In this way there was a good degree of certainty. It also exempted a shop in a centre zone, so a developer could go in with certainty knowing that his competitor a kilometre down the road would not object or appeal against him. In the first draft the department looked to having this consultation process, although with no appeal. The Planning Institute watered down the department's role so that, by regulation, it may nominate the category that requires public notification. In addition, and most importantly, the department has agreed that the development plan may assign a form of development into category 1, in other words, into a category that does not require any consultation. The regulation may come out that, with respect to shops in a centre zone, adjoining owners should be notified.

If the council concerned says that it does not have local issues like that because it has decided to put in its centre zones all development exempt from category 2, and, bearing in mind that the development plan amendment would go through public consultation and the community would have their say, overall it provides for an improved control system. It also provides flexibility and gives local government the ability to adopt the sort of policies it wants. That is a good provision. If used properly, category 2 would provide a flexibility that could give us the best of both worlds.

Category 3 is the equivalent of the full process of public notification. This provides for the possibility of appeal, and it is virtually no different: it seems reasonable. If one has a fairly substantial development and one wants to go down the track of notifying adjoining owners, councils can make that judgment. If it has a significant impact, the community should have a say and there should be a community right of appeal. There is a difference, however, with the non-complying development, which was the old prohibited form of development (clause 35(3)). With this provision, something that does not accord with the development plan can still become an application for approval. This is where sections of the industry have come in heavily and said that they want a procedure with certainty. They want projects for non-complying development to go through a process where, if the applications are refused, the applicant has the right of appeal.

There is debate in the industry as to whether this is appropriate. The answer is that at the end of the day, if something is directly inconsistent with the policy, then fix the policy framework. If there is strong community support for, say, a five-storey office along Unley Road or Greenhill Road and we have gone through the plan amendment process, then that policy will accommodate that the next time around. JICOP was suggesting an approach whereby every development, in effect, is subject to consent and every development, therefore, would be subject to a challenge. Developers have learnt the hard way that if they throw enough money and experts at it and it is tolerated long enough, sometimes they can win, although the industry should not have to go through this. The way around it is to have the ability to go back and initiate an amendment policy.

In Queensland, developers propose amendments to the policy framework. Here, only the council or the Minister can do the same. There is a need to look at some half-way house measure whereby, if a developer is rejected and does not have a right and yet the policy trend is towards accommodating what they might want and the community is against it, the developer can provide a submission or a planned amendment which is able to run through the process. It needs to be given some thought as to how it is not stopped at the council stage. It needs to go up to the Minister who would agree, 'This is a fairly reasonable argument, let us entertain it, at least through the public exhibition period, to see how it goes.' It would be an improvement on what we have now: in other words, giving the developers more leeway to get the runs on the board.

Greenhill Road is a classic example. We have office development virtually all along the frontage and it is a residential zone. We have the council and the community saying, 'We want a residential zone, yet there is $50 million worth of real estate there operating as an office park.' Maybe the Minister should come along and say, 'Let us investigate this further. I insist that we go down that track.' Indeed, the former Minister for Environment has done this regarding Craigburn, where she said, 'That is open rural space, but in this particular council area tomorrow that is going to be residential.' The community has no say. It is really not a lot different in many ways.

I would like to refer to the status of an EIS report. The Minister can require an EIS where, under section 46, there are social, economic and environmental effects. That is accepted. Then the EIS is to be prepared and the developer, having prepared it, puts it on display after the Minister is happy with it and gets comments back from the community and responds to those comments. The Minister, via his department, does an assessment report; it is, in effect, the developer's, although it may be the State's EIS—usually the developer's, but it depends on the issue. It goes through the community consultation process, through the works, as it were, the developer has amended the plan, etc., but at the end of the day there is no approval of that EIS. It is simply a very good

scientific study and a balanced view as to what the issues are and what the managed conditions may be which are required to address the issue. There needs to be more on that matter involving the status of the EIS report.

I conclude my remarks by referring to a couple of specifics. First of all, there is this question of the revision of definitions. This is where an inter-relationship with the regulations would be handy, if we had the regulations. We had an opportunity, which has been lost, for revising the definitions. The Bill increases the number of definitions and the regulations actually restate the old definitions. We have been going through a continual change in definitions in planning, and it is time that they were reviewed on a comprehensive basis. It is a bit of a sad indictment. I have been briefed by the Professional Planning Institute in this case. They see it as a sad indictment that after two years of review we come out with a new form of legislation using old terminology, when in many cases that terminology has passed us by.

The Conservation Council contacted me during the week and raised several issues which it would like raised in this debate. The first relates to the Conservation Council being given the opportunity to nominate a candidate for consideration on DAC (Development Assessment Commission). I believe that the time has come when the Government or the Parliament should accede to that request. The Conservation Council represents over 60 organisations. It is very attuned with all the environmental issues, it has a lot of expertise available and the council should be allowed to nominate for DAC. I will in fact be putting that up as an amendment in Committee. I would appreciate it if the Government would seriously consider the amendment so that the Conservation Council can nominate a nominee for that position.

The council has asked us to put up another amendment relating to the public consultation phase for the strategy plan. The Bill, as I recall, allows for public consultation, but there is no formal clause relating to public consultation and no formal clause that even allows local government to get involved in the public consultation process. My amendments will be to insert a clause which allows for public consultation, which the 'appropriate Minister' will take into account. At the end of the day, Cabinet makes the decision, there is no question about that, on the composition of that final plan, but I believe we should strengthen the community input. So, there is a formality that that will be taken into account.

The Conservation Council also gave me a list of 15 ecologically sustainable development points that it believed should be incorporated in the Bill. They were to be used as a checklist on development applications so that everyone would take them into account. I do not think time permits me to read them into *Hansard*. I know that the Minister has also received a similar list of 15 points. If we are serious about this question of ecologically sustainable development, and if we go through these 15 points, many of them are very important and should be considered. Perhaps the Government might take them on board in its deliberations between now and when the Bill goes to the Upper House.

Local government is concerned about LMAs (land management agreements) and the removal of the word 'development'. The Adelaide City Council, among many other councils which have raised the issue, contacted me and said that it found specific uses for the LMAs and believed they should still be available to the council. I think the Burnside council was another one which contacted us; it has no doubt contacted the Minister as well. But I will use the example given to me by the City of Adelaide. It was an important one and it shows how the LMAs are specifically a very useful management tool for that council. I will read from a letter that was provided to the council by its solicitors:

Land Management Agreements

(a) Section 59(1) and (2) of the Bill enables the Minister and the council to enter into land management agreements relating to the management, preservation or conservation of land. The Adelaide City Council is presently enabled to enter into such agreements relating to the development of land as well as its preservation and conservation. In our experience, the greater proportion of land management agreements in the city area have related to the development of land rather than its preservation or conservation and, for that reason, we would be concerned if the city council was to lose that power.

We have, from the outset, only recommended the use of land management agreements in the city, relating to development of land, when we perceived a need on the council's part to exercise control and where that control could not be exercised effectively by any other means. For example, a number of land management agreements have been entered into for the purpose of controlling the development of large sites within the city.

Applications are frequently made for planning approval of the development of large sites, in stages, comprising several distinct components such as office tower, car park building and retail. The applicants usually wish to have such a proposal assessed as a 'package' so as to gain a plot ratio advantage by virtue of the car park component, thus allowing the plot ratio available in respect of the total site to be 'stacked' into the other components.

Land management agreements have been considered desirable in such cases for the principal purpose of extracting a contractual promise, binding on successors in title to the total site or any part of it, precluding the making of future applications for development approval of a different development. The purpose is to prevent the implementation of those components of the approval which 'use up' the available plot ratio, to be followed by a subsequent application relating to that portion of the site set aside for the car park building, seeking an alternative development of it...We consider that the requirements of development control in the city differ so significantly from development control elsewhere as to warrant the retention of the power for the city council to enter into land management agreements relating to the development of land as well as the other matters proposed in the Development Bill.

By way of further example, we consider that a land management agreement is the only effective means available to the council of resolving the situation that has arisen with respect to the Newmarket Hotel. In that case we have proposed an agreement imposing contractual obligations, binding on successors in title, not only with respect to removal of a large Sky sign from the roof of the building by a stipulated future date, but also precluding the making of future applications for planning approval of a replacement sign and structure.

Such controls are not available except by means of a land management agreement relating squarely to the development of the land. We consider that under the Development Bill the

council would not be empowered to enter into such an agreement, or at best, the power to do so would be highly questionable.

During the Committee stage I will move to reinsert the word 'development' into land management agreements. I believe that the city council and other councils are fully justified in their request to have that word reinstated. Perhaps during the Minister's second reading reply he will explain to the House and to local government why the Government removed the word 'development' from the definition.

There are many concerns that I have not raised. However, it would be impossible in the course of an hour or so to canvass all the issues in this Bill, because there are so many of them. During the Committee stage I will raise some new issues, which relate to appeals and the awarding of damages in cases where councils or planning authorities extend their deliberations beyond certain times. I will also refer to Crown development and a range of other issues, including the future of building surveyors. Members have received representations from building surveyors and building inspectors, who are concerned about what the Government has included in the legislation. I will be proposing a series of amendments that I believe will overcome the concerns of building inspectors. Those amendments are on file and I trust that the Government has had an opportunity to look at them, and when we get to the Committee stage it will agree to insert them. In the meantime, I support the second reading of the Bill and look forward to the Committee stage.

Mr S.J. BAKER (Deputy Leader of the Opposition): I suppose that on reflection the Bill we have before us does represent a great deal of hard work and an attempt to balance the impossible in a piece of legislation to achieve some semblance of balance in the debate which rages about people's rights and the capacity of a person, an organisation or a firm to carry out changes to the landscape of South Australia. The Bill really does try to pursue probably four different principles. First, it attempts to introduce simplicity into the development process. Secondly, it attempts to provide greater certainty for those who would wish to invest or change. Thirdly, it attempts to provide for a quicker response and quicker resolution of conflict. Finally, it attempts to ensure that developments form part of an overall plan rather than its being left to chance and growing like Topsy as Adelaide has tended to do since the Second World War.

The Government is to be congratulated for the attempt it has made to come to grips with some of the basic irreconcilable differences that pertain in the area of environment and planning. I would like to reflect that perhaps there is this mistaken belief that development is a homogeneous item. If we can dissuade people from that concept, we may get further in terms of achieving greater levels of change than we do at the moment. I point to the fact that developing a greenfield site may cause developers a lot of headaches in terms of the infrastructure that has to be supplied and in terms of meeting the requirements of council. However, that is nothing in comparison to the problems faced by firms or individuals who wish to develop land that is surrounded by existing developments.

Whilst I congratulate the Government for reducing the number of applications and streamlining the system—and that in itself must be a step in the right direction—on the other side of coin is the simplistic notion that all forms of development should be treated in much the same fashion. That does not stand up to scrutiny. I would like to give a few examples. When I was in the Department of Housing, Urban and Regional Development back in the late 1970s, it was my job to predict futures and to tell the Government what the population expansion would be, what the demand for housing would be, what types of housing might be needed and, therefore, what land had to be set aside and what future planning had to be provided to ensure that we did not have unplanned expansion of Adelaide. Just as importantly, it was to ensure that whatever developments did take place had been thought through prior to their taking place so that the facilities would be available for the new residents and so that they could have well-planned suburbs.

We determined that the future development of Adelaide—the future expansion of Adelaide—would take in such areas as Morphett Vale East, Golden Grove, Munno Para and Seaford. There was an understanding that one should stage these developments and release land at a rate that allows for orderly development but not too slow, such that the price of land was pushed upwards due to the excess demand being placed on vacant land. Another component of those deliberations related to compact development—utilisation of existing broadacre and smaller size plots of land within the existing areas of Adelaide.

When we are looking at planning and development, there is no doubt that the developers who take on greenfield sites, provided they have the support of the Government and the support of the council, can achieve some marvellous results. We have seen that in the case of Golden Grove and West Lakes, and we have seen aspects of it in the Woodcroft Estates and the Morphett Vale East development. I presume we will see similar quality developments in the Seaford area.

There is great opportunity to continue to enhance the quality of the landscape with the development. The greatest demands for planning or the greatest demands for Government to assist development relate to existing built up areas. We have seen a number of development proposals which have failed due to inadequate consultation, bloody-mindedness on behalf of Government or councils, or just simply an inadequacy to come to grips with what is needed and what changes are needed in the basic construct of those areas.

We can look at the difficulties now being faced with Goodwood High School. The local residents are saying that the Government, through the Housing Trust, should comply with the planning regulations, which means there should be an open space component whereby 12½ per cent of the land is set aside for open space in that area. The Government has decided that it wants to play by its own rules and it says, 'Look, we do not have to comply'. The original development proposal was going to take in some 30 allotments but has now been reduced to below 20, which means that the Government, in the form of the Housing Trust, does not have to comply. It

is important, if we are going to give clear signals to development in this town, that the Government actually attempts to live within the rules it sets for others.

We have huge conflicts in the Craigburn Estate, as members would well recognise; and we have huge conflicts with the Waite development, which will soon be in the electorate of Waite. The problems have arisen because the Government is not complying with the rules that a private developer would have to comply with under the legislation that has governed planning in this State.

There is no doubt that the major developments that occur in South Australia are really Government sponsored. That is a very unhealthy situation because the developers can see quite clearly that the only way they can get their developments up is to get into bed with Government. With regard to greenfield sites, obviously the Urban Lands Trust has the land, there is proper planning, there is proper staging development and then the developers put up a proposition which is modified, finally agreed to and it goes ahead. What about private land-holders? It is always the private land-holders who do not have the benefit of that process, who do not have the benefit of being associated with Government holdings and Government land, and they are the ones who face the uncertainties which have dogged, I believe, the development of South Australia and the development of Adelaide.

It is absolutely vital that, if this State actually wants to encourage development, there is a set of rules that even the Government complies with. I know that in the Waite development we have seen no EIS; we have seen the plan change on at least six occasions; and there is still no clear idea of what is going to be put on that site. However, if a private developer came along and said to the Government, 'I want to build a similar sized set of buildings on my private land', that developer would simply not be able to do so without going through a very long and involved process. Even though this Bill attempts to clear the way and attempts to make life simpler for the developers, in practice there are still the same players in the system with their same prejudices and inadequacies. We do hope that the Bill before us will assist the orderly development of Adelaide. We do hope that the Bill will take us a lot further than we have been in recent years, but I do not think anybody in this House could guarantee that result.

It is quite interesting to look at the various developments that have taken place and the extent to which they have been successfully negotiated. In other instances some people have simply given up in disgust. I reflect on what happened in respect of Jubilee Point. That was a combination of a number of factors and perhaps at the end of the day finance might have been the most compelling reason why the project did not go ahead. I can reflect on the current development proposal for Glenelg and perhaps again say that if that proposal is at risk it is because of finances. But there are a number of other areas where a combination of factors is making it so difficult for a person to do anything innovative or anything that would be out of the ordinary and is not consistent with the way that people have traditionally conducted their affairs that I am not sure that this Bill will allow them to do so.

I highlight the malaise, if you like, of some of our major arterial roads. If I go down South Road I see huge amounts of vacant space or run down premises. I go down Unley Road and I see 40 or 50 shops which are unoccupied. And somewhere, sometime the planning authority, whether it is the council or the Government or both acting in tandem, has to come to grips with the urban environment and how it can be changed to fit in with the changes that are taking place in the commercial market. Whilst we say that for each area we need an SDP to show clearly what can or cannot be done in that area, I still do not believe that it will achieve the ends that we would wish.

I do note, for example, that the Ramada Grand Hotel was a development that did go ahead. I understand that the amount of consultation and expense that was borne at the time to allow that particular development to proceed was necessary, but other basic costs associated with it were quite unnecessary. We have to then look at those developments on their merits. I know that the committee spent a lot of time consulting with various people in the industry. We have had a briefing on the Development Bill and what it attempts to achieve. What it attempts to achieve is absolutely laudable, but whether it will meet its aspirations again comes back to the people who are in the system: the councils and the quality of their planning staff; the Government and the quality of its staff; and the many other interested parties involved in particular developments.

We know that in existing areas residents do not want change. There is no way that residents want their area changed. They are fearful of change. If there is a vacant block and somebody wishes to build a house, the residents look over the fence to see whether it will be in keeping with the rest of the street. That is fine. But some of the skulduggery that has gone on in the process, which has prohibited people from putting up acceptable housing developments, must change. Even in commercial zones we have people interfering with the processes. If a developer or an owner says, 'I want to change this property and put up a shop', or 'I want to put up an entertainment area', or 'I want to do something which is consistent with the zoning', we still see residents coming out from around and about and expressing objection.

I do not know how we get around this problem because residents basically are very selfish people. They would wish to have their local environment preserved but they also want development to occur so that they have jobs for their kids in the future. They do not seem to be able to reconcile the two. I am not suggesting that we should throw away the rules and allow development to take place in an unimpeded fashion; I am suggesting that there has to be a better fall back position than is the case at the moment. Too often appropriate development is stopped by vested interests, and quite often that occurs at the local level, at the council level. It is time that people had a bit of backbone and said, 'We have a development plan and these are allowable developments. How do we ensure that it goes ahead in a cost-effective and streamlined fashion rather than some of the stupidity that we have had to put up with in the past?'

In my view, we can redevelop much of Adelaide. We can redevelop the Unley Roads, the South Roads and parts of the western suburbs, but we will not be able to

do that not necessarily because of the rules that will or currently prevail but, more importantly, because of the attitudes of people. Therein lies an educative process by the Government.

In my area there is a sand and metal merchant on Belair Road. That business has been there for over 50 years. Somebody bought a house backing onto that sand and metal merchant's premises, and on windy days there is dust, as would be expected. The person who bought that house paid a reduced price because the house backed onto the sand and metal merchant, but that person now wishes those premises to be closed. How many other examples do we have of a similar nature? How many other examples do we have of people buying into areas and finding that they are living on a corner and a car comes hurtling down the road and smashes into the front fence, so they want the road blocked off? It may be that there is too much traffic speeding and they want changes made to the basic construction of their area to their advantage and everybody else's disadvantage. How many times do people pay a reduced price for the house in which they live yet expect that they should have the capacity to improve their environment at the expense of everybody else?

It is not good enough for a Government to put up development changes; it has to put up or shut up in the area of education. I believe it is up to the Government to ensure that the population understands that developments are appropriate and good, that they promote change, and that they can add to the landscape and be of great benefit to the city and the State. We have to get that mentality through; otherwise we shall continue to be avoided by developers who might wish to come to this State and take up some of the opportunities that are available.

It is not an easy task. One of the great faults of Government is that it has not spent enough time explaining what it is attempting to do—explaining that it does want development, explaining that it does want change, explaining that there are areas of decline that somehow have to be lifted, or explaining to people that, if the areas continue to deteriorate, it will be in their least best interests.

I congratulate those members who undertook the review of the Bill. I believe that they have taken on board many of the concerns of developers and individuals. However, I believe there is a higher responsibility on Government to bring the people along with it, to explain clearly what it is attempting to do, to ensure that 'development' is not the dirty word that it has become, and to ensure that some people do not have more rights than others in the process. I commend the Bill to the House. I also commend the effort of my colleague the member for Morphett for the very fine job that he has done in reviewing the legislation. We shall support the amendments that he will be moving in the Committee stage to improve the Bill.

The Hon. D.J. HOPGOOD (Baudin): I could not allow the Bill to move through the House of Assembly without saying a few words on it because, if one thing has attracted my attention as a member of Parliament over nearly 23 years, it has been urban and regional planning. Early in my parliamentary career I attempted to read as much as I could in this area. I was conscious that, as I was representing an electorate at the edge of the metropolitan area, the needs and concerns of my constituents were very much bound up with the sorts of problems which perhaps were encapsulated by the title of the Act that was then in force—the Planning and Development Act. Of course, I also had the privilege for nearly seven years, as Minister for Environment and Planning, of having charge of the then Planning Act.

South Australia has a long tradition of being concerned with conscious planning of urban form. It goes back to Colonel William Light. A man called Charles Reade also had a considerable, though brief, impact on this city. However, it was only from the late 1950s that there has been a continuous and systematic attempt to ensure that statute law reflected the concerns of our people for a planning system and an urban form which is both efficient and compassionate.

We can see this through a number of reports and the legislation that has arisen out of those reports. Previous speakers have referred to Stuart Hart's report of 1962, which eventually led to the bringing down of the Planning and Development Act. It took two attempts to get it through the parliamentary process: first, in 1966 and, secondly, in 1967. However, that eventually led to the Planning and Development Act, which was responsible for the control of development and constraints on our urban form through most of the 1970s.

In 1978 the then Minister, Hugh Hudson, commissioned Stuart Hart to bring down a further report which, from memory, was called 'The Control of Private Development'. That became the basic document for the Bill which eventually found its way into law in 1982 as the Planning Act. In more recent times we have had all the public consultation leading to the issuing of the reports centring on the document 2020 Vision, and that in turn has led to the Bill that we see before us.

It seems to me that every 10 to 15 years we find it necessary to have a complete review of our statute law on the control of development. All I can say is that, at the end of this cycle, the next time there is such a. review I am likely to be in the position of an armchair critic only in regard to these things.

Whatever form the legislation tends to take, there are a number of matters with which the Minister has to grapple in his or her putting together of the Bill and with which Parliament has to grapple relating to what it will or will not approve. For a start, we have to know what we are talking about. That may seem a fairly basic thing to say, but the legislation that this Bill seeks to replace was about the control of changes in land use. One had development if there was a change in land use. It did not control the use of land as such: it had effect only where the use to which land was being put was changed. At that point the Act suddenly sprang into life and a number of procedures had to be followed. I can recall arguments in this place about what was and what was not development and about what did or what did not constitute a change of land use.

The Planning Act, when it came in, was a highly flexible document. Fairly early in the piece, I seized upon that flexibility to promulgate by regulation the fact that the clearance of native vegetation should be regarded as development, and thereby we were able to get some statute law control over the clearance of native

vegetation. As far as I am aware, that had not been envisaged by the Minister who was responsible for bringing the legislation before the House.

Nonetheless, it was a fact that it was able to lend its powers to what I saw as being a very useful way to go in terms of the protection of our natural environment. So, there must be some clarity as to the point at which the Bill (or the Act when it becomes law) actually springs into life. One would hope that members do have their mind clear about that as they address themselves to this legislation, because I am not sure that everyone was all that clear about the previous legislation more than a decade ago. Secondly, there must be a duly and properly constituted authority that has power to make decisions. Again, given our two tiered level of government within the State, that cannot be an altogether straightforward process.

There are matters that, quite properly, should be left to local government for decision; there are other matters that should be beyond the control of local government and should be vested in the State in one way or another. Thirdly, decisions must be made against a background of policy which is agreed, which is reasonably easy to understand and which has been decided upon as part of an open process. That is very important, and I agree with what the member for Morphett was saying earlier in the afternoon about this matter.

The more we can determine the outcome in our policy making process, the less ambit there is for the exercise of discretion and the fewer arguments we will have. So, when there are matters that nonetheless, for technical reasons, still must come before a duly constituted authority for decision, whether it be a State planning body or local government, one would hope that, for the most part, the person making the application has a fair idea of the success that his or her application will meet, because that decision is implicit in the documents to which the decision makers must have some regard as they consider the application that has come before them.

Of course, there must always be some degree of discretion available in a number of those matters, but I have always been of the belief that, the more we can limit that, the more it can be clear that a certain change of land use is either permitted or is not permitted, then the easier a planning process we will have. There must of course be certain rights of appeal, and the Bill also must make clear exactly what the role of Government is and the extent to which what Government wants to do is constrained by the Bill in the same way that what private developers want to do is constrained.

One of the things that is clear as we have gone along through this 30 years of the history of planning law is that it has been seen appropriate that the compass of the Planning Act or the Development Act—whatever we call it—should be broadened. For example, if we take as our basic document the Planning and Development Act of the mid-1960s, we see that one of the ways in which the legislation became more comprehensive in the 1980s was that it took on board the EIS process, the audit or environmental investigation of a number of things that were seen as being just too big to be digested within the normal planning or development control process.

That was a jolly good thing, and it is good that there was some greening of the legislation at that time through the appropriate EIS mechanism, which was adopted. Now we see over 10 years later that there is a further broadening of the compass of the legislation in that those things which have normally been concerned with safety and standards in building, the things which were seen as more properly part of the Building Act, are now to be included. So, when a person wants to proceed with a development, he need not have recourse to a great string of statutes to read up: most of the provisions are contained within the one piece of legislation.

I understand that there are some concerns in the community, particularly by people whose profession it has been to be employed by local government, in relation to inspection of building sites and that sort of thing, but I also understand the reasons why the Bill has been worded in this way: it does try to ensure that, where there are controls, where there are certain provisions for safety for the consumer, the person who is ultimately purchasing the building or whatever is being constructed, those controls or provisions are understood by the individual so that the person is not under a false sense of security.

Nonetheless, I hope that there is some way in which the concerns of these people for their future can be allayed by the Minister, and perhaps even more so by their employers who, of course, are the various local government authorities around the State. We must always in these debates (which as I say occur so very infrequently) remind ourselves that there are certain limitations on statute law. Much that we want to achieve in the area of amenity, as it was called in the earlier days of legislation—the standard of life, the provision of infrastructure, the sort of regional or urban area we want to live in—is achieved not necessarily because of the form of legislation under which it has received its approval but from the exercise of the imagination of architects, of planners, of entrepreneurs and of people in Government who are responsible for Government initiative in these areas.

We can have as perfect a planning system as we like in terms of the legislation we have and still finish with a very ugly city. We can have the very best of intentions in our legislation; we may have a beautiful city but we may also have a city that lacks compassion, a city that takes no account of the needs of the less well off in the community, and that may not necessarily be so much in terms of income, either. It may be in terms of people who simply live a long way away from the facilities on which they rely. One of the things that was envisaged back in 1962 in the town plan was that metropolitan Adelaide should develop through a number of urban nodes and that, in each of these urban nodes, there should be a replication of all the facilities in Adelaide.

So, there would be shopping facilities, professional offices, centres of administration, educational facilities and all those sorts of things and, as they were clustered in that way, there would be the opportunity for public transport to service those areas and the people who need to come into them rather more efficiently than if they were scattered willy-nilly all over the place. It is true enough to say that in the early stages we were very concerned about whether that was working, because the concept seemed to lack a certain robustness, and these nodes were perhaps not working as well as they might.

In more recent times it is probably true to say that there are those people who see their business future in the City of Adelaide and who perhaps want to say that it worked rather too well—that areas like Marion, Noarlunga Centre or Elizabeth Town Centre have been very powerful magnets or centres of gravity drawing people to them, and that there has been some decline in the central business district.

There is also the matter of the spread of metropolitan Adelaide. This is a matter that has gone through a number of phases. I can recall as Minister Assisting the Premier being responsible for the development of what was going to be called the new city of Monarto, because it was seen that the development of that city was a better alternative than allowing metropolitan Adelaide to spread beyond Gawler in the north or to completely clog up the Willunga Basin in the far south. In more recent times, the fashion has been to do whatever one can to try to attract people back into the inner suburban areas. I can recall viewing with alarm in very early 1980 the demographic decline of the immediate inner western suburbs of the Bowden-Brompton area. I hardly need to remind members of the initiatives that were taken in the very early years of the Bannon Government to try to get development back into those inner western suburbs.

That has met with a great deal of success, so the town of Hindmarsh continues to be one of the few inner metropolitan municipalities that is growing in absolute numbers of population, although from the standpoint of the very late 1970s it seemed that it would disappear off the map as being any sort of dormitory suburb at all. They are the sorts of things one can achieve with or without good legislation.

What I am trying to say to members is: let us not be content simply with the legislation that we see before us but: let us be concerned about ensuring, whether the initiative comes from Government or private capital, that development should be good development. It should be that which enhances not only the appearance of the city and suburbs but also the quality of life of the people who live in that city or suburb.

I was glad to see that many of the very effective mechanisms in the present legislation remain in the Bill before us, particularly section 43 of the Planning Act. I found that a very effective mechanism and one which I had to renew in my time as Minister. I vividly recall a conference of managers between the two Houses at the time the then Planning Bill was being debated. The Government of the day did not want to have a bar of entering into development control under section 43, and the deal at the time was that it be a sunset clause. In fact, what the member for Heysen and I were doing was betting on the outcome of the 1982 State election. The fact that I was then catapulted into the Minister's chair meant that the legislation was renewed within the time set by the deal that had been made at that time.

I would like to think that, if the member for Heysen had continued in the chair, he would also have seen the wisdom of the flexibility of having interim development control and not being in the situation where the Government's hands were completely tied and people were able to go ahead and put in their applications in advance of a change of policy, notwithstanding the fact that the policy had been agreed on all sides and was enthusiastically backed by the community at large. That sort of flexibility remains in this legislation, and I applaud the fact that it is still there.

I join with other members and commend the legislation to the House. I note that a very large number of amendments have been placed before us by the member for Morphett. I would be out of order in commenting on them at this stage, but I look forward to a lively Committee stage of the debate.

Mr LEWIS (Murray-Mallee): The Opposition supports this measure, as has been pointed out by the member for Morphett. Most of the remarks made by members to date have directed the attention of the House, intentionally or otherwise, to the notion that this measure has explicit and specific relevance to the metropolitan area as if it were the metropolitan area alone. I do not dispute the fact that it is relevant that the legislation should be directed to the consequences for the metropolitan area and for urban development but, in addition to that, the legislation also impacts quite substantially on rural South Australia. Indeed, whether rural or pastoral, the two categories of land are much greater in area than the urban parts of the State.

It is my purpose to get some understanding of what has happened in the drafting of this legislation regarding the options available to people outside urban settings, lest we otherwise by default allow the legislation to go through with effects in relation to which some people will say, 'Well, nobody said anything about it and we did not intend that to be the case; we were not aware of it.' I believe it is our duty to read what is here and to think constructively and laterally about the consequences of it in the wider domain.

First of all, where am I coming from in my view of the desirability or otherwise for planning? I guess the purpose of a plan is to make for greater predictability and order in our lives so we have greater security in what we can expect of the future than we had in the past and so we achieve a greater measure of satisfaction from that future than was possible in the past. We know that, without any planning of our lives or the things we do as individuals, we would be constantly confronted with the natural state of chaos and, in consequence, trying to rationalise that chaos into some order that we can manage. Clearly, that is what our forebears found when they came here from Europe, and it is what the forebears of the existing occupants of the continent found when they came here some 10 000 years before that, and the forebears of the people whom they in turn dispossessed, *adfinitum* four times on that experience.

We all have to learn to live in the surroundings in which we find ourselves, given our understanding of the state of nature and science, in a way which enables us to do it in perpetuity. The people called Aborigines, and their descendants who are Aboriginal, had made some measurable success of this task in that it seems to us, from our observation of what was happening, that they could have continued to occupy the continent of Australia in perpetuity as the climate slowly changed across time and so on. But we all need to bear in mind that, whilst what they were doing might seem laudable in that it did not seem to have much impact on the biodiversity of the gene pool and the species that provided that gene pool in

the forms of life which were here, it was not in fact always so.

We know that, at the time they arrived here about 10 000 years or so ago, there was a massive loss of species in consequence of the impact of their changed ways of doing things on that environment. The larger marsupials and the species on which they depended disappeared in consequence of the habits those people brought with them of simply burning the countryside to get rapid generation in the summertime of green feed for the game they sought to hunt and live upon. They were a people who had their own mores in so far as it were enabled to provide themselves with domestic surroundings, but they were more appropriate to their lifestyle, which were those of nomadic hunters and gatherers. They were those not therefore a society of people who could have increased the population beyond a few hundred thousand. It was probably stable at the figure at which the Europeans found it when they came to settle just over 200 years ago.

What has happened is that Europeans, and the science that has evolved in consequence of the way in which those societies in Europe ordered the efforts of people, have made it possible to populate this continent with not just a percentage increase in population but many fold increase by a measure of two orders at least. It is not hundreds of thousands. One order would take that to a few million, but we have now gone to tens of millions and we know that we can have tens of millions on this continent, if we manage it responsibly. There is no question about that. We have now the scientific capacity to desalinate and recycle water, regardless of where it is, and that includes and zones. Also we have a clear understanding of the science of the physics and chemistry of soils and so on.

This is all very important to this legislation, because what I am coming to is that we ought not to tie ourselves up in so much red tape which is reactionary to our personal, subjective experience of life over the past decade or so. Yet that is what this legislation assumes—that we can order everything outside the metropolitan area and outside the urban environment in the same way as it has been possible to do it within the urban environment; that it is dirty and untidy to have the bark of trees laying where it falls; and that it is inappropriate to have carriageways made only of rubble that has been quarried from a borrow pit, with no kerbing or anything else. Yet we would find a significant number—greater than 10 per cent—of people who living in urban lifestyles in Australia believe that.

[Sitting suspended from 6.1 to 7.30 p.m.]

HARBORS AND NAVIGATION BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clauses 20 and 91, printed in erased type, which clauses, being money clauses, cannot originate in the Legislative Council but which are deemed necessary to the Bill. Read a first time.

The Hon. M.D. RANN (Minister of Business and Regional Development): I move:

That this Bill be now read a second time.

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

Leave granted.

The Harbors and Navigation Bill 1992 when enacted will provide for the administration, development and management of harbors, for safe navigation in South Australian waters and will repeal the Harbors Act 1936, the Marine Act 1936 and the Boating Act 1974. Following an extensive review of the Australian waterfront industry by the Inter State Commission in 1989, a comprehensive restructuring program implemented during 1989-90 by the Department of Marine and Harbors to support a user pays public sector business approach and the deregulation policy of the Government announced in 1987 the department has taken the opportunity provided by these catalysts to review the Harbors, Marine and Boating Acts.

One of the principal objectives of the proposed Bill is to provide for the efficient and effective administration and management of South Australian harbors and harbor facilities for the purpose of maximising their use and promoting trade. It is imperative that the Department of Marine and Harbors operate it in a manner that is geared to effectively service its customers and that its business be conducted in a commercial manner and that services are competitive. The proposed Harbors and Navigation Bill will ensure that this public sector business is served by appropriate legislation which reflects coherent corporate objectives and modern port management practices. This Bill will enable efficient and reliable cargo transfer facilities to be established and existing facilities to be maintained within the State's commercial ports. This is vital for successful trade and essential development of South Australia's economy. To promote the safe, orderly and efficient movement of shipping within harbors relevant section within the existing Harbors Act concerning vessels navigation have been reviewed. In major South Australian ports pilotage is compulsory and can only be performed by licensed pilots or ships masters who hold pilotage exemption certificates. Presently all licensed pilots are employed by the Department of Marine and Harbors. However, there is provision in the proposed Harbors and Navigation Bill to allow for suitably qualified and experienced persons to be licensed as pilots. This may lead to private pilotage in the future but recognises the need to control safe navigation practices in ports and the related need to protect the integrity of the port infrastructure. This Bill will assist to promote the economic and proper use of harbors and harbour facilities which will provide a basis for a rational pricing system to maximise trade, to reflect customer service and infrastructure needs and to operate as an incentive for commercial port services.

Another main objective of the proposed Harbors and Navigation Bill is to provide for the safe navigation of vessels in South Australian waters and to promote safe practices by those involved in commercial and recreational activity in the State's navigable waters. Many of the services under the existing Marine Act, and the proposed Harbors and Navigation Bill, are derived from the Australian Transport Advisory Council Uniform Shipping Laws code which ensures uniformity among the States and Territories in areas such as marine qualifications and surveys. This Bill includes updated provisions for certificates of competency (including motor boat operators' licences), survey, equipment and load line requirements, Courts of Marine Inquiry and the State Crewing Committee.

A section of the Harbors and Navigation Bill relates to alcohol and other drugs. This section mirrors existing legislation under the Road Traffic Act and will ensure uniformity throughout the State.

The proposed Bill will provide for the safe use of South Australian waters for recreational and other aquatic activities. The Bill refers to the recreational boating fund which is a separate fund into which all fees and charges (in relation to recreational vessels) must be paid to defray the cost of administering the Harbors and Navigation Bill insofar as it relates to navigational vessels. This includes the provision of marine safety officers who are involved in patrolling and policing the waters of South Australia and educating the public in matters relating to boating safety. Provision has been made to restrict the use of waters for the purposes of an aquatic sport or activity and regulate the entry and operation of vessels within specified waters. There is provision in the Bill to impose a levy on both recreational vessels and commercial fishing vessels to establish, maintain and improve facilities for these user groups.

The provisions of the Bill are as follows:

Clauses 1 and 2 are formal.

Clause 3 sets out the objects of the new Act.

Clause 4 contains the definitions required for the purposes of the new Act.

Clause 5 provides that the Act binds the Crown.

Clause 6 provides that the new Act is to apply throughout the jurisdiction i.e. the area of the State and adjacent navigable waters extending to three nautical miles from the State boundaries.

Clause 7 provides that the Minister is to be responsible for the administration of the new Act.

Clause 8 establishes the Minister as a corporation sole.

Clause 9 deals with the responsibilities of the CEO.

Clause 10 requires the CEO to make an annual report on the administration of the new Act and provides for the tabling of the report in Parliament.

Clause 11 provides for the delegation of statutory powers by the Minister and the CEO.

Clauses 12, 13 and 14 provide for the appointment of authorised officers and confer on them various powers necessary for the enforcement of the Act.

Clause 15 vests maritime property in the Minister.

Clause 16 empowers the Minister to acquire property for the purposes of the new Act.

Clause 17 provides for the resumption of certain land.

Clause 18 deals with the care control and management of property vested in the Minister under the new Act.

Clause 19 provides for the granting of leases and licences over maritime property by the Minister or some other person or authority in which the property is vested.

Clause 20 exempts land vested in the Minister from rates under the *Local Government Act 1934*. The exemption does not apply however to land occupied under lease or licence.

Clause 21 creates a strict liability for damage caused to property of the Minster, or harbour facilities vested in private ownership, by a vessel.

Clause 22 provides that the Minister is entitled to possession and control of all navigational aids except those vested in the Commonwealth.

Clause 23 empowers the Minister to establish and maintain navigational aids. The clause also empowers the Minster to require any person who carries on a business involving the mooring, loading or unloading of vessels to establish and maintain navigational aids.

Clause 24 makes it an offence to interfere with a navigational aid.

Clause 25 empowers the Minister to require the clearance of wrecks or materials which may obstruct navigation or cause pollution to waters within the jurisdiction.

Clause 26 empowers the CEO to grant licences authorising sports or other aquatic activities in waters within the jurisdiction.

Clause 27 empowers the Governor, by regulation, to restrict the use of defined areas of the waters within the jurisdiction.

Clause 28 places harbors and harbor facilities under the care control and management of the Minister.

Clause 29 empowers the Minster to carry out dredging work to clear or extend a harbor.

Clause 30 empowers the Minster to carry out work of any kind for the development or improvement of a harbor.

Clause 31 provides for the fixing of fees and charges by the Minister.

Clause 32 provides for the control of vessels within a harbor.

Clauses 33 and 34 provide for the granting of pilots' licences and pilotage exemption certificates.

Clause 35 deals with the cases where pilotage is compulsory.

Clause 36 sets out in general terms the duty of a pilot and exempts the pilot for liability for negligence.

Clauses 37, 38 and 39 deal with the obligation to ensure that a vessel has an adequate crew so that it may be safely navigated.

Clauses 40 to 45 deal with the constitution of the *State Crewing Committee* and with its procedures and powers.

Clauses 46 to 50 deal with the issue and withdrawal of certificates of competency.

Clauses 51 to 53 deal with the issue of licences authorising the licensees to carry on a business involving the hiring out of vessels.

Clauses 54 and 55 provide for the registration of vessels.

Clauses 56 to 60 provide for the periodic issue of certificates of survey in respect of vessels.

Clauses 61 to 64 deal with the issue of loadline certificates in respect of vessels.

Clause 65 prohibits the operation of a vessel in the jurisdiction if the vessel or its equipment is unsafe or if the vessel is overloaded.

Clause 66 empowers the CEO to prohibit the operation of unsafe vessels.

Clause 67 empowers the Minister to exercise extraordinary powers in an emergency to avert a serious danger to life or property.

Clause 68 empowers the CEO to require the owner of a vessel that is reasonably suspected of being unsafe to have the vessel surveyed.

Clause 69 makes it an offence to operate a vessel at a dangerous speed or in a dangerous manner or without due care.

Clauses 70 to 74 are the provisions dealing with the consumption of alcohol or drugs in circumstances which may affect the safe navigation of a vessel. These provisions are similar to corresponding provisions in the *Road Traffic Act.*

Clause 75 requires the reporting of casualties to the CEO or an authorised person.

Clause 76 requires any person who is in a position to do so to take reasonable action to avert or minimise a risk to life or property resulting from a marine accident.

Clause 77 constitutes the Court of Marine Inquiry. The Court is to consist of the Magistrates Court sitting with assessors.

Clause 78 empowers the court to inquire into a casualty on the application of the Minister.

Clause 79 empowers the court to inquire into alleged misconduct or incompetence.

Clause 80 empowers the court to review administrative decisions taken under the new Act.

Clause 81 provides for the application of the Commonwealth *Navigation Act* to matters within the jurisdiction of the State.

Clause 82 provides for the sharing of administrative responsibilities between officers of the State and officers of the Commonwealth.

Clause 83 provides for the granting of exemptions from the requirements of the Act in respect of regattas and other similar functions.

Clause 84 makes it an offence for a person to behave in an offensive or disorderly manner while on board a vessel, or to molest a passenger or member of the crew of a vessel.

Clause 85 makes it an offence to operate or interfere with a vessel without the owner's consent.

Clause 86 provides for the expiation of offences.

Clause 87 is an evidentiary provision dealing with the proof of certain formal matters.

Clause 88 provides for prosecutions to be brought within 12 months of the date of an alleged offence.

Clause 89 exempts the Crown and officials of the Crown from liability for various acts concerned with the administration of the new Act.

Clause 90 provides for the maintenance of the recreational boating fund.

Clause 91 empowers the Governor to make regulations for the purposes of the new Act.

Schedule 1 lists the harbors that are currently under the Minister's care control and management.

Schedule 2 repeals the *Boating Act 1974,* the *Harbors Act 1936* and the *Marine Act* 1936 and contains some necessary transitional provisions for the purposes of the new Act.

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

DEVELOPMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2725.)

Mr LEWIS (Murray-Mallee): As I pointed out earlier, the purpose in planning anything is to make for greater predictability, greater order and to provide greater security in what is otherwise a naturally chaotic state. That is what this legislation seeks to do. However, in my judgment, it puts far too much red tape around the process of change, albeit change which is otherwise essential if society is not to stagnate.

To be predictable is one thing, but to be hidebound is another. The Bill purports to have an object to provide for the proper, orderly and efficient planning and development of the State. It says just that, but in fact everything that follows makes it extremely difficult. As part of the process, it provides for the creation of development plans and those plans will have the force of law—the 'force of law' meaning that, unless what is to be done fits within those plans, it cannot be done. We presume, therefore, that at this point in our history since European settlement we have so much wisdom, insight and understanding of the topography of this earth we occupy in the constitutional area of South Australia, both on dry land and the submerged lands for which we are responsible, that we are competent to determine what can and cannot happen from this point forward in our immediate future as we write that history over the next 20 or 30 years.

I say to you, as I say to the rest of the House, Mr Speaker, that is a nonsense. We have not learned all there is to know and we do not yet have a consensual understanding of how we could apply even as much as we have learnt to the purpose of achieving the objects of this legislation. The Bill seeks to provide for the creation of the development plan which will enhance the proper conservation, use, development and management of land and buildings. Very good stuff; a fine sounding statement. It also seeks to provide for the creation of development plans which facilitate sustainable development and the protection of the environment, but inherent in the last part of that is a conflict with the development and management of land and buildings, if we interpret 'environment' to mean the natural ecology of any given locality.

The legislation also seeks to provide a development plan which will advance the social and economic interests and goals of the community and establish and enforce cost-effective technical requirements compatible with public interest to which building developments must conform. Elsewhere it sets out what is meant by some of those words.

Within those stated objects, as I understand them, there is conflict. They are not compatible with each other and there has to be a trade-off. To date I have not seen anything in the Bill nor heard anything in the Minister's second reading explanation which identifies the way that conflict can be resolved to ensure the continued prosperity and expansion of the State's economy to provide for the additional number of jobs which we must achieve if we are to survive as a State. Surely, our object should be to succeed, not merely survive. There is no question that we have gone backwards over the last couple of decades or so, during which time the political agenda has been written by the Labor Party, with the predominant influence being left wing opinion of why we do what we do, because that is where the numbers have been. That is why we are in this hell of a mess.

I now wish to return to the theme with which I set out with and point out that we are making a law which affects the way in which we do things in the air and water to which we have access—on the land beneath both (both are fluids: on the one hand, the gases which make the atmospheric envelope; and, on the other, the more dense liquid which, as a consequence of gravity, forms a partial envelope around the globe). It is either the atmospheric envelope or in the water that we do things on the land to which this planning development legislation is directed.

What is missing in the legislation of a definition of the kind of option that we ought to be considering in the determination of what can be done. I am referring to the absence which arises because we look backwards at the legislation what we have achieved and see our future in the same terms: that is, we will continue to farm the way we have farmed, so long as we just change the technique

a bit to ensure that that is sustainable; we will continue to build where we have built, because that is where we built in the first place. We do not look at the prospect of what could happen if we developed our energy technology and put a city at Fowlers Bay. That is not envisaged; it will not be possible under this legislation—not without a great deal of pain. It will not be provided for within this framework.

The other thing that is missing from it is the capacity to develop an aquaculture industry that will be worth at least as much as all the meat currently produced by farmers of any kind, whether it is broadacre grazing, feedlots or controlled environment raising of chickens or any other kind of meat, such as intensive pork and veal production. There is nothing in this legislation that would facilitate the establishment of an aquaculture industry, because there will be property plans, district plans and regional plans inside the State plan, all of which are locked down. Nowhere in any of them is there an existing aquaculture industry of any consequence. Therefore, nowhere within them is the means by which one can be established without a great deal of pain. One has to go and talk to too many people to get permission for it to happen.

I do hope that in the process of considering the measure in Committee that we are wise enough, that we can demonstrate that we have the wit, to put a greater measure of flexibility in what we are doing than is presently included in the legislation.

I worry about the proposal. One can look at things like the definition of 'amenity', 'building work' and 'development', looking at what a 'local heritage place' means and also at the kinds of restrictions there are on what people can do and the penalties for a breach. Then the default penalty keeps on compounding one upon another if someone gets something wrong in the opinion of those who are enforcing the law. It would make everyone fear to do anything which might in any way cross the barrier of what appears to be included in the law without their having had the chance to test it through the courts.

So, we already have a lack of confidence in this State's economy, and legislation of this kind would add to that lack of confidence, further reduce the level of confidence, further reduce the likelihood of our being able to get out of the mess we are in, further reduce the capacity to relieve unemployment, and further reduce the capacity to get off welfare and get away from the necessity of having high taxes to provide the means of sustenance and support for those people who are not able do it for themselves.

It further rigidifies the entire process of getting and spending for society. On the other hand, it does not go any great measure towards protecting what we all value over and above what we seem to value now, and I worry about that. I hope that during the Committee stage the Minister and the Government will give honest and sincere consideration to the Opposition's proposals to vary that.

Before I conclude, let me point out that if this legislation passes into law in its present form then, in fairness, every individual landowner using the land for agricultural production needs to specify everything they wish to do on the land as well as all the things they have ever done on that land when they prepare their property plans and have them included in the district plans, which are included in the regional plans, which are included in the State plan, or they will find themselves unable to pursue those options in the future. If they have used a patch of scrub in the past for herbage grazing in droughts they need to include that on their property plan as the purpose for which they hold that patch of scrub.

In addition, if they think they have good deep sands overlying excellent underground water, such as occurs in the Murray-Mallee—45 thousand megalitres of it—which would enable us to produce as much horticultural crops for market as there are in the Riverland, they need to specify the options they would wish to take up on that good soil with that good water in the future. That is not only for the purposes of enabling them to become involved in horticultural production but also to enable them use the water wisely and twice: first to produce fish in it and, secondly, to irrigate horticulture and derive the additional economic benefit that will enable those communities to diversify their economic base, increase their populations and make better use of the capital that has already been invested in the infrastructure in their towns and communities than is currently the case under this Government's policies.

The Hon. D.C. WOTTON (Heysen): I am pleased to be able to participate in this debate. At the outset, I would like to commend my colleague the member for Morphett, who is the spokesperson for this legislation in this place, for the excellent contribution that he made to the debate. I commend him also for the amount of work he has done in preparing that contribution: planning is a very complex area and I think the contribution that the honourable member has made has been very worthwhile and excellent. I cannot help but reflect in standing here and speaking on this piece of legislation because, of course, it is just over 10 years ago when on the other side House that I was responsible for bringing the legislation down that this Bill will replace.

Mr Lewis: Good legislation it was, too.

The Hon. D.C. WOTTON: I think it was good legislation, too, to be quite frank, but—

Members interjecting:

The DEPUTY SPEAKER: Let the honourable member make his contribution, please.

An honourable member interjecting:

The DEPUTY SPEAKER: Order! The member for Heysen.

The Hon. D.C. WOTTON: I could discuss that matter with the honourable member at a later stage. However, it is quite interesting also to reflect on the circumstances in which the debate on that occasion took place, because the members who were in the House at the time would realise that that particular piece of legislation was brought down just prior to the change of Government—very close to it, if I remember correctly. We could have here a situation where the same thing occurs, with a reversal in roles, with the present Government bringing down this legislation and before very long being in a position to see a Government of a different persuasion come in to administer that legislation. I know it is not appropriate for me to dwell

on that point, but it is an interesting situation that we could very easily see arise.

I have been fascinated with some of the propaganda, if I can use that word, or some of the clichés that have been used to describe what this legislation is all about, because a lot of it sounds very familiar. We are talking about simplifying the system, we are talking about speeding up the process and we are talking about providing more certainty in development. Unfortunately I have not had the time, but I am sure that if I turned back to November 1982 I would find that many of those clichés being used now to describe this legislation or the reason for it are the same clichés that I was using at that time in relation to the need to introduce the Planning Bill. It is an interesting situation in planning, because it is very difficult to please all the people all the time.

Mr Ingerson interjecting:

The Hon. D.C. WOTTON: Yes, as my colleague the member for Bragg says, on some occasions you cannot please anyone, or it would seem that way. It is a fact of life that in planning one has a situation where people demand more certainty, while at the same time they demand a certain amount of flexibility. That is always a very difficult situation with which to come to grips. I guess I could be rather cynical, and perhaps I could be excused for that, because I would suggest that it is not likely that many of the above clichés will be achieved under the new system any more than they were under the system that this legislation will replace.

I can assure members that I will not be here in 10 years, so I will not be able to judge the legislation or its effectiveness from this place. However, I can assure members and the present Minister that I will always take a very keen interest in the outcome of this legislation and its success. I hope for the sake of the people of South Australia that I might be in a position to have to apologise for saying that, because I sincerely hope that the legislation provides for all that it seeks to achieve. However, I have some doubts about that.

I hope one thing does happen, and it is something that is most important. It will be vitally important that whoever has the responsibility for the administration of this legislation—whether it be the present Government or the Liberal Party if there is a change of Government—ensures that it is properly monitored, properly reviewed and amended if necessary.

I say in all sincerity that when the Planning Bill was introduced in 1982 it was a very short time before we realised that there was a need for change, that there was a need for amendment—not major amendment at that stage, although that was recognised as being necessary later. The legislation had to be improved but, because there had been a change of Government and because there seemed to be a lack of interest or a lack of support in wanting to introduce those essential amendments, they were allowed to rest and the necessary action was not taken. I regret that very much indeed because I believe that if that had been the case the legislation would have been improved considerably.

I might say that I probably have as many enemies on this side of the House as I do on the other side in regard to the Planning Act, but I still believe that that was a very good piece of legislation. I hope the legislation that we are debating now is appropriate legislation for the development of this State. It is very easy to be critical, but I repeat that, if the review and monitoring take place and necessary changes are made, it will be to the betterment of all those who deal with this piece of legislation.

It is interesting to look at some of the comments that have been made over time, particularly since the release of the 2020 Vision statement. One comment that I have appreciated comes from a person who I have tremendous respect for, a previous State Director of Planning, Mr Stewart Hart, who said on the release of that particular document:

> People need to appreciate that by 2020 Adelaide will be a city with a population of 1.3 million—a city that will have a growth equivalent to adding a town the size of Murray Bridge every year for the next 30 years. This cannot be allowed to just happen, but must be directed and shaped in a manageable form.

With the release for public comment of a State Government report titled new 2020 Vision: Ideas for Metropolitan Adelaide, Mr Hart found himself comparing it with a similar plan he compiled in 1962. He went on to say that the 2020 Vision report 'is a timely review of what we want Adelaide to become and the methods and processes involved in creating it'. That is what this legislation is all about; and that is what planning is all about. I also refer to a statement that was made back in 1991 by Mr John Sibley, who was a member of the reference group representing the Conservation Council of South Australia, when he said that 2020 Vision was 'the document prepared by the planning review following more than 12 months of the review process'. He said:

> Thinking and discussions by the steering committee have been central to the shaping of 2020 Vision, although most of the drafting had been at the hands of the members of the review executive.

He described them as the 'professional consultants' to the review. He went on to refer to the enormous amount of consultation that took place and, although nobody could be critical of that consultation, they could perhaps be critical of the outcome. John Sibley also said:

> I do wonder though how there could be the quite serious deficiencies in the document after such a long consultation process.

He also said:

> Having said that, there is much in the document to be lauded and supported. The purpose of these comments is to act as a basis for seeking improvements to 2020 Vision, to ensure some prospect of a sustainable future for Adelaide and its people through to 2020 and well beyond.

I have some regrets about the way that the legislation is being handled, and I could say in the way that it is being pushed through because I believe to a large extent that is what is happening. A significant number of questions need to be asked—and I refer to the comments of my colleague, the member for Murray Mallee—and I hope the Minister will be able to answer those questions clearly and to the satisfaction of the House.

A significant number of amendments will be moved on this side of the House, and the Minister has a page and a half of amendments. It is a very complex piece of legislation, so I think it is a pity that there is an expectation that this Bill will be dealt with in two days at the very maximum in this place. Also, I believe it is a

disaster that we are not able to have the regulations sitting next to the Bill at the time of this debate. As I said earlier, I recognise that there is a feeling of urgency in the community to change the system in an attempt to get things going. I still believe that the planning review resulted very much from frustration on the part of Government and the then Premier, in particular, in regard to the lack of development in this State. It has been a very sad state of affairs when we consider the number of developments that have almost got up but have fallen down before they got there for one reason or another. I could mention a dozen of them, but I do not want to take up the time in doing that.

The review, to a very large extent, came about as a result of that frustration. I think the Government got itself into a corner and felt that it needed to do something to get out of that corner. The idea of the review came up and so we had the process which resulted in the legislation being introduced at this time. As I said, it is a great pity that the regulations are not available at this time.

I support the Conservation Council's call for a bottom up approach to planning development. That approach would involve full consultation with the community to a far greater extent at a much earlier stage. To use an example that is fairly close to me in part of my electorate, I suggest that a substantive and sustainable development would now be operating on the St Michael's site at Mount Lofty if the community had been consulted at an earlier stage. At least two of the submissions for developments that came in as a result of the request going out seeking an involvement on the part of developers would have been up and running at this stage if the community had been involved. There is a need for a bottom up approach to planning and development in this State.

I have not left myself very much time to refer to a number of the issues raised by the Conservation Council, but I will do so briefly. I strongly support its proposal, under clause 10, to have a person with practical knowledge and experience of environmental conservation nominated by the Conservation Council of South Australia to serve on the Development Assessment Commission. My colleague the member for Morphett will deal with that at the appropriate time. The Conservation Council is an umbrella organisation covering more than 60 organisations. I think it would be appropriate if that organisation was given the opportunity to put forward some names for the Minister to consider to enable a representative of the organisation to be on the commission.

There are a number of other areas regarding planning strategy in clause 22, and the Conservation Council has made a strong representation to the Minister in regard to that matter. I regret that the Minister has not seen fit to accept or to propose an amendment in that area. I will have the opportunity to refer to that in more detail at a later stage. The Conservation Council has put forward a suggestion in regard to the need for ecological sustainability. Under clause 33 (1)(f) and (g) it has suggested that a number of criteria should be inserted which the commission should take into account in determining whether a development is appropriate or not. The Conservation Council has made some substantial comments in regard to environmental impact statements and to Crown development. As I said earlier, it has been very forceful in the need that it has recognised for advance community consultation. Finally—and I will need to take up the time of the House to refer to some of these other issues—I am concerned that we do not have a separate heritage Bill to be debated hand in hand with this legislation.

Mr Oswald: And an EPA.

The Hon. D.C. WOTTON: And an EPA, but in this case a separate heritage Bill. I shall be seeking a commitment from the Minister at a later stage to determine where that legislation is and why we have not got it. On behalf of the National Trust in particular, I shall be raising a number of significant issues during the Committee stage. I sincerely hope that this legislation is successful for all South Australians. I support the Bill.

Mr INGERSON (Bragg): First, I congratulate my colleagues, the members for Morphett and for Heysen, the two previous shadow Ministers of Housing, Urban Development and Local Government Relations, on their contributions to this debate. For a very short stretch, some four and a half months, I was also the shadow Minister for that portfolio. One of the things that concerns me most about this Bill is that, having been around at the time when 2020 Vision and the planning review final reports were brought out, a great volume of material was released to the community and the expectation was that there would be significant changes in this legislation. However, at the last minute we have this massive piece of legislation dropped on us and we are expected to comment on it in a very short time.

The Hon. G.J. Crafter interjecting:

Mr INGERSON: It is nonsense to say that it has been around for months. I had to ring and request a copy of the Bill. It was impossible to get through this Parliament all the Bills and their attachments without ringing and making a special request. That is a pity, because it could have been done over a more relaxed and sensible period. I am fascinated to find that there is no strategy plan with this document. All we are talking about is the machinery of what will happen—a mechanical change in the way that the planning process is to be handled. The key to what will happen in planning in this State is that strategy plan.

I remember reading the final review report in which there was emphasis on development in the northern part of this city and a lack of emphasis on the southern part of the city. It was a deliberate attempt to say that all the planning and all the needs of change were to take place in the north and the poor old south would be treated just as it has been for a long time by this Government. I am concerned that there is no heritage Bill connection, as the member for Heysen pointed out. The reason for my concern is that in Willunga and McLaren Vale we have some very important vineyards. It is essential that we know where they stand in the future development of this State. Will they be part of some heritage plan or will they be pushed over as we build more and more houses as we extend south?

It never ceases to amaze me when we say that we have a plan. One has only to drive around this city to see the many ribbon developments with so much land in between

those ribbon developments, yet we say that we have a plan. If one drove south, one would have to wonder where that plan has gone. If one drives north—and I spent 25 years of my life in the Salisbury/Elizabeth district—one will find a bit of planning there, but there are developments all over the place with seemingly no concentrated thought or direction. I have no qualms in saying that I am pro-development, but I should hate to be in that position if this were a pro-development Bill. In my opinion, there are more reasons why we should not develop out of this Bill than were ever put before this Parliament; yet it is said that this Bill, will make it easier and the framework will be better.

There will be so much more certainty. People will know that a development will not take place more quickly. If we read the Bill, we have to wonder whether it represents any change from what we have today. As I said, I have no qualms about being pro-development. I thought this would be a Bill that would enable us actually to get on with the job of developing our State, making it easier, more pro-active towards the development of our State, yet it seems to me that there are more restrictions and more ways in which this whole development process can be held up.

As I said, certainty is one of the most important issues that must come out of any development plan. When we look around at tourism developments and see what has happened in that very small, specific area of development in this State, we have to wonder whether this Bill will make any difference to those developments. I hope that I am wrong, but I doubt whether it will. The second reading explanation of the Minister states that we will be able to say 'No' earlier. I have heard all that before.

I remember some developments I was involved with at Salisbury. It would take only two or three months for council to agree; it would take only two or three months for it to go through the State Planning Commission; and then, some six years later, we were still waiting for the two or three months to occur. I suspect from reading this Bill that nothing will change. It seems to me to be a total window dressing of the whole exercise, yet what we want is an ultimate pro-development Bill, because that is the only way that our State will get ahead, and I do not think that that sum of $1.3 million that was put forward by the member for Heysen will be available in 2020 if this sort of regulation and holding back of development occurs in the next 20 years.

I am fascinated that local government has such an important role in this whole development, yet it is not developed a great deal as we go through the Bill. There is a lot of talk about what local government will do but, in my view, there is no new, special way in which local government will be involved suddenly to improve this whole system. Most of us involved in planning issues in our local area would recognise that it is at the local government level that all the problems begin and the bog-down starts to take effect. I do not see any massive changes in the legislation that will help that system along.

The Planning Commission is replaced, in essence, but it is really replaced in name only, and its functions will not be changed a great deal. There is one very important change here which I know came out throughout the review process, that is, the need to involve the community more. That is an excellent concept, but the involvement of the community without a very pro-development push of the Bill, in my view, will continue to slow the process and make it even worse than it is at the moment. I am disappointed that this Bill is not far more pro-active and that it does not really come to grips with this issue of certainty and the need to get the whole planning process much more streamlined and more in line with not what the community wants today but what it will need into the future.

My specific interest at the moment relates to tourism. Some of the suggested changes, particularly as they relate to the EISs, will be very important in making sure we can get this whole process of tourism development through the system much more quickly. There is no doubt that tourism will be the most important people involvement area and the most important aspect in terms of our economic growth in the next 10 to 20 years. Unless we have rapid approval of logical tourism developments in the future, we will be in the same position in 10 years as we are in today.

I should like to finish with some comments from my local council, the Burnside council, on four issues about which it is concerned. The first is that of Crown development. Whilst the Bill seems to say that the Crown is and will be covered by the same principles of the Bill as will the private sector, the council has had legal advice that suggests to it that that is not the case. It is my view that the Government and the private sector should have applied to them the same set of rules if we are fair dinkum about making sure that this whole process is consistent throughout the community.

The second concern of the Burnside council is the ability of the Minister to amend the plans, in particular the development plans. The council is concerned because it believes that if the local council, in consultation with its community, can come forward with development plans, the Minister should not be able just to move in and make changes to that development plan on a whim. It is concerned that this should not be a change of substance but should be only a very minor change; it should not be taken to the extreme it appears it could be taken to by the Minister of the day.

The council's third concern relates to the use of land management agreements. It has expressed to me that it is an effective planning tool in the control of development, particularly as it relates to land divisions. It gives examples of the Ifould estate, the Tregenza and Penfold Reserve and other developments in Burnside. It says that the land management agreements have enabled it to guarantee quality development, and the developers would have agreed to that. Local residents have supported it strongly, because they can see clearly the quality development that will be put forward, as have the land purchasers, because they can see what they are buying, and so forth. The council is concerned that the changes will remove this development control from the land management agreements.

The council's final concern is in relation to the contributions for social and physical infrastructure. It believes that this Bill is silent on that issue, and that is quite correct. It is saying that, within the city of Burnside, development results in a wide variety of hidden costs. The impact of urban consolidation—a State

Government initiative supported by the Opposition to reduce State Government infrastructure costs—is resulting in significant adverse impacts on local, social and physical infrastructure. An example affecting most councils, of course, is stormwater. As large allotments are slowly being divided and urban development intensifies, the extent of impervious ground services and the need for a more effective stormwater management system increases. Whether the solution is larger pipes or some more environmentally sensitive solution, the question of who pays still applies.

Individually, the redevelopment of single houses with 20 per cent site coverage into semidetached dwellings with 50 per cent site coverage has some impact. Collectively, the consolidation of existing suburbs is having a significant effect on local government. Local government says that it should not have to bear the entire burden of social or physical infrastructure costs resulting from development. Increasing trends towards user pays systems should extend to developer contributions for local social and physical infrastructure. Councils accept that the issue of a developer contribution is a complex one involving valid arguments from many perspectives. Notwithstanding that, councils believe it is critical that the issue be raised within the whole context of this debate. It is a very important issue in that, if we are to make significant changes to the Planning Act, we have to look at the cost of this change as it relates to all levels of government and how it relates to individuals within the community.

Whilst I have been a strong supporter of urban consolidation, there is no doubt that in some areas of Burnside the cost to the community has been significant, and the local government, and consequently the local community, has had to bear it. It is suggested that the whole new system will be more flexible and that the amendment of development plans will be less time consuming. I have been involved in this Parliament for some 10 years, and I have been fascinated by how long it takes for these SDPs (as they are now called) to get into the Planning Commission from the local government area. I hope that that suggestion is 100 per cent right, because one of the difficulties encountered in planning at local community level is the time taken to prepare SDPs and, secondly, the time taken to have them recognised. If this proposed system can accelerate that process so that one SDP is not finished as another one begins because the original is already out of date, it will be important.

I finish by referring to the community. I remember going to a couple of the early review consultation processes, and I was staggered at the concern of members of the community about not only the difficulties at local government level but the whole planning process right throughout this State. It was staggering because, when I came into Parliament as an ordinary pharmacist, planning issues did not mean anything to me, but the amount of concern that the community has for what I see as minor issues and the amount of concern people have because this whole system clogs up their way of life are reasons why we need to correct the planning system. At least we can try to give members of the community the feeling that they can participate in the changes in their environment and that they can make those changes occur reasonably quickly. So if this Bill does nothing more than enable the community to feel that they are part of their planning system, that they have some certainty in terms of where it is going, and that some of the problems which they see but which we as legislators do not see as being important can be alleviated, it will be a very important social change for our State.

The Hon. D.C. WOTTON: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. T.H. HEMMINGS (Napier): Perhaps what I will say in relation to this Bill I have said prior to the introduction of it, but the remarks I made then are just as relevant today. I refer to that aspect of the Bill dealing with the standing committee of the Parliament known as the Environment, Resources and Development Committee. Before I go into that argument, I give credit to the Minister and his predecessor and all those very able public servants who worked their way through the planning review that ended with that remarkable document called 2020 Vision which actually is the framework for what we are debating here tonight, any other relevant Bills that are consequential to this one, and even other Bills that may flow into this Parliament as a result of that very fine review of planning procedures.

That review correctly identified areas which were causing considerable problems involving developers. It correctly identified where local government either did not know where it was going or perhaps, more importantly, did not want to know where it was going, and also it correctly identified where undue pressure was being placed on all the major players with respect to development. It would be honest of me to say that, as a result of the inadequacies of the existing planning legislation, there is a litany of fouled developments that should have gone ahead but did not for a variety of reasons, and all of those reasons could be correctly traced to the inadequacies of the Planning Act or perhaps, to be a little more kind, people's interpretation or misunderstanding of what development was all about.

The former Premier made a decision at the 1989 election that we would now be into the business of fast tracking development, not at the expense of the conservation lobby, the environmentalists, concerned local government or the concerned community, but development concerning which we would try to cut through the red tape. By and large, that piece of legislation that the Minister now has before the House has been a remarkable success. I say again: all credit to him and to that very fine group of public servants who have worked their way through all the submissions and counter-submissions that flooded in as a result of the release of 2020 Vision.

I have listened carefully to members opposite and must admit there has been a fair degree of acceptance of what the Government has before the Chamber, albeit rather grudging acceptance, as one would expect with the Liberal Party, whose experiences and journeys into planning areas in the years 1979-82 were, to put it in the kindest possible words, an unmitigated disaster. As usual, the Liberal Party has gone out to special interest groups and said, 'You tell us what you want to say and we will say it.' Really, what the member for Morphett said in his rather lengthy contribution was, in effect,

what the building owners' and managers' organisation and the developers wanted. That is fair enough. In effect, the Liberal Party has always gone out and, because it is bereft of any ideas of its own, secured a third party to write its policy for it.

The Committee's attitude to some of the amendments that will be moved will reflect what eventually comes out of Committee into the third reading stage. That is really the broad picture. That is where I part company with the Government. It had a golden opportunity when drafting this legislation, bearing in mind the areas of responsibility that the Government has or any individual Minister has in relation to the portfolio that they hold, and bearing in mind the clearly defined roles that all the players connected with this Bill have, such as local government, the developers and the court system that is set up to hear appeals, but for some stupid reason the Government (I cannot really blame the Minister because he is picking up a piece of legislation from a previous Minister) has insisted that we maintain a kind of legislative review process within the Act.

We are talking about streamlining but at the same time making sure that everyone has a rightful role in the planning process. As well as the court that will be set up to deal with complaints, we are still insisting on including a standing committee of this Parliament, a committee which is set up under another Act. The inclusion of such a committee is a relic of the old days of the Subordinate Legislation Committee which actually only came into existence under the old Planning Act because a certain ancient gentleman, Mr DeGaris, felt for his own personal reasons that it should be included in that piece of legislation, and therefore it went through because the Opposition had the numbers. The Subordinate Legislation Committee, for all its value—

Mr McKee: Be careful!

The Hon. T.H. HEMMINGS: My colleague the member for Gilles, who was a member of that committee, said, 'Be careful': I am. That committee had a very worthwhile role to play. The role of the Subordinate Legislation Committee was then in effect split, and the Environment, Resources and Development Committee then started to look at, among other things, the overall environment, resources and development program of this State, the big picture. I am sure that we have all heard those little talks about the big picture. Suddenly we find that we are saddled with supplementary development plans.

Under this Bill we are suddenly given a major role. In one of his interjections, the member for Morphett asked if I got rolled in Caucus. No, I did not get rolled in Caucus. I have already made my point in this Chamber. I do not judge matters on the basis of whether I win or lose in Caucus. You, Mr Deputy Speaker, are well aware of your own personal experiences in Caucus. You lose like I do, you lose more than you win, but when you win you really win the good ones. Anyway, I digress. That is a private joke between you and me and certain other members.

That standing committee of Parliament is in the Act. It should never have been in the Act because it has no role to play. The Act is sufficient without a standing committee. If we look at the Act, the committee is a toothless tiger, the same as the committee was a toothless tiger under the present Act. I have no problem with that, either. I am not seeking greater powers. I am seeking even more diminishing powers. Under the present Act, despite the third report, the committee over which I have the pleasure to preside pointed out the pitfalls if we did want to be on that committee. I understand it has been ignored by the Government and by the Minister's advisers, so I know I am pleading a lost cause completely. However, under this legislation we have even less time to consider a major supplementary development plan (I am not talking about the minor ones, such as one involving the corner deli in the city of Mitcham). We still have the problems of interim effect. If that comes into play we are no longer in a position, regardless of what we may think, of having some say in the matter.

So, really I would argue: why include us? I am not saying that out of pique. I think the Minister is well aware of my views, that if we want to make the Bill work, not only for the benefit of the community of South Australia but also for the benefit of the developers and local government, then we must make sure that the hindrance factor is taken out. The hindrance factor is still in there. Despite all the things over which we have little control, we still have a mechanism whereby that committee, using the vehicle of either House, can seek a disallowance. One could argue, as I do, that in a normal situation that would never happen.

I always think of the mischievous people of this world. Unfortunately, there are a lot of mischievous people—very few on this side of politics, but on the other side they abound—and if we want an example of that, already today, before the ink has dried on the Craigburn supplementary development plan approved by the committee over which I presided, subject to a couple of minor variations (which the Minister may or may not wish to pick up), there are already moves afoot in the other House to test the legality of that approval.

I see from the member for Morphett's amendments that the Bill, which talks about disallowance of 'both' Houses, has been changed to 'either' House. I know I cannot talk about this in my second reading speech, but one could pose a question. I heard the member for Morphett's second reading speech. I deliberately kept awake and heard every bit of it. There was never an argument in that speech as to why there was going to be an amendment that did not talk about both Houses, as one would think: we are talking about either House. I will listen even more carefully during the Committee stage as to what has prompted the member for Morphett, because BOMA and UDI would not have any strong views on that. One is tempted to ask, bearing in mind today's episode in the Legislative Council, 'Why are we changing the Act from provision including both Houses?'

The DEPUTY SPEAKER: The honourable member knows he must not refer to debate in the other House.

The Hon. T.H. HEMMINGS: With all due respect, Sir, I am talking about an action that took place directly after Question Time. It was not a debate. It was dealing with the President's ruling, which I am sure you will hear about tomorrow.

The DEPUTY SPEAKER: Yes, but you are still not allowed to refer to it.

The Hon. T.H. HEMMINGS: No, Sir, I will not; I thought that you would be kind enough to let me include it, to reinforce the point I am trying to make. Therefore, we have this anachronism that is left over from the old Act, of the subordinate legislation committee having a role, which has been updated to include the changes in the Parliamentary Committees Act and has actually been reinforced in this Bill.

Mr Oswald interjecting:

The Hon. T.H. HEMMINGS: The member for Morphett says, 'Nonsense, and you know it.' I would have thought the Minister's responsibility is to this House and the other place, due to the position he holds as a Minister of the Crown—that is all—not to give the legislature another chance to deliberately attempt to delay a development that is being pushed through the normal channels with all the checks and balances in place. That is the only question I ask. Of course, members opposite would disagree with me, because I am pointing out to the House the ways that they can actually utilise that particular section of the Act for their own purpose—not to promote development in this State but to actually attack development. That is the reason why it should never have been in there. There are sufficient checks and balances in this Act without including a standing committee.

Obviously, I do not expect members opposite to agree with me. I know the Minister does not agree with me. So, one could argue that I have, in effect, spent 20 minutes wasting the time of the House. But I will say one thing: in five years time there will be a very good chance that I have been proved right. I will have great satisfaction opening the *Advertiser,* when I am up at my little property, and seeing that the Government of the day—hopefully a Labor Government—is going to delete all references to the Environment, Resources and Development Committee in regard to the development process. If that happens, and I am sure it will, then the 20 minutes I have spent on my feet will have been worth while after all.

Mr GUNN (Eyre): I rise to take part in this debate with the South Australian economy in probably its worst position for decades. This legislation is described as a development Bill. Is it really a development Bill, or is it another vehicle for bureaucracy, red tape and nonsense to get in the way of those people who not only have the ability but who have the will to do something for South Australia and get the place moving? I make that comment because I picked up Saturday's *Advertiser* and on page 11 read an article headed 'SA economy worst in the nation', as follows:

> South Australia's economy is the worst in the nation, according to a New South Wales Treasury report released in Sydney yesterday. The report compares the economic performance of the States using 11 indicators covering retail sales, building construction, finance and employment. SA has hit the bottom of the ranking with a quarterly rating of 2.4, down from 3.5 in the same quarter last year... Population growth was the lowest at .7 of a per cent, motor vehicle registrations dropped 11.5 per cent, non-residential building approvals slumped 77 per cent.

That is the scenario in which we are debating this proposal; a scenario that has come about because people have been uncertain, they do not know where they are going and they have been frustrated by the greatest deal of nonsense and bureaucracy ever imposed on the people of this State.

If you happen to be unfortunate enough to be a farmer, a pastoralist or a miner and you want to do something and you live a long way from Adelaide, it would appear to me you are only a nuisance according to the bureaucracy. For example, a constituent of mine lives at Marree and wants to build a shed and he is not allowed to do it. He has been put through all the nonsense and hubbub one could imagine. If I were in that position, I would go and build it and then tell the bureaucrats to jump in the lake, because that is the sort of treatment these fools should be given. No wonder this country has a million people unemployed. We have fools who have never spent their own money and never done anything in their life but sit in judgment of the hard-working, decent and honest people who want to do something for South Australia. Is it any wonder that some of us have had enough of this nonsense? They are the facts. I feel very passionate about this.

Not only have I received those comments but my constituents have contacted me in relation to another brainstorm this Government has had in respect of world heritage listing for the Lake Eyre basin. What will that do for the people of South Australia? How many jobs will be created? How much investment will be created in South Australia? I put it to members that not one dollar will be invested, but there will be a further downturn. What about the people in the opal industry? What about the people who want to go out and explore and prospect in those areas? What will happen to them?

When I was driving yesterday I heard that other pseudo crank group in this State, the Wilderness Society, waxing eloquently about wanting to put the Coongie Lakes under the foolish wilderness legislation that we passed in this Parliament. Mr Deputy Speaker, as an investor, you would be interested in this. The Wilderness Society wants to control and restrict tourism, stop and restrict the pastoral industry, and stop further gas exploration. How much longer are so-called responsible people going to sit idly by and tolerate this nonsense when thousands of our young people cannot get a job and have no likelihood of getting a job?

If farmers want to do something on their farms, this legislation will affect them. Mr Deputy Speaker, how many of the people involved in drawing up this legislation have ever gone out into the real world and got a bit of grease or dirt on them? I ask you to count them. You would find that it is very few. If they were put out in the real world and they had to live on what they could make for themselves, they would starve, because most of them are protected, getting paid by taxpayers whether or not they perform. I put it to the House that most of them do not perform at all. If they had to go out into private enterprise they would not survive. It took years to prepare this piece of legislation, but will it allow commonsense to prevail? I very much doubt it because the same players are there—the same sorts of people who have been advising Governments.

Why is it that people are not coming to South Australia? Why is it that farming communities are being harassed by fools? Why is it that the pastoral industry is

nearly beside itself now? I have reams of faxes—and I will quote some of them—about how the people of Shark Bay have been affected as a result of world heritage listing. That is quite relevant to this debate; we are talking about development. Well, there will not be too much development if the State Government is silly enough to sign those sorts of agreements handing over the rights of future generations to people outside this country. What sort of nonsense are we engaging in?

Let us look at a few of these provisions. One of the things that allowed this State and this nation to get on and to create a standard of living a few years ago where people could afford to look after themselves was that we encouraged people to do things. We did not want to stop them; we did not pour scorn on people who were successful. Members know as well as I that one successful person creates success around them. This legislation is not designed to create success. Members should look at some of the provisions. The object of the Act is as follows:

... to provide proper, orderly and efficient planning and development in the State...

(i) to enhance the proper conservation, use, development and management of land and buildings;

That is all encompassing. Further, it provides:

'building work' means... any other prescribed work or activity...

That could mean anything. Further, it provides:

... a change in the use of land... subject to subsection (2), if a term defined in this Part is used in a development plan then the term has, unless the contrary intention appears, the defined meaning.

It goes on to refer to the concept of change in the use of land. It means that we are going to have property plans. Does it mean that? I want the Minister to tell us. Does it mean that these people want to get involved in the day-to-day management? They would not have a clue; they would not have any idea; they would not know wheat from barley; they would not know a cross bred from a merino, or a Hereford from an Aberdeen Angus_ The Bill is riddled with this sort of nonsense. Yet, they expect us on this side of the House to support it and go along patting everyone on the back saying, 'It's a jolly show. We have done a good job. We have produced another Bill with a few hundred clauses in it and we will solve everything.' Blind Freddy knows that in the real world that is not correct. The greatest thing Government can do is get out of the way of those people, give them a go, give them some encouragement and say, 'We know that at the end of day it has to be economically viable. We have too many regulations.' There are too many controls and too many arrogant people driving around in new motor vehicles harassing individuals and wasting their time.

I will cite another example. Constituents of mine spent a large amount of money to buy a little roadhouse. It was run down but they had the desire to do something. They knew there was going to be a lot of hard work. They paid some hundreds of thousands of dollars for it and they went to work. A lot of people went past there, including many elderly people towing caravans. They received many requests to provide a caravan park and a camping site. Do you think they have had any humbug of nonsense? All they wanted to do was set aside an area for two or three caravans and a camping area. I put it to you, Mr Deputy Speaker, what harm could that do? It would only do good. But they were refused. The wife telephoned the agency responsible for the registration of names—another enlightened group of people—and inquired about registering a new name. The person replied, in an arrogant fashion, 'We can't look up the list for you. You will have to come down to Adelaide and do it yourself. The couple lives only a few hundred kilometres away and they are trying to work hard to make a living and pay taxes to keep people like that employed. That is the attitude.

We think we are doing a great thing; we are passing a new law. How many public servants have been involved in drawing it up? Heaps of them, I would say. Meeting after meeting, a committee report, more paper, more files, and they are having a great time but, at the end of the day, have we earned any dollars? Have we put up any new factories? Have we encouraged farmers to put more water schemes in so that they can irrigate and grow more crops and keep stock? Have we encouraged them to build new sheep yards, cattle yards and sheds? Of course we have not. In my view this legislation will not do that because there has to be an attitudinal change in this State, starting with the Government and flowing right through.

I may be only a farmer but one thing I have learnt is that if you encourage people, both financially and otherwise, they will rise to the occasion, but they will not rise to the occasion if they are continually frustrated and prevented from putting into effect what they know is right. Why is it after all those committee meetings, after all this work that has gone into it and all this so-called discussion, not one person from the rural sector of this State has been put on this committee? I want the Minister to explain that because surely the number of people who operate the land and either lease it or own it totals more than one person. In fact, they provide about 40 per cent of the income for the State. That is all they do. What else can they do? They have done their job for the people of South Australia and continue to do it under the most difficult circumstances, yet the Government has the effrontery and the audacity and is so foolish and weak that it does not insist that they have at least one voice on that committee.

If you went to any group of fair-minded people in this society and said, 'We are going to have a law which covers the whole State and it will have an effect over the operation of all these things; do you think the farming community should be represented?', 90 per cent of them would say 'yes'. However, when we are making new laws which will affect them, the Government does not have the common decency to give these people at least a voice. This Government might not like them, the Department of Environment and Planning might not like them, but if it was not for those people this State would not have the standard of living it has now and has had in the past. Members should remember that very clearly. This Parliament ought to accept that those people have made a significant ongoing contribution to every citizen of this State. Year in and year out they provide the majority of export earnings of this State. So we are going to go through this exercise, and I think if we

streamlined it down to a few clauses we would not make it any worse than it is now.

Let me come back to the concerns of my constituents in the Far North of the State. In the last edition of the United Farmers and Graziers paper there is an article headed 'Graziers and conservation lobby square off in Lake Eyre Basin row'. This is what Mr Peter Day had to say:

> The environmental lobby was widely regarded as anti-pastoralist by the far northern graziers. The locals basically do not trust them. Despite recent assurances from both environmental groups and the State Government that there were no plans for complete heritage listing for the Lake Eyre Basin, pastoralists had no confidence that this was the true situation. Many things have been said over the years and pastoralists do not trust what they are hearing now. The spokesman for the Federal Environment Minister, Ross Kelly, said the Lake Eyre Basin survey would take six months to complete and World Heritage nomination, if recommended by the study, would only proceed with State Government support.

Therefore I call upon the Minister to give an assurance that the Lake Eyre Basin will not be placed on the world heritage list without the support and agreement of those people who will be affected by it. I want an unqualified assurance. I do not intend to support that concept because I am not going to see a situation created where my hard working constituents, who have done nothing but good for the people of this State, are sabotaged and let down as were the people of Western Australia when the Shark Bay area was listed. Those people were conned and they were let down. Be under no misapprehension because I have before me clear evidence of what happened there. This legislation ought to protect people and not facilitate action that is detrimental to them, as some of these provisions will. In fact, I have received the following correspondence:

> Whilst it will be said that economic activity may continue in the area, and has continued in other world heritage listed areas, it will no longer do so as a right, but only when the Commonwealth Minister is persuaded that it faces no threat to world heritage values—subjective matters open to dithering and interpretations. This discretionary situation creates uncertainty, and of course leads to an effective exclusion of investment and improvement. Lenders will not lend for development which can be stopped at any time, properties become harder to sell—as has already occurred at Shark Bay under world heritage listing—and the values are reduced. Mining and exploration companies will not commit their funds without certainty of on going rights (as at Coronation Hill) and if infrastructure development, such as roads, ports, airfields are required they are likely to be blocked. Under the existing Australian law world heritage listing imposes economic blight on the listed area. This is well understood by investors. Australia is the only signatory country to the world heritage treaty which has seen fit to pass specific legislation, which is directly aimed at Commonwealth control of State lands in contravention of the Australian Constitution. Each new world heritage listing provides further signals to the economic world that Australia is anti-development. Considerable investment has already been made into the Nullarbor in pastoral activities, tourist facilities, mining, exploration and fishing. To lock up this area and its unexplored potential would be to submit to folly.

I could go on at length. We know what the Conservation Council has had to say. My constituents have said:

> People were kept quiet with false promises for a long time until eventually, at very short notice, the Minister flew out and met with several select groups, i.e. pastoralists, fisheries and tourism separately. This way the Government divided the community. The chap who was involved in the world heritage shenanigans in Tasmania flew over to Shark Bay to talk to the residents about his experiences and on returning to Tasmania was threatened, for example, conservation lobbyists threatened to embargo surrounding properties therefore prohibiting him getting his cattle to market. He ended up withdrawing his support for the Shark Bay residents. Shark Bay residents are frightened of the same thing happening to them as they have not had certain boundaries set after three to four years of world heritage nor a management plan. The Shark Bay residents were fed the same stories of consultation, discussion and joint management decision and none of this was carried out. They have received no compensation and in fact families have lost thousands of dollars. Properties have devalued by 60 to 70 per cent since talks about World Heritage begun.

That is just one example. The Conservation Council of South Australia had this to say:

> The Lake Eyre Basin was first proposed for world heritage by the Conservation Council of South Australia in 1985.

It goes on to say that the Coongie Lakes, the complex Mound Springs, the Great Artesian Basin (which is some 1.4 million square kilometres), Lake Eyre, the Simpson Desert, the Tirari Desert and Sturt's Stoney Desert are some of the areas that should be listed. It then states:

> Appropriate first steps might be a joint formulation by Government of the Lake Eyre Basin catchment management strategy. It is noteworthy that the South Australian Government has already moved to establish a working group comprising representatives of SA Government departments with interests in the South Australian portion of the basin.

What will happen to those people who have lived there for generations, worked hard and developed those properties? What will happen with respect to future development in the Cooper Basin? What will happen to the opal mining industries, which are going to also be included in this particular grab for land, because I do not believe there is much room for development in this proposal which we currently have before us.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The member for Davenport.

Mr S.G. EVANS (Davenport): I wish to express one or two views about interests. First, I know that many of the most sought after places to live in this State had nothing to do with planners. In many parts of metropolitan Adelaide that is the case. Because we have zoning laws and plans, those who have enough money to buy the limited resources of available land for shopping centres and so on, sometimes people who do not even live in this country, exploit the community through rents. That is the danger that we have when we set out to limit the amount of land that is available for any particular form of business.

Most of us would remember when somebody who wanted to open a small shop or deli would knock two windows out of the front of the place, put in a bigger piece of glass, and open that shop or deli. I am not suggesting that we should go back to that, but at least those who had money could not stop people from moving into an area of activity without being fleeced.

We have hundreds, if not thousands, of empty properties in this city because of the boom in land prices and because people moved in as they thought it was a way to exploit the community. They were not necessarily exploiting business; they were exploiting the community through higher rents and charges. Even today people have tenants from whom they want payment behind the scenes in cash if the property is excellent for business. It is the sort of Mafia and triad operation that has been brought from other lands. It is the sort of operation that was going on in this land during the war years—what we might call the black market. Even now, when we have an over supply of properties available for commercial and retail purposes, landlords are beating the tax system and filling their own pockets.

What do we do if we change the planning laws? All we do is to make it easier for the bigger operator and tougher for the smaller one. That is because of the expertise that has to be employed to get through the system. In my view, this Bill will not change it a great deal. Unless one has the financial backing and the experts who know all the lurks to get it through, one does not succeed. We shall create a situation where the big operators will find it easier and the smaller ones will find it more difficult and tough. They are beaten not only in this area but in purchasing property, because the big operator can pick the cream of the properties or the area in which to operate a development process and the small operator can be outbid.

I have always been concerned about the inspection of properties, and houses in particular. I have an old home which has no foundation; it sits on top of the ground. If I wanted to knock it down tomorrow, some person with a heritage interest would come along and say, 'We want to heritage list that property because it is over 130 years old.' It still has a slate roof; it has not been done up; it just sits there. I am glad that the heritage people have not found it. I point out that it was the first stone home to be built in the village. If I wanted to knock it down, I would not be able to do so; I would have to save it. However, if one wanted to build a house exactly the same today, the law would stop the building, because it could not be built without a foundation. I find that hard to accept.

I believe that if a young couple, through their own endeavours, want to build a home without a foundation—it may sit on big flats and move slightly with the soil—they should be allowed to do so. However, it should be on the basis that when it is sold the title should be marked, 'Not built according to the building standards of the time; private development', or whatever. If a new buyer wants it to be inspected by an architect, so be it. What we do in this place is to keep adding to the cost of building a home to a greater degree with all the experts who take an interest. However, the families are no happier in such homes than they would have been in other styles of homes. The building does not make the family; it does not make the quality of life.

A couple wanted to develop the old storeroom or warehouse at Woodleys Wines. It is heritage listed and the heritage people took an interest in it. The lady with whom I had to discuss it came from another land. She had never practised as an architect in this country. If anybody wants to practise as an architect in this country, they have to practise here for two years as a registered architect. When I discussed it with the young people who wanted to build—we are not talking peanuts; the amount being talked about was $750 000—I was told that the heritage group had an interest in the colour of the paint inside the building. What hogwash that the heritage people should have a say in the colour that one should paint the inside of what had been a warehouse. When I dug my toes in on behalf of the young couple, the other person found it difficult, took an aggressive attitude and then had nearly a tearful reaction to the situation. The development did not go ahead.

There was an argument as to whether there should be skylights or dormer windows. What stupidity! They would accept wind-up skylights but not dormer windows in the roof. If someone wants to add to an old family home in Upper Sturt, he will put in plans to match the existing building. What do the heritage people and the planning department say? They say, 'You cannot have the ceiling the same height; you have to put in the ceiling at the height that is an acceptable standard today and make it look different so that anybody looking at it in 50 years will know that it was built in a different era.' What hogwash! The council records show when the additions were made to the property. What did the young man do? He was not over flush with money, so he abided by the rules, at a cost.

In my view, we have over regulated in many areas. If anybody wants to take a punt, as long as they tell anyone who wants to buy the property what the situation is and as long as they make sure that is passed on through all sales, what has it got to do with anybody else?

Some people are concerned about passing control back to local councils. One of my colleagues suggested that some councils are too small and that we should look at small regions. Some people would agree with that concept, but I do not think it is necessary. People are elected as councillors for the community. They will change, as we change here, in personnel, philosophy, attitude and what they prefer, as will the community. If one council is different from another and if at the border there is a problem, they will resolve it one way or another.

When somebody sends a plan to a council for a proposed home and it is sent back with a request to have 'north' marked on the plan, what sort of pedantic situation do we have? I support more control going back to councils, but councils also ought to think about that. They know whether the confounded street runs east or west and what side of the road the block is on. They know what is north, and all they would need is a mark with a pen themselves and it would be there. But the process today of a person trying to get his own home, cutting off a block, sometimes buying from someone else or buying a split block is too long and complicated. In an area of creation of allotments or developments for housing or other purposes, we are told this will make it more simple. I am a little like the member for Heysen: I have grave doubts.

Ever since we have tried to control the situation, since about 1962 when the gentleman came out from England as a planner, we have made it more complicated. I wonder whether any of us would like to go through the process as a young person today trying to get to the point

of building a home. For example, if a parent, relative or individual wanted to buy a block of land to build on in the future, they had to pay a reasonable price for it. I admit that sometimes the roads were not made, footpaths were not made and the water or sewerage was not laid on. But they bought it. And the cost of keeping it was moderate. But nowadays our councils set minimum rates that are very high, with the idea of encouraging people to build on blocks.

It is too costly for parents who have an interest in their children to buy a block and keep it to build on in future. in other words, we have said, 'Do not set out to try to help your family be housed and not be dependent on the State.' It has not much to do with this planning, I know, but it is a matter for councils; it is the path they have taken. It is easy in council to pass the minimum rate, because usually the person who owns the block that is vacant does not live in the confounded council area, does not go to vote in council elections, and does not really have a voice in numbers to affect that decision. It does not concern us, the council or the planners unless our kids are affected by it. Most of them are paid high enough salaries to be able to overlook it anyway. They do not happen to be on the bottom rung of income earners. We have talked about the inspection of property, and I would have hoped that it would be up to the individual whether or not they wanted a certain property, as long as they made a statement on the title or on the form 90 and it was passed on down the line through other sales that that was the case.

The other point that worries me is that the Bill makes provision for a 10 year guarantee, and I think it should be a shorter time. I admit that it is better than the present law, which virtually gives a lifetime guarantee. The present law provides that, if a person finds a fault within six years of when he could have reasonably found that fault, he has a claim. In one test case, 35 years after the home was built a claim was made about a fault. But the difficulty that the engineer, the architect, the council inspector or the builder have is that some clients are liars, or they fabricate the truth. They do not admit that they have a concrete driveway down one side and on the other side they have a garden, and they will water the garden every summer and cause different soil movements. The previous owner might have done that, and suddenly there is cracking in the foundations and the owners say 'Look, it is a fault.'

For the person who has to carry the responsibility of proving it was not his fault, it is difficult, because we have a tendency within our courts and appeals today to lean towards the consumer—the customer. There is sympathy on the basis that sometimes we do not think that they play around with the truth. But they do. There are all sorts of ways people can affect the structure of a home if they mistreat it, and it is difficult for even the best professional people to find out the real cause. I realise that most of the claims for damage, faulty workmanship or faulty materials are made much earlier than the 10 year period, and that should be the case.

I will conclude by showing how we can be very wrong sometimes. Back in the 1970s the President of the Royal Society of Architects designed and supervised the construction of a house in Upper Sturt for a doctor. I will not name either one, but people might have heard of the case in the press. The President of an organisation that is supposed to have the expertise, who designs and supervises the construction of a home that is supposedly of high quality, was involved, yet when I went to look at it, all I could say was that it was a disgrace. And it was on excellent soil.

That architect had to find the cost of pulling down most of the walls of that home and building it all over again. And so he should have. But I cite that example tonight only to show that even the so-called experts, if they get carried away with their importance, forget to carry out their duties. I hope we as politicians do not do that here when we think of people trying to build their own homes with the cost structures. I hope this new provision, if it is amended a little, ends up being successful or, at least, much better than the present conditions.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank all members for their contribution to this debate, which has been quite extensive. This is a major measure and it comes to the House now after some three years of preparation. It involved one of the broadest community based consultation processes that has been undertaken in the preparation of legislation in this State—and I believe one of the most successful consultative processes ever undertaken. Indeed, many other States are interested in the processes that evolved as a result of the work of the planning review, culminating in the 2020 Vision report and then the three draft Bills that were made available to the people of South Australia to consider before this debate in the House of Assembly.

Extensive regulations have been released similarly for public consideration and discussion. Those members who argue for even further public consultation, even further consideration of draft Bills, draft regulations and opportunities to discuss are indeed very hard to please, and one can only imply that those comments lead to a process of eternal deferral. So the time has come when we have to make decisions. These are difficult decisions and there are not easy answers to the issues that have been raised. They do involve compromise between often uncompromising lobby groups in our community.

People have very strong feelings from their own perspectives. We have to weigh up their submissions and then bring down legislation which is in the overall community interest and which does not favour one sector or another—legislation which will gain the respect of the overall community. A number of members who have contributed to this debate have based their contributions on, as I can detect, representations from particular interest groups. Obviously, that is their perspective and, of course, it is their right to do so, but we as a Government must take into account that broader community perspective and balance off those competing interests for a place in the sun in this measure.

The Development Bill and its companions, the Statutes Repeal and Amendment (Development) Bill and the Environment, Resources and Development Court Bill, constitute a reform package that signals the Government's determination to establish a planning system which is capable of actively supporting

imaginative, value added development—a system which is essentially fair, accessible and consistent. I am sure that all members are seeking that from this measure. Indeed, they are the factors that bind us, to the large extent that this measure is dealt with in a bipartisan way. The Development Bill puts forward a new approach for South Australia and provides an integrated planning and development assessment system to replace the fragmented controls contained in the variety of other Acts that have been legislated in this place over many years.

At present, 109 Acts of Parliament control some aspect of development in South Australia. The Development Bill sets out to remove the more cumbersome legislative hurdles to sensible development and to create a system which is clearer, simpler and less complex—a system that will progressively bring greater certainty to all. Many members have spoken about the issue of certainty. It cannot be attained in an absolute form, but certainly it is a common desire that we work towards a much greater degree of certainty than we currently have attained in our planning processes. The Planning Act, the Building Act and the City of Adelaide Development Control Act have been repealed in their entirety. The Statutes Repeal and Amendment (Development) Bill amends the Real Property Act, the Strata Titles Act, the Coast Protection Act, the Local Government Act, the Mining Act and the National Parks and Wildlife Act. It provides further scope for the progressive integration of the development control provisions of other Acts, and I think it is important to note that this legislation will continue to grow in its importance as it embraces the planning process from time to time as community needs change and as opportunities arise.

The Environment, Resources and Development Court Bill provides for the establishment of a separate court to deal with both enforcement and appeal matters related to the Development Bill and the proposed heritage and environment protection legislation. The Development Bill will streamline policy and development assessment procedures, cut red tape and simplify application procedures. The Government is introducing a user driven system. Work on the planning review, the planning strategy and the Development Bill forms part of a broader reform package involving other related legislative reforms. These include the planned Environment Protection Bill and revamped Heritage and Coast Protection Bills.

Planning for the future is the focus of this new planning legislation. The Development Bill is linked to the overall strategy for the economic, social and environmental development of South Australia. For the first time, there will be a document that spells out the Government's preferred view for the State's development, and that is the planning strategy for South Australia. This preferred view is the outcome of an extensive process of public consultation and consensus undertaken over a three-year period as part of the planning review. The planning strategy will be both positive and forward looking. Its intent will be to encourage desirable development and to protect the environment. This marks a huge philosophical shift away from the old system, which was reactive and which was geared to controlling undesirable development.

The planning strategy will therefore articulate a shared vision of South Australia's desired future, placing this vision in the public arena. With the focus on this agreed upon forward view set out in the planning strategy, we believe that much of the acrimony surrounding development policy can be resolved. The same principle applies at the local government level through the development plans. The preparation of a development plan for each council area, setting out the development objectives and guidelines 'up front' as a matter of policy, will, it is hoped, reduce the number of costly and disruptive disputes over individual proposals.

The planning review prepared a draft strategy for metropolitan Adelaide. This is now being revised by various Government agencies before becoming operational. It is expected that the planning strategy for metropolitan Adelaide will be finalised later this year. The strategy will then be extended to the rest of the State by 1995. The planning strategy will be a statement of Government policy and, therefore, not a statutory document. However, it will link the statutory plans with the process of Government policy formulation and decision making. It will also guide the preparation of development plans by councils. This work will involve ongoing consultation and collaboration with local government.

The planning strategy will specify up-front the full range of social, economic and environmental issues which must be considered when looking at amendments to planning policies. By setting out the policy framework in the planning strategy, decision-making will become more open. This will provide greater certainty for the development industry and those who depend on the control system to protect their interests. The planning strategy, and at the local level the development plan, will determine the type of development preferred in a particular area. These are therefore intended to be dynamic documents, ones which are shaped and changed by continuing input from industry and the community.

The interests and actions of State Government agencies will be dictated by the planning strategy. This 'whole of Government' approach will resolve the conflict and uncertainty that has characterised the handling of some previous development decisions. By clearly spelling out criteria against which applications are to be assessed and by eliminating unnecessary and duplicatory controls, the Development Act will streamline the assessment process and provide clearer grounds for decision-making. This will progressively bring greater certainty to all.

The Development Bill establishes an integrated development control system based on local government as a single point of access (the one-stop shop concept). Under the Bill, councils will be required to obtain comments from relevant agencies and integrate them into a single decision allowing a number of separate approvals to be abandoned. Local councils will become the sole port of call for most applicants seeking to change the use of land and/or to construct buildings. This will be a significant improvement on the current situation, where development proponents are faced with the difficult problem of gaining a variety of individual licences, consents, permissions and approvals from a multiplicity of Government agencies and local councils.

Under the current system two applications are required if planning consent is needed to build a house. This Bill reduces that process to one application with one approval covering all matters. For infill development, or home units, three applications are now required, with the potential for universal notification and third party appeal rights. This will be reduced to one application, one approval with the possibility of neighbour notification with no appeal. For complex commercial development a single application will be needed for planning, building and land division. In all cases approval can be granted in stages if the applicant so desires.

Under this legislation the criteria against which applications of this nature will be assessed are to be set out in the statutory planning policy documents called development plans. The legislation provides for these plans to reflect the overall planning strategy and to contain matters of a social, economic, environmental and land use nature. Local councils will become the sole port of call for most applicants seeking to change the use of land and/or to construct buildings. Applicants will be able go to their local council offices to obtain comprehensive advice and lodge applications 'over the counter'. The interests of Government agencies will be protected through a system of concurrences and referrals.

Time limits set out in the regulations will apply to comments from Government agencies. Anyone who has a valid approval under the current system will continue to do so under the new development assessment system. Extensive public consultation has been the hallmark of the planning reform process—a process that began with the announcement of the planning review in 1990.

The new legislation represents the culmination of a process of study, review and community input over a period of almost three years. The establishment of the planning review, the publication of '2020 Vision' and the comprehensive consultative process which underpinned the work of the review team are reflected in the new Bills currently before this House. Further consultation has been undertaken since the release of the revised Development Bill on 26 November 1992 and the subsequent release of the draft development regulations.

The terms of reference of the planning review, and its method of operation, were directed towards reaching a shared vision for the future development of Adelaide and the rest of the State—a vision that would support changes in legislation and procedures. This legislation establishes a process by which that shared vision can be maintained, renewed and held relevant to the planning system and the State's economic strategy. The community will continue to be involved in the preparation and amendment of the overall planning strategy. The Development Bill provides for the responsible Minister to make a detailed report annually to Parliament on the operation of the strategy, and the community consultation which has taken place over the previous year regarding changes to the strategy.

There is also a requirement that local councils carry out regular reviews of their planning policies. Other Development Bill initiatives based on a partnership approach between Government and the community include the system for the amendment of development plan policies. The amendment process entails public consultation. The notification of intended development requirements has been revised in an effort to improve community awareness and consultation whilst limiting the potential for lengthy, legal appeal processes by third parties. An effort has been made to strike a balance between the right to know and comment, and the need to provide a clearer path for those undertaking development, giving them a certain 'yes' or 'no' as early as possible.

Under the current Planning Act individual members of the community either have no opportunity to comment on development applications which may affect them, and no appeal rights, or an opportunity to comment on development applications and also an appeal right if they are aggrieved by the decision. In such a situation there is a possibility that a development will be excluded from the public notification list because an appeal right is not warranted as the use is in general accordance with the policies for the zone. A shopping centre which is proposed for a centre zone but which would abut a residential zone is an example. In such a situation it would be better if the adjacent residential landowners were able to provide councils with comments on the proposal but not have appeal rights because it would be expected that shops would be built in the centre zone.

The category 2 referred to in clause 38 of the Bill makes provision for the adjoining landowners to be notified and make comments whilst not having an appeal right. The comments should lead to better designed development but still give the proponents certainty because of the policies in the development plan and the absence of appeal right. The kinds of development listed in category 1 (no notification) and category 2 (notification but no appeal right) will depend on the policies for the zones in the development plan. In the first instance the lists will be included in the development regulations. Gradually the lists will be included in the development plan via development plan amendments.

The Development Act will empower local councils as the legitimate third tier of government and encourage localised decision-making. Local government will have a crucial policy role in preparing the statutory planning policy documents to be called development plans. At the local level it will be the development plan, in conjunction with the planning strategy, which will determine the type of development preferred in a particular area. It is also hoped that local councils take a more active role in strategic planning, examining the full range of social, economic and environmental issues that affect their area.

Local councils are pivotal to ensuring that local area planning is contemporary in its approach and in touch with grass roots community views. Recognising this, local councils will be required to carry out regular reviews of their planning policies so that development plans are up to date. The first such review must be carried out within three years of the commencement of the Act and thereafter every five years. The Development Bill contains a more flexible and less time consuming system for the amendment of development plan policies than now exists.

Significant improvements to the process for amendment of statutory planning policies through DPAs should act to substantially reduce the time taken for policy amendments. The Bill specifies the preparation of a statement of intent by the council and agreement to this

statement by the Minister prior to the preparation of the development plan amendment.

Although statements of intent have been used on a voluntary basis by councils for consideration by the Advisory Committee on Planning for several years, the Bill now gives both greater emphasis and legal status to these statements. The intention is to promote an early discussion of the regional implications of development plan amendments.

Government policies will now be more clearly set out in the planning strategy and council DPAs at various stages than now exists under the Planning Act. There is much greater opportunity for the use of delegated powers of approvals for DPAs at various stages than currently exists under the Planning Act.

The Bill places strict time limits within which Government agencies must comment on draft DPAs referred to them; the Bill provides for authorisation of DPAs prior to their refusal to the Environment, Resources and Development Committee; and a fast track procedure to the public consultation stage is set out for minor council DPAs once a statement of intent has been agreed upon.

The experiences of the 1980s and the findings of the planning review clearly showed that new processes and mechanisms are required to resolve the conflict and expense involved in disputes over development. The preparation of the planning strategy is intended to provide a process through which all parties are able to participate in a forward view of the State's development. With the focus on this agreed upon forward view set out in the planning strategy, much of the acrimony surrounding development policy can be resolved.

The same principle applies at the local government level through the development plans. The preparation of a development plan for each council area, setting out the development objectives and guidelines 'up front' as a matter of policy, will, it is hoped, reduce the number of costly and disruptive disputes over individual proposals.

The Bill also makes significant revisions to the major projects and environmental impact statement procedures which, first, allow the Government to give tacit approval or otherwise at the earliest opportunity and, secondly, allow the major determining issues on a project to be resolved quickly and separately from an exhaustive EIS. Under the new system, the EIS process will require specific guidelines to be prepared for each project in order to clarify the scope and level of assessment needed. The proposed system will also provide an opportunity for staged approvals.

The Governor will be able to give an early 'no' to unjustifiable projects, something which is not possible under the existing legislation. This will impose a certain discipline on Government to be clear and prompt in its initial consideration of projects. That consideration will be aided by reference to the planning strategy. The current protracted negotiations between the proponent and the assessment authority, leading to an officially recognised EIS, will no longer occur. Instead, the proponent will prepare an EIS which is then placed on public exhibition. Then the assessment team prepares a separate assessment report, highlighting the differences of opinion between the proponent and that team.

Finally, the decision-makers will have the benefit of reference to the planning strategy and, where relevant, the development plan in making the decision. There will be no appeal against a decision of the Governor by either the applicant or third parties. The Bill also provides for a more effective dispute resolution process through a new court, which is intended to obtain quicker and cheaper results for major and controversial developments.

The new Environment, Resources and Development Court Bill provides for the creation of a single new court to deal with all development disputes, avoiding the current problem where a single development can be dealt with separately by a number of courts, for example, the Planning Appeal Tribunal, Building Referees, Magistrates Court (offences), District Court (enforcement orders) and so on. The Environment, Resources and Development Court will deal with both enforcement and appeal matters relating to the Development Bill. It will also deal with heritage and environmental matters.

By replacing the single purpose tribunals, building referees and courts which currently exist, the new system is expected to result in speedier and less expensive decisions and more consistency across the previously diverse jurisdictions. The benefits of the building referee system have been retained. It will be possible to lodge an objection and arrange a hearing by telephone, to resolve issues on-site, and even to pay fees on-site.

All applicants will have appeal rights under the new system. Appeals must be based on the development plan. There will be less stages in the appeal process. Planning, technical and legal issues will all be heard at the same time in appeals and enforcement proceedings. Resolution of disputes at a pre-hearing conference of the parties will continue to be encouraged. While most appeals relate to a single matter, the proposed ERD Court should be quicker and less costly for some complex matter which would, under today's legislation, come within a variety of jurisdictions.

The Bill (in the schedule, items 42 and 43) enables the Government to regulate for fees payable to the court. It is envisaged these would be effectively free access to applicants, and third parties would have a very modest fee to get to the conference stage, with a more substantive fee to continue to hearing.

Establishment of this specialist court will mean that planning matters are decided upon by those who are already technical experts. Decisions will be based on good sense. Clause 21(i) of the courts Bill seeks to guarantee the court will be specialist and not restricted by legal norms.

There will be less intrusion of legal technicalities and less incidence of vexatious delays. The courts Bill gives powers to abbreviate conferences where a party delays or is obstructive. The Bill enables costs to be awarded where appeals are found to be unjustified. The Bill provides for power to dismiss appeals in similar circumstances. Clause 34 enables security to be demanded for costs. Third party civil enforcement is made more accessible by the Bill and the court will have the option of requiring a bond to avoid the abuse of the civil enforcement process.

Clause 85 of the Development Bill allows access to the court for third parties in enforcement matters. This is not new access, as it is currently available to the Supreme

Court. The Bill simply makes access cheaper (and fairer by not being restricted to the wealthy) and to a more specialist court. Subclauses (15) and (16) allow for costs and damages against third party enforcement action. There is no damages provision for merit appeals, only the cost provisions outlined above.

That is a summary of the many advantages that are contained in the Development Bill and, of course, linking that with the associated Bills that we have before us. In that summary I have covered many of the points that have been raised in the wide ranging second reading debate. I can certainly pick up matters in more detail in the Committee stages if members require.

In conclusion, I take this opportunity to again thank all those people who have been involved in the conduct of the planning review and the enormous amount of enthusiasm which they showed for this process. I think that has been expressed in the contributions that a number of members have made who share their appreciation for the work of the planning review: to its Chairperson, Mr Brian Hayes, Q.C.; the members of the review; Mr Graham Bethune; Professor Stephen Hamnett; the Director of the review, Mr Michael Lennon; the specialist advisory panel that was formed; the staff that worked on the planning review; and indeed to the many thousands of people who attended the meetings and participated in one way or other in the work of the planning review. That work, I believe, is going to bear fruit and bring many benefits to our community and to the general well-being of our State.

I also want to pay tribute to the former Premier, the member for Ross Smith, for his constant interest and commitment to the planning review process. I believe much of the effectiveness of the planning review resulted from the initiative he took and the enthusiastic way in which he dealt with this matter within Cabinet, within the forums of our Party and the community generally. I know of his great satisfaction that this matter is currently before us and now shows much promise for the benefit of our community and our State. I commend this measure to all members. I move:

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

Motion carried.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Objects.'

The Hon. D.C. WOTTON: Mr Chairman, I will ask this question here and you can rule it out of order if necessary, but I really do not know where else to raise it. Paragraph 3 *(f)* provides:

To enhance the amenity of buildings and provide for the safety and health of people who use buildings;

For a very long time there has been a lot of concern about problems that have arisen in respect of old heritage buildings, for example, that are required, certainly under the legislation we have at the present time, to be maintained to a particular standard. Problems arise in relation to building regulations, which suggest, for example, that buildings should be upgraded to a particular standard for safety purposes. As I said, I am sure that this is not the right clause, but it seems to be one on which I can hang this particular question. Can the Minister provide some assurance that as a result of the legislation that we are now debating we will have an improved situation? We have heard a considerable amount about the need for one-stop shops and bringing all of these concerns and areas together. The Minister might be able to assure us about what has been achieved to remove the problems that have been experienced in previous times in this area.

The Hon. G.J. CRAFTER: The Bill most certainly resolves some of the difficulties to which the honourable member refers, and which frustrate people at the current time. First, there will now be one jurisdiction to deal with these matters rather than two separate jurisdictions. Secondly, clause 36(3) deals with inconsistencies between the building rules and a development plan in relation to a State heritage place or a local heritage place and provides the appropriate steps to be taken in those circumstances. So, it does envisage a resolution of the conflict to which the honourable member refers. However, further to that, when the matter comes before the appropriate tribunal it can be dealt with in a consistent way and in a way that is not currently available.

Mr OSWALD: I move:

Page 2, lines 1 and 2—Strike out 'and the assessment of development proposals'.

Clause 3 provides:

The object of this Act is to provide for proper, orderly and efficient planning and development in the State and, for that purpose...

(e) to provide for appropriate public participation in the planning process and the assessment of development proposals;

The development industry's attitude is the maximisation of public participation in the forward planning process. I certainly agree with that. However, it has difficulties with the public assessment of development proposals. It believes that only in the case of prohibited development should there be third party appeal rights, leaving assessment to the planning authorities. In fact, it says that in the process that we have introduced in this Bill, with the Development Assessment Commission and the local government planning authorities, it is those two bodies that can actually be involved in the assessment of those proposals. It is quite happy about public participation in the determination of the development plans and perhaps in other areas but, when it comes to the assessment of the development proposals, it believes it should be done by the assessment authorities.

The Hon. G.J. CRAFTER: The Government opposes the amendment. I can well understand the reasons why the honourable member has moved it and I can understand that that is the concern of the development industry. But, as I said in my second reading contribution, a balance has to be achieved in this area. There are equally very strong views held by very large sections of the community who feel that they have a right to participate in the planning process, particularly where a proposed development is contrary to what the community had anticipated would be developed in that situation. So, there is a hierarchy of opportunities for participation by the community, as I mentioned in my summary a few moments ago.

It is for those reasons that I believe that, if we strike a balance between the concerns being expressed by these

two diverse views in our communities, that is the best way to resolve disputes and to see a proper democratic participatory process as we move through development proposal applications and various aspects of the planning process. Simply to adopt the stand the honourable member proposes in his amendment I think would lead to a situation that would bring the planning process into a conflict situation, and then a lack of confidence would be expressed by the broader community. We need to avoid that. Nevertheless, we need to be mindful that there is not an excess on one side or the other.

Amendment negatived.

The Hon. D.C. WOTTON: I want to refer to appropriate public participation in the planning process. It has always been of considerable concern to me that, in the planning process and particularly in the preparation of plans, it is not always possible to engender the amount of interest that should be brought into this particular process. Various parts of the Bill that we are now debating indicate the necessity to be able to involve the community at a very early stage, and I believe that is essential. Can the Minister provide the Committee with his views on how public participation can be improved? What does the Government intend to do to encourage more people to become involved in the vital opportunity that they have in the preparation of these supplementary development plans at a very early stage?

The Hon. G.J. CRAFTER: In my contributions earlier I referred to some of the details surrounding the way in which this measure deals with public participation and indeed rights of appeal, access to the new appellate structure, the new courts and the new jurisdictions that will be contained within that. I think the whole package of those reforms provide for enhanced public participation; a more appropriate and effective public participation. I think one of the great frustrations that the community currently experiences relates to participation. Under the current situation they believe that they are heading for a dead-end, and they cannot truly believe that they are participating in the planning process. There are numerous references within the Bill to the ways in which the public can participate in the planning process. I think the planning review paid an enormous amount of attention to that area.

There was considerable public interest in this matter relative to simple applications before councils for major development projects, the role that the environmental impact statement has played and so on. All of these issues have been taken into account but, as I said in reference to the amendment we just had before us, it is a matter of striking an appropriate balance in this area, and we believe that we have done the best we can. Obviously this is a matter that needs to be constantly monitored.

The Hon. D.C. WOTTON: With respect to the Minister, I do not think he quite understands what I am getting at. I appreciate the opportunity that is provided in this legislation for appeal and for community involvement at the other end. How is it intended to encourage people to get involved at the very earliest stage of the planning procedures in respect of the preparation of council plans? What incentives will be offered to encourage people to get involved at that very early stage so that when the plan is brought down the people will have taken advantage of that opportunity? Of course, that does not happen now. Unfortunately, in so many cases we find that when a supplementary development plan is brought down the majority of people hardly know that it is around the place, let alone take the opportunity to become involved at that vital stage.

The Hon. G.J. CRAFTER: I concur with the honourable member's sentiments. The Bill provides for there to be a minimum of two months exhibition of a development plan amendment and an old supplementary development plan and, of course, there must be a public hearing. I think one needs to always encourage local government to authentically involve the community in these decisions, and I think that is somewhat patchy at times. Councils probably quite sincerely believe that they embrace a cross section of the community, but I think there are many people who simply do not participate, for one reason or another, but may well participate if given alternative opportunities to do so. We must always encourage councils and planning consultants, lawyers and others who are involved in this process.

Elected officials change from time to time, so it is a constant task to ensure that there is authentic public participation, as the honourable member says, at an early stage rather than at the crunch end of the decisions; and rather than people believing that they are being rushed into making decisions that they have not had proper time to consult on. I believe the statutory structures in this measure will provide the opportunity at least for this to occur, but it does require that fleshing up and that sensitivity particularly by local government authorities.

Clause passed.

Clause 4—'Definitions.'

The Hon. G.J. CRAFTER: I move:

Page 2, lines 31 and 32—After 'locality' insert 'or building'.

Page 3, line 3—After 'a portion of a building or structure' insert '(including any fixtures or fittings which are subject to the provisions of the Building Code of Australia)'.

These amendments all relate to the adoption of the Building Code of Australia under the new legislative scheme. Further consultation on the technical application of this code has resulted in the conclusion that further minor amendments should be made to ensure that the code can apply in its entirety under the Act as it presently does under the Building Act 1971. It has been pointed out to the Government that in some cases the code encompasses issues of amenity and the safe construction and fixing of fixtures and fittings and not simply the construction or erection of a building or structure. These amendments are proposed to put the matter beyond doubt. The Government has taken advice on this matter and it is believed that this will overcome the concern that has been raised.

Amendments carried.

The Hon. D.C. WOTTON: Again I am taking the liberty of referring to a particular clause. I am not sure whether it is the appropriate clause but I will take a chance. Clauses 4 (e) and 4 (f) refer to heritage: (e) in relation to State heritage and (f) in relation to local heritage. There is a considerable amount of concern and uncertainty in the community regarding the Heritage Bill, a separate piece of legislation which it was anticipated would be introduced at the same time as the Development Bill. There was an expectation, understandably, that that would be the case and, as I said

in the contribution that I made earlier, I think it is a great pity that that has not happened.

To date, as I say, there has been a great deal of confusion over the relative roles of the Heritage Bill and the Development Bill. The community needs to be given the opportunity to properly discuss and comment on the Heritage Bill and to determine how it relates to the legislation that we are currently dealing with. When will the Heritage Bill be introduced?

The Hon. G.J. CRAFTER: My colleague the Minister of Environment and Land Management will introduce the Bill tomorrow.

The Hon. D.C. WOTTON: That begs another question. Is the Minister suggesting that the responsibility for heritage will be that of the Minister of Environment and Land Management?

The Hon. G.J. CRAFTER: Yes. Because of the state of the measures before us, the matter is still the subject of consideration within Government. At present, my colleague has responsibility for that area and he will have the carriage of that measure.

Clause as amended passed.

Clause 5—'Interpretation of development plans.'

Mr OSWALD: I move:

Page 8, after line 14—Insert new subclause as follows:

(6) Where an inconsistency exists between a provision of a development plan which is specifically designated as a regional provision under the plan and another provision that is not so designated, the provision designated as a regional provision prevails.

This amendment provides that, where there is a conflict between a provision in the development plan which is specifically referred to as a regional provision and another non-regional provision of the plan, the regional provision will prevail. In my second reading speech I alluded to decisions that are taken whereby the local development plan, which may contain more detail, takes precedence over the regional plan. I point out that in New South Wales it is the reverse: people sometimes have to go to court to sort out the differences.

I want to give the Government the opportunity to have some mechanism in the Bill whereby one can have regard to the regional provisions and policies. The problems that have been highlighted from time to time about the parochial nature of local councils, particularly small councils with the pressures that elected members come under, could be overcome if we looked to regional planning. This amendment will facilitate that.

The Hon. G.J. CRAFTER: The Government opposes this amendment, because it believes that the concerns expressed by the honourable member can be addressed in another way without building into our planning system another tier of consideration or policy at regional level when we do not have a system of government at regional level. We are trying to achieve a simpler process which is more clearly understood. Because we are vesting in local government that additional responsibility, it is believed that, where policies occur across council boundaries, the development plan amendment process, where the Minister has authority because it is across council boundaries, can participate and achieve by amendment of a series of local development plans the regional policy objective that is required. At the same time, account is taken of the overall policy objectives of those local authorities which have responsibility for administering the plan. And as a result of the statutory requirements, there would be constant or periodic reviews of plans by local authorities. Therefore, those valid concerns can be catered for within the existing framework of the Bill.

Mr OSWALD: The amendment is not intended to help the Minister to facilitate his problems across council boundaries: it is intended to create the position where a decision has to be taken on a proposed development that has far wider areas of interest than just a small council area. It may have some significance for the whole of the region or the whole of the metropolitan area. A council may be taking a decision that should be taken on a wider basis. Whilst the next 12 months may not be the time to initiate the mechanism, I think the time has come to start to advance the public debate on regional planning authorities, not to create another tier within the structure but to start people thinking about a system whereby, if a development issue comes up that is of significance to the region, not necessarily to one council area, delegates from various councils can meet on a regular basis and be empowered to take into account regional planning policies.

The Hon. G.J. CRAFTER: The ultimate responsibility lies with the local authority. Whatever device we use, the conflict or the inconsistency, which is the issue that the honourable member is trying to resolve with the amendment, needs to be clarified and given certainty within an existing development plan structure. As I indicated, I believe that the way to resolve that inconsistency is through the development plan amendment process and to do it consistently, whether it is within one council area or a group of council areas, in order to obtain the regional perspective that is desirable. To adopt the amendment would be to entrench inconsistency into the planning process. The amendment begins with the words, 'Where an inconsistency exists'. Our aim should be to iron out or eliminate the inconsistency and to have that clearly stated within a development plan or a series of development plans.

Amendment negatived; clause passed.

Clause 6 passed.

Clause 7—'Application of Act.'

Mr OSWALD: I move:

Page 9, after line 25—Insert new subclause as follows:

(4) A regulation under subsection (3) must not modify the operation of any provision of this Act which specifically provides for, restricts or prevents an appeal under this Act.

This clause allows for appeal rights to be varied by regulation and it could be used to deny rights of appeal which otherwise apply. Subclause (3)(a) allows for appeal rights to be varied by regulation. Subclause (3)(b) provides 'that a specified provision of this Act does not apply, or applies with prescribed variations, in respect of a particular class of development, or in any circumstance or situation (or circumstance or situation of a prescribed class)'. I understand that could be used to deny rights of appeal which otherwise apply. I imagine that it is intended to use this because at the moment there are no rights of appeal, for instance in regard to primary impact industry. We believe that there should be rights of appeal.

The Hon. G.J. CRAFTER: The Government opposes this amendment. However, I should like to clarify the issue. In this measure we are trying to embrace what may occur in terms of the ambit of planning legislation in the years ahead. We need to be mindful that we want to achieve maximum flexibility in this area as we bring more and more statutory instruments into the ambit of the Development Bill. So, it is our intent progressively to integrate controls currently under other legislation. As I indicated a few moments ago, there are some 109 other Acts currently participating in the planning process in one way or another, and the more of those functions we can bring under the Development Act umbrella, the better we believe it will be for the planning process and for the community that we are serving.

It is true that much of this other legislation currently does not provide for appeal rights by aggrieved parties and the Bill, I believe, allows the maximum flexibility to determine the appropriate level of appeal rights at the time of integration of these other statutory instruments. It will be done through regulation and then it will be subject to the scrutiny of the legislature. I believe that the measure we have before us is entirely appropriate and that the amendment moved by the honourable member would frustrate this process, and that would not be in the overall community interest.

Amendment negatived; clause passed.

Clauses 8 and 9 passed.

Clause 10—'The Development Assessment Commission.'

Mr OSWALD: I move:

Page 12, lines 3 to 5—Leave out paragraph (e) and substitute new paragraphs as follows:

(e) a person with practical knowledge of, and experience in, environmental conservation chosen from a panel of three such persons submitted to the Minister by the Conservation Council of South Australia Incorporated;

(f) a person chosen from a panel of three persons submitted to the Minister by the South Australian Farmers Federation Incorporated;

(g) a person chosen from a panel of three persons submitted, at the invitation of the Minister, by an organisation that, in the opinion of the Minister, is concerned with the provision of facilities for the benefit of the community;

(h) a person with practical knowledge of, and experience in, urban and regional planning.

The amendment reconstitutes the composition of the commission. Our proposal provides that the Conservation Council will for the first time have the opportunity of nominating someone to the commission. We have also extended it so that the South Australian Farmers Federation gets an opportunity of nominating someone to the commission, picking up the importance of that area in the State as well. We have added a person who, at the invitation of the Minister, will come from an organisation which, in the opinion of the Minister, is concerned with the provision of facilities for the benefit of the community, and we have added another person who is expert in the areas of urban and regional planning.

It breaks new ground, and I think that the time has come to acknowledge that the Conservation Council represents some 65 organisations and has a particular expertise available to it. It comes from a whole range of conservation and natural resource areas. It has a major contribution to make to the Development Assessment Commission and, whilst one could argue that the present form of words would allow the Government, if it chose, to put on someone from the Conservation Council, a specific nominee from the council is not inappropriate. We have left in the Bill the reference to a nominee from local government and also one from the urban development industry. The other amendments in that clause are consequential on that policy matter. I move this amendment as a test for the whole of clause 10.

The Hon. G.J. CRAFTER: The world is not quite as simple as the honourable member might anticipate, given this amendment and, for that reason, it is opposed. Once one moves away from the membership of an important statutory body of this type—that is, the Development Assessment Commission (the old Planning Commission as we know it)—being selected on the basis of their expertise and their ability to contribute to the wide cross section of the decision making processes of the commission and moves into a strictly representative body, that is, persons chosen by particular organisations (chosen for some reason or another by the Opposition), we come to a different style of decision making, a different representation to the community about the nature of that commission and about the quality of the decisions that I believe would follow.

Currently in the Bill there are provisions relating to the general qualities that are required of membership of the commission, and the commission has had a broad membership based on expertise—not a representative body—for some 10 years. The five member commission has worked very well, and I think that we should stay with the structure and the philosophy of appointments that have worked so well for our community in the past.

Further, I note that the Opposition wants to allow for any of the membership to be appointed as the Chairperson of the commission in certain circumstances. I believe that would then lead to a most difficult situation where a person selected under the amendments proposed by the Opposition from a particular organisation to represent that organisation, as the honourable member explained, was then chairing the commission, and that could lead to circumstances that would not be in the interests of good decision making and the confidence the community has in such an important statutory body. For those reasons, we should stay with the form of membership and its more general representative nature, based on the expertise of individual members and not the representation of individual organisations.

Mr OSWALD: I would just like to correct the Minister there. Our proposal requires an independent chairman and six other delegates. The independent chairman is nominated as in the Bill at the moment, and it is only the other six that come from a whole range of community professional interests. The variation is very minimal compared with the Government's provision, except that we have just added in the additional areas and increased the commission from five to seven.

The Hon. D.C. WOTTON: I strongly support this amendment, and I am very disappointed to hear the Minister's response which, if I may say so is a very feeble one. The Minister has talked about the quality of decision making and referred to words which apply in

the legislation as to how this quality of decision might be achieved. He has talked about individual representation, etc. I am particularly supportive of the Conservation Council being given the opportunity to put forward some names from which the Government might select an appropriate person, not to represent that organisation if that is what concerns the Minister, but to represent all of the people in South Australia who are concerned about our environment.

I agree totally with what the member for Morphett has said, because we have come to recognise the importance of this organisation. It does represent some 65 different organisations, all of which have some expertise and certainly a considerable amount of knowledge, as well as a purpose in attempting to conserve and preserve our environment. We are told that that is what this Bill is all about—to make South Australia a better place. I would have thought that the opportunity should be provided for people who have significant knowledge in the subject of the preservation of our environment—and that it would be essential that the opportunity be given to this umbrella organisation—to fulfil that purpose.

I understand what the Minister is saying. He does not want to be told who will be on the new commission and who will represent an organisation, and that is why the amendment is worded in such a way that the opportunity will be provided for three names to be given to the Minister for him to make a selection, and that is appropriate. I would not support a situation where the Conservation Council or any other organisation was able to say, 'Well, this is the person we want and whether you like it or not that person will represent this organisation or the people of South Australia who have an interest in preserving our environment.' However, this amendment provides an opportunity for a person to be chosen from a panel of three, and that is totally appropriate.

I also strongly support the need to have someone with a practical knowledge of, and experience in, the provision of community facilities or services as set out in the amendment; who in the opinion of the Minister is concerned with the provision of facilities for the benefit of the community. I believe that many people, particularly young people, have a genuine concern and interest regarding environmental issues—and I say 'genuine', because there have been people and organisations that in the past have been interested only in the radical side, if you like (a side that may not be quite as genuine). I believe it is appropriate that the umbrella body that has a greater responsibility in that area than any other should be provided with the opportunity to put forward three names from which the Minister can select a person to serve on this commission to represent all those people. I very strongly support the amendment of the member for Morphett.

Mr LEWIS: I want to make it plain that likewise I support what the member for Morphett is trying to have the Committee understand. I do so in terms as strong as or stronger than any that have been used by either him or the member for Heysen. After all, the Bill is called the Development Bill, yet when we look at the people who will be on the commission, and it is called the Development Assessment Commission, none of them is explicitly required above all else to know much about commercial development—not one of them. Certainly, there is a person with a practical knowledge of or experience in urban development. That has nothing to do with business, whether it is primary industry or any other kind of industry, be it urban development, commerce, industry, building safety or landscape design. Which is it? You cannot have all of them. It will literally mean that, since there is no other slot into which someone with a knowledge of urban development (presumably a planner) can be fitted, it will be that slot, which means that the side of industry that I am speaking from is ignored.

Before waxing eloquent about that, I want to underline the deficiencies that occur in paragraph (e) where the Government is trying to put more than one hat on one individual. That individual will have to be something like a hydra, a multi-headed monster, to be able to fit the bill. It is far better that at least we broaden the ambit in the fashion the Opposition is suggesting, where we will have someone explicitly selected from those people who are acknowledged in the democratic process within their organisational structure to be competent to represent those organisations in the environmental conservation and preservation arena, as the member for Heysen has pointed out.

In addition we have said there needs to be one from a panel of three selected by the Minister representing the South Australian Farmers Federation. I do not think that goes far enough. As I said in my second reading speech, and let me make it plain here since I was not able to make a contribution under clause 8 which also has this same deficiency, there is no-one there who knows anything about aquaculture, yet within 10 years that industry could be worth several billion dollars to this State. I am not kidding: you need less capital to produce a kilo of fish flesh, whether crustacean or vertebrate, and you need less feed than you do for chickens. The input costs are therefore lower and the market potential is greater. It is not just locally but internationally. It is export, and it is exactly what we need, yet the whole Bill ignores the prospective development of that enterprise and would seek to put red tape across it.

We ought to have someone in this commission who has some understanding of the economic implications of ignoring that. Indeed, better still, we ought to have someone in there who can properly and professionally explain what needs to be done and how best to achieve it. The only way in which we will get an aquaculture industry established in this State is if we get a consortium of finance houses using, say, superannuation funds to do what was done with the AMP in the large scale settlement of what are now South Australia's farmlands, particularly after the Second World War in the two decades following the return of those servicemen, and the expansion of the economy that was undertaken by the Governments of that time. We need to do the same thing again. We have an army of unemployed people with no prospect of providing them with any opportunity whatever, yet in the very piece of legislation that is supposed to be about providing those opportunities in a way which is compatible with the other goals of good environmental management of both the built environment and the natural environment, we have nobody there who knows a damn thing about it.

Indeed, it is pretty much a grab bag full of the Government's mates, when you really look at their focus and the structure of their Party. It fits easily with them, and I am talking about the Government in the context of the members in this place. It seems to me that they do not want to have anybody in there who has an understanding of the problems that entrepreneurs will face; nor do they want anybody in there who is likely to be able to give them good advice on how to achieve the desired goal of providing employment opportunities, indeed, self-employment opportunities, for a large number of young South Australians who would jump at the chance to do it.

We have the land. It needs to be made known in the plans that we develop for its future use that that land can be used for that type of industry. There is no-one here, and there is no-one on the Government's front bench who knows how they could simply, within five years, tap into that. If I told the Minister five years ago, as I tried to—indeed, I tried 10 years ago—that aquaculture was an outstanding prospect, after the Minister at the table was elected at the by-election in Norwood—

The Hon. D.J. Hopgood interjecting:

Mr LEWIS: —when he was in this House in Opposition, for the sake of the member for Baudin (and any other member who wanted to listen at the time) that we would and could have a large oyster industry in South Australia that would be second to none anywhere in this country and probably in the world in the reliability and quality of the fish it could produce and the shortness in time it would take from seeding the spat on the reach to the time it was ready for market, the Minister and other members in this place five years ago would have laughed at me. I know one member who did not, and that is the current Premier.

In fact, he had the gumption and good grace to take up my invitation to go with me to the Scarsborough Research Centre in Western Australia, when we happened to be in Perth together on one occasion, and recognised that it was a real prospect for South Australia, but it took a hell of a long time for anything much to happen. It was still tied up with a hell of a lot of red tape, with the Government's exercising undue control over the real property which those farmers need to occupy in the course of getting their living. They are tied down. They do not have access to borrowings which would enable them to get lower interest rate finance to make it work.

That is the kind of skill, knowledge and technological expertise, along with the necessity for us to encourage TAFE to provide it, that needs to be included, for God's sake—and for the sake of everyone in South Australia right now—the whole 1.5 million of us—in this Development Assessment Commission. If that is not development, what is? Why on earth we cannot have people who have ability to make it work within the parameters the Bill is otherwise suggesting is beyond me.

The other industry about which I have a big worry is that part of the tourist industry which involves small entrepreneurs, or small businesses, who want to establish facilities at the budget, family and back-packer end of the market so that we can begin to cater for the large numbers of those people who are going to come here. Nobody is mentioned in this outfit who is required to have any insight, understanding or knowledge about the way in which we can establish that infrastructure and pull ourselves up by our boot straps. There is nobody there, unless we presume it is that person under paragraph (d), which is a pretty wide ambit. I have had my own concerns about explaining all that to my colleagues, and I put it before this Chamber with equal vigour, because the Development Assessment Commission defined in the Development Bill ought to have somebody who has demonstrated knowledge of how to make it happen, or we will not have the development necessary to get rid of our unemployment problem.

The Hon. G.J. CRAFTER: For the clarification of the honourable member, I am not sure how much knowledge the honourable member has of the current work of the Planning Commission, but there are a number of specialist industry committees associated with the Planning Commission, and they are delegated with authority. One is an agriculture committee and the other two committees relate to mining and waste disposal. The membership of those standing committees is taken from persons experienced in the respective industry, in this case a member from the agricultural industry, and of course experts in that area who can also assist the committee.

That is a matter which is embraced within the structure in a very specialised way, much more specialised than could be done by adding a person from that sector, or indeed from any other sector, to the commission itself. I think there is slight confusion in the arguments that are being advanced by the members in order to, from their point of view, improve the membership of these respective bodies.

The Development Assessment Commission is a quasi-judicial body which is measuring the proposals as against the development plans. The body that is embraced in the broader policy role is the development policy advisory committee, currently known as ACOP, the Advisory Committee on Planning. If one looks at the membership under clause 8 of the Bill, one will see that there are persons with, for example, wide experience in agricultural development, wide experience in environmental conservation, building design and construction, local government and so on, which I believe meets the concerns expressed by members opposite with respect to specific groups being involved in key policy decisions associated with planning.

With respect to the Development Assessment Commission, I believe that the criteria we have established in the Bill is the more appropriate criteria for the selection of the membership of that commission, given the quasi-judicial role that it will play, and also the point about participatory democracy. Subclause (13) provides:

> An appointment can only be made under this section after the Minister has, by notice in a newspaper circulated generally throughout the State, invited interested persons with appropriate qualifications to submit (within a period specified in the notice) expressions of interest in appointment to the relevant office.

So, there is a much broader approach taken to the membership and the selection of persons with the specific qualities referred to in the measure before us.

Mr OSWALD: The reality is that no-one from the Conservation Council has ever been appointed to the

DAC. There can be all the advertising in the world, but the reality is that it has not happened. I believe it should happen. That is the purpose of this amendment. The Minister also claims that one of the reasons for rejecting our proposal is that the Development Assessment Commission is in fact a quasi-legal body. If we look at the composition of the commission as proposed by the Government, of the five members who have been identified, three really have no connection with the law. By coincidence, they may come from the law, although it is most unlikely. It is only the presiding member and the deputy presiding member, and the Bill does not actually provide that they must have a connection with the law. I assume that one, the Chair, might be a judicial officer, but the other four are not. All we are doing is expanding the commission from five to seven to pick up another two contributors who represent very large organisations that are involved in the community. I believe this amendment is quite appropriate and I urge all members to support it.

The Hon. G.J. CRAFTER: Just by way of clarification: I was referring to the body as being quasi-judicial, that is, it has a judgmental role as distinct from a legal role.

The Committee divided on the amendment:

Ayes (19)—H. Allison, M.H. Armitage, P.B. Arnold, S.J. Baker, P.D. Blacker, M.K. Brindal, D.C. Brown, B.C. Eastick, S.G. Evans, G.M. Gunn, G.A. Ingerson, I.P. Lewis, W.A. Matthew, E.J. Meier, J.W. Olsen, J.K.G. Oswald (teller), R.B. Such, I.H. Venning, D.C. Wotton.

Noes (19)—L.M.F. Arnold, J.C. Bannon, F.T. Blevins, G.J. Crafter (teller), M.J. Evans, D.M. Ferguson, R.J. Gregory, T.R. Groom, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway, D.J. Hopgood, J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, M.K. Mayes, M.D. Rann, J.P. Trainer.

Pairs—Ayes—D.S. Baker, H. Becker, D.C. Kotz. Noes—M.J. Atkinson, C.F. Hutchison, J.A. Quirke.

The ACTING CHAIRMAN: There being 19 Ayes and 19 Noes, I cast my vote for the Noes.

Amendment thus negatived.

The Hon. G.J. CRAFTER: I move:

Page 13, line 11—After 'An appointment' insert '(other than an appointment under subsection (3) (c))'.

This clause relates to the constitution of the Development Assessment Commission and subclause (13) provides that the Minister must invite interested persons to express interest in appointment to the commission before an appointment is made. However, one of the members of the commission is to be a person nominated by the Local Government Association of South Australia pursuant to the accord that has been entered into between the State Government and the Local Government Association. Therefore, it is considered inappropriate for the Minister to place an advertisement in relation to that particular position, and the amendment ensures that he or she does not need to do so.

Amendment carried; clause as amended passed.

Clauses 11 to 18 passed.

Clause 19—'Powers of authorised officers to inspect and obtain information.'

Mr OSWALD: I move:

Page 16, lines 12 and 13—Leave out subparagraph (i) and substitute new subparagraphs as follows:

(i) where the authorised officer reasonably suspects that a provision of this Act is being, or has been breached;

(ia) in the case of an authorised officer who holds prescribed qualifications—for the purpose of inspecting any building work;.

This clause relates to the powers of authorised officers to inspect and obtain information. Under the November Bill, the authorised officer had to have reasonable suspicion before they could enter and inspect to see whether a provision of the Act had been or was about to be breached. In drafting this clause, 'authorised officer' refers to an officer carrying out inspections in relation to building and planning. I emphasise that it is both: building and planning. It is quite reasonable for an authorised officer, under the Building Act, to enter and inspect building works in the course of the building activity. However, after everything has been done, planning inspectors have the ability to walk in at any time. This could be intrusive and can be resolved only by reinserting 'reasonable suspicion' in the Bill. Clause 19(2) of the Bill provides:

An authorised officer may only exercise the power conferred by subsection (1)*(b)* on the authority of a warrant issued by a magistrate unless the authorised officer believes, on reasonable grounds, that the circumstances require immediate action to be taken.

Referring back to clause 19(1)*(a)*, under the November Bill they had to have reasonable suspicion before they could enter and inspect. I believe that it is not unreasonable to insert this concept of reasonably suspecting something before an officer goes in. As I said, the building inspectors should be able to carry out their work under the Building Act. However, we do not want a situation where officers actually go on site purely to see whether they can find something that might have gone wrong. It is a matter of principle—a fair go for those doing the work properly. The building inspectors go in and out. However, I think that, as far as anyone else is concerned, reasonable suspicion is not an unreasonable provision to insert in the Bill.

The Hon. G.J. CRAFTER: I understand the reasons why the honourable member is doing this but, having received the amendment only this morning, I would like to have further consultation on this matter to see whether it does achieve what the honourable member believes it does. If it is seen as the more appropriate wording, I will undertake to have this matter further considered in another place when the matter is debated there. I oppose the amendment now, but I do not say that it will not be the subject of further more favourable consideration in another place.

Amendment negatived.

Mr OSWALD: I move:

Page 16, lines 32 and 33—Leave out paragraph *(g)* and substitute new paragraph as follows:

(g) require a person who the authorised officer reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration or enforcement of this Act to answer questions in relation to those matters.

This clause has been toughened up in the redrafting of the Bill. It now provides:

An authorised officer may require a person to answer to the best of his or her knowledge, information or belief questions relevant to the administration and enforcement of this Act.

Previously, it was only a person reasonably suspected of having committed a breach. So, anyone who may have witnessed it can be made to answer questions irrespective of whether or not they have been involved in the development. I believe that is far too heavy handed.

The CHAIRMAN: For the benefit of members, I point out that in this particular clause (page 16, line 33), the word 'for' is to be deleted. It is a clerical adjustment.

The Hon. G.J. CRAFTER: The Government accepts the amendment.

Amendment carried.

The Hon. G.J. CRAFTER: I move:

Page 17, after line 1 1—Insert new subclause as follows:

(3a) Where—

(a) a person whose native language is not English is suspected of having breached this Act; and

(b) the person is being interviewed by an authorised officer for the purposes of criminal proceedings in connection with that suspected breach; and

(c) the person is not reasonably fluent in English,

the person is entitled to be assisted by an interpreter during the interview.

The Government is keen to protect the rights of a person whose native language is not English and who is not reasonably fluent in English, where such a person is suspected of having breached the Act and is being interviewed in connection with criminal proceedings. In such a case it is proposed that the person be entitled to be assisted by an interpreter during an interview with an authorised officer. A similar provision appears in the Occupational Health, Safety and Welfare Act 1986. Furthermore, under section 79a of the Summary Offences Act 1953, a person is entitled on request to be assisted at an interrogation by a police officer if his or her native language is not English and he or she has been apprehended on suspicion of having committed an offence.

Amendment carried.

Mr OSWALD: I move:

Page 17, lines 30 to 34, and page 18, lines 1 to 13—Leave out subclauses (7) and (8) and substitute new subclause as follows:

(7) A person is not required to answer a question or to produce, or provide a copy of, a document or information as required under this section if to do so might tend to incriminate the person or make the person liable to a penalty.

Whilst this provision is modified somewhat in subclause (8), it is still draconian. Under clause 19(8), a person could be forced to provide a document even though it may incriminate them and the content of it remains admissible even if it does incriminate then in fact. Basically, a person can be forced to hand over documents which incriminate them. That is a fairly draconian power and contrary to the normal ideas of civil liberties.

The Hon. G.J. CRAFTER: There is a misunderstanding here. The Government opposes the amendment, because the material obtained under a subsequent section provides that it is not admissible in evidence against the person from whom it is obtained. But it is, we believe, entirely appropriate to act quickly in the circumstances to determine whether, for example, a building has been built negligently or inappropriately in some way so that building safety can be protected, appropriate investigations can proceed then and there at the time when that material fact can be investigated more effectively, and so on. So that there is a matter of time being of the essence and the amendment, which the honourable member is moving, would frustrate that process and would be contrary to the community interest.

Mr OSWALD: I take the advice of the Minister. However between now and when the Bill goes to the other place I might take some legal advice on that matter. The matter may or may not be raised again in another place.

Amendment negatived; clause as amended passed.

Clauses 20 and 21 passed.

Clause 22—'The planning strategy.'

Mr OSWALD: I move:

Page 21, after line 14—Insert new paragraph as follows:

(aa) in relation to any proposal to create or alter the Planning Strategy—

(i) prepare a draft of the proposal for public consultation; and

(ii) by public advertisement, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase and invite interested persons to make written representations on the proposal within a specified period of not less than three months from the date of publication of the advertisement; and

(iii) arrange for a series of public meetings at which members of the public may make personal representations on the proposal; and

(iv) ensure (so far as is reasonably practicable) that any representation made under subparagraph (ii) or (iii) is taken into account before the Planning Strategy is created or altered (as the case may be); and.

This clause refers to the requirement for consultation in the preparation and annual updating of the planning strategy document. During my second reading speech this afternoon I did express some concern that was put to me by local government, which felt it should have some sort of input into the preparation of the strategy document. I have also had representations from the Conservation Council, which also believes that it should have some sort of formal input into the strategy. Clause 22 (5) provides:

The appropriate Minister must, on or before 30 September of each year in respect of a preceding financial year, prepare a report on...

(c) community consultation on the content, implementation, revision or alteration of the planning strategy.

Certainly, that indicates that community consultation would have taken place but it does not formalise it at all. What I propose, on behalf of the Conservation Council, is that public consultation should take place. The amendment will also pick up the request of local government so that there is a formal consultation process. The Minister will then take into account the information provided during this consultation process—but only take it into account. At the end of the day, the executive arm of Government and the Cabinet will set the final planning strategy based on the

information provided. What we are doing here is facilitating the request of both those organisations—the Conservation Council and local government—to at least have some formal procedure whereby consultation takes place.

The Hon. G.J. CRAFTER: The Government opposes this amendment, because it is too prescriptive. Consultation is assured by statute. The Government believes that the level of public consultation must be flexible to suit the nature of the strategy amendment. This is a process to facilitate the development of the strategy. The strategy is not a statutory instrument as such: it is about the Government providing more information to the community that will impact on planning decisions, long-term planning considerations in particular. Therefore, there needs to be a high degree of quality information. This needs to be a facilitating process. The amendment could impose serious time delays on strategy amendments.

If there are too many controls, we may find Government agencies becoming more cautious about publishing their long-term strategies in the degree of detail that we believe is desirable. Further, there could be legal challenges to the making of Government policy, and that would inhibit the free flow of information in this area, which I think is a very important initiative in this measure. A number of organisations have made representations about this matter, but the latest organisation that did so, when this matter was discussed with it, withdrew its concerns, the measure having been explained in the terms that I have expressed to the Committee.

Mr OSWALD: The Minister says that one of the reasons for his rejecting our proposal is that it will take too much time to go through the consultation process. Will he explain, under subclause (5)(c), when he is to have community consultation as part of the preparation of the report, how that community consultation will take place and whether there will be time constraints? What mechanism will be provided to allow community consultation? If consultation with the Conservation Council and other interest groups is required, there may not be any time for it.

The Hon. G.J. CRAFTER: It is a matter not of there being no time for it but of the appropriate level of community consultation which is guaranteed by this legislation in those circumstances. It may be an elaborate consultation process, because it is a major measure. For a more minor measure, it may be a more simple community consultation process, and that is entirely appropriate and acceptable to the community, depending on the circumstances. That is why we are arguing that we should not have the very tight prescription that the honourable member has provided in his amendment, which goes through a formula in every case, regardless of its importance.

The Hon. D.C. WOTTON: It seems to me that the Minister is trying to make excuses, and pretty poor excuses at that. I do not want to reiterate my desire to see appropriate consultation. The Minister has said there is already an appropriate level of consultation and that is guaranteed in the legislation. However, I question that. As I said earlier, if we do not have the appropriate consultation under this Bill, the legislation will fail. I think that the amendment is sensible. It will provide the opportunity for further consultation. It will not, as the member for Morphett indicated, mean delays. If there is concern about that, I suggest that situation can be rectified.

I, too, have received representations from the Conservation Council on this issue, and I support it strongly. Having heard the excuses given by the Minister for not proceeding, I can understand why he has not been prepared to accept the vast majority of amendments that have been put before him by organisations such as the Conservation Council. I think that is to the detriment of the legislation. I am extremely disappointed that the Minister and the Government are not prepared to accept this amendment.

The Hon. G.J. CRAFTER: Perhaps I can explain to the member for Heysen my concern. For even the most minor alteration to the strategy, according to this amendment there must be a draft proposal for public consultation which is contained in a public advertisement. There must then be a period of no less than three months from the date of publication of the advertisement; arrangements are to be made for a series of public meetings, whether anyone wants to go to them or not, and then the steps set out in the amendment must be gone through before there can be a final recommendation. We believe that is too prescriptive. It will frustrate the process, which is one of the things that the community is complaining about. There is a statutory guarantee that there will be public consultation, and the public can be assured of that. It is then a matter of determining the most appropriate form of public consultation.

The Hon. D.C. WOTTON: Will the Minister consider the tabling of these documents in Parliament prior to publication, pursuant to subclause (4)? It would seem appropriate that that should happen. The Minister has already indicated that he can give an assurance to the Committee that appropriate consultation will be provided. If that is the case, let us just add to it and let us consider the possibility of tabling those documents in the Parliament.

The Hon. G.J. CRAFTER: I am not sure how much of the Bill the honourable member has read but, if he refers to this clause, he will find that there is an obligation upon the Minister to provide a report to Parliament, about:

> ...community consultation on the content, implementation, revision or alteration of the planning strategy;

That is to be done within six sitting days after completing the report referred to in that subsection and copies are to be laid before both Houses of the Parliament.

Amendment negatived.

Mr LEWIS: I am a bit astonished at the provision in subclause (1), as follows:

> 'the appropriate Minister' means the Minister to whom the Governor has from time to time, by notice in the *Gazette,* assigned the functions of appropriate Minister for the purposes of this section.

What is that supposed to mean? Why does not the Minister simply state in the legislation which Minister it is? Why do we have to have a moveable feast? Does it require the Government to be able to switch hats to avoid

criticism of Ministers who make blunders? We know the kind of mess that the Government has made of its responsibilities over recent years. It is really a bit of a worry to have the Government deciding that what it will to simply switch the hats according to whatever it puts in the *Gazette* next week.

One will never know which Minister we are supposed to be relating to. The Committee needs to be aware that the Governor is, in fact, the Governor taking advice from the Minister in Executive Council. Which Minister will give the Governor the advice to make another Minister or that Minister himself the Minister defined as the appropriate Minister? Who is the authority who gives the authority to the authority in the first place? I am astonished that this is even included in legislation so that the Government, from week to week, can switch it around to suit itself. Can the Minister explain?

The Hon. G.J. CRAFTER: The honourable member would know from reading the earlier drafts that the legislation contained the designated portfolio of the Premier, but advice obtained from the Crown Solicitor indicated that the office of 'Premier' cannot be used in that way because the Premier is not a body corporate. Therefore, the wording of the appropriate Minister was taken. It is envisaged that the Premier would be the responsible Minister with respect to the obligations imposed by this piece of legislation.

Mr MEIER: Having listened to the debate so far up to clause 22, and here we are considering the planning strategy, it is interesting to see the regulatory process that is being followed. The member for Morphett has detailed clearly the Opposition's case overall and specifically in relation to the clauses. I have looked through the planning strategy and have seen amongst other things the determination that any alteration of the planning strategy is to be published in the *Gazette* within a reasonable time after the alteration is made. Further down in the clause it provides:

> The...Minister must, within six sitting days after completing the report, cause copies to be laid before both Houses of Parliament.

I was reminded of an article recently by Michael J. O'Brien in the *IPA Review*.

That article was entitled 'Genesis revisited', and I would like to quote from it as it relates to this clause, as follows:

> In the beginning God created heaven and earth. He was then faced with a class action lawsuit for failing to file an environmental impact statement with the Heavenly Environmental Protection Agency (HEPA), an angelically staffed agency dedicated to keeping the universe pollution free. God was granted a temporary permit for the heavenly portion of the project, but was issued a 'cease and desist' order on the earthly component, pending further investigation by HEPA. When asked why He began these projects in the first place, His response that He liked to be 'creative' was not considered adequate reasoning. He will be required to substantiate this further. HEPA was unable to see any practical use for earth, since 'the earth was void and empty and darkness was upon the face of the deep.'
>
> God's next response was 'Let there be light'. This clearly was a significant variation of the original proposal. Officers of HEPA formally required answers to the questions: how was the light to be made? Would it be a coal-fired or nuclear-powered generating plant? God explained that the light would come from a huge ball of fire. Nobody in HEPA really understood fusion, but His proposal was provisionally accepted subject to review by the Galactic Environmental Authority (GEPA), whose administrative procedures differed from those of HEPA, but were currently being reviewed.
>
> In the meantime, because HEPA was sensitive to a Big Bang, the conditions of interim approval were: (1) there would be no smog or smoke resulting from the ball of fire, (2) a separate burning permit would be required. Furthermore, since continuous light would be a waste of energy, it should be dark at least one half of the time to achieve the Andromeda target. And so God agreed to divide light from darkness and He would call the light 'Day', and call the darkness 'Night'. HEPA expressed no interest with in-house semantics but listed the outcome in its annual performance indicators.

The article goes on to fulfil the rest of creation revisited. The reason I quote from that is that it says in a humorous way that we can if we are not careful reach a situation where planning controls are so great that things can become tied up in a way that can perhaps cause more problems than to create more opportunities for planning. I believe that the Opposition is trying to be responsible in its approach to this Bill and all I would say to the Minister is that I hope that in the planning strategy and, I suppose, the other areas of the Bill, which are extensive, we ensure at all times that development is given encouragement within the bounds of commonsense and that we do not reach a stage like 'Genesis revisited'.

The Hon. G.J. CRAFTER: I can assure the honourable member that, to the extent that he was actually referring to the Bill before us, the planning strategy is not meant to be another layer of development control. It is in fact a facilitating, spiritual exercise, even, so that we can get better development plans in place and have a much freer flow of information, particularly from the State Government to local planning authorities and to the broader community, so that we can bring about the degree of certainty in the community and, indeed, the confidence in our planning system at large that is so desirable. There can be a much greater degree of trust between tiers of Government, community and Government, and so on. I think the honourable member's prayerful fears are unfounded.

Mr LEWIS: In consequence of the Minister's reply about the definition of the appropriate Minister and after further contemplation, I wonder why we cannot name the Premier in the legislation as 'the Premier' but we can name the Premier in subordinate legislation as 'the Premier', as he is still not incorporated.

The Hon. G.J. CRAFTER: Advice from the Crown Solicitor is, as I explained before, that it is not appropriate to use 'the Premier'. In these circumstances, 'the Premier' is not a constitutionally designated position but 'Minister' is. The appropriate expression at law is 'Minister', and advice can be given to the Governor to appoint an appropriate person holding ministerial office to fulfil this title. As I said in an earlier draft of this measure, the word 'Premier' was used, and it is intended to make the person holding the office of Premier that designated Minister.

Mr LEWIS: I have some recollection now of the former Hon. Frank Walsh saying that he would never address Sir Thomas Playford as the Premier. I wonder if it is, because the Premier is the Minister of Economic

Development, the Government does not want to make the legislation part and parcel of the responsibility of the Minister of Economic Development, even though we are considering the Development Bill, because it fears that by saying so it might offend the conservation lobby or for some other similar reason. After all, the Premier is also Minister of Economic Development and Minister of Multicultural and Ethnic Affairs. Clearly, this measure would not fit within the portfolio of multicultural and ethnic affairs, but I am quite sure that it would fit within the portfolio of economic development if it were given reasonable consideration in that regard.

Given that the Premier cannot be referred to as 'the Premier' in the legislation, it is still a matter of curiosity to me that it is feasible to do it in the subordinate legislation—that is, in the regulations—or by proclamation by notice in the *Gazette.* The reason the Minister gave as the impediment is that the Premier does not exist *per se* as an office—that is, he is not incorporated. If the Premier is not incorporated, if he is not there, if that office does not exist, how can the Minister refer to him in the subordinate legislation? I leave the Minister to give me such explanation as he will, but I still think that the whole thing is quaint.

Clause passed.

Clause 23—'Development plans.'

Mr OSWALD: I move:

Page 22, line 12—After 'planning strategy' insert 'principles of regional planning'.

The amendment proposed to this clause picks up and progresses the concept of regional policies derived from the strategy plan and provides that these should not be negotiable with local government. I have on three occasions now raised this question of progressing the principles of regional planning. It is an agenda item which should be discussed by the Parliament and should be on the agenda of local government and Government, and now that the Minister has already rejected it in other clauses, I would like to know what the Minister has got against this concept of regional planning—not as he said in his last reply on another clause, because he had problems working across a council boundary, but picking up this very real problem of the influence that local political pressures can bring to bear on local councils and given the fact that as it is set up now under this development plan, local councils will in fact own their development plans, and unless the Government is very strong the local councils will not change their development plans and developments in this State will be therefore controlled by local government. That is a very real possibility if the system does not work and we end up with each local government area having its own local government plan and, in the smaller councils, the local governments not being susceptible to change.

There are going to be occasions where a project will come up which will have regional interest, interest far outside the local council area, and there is a very real argument there as to why the region could not get involved. In the northern region, already on other subjects, we have councils starting to work together in a regional capacity. That is beginning to be mooted down in the southern region. They have already got the nucleus of councils getting together and discussing matters of a common interest that are outside their council boundaries. I believe, with some imagination, we could progress this into the planning area to get some of those parochial planning decisions away from the councils where they are susceptible to local influence, when in actual fact it is an issue which is of interest to the broader community. This does not mean that local councils should not make decisions which affect their own bailiwick. That is quite proper and they will continue to do that, but there is an argument for the principles of planning to be spread outside on a more regional level. We have an opportunity in drafting this Bill to do that and I am offering you another opportunity through my amendment to this particular clause to allow the Government to pick it up and insert it in the Bill as a matter of policy.

The Hon. G.J. CRAFTER: We have debated this matter a number of times already this evening and there is no dispute. There must be regional policies established. They will be contained in the overall planning strategy and in the development plans, and the Government seeks to avoid conflict, confusion and another tier of policy formulating its way through the planning process. This is another frustrating element in the planning process that we could avoid by firmly placing the regional policies within the planning strategy and also making sure that they are contained within the development plans, and that there is consistency between adjoining development plans and so on, so that regional policy is effected in that way. So, whilst I think we are all trying to achieve appropriate policies across council boundaries in particular regions of this State for particular purposes, the way in which we incorporate those into this measure that we have before us is very important. We must not create more barriers for those we are trying to help.

Amendment negatived.

Mr LEWIS: To what extent will a development plan incorporate district plans and property plans in rural areas?

The Hon. G.J. CRAFTER: As I understand it, there will be some statements in development plans about matters of common interest, for example, in development of certain elements of agricultural policy common between areas, but it will not get down to the detail of particular plans for individual farms. The matters raised by the member for Morphett are legitimate matters for inclusion in rural areas just as in urban areas. Matters of common interest that are appropriate to individual development plans would be involved.

Mr LEWIS: The Minister has made the point that the development plans are not to incorporate property plans as they are referred to; will they cover district plans or are district plans and property plans not even related to this legislation or process at all? Are they something entirely separate and apart from this legislation?

The Hon. G.J. CRAFTER: This Bill is about the development that occurs on land, buildings and so on or subdivision of land and those issues. It is not about what is, in fact, grown on land in agricultural areas and so on. It is about development.

Mr LEWIS: That is a bit at odds with the earlier definitions and terminology that we have agreed to under clause 3 and in the planning strategy. Clause 23(3)(a)(v) refers to 'management, conservation and use of natural

and other resources' and subparagraph (vi) refers to 'economic issues'. Subclause (3) provides that a development plan should seek to promote the provisions of the planning strategy and may set out or include certain things. So if we delete 'may set out', it provides that a development plan should seek to promote the provisions of the planning strategy and include certain things.

It does not say that it has to but it could and, if it does include planning or development objectives or principles relating to economic issues and relating to use of other resources, quite clearly it will cover the way in which the land can be used. As the member for Baudin said in his second reading contribution, this type of legislation was used in the first instance to stop the clearance of native vegetation. Whilst that was found to be *ultra vires* by the Supreme Court, nonetheless it was countenanced then, and there seems to be no reason in this Bill or anywhere else that would preclude the incorporation of district plans into the State's development plan as part of law.

That means that any farmer who prepares a property plan, and any district committee that puts down a district plan in any regional plan as part of the State plan, which does not countenance the widest possible range of activities to be undertaken on that land at any time during the next 30 years is silly, nuts or bonkers, because in no time at all they will find that, by writing down what they do now with the land, they are forever restricted to those limits if a Government ever decides that it simply does not want to allow the development of the land for any other purpose.

Again I use the illustration I have given in my earlier contributions on this measure of fish farming. Quite sensibly, I can think of vast areas of land which are currently salt affected and not very much raised above sea level in peninsula and coastal South Australia which could be easily, sensibly, wisely and profitably excavated for the construction of fish ponds. With the use of wind power, they could change the water in the ponds and reticulate it to the sea after it has been in the ponds for a time, as and when such energy is available, and obtain replacement water by using windmills. It is very cheap and very sensible because it would lift the income derived from the area of land, not just a few hundred dollars per hectare, but by an order of degree of tenfold.

What you can get out of a hectare of land on Lower Yorke Peninsula affected by salt now is zilch, even if you take into account the fact that you might have to forgo some barley cropping on the unaffected land adjacent on a slightly higher elevation. That barley can only produce in the order of a couple of hundred dollars, maybe $500 per hectare, but you could make at least 100 times that amount from fish farming. Quite sensibly, that ought to be included in the plan in that case, not precluded or excluded as the legislation would appear to do. It is for that reason that I labour the point.

I am most anxious that the Minister gives an unequivocal commitment that this planning process, the strategy and clause 23 of the development plans, will not exclude the change in land use that might be necessary to enable us to switch from what is predominantly agriculture now to fish farming and, in addition, the production of native species for sale in another industry.

I illustrate this point by saying *melaleuca uncinata* (brush) cannot be harvested in the wild now without a permit, and very few permits are being issued. The quantities being harvested are very minimal. If someone is currently growing barley, wheat and oats, and is raising sheep on their land, and they choose to switch part of that to the production of brush, that is a change in land use. It is no longer used for grazing and cereal cropping, yet it is an ideal location in which to do it. I would suggest that it would be a compatible thing in many instances to put in salt tolerant melaleucas that could be harvested every five to seven years to keep the water table down. I notice that the member for Flinders understands what I am talking about.

Neither I nor the people I represent want to see that measure of flexibility excluded from the way in which they can use their land. They do not want to see the development plan for South Australia, or development plans for districts as they are stated at the present time, cast in stone, as a dead weight around the neck of the State's capacity to rebuild its economy, expand its employment base and provide the sorts of things people are prepared to pay for where those things will not cause any great dislocation or damage of any kind. In fact, they will probably do the opposite.

The Hon. G.J. CRAFTER: I believe that the honourable member will need to seek out definitions of particular circumstances that have been brought down by the courts in this area about what is the change of land use. Generally the courts, in my understanding, interpret very widely what farming is, and that of course changes from time to time. If the honourable member is talking about flooding wide sections of land, building levies and changing circumstances, obviously that may involve some form of land use that requires some consideration by the planning processes. Each case needs to be taken on its particular circumstances and merits.

This measure is about facilitating development in our State and the circumstances whereby that can be given some degree of certainty, so that those who invest in development proposals can be given the protection that they want according to law. The community consultative processes that find their way into the local authorities, through our councils into the development plans that guide development in local communities, are the instruments whereby one can give effect to the proposals to which the honourable member is referring. I do not believe the honourable member does have any concern. I think this measure facilitates those sorts of changes more readily and in the community interest rather than some of the more archaic measures that currently we have to rely upon to facilitate such changes in land use and agricultural development, which is of course so desirable for our State.

Clause passed.

Progress reported; Committee to sit again.

WHISTLEBLOWERS PROTECTION BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

LEGAL PRACTITIONERS (REFORM) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

DISABILITY SERVICES BILL

Returned from the Legislative Council without amendment.

ABORIGINAL LANDS TRUST (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 11.55 p.m. the House adjourned until Wednesday 31 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 30 March 1993

QUESTIONS ON NOTICE

ELECTRICITY TRUST

1. **The Hon. JENNIFER CASHMORE:**

1. What price is South Australia paying for power from interstate?

2. At what price is South Australia selling power?

The Hon. FRANK BLEVINS: The replies are as follows:

1. Almost all imports from interstate are classed as opportunity trading which means ETSA would have had the capacity to generate the power in South Australia. Consequently the objective is simply to minimise combined operating costs and payments do not include any charges for capital costs of plant or fixed operating costs, such as normal power station staffing requirements.

Trading takes place if the variable operating cost of the exporter is at least 10 per cent less than that of the importer, after allowing for transmission losses. Variable operating costs comprise mainly fuel costs. The level of payment is calculated to share the net reduction in operating costs equally between the exporter and importer. This means that ETSA import payments are always less than the variable cost of using ETSA plant. In the financial years 1990/91 and 1991/92 the average payment was about 1.5 cents/kWh.

2. In the last financial year the average export price from South Australia was 4.0 cents/kWh.

The charge was determined by calculating the variable operating cost of the plant involved and adding 10 per cent. The price reflects the use of relatively expensive plant in South Australia in circumstances when the other States required ETSA's energy for emergency assistance. Most of
the exports were supplied from gas turbine generation on days of high gas consumption when a PASA penalty charge was involved.

321**. Mr BECKER:**

1. Who wrote the E&WS Department report regarding the gross pollutant trap for the Patawalonga Lake at Glenelg North and what were the findings and if none, why not?

2. What was the cost of commissioning the report?

3. What is the total estimated cost of constructing a gross pollutant trap for Glenelg and what was the cost of the component design of a gross pollutant trap contained in docket No. EWS 3542/90?

The Hon. J.H.C. KLUNDER: The replies are as follows:

1. The report referred to in E&WS Department file number E&WS 3542/90 is:

Brief for the Design of Gross Pollution Traps and Water Pollution Control Ponds at Patawalonga E&WS Department for Tourism SA - January 1992. Reference E&WS 3542/90, Brief No 1/92 - DRAFT ONLY. This report was prepared within the E&WS Department from existing information, to be used if required for the engagement of a consultant to carry out the design.

The report was prepared at the request of the Project Manager, Glenelg Foreshore Development Project, Tourism SA as part of the arrangement that the E&WS Department provide Tourism SA with technical advice on water supply, sewerage and stormwater management proposals submitted by prospective developers of the proposed Glenelg Foreshore Development.

2. The report did not proceed beyond the draft stage and was not used to engage a consultant to design gross pollutant traps.

3. There is no detailed design of gross pollutant traps for the Patawalonga and consequently no detailed costing. However, in the interest of finding a solution to the pollution problems of the Patawalonga, the State Government has initiated a trial of pollution control measures in the Patawalonga and its catchment.

The objective of the trial is to develop, to the stage of detailed design and costing, the most appropriate solution for the control of litter and other pollutants entering the Patawalonga.

This project is being undertaken by the EWS Department. A Project Coordination Group has been set up to steer the project and it includes representatives of KESAB and the local community and is liaising with Glenelg Council.

GOVERNMENT VEHICLES

337. **Mr MATTHEW:**

1. What is the name of the fleet management system used by each department and agency under the Minister's responsibility to assist in the administration and maintenance of vehicles, from whom was the system purchased and under what terms and conditions (including cost)?

2. If any department or agency does not use a fleet management system what manual methods are used?

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

Department of the Premier and Cabinet

1. The Department of the Premier and Cabinet does not operate a fleet management system for its vehicles as they are all owned by State Fleet and are rented by the Department.

2. All monthly charges submitted by State Fleet to the Department are debited to the areas of responsibility of the officers either using long term or short term hire vehicles.

MFP

1. MFP Australia uses the facilities offered by State Fleet.

2. Not applicable.

343. **Mr MATTHEW:**

1. What is the name of the fleet management system used by each department and agency under the Minister's responsibility to assist in the administration and maintenance of vehicles, from whom was the system purchased and under what terms and conditions (including cost)?

2. If any department or agency does not use a fleet management system what manual methods are used?

The Hon. S.M. LENEHAN: The replies are as follows:

1. Education Department, Children's Services Office, Senior Secondary Assessment Board of South Australia, and Department of Employment and Technical and Further Education do not use a commercial fleet management system.

Education Department

2. The departmental school buses are monitored with a departmentally devised costing system which reflect the cost of running each bus. Due to the varying nature of school transport the buses are moved from location to location on a needs basis having regard to the number of children requiring transport.

The government direction of vehicle replacement at 2 years or 40,000kms is a guiding factor, along with the manufacturer's recommendations as regards servicing.

Children's Services Office

Children's Services Office has not obtained a "fleet management system" as the majority of the vehicles operated are on long term hire from State Fleet.

All vehicles operated by the Children's Services Office are used subject to the operator completing a manual log book for each trip. In addition, those vehicles that are owned by the Children's Services Office are managed under a manual system which requires monthly checks for determining vehicle usage against operating life and periodic checks against servicing requirements, as well as monitoring reports on fuel and oil use provided as part of the Mobil Card system.

Senior Secondary Assessment Board of South Australia

SSABSA operates with two manual booking systems for two types of vehicles.

SSABSA fleet vehicles. SSABSA owns three fleet vehicles. All SSABSA fleet bookings are made through central point in SSABSA for record keeping purposes, indicating dates, times used, driver.

State Fleet cars - short term and long term hire. The use of State Fleet cars by SSABSA employees is carefully coordinated, recorded and reconciled with State Fleet's computer records on a monthly basis. Expenses are regularly examined by managers with a view to reducing costs wherever practical.

DETAFE

DETAFE has a large fleet of vehicles which are used for the transportation of employees and equipment and as training aids within certain DETAFE educational and support programs.

Frequent consultation with Central Office under Network Services who are responsible for the coordination and maintenance of vehicles within DETAFE's state wide focus. Individual colleges/divisions are responsible for the day-to-day maintenance of their respective vehicle fleets.

Database using Lotus 123 spreadsheet applications have been formulated to record individual vehicle details (make/model, engine number, funding source, purchase price, date of purchase and location).

This information is retained and constantly updated by the Network Services and used in conjunction with other relevant information stored in each location's "motor vehicle purchase" docket.

TRAFFIC INFRINGEMENT NOTICES

356. **Mr MATTHEW:** How many traffic infringement notices were issued in each of the years 1991 and 1992 to drivers of vehicles owned or leased by each department or agency under the Minister's responsibility, what was the reason for each notice, who paid the fine and if the fine was paid by the department or agency, why was it decided not to make the driver pay?

The Hon. S.M. LENEHAN: No records of incoming traffic infringement notices are kept by departments and authorities under the portfolio of Education, Employment and Training.

The Department of Technical and Further Education has however commenced recording incoming infringements since 1992.

In accordance with the Commissioner's Circular No 59 all traffic infringement notices received are forwarded to the driver involved who is responsible for payment. For the years in question, no authority under my responsibility has paid for traffic infringement notices on behalf of the driver involved.

BOATS

363. **Mr MATTHEW:** How many boats are used by each department and agency under the Minister's responsibility, what is the name of each boat, who owns it and if it is not owned by the department or agency, what are the terms and conditions of its lease?

The Hon. LYNN ARNOLD: No boats are used or owned by the Department of the Premier and Cabinet or the MFP Development Corporation.

375. **Mr MATTHEW:** How many boats are used by each department and agency under the Minister's responsibility, what is the name of each boat, who owns it and if it is not owned by the department or agency, what are the terms and conditions of its lease?

The Hon. T.R. GROOM: The South Australian Research and Development Institute (Fisheries Research Branch) owns 19 boats. The largest vessel is the 25m Marine Research Vessel *Ngerin* which is utilised for fisheries, ecological and marine environmental research projects.

Unnamed vessels include:

Ten smaller boats, between 4.8 to 5.6m length; 5 rubber (zodiac) boats and 3 flat bottom boats less than 5m length are also utilised in marine and freshwater research programs.

Primary Industries (Fisheries) owns and operates 25 vessels.

There are two 15.8m Fisheries Patrol Vessels *Cygnus* and *Tucana* and two l lm Fisheries Patrol Vessels *Vela* and *Carina.*

Unnamed vessels include:

Nine boats between 5m and 7m length and twelve vessels 5m or less in length.

DEMONSTRATORS

430. **Mr BECKER:**

(a) How many persons were apprehended and provisionally charged following a four and a half hour blockade at Port Stanvac on 18 February 1993 and what was the nationality of each?

(b) How many of these persons were from the boat *Rainbow Warrior* visiting Port Adelaide?

(c) What police charges were laid and why were they eventually withdrawn and upon whose request and authority?

(d) Which Minister or Ministers were involved in the withdrawal of the charges and why?

(e) What was the cost of police involvement in this incident?

The Hon. M.K. MAYES:

(a) Two male and two female adults were apprehended; the nationalities of the demonstrators is unknown.

(b) None were from the *Rainbow Warrior* - all gave South Australian addresses as their place of abode.

(c) The four demonstrators were taken into custody vide the common law Breach of Peace provisions. The offenders were taken to Christies Beach Police Station and released from the cells when the threat of a breach of the peace had passed.

No formal charges were laid or action taken. The decision to release the demonstrators from police custody without the risk of further penalty was made by the Field Commander in charge of the operation as a result of an earlier discussion with the Assistant Commissioner (Operations).

Such procedure is legitimate and has been effected at Roxby Downs and Nurrungar demonstrations as a first response police action. If the demonstrators re-offend, they are dealt with vide

specific charges, with a court hearing required to determine penalty.

In this case, no re-offending occurred.

(d) No ministerial action or consultation with police occurred relative to charges.

(e) No extraordinary cost to the Police Department was caused by the actions of the demonstrators. All attending police were on day shift duty with no overtime, extra payment or staff recall levies inflicted on the Department's budget. A total salary cost of $1,076.77 resulted from police attendance at the demonstration.

LEIGH CREEK

431. **The Hon. JENNIFER CASHMORE:**

(a) How many houses at Leigh Creek have been purchased by SACON and at what price per house?

(b) How many houses purchased by SACON have been relocated and where?

(c) Where houses have been relocated, what has been -

i the cost of transport; and

ii the cost of installation including erection, plumbing, electrical connection and any other cost?

(d) Were tenders called for installation?

(e) Who installed the houses?

The Hon. J.H.C. KLUNDER:

(a) A total of five houses and three duplex units were purchased from ETSA and relocated by the Office of Government Employee Housing.

Four houses were purchased for $24,300 each. One house was purchased for $22,500. The three Duplex units were purchased for $27,000 each.

(b) House relocations are as follows:

Marla - 3 houses for Education and Police tenants

Ceduna - 1 house for Police tenants

Peterborough - 1 house for Police tenants

Woomera - 3 Duplex units for Education tenants

(c) (i) Cost of Transportation

Marla - $10,100 per house - (house transported as complete unit)

Ceduna - $12,200 per house - (house split and transported in sections)

Peterborough - $8,750 per house (house transported as complete unit)

Woomera - $13,000 per unit - (unit transported as complete unit)

(c) (ii) Summary of costs

Summary of Costs (per house or unit)

Relocation	Purchase of land	Purchase of House	Leigh Creek Transportation	Siting, connection of services and associated works	Total Cost
		$	$	$	$
Marla	6 000	24 300	10 100	58 900	99 300
Ceduna	13 000	24 300	12 200	62 800	112 300
Peterborough	2 000	22 500	8 750	51 250	84 500
Woomera	Leased Peppercorn Rent	27 000	13 000	98 291	138 291

Note: Units at Woomera are Duplex units made into two houses.

(d) Tenders

Work was tendered out per trades, with in the main, local tenderers winning the work. Selective tendering, three or more quotes, with the larger jobs going out to Public Tender.

(e) Installation

The lifting, transportation, siting and associated works were under the supervision of the:

Senior Building Officer OGEH

Works Architect SACON

ROLLERBLADES

433. **Mr BECKER:**

1. Does the Government propose banning "rollerblading" on roads, streets and footpaths and, if not, why not?

2. What educational road safety program will the Government adopt to discourage "rollerblading" on roads, streets and footpaths and, if none, why not?

The Hon. M.D. RANN: The replies are as follows:

1. The use of in-line skates on roads, streets and footpaths is already illegal. Section 61 of the Road Traffic Act bans their use on footpaths whilst regulation 10.07 of the Act bans their use on the carriageway of a road. Although regulation 10.07 refers to skateboards and roller skates, legal opinion concludes that in-line skates are included.

2. A working party has been set up within the Department of Road Transport to examine the possible use of in-line skates in specific areas (in consultation with local government), the extent and type of injuries associated with in-line skating, and what is happening in other States and Territories. I expect the working party to provide me with a report by the end of May 1993 after which time the question of educational road safety programs will be considered.

GOVERNMENT VEHICLES

436. **Mr BECKER:**

1. What are the make, model, type, purchase date and price of vehicles used by the Governor and staff at Government House?

2. Which Government department is responsible for these vehicles?

3. Which vehicles, if any, are fitted with private registration plates?

4. Which vehicles, if any, are used for travel to and from private residences and who are such vehicles assigned to?

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

1. Two vehicles are used by the Governor and staff at Government House:

Rolls Royce Silver Spur II Saloon, used by Her Excellency the Governor for her official duties. Supplied to Government House in February 1992. Purchase arrangements were handled by the Department of Premier and Cabinet, as has been the custom since 1960.

Mitsubishi Magna Station Wagon used by staff at Government House for official purposes and as a backup to the Governor's vehicle. Leased from State Fleet with effect from 3 September 1992. Usual leasing charges apply.

2. The Department of Premier and Cabinet is responsible for the Rolls Royce, although registration and running costs are met from Government House budget. The State Fleet is responsible for the Mitsubishi Magna. Leasing and running costs are met from the Government House budget.

3. No Government House vehicles are fitted with private registration plates.

4. No Government House vehicles are used for travel to and from private residences. The Governor uses her private vehicle for private purposes.