HOUSE OF ASSEMBLY

Wednesday 31 March 1993

The DEPUTY SPEAKER (Mr D.M. Ferguson) took the Chair at 2 p.m. and read prayers.

STATE BANK

The DEPUTY SPEAKER laid on the table the report of the Auditor-General on an investigation into the State Bank of South Australia pursuant to section 25 of the State Bank of South Australia Act 1983 (as amended).

Ordered that report be printed.

LEGISLATIVE REVIEW COMMITTEE

Mr McKEE (Gilles): I bring up the twenty-sixth report (1992-93) of the Legislative Review Committee, together with minutes of evidence, and move:

That the report be received.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. T.H. HEMMINGS (Napier): I bring up the fourth report of the Environment, Resources and Development Committee on the City of Mitcham and City of Happy Valley: Sturt Gorge and Craigburn—Regional Open Space and Residential Supplementary Plan, and move:

That the report be received.

Motion carried.

QUESTION TIME

TEACHERS

The Hon. DEAN BROWN (Leader of the Opposition): I direct my question to the Minister of Education, Employment and Training. What assurance will she give that there will no further reduction in teacher numbers in Government schools in South Australia next year? Since 1985, when the Government gave an explicit undertaking and promise not to reduce teacher numbers, 1 200 teacher positions have in fact been cut. The Liberal Party has been advised that the Education Department is now planning a further reduction of between 250 and 300 teacher positions in 1994 as a result of budget cuts to be imposed upon education in this State.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. I am really quite interested in the way in which he has asked it, because I think we need to put it into some sort of context. The Leader of the Opposition has asked me whether we are proposing further to cut the number of teachers in South Australia. This is from a man who has stood up in this community publicly, is on the public record, on the Keith Conlon program, and said he will cut recurrent funding in the public sector from between 15 and 25 per cent.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D. C. Wotton interjecting:

The DEPUTY SPEAKER: Order! I call the member for Heysen to order.

The Hon. S.M. LENEHAN: When I asked the Leader of the Opposition whether he would clearly state how those cuts would affect education, I have to say that, notwithstanding that I have had questions in this House day after day on this matter and the honourable Leader of the Opposition has failed to tell—

Mr D. S. Baker interjecting:

The DEPUTY SPEAKER: Order! I call the member for Victoria to order.

The Hon. S.M. LENEHAN:—the people of South Australia whether he is going to increase class sizes or whether in fact he is going to reduce the salaries of teachers. The honourable member well knows what is happening in both Victoria and Western Australia and, indeed, in New South Wales.

Mr MATTHEW: On a point of order, Mr Deputy Speaker: the Minister is clearly debating the question, and I ask you to rule accordingly.

The DEPUTY SPEAKER: I do not uphold the point of order. I think it is necessary to make a comparison with other States in order to answer the question. The honourable the Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Deputy Speaker. It is interesting that they ask the question but they do not want to hear the answer, because they know—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr D.S. BAKER: Mr Deputy Speaker, on a point of order: I ask you to again rule on relevance. I think the Minister is still not answering the question.

The DEPUTY SPEAKER: I cannot uphold that point of order. The honourable the Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Deputy Speaker. I must say that I find the hide of members of the Opposition really something to behold. They have asked me the question and I have every intention of answering it.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the honourable Minister to resume her seat. I believe that the public of South Australia is entitled to hear the response to a question that is asked in Parliament. With the amount of noise that is emanating from the House it is impossible to hear the response, even from where I am sitting here, with the assistance of a microphone. I ask for more decorum from the House so that at least people can hear the answer being given. The honourable the Minister.

Mr S.J. BAKER: On a point of order, Mr Deputy Speaker: the Minister is clearly debating the question and that is not allowable under Standing Orders.

The DEPUTY SPEAKER: I have already ruled on the point of order raised by the member for Victoria: it

was not upheld. The honourable Deputy Leader raises the same point, and my answer to him is the same.

The Hon. S.M. LENEHAN: Thank you, Mr Deputy Speaker. I am—

Mr S.G. EVANS: Mr Deputy Speaker, I rise on a point of order. Immediately after you ruled that the Minister was not out of order in debating the question she started to attack Opposition members for taking points of order which they thought were legitimate to be raised. I do not believe she has answered the question by doing that.

The DEPUTY SPEAKER: The Minister has hardly been given a chance to answer the question because of the noise level. I take the point that the member is making and I would ask the Minister to come back to the question. I would ask her not to digress, but at the same time she has not had the opportunity to present an answer to the Parliament because of the level of noise and the interjections.

The Hon. S.M. LENEHAN: In answering the question I would like to put on the public record exactly what the situation is in South Australia. The situation is that at the current time we have the best student to teacher ratio within the country. We have more teachers per number of students than any other State in Australia. I might say that that was not the case before the last State election in Victoria. Under the previous Victorian Government we were the second highest in the country. However, the Kennett Government has closed something like 55 schools, and it has absolutely decimated education in Victoria.

Mr Matthew interjecting:

The DEPUTY SPEAKER: The honourable member for Bright is out of order.

The Hon. S.M. LENEHAN: Every Education Minister in this country is looking within their own department to ensure that we can do better than we have in the past in terms of being more efficient and deploying our resources more effectively. In fact, that is exactly what I am doing.

Mr Becker interjecting:

The DEPUTY SPEAKER: The member for Hanson is out of order.

The Hon. S.M. LENEHAN: I have had discussions with Ministers around the country and they are looking to ensure that every last resource within their department is used to the greatest efficiency. When you recognise that my portfolio is in fact one-third of the total budget then, of course, we get a situation where, if I am a responsible Minister, I will look at the economic efficiencies of my particular portfolio, but to—

Mr Matthew interjecting:

The DEPUTY SPEAKER: Order! I caution the honourable member for Bright. This is the third time I have spoken to him.

The Hon. S.M. LENEHAN: We are, at the present moment, right across the Government, looking at ways in which we can provide the same quality of education and every other service in the Government at the most efficient and effective cost to the community, and I am doing that. To suggest that I have an absolute master plan to reduce teacher numbers is quite inappropriate. Let me remind the Parliament what the policies of the Opposition are. So far we have heard three policies in education, and the first is to cut and slash—

Mr S.J. BAKER: Mr Deputy Speaker, I rise on a point of order. The Minister is again debating the question.

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

Members interjecting:

The DEPUTY SPEAKER: Does the member for Adelaide have a problem with that? I do not uphold the point of order. This has been an exceptionally long reply, and one of the reasons is that we have had so many points of order. I ask the Minister to conclude her answer.

The Hon. S.M. LENEHAN: The second policy that has been enunciated by the Opposition is to return to caning and beating of students, and the third policy is to tear up the 10 year placement policy. We have heard nothing from the Opposition. Members opposite will cut and slash education by between 15 and 25 per cent, and yet they have the hide to stand up in this Parliament and ask what efficiencies I am going to oversee as Minister of Education in this State. What a hide, what a cheek and what hypocrisy!

Members interjecting:

The DEPUTY SPEAKER: Order! Members are wasting their own Question Time. The member for Peake.

HORWOOD BAGSHAW

Mr HERON (Peake): Will the Minister of Housing, Urban Development and Local Government Relations advise the House whether any of the agreed open space in the Horwood Bagshaw project will be used for car parking? The redevelopment of the Horwood Bagshaw site has become an important demonstration project for urban consolidation in the inner western suburbs. When completed it will provide housing for nearly 100 families and additional open space for the residents of surrounding areas. I have been approached by a number of local residents who are concerned that part of the proposed open space may be used for car parking and that the open space would not easily be accessible to the existing community.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and for his ongoing interest in this important project. I hope he will take every opportunity to tell his constituents that this project has come about only as a result of the funding provided through the Better Cities program. Of course, that program would have been abandoned if there had been a change in Federal Government. The Opposition in this State did not say one word to defend this project or any of the other important projects funded under the Better Cities program, which will bring almost $60 million worth of activity into South Australia and add a great deal to the quality of life of many South Australians who live in disadvantaged circumstances.

The redevelopment of the Horwood Bagshaw site is more than just a simple conversion of industrial land to residential use. The development, when completed, will provide a new gateway to the city of Adelaide's western

suburbs. It will act as a catalyst to improve the level of community amenity for both the new residents and the existing residents in the Mile End area, where there is very little green open space. This Government has recognised the importance of the Horwood Bagshaw project by allocating a great deal more open space than is required under the State's planning laws. For the information of members who are not familiar with what 11000 square metres looks like, it represents the equivalent of about 15 average size building blocks—clearly an enormous asset for the local community.

The honourable member will be pleased to learn that Kinsmen Pty Ltd was recently selected to undertake the development of the site. In appointing Kinsmen, the Government made it clear that it is committed to improving the total amenity of the local area, not just the area in the old Horwood Bagshaw site. Kinsmen has subsequently developed a concept plan for the area which addresses both matters raised by the honourable member. The plan allows for car parking outside the agreed open space and delineates the space with a road around the perimeter of the park, which will enhance the impression that the space is designed for the use of the entire community. Kinsmen is currently in the stage of finalising the concept plan in order to undertake further consultations with the local community before finally submitting it for planning approval.

BUDGET CUTS

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is directed to the Premier. How many departments have been told to plan for budget cuts of 5 per cent next financial year? The Liberal Party has been approached by public servants in three departments who have revealed that their departments have been told to plan their 1993-94 budgets on the basis of a 5 per cent cut in spending. There is now growing fear in the Public Service that the Government plans an across-the-board slash in spending which will further reduce the standard of key services because of the continuing cost of funding the State Bank losses.

The Hon. LYNN ARNOLD: The short answer is that no departments have been told to cut spending by 5 per cent, because there have not yet been any Cabinet decisions on the budget process. As I have indicated, a budgetary statement will be issued later and that will indicate what will happen in the next financial year. As always happens in the lead up to a budget process, there are discussions within Government, including within departments, about the effects of certain financial decisions. Reactions are sought so that Cabinet is in the best possible position to make any decisions that it might feel necessary to make at any point.

I find it rather hypocritical of the Deputy Leader to take the kind of stand that he took just now when we consider the very points that have been raised by members opposite about Government. We have the Leader of the Opposition on radio saying that we have inefficient Government services in South Australia, that they cost more than in other States, and that is how they would save money: they would bring us back to the national average.

What that really means is that the services we have, which are performed better in South Australia than in other States, would be reduced under a Liberal Government, because it would not want to see South Australia as a better performer than the national average. These are the Leader's own words, so he is already painted into a corner that, were he to be Premier, he would cut us back. In some cases he would be effecting quite a marked cutback on departments of this State. It is quite a horrifying—

The Hon. Frank Blevins interjecting:

The Hon. LYNN ARNOLD: He has his 15 to 25 per cent quote as well, which continues to haunt him. But I am going to a more recent quote, the one he gave on John Fleming's program where he indicated clearly that what he wants to do is bring us back to the national average. He made the assertion that in this State we are not cost effective with our Government services. In other words, our education costs *per capita* are quite a lot more than the national average, and that is a good thing, because we are giving a better service to the students of this State. But he says 'No', that we are simply doing it more inefficiently; we are providing a poorer quality service on a more costly basis.

Yet, the reality is that our pupil-teacher ratios are better, our class size mix is better and our provision of other services is better. All those things would be at risk under a State Liberal Government, and the Deputy Leader then has the cheek to stand up and talk about the impacts of certain cuts that might take place in a hypothetical situation. He also forgets, of course, a former Leader of the Opposition, Dale Baker, who said that the answer to our problems was 9 000 public servants being taken off the payroll. But 9 000 public servants being taken off the payroll happens to have an impact.

We do not happen to have 9 000 spare, under-utilised public servants wondering what they can do around the system. If we take those public servants out of the system, we are taking them away from jobs that they are doing to deliver services to the people of South Australia.

The Hon. Frank Blevins interjecting:

The Hon. LYNN ARNOLD: Precisely. That is teachers, nurses, police officers and all those sorts of services. So, there has not been an instruction, as alleged in the honourable Deputy Leader's question, but I suggest that, when we do get into proper discussions about the very significant and serious financial issues facing this State, we do so from a position of knowledge and certainty, and of sound argument of what we believe in, and not from the kind of hypocritical stance the Deputy Leader has subjected us to today.

INTERNATIONAL COLLEGE OF HOTEL MANAGEMENT

The Hon. D.J. HOPGOOD (Baudin): Is the Minister of Education, Employment and Training yet in a position to give information to the Parliament on the

establishment of what is to be called, I believe, the International College of Hotel Management at the Regency Park College of Technical and Further Education?

The Hon. S.M. LENEHAN: Yes, I am able to do that, and I thank the honourable member for his question, as this is another success story for South Australia. Before answering the question, I would like first to acknowledge the work and the vision of my colleague and friend, the former Minister of Technical and Further Education, who was instrumental in bringing the college into South Australia. I must say that it has been delivered within a very short space of time, following the energy and enthusiasm of the Hon. Mike Rann.

The International College of Hotel Management has been established at Regency Park to cater for students from the Asia-Pacific Basin within our region and to train them to an international diploma standard with a Bachelor of Business degree in tourism and hospitality from the University of South Australia. This morning the college was formally opened by the President of the Swiss Hotels Association, Signor Alberto Amstutz and, notwithstanding the very short lead time (in fact, I think it was September last year when the Hon. Mike Rann actually launched this initiative), we are now seeing the college open for business in March 1993. Notwithstanding the short lead time to begin the academic year, the college has attracted 47 inaugural students to the course from 10 countries.

It is planned that the college will eventually cater for up to 600 students. From a commercial point of view, the college will be important, as currently some $9 million is spent each year for young Australians to go to Europe to study hotel management. These courses will now be available in Adelaide, and the Swiss Hotels Association has established only one of these joint partnership schools in the Asia-Pacific region, and that is here in Adelaide. There is certainly no other such venture anywhere in Australia.

It is a time for rejoicing, because South Australia has, through its ability to demonstrate that we are a centre of excellence in management and the development of management within our hospitality industry and in many other areas of our education industry, been able to attract the best in the world. It is time we shrugged off this negativeness, this almost apologetic approach to what we do and what we do well. It is time we stood up and said, 'We have attracted the best in the world; it is here and it is operating.' I would congratulate Signor Amstutz and his colleagues, and all South Australians associated with this exciting new venture and, in particular, my colleague who actually had the vision and the idea. I am delighted to have been part of the vision's finally coming to fruition.

HOSPITALS, CLOSURES

The Hon. P.B. ARNOLD (Chaffey): My question is directed to the Minister of Health. How many more hospitals in country areas has the Government earmarked for closure as further victims of this Government's mismanagement of the State Bank? It has been announced that the Minlaton Hospital will close on 24 May, and the Barmera Hospital is also scheduled for closure by one means or another. This follows on the recent closure of the Blyth Hospital.

The Hon. M.J. EVANS: I can answer that in one word but, as is the custom in this place, I will use a few more. None. The reality is that the decision in relation to Minlaton was made a substantial time ago with the concurrence of the local board and the area. The reality is that the service that will be provided to that area of Yorke Peninsula will be increased substantially as a result of the decision that has been taken there. That is the reality of that decision.

In the case of Blyth, it was also a regrettable but obviously necessary decision to take. However, I have given public assurances, which I would have thought the honourable member would have been aware of in relation to Barmera Hospital, that that hospital was not closing. There is no proposal to close Barmera Hospital. I am not aware that there ever has been, and certainly it is not a matter to come on the agenda so far as I am concerned. I am not aware of how that topic was raised, but I repeat unequivocally the assurance I have already given publicly that that hospital will not close.

I am also happy to reiterate the assurance I have given previously that there are no plans whatsoever to close any other country hospitals. I think the summary I gave in the first few seconds of the reply to this question stands, and I stand by that summary. The answer to the question is 'None.'

FERTILISER

Mr HOLLOWAY (Mitchell): Will the Minister of Labour Relations and Occupational Health and Safety inform the House whether the recently approved code of practice and regulation on manual handling has resulted in farmers on the Eyre Peninsula no longer being able to obtain bagged fertiliser because of weight restrictions? In a media release sent out yesterday, the Hon. Peter Dunn MLC blamed the State Government's recent occupational health and safety legislative changes for Pivot Fertilisers ceasing its bagged fertiliser operations in Port Lincoln. According to the release, Pivot has told its clients that Government legislation prevents it from supplying farmers with fertiliser in 50 kilogram bags.

The Hon. R.J. GREGORY: I was surprised to read the media release by Mr Dunn.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: I note that the member for Bragg interjects and says, 'It's dead right.' I am disappointed that a member of this Parliament would not understand the process that we go through in drawing up occupational health and safety codes and practices, particularly as regards the effect of the manual handling code. I draw the attention of the House to page 16 of that code. It is easily available and I will ensure that a copy is sent to Mr Dunn. The passage in question states:

Some evidence shows that the risk of back injury increases significantly with objects above the range of 16-20 kilograms, therefore from the standing position it is advisable to keep the load below or within this range. As weight increases from 16 kilograms up to 55 kilograms, the percentage of healthy adults

who can safely lift, lower or carry the weight, decreases. Therefore, more care is required for weights above 16 kilograms and up to 55 kilograms in the assessment process. Mechanical assistance and/or team lifting arrangements should be provided...

Mr D.S. Baker interjecting:

The Hon. R.J. GREGORY: The member for Victoria says, 'What a load of rubbish.' I have listened to the honourable member interjecting on industrial relations matters from time to time and saying that it is a load of rubbish. The member for Victoria often goes on about the costs of WorkCover. If he had an ounce of intelligence he would understand that since the manual handling code has been introduced there has been a significant reduction in back injuries. In 1989-90 there were 20 553 manual handling clams; in 1990-91, after the legislation was passed, the number dropped to 13 588. That is a significant drop: 34 per cent. I am sure that if the member for Victoria, running the number of businesses that he has had, could over that short period with very little effort, except for training, increase his profitability by 34 per cent he would be laughing all the . way to the bank. The problem of back injuries is not a new matter. An article in the *Adelaide Observer* published on 16 December 1882 refers to a letter from a doctor, who said:

I refer to the damage done to wheat carriers by the great weight of bags of wheat. I have had under my care many dozens of men thoroughly ruined in health through this cause—young men, mostly under 30.

He talks about people carrying bags that weigh between 150 and 260 pounds. The media release by the Hon. Mr Dunn refers to their carrying weights of 85 kilograms, which works out to about 190 pounds. The article to which I have referred continues:

The bags of wheat imported from California by Dunn & Co do not weigh more than... 130 pounds.

He was suggesting that in South Australia at that time there should have been a reduction in the amount of weight carried by people. There has been considerable evidence to demonstrate that over time the introduction of the manual handling code has been effective. I find it most unfortunate that in the farming community there is this lack of acceptance of the need for safety on the farms. I suppose if farmers think about it there is flood (they have experienced that), fire, drought, rising interest rates and falling commodity prices. They know about all those five plagues: a flood will soon dry up; after a fire there is regeneration; after a drought sooner or later it will rain; rising interest rates will eventually fall; and falling commodity prices will eventually be reversed. But there is one thing where there is no reversing: when any farmers are hurt and their back is injured it never gets better.

I know the member for Victoria knows everything and says I do not know what I am talking about, but I suggest he uses the education his parents provided him with to do a bit of reading on this matter and appreciate that in 1991-92 WorkCover paid out $130 million for claims due to sprains and strains. That is an enormous cost that ought to be reduced.

For the same period within the farming community, there was an average of 500 injured workers who were paid a total of $1 million each month in compensation. That is too much. People who want to be injured deliberately should go and get a job on a farm because their chances of being injured there are one and a half times greater than working in industry. That is something that our department is trying to reduce. We are trying to assist the farming community with that, and that is why it is important for people to read the code, to understand its effect and to use it on their farms. I will make sure that Mr Dunn gets a copy of the code so that he can read it, understand what it means and not put out misleading press releases.

CAPE JERVIS

Mr OSWALD (Morphett): I direct my question to the Minister of Housing, Urban Development and Local Government Relations. What is the current status of the Cape Jervis development, including the outcome of discussions between the Attorney-General and Mr Bob Miller, which were to be arranged by the former Minister of Environment and Planning? What other reasons exist that could further delay the process? What negotiations are the Minister or his colleagues currently undertaking, and with whom, to resolve the impasse?

The Hon. G.J. CRAFTER: I will obtain a report for the honourable member.

CHEMICALS, TRANSPORT

Mr HAMILTON (Albert Park): Will the Minister of Labour Relations and Occupational Health and Safety assure all South Australians that every effort is being made to protect residents and our reservoirs from chemical and hazardous spills? Has a review been initiated as a consequence of recent chemical spills in built-up areas? Yesterday, two constituents contacted my office and expressed concern about recent chemical spills in South Australia, pointing out that similar spills could have a disastrous impact upon residents and on our water supply and reservoirs. My constituents went on to point out that a chemical spill some years ago on West Lakes Boulevard was a matter of considerable concern to residents in the western suburbs of Adelaide; hence my question.

The Hon. R.J. GREGORY: The transport of dangerous substances is prohibited by the Road Traffic Act (regulation 3.09) in two locations: roads adjacent to the Blue Lake, Mount Gambier (Bay Road and John Watson Drive); and Ocean Boulevard, Seacliff Park (at the top of Brighton Road). The only water resource of concern in those two locations is the Blue Lake.

There is a permit system for the transport of dangerous substances, and the code that is in practice will be replaced tomorrow, 1 April, by another code under which the owner of a vehicle that is used to transport dangerous goods, and the driver, shall ensure, as far as practicable, that the vehicle does not travel over routes through heavily populated or environmentally sensitive areas, dangerously congested crossings, tunnels, narrow streets, alleys, or sites where there are or may be concentrations of people. Where considered necessary, the competent authority may define routes or areas where dangerous goods may or may not be transported.

It is a very serious matter and, of late, the Department of Labour has taken action to assist the police and the Road Transport Department in stopping vehicles and checking to make sure that those vehicles are travelling in a safe manner. They have found that in many instances the drivers and owners of those vehicles have not been complying with the dangerous substances code and sometimes have been carrying loads inappropriately. My advice is that on many occasions we have been lucky, that it is just by chance that more serious accidents have not occurred.

The dangerous substances code is currently under consideration. As a result of accidents such as those that occurred yesterday and the day before, the code is always subject to review to see where improvements can be made to the procedures. I am confident that, with every review, there are improvements and that risks can be reduced.

MOUNT LOFTY PROJECT

The Hon. D.C. WOTTON (Heysen): I direct my question to the Minister of Housing, Urban Development and Local Government Relations. What announcement can the Government make on the high profile tourist project proposed for the St Michael's site at Mount Lofty, recognising that the deadline expires today for the developers to advise the Government on their plans? What compensation is required of the Government to the developers if the project agreement is abandoned?

The conceptual, scaled-down development proposed by KPMG for an observation tower and restaurant on Mount Lofty has been granted at least four extensions. Development procedures followed by the Government have been challenged by developers in submissions to the Liberal Party in the past 12 months. These developers point out to us that Mount Lofty is probably the most significant and symbolic site for tourist development in South Australia and that alternative developments could have been completed well before now if the Government had not persisted with unrealistic, glitzy and environmentally harmful proposals from one developer only.

The Hon. G.J. CRAFTER: It would be helpful if the honourable member took a positive attitude towards the encouragement of development projects in this State and the attraction of funds external to this State for major tourist projects. His role in this has been an incredibly destructive one and has made this project and investment in this State even more difficult than it is in the current economic climate. Last week, I met with the proponents of this venture and with the major backers of the project. Those discussions were very fruitful. I am hopeful that we can make a further statement on this project in the near future.

Members interjecting:

The DEPUTY SPEAKER: Order!

BEES

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Primary Industries advise the House of the ramifications of the recent ban imposed on bee and honey products coming from Queensland into South Australia? Why has a special, additional restriction been placed on bees and honey products going to Kangaroo Island from the mainland?

The Hon. T.R. GROOM: I am sure this will sting the Opposition.

Members interjecting:

The Hon. T.R. GROOM: He is one of the few members who asks me questions on primary industries.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the Minister not to provoke members opposite and to address his reply to the Chair.

The Hon. T.R. GROOM: I apologise, Sir. I appreciate the question from the member for Napier because his affinity with agriculture is well known and well established. This is a particularly important issue for South Australia, because earlier this year chalk brood disease was discovered in Queensland. I am sure the member for Victoria knows it is an exotic disease of honey bees that can be spread from one hive to another by bees, apiarists or bee products. It is a spore that will stay in honey products for something like 15 years. It has the potential to decimate our industry in South Australia and, as a result, Executive Council issued a proclamation in February banning the movement of bees and bee products into South Australia from the other States of Australia. The proclamation was made to protect the industry.

During that 28 days, officers of my department undertook an analysis of the seriousness of the problem and examined whether it had spread to other States. It was quite clear that, at the end of 28 days, chalk brood disease was widespread in Queensland and, as a consequence, a further proclamation was issued for a period of six months, with two parameters. One related to restricting the entry of bee and bee products into South Australia from Queensland. An equally important restriction was the one in relation to Kangaroo Island, of which I am sure the Leader of the Opposition is well aware and which he supported.

The reason for that restriction is that Kangaroo Island, as well as South Australia, has a disease-free status and on Kangaroo Island can be found the Ligurian bee, which was introduced 100 years ago. Liguria is a region in Italy so, effectively, it is an Italian bee.

Members interjecting:

The Hon. T.R. GROOM: Well, it buzzes like every other bee, I can assure the House of that. Nevertheless, it is a pure genetic stock.

The Hon. M.D. Rann: Have you seen one?

The Hon. T.R. GROOM: Yes, I have been to Kangaroo Island and apiarists over there have shown these to me. It is of pure stock and has no resistance whatsoever to disease. The six-month ban applies to any bee or bee products entering Kangaroo Island from any other State in Australia. This was not the dominant motive in relation to the ban; it was there to protect Kangaroo Island and its disease-free status. However, it has meant a tremendous boost to the local industry. I am told considerable investment will take place on Kangaroo Island which, again, I know the Leader of the Opposition strongly supports.

The Premier was on Kangaroo Island a week or so before me, and I know industry representatives spoke to him in relation to this matter, and he relayed the importance of it to me. All in all, in relation to the prohibition of bee or bee products, I will review the situation after six months to see whether it is warranted that that should remain. In relation Kangaroo Island, I will certainly keep a very favourable eye on protecting the industry on a long-term basis.

BANKSIA PARK HIGH SCHOOL

Mrs KOTZ (Newland): My question is directed to the Minister of Education, Employment and Training. Will the Minister hold an immediate inquiry into an incident that has been reported at Banksia Park High School this afternoon? I believe that an alleged shooting took place, with the possibility of a child having been injured. I believe at this stage that the offender is still within the school grounds.

The Hon. S.M. LENEHAN: I thank the honourable member for the question and I assume that Banksia Park High School is within her electorate and hence the interest. I was made aware just before coming to Question Time that the alleged shooting to which the honourable member refers did take place. I understand, and I want to say that this has not been officially confirmed, that a student has been injured.

I also understand there are a couple of theories at the moment. One is that it was someone from outside the school community, and the other is that it was someone who came and shot a student through a window. I can assure the honourable member that my colleague the Minister of Emergency Services and I have already instigated inquiries within our respective areas of responsibility. As I said, I have had a very brief message from my department and the Minister responsible for police is, of course, ensuring that proper and thorough investigations are taking place.

Of course, the first and most important aspect of this whole very tragic situation is that we make sure of the safety of the students within the school community and of the teaching staff, and that the offender is apprehended. Following that apprehension, I believe it is then appropriate to have a thorough, proper investigation into the matter.

I certainly feel deeply concerned that such an incident has happened. One can only hope that it is not part of a copycat type of approach, which has been documented in various parts of Australia and overseas following the kind of media reporting into incidents such as those happening in New South Wales and previously in Queensland. It is something that I think we as a Parliament have to take very seriously. I thank the honourable member for the serious way in which she has taken this matter.

WAMI KATA HOSTEL

Mr De LAINE (Price): Can the Minister of Aboriginal Affairs advise the House what steps have been taken to ensure the Wami Kata Hostel at Port Augusta remains open?

The Hon. M.I. MAYES: As members will recall, yesterday in this place the member for Eyre raised this question with me. I just have one request for the member for Eyre: in future if he can raise an issue with me prior to Question Time, I would be happy to take a question in the House. If he had done that I would have had more chance actually to address the issue.

I am now advised that there have been ongoing discussions since yesterday afternoon, and we are able to say that Wami Kata has remained open. Funds have been provided from two sources. As the member for Eyre pointed out yesterday, funding does come through the Commonwealth. The funding authorities at this point are the Aboriginal Hostels, through ATSIC, and the other is the Commonwealth Department of Health, Housing and Community Services. I am advised that negotiations are proceeding on this matter at this very minute in Port Augusta to work out how Wami Kata can continue for this financial year and following years. However, at this point I am advised that it will remain open.

The funding that has been sought to keep the hostel open—where there are 25 elderly residents—is $40 000 to cover the shortfall in the operating costs. We hope that will come from ATSIC and we are seeking an additional $20 000 from the Commonwealth Department of Health, Housing and Community Services. So, I will keep the member for Stuart and the House informed as to what developments are occurring. I am anxious to see that Wami Kata remain open, and I am sure that I am joined in this regard by members and, of course, the community.

I want to thank my colleague the Minister of Health for his support. Immediately the question was raised in this House, he instructed his officers to investigate the situation as well. So, we had the opportunity of devoting both departmental agencies' resources to the task. I am hopeful that we can succeed in keeping Wami Kata open for the benefit of those 25 elderly residents and also, of course, for the benefit of future residents who may wish to move there.

ORGANISATIONAL DEVELOPMENT REVIEW

Mr VENNING (Custance): My question is directed to the Minister of Primary Industries. Is it a fact that the Department of Primary Industries has chosen not to pay in full the charges of McKinsey and Co. for the Organisational Development Review of the former Department of Agriculture? If so, why then has the Government chosen to implement many of the recommendations in that report? The Labor Government engaged consultants McKinsey and Co. to conduct, with the help of selected officers of the Department of Agriculture, the Organisational Development Review of the department at a cost reported to be about $1 million. The consultants' brief was to identify cuts in expenditure of $8 million.

Last weekend the Minister announced the Government's intention to implement some, but not all, of the consultants' recommendations. I have been

informed that the Government has decided not to pay McKinsey the full fee.

The Hon. T.R. GROOM: In relation to payment of the full fee, I have no knowledge that the department intends to do anything other than complete the contract with McKinsey and Co. With regard to negotiations on the final figure, of course, that is in the hands of my administrative officers.

With regard to the ODR, the honourable member should not lose sight of the fact that, although a number of the recommendations in the McKinsey report were not implemented by Cabinet, following recommendations that obviously as Minister I put up, nevertheless the import of the ODR was that, through some basic organisational changes within the Department of Agriculture—and, of course, we had to harness the new Department of Primary Industries in that—we can increase the value of agriculture in South Australia by something like $100 million *per annum* over the next six years at least. We should not lose sight of that fact.

Some of the major concerns on the part of local people and, indeed, the honourable member, related to the closure of district offices. It is quite clear that there will be changes in relation to the physical relocation of district offices, but that will be done in conjunction with the local communities to ensure that the country areas do receive an even hand in so far as services are concerned. It was implicit in that decision that the overall services to country areas will not be diminished.

The payments in relation to the McKinsey report were staggered over a period, as I understand it; they were progressive payments. As to the stage that those payments have reached, I will ascertain the current information for the honourable member.

ACCESS CABS

The Hon. J.P. TRAINER (Walsh): Will the Minister of Health, Family and Community Services, in conjunction with the Minister of Transport Development, conduct a review of the basis upon which a standard number of access cab vouchers is allocated to persons with disabilities who are eligible for the supplementary assistance provided to them by this transport scheme? A constituent who suffers from *spina bifida* and who is confined to a wheelchair contacted me to express her appreciation for this highly successful State Government innovation and a concern that her specific transport needs are not being targeted. Like other eligible recipients, she receives the standard allocation of 60 vouchers for each six month period—a ration which is not directly based on individual need.

Because of her being employed at Phoenix Industries and undertaking TAFE courses, she used all but three of her allocation of 60 vouchers before the current six month period was even half completed.

The Hon. M.J. EVANS: I thank the honourable member for Walsh for his question. I am certainly prepared to take up this matter with my colleague the Minister of Transport Development. The member is quite right to draw attention to the value of this particular scheme and I am sure it is one that the House would want to support, and I will certainly bring back a report for the honourable member.

ON-COURSE TELEPHONE BETTING

Mr S.G. EVANS (Davenport): I direct my question to the Minister of Recreation and Sport. Will he table a letter sent to him by the then Chairman of the TAB, Mr Ken Taeuber, which is reported to make an assessment of the impact on-course telephone betting would have and estimates conservatively that losses to the Government and racing in the first year of operation would amount to $1.575 million? I have been reliably informed that the letter was sent by Mr Taeuber to the Minister on 1 March. Despite specific instructions from the Minister that this letter should not be distributed to anyone else, much of its contents have been leaked to sections of the racing industry. My informant strongly believes that the letter should be tabled in Parliament so that all sections of the racing industry can be informed of the TAB's detailed analysis of the impact phone betting for on-course bookmakers will have on their industry and Government revenue.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. The reality of the situation, however reliably the honourable member has been informed, is that one individual in this State is conducting a campaign, unfortunately, against the issue of access to telephone betting by bookmakers. All of the representations that have come to me about this matter have been sourced to one individual who has a very strong vested interest in ensuring that this legislation does not pass. I think that is an unfortunate situation because I have great respect for the individual concerned. That person has used privileged information in a very selective way and chosen to ignore and not circulate other information which provides a counter argument.

The letter that I received from the TAB Chairman was given back to the Chairman because I very much disputed the information contained in it. In fact, the board that met on the day that that was considered consisted of three persons, one of whom is currently engaged in discussions about the legislation on behalf of the Greyhound Racing Board, and as such I believe he should not have participated in that discussion because of that current vested interest. Another was Mr Hayes who, as we know, has very strong feelings about this matter. The Chairman felt obliged to bring the letter to me. The letter contains information, as I said, that comes from a source which I believe provides only one aspect of the argument in this debate.

I asked the TAB whether it would consider all of the other information available to it so that we could discuss the matter and arrive at an agreed situation to the best of our ability. It is not within the capacity of the TAB or any other organisation to predict accurately what will occur when this legislation and new form of betting becomes available. We can make our best estimates of that, and that is what we have been attempting to do. We have always indicated that we will monitor the situation very carefully. If we do not take some action of this type, we are in grave danger of losing bookmakers from our racecourses in this State and, in fact, I believe that

within a decade there would be a great diminution of interest in horse racing in this State. It is a great generator of employment within our economy—in fact, the third largest employer in this State. The Government and the industry cannot idly stand by and watch the decline of this industry.

The access to telephone betting by bookmakers will not resolve the problems within the industry. It is one of a series of initiatives that the Government and indeed, the industry itself are taking in order to remedy some of the problems that are being experienced. The honourable member does little service to this industry by campaigning on behalf of very strong vested interests to in fact cast a smokescreen over initiatives that have been taken, in this case, in a very bipartisan way. I very much appreciate the attitude that the Opposition has taken in this matter and I know in a number of other areas where the industry has sought a bipartisan stance so that there is not politicisation of this key and important industry in South Australia.

In conclusion, I indicate that I do not intend to table what I believe is not the full picture of the situation. I will be engaging in ongoing discussions with the TAB. We will be watching this situation very carefully. We will not be taking action as a Government to diminish the effectiveness of the TAB—in fact, we will be doing contrary to that by providing an additional fillip for the racing industry that will in turn help to maintain the viability of the TAB. We know that the TAB is not only the basic source of income for the racing industry but is an important source of revenue for the Treasury of this State.

BRIDAL CREEPER

The Hon. T.H. HEMMINGS (Napier): Can the Minister of Primary Industries advise the House what steps are being taken to stop the sprawling bridal creeper plants, *mysiphyllum asparagoides* and *mysiphyllum declinatum,* from spreading and destroying native vegetation throughout much of the State? It has been put to me by neighbouring farmers that the bridal creeper, which is currently threatening the glossy black cockatoo on Kangaroo Island, could spread and endanger the sulphur-crested cockatoo that abounds in my part of the Mount Lofty Ranges.

The Hon. T.R. GROOM: It is true that bridal creeper—and I will not attempt the pronunciation that the honourable member has mastered (I did not actually study this area at university)—is a great problem. It is a problem not only on Kangaroo Island in relation to the glossy black cockatoo and other endangered plants but generally in relation to native vegetation throughout much of South Australia. The Animal and Plant Control Commission in cooperation with the CSIRO Division of Entomology is studying biological control of bridal creeper. The difficulty is that, if organisms suitable for controlling bridal creeper are found in Africa, we will need to test them prior to importing and releasing them in South Australia to ensure that they are specific to bridal creeper and will not affect other plants.

The problem has been in the system since about 1980 and has continued to spread due to dispersal by birds and other herbicides and even through hand removal. Earlier this year I wrote to the Federal Minister in relation to this matter to seek support for biological control of bridal creeper. At the earliest, with current funding, it will take at least five years before any organisms are released to control bridal creeper. I can assure the honourable member that the problem is under constant monitoring by my department. It is recognised as a serious problem in relation to native vegetation and in relation to Kangaroo Island and the glossy black cockatoo.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is to the Premier. As the Auditor-General has now confirmed the findings of the Royal Commissioner that reckless growth of business was the root cause of the State Bank losses, when will the Government accept the ultimate responsibility and resign?

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr S.J. BAKER: We now have more than 3 000 pages of reports from the Auditor-General and the Royal Commissioner, which find that the failure of the Government to control the bank's growth caused a loss of $3 150 million of the peoples' money. The Auditor-General—

The DEPUTY SPEAKER: Order! I would ask Government members to allow Opposition members to ask their questions. They are entitled to be heard in silence.

Mr S.J. BAKER: The Auditor-General has exposed the entrails of a bank which operated totally out of control. His report has to be read with the findings of the Royal Commissioner: that the Government—I emphasise that he used the word 'Government' in this context—encouraged the bank to put its stability at risk in pursuit of growth. That is the finding of the Royal Commissioner. The finding is on page 392 of the Royal Commissioner's first report, and the Auditor-General's report has now exposed what occurred in the bank as a result of the Government's irresponsibility and incompetence.

The Hon. LYNN ARNOLD: Mr Deputy Speaker, that is not a bad effort by the Deputy Leader, purporting to have fully digested 3 000 pages or 12 volumes since 2 o'clock, and then to make these sweeping assertions that the whole report damns the Government. Anyone who is purporting to make a statement such as, 'The whole report damns the Government', is saying, 'Yes, I know the contents of that whole report and can draw that conclusion.'

I am not going to be so brave as to say that I know fully what the entire 12 volumes contain because, like the Deputy Leader, I received it about an hour ago. I have been leafing through some of the pages and I have picked up some interesting things along the way. They certainly lead to some initial conclusions that the former management of the bank will have a lot to be concerned about from my initial reading of the various volumes. Also, the former board members would have a lot to be

concerned about in reading some of these sections. Those are my initial conclusions, but at this stage, while attending to the business of Question Time and only having had a chance to glance through them, I am not prepared to make any sweeping assessment, as has been made by the Deputy Leader.

I shall be interested later this afternoon and this evening to look through the various pages and find out where apparently this overriding conclusion that the Deputy Leader claims is there comes through. I am certain that that will not be the case, but I shall be reporting more fully on the matter when I have had a chance to read through the whole report. The various aspects that I have seen to date look very interesting. I will read the whole report, but I shall read especially closely a number of chapters. However, my conclusion to date from the report is that it is very cold comfort for the former management and board of the bank. This very much confirms the findings of the Royal Commissioner in his—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. LYNN ARNOLD: You are getting steamed up, aren't you? You really are getting all het up and bouncing around the place. He really is getting very excited.

Members interjecting:

The DEPUTY SPEAKER: Order! I cannot hear anything. The member for Hayward.

Mr BRINDAL: On a point of order, Mr Deputy Speaker, the Premier is clearly responding to interjections, and that is out of order.

The DEPUTY SPEAKER: It is part of the Standing Orders, and I ask the Premier not to respond to interjections.

The Hon. LYNN ARNOLD: The member for Hayward is obviously running out of things to raise as points of order. I shall give this document serious study. I am not going to do this trivial thing. It is exactly like what the Opposition did on the royal commission report. It issued a press release damning the Government the day before the report was even in its possession. When it got the report, it simply rehashed the same old words all over again. It has set itself in a mould and determined what the outcome is. That is why it feels it can do it without having read 12 volumes. Various people have been buzzing around the place coming to the Leader and saying, 'Did you see this, did you see that?', and so on, during Question Time. This report, which has cost a lot of money and effort to produce, deserves more serious consideration by the Parliament and by South Australians than that kind of trivial approach by the Deputy Leader.

GRIEVANCE DEBATE

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

Mr BLACKER (Flinders): I wish to take up the point that the Minister of Labour Relations and Occupational Health and Safety raised in this House a short time ago relating to a directive or an advice that has gone out to small farmers on Eyre Peninsula that companies will not supply superphosphate in 50 kg bags. The Minister's reply, in response to a press release by the Hon. Peter Dunn, clearly indicates why industry is not working in South Australia. It is totally impractical to tell those farmers at this time that they will not get their superphosphate in anything other than 1 tonne bags or in bulk commodity. This problem came to my attention about three weeks ago. I advised the Minister of Primary Industries, and he undertook to look at the problem to see whether some alternative arrangement could be made. The clear fact of the situation now is that, because of an excess of Government legislation and restrictions, the companies that supply the superphosphate are not game, for fear of other risks and backlash, to provide superphosphate in 50 kg bags.

Is our society becoming so soft and so weak? Nearly all of us who were brought up in the time when bagged grain was still around regularly, from the age of 16 onwards, lumped 180 lb bags of wheat, as the Minister said, and more often than not they were 220 lb or 230 lb. Now we are arguing over a bag of superphosphate of about 120 lb. That is not necessarily the point, either, because in most cases superphosphate for the small farmer is handled with a sack truck which enables them to bring it to the edge of the truck and lump it across to the combine for the sowing process, or it can be wheeled along a platform that the farmers put on the back.

That facility is no longer available to farmers. It is not financially possible for those farmers to buy the bulk equipment to handle the superphosphate, as Government regulations now require. The small farmer is now seriously disadvantaged. What can small farmers do? Do they negotiate with a bulk truck to come along and bag the superphosphate out of the back of that truck and manually lift the superphosphate back? The whole process is creating an unsafe situation. Instead of having a bag that is weighed in or weighed out at 50 kg, we shall have farmers trying to lift from ground level, because they will not have the other facilities, bags of varying weight. The problem is going from probably a 30 kg bag to a 70 kg bag, which can often be the case. It will be that irregularity that causes the problem.

I believe that the Minister should be condemned for the manner in which he approached the subject. Instead of saying, 'There is a problem, let us work out how we are going to address it and help those farmers who, through some Government restriction, are now being financially disadvantaged and in some cases are being prevented from putting superphosphate applications on their ground,' the Minister is blaming the farmers. This restriction was not put there to help the farmers; it was put there because the companies could not afford to put their employees—the manufacturing employees, not the farmers—at risk because it would backlash on them.

I trust that the Minister of Primary Industries will take up this matter with the Minister of Labour Relations and Occupational Health and Safety, have a review of the comments that have been made, and make sure that what the Minister of Labour Relations and Occupational Health and Safety does utter in this House has some semblance of practicality. The Minister quoted from a document which said that we run a risk when we handle anything over 16 kg. Every parent will put a child of

more than 16 kg on their hip or shoulder and lift them up every day of the week. That issue needs to be taken into account. If we are to get into these pedantics, are we going to tell mums and dads that they cannot lift up their own children? I trust that this House and the Minister will show some commonsense in approaching this issue.

Mr HAMILTON (Albert Park): It is no secret that I have a particular bent towards walking. Recently, amongst other activities, I journeyed to Ballarat. I not only participated but had discussions with other people involved in that two-day walk. I believe that South Australians are missing out in terms of organised walks in our community. It is my intention during the break in the next week or so to journey to Canberra and look at what they do there, because there is no doubt that tourism and sporting events attract many people to various parts of Australia. Walking is no exception. I cannot think of one activity in the community that does not benefit from tourism, whether it be shops, public transport, hotels, airlines, buses, service stations, doctors, pharmacies, etc. Everyone benefits from tourism. It is my belief that South Australia can benefit from an annual walking event.

We have annual cyclathons and annual marathons, but very little is specifically set aside for walkers in our community. It is my understanding that more and more people are engaging in that recreational pursuit and it is highly recommended, I understand, by the medical profession, for a whole range of reasons. I believe that in South Australia we can set our sights on having such an event. Let me read into the record what these activities promote. They improve personal well-being, community health and enjoyment and, above all else, they are an affordable activity. They also provide people with the opportunity to take in the scenic beauty of any location.

Many people are unable or unwilling to run or jog, so here is the ideal opportunity for South Australians to get involved in this event. Not only does it promote a very healthy lifestyle and encourage people to walk for at least 20 minutes each morning and, indeed, of an afternoon, but I believe it promotes the opportunity for people to meet not only from interstate and intrastate but, indeed, from overseas. When one looks at the annual four day walk in Holland, tens of thousands of people participate in that walk of up to 50 kilometres a day over a four day period.

If one were prepared to promote such an activity in South Australia, I believe that the economy would benefit in more ways than one. I will be approaching the Mayor of Woodville and the Corporation of the City of Woodville to investigate the feasibility of carrying out such an activity here in South Australia, because there is no better setting, in my opinion, than what we have in and around the city of Woodville. I specifically refer to the beaches of Tennyson and Semaphore Park and also to the West Lakes waterway. So, here is an ideal opportunity for that council and, I believe, South Australians, to benefit from such an event. It would promote the city of Woodville and the city of Adelaide and would encourage many people to participate in a regular activity.

One can imagine the enormous benefits to the local shopping centre, to local business houses and the like, particularly when people want to go out wining and dining. It is an activity that I actively promote and make no apology for promoting. It has certainly assisted me in the past 10 years, and I intend to pursue this because I believe that not only can many South Australians benefit healthwise but the State can benefit in terms of the economy.

The Hon. D.C. WOTTON (Heysen): I want to take the time allocated to me to speak briefly on the issue of the world heritage listing of the Lake Eyre Basin. As part of the Keating Government's environment policy, the Prime Minister announced that the South Australian Government had agreed to work with the Commonwealth to assess the environmental values of the Lake Eyre region for world heritage listing. He indicated that he was confident that a world heritage nomination would proceed this year. On 11 February the Minister of Environment and Land Management advised this House of discussions between the Government, the Federal Government and the community, as follows:

> ...are along the lines of how we (the Government) can best protect these significant areas and also preserve the economic opportunities for the people who earn a living and generate value added from these regions.

At the same time, a senior public servant is quoted as saying:

> Feasibility studies to investigate the potential of managing Lake Eyre Basin in accord with ESD principles are proceeding.

There is significant concern in the community at the manner in which Lake Eyre world heritage listing proposals are being conducted. The South Australian Farmers Federation has written to the Minister of Environment and Land Management, and I quote briefly from that letter as follows:

> The Farmers Federation is comfortable in dealing with conservation and biodiversity issues within an ecologically sustainable development framework, and has gone out of its way to promote conservation issues to members in that context. There is an honest interest amongst our membership in dealing with conservation issues and the Federation believes it important for those issues to become integrated in mainstream property management rather than being isolated and, consequently, marginalised. However, the Federation will strongly oppose any narrow conservation programs that aim at environmental protection without regard to broader issues of society and economy that are contained in the ESD approach.

The Farmers Federation also wrote to the Premier on 29 March, and I quote from that letter as follows:

> The experience of landowners in world heritage areas elsewhere in Australia...remain confused that the success of their efforts to sustain an environment of world significance (while generating export income and urban employment) is rewarded with Government action that leaves them facing personal distress and uncertainty, financial disadvantage and increased regulation. They still do not know what their future holds as the Federal Government has not completed management plans that will ultimately dictate how they are to manage and develop their properties. As an example, the Willandra Lakes have been listed for over 10 years, but a management plan is yet to be finalised.

The example given concerning the Willandra Lakes area in New South Wales which, after 10 years under a world heritage listing, still does not have a management plan, clearly demonstrates the concern expressed by pastoralists in the Lake Eyre region. I should also point out to the House that the Federal Government has not allocated one dollar to world heritage areas in New South Wales since 1989. These areas include the Willandra Lakes, Lord Howe Island and the north-east forest areas, all very significant areas in that State. But not one cent has been provided by the Federal Government since 1989. It is not just a matter of rhetoric for election time; it is a matter of providing the goods, whether it be in the way of funding or in the provision of appropriate management plans.

No doubt, the Lake Eyre region is a very sensitive and unique part of South Australia and, indeed, of Australia. It is a very special area. I remind the House that in South Australia we have fewer than 90 rangers attempting to manage 20 million hectares under the national parks system compared with 128 running Adelaide parklands. Until the Federal and State Governments can get their act together regarding the appropriate management of areas like Lake Eyre this region should not be nominated for world heritage listing.

The Hon. T.H. HEMMINGS (Napier): Mr Tim Scholz, the President of the South Australian Farmers Federation, will be remembered for two things: first, for giving away the old beloved United Farmers and Stockowners organisation lock, stock and barrel to its big brother in Canberra, the National Farmers Federation, thereby denying for ever a South Australian voice in agriculture, and I have said words to that effect in this House before.

Secondly, and perhaps more importantly, he will be remembered for his blind, unswerving support for the goods and services tax (GST) prior to the election and since. A Liberal Party conference is currently proceeding in New South Wales looking at the results of the Federal election and, from all indications, even though it is from behind closed doors, the general consensus is that the GST is just not on. It was a disaster. It created a feeling out in the community not only of uncertainty but of greed. It played on people's greed and selfishness; therefore, it should be dropped.

There is still one supporter at that conference in New South Wales, and that is John Hewson. It seems that, after reading this month's edition of the *Farmer and Stockowner,* dated 24 March, Tim Scholz is still in there fighting for the GST. I will read some of the comments he made under that rather quaint by-line he uses, 'From the back paddock'. It just goes to show what happens in back paddocks these days. The article states:

> The day before the Federal election I commented that Australians, if they only thought of themselves, would probably vote one way. If, however, they considered their future and the future of their children, they could well vote for a change. Well, we all know the result. Now election day has been and gone, Australia's big chance of providing incentive to wealth creators and thus sustainable job creators has slipped by.

The goods and services tax was supported in the main by the National Farmers Federation, the National Party and other interests out there in rural Australia, based primarily on the New Zealand experience, and I have no problem with that. In fact, Tim Fischer said, 'If it is good for New Zealand, it is good for Australia.' The facts show that, as a result of the GST in New Zealand, the lot of the New Zealand farmer improved indeed. We all know that, and I have no problem with that.

I do not want to put words into his mouth, but I know that the member for Flinders did have some concerns about other costs that might arise as a result of the GST but, over all, I think the member for Flinders felt that, if it was going to be good for the rural community as a whole, the flow on would counteract those costs. However, that is not the argument that Tim Scholz used. Tim Scholz has used the argument, 'Don't worry about the rest of Australia; don't worry about urban Australia; don't worry about regional Australia. If it is good for farmers, then it has to be good for Australia.'

In fact, whilst he is condemning the electorate of Australia saying that people only thought about themselves, Mr Scholz has got it totally wrong. The rest of Australia thought about their fellow man. They thought about those people who were less fortunate than themselves; therefore they cast their vote accordingly, whereas Mr Scholz was urging his depleted membership here in South Australia, those he had sold off to Canberra, to vote purely and simply for their own selfish ends. The problem is that Mr Scholz still thinks that way. I do not know what the Nationals' view is or how they have assessed themselves as a result of the GST. I will be interested to hear from the member for Flinders one day. However, Tim Scholz, along with John Hewson, still supports the GST and all the problems inherent in that tax for the people of South Australia. A man who has thoughts like that does not deserve to lead the South Australian Farmers Federation.

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

Mr MEIER (Goyder): This afternoon I call on the Government to give a commitment through the Economic Development Authority that appropriate funds will be made available for the Gulf Link ferry connecting Wallaroo with Franklin Harbor. I believe it was prior to Christmas that directors of Gulf Link met with the Premier and members of the Economic Development Authority of South Australia seeking funding for this project, and they received a positive response. In fact, in the words of the article in the *Yorke Peninsula Country Times:*

> Gulf Link Director Peter Scott said that the South Australian Government and the EDA had responded expeditiously and positively to the company's request for assistance following the Directors meeting with Premier Arnold prior to Christmas.

This project goes back more than two years, and it was developed through a feasibility report and a detailed feasibility analysis. There have been independent reports from advisers KPMG Peat Marwick and McIntosh Corporate Limited, and there has been an environmental impact statement. Written expressions of interest in equity in the project have been received from various operators, and there is now a real possibility that the ferry will be built through shipbuilders in China. A decision is expected to be made soon on that matter.

The Gulf Link ferry has enormous potential for South Australia. In fact, Gulf Link's proposal is to provide a long term strategic infrastructure investment for Australia as a whole and especially for the people of South Australia. The project is expected to offer South Australia the following benefits. With respect to improved communications, the RAA estimates that the introduction of the Gulf Link service would save significant round trip road distances such as a saving of 440 kilometres from Adelaide to Perth, 658 kilometres from Adelaide to Port Lincoln, and 230 kilometres from Adelaide to Whyalla. They are huge savings. The introduction of the ferry would reduce one way driving time behind the wheel from the present eight hours to 31h hours between Adelaide and Port Lincoln.

There would be cheaper freight and travel costs as a result of Gulf Link's service offering significant reductions in road distance and travel times. There is considerable potential for cuts in freight charges and travel costs between Adelaide and Eyre Peninsula. Certain bulky goods such as fuel, building products and the like could become cheaper as a result of freight charge reductions between Adelaide and Lower Eyre Peninsula.

With respect to employment, it is estimated that 500 new jobs will be created during the 12 month construction phase and up to a further 74 permanent jobs will be created. That will directly benefit residents of both Yorke and Eyre Peninsulas. In addition, employment generally is expected to benefit through the multiplier effect. Tourism will be increased significantly, on both Eyre Peninsula and Yorke Peninsula, and for South Australia as a whole. It is essential that the Government does not procrastinate any more. A positive financial commitment is needed. In fact, it should be made a major project if this State Government is serious about giving its full backing to development projects to see that South Australia once again becomes a great State.

The Gulf Link project has all the potential to be one of those projects. I call on the Premier and the Government to ensure that the EDA looks at this positively and hands down a finding that will give immediate financial backing.

Mr HOLLOWAY (Mitchell): I wish to take this opportunity to raise a matter of great concern to many of my constituents who are parents of students at the Tonsley Park Primary School. Earlier this week I met the chairperson of the Tonsley Park Primary School Council, Ms Jackie Pilkington, and a group of other parents who are concerned about Education Department proposals to move two demountable buildings on the Tonsley Park campus. Apparently, these buildings are to be moved under some formula of the Education Department under which Tonsley Park Primary School is deemed to have excess space.

I am not sure what stage this proposal has reached, but it does not take into account that these buildings are more than 30 years old; they are not easily transportable and there would be considerable cost to the taxpayer in moving them. But far more importantly than that, these two buildings play a very important function in the life of the school, being used for two purposes: one building is used as an art room and a parent room, and the second is a Nunga room. All of us would appreciate that in schools in socially disadvantaged areas—and Tonsley Park Primary School is in the most socially disadvantaged area of my electorate; I believe some 70 per cent of the students are on school card, so it is not a wealthy area—it is important that such facilities as rooms that cater for parental involvement and special rooms that cater for Aboriginal studies should be provided.

That is the situation with these two buildings. If they are moved, the very important gains that have been made at that school to involve parents and students in a greater understanding of Aboriginal culture will be lost. Not only that but the removal of these two buildings will further fuel rumours in the area that the school is about to close. One of the reasons why those rumours have been circulating is that the Tonsley Park Primary School is adjacent to the site of the proposed Tonsley transport interchange; because of the uncertainty following decisions on that interchange, there has been some uncertainty about the future of the school.

The removal of these demountable buildings would further fuel the rumours and shake confidence in the school. That would be an extremely stupid and short-sighted measure, because the area of Mitchell Park around Tonsley Park Primary School is currently being redeveloped by the South Australian Housing Trust, as a result of which there will be a large increase in the population of that area in future years. As I understand it, there will be an increase in population in those areas where redevelopment takes place of about 50 per cent.

Therefore, any action that would show lack of confidence in the future existence of the school would be counterproductive. The Minister has made clear to the school, and the school has accepted, that it is not planned to close the school, but the removal of these temporary buildings can only shake the confidence of the local community.

In the remaining time available to me, I would like to cite one of many letters I have received on this subject, as I believe it sets out very well the concern of parents. It states:

> I am a parent at Tonsley Park Primary School. I have put five children through our school in the past 12 years. I am writing in response to the news that at Tonsley Park Primary we are about to lose our two transportable buildings.

These buildings are not easily transportable. It continues:

> I would like to question how cost-effective this will be. It's going to cost a lot to lift and transport, and then re-establish these buildings. It is going to cost more money to make alterations to our school so we can continue to have an art class for the kids. If this proposed removal goes through, we will also lose our Aboriginal Nunga room and parent room, used, among other things, for our learning assistance program with the kids, and parent networking for the classes.
>
> How come all this money can be found to move two old buildings but we have to lose a teacher because we were seven kids short? And why have we just lost eight hours of teacher aide time? And WHY can't we get simple maintenance done? It seems there's plenty of money to take things away, but not to help our kids get a good education.
>
> And I'd really like to learn how any of the above changes at Tonsley, particularly the removal of our classrooms, fit in with

the Government's so-called social justice plan for at-risk students?

I would like to know the answer to that, too, Mr Deputy Speaker. I call on the Minister of Education, Employment and Training to prevent the Education Department from moving those buildings.

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

EXPIATION OF OFFENCES (TRIFLING OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 2585.)

The Hon. T.H. HEMMINGS (Napier): I oppose this Bill, and I do so for many and varied reasons. First, I do not think the member for Eyre, intelligent and experienced as he is, realises the implications of this legislation. Members will be aware that there are several separate and independent expiation schemes operating in this State. There is the scheme under the Summary Offences Act that deals with traffic offences; the scheme under the Controlled Substances Act that deals with cannabis use; the scheme under the Local Government Act that allows local councils to impose parking fines; and the scheme under the Expiation of Offences Act that allows for a range of general offences to be expiable, for example, offences under the National Parks and Wildlife Act, the Food Act, the Public Environmental Health Act, etc. There are other schemes as well, but those I have listed are the main ones under which we all, in effect, ask the public to operate.

Sadly, it is evident from the second reading explanation of the member for Eyre that he does not appreciate the differences between these schemes. The proposed amendment will have no effect in relation to the issuing by police of expiation notices under the Summary Offences Act, traffic infringement notice provisions. In fact, the police issue very few notices under the Expiation of Offences Act: most notices under that Act are issued by authorised departmental officers and inspectors. So, the member for Eyre missed the point utterly and completely. Maybe it was because he was out electioneering in the Pitjantjatjara lands during the recent Federal election.

The Hon. B.C. Eastick: On a point of order, Mr Deputy Speaker, I ask you to rule in relation to relevancy regarding the motion and the material that the honourable member is putting before the House.

The DEPUTY SPEAKER: I uphold the point of order and ask the honourable member to come back to the subject before the Chair.

The Hon. T.H. HEMMINGS: The amendment that the member for Eyre has proposed does not give any guidance as to the number of cautions that can be issued to the one offender for the same offence; it does not address the issue of whether the caution is to be formal (recorded) or informal (not to be recorded); and, in short, it gives no proper guidance as to the exercise of the power. One would have thought that that should have been the cornerstone of the amendment.

Of great concern to me is the lack of specification in the proposed amendment as to what is to happen if the person, once cautioned, commits a further offence. To use the member for Eyre's own example for illustrative purposes, even though the amendment will not apply to the offence, I wonder whether the member for Eyre is suggesting that the person with the dirty, obscured number plate should always get a caution, because that will always be a trifling offence; or is it to be that, once cautioned, that person will get an expiation notice the next time he or she comes to notice for committing the same offence? If the former is the case, the offence should not be an offence at all and, if the latter is the case, it will be necessary for a formal register to be kept of cautions enabling inspectors ready access to determine whether a caution has previously been issued for the offence and to issue an expiation notice if the caution has previously been issued.

The whole amendment is fraught with problems with regard to keeping check. The member for Eyre has a very fine record of exposing in this place bureaucracy gone mad, and I say that very sincerely. All credit should go to the member for Eyre. There is many an inspector who travels the length and breadth of the electorate of Eyre who trembles when he or she gets a telephone call from the honourable member when engaged in a silly, trifling exercise in harassing the community. I have no problem with what the member for Eyre does in that regard for his constituents, but he has taken it too far with this amendment.

The honourable member gave the example of an obscured numberplate. It is a well-known fact that driving is a privilege that carries with it responsibilities, one of which is the legal requirement to have a readily readable numberplate, one that is not obscured in any way. The law applies to all and all should obey it. We have no problem with that. If there is a law and I disobey it, then I pay the price. Unfortunately, we always get this argument from the member for Eyre when he talks about trifling things, because he believes that, if it is trifling, a person should not have to pay the price. If there is a law, we are forced to obey it. If we break that law, we are forced to pay for the offence.

With respect to the measure which seeks to provide for review officers to review a notice where an offender alleges that the offence is of a trifling nature, I must point out that no proper or appropriate guidance is given as to the exercise of those powers. How is a review officer to determine whether an offence is trifling? Is an offence under the Commercial Motor Vehicles (Hours of Driving) Act of exceeding driving hours by five minutes trifling—

Mr Gunn: Yes.

The Hon. T.H. HEMMINGS:—and is a breach of 10 or 15 minutes sufficient to warrant an expiation notice? They are all breaches of the Act and are considered serious for obvious public safety reasons. A small breach is to be penalised, as is the longer time breach. The member for Eyre interjected and said that it was a trifling matter, but what would happen if as a result of that five-minute extension of the hours permitted to be driven under the Act someone was killed on the road? Would the member for Eyre then stand up in this place and say that it was a trifling offence because it happened

five minutes after the driver was permitted under the Act to be on the road? He cannot have it both ways. When the law says that a person is allowed to drive for so long, that person is allowed to drive for so long. If a person gets caught for exceeding that time, that is his fault. In all probability, the person who was caught five minutes over time intended to drive for another two hours. It is lucky the inspector caught him five minutes out of his time.

An important matter of principle that all members must consider is that, where Parliament has seen fit to create an offence, Parliament must intend that an offender be penalised. If in the member for Eyre's view an offence is so trifling as never to warrant a legal sanction, the offence should never have been sanctioned by Parliament. However, when different pieces of legislation go through the House, we do not hear any comments from members opposite about possible problems with the offences created under the legislation, or worries about the size of the fine. We never hear anything like that. It is only when the Act is put into operation and someone comes bleating to their electorate office that they start to say that it is a trifling offence.

My suggestion to the member for Eyre and anyone else who follows this debate is that, if they feel so strongly and so sincerely about whether or not an offence is a trifling one, they should stand up and say their piece when the legislation is debated. The member for Eyre should not wait until a farmer comes up to him and says, 'Look, Graham, old friend, I have been done. I think it was a trifling offence. Will you see what you can do?' As I said, the member for Eyre has a very fine record of exposing bumbling bureaucracy when it needs to be exposed but, with respect to breaking the law, he has a tendency to want to get his people off the hook while your people, Mr Deputy Speaker, and my people have to pay the full price. The law is important. We cannot move the goalposts after they have been placed in order to achieve a result which one person or one member's constituent considers desirable in a particular case.

This Bill seeks to amend an Act which, in reality, has little to do with the exercise of police powers and nothing at all to do with the issuing of traffic infringement notices. One would have thought that, if it does not have anything to do with that, the member for Eyre would stand up and say, 'Okay, fair cop. I have been exposed for a stupid amendment and I withdraw the Bill.' That is the most important thing.

The Bill does not provide guidance for inspectors in the issuing of cautions to people who offend. Again, that is necessary if we are to treat the Bill seriously. It does not detail whether the cautions are to be formal or informal or how they are to affect future actions against the same offender. In fact, a series of inspectors could issue cautions but no-one would know who has issued what and no-one would know who has received what. It would be complete and utter chaos. We do not want that because the member for Eyre would have to work full time on trying to unravel the disaster that he imposed on the people of South Australia.

The Bill does not provide any guidance for review officers. It is all very fine to create another group for the member for Eyre to have a kick at every now and again, but it does not provide any guidance for those poor, hapless creatures once they are out in the field. One would have thought that, if those people supported the Bill and by a sheer fluke it got through, that would need to be done. It is no good saying that if it gets through the information will be provided. Members need to know that before they start.

The Bill does not define 'trifling'. What is trifling to you, Sir, may be serious to me. What is trifling to me may be even more trifling to the Minister on the front bench. What is trifling to the Minister may be horrendous to the member for Eyre. We need a level playing field and we need to define what is trifling. Once we have done that, we can start looking at whether anything can be done in this regard by way of regulation. It cannot be done with a dirty great sledgehammer that will, in effect, destroy all the different Acts that ensure that members of the South Australian community obey the law and, if they do not, that they are fined as they should be fined.

The Hon. B.C. EASTICK secured the adjournment of the debate.

CLASSIFICATION OF PUBLICATIONS (DISPLAY OF INDECENT MATTER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 2431.)

The Hon. T.H. HEMMINGS (Napier): I originally took the adjournment on this Bill because I happened to be sitting in the House and, therefore, when I rose my name appeared as the person who took the adjournment. It is rather strange that within a week of my taking the adjournment I received three telephone calls from genuine people who were quite concerned and interested to know what my views were in relation to this Bill.

I chose not to pursue my rights on taking the adjournment, because the Bill had emanated from another place from the Hon. Bernice Pfitzner, and it had gone down a certain path. It had been introduced by the member for Hanson, for whom I have great respect and who holds strong views on this particular matter. It was my view that I would listen to the Opposition—which has pursued this matter on and off for many years—to ascertain its views. It therefore surprised me last week, when I chose not to pursue the matter, that no-one from the Liberal Party was prepared to stand up and either support or do whatever else they wanted to do regarding this Bill. That is the reason why I am on my feet now.

I do not, like the member for Hanson, have to tell the world what I think of pornography. I think the way I live and my private life—which is totally separate from this bear pit in which I perform—demonstrate my views. There are some members opposite who know what my private life is like, so I will not put that on the record. I do not have to say, 'I don't read this; I don't read that', because those people who know me, not only in this Chamber but also in the electorate, know the standards by which I live. Those standards have been part of my life not only since I became a member of Parliament but prior to that, and hopefully that lifestyle will not change

one iota when I eventually leave this bear pit that we operate.

The Hon. B. C. Eastick interjecting:

The Hon. T.H. HEMMINGS: I will ignore the member for Light's interjection because I would like to hear what the honourable member is going to say. The problem is that once we get a piece of legislation like this the pressure starts. We have to stand up and say, 'I do not like filth.' None of us likes filth. However, the reason I am perhaps foolish enough to stand up and make a contribution is that if we as a society are serious about censorship, or have serious views about the way that even the current censorship laws are affecting the community, then this Bill is just playing around at the edges. In effect, it is saying, 'You can have it as long as a little four-year-old cannot see a bare breast; it is okay.' We are saying, 'You cover up that bare breast and all the world will go along in its own merry way.'

It is very much like people's attitude to the kind of electorate that I represent. There may be social problems galore but, as long as they all live in nice little boxes, mow their front lawns and grow vegies out in the back garden, everything is okay. They can beat hell out of their wife inside or drink to oblivion or do whatever they like, but as long as the neighbours do not see it everything is hunky-dory and we do not have a problem. That is basically what this Bill is talking about.

It may shock some people who are avid supporters of this kind of legislation to know that to some families nudity is normal. I am not talking about pornography, I am not talking about sex: I am talking about nudity. A woman's body is the most natural thing in the world; a man's body is the most natural thing in the world. That seems to provoke a little bit of laughter. The human body, whether it be male or female, takes on the connotation of sex and pornography only in the way it is portrayed.

I have four children and I have great pleasure in saying to the world—and this will go in *Hansard*—that they were brought up believing that the human body is beautiful. So, if I happened to have walked out of the bathroom with nothing on and one of my children saw me, that was not filthy because it was natural. That is what worries me, because most people are so keen to see this kind of thing out of sight, or just with a little piece of cardboard over the top, because to them the human body is dirty. But it is not dirty. That is why, as I say, the whole approach to censorship is wrong.

I can give the House another example. I refer to adult videos—the kind of trash that you can buy at any retail outlet. You do not have to go to that little shop down a certain back alley. You can buy soft porn or, in some cases, hard porn movies at any retail outlet. You go in and buy them and you can play them in your own front room, with the kiddies there playing with their Lego at the same time. If people are serious, why do we not have this kind of thing put before us? We do not because it has become fashionable.

The member for Hanson, quite correctly as far as he was concerned, was offended by *People* magazine, which showed a woman wearing a dog collar kneeling on the ground. To me, having never bought those kinds of magazines, I would have passed it by and not even thought about it. However, the member for Hanson was shocked. He got a bit of publicity about it—and I am not saying he did it to get publicity—and as a result of that suddenly the Bernice Pfitzner Bill appeared. So we are closing another loophole. The best way to treat these kinds of things is to either ignore them or refuse to buy them.

When we talk about the areas where they have to be prohibited or placed at a suitable level we are talking about the service stations that are suddenly springing up all over the place and are open at the most ungodly hours. Do you realise you can get a pint of milk at 4 o'clock in the morning from these garages? You can actually buy anything you want, such as the magazines that this Bill is all about. That is okay but do not tell me that Mum and Dad take little Johnny and Joan, at 4 o'clock in the morning, into these garages to buy their shopping.

In my experience, if my wife and I are coming home from somewhere—usually in the heart of the electorate, working away for the people I represent—she may say, 'We need a litre of milk.' So, when I fill my car with petrol I also get a litre of milk. I do not peruse what is on the newsstand. I go in there with one intention: to buy a litre of milk. Hopefully, by the time I come back, my wife might have paid for the petrol. Usually she is better than I am and I end up paying for it. I say that somewhat flippantly, but that is what those places are for. To say that these are the kinds of venues that everyone takes their children to on a Sunday afternoon is really stretching the imagination too far.

If those kinds of magazines were openly displayed at Woolworths, Coles or any of the other major supermarket chains, it would have a little bit more credibility because what this Bill is all about is credibility. Everyone understands and sympathises with those people who worry about pornography and the way it is spreading its tentacles into our society. No one denies that. But, as I say, if we are serious about the whole thing let us have an all embracing Bill. Let us not pussyfoot around. Let us just talk about—

Mr Ingerson interjecting:

The Hon. T.H. HEMMINGS: The member for Bragg—law and order Bragg—says, 'Bring it in.' If the member for Bragg had been listening for the past 12 minutes he would know that I share those concerns, but I do not see the priorities that the member for Bragg does. I will respond to that interjection and say to the member for Bragg, 'You bring it in'. The member for Bragg should bring in an all embracing censorship Bill to prohibit the whole lot—not just magazines and those under opaque paper but the whole gamut.

While we are talking about sex, we should talk about excessive violence and all the other tentacles that go into our society. What worries me about violent films are all those idiots out there who watch them and then prey on their wives and kids. That does not seem to worry some people—and I am not saying that just about the Opposition. It worries me to see violence making money for people. I am more worried about that kind of thing than the soft porn that this Bill is on about. Violent movies and violent books create a violent society and, once you have created a violent society, you are in real trouble.

I have given the reasons why I was in effect forced to stand on my feet and address this Bill, and I have given some of the concerns that I have in relation to this whole problem. I will not support this—and not because I support porn and not because I support sex. I think anyone who reads what I have said will understand why I am not supporting this. Let us be serious about this. For those people who feel that these kinds of magazines have taken us down the path of iniquity, the answer is not in this Bill. Something far stronger is required. It needs to be dealt with in a bipartisan way and hopefully then we will embrace the whole area—not just sex, violence and greed but all the other things that need to be dealt with. I might then stand up and give a totally different speech.

Mr MEIER (Goyder): I am surprised at the member for Napier's response—surprised in the first instant because he would understand, better than virtually any other member in this House, how private members' time operates. He would understand that once a member, in this case the member for Hanson, introduces a Bill it is the courtesy and the accepted procedure that a member from the other side, in this case the Government side, moves for the adjournment.

It was the member for Napier who took the adjournment and, if I heard him correctly, he said he was surprised that no other Liberal member had taken the opportunity to speak in the debate at this early stage. He took the adjournment. Once the other side has secured the adjournment we cannot ask to have a go at it. Once a Bill is introduced it is normal procedure to allow time for it to be looked at, considered and studied. Therefore, I do not understand what the member for Napier was getting at.

I am also disappointed, knowing the member as I do over quite some years, that he is not supporting this Bill. I would have thought that, from his experience in Parliament, he would have seen sufficient examples and have had enough evidence and information put to him over a long time—much longer than I have been in this House—illustrating the negative effects that pornographic material has on our society. You do not have to be terribly intelligent to see those negative effects.

One of the classic cases in this past decade—in fact, it may be a bit beyond a decade—was the case of the Truro murders. The person accused of those murders had a whole trunk full of pornographic literature and pornographic material. I remind members that the Truro murderer or murderers took many young girls, in most cases from the city, raped them and then killed them. This happened not once, not twice but on many occasions. In fact, I think we saw another article in the weekend paper highlighting the thoughts of the father of one of those girls about the release of one person who has been incarcerated for some years for the crime, and I can well sympathise with that father's viewpoints. In fact, the mother of one of the murdered girls wrote a book entitled *It's a long way to Truro.* For the information of members who have not read that book, it is in our library and it does not take long to read.

If nothing else, I would have thought that all members would have seen their way clear to supporting this Bill as a small step. I acknowledge what the member for Napier says about bringing in an all-embracing Bill. The invitation was given to him to bring it in, but he knows that an all-embracing Bill would not pass both Houses of Parliament because, from his contribution today, we note that he will not even support this small step forward. What is this small step forward? In simple terms, it is contained in clause 4, as follows:

> ... a condition that the publication must not be displayed in a place to which the public has access (not being a restricted publications area) unless the publication is—
>
> (i) contained in a sealed package and placed in a rack or other receptacle that prevents the display of any prescribed matter;
>
> or
>
> (ii) contained in opaque material (being opaque material that does not depict any prescribed matter)'.

That is the crux of the Bill. In practice, it means that the magazine covers that depict provocative, enticing, luring, titillating stances will be difficult, if not impossible, to see, certainly by children, because they will be at a higher level, or they will be in opaque material and therefore will not attract the attention of minors, in the first instance, and others who do not wish to be tempted by such material. It is a small step forward towards trying to rectify some of the abuses that have occurred as they related to pornographic material in the past. There is no doubt that some of the magazines that will be put into this category probably do not contain a lot of explicitly harmful material. Often it is the cover that is the attraction. People buy it for the cover and then find that the depictions on the outside are not necessarily repeated on the inside. It also includes the hard-core pornographic magazines that have very explicit photographs, articles and the like inside.

I have been contacted by the secretary of Lutherans for Life, Ms Jan Schmidt, over this matter. In her letter she indicates that she understands the Bill 'will limit the display of pornographic material in shops, that it will keep pornography out of the reach of children and that the rights of people to buy the material will not be affected.' She also indicates:

> Lutherans for Life is greatly encouraged by the integrity of members who hold such issues as being vitally important to the well-being of our State generally and our children in particular. We believe very strongly that it should be possible for a conscience vote to be taken on such matters.

I anticipate that will be the case for Government members. Lutherans for Life encourages each member 'to ensure that this Bill passes successfully through the next stages of its passage until it is proclaimed law.' I sincerely thank Ms Schmidt for her stand on this matter and for encouraging members such as myself. The easy course of action to take is that taken by the member for Napier and to say, 'It does not go very far, and therefore I shall not support it. Let us look at it the other way.'

I was also interested to note in the material provided to me by the Lutheran Church a specific statement relating to X-rated videos. Mr Deputy Speaker, you will be aware that the whole issue of X-rated videos was debated in this Parliament in earlier times. There is undoubtedly a strong correlation between X-rated videos and sexually-induced crime in our society, and similar arguments can be used against the free availability of pornographic literature generally. The introductory statement by the Lutheran Church is as follows:

The Lutheran Church of Australia calls for a total ban on the production, importation, distribution and sale of pornographic (X-rated) and violent videos in Australia. The statement, issued in Adelaide this month by President Steicke, was prepared by the church's Commission on Social Questions at the request of the General Synod in July. The statement also calls for compassion for the men, women and children who are the victims of pornography.

That appeared in *The Lutheran* of 17 November 1990, some time ago, and that position still applies. We should remember that one of the key issues is: what about the victims of pornography? Too often their experiences are suppressed, too often we do not hear from them and too often we, as legislators, like to forget that and say, 'You must not forget freedom of choice for people.' I support the Bill.

Mr INGERSON secured the adjournment of the debate.

LINCOLN NATIONAL PARK

Mr BLACKER (Flinders): I move:

That this House reaffirms its strong support for the current management scheme for the Lincoln National Park and commends National Parks and Wildlife Service officers and local community groups for their ongoing commitment to national park management.

Some members may be wondering why I am moving this motion. I guess there are two principal reasons. One is that I have received from the community a petition with 5 370 signatures, which I have previously presented to this House, calling for the Lincoln National Park to remain under the same management regime, the National Parks and Wildlife Service, as it has in the past.

The other aspect is that I would like to use this opportunity to express some gratitude, in extension of that petition, to those officers for the way in which they have handled that and other parks on Lower Eyre Peninsula. By way of preamble, I point out that the National Parks and Wildlife Service has not always received wide community support. There have been times, particularly in the early stages of its development, when there was considerable community negativism, there were some overzealous National Parks officers and, quite often, there was conflict between officers and members of the community as to how a park should be managed. It is worth recognising that much of that conflict has now gone.

The National Parks and Wildlife Service has embarked upon a program of community consultation. It has encouraged and fostered groups that would have an interest in a park to become actively involved, and National Parks officers themselves have played an active role in that encouragement, not just during working hours but in the wider community. National Parks and Wildlife officers have in the main played a very involved community role, and I cite one instance where one of the members was chairman of the school council, and many other organisations as such. It is to their credit, and I believe it is appropriate that I note that, because their efforts are recognised within the community.

The issue that was the subject of this petition was brought to a head when the Wilderness Society put forward a nomination for much of the Lincoln National Park to be considered under wilderness criteria. The Lincoln National Park has existed for 80 years or more, and there has been limited access to the park by way of bush tracks. The only land access to Taylor's Landing, Memory Cove and many of the other historic points is through the park itself. For historians Australia-wide and world-wide, Memory Cove in particular is renowned for its significance.

The implications of the Wilderness Society nomination would be that all that land would be locked away and it would be nigh on impossible for the community, which has traditionally used it over time, to gain access. Also, under the Wilderness Protection Act, there would be a marine park of 1 kilometre around the coastline, effectively meaning that no-one would be able to gain access to the fishing grounds all around the Lincoln National Park, down past the islands and around the bottom end of the Peninsula.

You, Mr Acting Speaker, would know that anyone with an interest in fishing, be it rock, sea or boat fishing, would have fished along those shores. You would also know that to ban fishing and access to those areas for at least 1 kilometre offshore will only create considerable community hostility. That is one of the points that has brought the petition to the attention of the community, and it in turn responded quickly. There are a number of significant attributes to the Lincoln National Park. It is the area of access to Memory Cove, West Point, Taylor's Landing and the southern coast east of Warma. They are considered to be significant tourism drawcards.

I noted the marine protection area, and I can only argue that that area should remain within the management of the Fisheries Department and certainly not become the subject of a wilderness protection area from which all access, either by land or by boat, is to be banned. I might point out that many amateur rock lobster fishermen would have caught the occasional lobster there, and anyone who is interested in beach or rock fishing would know that that is a very significant area, to which they believe they should have good access.

There is a significant European heritage to the area and, as I noted, the very nature of Memory Cove and its historic significance is something that needs to be maintained. When I saw the wilderness nomination of the Lincoln National Park and was advised by some of its officers that it was proposing to do that, I said that there are some areas of the park that are of wilderness significance. To my understanding at that time, those areas were protected. It was not possible for the public to access the area, by its very nature, with the one exception, that is, the access track to Taylor's Landing.

I indicated to those officers at that time that, if they proposed to cut off public access to Taylor's Landing, they would be buying a fight. Of course, that is exactly what they are doing in presenting that nomination. I point out that the nomination has not proceeded, or there has been no further development to this time, but we all know that, once the nomination is in, and when the heat of the moment calms down, the nomination will be slipped through or presented to the Minister for further presentation. If the Minister does give consideration to the proposal by the Wilderness Society, he does so

taking into account the ramifications or reflections upon the staff of the National Parks and Wildlife Service.

I believe that the National Parks and Wildlife Service has not only improved its public relations but has set about a park management structure that has received wide community acceptance. It has ensured that the wilderness area, or the area that would be classified as being similar to the wilderness area, has been preserved. It has provided that there is community access to the areas of most historic significance and to Taylor's Landing, another point of significance. It has ensured that there is a limit to public entry into the park, the proposal being for a maximum of 15 vehicles per day.

In that way, the track will remain passable for all the year and, secondly, the maintenance of that track would be carried out within the park structure. If this area were handed over to the Wilderness Society, and if the public were excluded from the area, the Government and the Minister would find that not only would they have a public fight on their hands but many people would still access the area through illegal means, whether by boat or by four wheel drive vehicles through areas and access points that would be detrimental to the preservation of the native flora and fauna. I cannot say enough that the actions of the National Parks and Wildlife Service officers should be applauded.

If the Government chose to accept the recommendations of the Wilderness Society over and above those of the management regime of its own department, the National Parks and Wildlife Service, it would be casting severe aspersions on the ability of those National Parks managers and, needless to say, I would stand up to protect them for their actions. As I said, I have not always been in full support of the management regime of the National Parks and Wildlife Service, but I do concur with and totally applaud the arrangements which have been made with the service and which have received the support of the wider community. That rapport could be damaged severely if we allowed it to extend beyond that point.

The Lincoln National Park is of great significance. Funds have been spent in recent times to provide an access road part way to Memory Cove, and I hope that funding will be made available to allow access all the way to Memory Cove. I applaud that action not because it attracts more vehicular traffic into the area but because, if the road is of a reasonable standard, vehicles will keep to it and little or no damage will be done to the other environment alongside the road.

If, on the other hand, the road is allowed to deteriorate to the point where it becomes a track—and it would be either very hard or very rocky—people would be more inclined to get off the track and create their own road, thereby damaging the vegetation and effectively cultivating much of the area. That is something we do not want. We want to be able to contain the traffic and the public access to limited and reasonable tracks. I am not suggesting that it be of highway quality, but it should be a reasonable track that could be traversed by a two-wheel drive vehicle. That would effectively keep the public on that track.

I note concern within the local community that it has been suggested the track would become a four-wheel drive vehicle track. I have had that issue checked and have been advised that this has been suggested, for conservative reasons, by the National Parks and Wildlife Service. If the Government were to say it was a two-wheel drive track and a two-wheel drive vehicle became bogged and was unable to get out, there might be some recriminations against the Government. If it is claimed that it is a four-wheel drive track and if a two-wheel drive vehicle becomes stuck, the Government would bear no responsibility. The issue is one of semantics, but the department would be seen to have done the right thing to protect itself to ensure it was not attracting an unnecessary number of vehicles into the area, only to find it had an obligation to get them out should any become bogged.

The historic significance of the area must be preserved. The National Parks and Wildlife Service is to be applauded for the way in which it has done just that. It has provided limited access to the area but has met the requirements of preservation of the area in a wilderness state. I can only hope that this House will support the motion.

The Hon. T.H. HEMMINGS (Napier): It gives me great pleasure to support this motion. Hopefully, if the two Whips have been able to come to some agreement, we can vote on it today and get the matter off the Notice Paper. It is a pleasure not only to hear a contribution in praise of the National Parks and Wildlife Service but also to hear a frank admission by the member for Flinders that there have been times when he has criticised the managerial style in relation to that national park. It is also good to see that the policies put in place some years ago that gave individual park managers the ability to work with the community to build up a better relationship have obviously worked in the Lincoln National Park.

Without trying to duchess the member for Flinders, I point out that he, as well as making a frank admission that he was critical of that managerial style in the past, has been acting as the honest broker to ensure that this new found spirit of cooperation between the community and the National Parks officers has been ongoing and will continue to prosper over the years. As a result of appearing before the Select Committee on Bushfire Prevention and Suppression (which is yet to report), the member for Flinders would be well aware of the spirit of cooperation that existed between the National Parks officers and officers of the Country Fire Service. In some areas of the State, that cooperation is replaced with suspicion. It seems to me that, if we can get the National Parks officers and the Country Fire Service officers working together, we are more than half way towards achieving the form of managerial style that everyone is seeking.

In some areas in the Lincoln National Park there is proof that there has been improved public relations without the park managerial system being compromised, and I refer to the joint management of the Coffin Bay fire in 1990; evidence before the select committee indicated cooperation between all sections of the community. Further, the Coffin Bay wild horse management program is working towards the removal of wild horses from the Coffin Bay National Park in a manner that is acceptable to the local community. I also

refer to the restoration of the Matthew Flinders monument on Stamford Hill in the Lincoln National Park. This project is progressing and has had community input, starting with a donation of funds from the Miss Tunarama competition of $7 000 as well as Government support through a Federal heritage grant of $35 000. In fact, I understand from the Minister's office that just last weekend 188 residents of Port Lincoln helped in the arduous task of manually transporting 4.5 tonnes of scaffolding to the monument so that restoration could begin.

Mr Blacker: About three weeks ago.

The Hon. T.H. HEMMINGS: Sorry, I will correct that: three weeks ago. It just goes to show that news travels very slowly either between the Minister's office and me or between Port Lincoln and the Minister's office.

I offer a word of advice to the member for Flinders: as a result of the redistribution, by some strange quirk of fate, Kangaroo Island is in his electorate. I am sure he will be giving the people of Kangaroo Island the same devoted attention that he gives the people of Port Lincoln and other areas he represents, but he has a job in front of him in relation to the national parks in that area. I think he knows what I am alluding to. Unhappily, there is no longer a spirit of cooperation between the Country Fire Service and the National Parks and Wildlife Service on that island. I will not apportion blame, but it is a sad saga, because areas of natural beauty and national heritage are involved, but as yet there is no real cooperation between individual groups. I urge the member for Flinders to use his good offices to build bridges in relation to that problem.

The member for Flinders mentioned the wilderness proposal, for which there is obviously great support by the Port Lincoln community. He also referred to another proposal of the Wilderness Society. I make no comment on one or the other. I think the member for Flinders canvassed the points well indeed. I am sure that the Wilderness Advisory Committee—which is required to look at all submissions under the Wilderness Act, as the member for Flinders would be aware—will give its blessing to this proposal, which has attracted the attention of the Port Lincoln community, if it has sufficient merit.

I support the member for Flinders. I congratulate him on his new found support for the national parks and wildlife system. Having said that in jest, I point out that, from my observations, the honourable member's relationship with the local park officers is one of genuine friendship. I thank him for his assistance in our relations with the community, the National Parks officers and the Country Fire Service officers when the select committee visited that area. I support the motion.

Mr BLACKER (Flinders): I thank the member for Napier for his comments and support for the motion. I trust that it meets with the concurrence of the House and will be passed. The member for Napier has prompted me to comment on the implication that my change of attitude or a change of attitude of the department might have brought us closer together. I have always had a close working relationship with officers and all public servants within the area, and I trust that that will continue. I also make the point that the department, in its cooperation with the community, has not in any way compromised the basic principles of conservation that it has always adopted. Instead of the department working alone, as it has in the past, it now has community support, which effectively means that it has literally dozens if not hundreds of *de facto* park rangers helping to protect the areas that we all want to see protected. I ask the House for its full support.

Motion carried.

SEWAGE EFFLUENT

The Hon. D.C. WOTTON (Heysen): I move:

That this House congratulates the Mayor and the Albury City Council for their responsible and momentous decision to proceed with total off-river disposal of its sewage effluent.

At the outset, I commend my colleague the member for Chaffey, who spoke in this place on 23 March and strongly supported the action taken by the Albury City Council. As the member for Chaffey represents the major Riverland towns of Renmark, Berri, Loxton, Barmera and Waikerie, it was appropriate that he took the opportunity to commend the council for its decision to move to total off-river disposal.

The member for Chaffey is the Vice-Chairman of the Salinity Action for Economy (SAFE) Committee, which is comprised of parliamentary members from Victoria, New South Wales, South Australia and the Commonwealth and local government representatives from the three States. In that role, he had the opportunity to visit Albury last year. It was then that the Mayor was able to make available the city engineer, who in turn took that group on a conducted tour of the sewage effluent treatment plant at Albury and explained the involvement of the council in attempting to improve the situation. We have now seen the results of that.

Just as land degradation became a major environmental issue in the 1980s, the management of our water resources will become one of the major environmental issues, if not the major environmental issue, of the 1990s. Community awareness of water issues is growing rapidly and is increasingly reflected in media interest and coverage. The complexity of water management reflects its fundamental importance to us and the extent to which we depend on it for so many aspects of our lives. It is not just an environmental issue; it is not just an economic, industrial or social issue; it is all these things rolled into one. Water is not just a State responsibility, a local government responsibility or the responsibility of communities, business enterprises or individuals, or even a Commonwealth responsibility: it is a responsibility that we all share.

Over time we have given ourselves enormous problems to manage, for example, diversion of water for development, such as irrigation schemes, and that has dramatically reduced average annual flow rates in much of the Murray-Darling Basin. Two-thirds of the water that would originally have reached the sea is now used. Total diversion of water from the river in the basin, excluding Queensland, now accounts for nearly 90 per cent of the average natural flow.

I had the opportunity late last year to attend a meeting of the National Water Quality Strategy Commission that was held in South Australia. It was an excellent opportunity to learn more about what the Murray-Darling Commission is doing. I strongly support that organisation and many of its initiatives. It was pointed out clearly at that conference just how much we need to recognise the role and limitations of high level policy. As I said earlier, while it is the function of the Commonwealth and the State Governments to establish national and State water quality objectives, the interests and the knowledge of local institutions and individuals needs to be mobilised in achieving these objectives.

At that conference, emphasis was placed on community involvement because the National Water Quality Management Strategy has very significant financial implications for users and consumers of water in Australia. Ultimately, it will be the community who will pay for improvements to the quality of the water supply. Therefore, it is reasonable to involve those who bear the cost in the decision making. The strategy refers in particular to the community's preference for certain environmental values of local water resources.

Nowadays the type of centralised decision making that we have known for so long is not acceptable or adequate. We are all exploring ways to involve affected communities in a meaningful way. In this context, it is important that we recognise that sophisticated methods of community involvement, particularly demonstrated by the Albury City Council and its plans to expand the local sewage treatment works, are worth examining.

We are all aware that the council presented very clear information on the benefits of various options for treating sewage and the cost for each option, including the additional rates required of each ratepayer. The very difficult issue that was faced at Albury was how to bear the costs of internalising the impact of sewage treatment. We realise that the impacts on the Murray River are highly externalised to other communities downstream from Albury, particularly in South Australia. It is something of which we are always conscious.

The responsibility of local communities to establish environmental values for their water resources needs to be well publicised and understood, and that is exactly what the Albury City Council has done. It has gone out of its way to spell out the options that face the people of that city and surrounding districts. It is most important that scientific and technical managers, as well as Governments, accept that genuine community involvement requires the establishment of a partnership between themselves and their community. Again, this has been expressed very clearly by the Albury City Council.

People need to understand the problems of water quality, their causes and consequences, possible solutions, costs and cost sharing, and the time frame for action. The type of process that was adopted by the Albury City Council provided grassroots community involvement, which is probably best managed through existing community structures. I have been most impressed with reading and learning more about the process that was adopted by the Albury City Council and the lengths to which it went to ensure that the local community was involved.

I am not sure whether the Government is able to support this motion, but I sincerely hope that it will. A momentous decision has been made and it is one that can only help South Australia. We are all very conscious of the problems that we have in this State regarding water quality and the need to ensure that that quality is maintained or improved, if possible, particularly as far as the Murray River is concerned, recognising that so much of the water that is consumed in this State comes from that important water source.

Tomorrow I will have the opportunity, as will other members of this House, to have a greater input into the debate that involves the workings of the Murray-Darling Commission. I will then have the opportunity to explain a number of issues that are of concern to the commission, to the people of Australia and to this State. I strongly urge members to support this motion because it is timely that we congratulate the Mayor, who had a very significant input in the decision that was made through his casting vote, and his council on what is a very responsible decision.

I hope we are in a position to have the full House commend the decision that has been made by the Albury City Council to proceed with total off-river disposal of its sewage effluent. I urge members to support this motion.

The Hon. D.J. HOPGOOD secured the adjournment of the debate.

STATE TAXES

Adjourned debate on motion of Mr S.J. Baker:

That this House views with concern the impact of State taxation on South Australian business prospects and in particular the pressure being placed on such businesses to move their operations interstate to avoid the highest rates of taxation in Australia being imposed by the Government.

(Continued from 24 March. Page 2593.)

The Hon. J.C. BANNON (Ross Smith): This motion, moved by the Deputy Leader, is part of his ongoing attempt to raise financial issues in this House—a commendable attempt, because financial issues are important and deserve discussion. However, to raise them in such a way is to misrepresent or, in fact, record in an inaccurate way the truth about the State's comparative position and, indeed, our actual position as it affects financial matters. We have seen a number of examples of this and here is another classic.

The motion states that we should be supporting concern about 'the impact of State taxation on South Australian business prospects, in particular, the pressure being placed on such businesses to move their operations interstate to avoid the highest rates of taxation in Australia being imposed by the Government'. One can see immediately the palpable nonsense of the motion. The highest rates of taxation in Australia are not applied by the State Government of South Australia. As with any tax regimen, there are taxes which are higher and there are taxes which are lower. It may be—and I will come to this in a minute—that in one or two instances there are

the highest rates, but there are also rates that are among the lowest.

It is the lack of balance in the honourable member's motion that makes it so totally repugnant. It is a motion of half truth and erroneous conclusion and it does him no credit in suggesting that he is a credible Opposition spokesman in these matters. While at first reading one can clearly see the inappropriateness and inaccuracy of this motion, the fact is that on closer examination of the arguments adduced by the honourable member it is even more laughable, even more hypocritical and even more wrong. Let me go through those arguments in response to this motion.

The honourable member began by telling us all that we have a recession and purporting to talk about bankruptcy and the million unemployed and various other assertions that he made. We all know that Australia is and has been in very difficult economic times indeed. We know that unemployment is unacceptably high. We know that business bankruptcies have been common. However, there was no attempt by the honourable member to analyse that position or to look at the comparative figures. Indeed, if he looked in detail—and he obviously did not want to—at issues such as bankruptcy, unemployment and employment, he would see that in recent months South Australia's position has been improving. That is something one would have thought should be welcomed and applauded. Is that contained in the motion? Certainly not.

He then went on to talk about the Federal budget deficit. Well, again, it is true that in this recessionary and difficult climate the Federal budget is indeed in deficit. That is not something that has been covered up by the Federal Government. Indeed, it was one of those issues argued about in the recent Federal election campaign and the people of Australia had an opportunity to make some comments about it, and they did. They commented by returning with an increased majority the Federal Government that had brought down that deficit budget.

It is only appropriate, in fact, that a budget is in deficit in difficult economic times, because the alternative would be that services would be slashed, that hardship would be spread throughout the country and that unemployment would rise even higher. Government is there to provide basic services; they are most needed in times when the economy is in recession. Therefore, they cost more at a time when the Government's revenue is down.

What the honourable member failed to mention is that the current Federal Labor Government is the first and only Government since the war to have brought in budgets with a surplus. None of the Conservatives, who ran the country from 1949 to 1972 and again from 1975 to 1983, produced a budget that was in surplus. But the Hawke/Keating Government did. The Hawke/Keating Government managed in a way that enabled it to produce that result and store up the reserves that allowed it to address the recession. Simply to proclaim that there is a Federal budget deficit is not in itself in any way supporting this motion because, after all, the motion is aimed at South Australia and its level of taxation.

After this picture painting by the Deputy Leader, he then went on with some specifics. He concentrated, of course, not on the overall picture; he did not tell us that taxes, fees and fines *per capita* in South Australia are lower than in New South Wales, Victoria and Western Australia. Therefore, far from being a high tax State, we are, in the panoply of federation, a low tax State. Those figures are provided very clearly. More interestingly, and most importantly, we are a low tax State with high levels of services, because that is what taxation pays for. Yet, we are able to have these high levels of services recognised by the Grants Commission against that background of low average taxation—the second lowest of the States. That is not a bad record, and one would think that the honourable member would at least have nodded in that direction, but not a bit of it. He would like our taxes down even lower, apparently, without any regard to the consequences of that.

He concentrated particularly on the financial institutions duty (FID) and the bank debits tax. It is certainly true that our levels in this State are higher for FID, in particular, although I notice that in Victoria, Mr Kennett, the Liberal Premier, is announcing some massive increases in those areas.

Let us put that in perspective. South Australia, and indeed I believe the Federal Government, is very keen on what is known as 'harmonisation of taxes' to ensure that there is a general, common and uniform level. The honourable member asserts that because of differing levels we are losing funds to the other States. It should be remembered that FID and BAD, though they affect business, are not specifically business or business directed taxes. They are very broad-based, they are fair and equitable, and they are based around transactions. Are we losing funds to other States? The honourable member produced no evidence whatsoever to support that.

If taxation revenue is down, it is due to the general recessionary state of the economy and not to the bleeding of those funds interstate, on the advice I have from the Commissioner of Taxation and the Treasurer. In fact, it is not worth peoples' while to do that—indeed, if it was worth your while to take your transactions out of South Australia to Queensland, even more worthwhile would it be to take them out of New South Wales into Queensland. Whatever measures may be taken, and there may be some, they are certainly not costing sums of the order that the honourable member suggests, and for which he has no evidence. On the contrary, if we are losing money by that sort of avoidance—$15 million is the figure he uses—how much more would we lose if we actually reduced those taxes? It is a circular argument and again does not support the motion.

Of course, having dealt with those at length, he then very quickly skated over the others. He told us about petrol, and it is true that in the metropolitan area we have a high petrol tax. According to the Deputy Leader, this means that all those interstate hauliers are going to fill up their tanks in other States to avoid our tax in South Australia. He forgets that we also have a very fair zonal system, which means that for country consumers and those involved in long haulage we have the lowest tax of all the States. Why would it be in the interests of a haulier to fill up in another State, across the border, as the Deputy Leader says, when the tax is 4.25 cents in zone 3 in South Australia; 6.86 in New South Wales; 5.28 in Victoria and 5.62 in Western Australia.

Of course, there was a deafening silence in respect of payroll tax. He acknowledged that we have the lowest rate in Australia, but he said that our exemptions are not high enough. The fact is that the average payroll tax paid in South Australia is the lowest of all the States but Queensland. Of course, payroll tax is a direct business tax; in fact, it is the key tax that affects business. We have made sure that we are totally competitive in that area in this State. If the motion was honest it would say not that we had the highest taxes affecting business but in fact we had among the lowest taxes affecting business. On the key determinant of payroll tax we do very well indeed by deliberate Government policy, which has been maintained through this decade and will be right into the next.

Mr S.G. EVANS secured the adjournment of the debate.

ENVIRONMENT POLICY

Adjourned debate on motion of Hon. D.C. Wotton:

That this House welcomes the coordinated and cooperative approach to environmental enhancement and protection which will result from the Coalition's environment policy and looks forward to working with the Federal Coalition in establishing a 'National Commitment to the Environment' with distinct goals and obligations for all levels of government and the community.

(Continued from 24 March. Page 2597.)

Mr S.G. EVANS (Davenport): I move:

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

MURRAY RIVER

Adjourned debate on motion of Hon. D.J. Hopgood:

That this House, recognising that the River Murray is of vital importance to South Australia for water supply, environmental and recreational purposes urges the Minister of Public Infrastructure to make strenuous and urgent representations to the Albury City Council and the Government of New South Wales with a view to the adoption of full, off river disposal of existing and future sewage effluent at Albury.

(Continued from 10 February. Page 1886.)

The Hon. P.B. ARNOLD (Chaffey): As a result of the announcement a week ago by the Mayor of Albury that the council had made a decision that it would move to total off river disposal of Albury's sewage effluent waste material, I really do believe that this motion is a little out of date. It possibly would be better if the member for Baudin was to remove the motion from the Notice Paper given that the Mayor of Albury has undertaken to achieve total off river disposal in that council area.

As I said in the House a week ago, that is a momentous decision of the council in that we all recognise that it is extremely difficult for the Albury City Council to totally dispose of its sewage effluent waste outside of the Murray River—in other words, wood lot disposal and other forms of on land disposal. This comes about because Albury is in a comparatively high rainfall area and also the terrain is very hilly indeed, which makes it much more difficult for Albury to achieve total off river disposal as compared with towns and cities further down the Murray-Darling river system where it is much drier and the country is nowhere near as hilly as it is around Albury.

The importance of this decision is the fact that, if Albury is capable of fronting up to its responsibilities, so is every other town and city in the Murray-Darling Basin. What concerns me greatly now is that one of the remaining chief offenders with respect to sewage effluent disposal into the river system is the city of Canberra, which is the home of the Murray-Darling Basin Commission. It is of great concern to me that the Federal Government has not applied significantly more pressure on the City of Canberra to get its own house in order. I think that the member for Baudin should amend his motion to aim at the City of Canberra.

In the light of the decision that has been taken by the Albury City Council, Canberra has no grounds whatsoever for continuing to allow its excess sewage effluent to finish up in the Murrumbidgee River system, which is happening now. The Murray-Darling system is of importance to South Australia. It provides South Australia not only with its stock, domestic and irrigation water but with a large percentage of its potable water. Much of the City of Adelaide's potable water comes from the Murray-Darling system. The draft report of the Murray-Darling Basin natural resources management strategy, referring to the background of this document, states:

> The Murray-Darling Basin comprises approximately one-seventh of the surface area of Australia and produces about one-third of Australia's total output from rural industries. It supports 25 per cent of the nation's cattle and dairy farms, about 50 per cent of its sheep, lambs and cropland, and almost 75 per cent of its irrigated land. The production derived is valued at some $10 000 million annually.

It is a massive part of the nation's economic base. Of course, not only do we need to maintain that contribution to the economy but we need to expand the contribution that the Murray-Darling Basin makes to the well-being of this nation. As I said, the decision by the Albury City Council is now so much more important. The background statement goes on:

> There is widespread community and Government concern at the extent of land degradation, deteriorating water quality, rising groundwater and loss of native flora and fauna throughout the basin. Current estimates place losses due to land degradation in cropping and irrigation areas in excess of $220 million per annum. In addition, there are losses to grazing land from pest plants of over $40 million per annum, losses due to poor water quality and unquantifiable losses due to further degradation of the environment. Added to this concern is the knowledge that much of this degradation is irreversible or, at best, expensive to rehabilitate.

I believe that we in South Australia should be taking a bipartisan stand on this matter. I am a member of a committee that operates in Victoria, New South Wales, South Australia and the Commonwealth. It is made up of members of Parliament from the three States and the Commonwealth. Its sole purpose is to try to bring some form of uniformity into the approach by the three State Parliaments and the Commonwealth Parliament towards

resolving the pollution problems of the Murray-Darling Basin. I believe that we are having some effect on encouraging our various Governments, whether Liberal or Labor, to go down the one path and worry not about which Party is in Government but about the long-term best interests of the nation.

As I said earlier, I believe this motion was put down in good faith by the member for Baudin. However, events have overtaken it. I believe that the motion should be withdrawn and serious consideration should be given to the motion that was moved earlier this afternoon by the member for Heysen congratulating the Mayor and the Albury City Council on having passed a motion one week ago which officially locks the Albury City Council into removing all of its effluent waste material from the Murray River system. I oppose the motion moved by the member for Baudin. I hope that all members will support the motion moved by the member for Heysen.

Mr HOLLOWAY secured the adjournment of the debate.

PRESS GALLERY

Adjourned debate on motion of Hon. Jennifer Cashmore:

That, recognising the power and influence of the media, this House—

(a) supports the principle that journalists who report parliamentary proceedings are an integral part of the democratic process; and

(b) requests the Standing Orders Committee to consider establishing a formal procedure for accreditation of journalists and to consider whether those holding permanent passes, as press, radio or television journalists, accredited by the Speaker to cover the proceedings of Parliament, should be required to complete returns for a register of interest in a similar form to that prescribed for members of Parliament, such register to be held by the Clerk of the House for inspection by members of Parliament only and not by any other person.

(Continued from 3 March. Page 2252.)

The Hon. B.C. EASTICK (Light): Private members' time over the years has provided a number of very interesting and sometimes controversial issues for debate. This is one of those issues which, in the minds of some, can be controversial, certainly interesting and most certainly requires attention. As to whether it is or can be properly addressed in the motion, without any sense of denigration of what my colleague the member for Coles has put forward, is an area of some contention. I believe there is growing public concern—and not only in Australia—relative to this specific issue. I refer to two public announcements in recent times which draw attention to this fact. In the October issue of the *CPA News,* which all members receive, No. 151, at page 3, under the heading 'Symposium on Democracy, Quebec', which was held in Quebec City from 8 to 13 September 1992, we find the meeting was addressed by a number of people. The report states:

Of particular interest was the call made by the noted correspondent, Mr Pierre Salinger, for an international conference of senior journalists to consider and adopt a code of ethics for the media. He received much support for his view that, since a free press was essential for democracy, the media itself had a responsibility to maintain the highest possible standards. Activities which downgraded the press (and other media) in the eyes of the public also devalued and weakened the ability of the press to monitor and safeguard democracy.

In the *Australian* of 29 March, at page 11, an article by Sam Lipski, 'Who will watch the media now?', raises a number of very interesting aspects of this whole issue. The Lipski report is based in some measure on defamation law and the actions that have been taken over a long period of time by the various Attorneys-General and, indeed, I believe from a reference from the Premiers Conference, to see whether it is possible to get a combined and uniform approach to the issue of defamation. In this article, we find statements such as the following:

Consider only one issue: the difference between the public interest and what the media may believe, or can even prove, interests the public. The two notions are not the same and much news, probably most news, even in the serious press, has little or no public interest dimension. It could hardly be otherwise. The problem is that, for much of the time, journalists blur the distinctions, defending one activity by reference to the other.

Members in this goldfish bowl would certainly be aware of the number of occasions on which they have been vilified, questioned, been subjected to improper imputation or had their private life highlighted in terms of an argument relative to superannuation or salary, a great deal of which had no relationship whatsoever to fact yet was put out as a statement of absolute gospel. Those inside the goldfish bowl, who are recipients of the official documents relative to their own position, just shake their head and walk away.

Not infrequently an action is taken by the media to sell newspapers or to belittle members of Parliament or people in other walks of life, if that happens to be the flavour of the month or flavour of the day. We know full well that the facts put forward as gospel are not necessarily 100 per cent correct.. But I do not want to dwell on that any more at this juncture. I want to pick up another point that was made in the Lipski document, which states:

Indeed, the argument in some media circles goes further. A free media, it is said, are themselves the ultimate guarantors against any excesses of a free media, certainly better than Governments and Parliaments, and probably better than the courts, press councils, ombudsmen or other independent watchdogs. They are right about Governments, but as for the other watchdogs, few journalists, who are often the first to insist that everybody else be subject to independent review and who tend to regard most claims for self regulation with scepticism, seem to grasp the inconsistency.

We recognise that there is a journalists code of ethics and that from time to time the Australian Journalists Association brings members of the press before it to answer certain disputes relative to where they fit with that journalists code of ethics but, unfortunately, not on every occasion is the opportunity given, even when the journalist has been found wrong in fact, to correct the position for the person who has been belittled. In fact, if

an apology or statement is made, it is hidden away in back pages and bears no relationship to a decent size headline such as the original statement was afforded, its having left a perception that is totally foreign to the real facts of life. Finally, this same article states:

In ruling on the defence of public interest, however, Justice Badgery-Parker noted that the expression 'public interest' could not be exclusively defined.

He went on to cite detail that can be found in the 1985 case of *Barbaro v Amalgamated Television Services Proprietary Limited.* I commend the article and that in the *CPA News* to all members. Coming back, in the few moments left, to the proposition put forward by my colleague the member for Coles, I pick up two or three points. The honourable member says that such a motion is unprecedented in Australian politics. In this form, I believe that is so, therefore she is to be commended for once again bringing to the attention of the parliamentary system a matter that needs debate. She then went on to say:

It is as much a part of the Parliament as the *Hansard,* Strangers' and Speaker's Galleries. Its presence denotes the value and importance that a democratically elected Parliament places on accurate, frequent and fair communication of its decisions to the public.

That is not what we get in the local media. One could take the *London Times* and say that it is possible to read, even though it be in only a single sentence or two, a comment about every contribution that is made to the debate by the members of Parliament. There is an attempt to give an element of balance; there is no scandalising, as we often find in relation to this place. The honourable member continues:

The rights of the people are not preserved unless the populace is fully aware of what is happening in the Parliament.

I suggest that we do not know precisely what is happening in the Parliament because of space and because of the garbled way in which a good story is frequently turned around by subediting. The proposition that my colleague brings forward at this time is in relation to journalists who are in the precincts of Parliament, but it does nothing to put any restraint upon those people who are subsequently in the production line and might be more of a mischief to the end result than are the reporters.

I commend my colleague for having brought forward this motion. I point out those two or three differences that need further attention and hope that the debate will continue into the future.

Mr HOLLOWAY secured the adjournment of the debate.

HARDY'S BLOCK

Adjourned debate on motion of Mr Matthew:

That this House instructs the Minister of Environment and Land Management not to proceed with the private sale of land known as 'Hardy's block' on The Esplanade at Seacliff and owned by the Coast Protection Board.

(Continued from 25 November. Page 1698.)

The Hon. D.J. HOPGOOD (Baudin): I oppose the motion. The background to this has been fairly adequately described by the honourable member who introduced the motion to the House. The land was purchased jointly by the city of Brighton and the board for public car parking. However, for various reasons, it has never been developed and is simply being used as overflow parking for the yacht club during peak times. It is a valuable asset and in these days, of course, there is some pressure on public instrumentalities to ensure that valuable assets are put to the best possible use. The Coast Protection Board has examined this matter on a number of occasions. It sought to get a valuation on the land. It sought to keep the city of Brighton fully informed on the matter and also to discuss the matter with the club.

Finally, as I understand, earlier this year the Coast Protection Board determined to recommend to the Minister that the land should be offered for sale so that the funds could be made available to purchase coastal land of high conservation status around the State. It is certainly true to say that, if this were land of high conservation status, I would be one of the first to suggest that it should be maintained in its present ownership because, for heaven's sake, we know enough about what has happened to the coastal dunes along the Adelaide foreshore in this century and before.

One need only dig up some old photographs of the area around Henley Beach or Brighton to see what the dune systems looked like in, say, 1910 or 1890 to compare with what we have now when so many of those dunes have been built over and the sand resource sterilised. But we are not talking about land of that conservation status at all at this stage. Given that there is a necessity for land of higher conservation status to be purchased, there is an opportunity here to turn this land into some funds which can be so used. So, the Coast Protection Board resolved at its February meeting that it seek the ratification of the Minister of Environment and Land Management to offer for sale lot 93, hundred of Noarlunga; that it provide the city of Brighton the first right of refusal on the purchase, and that should be at the Valuer-General's valuation; and that it sell land to undertake the provision of alternative parking and purchase of high conservation value coastal land.

That is really the nub of it. If the House of Assembly feels that this land is of considerably higher value than that which is available for purchase and, therefore, preservation around the State, I do not have a leg to stand on and will support the honourable member. On the other hand, if it feels that it is not unreasonable that we should look at liquidating this asset, dubious as it is from the point of view of conservation, in order to provide a fund for other purchases, the House will want to support what I am saying.

I will speak very briefly to the conservation status of the land, because this is really the key to the whole thing. It is a large block that abuts the esplanade road and goes a considerable way up to the cliffs at the rear. The forward portion of the block is reasonably level and does contain some dune sand but not a dune as such. The land would have formed part of the original dune system which stretched along the metropolitan coastline. However, the land has obviously been severely modified

since settlement, and in no way can it be said to be significant when compared with remnant dunes such as those at Minda, the West Beach Trust and West Lakes. Certainly, the Coastal Management Branch considers that the land has no conservation status. As for the demands for parking, that is something which varies during the year. For most of the year, there is very little demand for parking in the area. At times there may be a considerable demand for parking if a carnival is being held. The board feels that that can be accommodated elsewhere nearby.

As for the taking of a survey at this stage, there are many problems about that because, since what is in the mind of the board is already well known, it would be fairly easy for somebody with a reasonable degree of organising skill to get some sort of manufactured result from such a survey. The best we can do is to go on the anecdotal evidence that we have from what has happened in that area over recent years. Of course, I had the parliamentary responsibility for the area many years ago, and I remember the club very well. I have been there. I recall the activities of the Seacliff Surf Lifesaving Club and I recall the road structure in the area. On balance, I would come down in favour of the recommendation which the board has made to the Minister, and I would urge the Parliament to support us in that respect.

The Hon. B.C. EASTICK (Light): I rise but briefly to make comment relative to this block, being one upon which I slept on a number of occasions as a youth—not directly on the coastal dunes but in a shack which was built on those dunes at a time when it was common for shacks, which were occupied during holiday periods in particular, to appear along many areas of Adelaide's 15 mile coastal stretch. The area is closely associated with the zigzag which comes down from above, and the major houses on top of the zigzag in those earlier years were owned by the Hardy family of wine fame, with the matriarch Eileen, and others who had property along there were the Hazelgroves, who are also directly associated with the wine industry.

The area was poorly developed in those days, having large numbers of boxthorns and some debris which seemed to stray into beaches when Seacliff was not quite the development that it is today—certainly long before the esplanade was constructed south of what used to be the Astoria on the corner of the main Wheatland Road. I mention this because it was on that stretch of beach and in that shack that I spent some of the evenings directly associated with the 11 consecutive days of over century heat in 1939. The family would move down to a premises in Marine Parade, immediately behind the Hardy family, for Christmas holidays. It was a very enjoyable site and one which has much history directly associated with that area.

I raise these matters because I would accept that, given the type of development that has taken place since, including the caravan park to the south and that which has taken place at Kingston Park—which is very different to the days I have referred to, my parents having lived at Kingston Park for a number of years, being some of the pioneers after the Second World War, relative to the very few houses that existed in that area—it brings back happy memories. I am pleased to associate myself with the proposition, but I would have to say that, given the type of development that is taking place at the moment, I come down much on the same side as my colleague the member for Baudin rather than saying it is absolutely critical to retain that land for the purposes that my colleague the member for Bright rightly draws to the attention of this House.

Mr MATTHEW (Bright): The member for Baudin indicated that valuable assets should be put to the best possible use. Certainly, I would be one of the last people to dispute such a statement. However, I would contend that the use to which this piece of land is being put at present is indeed ensuring that a State asset be put to the best possible use. We are talking about a section of land on the esplanade at Seacliff, and we are talking about the need to ensure, first, that the public are able to gain easy access to our foreshore and, in so doing, have entry to an area in which they can leave their vehicles and from which they can conveniently access that foreshore and, secondly, that a last remnant of sand dune be retained, albeit not in its original form.

I agree with the comments of the member for Baudin and my colleague the member for Light that this area of land would certainly not be high on the priority list in terms of conservation value. It is fair to say that man has modified it extensively over the years. However, it still forms a remnant part of our sand dune system. As we investigate further ways of rehabilitating the dune system that once occupied our foreshore, as governments of both local and State persuasion build various forms of devices to encourage the rebuilding of dunes, I contend that the day may arrive when that land could once again be used for that purpose. It is for that reason that that land has never been bituminised but left in its natural form, or the natural form that it now has after some slight modification, in order that it may perhaps one day be used for another purpose.

I am further concerned that the sale of this land, therefore, could be a short-sighted move without recognising the possibilities for the future. I also put on the record that the sale of this land would be the sale of another asset of that section of the City of Adelaide, for indeed the people of the Brighton and surrounding areas have recently found that the Brighton Pre-School Centre is about to be sold off; they have found that the Marino Kindergarten is about to be sold off and used for other purposes; they have found that the Brighton and Mawson High Schools are about to be amalgamated; and the possibility is distinctly high that the Mawson High School site will ultimately be sold off.

Now we are looking at the selling off of the Hardy's block and the money raised from the sale of that land—in the words of the Coast Protection Board—being used in another area. That is continuing a process that I, as the local member, find completely unacceptable: that State assets belonging to the people should be sold off and utilised elsewhere. I suggest that that 'elsewhere' could simply be to fund the ailing coffers of the current Government and to cover the costs of further mismanagement. The Minister may care to take issue with that, but I put to the Minister that a $3.15 billion loss made by the State Bank is a significant one. The Government has made it quite clear that it needs to

reduce that debt in some way, shape or form, and the sale of State assets is some way of doing that. The sale of this particular asset would be short-sighted and one which I believe the State and certainly the people of the local area would regret in the future. It is for that reason that I commend this motion to the House.

Motion negatived.

COUNTRY FIRE SERVICE

Adjourned debate on motion of Mr Quirke:

That this House notes that on 16 February 10 years have elapsed since the second of the Ash Wednesday bushfires and further notes that the disaster suffered by this State on that occasion was measured in severe loss of property and, above all else, lives; this House commends the gallantry of all the firefighters, both regular and irregular, who risked their lives in the service of South Australia; moreover the House particularly notes the suffering of those injured that day and the grief of families in which life was lost.

(Continued from 10 February. Page 1888.)

The Hon. B.C. EASTICK (Light): I commend the member for Playford for bringing this motion to the House. It is appropriate that the community generally, and certainly the Parliament, recalls the valour and the dedication shown by so many people in the community, particularly those who provide voluntary service for the Country Fire Service.

The date referred to in the motion is also indelible in my mind because, two weeks later to the day, there was a massive flood in the Barossa Valley area which created a great deal of havoc for people downstream on the North Para River, washing away caravans from the caravan park and doing inestimable damage in that area. Prior to reaching as far as Gawler, in the wee small hours of the morning, it entered a number of houses in the township of Nuriootpa itself.

Both water and fire are great servants but very difficult masters, and from time to time they become masters of the human race. This is just such a case. I understand the importance of recalling these measures in relation to the current Country Fire Service equipment program and order of command arising from a great number of the difficulties associated with Ash Wednesday.

The Public Accounts Committee of this Parliament and also the Coroner drew attention to issues that were not being adequately addressed. As a result of the coronial and Public Accounts Committee inquiries, a number of changes were directed to the attention of the Government. I congratulate the Government for having picked up those directions and playing a significant part in providing capital funds to the Country Fire Service, such that in the State of South Australia at the moment we are in a far better position to overcome some of the great distress which fire can cause.

Fire trucks for the Country Fire Service, like those for the Metropolitan Fire Service and ambulances for the ambulance service, are items that we hope will never be used for the purpose for which they were acquired, but the reality of life is that from time to time the services of each of those three units will be required, and it behoves the community to recognise that and be responsible in making available at least some of the funds available to the Government of the day to have those safeguards in place.

I am reminded, however, that for reasons which almost defy recognition, a number of people who were disadvantaged in the Ash Wednesday fires still have not received the compensation to which they are due. I know the number is getting less, but there are a number of outstanding claims, not the least of which relate to covenant holders of the SAPFOR forests in the South-East, where there has been an element of acceptance by ETSA that it may have been responsible—and I say no more than that—having made a sum of money available for the compensation of those people as covenant holders. I personally acknowledge my involvement in covenants in the damage that was done. The money is still tied up in trust funds and has not been distributed to those people.

The Hon. H. Allison: It is 10 years.

The Hon. B.C. EASTICK: Yes. Those are the sorts of issues which invariably result. I believe that, as welcome as has been the Government's attention to fire prevention and changes to the Country Fires Act, which now allow for local government and fire units to have a better appreciation of what is required in the event of damage sustained in the future, it is nonetheless necessary that we remain ever vigilant. On this occasion, the member for Playford has kept before us the need to be ever vigilant in such matters. I do not believe that there would be any members on either side of the House who would not want to address themselves to the eventual vote taken on this measure.

In raising this matter, the honourable member draws attention in particular to the gallantry of all the frefighters and the remembrance of those people who lost their lives. There have been other occasions when people have lost their lives in situations such as this. I can remember as a younger person a major fire in the Adelaide Hills when six policemen lost their lives in a gully—I think it was Horsnell's Gully, if memory serves me correctly—when they went in to perform a task. The nature of the day, the swirl and the gust of the winds, created great problems for them and they perished through being where they were. Indeed, they were where they were for the benefit of members of the community of South Australia. It is quite important that we never forget the preparedness of the volunteers to go into such situations on behalf of other members of the community and mankind in general.

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

The Hon. B.C. EASTICK: I have indicated the Opposition's support for this motion and drawn attention to the matter of injuries. They are not always visible physical injuries sustained in the form of burns and even deformity: there is the horror of the occasion, with evidence to suggest that a large number of people who were subjected to what could rightly be termed the holocaust of the Ash Wednesday bushfires have had indelibly imprinted in their mind the tragedy they suffered through the loss of loved ones or the loss of their homes and their private effects. Some things can never be replaced. Even if the house, the motor car or

other items can be replaced, the photographs, the diaries, the personal gifts directly associated with weddings, birthdays and the like, including jewellery, are all things that cannot be returned.

I recall that connected with the Ash Wednesday fires there was a major problem at Clare also, and a magnificent old building, Wolta Wolta, was burnt as a result of ash blowing up into the eaves of the old house, setting fire to the sparrow nests in the eaves, and away went the house. Mr John Hope, almost 80 years old, put all his effort into having that place rebuilt in almost identical form to its original state. He sought to install replica or similar furniture in the house, but he was never able to replace the trophies that the family had won at agricultural shows and elsewhere over a long period. I noticed many of those trophies as melted down metal, silver and the like, which were among the ash from that building. They are the things that cannot be replaced.

Whilst acknowledging the sincerity with which the member for Playford moved this motion, one can only say, 'There but for the grace of God went I.' We sincerely support the motion also.

S.G. EVANS (Davenport): I support the motion. I think the honourable member should be commended for raising such an issue 10 years after such a disastrous occurrence. In speaking of the volunteers, whether they be firemen or others who became firefighters on the day, we need to look at the community attitudes. I have seen many of the fires—all since 1939—and was young enough as a boy to know of the 1944 fire, which I think would have been more serious than all of them if the area had been developed to the extent it was in the 1980s.

I suffered having to be sent home from school during some fires, and I suffered fighting others—in 1939, as a boy of nine, having to keep putting out spot fires in a paddock. I suffered more so in the mid-1950s—the Sunday fire that put me in hospital. However, I suffered more through the attitudes of a section of society towards the 1980 fire. Certain people set out to say that I was involved as a shareholder or part owner of a business.

I raise this tonight because I am given that opportunity by this motion. If those people happen to read *Hansard*—those people who wrote the letters, those who made the threats against me or members of my immediate family, or those who have made the telephone calls on an ongoing basis for two years—I want them to know that either I know them or I remember them, as do others who received similar calls.

In recognising the service given by firefighters and volunteers, as the member for Playford has done in moving this motion, I want to tell the House what the differences were during the earlier fires, where they were started quite obviously through a fault on the South Australian Railways engines, with sparks from brakes, or from improper barbecues in Belair Recreation Park (National Park, as it was then known) or other activities involving public authorities. Society at that time took the attitude, 'We will have an appeal and help each other try to re-establish.'

My next door neighbour in 1957, an elderly lady, Mrs Williams, who was taken to hospital, said at the time, 'I don't want to leave my home; it's going to burn.' When we went to see her in hospital she said, 'You don't have to tell me, my house is gone. The only thing left is the tank.' She had visualised that, and it was the case. There were many other stories about the fires in 1939. There were people who lost everything, including their life, in some cases. However, there was no vindictiveness in the community—none whatsoever—whether it be towards the SAIL or any other public authorities.

When it came to the 1980s, lawyers and others decided, because I happened to be a politician, to make it a real issue, and they succeeded. Dealing with the early 1980s fire—the first one experienced on Ash Wednesday—I want to record that a person did not accept the legal advice when he was told that he should not try to protect the local council and should let the council carry most of blame. I refer here to my brother, for whom, if he had taken that legal advice, the course of events might have been different.

At that time the council had issued an acquisition order against that family who owned the property in question that was eventually the subject of a court case. It was in the process of compulsorily acquiring it and it operated a dump, as it was at that time, under its direction. More particularly, we had to accept the wisdom of, admittedly, the very intelligent judge who made the comment that someone should be there 24 hours a day. What was overlooked on that occasion was that nowhere in Australia at that time did anyone have that sort of operation at any dump.

One day, maybe on a confession bed, the person who rode a motorcycle with a haversack on their back will come forward and describe how that fire began. The judge's finding—'I do not care if you find the arsonist who lit it, you should have had the proper facilities there 24 hours a day'—set a precedent that has affected the Electricity Trust and those people who own bushland or something similar that has flammable material growing on it. There will be other cases, regardless of the involvement of those close to me or the council. The weather conditions on Ash Wednesday (the second), on the Sunday in the mid 1950s, in 1939 and in 1934 resulted in those natural disasters. The weather conditions were such that it was no different to flood in any way, shape or form because nature took control of the situation. Man may have created it when he built cities which could not handle flood waters properly or the run off water, but nature took control on that day and it will again.

The people who we recognise in this motion—the volunteer, professional or make-shift firefighters—are to be praised. Perhaps I should mention the fire of 1915 when 500 people fought a fire in equally bad conditions in the Hills. The big homes had no water supply to speak of and they fought it with bags, rakes and shovels. It was the same sort of effort from the community. The community rose up and, as I know from my own experience, provided sheets, blankets and furniture and helped rebuild homes with their own hands. One day there will be another large bushfire and the insurance companies will be back to take a big slug from those who are disadvantaged.

It is interesting to note that not many of the traditional people living in those places lost their homes because

they understood what had to be done and information was passed down through the generations relative to what they needed to do to protect themselves. Like my brother who carried a lot of the flak at the time, they may have lost a lot of their assets but they did not lose their homes. I commend the member for Light and the member for Playford for what they have said on this issue, but I point out that there is another side to the story and some day it will be written and it will be published. We might find that loss assessors deliberately told people to lodge claims for things they did not have. There were people who decided to exploit the situation and so made fraudulent claims. There were others who lost the lot and made no claim at all, and I admire them.

Mr De LAINE secured the adjournment of the debate.

AUTOMOTIVE INDUSTRY

Adjourned debate on motion of Mr Ferguson:

That this House—

(a) supports the motor car industry in South Australia;

(b) views with concern the statement by the Managing Director of Mitsubishi Motors that Mitsubishi would walk away from a $100 million engine plant in South Australia if a Coalition Government imposed its zero tariff policy;

(c) agrees that a zero tariff policy will destroy incentive to invest in the industry;

(d) calls upon all members to support a call to the Coalition leaders to drop this anti development policy and to support the retention of jobs in the industry; and

(e) calls upon the Leader of the Opposition to jointly sign a letter of protest with the Premier.

(Continued from 10 February. Page 1899.)

Mr S.G. EVANS (Davenport): I move:

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

MURRAY-DARLING SYSTEM

Adjourned debate on motion of Hon. D.J. Hopgood:

That this House notes the continuing community concern with the quality of water in the Murray-Darling system, in particular, with the volume of nutrients entering the rivers of the system from agricultural, horticultural, dairying, industrial and domestic activities as evidenced by outbreaks of blue green algae. The House therefore urges the upstream States to follow South Australia's lead in drastically reducing nutrient intake particularly from sewage and asks that South Australia's representatives on the Murray-Darling Ministerial Council draw this motion to the attention of other members of the council.

(Continued from 11 November. Page 1352.)

The Hon. P.B. ARNOLD (Chaffey): Members would know that for 20 years I have been pursuing this issue of the pollution of the Murray-Darling system. It is a problem that is extremely evident in New South Wales and Victoria but also in South Australia. The member for Baudin suggests that we in South Australia are squeaky clean, but in that regard he is really not being honest with himself or with this Chamber. Nothing is more important in this country than coming to grips with the pollution of the Murray-Darling system. It is the greatest natural recurring resource that this country has and, as I said earlier in the day, it contributes something like $10 000 million annually to the economy of this nation. I believe it is somewhat hypocritical for the honourable member to suggest that it is only Victoria and New South Wales that is at fault and that South Australia has really put its own house in order.

We have a long way to go before we put our house in order, and we are, in many instances, just as guilty as the States of Victoria and New South Wales when it comes to allowing pollutants to enter the Murray River. If I was the South Australian Minister representing this State on the Ministerial Council in Canberra, I would find it very difficult to put the wood on the Ministers from Victoria, New South Wales and the Commonwealth when I know perfectly well that there is a great deal that we still have to do in this State.

I will give one or two examples of where we are falling down and where we still have a long way to go to come to grips with this problem. Going back some 10, 15, 20 years ago, when the common effluent schemes were being established throughout the Murray towns in South Australia, the Riverland and the lower reaches of the Murray in this State, the Waikerie council in particular very vigorously opposed the proposal of the Government and the Engineering & Water Supply Department to site the effluent oxidation ponds well on the river instead of back in the dry country, behind Waikerie.

At the insistence and direction of the Engineering & Water Supply Department, the oxidation ponds taking the common effluent away from the septic tank system in Waikerie had to be built on the flood plains of the Murray. Those oxidation ponds are still there— Every time there is a high river they are inundated by the rising waters and all the effluent in those ponds is flushed down the rest of the river system in South Australia where undoubtedly part of it is picked up in the pump systems, whether it be the Morgan-Whyalla system or the Murray Bridge-Mannum system pumping to metropolitan Adelaide.

The Waikerie council has vigorously been trying to gain the support of the State Government to provide some of the funds required to shift those oxidation ponds from the flood plains of the Murray, but without any joy whatsoever. The Government, after directing that the oxidation ponds be built on the flood plains of the Murray, is now requiring the Waikerie council to remove them and put them where the council wanted them in the first place. Having expended all those moneys on establishing the oxidation ponds on the flood plains, the council is now confronted with the same expenditure again, at the direction of the Government, in order to put them where the council originally wanted them. However, there are no financial resources coming from the State Government to assist the Waikerie council.

That is a perfect example of what I have been saying. We have not yet put our own house in order. Until we do that, we shall not be in a position to go to the Ministerial Council in Canberra and say to the Ministers

from Victoria, New South Wales and the Commonwealth, 'We are doing a magnificent job, we are squeaky clean, our house is in order, and it is time that you lifted your game because we have a long way to go.' That relates to nutrients from sewage effluent and common effluent schemes entering the Murray in this State.

We will not come to grips with nutrients entering the river system until such time as we effectively carry out the rehabilitation of the irrigation distribution systems in South Australia and encourage and make it possible for irrigators to finance and put in place improved irrigation practices. Unless we have improved irrigation practices in place, we have inefficient irrigation which creates drainage problems, and any drainage problems and high water tables that are created by inefficient irrigation ultimately find their way back to the river. Of course, we are critical of Victoria and New South Wales for the same thing.

There are numerous examples in South Australia, and we still have a long way to go before we can stand back and say that we are clean and that Victoria and New South Wales are the culprits. We know that a great deal of the nutrient load is coming from Victoria and New South Wales, but a significant amount is also coming into the river system in South Australia, particularly salinity, partly as a result of the inefficient irrigation system. While I appreciate what the member for Baudin is seeking to achieve, I think that he should include all of us in his motion and not direct it at the eastern States.

The irrigation systems in this State need to be upgraded dramatically. One of the problems is that the growers do not have the financial backing with which to do it, and the rehabilitation of the Government's irrigation areas is still only half completed. Most of the private irrigation undertakings have been rehabilitated, but the Government irrigation areas in this State still have a long way to go before efficient irrigation practices can be carried out.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

CHILD-CARE

Adjourned debate on motion of Hon. D.C. Wotton:

That this House notes the report 'Caring for sick children—how working mothers cope' prepared by the Children's Services Office Consultative Committee, South Australia, for the National Women's Consultative Council from information gathered and subsequently analysed from a South Australian phone-in in which 445 working parents participated.

(Continued from 11 November. Page 1356.)

The Hon. T.H. HEMMINGS (Napier): I have no problem about supporting this motion. As the member for Heysen said, some of the instances of how working mothers cope when they have sick children are quite disturbing. I should like to think that now that that report has been prepared urgent steps will be taken so that working mothers who face this problem will not have to resort to untruths in order to receive the benefits that otherwise they would not receive if they told the truth. We should also congratulate the Children's Services Office on the way that it has supported and encouraged the phone-in which has become the basis of the report.

Looking at the motion and having said what I have said, I suppose I could conveniently sit down, because basically that is all that the motion says. What the motion does not say and what the member for Heysen did not say is the stark difference between the Party that he represents and the Party that I represent in the business of child-care and the services which are available to people who, for reasons sometimes of necessity, have to go out into the work force.

I think it is fair to say that prior to 1980 the Liberal Party did not even know what child-care was all about. Child-care, to the Liberal Party, was having nannies to look after children while mummy and daddy went out into the business world or having very expensive kindergartens which, in effect, were seen as a child-minding service. The Federal Labor Government embarked upon extensive child-care programs which encompassed the whole of this country and became the envy of most western developed countries because those programs were put in areas of real need. Indeed, it still brings tears to my eyes when I remember the plea that you, Sir, as an individual member of this State Parliament, put forward year after year for an equivalent child-care centre to be put in your electorate so that your constituents could have the benefit of it.

I also remember when, at long last, the Federal Minister and the State Minister, after eventually recognising the need of the constituents of Henley Beach, cut a birthday cake in recognition not only of your reaching a milestone in your life, Mr Deputy Speaker, but of the people of Henley Beach having a child-care centre. But I digress. That child-care program went right across the country in areas of real need, providing ordinary people with a service that had been otherwise denied them, and at the same time the Federal Liberal Party and its minions operating at the different State levels were pouring scorn on that program, stating that it was a waste of money and that it was a contributing factor to the downfall of the family unit, and so on. You have heard it, Sir, and I have heard it, and there it was until this last election. Suddenly, the Federal Labor Party was being criticised by the Liberal Party for not maintaining our child-care program. The *Advertiser* was telling us that we had not provided the so many million places that we had set out to provide in the early 1980s.

Then, suddenly, overnight the Liberal Party introduced its own child-care program—not the bricks and mortar to provide new facilities but that one thing that only the Liberal Party knows how to talk about, and that is money. That was the lure, the bribe, to get people to vote for it. If people were on a certain income and if they wanted to put little Johnny or Joanie into a child-care centre, regardless of whether that child-care centre was in an area of acute need, but if it was an area where there was a good chance that the Liberal Party could get a few votes in the upcoming Federal election, an incentive of $32 to $40 a week was held out to those people if they voted Liberal; they would get that in their purse or in their wallet for child-care.

And surprise, surprise, the motion of the member for Heysen picks up that promise. I am not saying that the

member for Heysen does not care about working mothers or sick children; I am not saying that the member for Heysen does not actually care whether or not there are child-care centres in this country; but it does strike me as slightly hypocritical that a political Party that could not even spell the word 'child-care' 10 short years ago is now suddenly moving motions such as this. At the last Federal election, the Liberal Party was talking about how its child-care program would be better than the Labor Party's program. No wonder the electorate rejected the Liberals in that regard.

I would like to see some consistency so that, at the next Federal or State election, the Liberal Party will put before the people of South Australia and Australia a comprehensive child-care policy. I very much doubt that it will. In fact, I very much doubt whether the member for Heysen, given his memory, will even remember putting a motion such as this before the House. Having said that, I support the notion of the report with a fair degree of sincerity, and I sincerely hope that the Liberal Party does not just leave it there: I hope that, when it does formulate its child-care policy for the next State election, it at least listens to the member for Heysen and has something substantial to put before the people of South Australia.

Motion carried.

INDUSTRIAL RELATIONS

Adjourned debate on motion of Mr Quirke:

That this House notes the industrial relations policies of the Liberal Party at the Federal level and, in particular, the policies of the Kennett Government in Victoria and also notes the Opposition in South Australia has promised to support similar anti-worker, anti-union measures aimed at undermining decent standards of living for all South Australian wage and salary earners.

(Continued from 11 November. Page 1367.)

The Hon. T.H. HEMMINGS (Napier): One could argue that this motion is no longer valid because, as a result of 13 March, the Federal Liberal Party does not even have an industrial policy. I have been waiting patiently to see, as a result of its two day meeting, whether its industrial policy has gone the same way as its goods and services tax, but we have yet to find out. One thing that does worry me is that the Kennett Government's industrial policy is still very much alive and well. When one looks at the latest results of the Kennett Government's industrial policy, one sees that about 17 000 people are facing the sack. Of those 17 000, about 62 per cent are public servants.

As a result of that, the member for Bragg, who is the industrial spokesman for that rabble over there, has yet to introduce a policy or even give some inkling of the industrial policy of the Liberal Party in this State. Each week the member for Bragg is asked by journalists, employers or unions what the Liberal Party's industrial policy is. And each week he pushes it back further and further, because those members opposite see a lot of merit, as Kennett did. If you give as little as you can to the electorate, you have every chance of producing the real draconian measures once you are elected. That is the path they are going down.

There is a real problem with industrial relations. I urge members opposite, especially the member for Custance—who has shown more potential than most others opposite in the short time he has been here—to stand up and tell the people whom he represents out there in the country, and also the people whom I represent in the city, exactly what its industrial relations policies are because, until that occurs, the Liberal Party stands condemned.

The ACTING SPEAKER (Mr De Laine): Order! The honourable member's time has expired.

Mr BLACKER secured the adjournment of the debate.

GOODS AND SERVICES TAX

Adjourned debate on motion of Mr Ferguson:

That this House notes the concerns of the leaders of Australia's churches that the goods and services tax will discriminate against the disadvantaged in our society.

(Continued from 21 October. Page 975.)

Mr S.G. EVANS (Davenport): I have been informed by the member for Henley Beach that it is not his desire to continue with this motion. With his permission and with the leave of the House, I move:

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

TARIFF REDUCTIONS

Adjourned debate on motion of Mr Holloway:

That this House calls for a moratorium on tariff reductions particularly for the motor vehicle and textile, clothing and footwear industries, until the national economy has recovered and it can be demonstrated that those industries are in a position to withstand any such reductions.

(Continued from 28 October. Page 1142.)

Mr BLACKER (Flinders): On 26 August last year the member for Mitchell moved this motion. At the time, I secured the adjournment of the debate because it was clear that the member for Mitchell was trying to set up a public debate with a view to getting some Federal election advantage out of it. I was keen to take part in the debate at that time because it was necessary that we should draw a parallel between the ALP policies on tariff reductions and those of the Coalition at that time.

The member for Mitchell made some interesting points; he said '...moratorium on tariff reductions, particularly for... industries, until the national economy has recovered ...' That, of course, was making the debate open ended because, until such time as the economy had recovered, obviously, he wanted the *status quo* to remain. I guess that many of us would be of that view: it would be rather pointless, if the economy had not recovered, to set about wiping out many of our industries. I guess what the honourable member was trying to do was to play down or play up the statement

that had been made that it was alleged that the Coalition was advocating a zero tariff policy. That was not in the Fightback package. It had never been mentioned in the Fightback package. Zero tariffs had never been mentioned in the Fightback package.

What was stated was that there should be negligible tariffs by the turn of the century. Unfortunately, a couple of the Liberal members, when the words 'zero tariff' were put to them by a journalist, did not correct those statements, and that became the talking point for the period, hence the emotive debate that we had. What should have been said at that time was that the Australian Labor Party's policy on tariff reduction was far more severe than was the proposed policy of the Coalition, and it was happening at a far faster rate than was proposed by the Coalition. Of course, this meant that the imbalance of the debate would be perpetuated.

The honourable member in his motion refers to the 'moratorium on tariff reductions, particularly for the motor vehicle and textile, clothing and footwear industries', and I guess what he is saying there is that our industries at this stage are not efficient enough to compete on a world market and need to be propped up in the meantime.

We are all hoping that all our industries, whether they be primary, secondary, manufacturing or whatever, are brought into the twentieth century and, hopefully, soon the twenty-first century in an efficient manner and that they will be able to compete to a large degree. I point out that some industries of a manufacturing kind operating within this State are very efficient and are of world class. Regrettably, that is only a minority of those industries, but we should be striving to ensure that they get there.

The point I noted in the honourable member's motion, 'until the national economy has recovered', is the debatable point. How long do we have to wait until the economy has recovered and how far does that recovery need to get down the track before these industries are able to stand on their own two feet? I guess that many of us would readily agree that all our manufacturing industries, particularly those with high labour input, will require some assistance and may never get to the stage where all assistance can be totally withdrawn.

Idealistically, we would like to think that that was a possibility, but most of us would acknowledge that, within our parliamentary lifetime, anyway, it is probably unlikely that we would see such a situation. The honourable member's motion basically answers itself, because he is saying that the moratorium on tariffs should be there until the economy has recovered and it can be demonstrated that those industries are in a position to withstand any such reductions. That was the thrust of the Opposition's policies in terms of tariff reductions: as and when the industries could absorb those reductions and work within their respective industry, so those reductions should take place.

The motion answers itself in many of the statements it has made. The honourable member is suggesting—and this has been suggested by many parliamentarians at Federal level—that we are looking for a level playing ground. Let us face facts: you cannot go snow skiing on a level playing ground. Therefore, some adjustment has to take place. I trust that this debate is ongoing. It needs to be kept going and perhaps brought on year by year so that the tariff issue is properly addressed and the reductions take place as soon as it is possible for those industries to absorb such reductions.

Mr S.G. EVANS secured the adjournment of the debate.

SUPERANNUATION (VISITING MEDICAL OFFICERS) BILL

The Hon. R.J. GREGORY Minister of Labour Relations and Occupational Health and Safety) obtained leave and introduced a Bill for an Act to make certain provisions relating to superannuation for visiting medical officers; and for other purposes. Read a first time.

The Hon. R.J. GREGORY: 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 purpose of this Bill is to restructure the superannuation arrangements for visiting medical officers (VMO's) employed in hospitals incorporated under the *Health Commission Act,* so that the requirements of the Commonwealth's Superannuation Guarantee Charge (SGC) legislation are satisfied.

The total salary rate paid to VMO's includes a 10 per cent loading for superannuation but at present 76 per cent of VMO's take this superannuation loading as cash in hand.

In terms of the SGC legislation, the employer, that is the hospital in this case, is required to pay the employer superannuation contribution directly into a scheme.

Accordingly, this Bill provides that in order to satisfy the SGC legislation, VMO's will now have to be a member of either the VMO Superannuation Fund or the main state Superannuation Scheme. The VMO Superannuation Fund was established in 1983 by the South Australian Salaried Medical Officers Association, and currently a little under 24 per cent of VMO's are members of the scheme.

The Bill also provides for the total salary rates to be reduced by 10 per cent to reflect the fact that the already included employer financed superannuation component will be directed to either the VMO scheme or to Treasury to meet the cost of the accruing liability for benefits under the state scheme.

The South Australian Salaried Medical Officers Association supports the Bill.

The provisions of the Bill are as follows:

Clause 1: Short title is formal.

Clause 2: Commencement

Clause 2 provides that the Act will have retrospective operation from 1 April 1993.

Clause 3: Interpretation

Clause 3 provides for the interpretation of terms used in the Bill.

Clause 4: Membership of the VMO Fund

Clause 4 provides that visiting medical officers are members of the S.A.H.C. Visiting Medical Officers Superannuation Fund.

Clause 5: Reduction of salary

Clause 5 provides for the reduction of salary paid to visiting medical officers.

Clause 6: Membership of the State Scheme

Clause 6 enables a member of the VMO Fund to apply for membership of the State Scheme.

Mr S.G. EVANS secured the adjournment of the debate.

LOCAL GOVERNMENT (VOTING AT MEETINGS) AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations) obtained leave and introduced a Bill for an Act to amend the Local Government Act 1934. Read a first time.

The Hon. G.J. CRAFTER: 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.

This Bill seeks to amend Section 60 (3) of the *Local Government Act 1934* to make it clear that the Mayor or presiding member is excluded for the purpose of calculating the number of votes required to constitute a majority in a Council meeting.

Section 60(3) of the *Local Government Act 1934* currently provides that:

" Subject to this Act, a question arising *for decision at a meeting of a council will be decided by a majority of the votes of the members present at the meeting. "*

Also relevant are s. 60 (4) and s. 60 (5) of the Act. Section 60(4) requires each member present at a Council meeting, unless there is provision to the contrary, to vote on a question arising for decision at a meeting, while s. 60(5) provides that the Mayor or presiding member does not have a deliberative vote but, in the event of an equality of votes, has a casting vote.

The issue at question is whether the Mayor or presiding member must be taken into account when determining the number of votes needed to constitute a majority, despite the fact that he/she does not have deliberative vote.

(This issue does not arise in relation to Councils with Chairs, and not with Mayors, given that s. 60(6) provides that the Chair has a deliberative but not a casting vote.)

There is a difference of legal opinion as to the interpretation of Section 60(3).

The Crown Solicitor's view is that under the current provision, the Mayor or presiding member should be taken into account when determining a majority while the LGA's legal advisers consider that only those members present and able to vote should be included.

The need for clarification of s. 60(3) of the *Local Government Act* has been recognised since mid-1990 when the matter was raised with the then Department of Local Government by the City of Burnside. Following discussions between State Officers, the Local Government Association and others the LGA suggested that the matter be let lie to enable consultation with Councils.

In the latter part of 1991, the LGA surveyed Local Government on the issue and on the basis of responses received from Councils asked that s. 60 (3) be amended to indicate that the Mayor is excluded from the calculation of the number of votes required to constitute a majority in a Council meeting except when the vote is tied and the Mayor exercises a casting vote.

This would reflect the current practice in the majority of Councils with Mayors.

The amendment before this House will make it clear that the Mayor is excluded from the calculation of the majority, except in situations where he/she is exercising a casting vote.

The provisions of the Bill are as follows:

Clause I.: Short title

This clause is formal.

Clause II.: Commencement

This clause provides for the commencement of the measure.

Clause III.: Amendment of s. 60—Procedure at meetings

This clause provides for the enactment of a new subsection (3) of section 60 to clarify that a question arising for decision at a meeting of a council will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

Mr OSWALD secured the adjournment of the debate.

HERITAGE BILL

The Hon. M.K. MAYES (Minister of Environment and Land Management) obtained leave and introduced a Bill for an Act to conserve places of heritage value, to repeal the State Heritage Act 1978; to make consequential amendments to the Aboriginal Heritage Act 1988, the Native Vegetation Act 1991, the Strata Titles Act 1988 and the Valuation of Land Act 1971; and for other purposes. Read a first time.

The Hon. M.K. MAYES: 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 new Heritage Bill is part of a broad initiative to incorporate development and other environmental management into a more flexible and responsive legislative package. The bill should be seen in a subordinate relationship to the much broader draft Development Bill and Environmental Protection Bill. However it is necessary to retain a separate Act to deal with some specific aspects of managing the historic environment.

The Planning Review has been seeking public comment and considering improvements to the planning and development system for the past two years. Within this process, a specialised Review Committee has identified shortcomings in the law and administration relating to built heritage conservation. Their findings and recommendations have led directly to the new bill.

The new legislation is designed to respond to specific criticisms of the existing legislation which have been voiced during the review process. Some of these are:

The existing heritage measures do not adequately reflect community interest in conserving local heritage;

The processes of heritage administration are too centralised and closed; and

Some provisions of the existing Act are unnecessarily controversial and heavy-handed.

In response to these criticisms, the resulting legislative package offers something for everyone. The community at large is given a greater say in conserving the historic environment. This new initiative will operate through the local Council's planning powers and is to be found in the Development Bill. In the Heritage Bill the owners of heritage properties have their interests protected by a reduction in some of the government's powers, better opportunities to make submissions and appeal

against decisions, and in greater flexibility for keeping their development options open in specific situations.

Where the existing legislation is working satisfactorily, similar measures will be retained in the new Act. The essential structural relationship of the existing Acts is intended to be retained; a heritage register will be created by the Heritage Act, and development control will be exercised under the Development Act. The principal features of the new legislation are as follows.

State Heritage Authority

A new authority consisting of seven members appointed by the Governor is created to administer State heritage matters. (It will replace the advisory body known as the South Australian Heritage Committee in the existing Act.) The State Heritage Authority will enter places on the State Heritage Register, and will have powers to regulate some activities affecting heritage places, and issue permits and certificates. The Authority will have powers to protect heritage places urgently by action through the courts. It will provide advice on funding, heritage agreements and other heritage powers which the Minister exercises. The Authority will be the Government's chief source of advice on heritage matters generally.

State Heritage Fund

The State Heritage Fund will continue in existence. It will consist of moneys appropriated by Parliament, granted by the Commonwealth, raised by fees for services, given or bequeathed, and interest on loans. The Fund will be expended by the Minister in the form of grants or loans for heritage purposes, on the advice of the Authority.

State Heritage Register

A register of places which are of heritage value to South Australia will be maintained by the Authority. (This will replace the Register of State Heritage Items in the existing Act.) The heritage value of a place will be determined by criteria set out in the Bill. The State Heritage Register will be available for public inspection.

Registration Process

The procedure for entering a place on the Register is generally similar to that set out in the present Act, but gives owners and other interested parties more opportunity to have their views taken into account. When the Authority intends to enter a place on the Register, it must give notice to the owner, setting out the reasons why it considers the place is of heritage value. The Authority must also inform the Minister and the Council if the place is within a Council area, and give public notice in a newspaper. From the time of the notice, the place is provisionally entered on the Register, and must be treated as a heritage place for planning purposes.

Anyone who wishes to make a submission either for or against entering the place on the Register has three months in which to do so. The submission must be in writing, but a person making a submission may also request to be heard in person by the Authority. The Authority must consider all submissions before deciding whether to confirm the entry of the place on the Register. If the Minister considers that the entry of the place on the Register would not be in the public interest, the Minister may direct the Authority not to confirm the entry. A provisional entry that has not been confirmed within twelve months must be removed from the Register.

A new provision in the Bill is that an owner who has made a submission and is not satisfied with the Authority's decision has thirty days after notice of that decision to appeal to the Environment, Resources and Development Court. The Court may either determine the matter itself or return it to the Authority for reconsideration.

Certificate of Exclusion

The new Bill gives a landowner the right to seek a certificate from the Authority guaranteeing that an area of land will not be entered on the Register for a period of five years from the date of issue. The Authority may charge a fee for the certificate, based on the value of the land.

Places of Geological or Archaeological Significance

There are new provisions in the Bill which will enable places of special geological or archaeological significance to be identified by the authority. Excavating or collecting specimens from these places will be controlled by permit. These provisions are intended to be used only for a small number of scientifically valuable and fragile sites, such as the Precambrian fauna deposits at Ediacara.

Emergency Protection

The urgent conservation orders and other emergency measures in the existing Act have rarely been used, and are not in the new Bill. However, some powers are needed, as there may be occasions when a person intends to damage a heritage place, either in ignorance of its significance, or deliberately. In such cases the State Heritage Authority may make an order to protect the place, and apply to the Environment, Resources and Development Court to confirm the order. The order may require a person to stop an activity, or refrain from starting an activity, that would reduce the heritage value of the place. The purpose of the order may be to give the Authority time to investigate the significance of the place.

Heritage Agreements

Heritage agreements for the conservation of places of heritage value will continue essentially as under the present Act. Agreements will be entered into voluntarily between the Minister and the owner of land which is on the Register or within a State Heritage Area. The Minister must consult the Authority before entering into an agreement.

The subject matter of an agreement is unlimited as long as it seeks to conserve and promote heritage places, but it may for example contain: provision for the future conservation of a place by means of a management plan; terms for financial or technical assistance from the State; exemption of a place from specific provisions of the Development Plan; remission of taxes or (with Council agreement) rates on land.

An agreement will be entered on the title and is binding on future owners of the land. If either party fails to comply with the terms of an agreement, the other may apply to the Environment, Resources and Development Court for an order to enforce it.

Miscellaneous Provisions

The Bill has a new provision making it an offence to intentionally damage a place on the Register so as to reduce its heritage value. The Environment, Resources and Development Court may order any person convicted of this or other offences under the Act to make good the damage.

A person acting for the Authority may enter property with the consent of the occupier in order to carry out the purposes of the Act. If consent is not given, the person must obtain a warrant from a magistrate to enter the place.

Transitional Provisions

Places which are on the existing Register or interim list, or within State Heritage Areas, or subject to heritage agreements, will continue under essentially similar provisions in the new legislation. Heritage agreements for the conservation of Aboriginal heritage places or native vegetation will not in future

derive their authority from the new Heritage Act. There will be minor amendments to the Aboriginal Heritage Act and the Native Vegetation Act so that agreements for these purposes will in future be entered into under the appropriate legislation.

Relationship with the Development Bill

To achieve better co-ordination of all issues affecting development, some matters which might be thought appropriate to the Heritage Bill will be found in the Development Bill instead. Some of these will differ very little from the present provisions of the Planning Act.

In the case of a heritage place, all demolition, conversion, alteration (including painting) and addition to the place constitute development. When application is made for a development affecting a heritage place, the Council (or other planning authority) must refer the application to the Minister for advice. If Council does not wish to adopt the Minister's advice, then it must refer its proposed approval to the State Planning Authority for concurrence.

The Development Bill also permits the Development Plan to provide for the conservation of places of local heritage value, and provides criteria for recognising these places. Councils wishing to draw up their own local heritage register may do so by amending the Development Plan for their Council area to create a schedule of local heritage places, with development control principles spelled out in the Development Plan. This measure will satisfy much of the public support for local heritage protection.

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

The Bill will commence on proclamation.

Clause 3: Interpretation

An interpretation provision is included.

PART 2
ADMINISTRATION
DIVISION 1—STATE HERITAGE AUTHORITY

Clause 4: Authority

The *State Heritage Authority* consists of 7 members, being persons with knowledge of or experience in history, archaeology, architecture, the natural sciences, heritage conservation, public administration, property management or some other relevant field.

Clause 5: Functions of Authority

The Authority has the following functions:

(a) administering the *State Heritage Register;*

(b) investigating areas of heritage value and promoting their establishment, in appropriate cases, as State Heritage Areas;

(c) negotiating, and monitoring the operation of, heritage agreements;

(d) providing advice to the Minister at his or her request in relation to—

(i) the application of money from the Fund in furtherance of the objects of this Act;

(ii) development which may affect registered places or State Heritage Areas; (iii) heritage agreements;

(iv) any matter relating to the conservation or public use of registered places or State Heritage Areas;

(v) any other matter relating to heritage conservation;

(e) providing advice and assistance to councils, planning authorities, owners of land and other persons on any matter relating to heritage conservation.

Clause 6: Conditions of membership

A member's term of office is a maximum of 3 years although the member may be reappointed for further terms.

Clause 7: Proceedings of Authority

Five members form a quorum. The person chairing a meeting has a casting vote.

Clause 8: Delegation

The Authority may delegate any of its powers or functions.

Clause 9: Remuneration

Members are entitled to fees and allowances determined by the Governor.

DIVISION 2—STATE HERITAGE FUND

Clause 10: State Heritage Fund

The *State Heritage Fund* consists of—

(a) any money appropriated by Parliament for the purposes of the Fund; and

(b) any money provided by the Government of the Commonwealth for the purposes of this Act; and

(c) any money received by the Authority for the purposes of this Act by way of fees, gift, bequest or in any other way; and

(d) any money received by the Minister for the purposes of this Act by way of gift, bequest or in any other way; and

(e) any income derived from investment of the Fund.

Clause 11: Accounts and audit

Proper accounts of the Fund are to be kept and audited.

Clause 12: Application of money from Fund

The Minister is to seek and consider the advice of the Authority in applying the Fund in furtherance of the objects of the Bill.

PART 3
STATE HERITAGE REGISTER

Clause 13: State Heritage Register

The Authority is to maintain the *State Heritage Register.*

Clause 14: Inventory

Attached to the Register is to be an inventory of—

(a) places designated in any Development Plan as places of local heritage value; and

(b) places within the State entered in any register of places of historical interest kept under the law of the Commonwealth; and

(c) State Heritage Areas; and

(d) heritage agreements and any variations to those agreements.

Clause 15: Register to be available for public inspection

All of the information in the Register and the inventory is to be available for public inspection. Copies of relevant entries may be obtained for a fee.

PART 4
REGISTRATION OF PLACES
DIVISION 1—CRITERIA FOR REGISTRATION

Clause 16: Heritage value

A place will satisfy the criteria for registration if—

(a) it demonstrates important aspects of the evolution or pattern of the State's history; or

(b) it has rare, uncommon or endangered qualities that are of cultural significance; or

(c) it may yield information that will contribute to an understanding of the State's history, including its natural history; or
(d) it is an outstanding representative of a particular class of places of cultural significance; or
(e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics; or
(f) it has strong cultural or spiritual associations for the community or a group within it; or
(g) it has a special association with the life or work of a person or organisation or an event of historical importance.

DIVISION 2—REGISTRATION PROCESS

Clause 17: Proposal to make entry in Register

The first step in making an entry in the Register is provisional registration.

The Authority may provisionally register a place if the Authority is of the opinion that the place is of heritage value (as set out in clause 16) or should be protected while an assessment of its heritage value is carried out.

Notice must then be given to each owner of the land, to the public by way of newspaper advertisement, to the Minister and to the council of the area.

In provisionally registering a place the Authority may designate it a place of geological or paleontological significance or of archaeological significance. If a place is so designated certain special protections apply.

Clause 18: Submissions and confirmation or removal of entries

Any person may make representations on the provisional entry of a place within a 3 month period.

The Authority may confirm or remove the provisional entry and must give the relevant persons notice of its decision.

If a provisional entry has not been confirmed within 12 months it must be removed, unless the Minister allows a longer period for consideration.

The Minister is given power to direct that an entry be removed from the Register if confirmation would be contrary to the public interest.

Clause 19: Registration in Lands Titles Registration Office

Entries on the register must be noted in the L.T.O.

Clause 20: Appeals

An owner of land who made representations about the provisional entry of the land in the Register may appeal to the Environment, Resources and Development Court against a decision to confirm or remove the provisional entry.

Clause 21: Correction of errors

The Authority has power to correct inaccuracies in the Register.

DIVISION 3—CERTIFICATE OF EXCLUSION

Clause 22: Certificate of exclusion

The Authority may issue a certificate to an owner of land certifying that the land will not be entered in the Register within 5 years. If the Authority is of the opinion that the matter is likely to be contentious, it may seek representations on the matter through advertisement.

DIVISION 4—REMOVAL FROM REGISTER

Clause 23: Removal from Register if registration not justified

The Authority is given power to remove or alter an entry in the Register if it is of the opinion that the entry is no longer justified. It must first give notice of its intention to the owners of the land and to the public by way of newspaper advertisement and consider any representation received within 1 month.

Clause 24: Removal from Register if place designated as of local heritage value

The Authority is given power to remove or alter any entry so as to exclude from the Register places given protection as places of local heritage value in a Development Plan.

PART 5
SPECIAL PROTECTION
DIVISION I—PLACES OF GEOLOGICAL, PALAEONTOLOGICAL OR ARCHAEOLOGICAL SIGNIFICANCE

Clause 25: Places of geological or palaeontological significance

Excavation of a registered place of geological or palaeontological significance or removal of specimens from such a place is prohibited without a permit from the Authority.

Clause 26: Places of archaeological significance

Excavation of a registered place of archaeological significance or removal of cultural artefacts from such a place is prohibited without a permit from the Authority.

Clause 27: Excavation of registered place in search of cultural artefacts

Excavation of any registered place for the purpose of searching for or recovering cultural artefacts is prohibited without a permit from the Authority.

Clause 28: Damage to or disposal of specimen or artefact

It is an offence to damage, destroy or dispose of geological or palaeontological specimens from a registered place of geological or palaeontological significance or to remove cultural artefacts from a registered place of archaeological significance without a permit from the Authority.

Clause 29: Permits

The Authority may impose conditions on any permit it issues.

DIVISION 2—EMERGENCY PROTECTION

Clause 30: Stop orders

The Authority may order a person to stop (or not to start) any work or activity that may destroy or reduce the heritage value of a place if the Authority is of the opinion that the place should be preserved or assessed and that an order is necessary to protect the place. Such an order has effect for 4 working days. The Authority is required to take the matter to the Environment, Resources and Development Court. The Court may confirm, revoke or substitute the order.

Clause 31: Contravention of stop order

The maximum penalty for contravention of a stop order is a Division 1 fine ($60 000).

PART 6
HERITAGE AGREEMENTS

Clause 32: Heritage agreements

The Minister may enter into a heritage agreement with the owner of a registered place or land within a State Heritage Area. An agreement binds future owners of the land and may bind occupiers. The Minister must seek the advice of the Authority with respect to heritage agreements.

Clause 33: Effect of heritage agreement

A heritage agreement is aimed at promoting the conservation of registered places and State Heritage Areas and public appreciation of their importance to the State's cultural heritage.

Agreements may—

(a) restrict the use of land to which it applies;

(b) require specified work or work of a specified kind to be carried out in accordance with specified standards on the land;

(c) restrict the nature of work that may be carried out on the land;

(d) provide for the management of the land, or any place, specimens or artefacts on or in the land, in accordance with a particular management plan or in accordance with management plans to be agreed from time to time between the Minister and the owner;

(e) provide for financial, technical or other professional advice or assistance to the owner with respect to the maintenance or conservation of the land or any place, specimens or artefacts on or in the land;

(f) provide for remission of rates or taxes in respect of the land;

(g) provide that specified regulations under section 37 of the *Development Act 1993* do not apply to the land.

The council must be party to the agreement if rates are to be remitted.

Clause 34: Registration of heritage agreements

Heritage agreements are to be entered in the inventory attached to the Register.

They are also to be noted on the LOTS land system.

Clause 35: Enforcement of heritage agreements

A party to a heritage agreement may apply to the Environment, Resources and Development Court for an order to secure compliance with the agreement, or to remedy the default, and to deal with any related or incidental matter.

PART 7
MISCELLANEOUS

Clause 36: Intentional damage of registered place

The maximum penalty for intentionally damaging a registered place so as to destroy or reduce its heritage value is a Division 1 fine ($60 000).

Clause 37: Restoration orders

The Court is given power to order an offender to make good any damage caused through commission of the offence.

Clause 38: Right of entry

The Authority may authorise a person to enter and inspect a place, or specimens or artefacts in a place, for the purpose of determining or recording the heritage value of the place or determining whether a heritage agreement is being breached. If the occupier of the place does not consent to the authorised person entering the place, a warrant may be obtained permitting entry.

Clause 39: Erection of signs

The Authority may erect signs to draw attention to the fact that a place is registered or that an order has been made under the Bill.

Clause 40: Obstruction

It is an offence to hinder or obstruct a person acting in the administration of the Bill.

Clause 41: Service of notices

The options for service of notices are as follows:

(a) by personal service on the person or an agent of the person;

(b) by leaving it for the person at his or her place of residence or business with someone apparently over the age of 16 years;

(c) by serving it by post on the person or an agent of the person;

(d) if the whereabouts of the person is unknown—by affixing it in a prominent position on the land to which it relates or publishing a copy of it in a newspaper circulating throughout the State.

Clause 42: Evidence

Evidentiary aids are included for the purposes of legal proceedings.

Clause 43: Regulations

The regulations may fix and regulate fees for the provision of information or other services by the Authority or the making of applications to the Authority and may impose a fine, not exceeding a division 7 fine ($2 000), for contravention of a regulation.

SCHEDULE 1

Repeal and Transitional Provisions

Clause 1: Repeal

The *South Australian Heritage Act 1978* is repealed.

Clause 2: Transitional provisions

The transitional provisions cover the following matters:

(a) places registered under the repealed Act remain registered;

(b) places that were on the interim list will be taken to be provisionally registered;

(c) State Heritage Areas remain as such;

(d) heritage agreements remain in force;

(e) heritage agreements entered into by the Minister responsible for the administration of the *Aboriginal Heritage Act 1988* become aboriginal heritage agreements under that Act;

(f) heritage agreements entered into by the Minister responsible for the administration of the *Native Vegetation Act 1991* become heritage agreements under that Act.

SCHEDULE 2

Consequential Amendments

The Aboriginal Heritage Act 1988 is amended to include provisions relating to aboriginal heritage agreements aimed at the protection or preservation of Aboriginal sites, objects or remains. Before entering into such agreements the Minister must consult the Aboriginal Heritage Committee, traditional owners and interested Aboriginal organisations and persons and traditional owners must be given an opportunity to become parties to the agreement.

The *Native Vegetation Act 1991* is amended to include provisions relating to heritage agreements aimed at the preservation or enhancement of native vegetation. Such an agreement may provide for the compulsory remission of rates and taxes.

The *Strata Titles Act 1988* and the *Valuation of Land Act 1971* are amended to update references to registered places, State Heritage Areas and heritage agreements.

Mr OSWALD secured the adjournment of the debate.

DEVELOPMENT BILL

In Committee.

(Continued from 30 March. Page 2753.)

Clause 24—'Council or Minister may amend a development plan.'

Mr OSWALD: I move:

Page 23, line 20—After 'fails to do so' insert ', or the Minister and the council cannot reach an agreement on a Statement of Intent within three months after a date specified by the Minister'.

With the large number of amendments that we have to consider this evening, it will be my intention to move through them fairly quickly. I say that for those who read the *Hansard* report and wonder why we are brief in our explanation. The amendments proposed by the Opposition have been filed and have been with the department now for two days, and the Minister and his officers are fully versed in them. It will be my intention only to identify them in *Hansard* with sufficient explanation so that the reader can relate to the clause.

This clause refers to a situation where, if the Minister has requested the council to prepare a statement of intent within a specified time and the council fails to do so, the Minister can then go ahead. This specific time is not defined in the Bill, and I think it is too loose. My amendment provides that, where the Minister and the council fail to reach agreement on the statement of intent within three months, the Minister may actually do the plan. That tightens up the intent and the mechanics of the Bill.

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

Amendment carried; clause as amended passed.

Clause 25—'Amendments by a council.'

Mr OSWALD: I move:

Page 24, line 12—After 'if' insert:

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(a) [include the remainder of lines 12 and 13]; or

(b) the proposed amendment designates a place as a place of local heritage value.

This clause refers to local heritage lists. There is considerable industry concern that local heritage can get railroaded sometimes by narrow interest groups, and the effect of local heritage will be almost as significant as State heritage in terms of limitations on what can and cannot be done. There is also concern that it is being dealt with differently, with no right of appeal or compensation, and the industry's view is that it should be dealt with as with State items. They can live with the heritage legislation and with local heritage items being inserted in the Development Bill, provided there is an appeal mechanism. This amendment provides for a heritage subcommittee of the Development Planning Advisory Committee as an independent advisory body to consider and make recommendations on local heritage listing. This will be done by delegation under the regulations.

The Hon. G.J. CRAFTER: This amendment is dependent upon the honourable member's proposed amendment to clause 26. In order to facilitate the debate on this amendment, by leave of the Committee I will debate the two amendments as this first one may be the test. The Government opposes the approach taken by the Opposition in this matter with respect to heritage items. It is intended that regulations will require the direct notification of owners where a development plan amendment lists places of local heritage.

It is also envisaged that the advisory committee will have a special heritage subcommittee to advise it. In all other respects, heritage plan matters should be treated in the same manner as any other plan amendment. On the important question of appeal rights, it is to be noted that there are not at present appeal rights against a landowner having his land included in a shopping zone, for example. Similarly, there should be no appeal rights on heritage matters. The whole process remains subject to parliamentary scrutiny, of course, by the regulatory powers of the Parliament, but if we were to take the Opposition's amendments into the legislation we would have a situation where the courts were determining what is a heritage item. The whole question of costs of matters going off to courts would lead to inequity and imbalance in the determination of these processes. So, we believe it is better that it be dealt with in the way that it is embraced in the Bill at present. For those reasons we oppose the amendment.

Amendment negatived.

Mr OSWALD: I move:

Page 24, line 34—Leave out 'six' and substitute 'four'.

In the Bill a draft amendment report must be referred to a Government department or agency for comment. They must respond within six weeks. In the original draft of the Bill it was four weeks, which should be adequate, despite a clause which allows for the treatment of urgent cases. Having discussed this matter during the second reading debate, I do not intend repeating it now.

The Hon. G.J. CRAFTER: The intention is laudable, but I think it is impractical, having had some experience working in the public sector. It is not in our interests to put into legislation something which will cause great difficulties. That in fact will devalue the legislation before us. I quote from a very big agency, for example, the E&WS Department, which has many branches and regional structures spread across the State. In order to fulfil the obligations under the clause we may well have less than an adequate process evolving. The alternative is by way of administrative action: that is, to educate planning consultants and councils to speed up their processes, consult the Government at the same time as they are considering these applications for development, and so in that way reduce the undue delays.

Amendment negatived; clause passed.

Clause 26—'Amendments by the Minister.'

Mr OSWALD: I move:

Page 26, after line 21—Insert new subclause as follows:

(2a) The Plan Amendment Report may incorporate any material prepared by a council under section 25 in relation to an amendment which was proposed under that section.

This clause, I hope, would facilitate the Minister's work in assessment. It deals with the issue where a council might get so far with a development assessment and then decide not to proceed and the question arises as to what the Minister can do. The Minister, under an earlier provision, can pick it up if the council decides not to proceed (clause 24(a)(iv)). Then, to assist the Minister in not having to go back to square one, I am proposing that his planned amendment report, which is the first thing that he prepares when he is proceeding with an

amendment along this track under clause 26, can pick up the work that the council has done and incorporate it in his report and he is off and running. The present alternative is that the Minister must go back to square one.

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

Amendment carried.

Mr OSWALD: I move:

Page 26, after line 23—Insert new subclause as follows:

(3a) The Minister must consult with the Advisory Committee if the proposed amendment designates a place of local heritage value.

For the Minister's plans, he could actually be picking up on an item of local heritage. Normally, the councils are going to handle local heritage, but the Minister seems to have this expanding role to pick this up if the councils do not choose to. For consistency with the above, I propose that the Minister also consult with DPAC in its heritage subcommittee if his plans provide for a place for local heritage.

The Hon. G.J. CRAFTER: This amendment relates to an earlier clause that I debated. Really, this is adding into the Bill unnecessary bureaucracy, unnecessary procedures which cause delay and then harm the very people who are trying to facilitate our planning processes.

Amendment negatived; clause as amended passed.

New clause 26a—'Special provision relating to places of local heritage value.'

Mr OSWALD: I move:

Page 26, after line 31—Insert new clause as follows:

Special provision relating to places of local heritage value

26a (1) If a proposed amendment designates a place as a place of local heritage value, the Advisory Committee must, on the referral of the amendment to it under section 25(2)(b) or 26 (3a), give each owner of land constituting the place proposed as a place of local heritage value a written notice—

(a) informing him or her of the proposal; and

(b) setting out any reasons for the proposal of which it is aware; and

(c) inviting the owner to make submissions to the Advisory Committee within four weeks of the receipt of the notice on whether the proposal should proceed.

(2) An owner of land constituting a place proposed as a place of local heritage value may, within four weeks of the receipt of a notice under subsection (1), make written representations to the Advisory Committee on whether the proposal should proceed.

(3) If a person who makes written representations under subsection (2) seeks to appear person personally before the Advisory Committee to make oral representations, the Advisory Committee must allow him or her a reasonable opportunity to appear personally or by representative before it.

(4) The Advisory Committee must then prepare a report in relation to the matter.

(5) A copy of the report must be provided to each person (if any) who made a representation to the Advisory Committee under subsection (2).

(6) If it is proposed that the amendment still proceed, a copy of the draft Plan Amendment Report must also be sent to each person (if any) who made a representation to the Advisory Committee under subsection (2).

(7) A person who is entitled to receipt of a draft Plan Amendment Report under subsection (6) may appeal to the court against the proposed designation of the place as a place of local heritage value.

(8) The appeal must be commenced within four weeks after the draft Plan Amendment Report is received under subsection (6) (and this period cannot be extended by the court).

(9) If an appeal is commenced, then, notwithstanding sections 25 and 26—

(a) the Plan Amendment Report cannot proceed further until the determination of the appeal; and

(b) the council or the Minister (as the case may be) is a party to the appeal; and

(c) the court may, on the determination of the appeal—

(i) confirm, vary or reverse the designation of the place as a place of local heritage;

(ii) remit the matter to the council or the Minister for further consideration or for reconsideration;

(iii) make consequential or ancillary orders (including orders that alter the proposed amendment, or provide that the proposed amendment no longer proceed).

This is under the notification of appeal mechanism. This is a very significant amendment to the Opposition. In the proposed amendment, I provide for a notification and appeal mechanism for owners of heritage and places that are going to be affected by local heritage. I think I have already had the Minister's views on this issue. I think some of the features of this appeal mechanism have validity. Perhaps the Minister might like to reconsider his decision. I am advised by planning solicitors that, if we did have a specific heritage subcommittee of DPAC, we could incorporate this appeal mechanism in the process that the Minister is setting up. I ask the Minister to reconsider his proposition. This question of appeals against local heritage listings will continue, and in time to come it will be a vexed question. It is only fair that there should be some sort of appeal mechanism for people who feel aggrieved. I do not want to set up a very difficult system, but I am advised that it could be done by a subcommittee of DPAC.

The Hon. G.J. CRAFTER: I have given my explanation on this in relation to the previous clause, because it was related to a previous matter, and I still hold to that view.

The Committee divided on the new clause:

Ayes (17)—H. Allison, M.H. Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, P.D. Blacker, M.K. Brindal, B.C. Eastick, S.G. Evans, G.M. Gunn, G.A. Ingerson, I.P. Lewis, W.A. Matthew, E.J. Meier, J.K.G. Oswald (teller), R.B. Such, I.H. Yenning.

Noes (18)—L.M.F. Arnold, M.J. Atkinson, J.C. Bannon, F.T. Blevins, G.J. Crafter (teller), 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, M.K. Mayes, M.D. Rann, J.P. Trainer.

Pairs—Ayes—H. Becker, D.C. Brown, D.C. Kotz, J.W. Olsen. Noes—M.J. Evans, C.F. Hutchison, C.D.T. McKee, J.A. Quirke.

Majority of 1 for the Noes.

New clause thus negatived.

Clause27—'Operation of an amendment and Parliamentary scrutiny.'

Mr OSWALD: I move:

Page 27, line 32—Leave out 'both Houses of Parliament pass resolutions disallowing an amendment laid before them' and substitute 'either House of Parliament pass a resolution disallowing an amendment laid before it';

Once again, as we pointed out yesterday when we were debating this subject, the Government has now changed the sequence of dealing with disallowances. I believe that the Upper House is still a House of review, in which case we should be able to move for disallowance in one or the other House—not as the Government has it, in both Houses. Last evening my friend the member for Napier tried to link this clause incorrectly to another political issue. I remind him that this clause was drafted over a week ago and it is just not possible to link it to the political issue that he talked about last night. It is an attempt to retain the Upper House as a House of review.

The Hon. T.H. HEMMINGS: I have been waiting patiently to hear the excuse that the member for Morphett would put forward in relation to this amendment. As usual, he got it all wrong. In my second reading contribution I referred to yet another example of where either House could use its powers in a mischievous way to hold up some form of development. I accept the member for Morphett's explanation that his amendment was drawn up some two weeks ago—I have no problem with that statement whatsoever. However, as one member of this Committee, and regardless of what the Minister's view will be, I have yet to be convinced in respect of the explanation that the member for Morphett just gave the Committee as to why either House can move for disallowance. His explanation was quite vague.

At the risk of going back over my contribution yesterday I would say that this clause is defunct anyway. It was preserved only because when the original Planning Act was debated in 1982 the member for Heysen, as the then Minister, faced a crisis and there was a conference of managers. The Hon. Ren DeGaris, who was one of the Legislative Council's managers, broke the deadlock and let it go through. It was never the intention of the then Liberal Government to have this legislative review process put in the Planning Act. It was because of Ren DeGaris—the thorn in the Achilles heel of the Liberal Party, and he still works for the member for Victoria. So it was the actions of Ren DeGaris that got this legislative input through the old Subordinate Legislation Committee. But, as I say, it has now been raised to almost Holy Grail status, and the member for Morphett gives us some half-winded, weak, wimpish excuse that we should give the Upper House the power to have some input.

By the way, the Minister is not speaking to me because in my second reading contribution yesterday I upset the Government. I will be interested to hear the Minister's response on this issue. Let us not fool ourselves, because this clause, whether it is both Houses or either House, should never have been in the legislation anyway. I think secretly the Minister might agree with me on that. Let us not swallow this stupid excuse that the member for Morphett is putting up that it cannot be a resolution of both Houses because we have to put the onus of responsibility back on to the Legislative Council. If the Legislative Council had a majority of Labor members, this amendment would not have seen the light of day. This Government's majority depends on two gentlemen who do not know whether they are Arthur or Martha, and it is they who would use this disallowance clause. The Liberal Party is not stupid enough to do it, but it would create the opening for its Democrat colleagues. That is what it is there for. If the Party that I represent had a significant majority in the Upper House, this amendment would not see the light of day.

The Hon. G.J. CRAFTER: The Government opposes the amendment, and I think the member for Napier has expressed those concerns that one would have if we were to allow political intervention albeit by a vote of the House. If there was a maverick Upper House, for example, that could frustrate the whole planning process and there could be enormous development issues involved that are in the general good of the economy of the State and the advancement of the State. We cannot have that degree of uncertainty, I believe, as a result of that situation. I also believe that it is undemocratic. This is the House of the people. This is where the Government is formed, and to have a House selected on a different franchise able to frustrate the will of the people through another House, I believe, is not appropriate, particularly in something as sensitive as the planning process. I think it blurs the functions of the legislature and the Administration.

Here we have a situation where there can be legislative review of administrative decisions through the parliamentary committee process. As the member for Napier said, the Planning Act 1982 became subject to the Subordinate Legislation Committee as a result of the Hon. Mr DeGaris, then a member of another place, refusing to take the Liberal Party Whip in that place and in fact doing his own thing and causing substantial havoc to the planning legislation at that time. However, compromises were made in the dying days of the Tonkin Government in order to achieve at least a reasonably workable legislative instrument for planning purposes in the State. That is the history of the matter. I think we ought to take note of that history and leave this matter as intended in the legislation rather than provide the strategy advanced by the Opposition which I think is disastrous.

Amendment negatived; clause passed.

Clause 28—'Interim development control.'

Mr OSWALD: I move:

Page 28—

Line 4—Leave out 'Where' and substitute 'Subject to subsection (la), where.'

After line 10—Insert new subclause as follows:

(la) The Governor cannot make a declaration under subsection (1) except with the concurrence of the Advisory Committee.

This clause relates to interim development control. I am proposing that the Governor cannot bring in interim development control except with the concurrence of the Advisory Committee. This means that the Governor would have to get the Advisory Committee to concur with the interim development controls. In other words, I propose an independent check on the Executive, and I think that is a significant issue.

The Hon. G.J. CRAFTER: The Government opposes this series of amendments proposed by the member for Morphett. The amendment would force the Minister to not have an advisory committee giving advice to the Minister and to the Government but to be subject to the decisions of the advisory committee. That is an untenable situation. I am sure that, if the honourable member were the Minister, he would reject that philosophy with respect to the function and role of advisory committees. The full effects of ministerial responsibility should be applied. Ministers are subject to scrutiny by members in this place and by the community at large during their term of office and, of course, at election times. That should be a sufficient check and balance without having to set up an elaborate structure such as this.

Amendments negatived.

Mr OSWALD: I move:

Page 28, after line 12—Insert new subclause as follows:

(2a) The Minister must, as soon as practicable after the publication of a notice under subsection (1), prepare a report on the matter and cause copies of that report to be laid before both Houses of Parliament.

Noting the attitude of the Government already, I also move:

Page 28, line 16—Leave out 'both Houses of Parliament pass resolutions' and substitute 'either House of Parliament passes a resolution'.

The Hon. G.J. CRAFTER: The Government is prepared to accept the first amendment, but it opposes the second amendment.

First amendment carried; second amendment negatived; clause as amended passed.

Clauses 29 to 33 passed.

Clause 34—'Determination of relevant authority.'

Mr OSWALD: I move:

Page 32, after line 29—Insert new paragraph as follows:

(iii)(a) the Minister, acting at the request of the proponent, declares, by notice in writing to the relevant council, that the Minister is satisfied that the council has a conflict of interest in the matter on the basis that the council has undertaken, is undertaking, or proposes to undertake (either on its own or in joint venture with any other person), a similar development within its area;.

The clause refers to the assessment of development proposals. The major issue is whether the applicant should be able to request the Minister to refer the development to the Development Assessment Commission. Under clause 34(1)(b)(iii) only the council can request the Minister to refer the matter to the commission. I believe that we should include a clause which covers a situation where, if the applicant believes that the council is biased or is undertaking development on its own which conflicts—that is this perceived conflict of interest issue—the applicant can request the Minister to refer the development directly to the commission. I am proposing that the Minister can, at the request of the proponent, declare by notice to the relevant council that the Minister is satisfied that there is in fact a conflict of interest, and I do that through proposed new subparagraph (iiia).

The Hon. G.J. CRAFTER: The Government opposes this amendment. First, on practical grounds, it is believed that there would be a deluge of applications by developers and others wanting to avoid the processes of local government in order to achieve success with their development applications. I think the time must come when we do not take the difficult decisions away from local government and we establish within local government a set of procedures and ethics so that these difficult situations can be dealt with fairly in the community interest at local government level and, where necessary, by recourse to State authorities. We must have confidence in the third tier of government and ensure that it acts ethically, not simply as a State Government acting in a Big Brother situation but in a community that has respect for that tier of government and wants it to perform in the interests of the community. Clearly there are powers if there is a conflict within local government to enable a matter to be referred to the appropriate State authority, and that occurs now.

There are some unresolved issues about ethics and conflicts of interest at local government level. A paper has been distributed in recent times about conflicts of interest at local government level, and that will lead to improvements in this area of local government activity. It is particularly current in public institutions across this country as a result of a series of royal commissions, public inquiries and general concern in the community to raise the ethical standards of those in leadership positions in public and corporate life. The 1980s saw a diminution of ethical standards and of a sense of public duty on the part of members of boards of companies and of people holding public office. There is now in the 1990s a reassertion of those fundamental rights.

This amendment would avoid scrutiny of local government—putting the blow torch on it a little more—but would provide the comfort of State authorities. That is not in the best interests of local government or of our community. I realise that there will be some difficulties in this area and we shall need to maintain close scrutiny but, within the Local Government Act and this Bill, there are appropriate procedures for councils to refer this matter away from their own jurisdiction when they believe there is a clear conflict.

Mr OSWALD: The Minister said that there is an existing power that a developer can use to appeal to a Minister if he believes there is a conflict of interest in terms of his proposal because the council is engaged in an activity and is therefore denying the process. Will the Minister point out to the Committee this existing power that negates the fact that we need to insert this new subparagraph?

The Hon. G.J. CRAFTER: The honourable member might have misconstrued what I said. To clarify the matter, clause 34(1)(b) provides:

(iii) the Minister, acting at the request of the relevant council, declares, by notice in writing served personally or by post on the proponent, that the Minister desires the Development Assessment Commission to act as the relevant authority in relation to the proposed development.

So a process is provided at the request of the council, and that was the thrust of my comments in my explanation of our opposition to the proposal advanced by the honourable member. Clearly, there is a process that allows for representations by an aggrieved developer to bring this matter to the attention of the council and the Minister.

Mr OSWALD: Subparagraph (iii) provides:

the Minister, acting at the request of the relevant council, declares, by notice...

The council is referred to. I am talking about the developer who feels aggrieved and, if that is the case, the mechanism should be provided so that the Minister can take action under subparagraph (iii). My advice is that this is still a little loose. If the aim of the whole exercise at the moment is to recognise that, if we are to have recovery in this State, it will be an economic-led recovery, we must free up the appeal process and send clear messages to the development industry that we are prepared to do that. Indeed, I would have thought it was not inappropriate that we insert the Opposition's amendment in the Bill tonight. It would be easy for a developer to go to the Minister and say that a matter was not going through because there was a conflict of interest on the council. I do not believe that the Minister is correct in saying that he will be overrun with applications, because that is just not the case. There is not too much happening in this State anyway. I just do not believe that he will be overrun with applications. It is a perfectly reasonable amendment, and I ask the Minister to reconsider it.

The Hon. G.J. CRAFTER: I do not accept the honourable member's assessment that there will not be a flood of applications by developers, whether for the building of one house or for a larger development. I think there will then be a situation where one is able to circumvent the processes of local government, and I do not believe that is desirable. However, the appropriate structures are in place to deal with any conflict that arises.

Amendment negatived; clause passed.

Clause 35—'Special provisions relating to assessment against a development plan.'

Mr OSWALD: I move:

Page 33, line 18—Leave out 'subsection (2) and'.

The Hon. G.J. CRAFTER: I accept the amendment. Amendment carried.

Mr OSWALD: I move:

Page 33, line 20—Leave out 'A' and substitute 'Subject to subsection (1), a'.

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

Amendment carried.

Mr OSWALD: I move:

Page 34, after line 1—Insert new subclause as follows:

(5) Subsection (4) does not apply if the proposed development is within the area of a council and, as at the time the application was made, the council was in breach of section 30 by reason of a failure to complete a review of the relevant Development Plan within the time prescribed by that section.

The amendment addresses the contingency about development plans becoming absolute and councils not reviewing them and then rendering prohibited development as consent development. Subclause (4) needs to be amended to allow appeals in the case of non-complying development in an obsolete development plan; it requires a definition of 'obsolete development plan'. I recommend that we provide that the appeal right that is referred to in subclause (4) does not apply if the council has not carried out its review as required under clause 30, that is, the five-year review cycle. Our amendment will become a qualification to subclause (4).

The Hon. G.J. CRAFTER: The Government opposes this. Certainty must be maintained by adherence to the development plan. If the plan becomes dated other remedies are available for the Minister to take to redress the problem. For example, a ministerial amendment might be appropriate or a ministerial direction to undertake a review may be another avenue, but if a developer has to challenge in this way, as proposed by the amendment, we believe that is a very cumbersome and unsatisfactory approach to take.

Amendment negatived; clause as amended passed.

Clause 36 passed.

Clause 37—'Consultation with other authorities or agencies.'

Mr OSWALD: I move:

Page 35, line 22—After 'to provide' insert 'such'.

I am proposing amendments here to allow authorities to have only sufficient information as is reasonably required to make the assessment. We discussed this yesterday in another amendment and also during the second reading debate. On any assessment it is only fair that authorities should receive information but only that which is reasonable to make that assessment. Anything outside that is unreasonable.

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

Amendment carried.

Mr OSWALD: I move:

Page 35, line 23—Leave out 'in relation to' and substitute 'as the prescribed body may reasonably require to assess'.

The Hon. G.J. CRAFTER: This amendment is also acceptable to the Government.

Amendment carried.

Mr OSWALD: I move:

Page 36, line 10—Leave out paragraph (b) (and the word and' immediately preceding that paragraph).

The Hon. G.J. CRAFTER: The Government opposes this amendment. It relates to an earlier clause, clause 7, which we debated. We probably argued the case well and truly last night on this matter so I will not go over it again.

Amendment negatived; clause as amended passed.

Clause 38—'Public notice and consultation.'

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

Page 36, lines 21 to 30—Leave out all words in these lines and substitute new paragraphs as follows:

(a) the regulations or a development plan may assign a form of development to category 1 or to category 2 and, if a particular form of development is assigned to a category by both the regulations and a development plan, the assignment provided by the development plan will, to the extent of any inconsistency, prevail within the area to which the development plan relates; and

(b) any development that is not assigned to a category under paragraph (a) will be taken to be a category 3 development for the purposes of this section.

Clause 38 relates to public notice and consultation on applications under the Act, and the Bill envisages three categories of development for the purposes of this provision: categories 1, 2 and 3. It is proposed that the regulations and development plans assign the categories. The amendment proposes a slight adjustment to the scheme under the Bill. At present the Bill does not, in effect, allow development plans to assign a category to a

form of development designated as a category 3 development by the regulations. It is now proposed that a development plan be able to assign any form of development to category 1 or 2. The regulations will be able to do the same. Any form of development not assigned to either category 1 or category 2 will be taken then to have been assigned to category 3.

Mr OSWALD: The Opposition will be examining the amendment during the forthcoming short adjournment and I will be putting it to my advisers. At this time, as I intimated in my second reading contribution, we are relatively happy with the new category 2, but I would like my advisers to look at it during that period. If there is any variation, we will raise it in the other place at another time.

Amendment carried.

Mr OSWALD: I move:

Page 37, lines 1 and 2—Leave out paragraph (a).

This is consequential on the next amendment, clause 39 page 38 after line 32, to insert a new subparagraph. Under the Bill there is no requirement that application details and forms be authorised by the owner of a site who should be regarded as a joint applicant. I am recommending to the Committee that the application for approval must include an endorsement for each owner of the land who is not a party to the application that he or she has consented to the application.

The Hon. G.J. CRAFTER: I advise the Committee that this concern expressed by the honourable member, I believe, will be covered in the regulations, and there is a structure of checks and balances within the planning process that will ensure that an owner of land in these circumstances is not left out in the cold in the way that the honourable member fears.

Amendment negatived; clause as amended passed.

Clause 39—'Application and provision of information.'

Mr OSWALD: I move:

Page 38, after line 32—Insert new paragraph as follows:

(ab) include an endorsement from each owner of the land that is the subject of the application who is not a party to the application (if any) that he or she consents to the application;.

I have spoken to this amendment.

Amendment negatived.

Mr OSWALD: I move:

Page 39, line 1—After 'information' insert 'reasonably'.

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

Amendment carried.

Mr OSWALD: I move:

Page 39, line 6—After 'to provide' insert 'such'.

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

Amendment carried.

Mr OSWALD: I move:

Page 39, line 7—Leave out 'in relation to' and substitute 'as the relevant authority may reasonably require to assess'.

The Hon. G.J. CRAFTER: The Government accepts this amendment also.

Amendment carried; clause as amended passed.

Clause 40 passed.

Clause 41—'Time within which decision must be made.'

Mr OSWALD: I move:

Page 40, line 33—After 'relevant authority' insert:

—

(a) [include the remainder of lines 33 and 34];

(b) to pay the applicant an amount, determined by the court, to compensate the applicant for any loss which the applicant has suffered, or is expected to suffer, from the date of the commencement of the proceedings on account of the relevant authority's failure to decide the application with the time prescribed by the regulations.

This clause refers to times within which decisions must be made, involving a situation where the council or the commission has failed to give an answer within the prescribed period. Under the Bill, the court can require the appellant to pay costs, but there is no mechanism to compensate the applicant for any loss which may have been suffered or is expected to be suffered from the date of commencement of the proceedings, on account of the relevant authority's failure to decide the application within the time prescribed by the regulations.

The big issue here is what you can do if the council does not give a response within a prescribed time. One school of thought is that we could argue that the application is therefore accepted, but the counter argument is that councils will always refuse the application if they are getting up to the prescribed time limit and they have not sorted it out. Another option is to say that the application is taken to have been refused, so the applicant can get into the appeal process. The Bill is a halfway house measure, stating that the applicant can go to court and get the court to make the council decide what is in the Planning Act at the moment.

Because of these holding costs having to be carried by developers, they believe that councils should have to meet their deadlines; hence the proposal in this amendment to allow the court to award compensation against the council for loss due to the planning authority's failure to decide an application by the time prescribed in the regulations. So that members fully understand this situation, there is a difference between the court's awarding costs, as in court costs, and the consideration of compensation for a developer who has raised capital or has other on-costs which are gradually building up because the council has delayed the process.

The Hon. G.J. CRAFTER: This amendment is taking on the flavour of delivering the development application to the local council on a steamroller. It is quite punitive to believe that the ratepayers of a council should bear the possibility of very substantial damages claims in the circumstances. There are democratic checks and balances for councils that are tardy in these matters and are not performing according to the standards that have been established for them by legislation and prevailing practices in the community. If a developer wants to take a matter to court, there is provision in the Bill under clause 41(2), which provides:

If a relevant authority does not decide an application within the time prescribed... the applicant may, after giving 14 days notice in writing to the relevant authority, apply to the court for an order requiring the relevant authority to make its determination within a time fixed by the court.

So, there is a safeguard for the aggrieved developer who believes that the council is perniciously or for some other unsatisfactory reason withholding the consideration of a development application.

To provide for a remedy of damages in this form would lead to a great deal of unfavourable decision taking by councils. Councils may well play safe and simply refuse development applications at a very early stage in order to avoid claims for damages. Indeed, the bigger the development application, the greater the pressure would be on councils simply to reject that application for fear they would have very substantial claims against them. That is not in anyone's interests. The checks and balances in the Bill are satisfactory to overcome the problems to which the honourable member refers.

Mr OSWALD: With respect to clause 41(2), the Minister is correct in saying that, if a relevant authority does not decide an application within the time prescribed, the applicant, after giving 14 days notice in writing to the relevant authority, can apply to the court for an order requiring the relevant authority to make a determination, but I do not read into that anything more than the heading of the paragraph states: a time within which a decision must be made. I do not read anything into that about the costs involved to the developer if the project runs over time, having been told that he would have approval through by a certain time, but suddenly three to five months has gone by.

I would have thought what did come through loud and clear during the whole of the review process was this factor that developments are being held up in the development process. We are supposed to be introducing a process whereby we can free up the flow of developments and remedy the problems that the industry is having to confront, whereby they lodge a development, it is delayed and the on-costs mount up dramatically to the extent that suddenly the project becomes non-viable. We could spend much time tonight running through many projects in this State concerning which developers have found that it has fallen through, and they have failed to proceed with it, or they have withdrawn it, because of the huge on-costs that have built up because the relevant planning authority did not put the development through on time.

There are many councils that are very good and get the development approvals through and meet their deadlines. On many occasions, those councils have the wherewithal, the expertise, the computer power and a sufficiently large planning department to meet those deadlines. However, there are other councils that do not. The fact of the matter is that, at the end of the day, if you have a project that is ready to go, you have been to the bank and you have timed your sequence of events with the financiers but you find that the council holds it up, then you can be in terrible trouble.

As I said a minute ago, if we are going to have an economic led recovery in this State—and I think the Government has acknowledged that through this type of Bill—the developers must have certainty, including the certainty that the planning process will work. If we make local government the planning authority, it will have to accept its role and get these out on time. The Minister is concerned about the ratepayers. I would have thought that was an incentive for the council to get the development plans through on time. If the developers know they are going to have approval within three months, they can plan on that in their financing and when arranging their on-costs. However, if the three months comes up and it blows out to five or seven months, because the local government authority has delayed, there should be a mechanism where at the end of the day the developer receives some sort of compensation. I do not believe the Government has addressed that issue. I do not believe it is addressed in clause 41(2); if it is, I think it is loose. I will certainly take legal advice before this provision is debated in the Upper House. I think it is a very important issue, and it is one that I would like addressed.

Finally, when the Minister responds, I would like him to tell the Committee what he thinks about developers who put a development before council and expect a response within a reasonable time. The Minister knows, and I know, that some months go by and the developer sits there with all these on-costs building up. What are the Government's plans for that kind of developer? How will it handle that situation where a developer loses money by the minute because the local development authority does not put it through on time? Certainly he can take the matter to court but, as I understand it, only costs are awarded and not damages.

The Hon. G.J. CRAFTER: First, the honourable member did not address my major concern, which is that the council would be forced to make an undesirable decision for fear of a very substantial claim for damages against it. I think that would be most unsatisfactory. Of course, we want certainty in our planning process, but there must be confidence between those who propose developments and the various planning authorities, particularly at local government level. This is not the way to encourage that confidence and create a working relationship that brings about the best decision-taking. To simply bring in a bold instrument such as this, I believe, would leave councils—particularly a small rural council in the face of a very substantial tourist development, for example, with a situation where very heavy damages could lead to bankruptcy very quickly—with the fear that could lead to negative decision-taking. That is not desirable.

We certainly cannot tolerate a situation where procrastination or deferment occurs for reasons which are simply not acceptable. That is why the Government has now placed in the Bill the clause to which I referred earlier and which provides the right to go to court within 14 days of the expiration of the time limit. That can bring the matter to an appropriate tribunal very quickly for determination. There is the question of costs, and that is believed to be sufficient deterrent. Creating the potential for massive damages claims is not the way in which we should be devising our planning laws and building up the relationships that we want in order to facilitate development projects in a way that we have not been able to achieve previously.

Amendment negatived; clause passed.

Clauses 42 to 45 passed.

Clause 46—'Environmental impact statements.'

Mr OSWALD: I move:

Page 43, after line 19—Insert new subclause as follows:

(2a) The Minister cannot require that a proponent prepare an environmental impact statement under subsection (2)(b) if the development is of a kind described as a complying development under the relevant Development Plan.

Sections of the development industry are concerned that an EIS can still be required for what is now a permitted or complying development in a zone. They argue that, if we have 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 a Government of the day pulling it out and requiring an EIS, even though in that zone it is permitted for a complying development. Zoning in the amendments to the development plan should therefore be given greater weight and certainty. Whilst there is still a process involved in dealing with applications, they should not be pulled out to have an EIS undertaken.

The argument was put up—I think it came from within the department—that there has to be that safeguard for the department. For example, an industry might want to put in a chemical plant with a run-off channel containing toxic waste. In that situation the department says it must have the right to pull out the proposal and run an EIS on it. I say that, if the policy is correct in the first place in the amendments to the development plan, what is permitted and what is not permitted and what is complying and what is not complying, should be set out in the development plan so that everyone knows in advance. They put in their proposal knowing that it is already approved in the development plan, which means that they would know in advance whether they could or could not put in some sort of chemical plant that might offend the principles that could be picked up in an EIS.

The Hon. G.J. CRAFTER: The Government opposes this proposal. Whilst the honourable member may believe that he is actually helping the development industry, he may well not be. When we try to take a short cut in situations like this, there are often very substantial risks, and here I think there are risks that are too great to take. It is the belief of the Government that there are different situations that need to be addressed up front in the planning process rather than at the other end. I think the difficulties that brought about the planning review occurred because problems were being dealt with too far down the planning process. So, it is advisable, where there is a belief that environmental problems will be associated with a development, that they be dealt with at the very earliest stage. It is often the request that the environmental impact statement be prepared to iron out those issues so that a development can progress smoothly from that point on, or indeed so that money can be saved where the development is seen to be undesirable.

We have the spectre of the Environmental Protection Authority perhaps coming in itself at a very late stage, when a development may have occurred, only to find that activity in that development is not acceptable or is modified in some way contrary to the best economic interests of that development. Therefore, it would cause hardship, loss of jobs and so on-matters which we certainly do not want to see occur. Then there is the further consideration of councils being very reluctant to make areas of permitted use, and that would lead to much greater uncertainty in the establishment of development plans and their use by the community. So, there are a number of facets to this matter that I believe cause it to be a risk too great for us to take.

Amendment negatived; clause passed.

Clause 47 passed.

Clause 48—'Governor to give decision on development.'

Mr OSWALD: I move:

Page 45—

Line 22—Leave out 'The' and substitute 'Subject to subsection (2a), the'.

Line 30—Insert new subclause as follows:

(2a) A declaration under subsection (2) has no effect in relation to a development of a kind described as a complying development under the relevant Development Plan.

The first amendment is a drafting change which relates to clause 48 (2) after line 30. This clause relates to the power of the Governor to call in a proposal for an EIS. This is to be consistent with the recommendations in the previous clause 46 (2) (b). Again, the Governor's declaration cannot extend to a complying development which is described as complying under the relevant development plan.

The Hon. G.J. CRAFTER: The Government opposes both of these amendments, which are of course consequential. It is unlikely that in the great majority of cases the Minister will call for an EIS on a complying development, but the Government believes that this option must be available to deal with, for example, noxious or hazardous industries located in an industrial zone. Indeed, all the parties might agree that it is appropriate that an EIS process be entered into, so that, as I mentioned earlier, the planning process can then proceed in the best interests of all the parties and in the overall community interest.

Amendments negatived; clause passed.

Clause 49—'Crown development.'

The CHAIRMAN: A clerical error needs to be corrected. The Minister has suggested that 'that' be inserted after 'commission' to make the grammar of the clause read correctly.

Mr OSWALD: I move:

Page 48, lines 25 to 29—Leave out subclause (8) and substitute new subclause as follows:

(8) If it appears to the Development Assessment Commission—

(a) that the proposal is seriously at variance with—

(i) the provisions of the appropriate Development Plan (so far as they are relevant); or

(ii) any code or standard prescribed by the regulations for the purposes of this provision; or

(b) that the proposal would have an adverse affect to a significant degree on any services or facilities, or businesses, provided or carried on in the proximity of the development; or

(c) that the development could be undertaken as efficiently or effectively by a private developer; or

(d) that the proposal is in direct competition with a development that has been undertaken, or is being undertaken, by a private developer in the proximity of the development,

specific reference of that fact must be included in the report.

This clause relates to the Crown. There is a strong belief that the new Bill does not fully bind the Crown and that the Crown is at a significant advantage in its own developments. For example, if the Crown wishes to undertake a development that is not a joint venture it can short circuit some of the procedures required to be followed by the private sector. In these areas, where the

Government is undertaking public capital works, it may be acceptable, for example, when designing a road through an area or some other accepted public works project. However, I do not believe it should have planning advantages in respect of a development that is in direct competition with a private development or a proposal which would adversely affect to a significant degree any services, facilities or businesses provided or carried on in the proximity of the development.

The idea of the amendment is to get these issues at the forefront of everyone's mind and to force the Development Assessment Commission to report on these issues if that is the case. Then, under the other provisions of the Bill, if anything is mentioned in the report, the Minister will have to report to Parliament on it. The amendment requires the commission to report where the Crown's development proposals would have an adverse effect on private sector activities. The Opposition and the development industry accept that there are certain activities in which the Crown gets involved as part of the normal process of Government, but there are other occasions when that criteria does not apply, and in those circumstances I do not believe that the Crown should be at any advantage over the private sector.

The Hon. G.J. CRAFTER: It is the belief of the Government that the Opposition is simply going too far in this provision. This is really legislation about the planning processes and about facilitating development applications under a set of rules so they are decided in the community interest. The Opposition wants to enter into administration of Government and put statutory clauses into contracts about preferred tenders, contractors and so on. That is not seen as the function of this legislation; it is not seen as desirable and it will lead to a Bill which really is simply too broad and brings the planning process into the such a broad ambit that it is not satisfactory.

This area of the Bill is about assessing the planning or environmental impact of Crown developments. In respect of private sector applications, no weight was given in the assessment process to the competition between businesses, and it is certainly not in the function of the Development Assessment Commission that that should occur. I believe that would give the commission a function that it simply should not have. So, for all those reasons, I believe this provision is quite inappropriate.

Amendment negatived.

Mr OSWALD: I move:

Page 49, lines 10 to 14—Leave out all words in these lines after 'thinks fit' in line 10.

Clause 49 (8) provides that only if it appears to the commission that the proposal is seriously at variance with any code or standard prescribed by the regulations does it have to report this to the Minister, who may as a special condition require the work to be certified as complying with the building regulations. This is hardly the same as that required of private enterprise, which must have the development application certified as complying. Furthermore, no appeal can be made against the Minister's decision, which discriminates even further. I believe there is a definite requirement for the Crown to be bound by the building rules. Consequently, I will be recommending that the Committee insert a new clause to bind the Crown to the building rules.

The Hon. G.J. CRAFTER: The Government believes this is simply too restrictive and that there ought to be flexibility in this area for the Government in the public interest. There may be all sorts of circumstances where the Government needs that flexibility in the community interest. There are checks and balances in place in this legislation and in the Parliament itself if there are excesses in this area or abrogations of power or authority by Government agencies. However, there are other situations where it is believed that this flexibility is required in the public interest.

Mr OSWALD: Where are those checks and balances? We could not find them.

The Hon. G.J. CRAFTER: As I indicated, this place is where there is direct accountability for members of Parliament and for agencies, through their Ministers, in order that those checks and balances apply.

Mr OSWALD: We have had three clauses tonight that I think will cause great concern for the development industry. The system is not being freed up. Perhaps at the end of the debate we may be able to highlight those three areas. However, the whole purpose of this Bill tonight was to free up and give certainty to industry and also to put the private sector and the Crown on an equal footing as a consequence of this Bill's proclamation. We accept the difficulties about binding the Crown in buildings prior to the promulgation of the legislation. However, I believe that there should be only one set of rules from the date of the proclamation of this legislation so that the Crown and the private sector are equal partners in all forms of development.

The Hon. G.J. CRAFTER: There are well-established practices in this State about compliance. I believe that this has not proven to be a major issue. To hobble Government totally in this way may not be in the overall community interest, whether it is a defence related issue or a measure relating to a health situation, where matters need to be dealt with in an emergency. The whole community would accept that there is an appropriate function for Government in those areas. As I say, there is a well-established practice of compliance in this State, and I am sure that is well understood by Government agencies.

Amendment negatived.

Mr OSWALD: I move:

Page 49, after line 14—Insert new subclause as follows:

(13a) An approval under this section will be taken to be given subject to the condition that, before any building work is undertaken, the building work be certified by a private certifier, or by some person determined by the minister for the purposes of this provision, as complying with the provisions of the Building Rules (or the Building Rules, as modified according to criteria prescribed by the regulations).

Amendment negatived.

Mr OSWALD: I move:

Page 49, lines 19 to 21—Leave out paragraph (b) and substitute new paragraph as follows:

(b) the Minister approves a development that required a specific reference under subsection (8),.

This is a consequential amendment to clause 49(12)(b) and proposed new subclause 13a.

Amendment negatived.

Mr OSWALD: I move:

Page 49, line 26—Leave out '(including a certificate or approval under Part 6)' and substitute '(other than to fulfil a condition under subsection (13a), or to comply with the requirements of Part 6)'.

The Hon. G.J. CRAFTER: This amendment has the effect of significantly changing the role of the Crown in overseeing the construction and use of its buildings. It has not been possible to adequately assess all the implications of these measures. I will certainly undertake to do that before the Bill is debated in another place, but it is my belief that they should be opposed.

Amendment negatived; clause passed.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I move:

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

Motion carried.

Clause 50—'Open space contribution system.'

Mr OSWALD: I move:

Page 50, lines 9 to 11—Leave out all words in these lines.

This clause states that the planning authority must, and I emphasise 'must', ensure that any open space land in the development plan is designated open space in the land division. The industry believes that this is simply too rigid and does not acknowledge the often lack of accuracy of depictions of such space or field checks on its suitability and precludes negotiations with council.

As I understand it, one might mark 'open space' on a map and then, when one goes out onto the ground, one sees that the open space that has been drawn up on the original plan could be a totally unsuitable piece of land to be open space. Following negotiations with the council, the open space could be moved so many hundreds of metres to avoid a ravine or whatever, but there should be an ability to negotiate the redrawing of that open space. That is, as I understand it, the concern.

The Hon. G.J. CRAFTER: The Government is trying to achieve a degree of certainty and conformity with the development plans. Where a development plan has designated that land is to be open space, it is believed that councils cannot simply enter into an arrangement with a developer to take the money in preference to providing the open space in contravention of the development plan for that area. There is what I think is regarded as a minimum requirement, that is, the basic requirement that 12½ per cent of the land be provided for open space. In adhering to the measure contained in the Bill, there will be conformity with the development plan, bringing about certainty in that community and a predictability about the development process and, indeed, aspects relating to quality of life and community amenity and so on.

It will avoid, it is believed, the growth of undesirable small parks—pocket parks as they are often known—and it is interesting that many councils are now seeking approval for the sale of those small parks, which are seen as not useable by local communities and which are now being developed for other purposes. If the situation had been thought through more carefully at an earlier stage, they could have provided for a different amenity for those local communities. It is for those reasons that the Opposition's amendment is opposed.

Mr OSWALD: When the Minister commenced his explanation, he seemed to be misunderstanding what I understand is the issue. It has nothing to do with 12½ per cent of land or the payment to the council: the simple fact is that a person could designate an area on the development plan as 'open space', but a relief map might show that that open space is not in the ideal spot. The developers are saying that they want the power to go to the council and negotiate to have that designated area moved but retained. It is a technical but practical matter. The open space would be retained at the same ratio. At present there is no ability for developers to negotiate with council the siting of open space once it has been designated on the original development plan.

The Hon. G.J. CRAFTER: There is an opportunity to amend the development plan, but there is a process for doing that, and that is because the whole community needs to be involved in the process. People might have bought their home believing that an open space provision would remain. We believe that the community deserves to have that degree of certainty with respect to substantial decisions they are taking about where they will live, what sort of house they will have, what sort of amenity they want to have surrounding the place where they live, what sort of recreational pursuits they want to engage in and so on. The honourable member is advancing something that breaks down that certainty in those local communities.

The development plan needs to provide a realistic assessment of land use so that it simply is not possible for people to walk down the road and say, 'Look, this land has been designated in the development plan in a manner which we now believe is unsuitable for that designated purpose.' The development plans need to be realistic instruments for the benefit of the community and those bodies that represent the community. There should not be a situation where the development plan is at great variance with the most desirable use for that land.

Amendment negatived; clause passed.

Clauses 51 and 52 passed.

Clause 53—'Law governing proceedings under this Act.'

Mr OSWALD: I move:

Page 54, lines 7 to 13—Leave out subclauses (4) and (5).

The Bill allows what may be called a pseudo-retrospectivity of the law to be applied to applications dealing with heritage places. That can be extended to include local heritage items and also heritage orders. Members may recall that about 18 months ago a similar amendment came before this Chamber which was called the Gawler Chambers amendment. Most members will be familiar with the Gawler Chambers amendment and the lengthy debate that took place. It means that, if an application has been dealt with and if, in the course of that process, 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. The Opposition does not believe that is the way to go. We believe that the correct course is as depicted in the amendment.

The Hon. G.J. CRAFTER: First, I point out to the Committee that this measure deals only with State listed heritage items, not local heritage items. In this amendment, the Opposition is attempting to undo what

was decided by this Parliament in a recent decision, to which the honourable member referred. The provision was inserted into the Planning Act last year to enable heritage listing after an application had been lodged. Owners who fear a post-application heritage listing can protect their interests by seeking a certificate of exclusion under the proposed heritage legislation, which has been introduced into the Parliament. That Bill provides that the land cannot be listed for the following five years, so that moratorium is given to protect developers who fear that their building may be listed and subjected to that retrospective effect. I believe those fears can be quelled with the provisions in the heritage legislation and in the measures entrenched in the Development Bill.

Amendment negatived; clause passed.

Clauses 54 to 56 passed.

Clause 57—'Land management agreements.'

Mr OSWALD: I move:

Page 57, line 4—After 'relating to the' insert 'development,'.

This amendment relates to land management agreements. Some councils strongly oppose the removal of the word 'development' from land management agreements, because they choose to use it as an effective planning tool in the control of development with regard to land divisions. I gather that it is also in the Planning Act.

I refer members of the public who read *Hansard* to my second reading contribution, in the course of which I inserted a fairly lengthy document that I received from the Adelaide City Council which set out some fairly strong reasons why it believed the word 'development' should be reinserted into the clause. I have also received representations from other councils, and my good friend the member for Bragg will refer briefly to the documentation that he received from the Burnside council, which also contacted me. I strongly recommend that the Government should think very carefully about this clause and the substantial representations put in by the Adelaide City Council. I will not repeat those submissions given to me by the Adelaide City Council.

The Hon. G.J. CRAFTER: I think the member for Morphett in his second reading contribution referred to this issue. I refer the honourable member to clause 57(9) which specifically covers the situation to which he referred. It provides:

> An agreement under this section may record the fact that development rights have been transferred from the land pursuant to a development plan.

I think that covers the concerns raised by the Adelaide City Council. On the more general question, the Government opposes the amendment, because it believes that controls on development should be set out in development plans, not in private contracts, so that these controls are clear and available to both developers and the wider community. Further, it is better that special conditions previously set out in land management agreements be clearly set out in the application and therefore form part of the approval.

Any breach of that approval is actionable under the Act. Land management agreements, which are covered in the Bill, are about the management of land: they were never intended to override the development plan itself. We believe that to follow the path that the Opposition seeks would be a doubtful process. Greater education with the development industry and local government authorities may achieve the same end by a more satisfactory route.

Mr OSWALD: I agree that the development plan should be definitive in what it sets out can be done and that every form of development should be included. My only comment in relation to subclause (9) is that my advice came from some senior planners, including local government. I propose to accept the Minister's explanation, but next week I shall have another discussion with city planners to ascertain whether their concern has been satisfied by the Minister's explanation. Perhaps we can raise the matter in debate in another place if they are still concerned.

Mr INGERSON: The Minister will be aware that in my brief second reading contribution I mentioned Burnside council's concern, and its comments, in essence, support those put forward by the member for Morphett and the Adelaide City Council. It has been useful for the Burnside council to have land management agreements and to have the development side of it as part of such agreements. I accept what the Minister said about a broader policy in relation to that matter. The council's comment was about the specific nature and certainty that it gives, not only to the developer but to the purchaser, of knowing what will happen in that area. Will the Minister reconsider that matter, because it seems to be a fairly important issue in my electorate?

The Hon. G.J. CRAFTER: I do not think I can add much to what I have already said about the Government's view, except that the process provided in the Bill is much safer for the community and for the parties. A simple contractual basis can also be undone very easily. I think that we need a little more security than that in the measures in this Bill and the processes that are being applied here.

Amendment negatived.

Mr OSWALD: I move:

Page 57, line 6—After 'relating to the' insert 'development,'.

This is a consequential amendment to clause 57(1).

Amendment negatived; clause passed.

Clause 58 passed.

Clause 59—'Notification during building work.'

Mr OSWALD: I would like to make some general remarks on this clause and deal with the two proposed amendments. This clause relates to notification during building work, and I imagine that most members have received representation now from their various councils and the building inspectors in those councils.

Under the Bill's proposals, a surveyor will certify the plans, which will then be lodged with council. Assuming everything is in order it will form part of a green light to go ahead. There is no responsibility on the certifier, just as there is no responsibility on the council, to ensure that the building work actually complies with the certification. It is an offence if the development is not constructed according to the approval, which includes a certification, and as part of the final scheme a certificate of occupancy must be issued before the building can be occupied. The builder must also provide council with a certificate that the building has been built in accordance with the plans.

Under a High Court ruling neither a private surveyor nor council building inspector who does not inspect during the course of the construction phase could be

deemed to be negligent if something goes wrong: it is only if they do inspect that they could be negligible. The Bill seeks to protect or diminish the liability of councils: we acknowledge that the Institute of Building Surveyors' representatives has advised changes that would satisfy them. I do not want to go through all the details, because every member has received a letter from them. Let me summarise the position by saying that the building surveyors believe that if the proposed amendments are made it will satisfy their concern that the building should be inspected at some time or other.

The representatives who spoke to me are not greatly concerned about the question whether the new scheme will create unemployment, because a lot of them will go out into the private sector and probably earn more. Their concern is that at the end of the day inspections will be carried out so that, if a property is built and then sold on, from the consumer point of view at least it is known that inspections have been carried out.

So, what they propose is, first, that the notification must be accompanied by a statement from an independent person with prescribed qualifications that the building work has been carried out in accordance with the requirements of the Act. Secondly, a person who is carrying out building work must arrange an inspection by an independent person with prescribed qualifications when a mandatory notification stage has been reached. They also suggest that we delete subsection 59(4). These changes would ensure that independent inspections would be carried out at all significant stages. It would also provide consumer protection for future purchasers of these properties, as I have pointed out my recommendation would be to support the amendments that I will move to ensure that a person who is carrying out building work must ensure that that work is inspected when the mandatory notification stage is reached. I move:

Page 58, line 11—Leave out 'A' and substitute 'Subject to subsection(la), a'.

I believe that by including those amendments we will satisfy the concerns of the building inspectors and those in the community who have concerns in this area of consumer protection, so that when someone purchases a home they know that at some time during the construction phase of that home, particularly at prescribed times (which will be in the regulations), an inspection will have taken place.

The Hon. G.J. CRAFTER: The Government at this stage opposes the measures that the honourable member has raised. The Government received these amendments only yesterday and the work required to do some justice to the amendments will take a little longer than the day or so that we have had. I believe that these need further analysis, so I will undertake to have that work done before this matter is dealt with in the other place. Some of these do have some merit; others are more difficult for the Government to accept. However, I will undertake to consider this package of amendments further and have further comment given on them in the other place.

Amendment negatived.

Mr OSWALD: I move:

Page 58, after line 14—Insert new subclause as follows:

(la) If the building work is being carried out on a building owned or occupied by the Crown, the person must notify the Minister (instead of the council) of the commencement or completion of a prescribed stage of work.

Amendment negatived.

Mr OSWALD: I move:

Page 58, line 15—Leave out 'by a statement' and substitute , or supported by a statement from a person who holds prescribed qualifications:'.

Amendment negatived.

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

Page 58, after line 16—Insert:

Penalty: Division 6 fine.

This clause simply places various obligations as to notification on a person who is performing building work. Subclauses (1) and (3) create statutory offences if the requirement is not observed. A penalty should also apply as part of the legislative scheme to subclause (2). This amendment provides that penalty.

Amendment carried.

Mr OSWALD: I move:

Page 58 lines 17 to 23—Leave out subclauses (3) and (4) and substitute new subclauses as follows:

(3) A person who is carrying out building work must, if the regulations so require, ensure that the building work is inspected by a person who holds prescribed qualifications when a mandatory notification stage has been reached.

Penalty: Division 6 fine.

(4) A person must not give a statement, or carry out an inspection, for the purposes of this section if—

(a) the person is the building owner, or the builder; or

(b) the person—

(i) has a direct or indirect pecuniary interest in any aspect of the development or any body associated with any aspect of the development; or

(ii) is employed by any person or body associated with any aspect of the development,

other than as an officer or employee of the Crown, or as an officer or employee of a council.

Penalty: Division 6 fine.

I have explained these in detail. I thank the Minister for reconsidering those clauses so that we can have another look at them when the Bill goes to the other place. I believe they are significant clauses and are important to the building inspectors and those involved in the new process.

Amendment negatived; clause as amended passed.

Clauses 60 to 64 passed.

Clause 65—'Buildings owned or occupied by the Crown.'

Mr OSWALD: The Opposition opposes this clause, under which Crown buildings are not required to be classified as are private developments, which could mean that the Crown could build to a lower classification and change to a higher classification without any requirement to comply with the regulations. The Crown also in effect does not need a certificate of occupancy. I have been saying all night that I believe that the Crown and the private sector should be on an equal footing after this Bill is implemented. I acknowledge the difficulties that exist in upgrading buildings owned by the Crown around South Australia; that no Government in the foreseeable future could ever expect to pay the cost but, once this Bill is in place as an Act, I believe it should be equal rules for the Crown and for the private sector.

The Hon. G.J. CRAFTER: I want to make a brief comment about this clause and this comment can then apply to clauses 66, 67 and 68. Once again, because the Government has not had time fully to analyse the thrust of these matters, it is seen at first blush that they are not required, as they are not achieving anything other than simply to provide the parallel situation with the non-government sector that the honourable member raises. But whether the Government should be bound in this way and what the costs associated with that are, and what the evil is that the honourable member is attempting to overcome, whether it justifies these means, has yet to be fully assessed. Once again, I will undertake to do that and this reply will suffice for the other clauses that provide for a similar thrust in the Opposition's amendments.

Clause passed.

Clause 66—'Classification of buildings.'

The ACTING CHAIRMAN: The honourable member's amendments to clauses 66, 67 and 68 are consequential on clause 65 being deleted, so they are no longer relevant. The honourable member may speak to the clauses but not move the amendments.

Mr OSWALD: I understand, Sir. What we were attempting to achieve with the amendment to clause 66 was the requirement that all Crown development would be classified in the same way as private sector development. Once again, clause 67 relates to certificate of occupancy. This is where the building work has been finalised and a certificate must be obtained to show that the building is now suitable for occupation. Currently the Crown is not bound by this provision.

I was going to recommend to the Chamber that we require the Minister, not the council, to issue a certificate of occupation, which I believe has merit. Once again, it would have put the Crown in the same position as the private sector and, of course, that may be anathema to a Labor or socialist Government. If you want private development to come to this State, the Government must telegraph to the developers who will bring their capital to this State that the Crown and private development henceforth will be on equal footing. I urge the Minister over the next week or so to research the amendments that I was to move tonight and perhaps reconsider them if they are raised again in another place.

Clause passed.

Clauses 67 to 70 passed.

Clause 71—'Fire safety.'

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

Page 66, line 27—Leave out 'order' and substitute 'notice'.

This amendment corrects an incorrect cross reference. Clause 71 presently allows a council to serve notice on a person in relation to fire safety. Subclause (12) incorrectly refers to an order, a term used in a previous draft of the Bill. This corrects that error.

Amendment carried; clause as amended passed.

Clauses 72 to 75 passed.

Clause 76—'This Act not to affect operations carried on in pursuance of Mining Acts except as provided in this Part.'

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

Page 71, line 36—Leave out '(whether before or after the commencement of this Act)' and substitute '(including a period commencing not more than 12 months before the commencement of this Act)'.

This clause relates to the interaction of this measure with the Mining and Petroleum Acts. Subclause (2) provides that the Act does not prevent, or otherwise affect, the operation of a private mine. However, under subclause (3), the Act will apply if the mining operations cease at a private mine for 12 months or more. The same provision currently applies under section 60 of the Planning Act 1982. The drafting needs to address a potential transitional problem if a 12 month period for the purposes of this provision began to run under the Planning Act 1982. Discussions on the draft with the mining sector have raised a concern that the provision as presently drafted could be taken to extend to a period before the commencement of the Planning Act. This is certainly not intended. This simple amendment is proposed to clarify the matter beyond doubt.

Amendment carried; clause as amended passed.

Clauses 77 to 87 passed.

Clause 88—'Preliminary.'

Mr OSWALD: I move:

Page 83, lines 7 and 8—Leave out 'to the extent prescribed or authorised by the regulations' and substitute 'in relation to an assessment against the Building Rules'.

I have been asked by the Local Government Association, which is extremely concerned about the form of words in the Bill, to raise this matter. Much of the concern relates to the fact that no regulations have been put forward with the Bill. Whilst we have had assurances that there are probably not too many changes from the November draft of the regulations that will go to the Upper House, we still want the regulations before the Bill passes to the other place. Despite the fact that there are virtually no changes, the Local Government Association is still very concerned.

I would like to point out to the Committee why that is so. Without access to the regulations, my advice is that the local government sector is giving away all its powers to private surveyors. Whilst this is somewhat qualified in the Bill, without the regulations the association has to take the Government on trust. As it is not prepared to take the Government on trust, it has asked me to move this amendment. Subclause (1) provides:

...any assessment, give any consent or approval or make any other decision in relation to a proposed development or a particular aspect of a proposed development.'

Whilst I believe that subclause (2) certainly softens the clause somewhat, the fact is that the Local Government Association has no regulations; thus, it has asked me to move this amendment.

The Hon. G.J. CRAFTER: The Government accepts that there is some concern in this area. I foreshadow an amendment I will move to this clause to meet the concern expressed by sections of local government. The amendment moved by the Opposition unduly binds the Government in its proposals to provide for a better system of certification. It would restrict a certifier to only assessing plans and specifications. It would prevent inspecting work in progress—for example, issuing a certificate of occupancy—and prevent certifiers from being used for assessing and inspecting the construction of subdivisions. They are but three examples.

It is preferable to retain the power for other matters to be certified in the future. If the Opposition's concern is about certification of development plan assessment, that matter is covered in my proposed amendment. Most certainly there has been concern about this policy in the area of planning work. It is believed that private certifiers will speed up the processes involved and retain the same level of professional integrity that there is in this area. Regulations will specify the work that can be done and the qualifications required in the circumstances. The regulations are subject to the scrutiny of the Parliament. There will also be powers to delist for poor performance, so I believe that the safeguards are provided for in the Bill, but they will also be provided for in the regulations.

Amendment negatived.

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

Page 83, after line 8—Insert new subclause as follows:

(2a) A private certifier cannot grant a provisional development plan consent.

This amendment covers the area of a private certifier where it is regarded as inappropriate for that person to grant a provisional development plan consent. I believe that is the crux of the concerns being expressed by local government. This matter covers that concern.

Amendment carried; clause as amended passed.

Clauses 89 to 106 passed.

Clause 107—'Regulations.'

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

Page 91, line 15—Leave out 'State Authority' and substitute 'Development Assessment Commission'.

This amendment corrects an incorrect reference to the State Authority. That term, which was used in the November 1992 draft, should now read 'Development Assessment Commission'.

Amendment carried; clause as amended passed.

Schedule.

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

Page 93, item 17—After 'design,' insert 'construction,'.

This and the subsequent amendment relate to the application of a building code of Australia under the legislation. They are consistent with the earlier amendments to clause 4.

Amendment carried.

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

Page 94, item 17(l)—After 'health' insert ', safety'.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 2448.)

Mr OSWALD (Morphett): It is nice to have the House filling up on this very important subject. This Bill seeks to establish a new court, the Environment, Resources and Development Court, and a new bureaucracy to support it. The court will comprise a presiding member, who must be a judge of the District Court appointed by the Governor after consultation with the Chief Judge. Other District Court judges may be designated by the Governor as judges of the Environment, Resources and Development Court. A magistrate may be designated by the Governor as a member of the court as well. Provision is made for the Government to appoint commissioners who must be persons with a practical knowledge of and experience in a range of interests related to the environment, resources and development disciplines.

A master of the District Court may be designated by the Governor as the master of the new court. The court has its own administrative and ancillary staff. The court may be comprised of a judge and not less than two commissioners; a judge, magistrate or commissioner sitting alone; or two or more commissioners. The presiding member determines the composition of the court for the purposes of any hearing.

The second reading explanation states that a draft of the Development Bill proposed that the new court be established as a division of the District Court, and submissions supported the proposed single court but were opposed to its being made a division of the District Court. I gather that there was some debate by the legal fraternity on this subject. The second reading explanation also states that concern was expressed about the potential cost of court proceedings, the role of commissioners and the perceived loss of informality. During the course of the debate I would like access to the submissions for the purpose of determining the accuracy of that view as well as other matters which may be of interest in considering this package. I wonder whether, during the course of what will be a relatively short second reading speech, the Minister may be able to obtain those documents for us.

In the debate on the court's restructuring package in 1991, which came into operation in 1992, the desire was expressed by the Government and supported by the Opposition that there should be rationalisation of courts and tribunals so that they are not all independent with their own bureaucracy and no sense of coordination. That was the reason why the Administrative Appeals Division of the District Court was established in the District Courts Act. The Administrative Appeals Division provisions envisage the coordination of various administrative appeals which come from a number of boards and tribunals and a rationalisation of resources. They also envisage lay assessors or commissioners sitting in with judges and that proceedings be relatively informal with no requirement for strict adherence to the rules of evidence.

Therefore, an appropriate structure within the mainstream of the courts is already in place. The Bill is of concern in that it sets up its own bureaucracy and allows the Government to determine who will sit in the new court. We suggest that this has the potential to fragment the delivery of the court's services. Another factor which needs to be considered is that in the current session Parliament passed the Courts Administration Bill to establish the State Courts Administration Council, allowing for a more coordinated administration of the Supreme Court, the District Court, the Magistrates Court, the Children's Court and the Coroner's Court.

In our view, it would be a great pity if a new court was established, some of whose members were subject to the State Courts Administration Council administrative

regime and some were not, and all of the administrative activities were outside the responsibility of that body. Obviously, to a layman who has just been briefed on this, there has been some earnest debate about whether the court should remain as part of the District Court or should be a court on its own. The Opposition has endeavoured to combine both points of view.

The great plus, as I see it, is that the Environment Resources and Development Court will allow disputes to be considered on their own instead of what I understand happened in the past where someone would go to the District Court and the whole of the dispute would be opened up from start to finish. It became a very expensive, long process, and this will negate that. I have also had a lot of sympathy in relation to the proposition of planning referees. I would imagine that all of us who have been following this debate have received representations from architects and others who have put up a case for planning referees. Once again, it would save time and cost. It is based on the concept of the building referee. I thought it had merit. However, when I read the explanatory notes to the ERD Bill, I could see that the concept can be incorporated in that Bill, albeit with a bit of fine tuning. If we can have a concept of a planning referee or the ability for those who sit on the ERD court to go out on site or sort out difficulties cheaply and quickly, and if the court goes back to considering one-off issues rather than opening up the whole case, that will be a step in the right direction.

Consequently, I will move amendments to achieve certain objectives. I refer to the point I made previously that, whilst there was a legal argument for retaining the provision within the District Court, the Opposition acknowledges that there is value in having a separate entity. However, bearing in mind the legislation that has been passed recently, we will put up a proposal which I believe can encompass the best of both worlds, one which lawyers and solicitors in another place and in the department may wish to discuss further before this Bill is debated in another place.

The objectives include, first, to allow the Environment Resources and Development Court to remain as a separate court but linked into the administration of the District Court. The presiding member is to be elected by the Chief Judge of the District Court and the other judges and masters of the District Court will become judges and masters of the Environment Resources and Development Court. They would also have the same registry and I would expect them to share staff and facilities.

Another important reason for bringing the Environment Resources and Development Court under the Magistrates Court is that under the Bill the jurisdiction of the court includes criminal jurisdiction. This is because the Government is obviously keen to let the court hear matters from the EPA and the Heritage Act. We believe that these matters should be dealt with in the more formal criminal court atmosphere involving magistrates, judges and juries. During the Committee stage, I will refer to more detail. The Opposition basically supports the Bill but will be moving amendments along the lines I have just described.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the Opposition for its indication of support for this measure, albeit with the reservations that the member for Morphett has brought to the attention of the House. No doubt we will further pursue them in Committee. This Bill proposes to establish a single court system, which will enable it to address all the matters under the Development Bill, which we have just passed.

Such matters are currently handled, as we know, by a wide variety of jurisdictions in our State. This measure will also enable the court to address disputes under the Heritage Bill, which is to be debated in this place, and the proposed Environmental Protection Bill. So a specialist jurisdiction is being established to enhance the planning processes and development of our State in an orderly, appropriate, efficient and modern way in order to minimise delays and costs, which are very important and which are causing great criticism of both the legal profession and, indeed, access to justice in this country at the present time.

This Bill establishes requirements for a conference between the parties prior to the hearing of an appeal in order to reduce the number of appeals through various compromises and agreements being reached prior to the matter coming formally before the court. Further, it directs that the procedures be conducted in an informal manner, without regard to all the legal technicalities that often add to costs and deter parties from having their matters resolved before the courts. Therefore, it not only minimises delays but also reduces costs and, of course, enhances access to the court.

Further, it enables the court simultaneously to deal with planning, building, heritage and enforcement matters—and that is seen as entirely desirable. It enables a single judge or commissioner to hear an appeal, thus maximising the number of appeals that can be heard with a given number of judges and commissioners available within the proposed new court. Further, it requires a conference of parties in civil enforcement cases, and that should minimise the number of cases that proceed past that stage—another desirable feature of the measure.

It enables the court to require a bond from a person taking action, in order to discourage frivolous and unnecessary actions being brought before the court. It specifies that the staff serving the District Court can serve the new court, thus eliminating the need for separate staff and additional costs. Once again, it provides for greater efficiency in our administration of justice. It specifies that judges of the District Court, magistrates holding office under the Magistrates Act and masters holding office under the District Court Act can be designated to be part of the court, as well as holding their current position. This will provide flexibility and savings.

In summary, there is a great number of advantages in the measure before us. There has been considerable debate surrounding this measure in the period that has been made available for community consultation and discussion about whether the court should be part of the District Court or whether it should be a separate court. I think it is very strongly agreed, as a result of representations that have come from within the judiciary as well as those from the various interest groups, that

there should be a separate court—the Environment Resources and Development Court—and that that should be a specialist jurisdiction. It should be staffed appropriately and resourced appropriately so that it can provide the service to the community and facilitate the resolution of disputes with respect to development in our State in the most appropriate and, as I said, most modern way that that can be achieved. This is taking South Australia to the forefront in this area. Undoubtedly, it will be watched closely by other jurisdictions around this country. I commend this measure to all members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr OSWALD: I move:

Page 1, lines 26 and 27, and page 2, lines 1 and 2—Leave out the definition of 'relevant Act' and substitute new definition as follows:

'relevant Act' means an Act which confers jurisdiction on the court;.

As I said earlier, this clause alters the definition of 'relevant Act'. In my second reading contribution I said that we believed that the ERD Court should remain a separate court. I acknowledge the Minister's comments and I agree that there should be a separate court, which should be linked administratively to the District Court, the presiding member being elected by the Chief Judge of the District Court. I also listed other administrative reasons why this should occur, but I will not go through them due to the lateness of the hour. They are identified in my contribution.

One of the most important reasons is that the ERD Court includes the criminal jurisdiction, which is picked up through the EPA and heritage legislation. Although the Government has limited the ERD Court in its cases to summary offences, which can be held without a jury, the Opposition believes that these should go to the existing courts, which traditionally handle criminal matters. I believe there is a considerable amount of support for such a measure, while the concept of the ERD Court as is set out in the Bill is retained.

The Hon. G.J. CRAFTER: The Government opposes the amendment. I will comment in a general way, because then I will not need to comment on the other matters contained in this first part of the honourable member's amendments, which are all related to the jurisdiction of the Environment, Resources and Development Court.

To summarise, the Government wishes to retain its right to appoint the appropriately qualified persons to judicial office and other office related to this jurisdiction rather than to defer that to the judge, as the Opposition is requesting, and there is a variety of reasons why that is seen as not desirable. It is a specialist jurisdiction and it does require careful consideration of the appropriate appointments to the jurisdiction. I think the community demands that of the Government and does not wish to see that responsibility passed onto some other person—in this case, the Opposition is suggesting a senior judicial officer. But the Government's view is that this matter ought to remain the responsibility of the Government. Further, the amendments remove the jurisdiction of the court to deal with criminal offences, and that also is opposed.

The Bill empowers the court to deal with all relevant matters relating to breaches of the Act and, once again, this would be fragmenting the jurisdictions. That is seen as not desirable. We want to get consistency; we want to get a one-stop shop concept. We want to get the expertise and the authority vested in this jurisdiction, and known access to it is designed in a way that is not available in other jurisdictions. For all those reasons, it is seen as not desirable to fragment the jurisdiction in the way that the Opposition is intending in these amendments.

Disputes often include alleged criminal breaches of the Act, and it is appropriate that the specialist judges and magistrates be able to deal with these matters. They will have a better understanding of the issues. They will understand all the circumstances surrounding these matters and, further, it is believed that there will be greater efficiencies in the administration of justice, which we know is very costly, by maintaining the jurisdiction as outlined in the Bill.

Various provisions in the Bill protect the rights of defendants in criminal matters, and they need to be borne in mind as well in considering the fragmentation of the jurisdiction. The court will be limited in the penalties that can be imposed. That has been provided for in the substantive Bill. So serious indictable offences will still be dealt with by the usual criminal court, with judge and jury. I believe that the amendments in this series as proposed by the Opposition are not desirable.

The honourable member also raised questions in his second reading contribution which I overlooked in my concluding comments to the second reading debate and which related to representations that the Government received about the matters to which he referred. I give an undertaking that officers of my department will be made available to the honourable member to advise. Many of the representations, understandably, were of a verbal nature and, certainly, the honourable member can be briefed about those. I also undertake to speak to the Attorney about what information he can provide to the honourable member or his colleague in another place which might help in clarifying the debate about the jurisdiction of this court.

Amendment negatived; clause passed.

Clauses 4 to 6 passed.

Clause 7—'Jurisdiction.'

The ACTING CHAIRMAN (Mr De Laine): I have been advised that the honourable member's amendments to this clause are consequential on the success of the previous amendment.

Clause passed.

Clause 8—'Judges of the court.'

Mr OSWALD: I move:

Page 4, lines 6 to 7—Leave out subclause (2) and substitute new subclause as follows:

(2) The presiding member will be a judge of the District Court nominated by the Chief Judge.

The contribution I made under clause 3 is relevant to this clause.

Amendment negatived.

Mr OSWALD: I will not proceed with any other amendments standing in my name, as clauses 3 and 8

were test cases. Other matters can be raised in another place at another time.

Clause passed.

Clause 9—'Magistrates.'

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

Page 4, after line 27—Insert new subclause as follows:

(la) A magistrate appointed under subsection (1) may also, if the Governor so determines, be appointed as a Master of the Court.

The Government is keen to ensure that members of the court can work to the highest levels of efficiency and effectiveness. It has been pointed out that it could be useful to allow a magistrate to act also as a Master of the Court. It was originally envisaged that a magistrate would deal only with criminal matters. This amendment will therefore allow a magistrate to be appointed as a Master.

Amendment carried; clause as amended passed.

Clauses 10 to 14 passed.

Clause 15—'Arrangement of business of the court.'

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

Page 7, line 7—Leave out paragraph (a) and substitute new paragraph as follows:

(a) —

(i) a judge, a magistrate and not less than one commissioner; or

(ii) a judge and not less than two commissioners,

(referred to as 'a full bench'); or.

This amendment is consistent with the last amendment in that it will allow a magistrate to be appointed as a member of a full bench of the court in appropriate cases.

Amendment carried.

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

Page 7, line 18—Leave out 'if the member is a commissioner' and substitute 'in any other case'.

Page 8—

Line 1—After 'constituted of a' insert 'magistrate,'.

Line 10—Leave out 'of a judge and one or more commissioners' and substitute 'as a full bench'.

These amendments are consequential on the earlier amendment.

Amendments carried; clause as amended passed.

Clause 16—'Conferences.'

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

Page 9, line 19—After 'that member is a' insert 'magistrate or'.

This amendment is also consequential on the previous amendments relating to magistrates.

The ACTING CHAIRMAN: The Minister may take these amendments together, with the indulgence of the Opposition.

The Hon. G.J. CRAFTER: Thank you, Mr Acting Chairman. I move:

Page 9, line 20—Leave out 'report to the court on the outcome of any conference that' and substitute 'advise the court if the conference'.

Clause 16 provides for a conference to be held prior to any formal hearing before the court in order to explore any possible resolution of the matter by agreement between the parties. It is essential to the proper and effective operation of any such conference procedure that matters raised in the conference should not be communicated to the court. Accordingly, the use of the word 'report' in subclause (7) (f) has raised some concern. This amendment is proposed to alleviate any such concern. Further, I move:

Page 10, lines 2 and 3—Leave out 'or rule of a prescribed class' and substitute ', or a rule or order of the court'.

The import of this amendment is that the person presiding at a conference will be able to give a summary judgment against a party to the proceedings in certain cases. It was proposed that these cases should include situations where a regulation or a rule of a prescribed kind is breached. It has been submitted that it is not necessary to rely on prescribing categories of regulations or rules, but instead to rely on the discretion of the court in such matters. The Government accepts that submission. Furthermore, that provision should be extended to breaches of orders of the court.

Mr OSWALD: I should like to take this opportunity of supporting that amendment. It sounds a very good proposition. I think that it furthers the concept of planning referees that we wanted before. If that is achieved by being put into the Bill, I support the amendment.

Amendments carried; clause as amended passed.

Clause 17—'Parties.'

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

Page 11, lines 6 and 7—After 'except' insert:

—

(a) on the application of, or with the consent of, the party to be joined; or

(b) [The remainder of subclause (2) becomes paragraph (b).]

This clause allows the court by order to join a person as a party to the proceedings. Initially, it was thought that such an order should be made only by a commissioner with the concurrence of a judge. However, section 30 of the Planning Act allows the tribunal to join parties without any such qualification. This amendment will allow a commissioner to join a party on the application or with the consent of the party. Such a provision should be non-contentious and it provides a form of compromise between the present drafting and the provisions of the Planning Act.

Amendment carried; clause as amended passed.

Clause 18—'Time and place of sittings.'

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

Page 11, line 28—Leave out 'maintained as such' and substitute 'at the same places as registries of the District Court, and at such other'.

It is proposed that the registries of the District Court should be registries of the new court. However, clause 18 would require the Governor to make a separate designation under this legislation. The amendment will avoid this administrative step and provide flexibility for those cases where it is thought to be appropriate to create other registries, for example, in the country.

Amendment carried; clause as amended passed.

Clauses 19 and 20 passed.

Clause 21—'Principles governing hearings.'

Mr OSWALD: Will the Minister give an assurance that within the form of words used in clause 21 there is a subclause which rules out once and for all a problem that developers have been putting to me that when they go to court over a specific problem the court opens up the whole of the case? What might have been a question of going to court for a speedy resolution of one specific matter is suddenly opened up. I heard the expression *de*

novo used, and I do not know whether it is correct. I gather it implies that the court has power to take evidence and look at the whole of the case. If the developer wants only one issue resolved and does not want the whole case opened up, that is how it will now happen under the new jurisdiction. I am looking for an assurance that that problem has been solved in the legislation. I should be grateful if the Minister would identify the subclause so that I can point it out to those who have made representations to me.

The Hon. G.J. CRAFTER: All I can say by way of assurance is that that is the intention of the legislation. I do not think one can give a guarantee about what a court will or will not decide, but that is the intention of the legislation as drafted. That is as far as I can go with regard to an assurance or guarantee in this matter. Obviously the court will be aware of what Parliament has said about this matter. It is acutely aware of the powers and responsibilities vested in it not only by the Parliament but by the community in order to obtain the confidence of the community and particularly of the interest groups that have come to rely upon the ability of the jurisdiction that we have. Confidence in this proposed jurisdiction to resolve these disputes will depend upon the precedents which are established in its jurisdiction. That, as the honourable member has indicated, is the intention of this legislation.

Mr OSWALD: What concerns me is that even under the existing Act the same directive could apply. Over the course of years the District Court has gradually expanded the depth of its investigation into a case, and where over the years people have gone to the District Court saying they want to resolve problem 'X' the court has said 'Okay, let us look at the whole thing.' I have had many complaints where the costs have blown out astronomically because parties have ended up with days in court and solicitors going over ground which has already been covered and about which there is no dispute. Yet, litigants are paying out thousands of dollars to research evidence that no-one disputes.

They may have gone to court to resolve only one or two issues. I think that if it is not well defined the lawyers of this world ought to get together and make sure it is defined in such a way that that area of concern is removed, because it is just one more burr under the saddle cloth of the builder and the development industry. I thought that our aim, as legislators, was to remove as many burrs under the saddle cloth of these people as we can so that they can get on with their business, become profitable and get the State going.

That is the whole aim of this legislation. This Bill and the Development Bill that went before are aimed at clearing the way for speedy, predictable planning decisions as cheaply and as economically as possible in terms of both time and money. I notice the Minister has just taken advice. If he has an answer that satisfies us, I will be delighted to hear it. If he has not, I think we should perhaps try to continue to firm up the words so that the courts know that we want them to consider only individual issues that come before them and not spend days raking over evidence that is not in dispute.

The Hon. G.J. CRAFTER: That is precisely why we have this measure before us: to create this specialist jurisdiction and to make appropriate appointments to it that will take into account all the circumstances that the honourable member has raised and indeed, further circumstances that could be introduced into this argument. The provisions that we have before us, the principles governing hearings, provide for that flexibility in order to bring evidence before the court in the ways in which it is described here and so that the court has the power to call for a wide variety of evidence, whether they be applications, documents, written submissions, reports, plans, specifications or other documents lodged with or received by the person or body in relation to the matter and any other relevant material requested by the court.

So, there is a power here, and indeed the intention behind this obviously is to simplify the proceedings—not to go over evidence or very strict powers of proof, so that this matter can be dealt with expeditiously, where the kernel of the matter can be arrived at very quickly and be resolved to the satisfaction of the parties in a fair way. It is simply not possible to write in a prescriptive way the honourable member's intention, other than in the general way that is provided for here. Once again, this will be very much dependent upon the initiative of the court, the rules that it creates for itself and indeed the confidence that it builds up by its decisions in the community that it serves.

Clause passed.

Clauses 22 to 45 passed.

New clause 45a—'Entitlement of witness to be assisted by an interpreter.'

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

Page 20, after line 30—Insert new clause as follows:

45a. (1) Where—

(a) the native language of a person who is to give oral evidence in any proceedings before the court is not English; and

(b) the witness is not reasonably fluent in English, the person is entitled to give that evidence through an interpreter.

(2) A person may present written evidence to the court in a language other than English if that written evidence has annexed to it—

(a) a translation of the evidence into English; and

(b) an affidavit by the translator to the effect that the translation accurately reproduces in English the contents of the original evidence.

The Government is keen to preserve the rights of persons whose native language is not English. Section 14 of the Evidence Act 1929 provides that such persons are entitled to give evidence before courts with the assistance of an interpreter. The new court is not to be bound formally to the rules of evidence, and to avoid any argument that a person may not have a right to an interpreter it is proposed to include an appropriate provision in this measure.

New clause inserted.

Remaining clauses (46 to 48) passed.

Schedule—'Commissioners.'

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

Page 22, clause 1(2)—Leave out 'subsection (3), a full-time or permanent part-time' and substitute 'this section, a'.

The Governor will be able to determine the terms and conditions of commissioners appointed under the Act, subject to the provisions of this Act. This amendment

clarifies the Governor's powers in relation to non-permanent part-time commissioners.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

STATUTES REPEAL AND AMENDMENT (DEVELOPMENT) BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 2448.)

Mr OSWALD (Morphett): The Opposition supports this Bill. The transitional provisions therein seem to be appropriate. There are amendments to the relevant legislation dealing with appeals that now are to be dealt with under the Environment, Resources and Development Court Bill, and they seem to be appropriate. There is an amendment to the Local Government Act that precludes the council from undertaking a project outside the area of the council if the primary reason for proposing the project is to raise revenue for the council. And there are amendments providing flexibility for councils to make delegations under the relevant legislative provisions.

We do not have difficulty with that. The Opposition believes that councils should confine their activities to within their own council areas, and to undertake revenue raising ventures outside the council areas I see as a long-term problem in local government relations. There may be an argument for being involved outside the area for raising money for administrative purposes, the straight out revenue raising, and in other council areas I believe we are opening up an area of difficulty which even local government has acknowledged at Local Government Association level.

I believe that it has some concern about the recent directions that some councils are taking in this area of unbridled development and the urge to get involved in the development industry. The Planning Act provides that an application under the Mining Act for the granting of a mining production tenement must be published in the *Gazette* and in a newspaper circulating throughout the State to invite submissions. These provisions are not in the new Development Bill but they are now being transferred, as I understand it, across to the Mining Act.

In addition, the relevant amendment requires the Minister responsible for the Mining Act not to grant a mining lease or a miscellaneous purpose lease unless he or she has caused it to be published in a newspaper circulating generally throughout the State inviting members of the public to make written submissions in relation to the application. We have not had representation on this issue since the Bill was circulated, but the discussions that we have had amongst those who are close to the Mining Act are such that I do not believe there are too many problems associated with that issue.

Once again, because of the short amount of time during which we have had this Bill, some of us are still doing a bit of research on that subject. It may be a relatively minor matter in the whole scheme of the Bill, but it is a matter that I telegraph we may wish to raise in another place again, only because more information may come to hand. The National Parks and Wildlife Act is amended to require the Minister responsible for that Act to consult with the Development Policy Advisory Committee (DPAC) established under the Development Bill that was passed earlier tonight, particularly during the preparation of the plan of management.

I thought that more debate would have been generated than there has been over the clause relating to swimming pools. The recommendation relates to the issue of the fencing of swimming pools on private land. It ensures that under the Development Act there will be only one set of legislative proposals for the construction of new pools, and I emphasise for the benefit of this debate that we are now talking about new pools. Controls on existing pools will remain under the Swimming Pools (Safety) Act until the Government's white paper on this issue is prepared and released. I imagine that it will cause quite a bit of controversy in the community when that paper is brought forward.

At the end of the day some hard decisions will need to be made on what we do with unfenced swimming pools that are already in existence. The more stringent provisions relating to the fencing of new pools contained in the Building Code of Australia, which will be called up under development regulations, will apply to the construction of all new pools. Ongoing maintenance of swimming pool fences around those new pools will be controlled by the Development Bill provisions.

As I understand the current pool laws in terms of safety and fencing issues—and I could be corrected by the Minister when he replies—the Swimming Pools (Safety) Act 1972 imposes a minimum requirement of perimeter fencing of the property containing a private pool to a standard described in that Act, that is, a height of 1.2 metres or more constructed so as not to provide a foot or hand hold or access beneath or through it to a small child, and with a childproof, self-latching device on the gate of existing pools. We will get into a minefield of debate when that subject comes back to the House.

This Bill refers to new pools. There is currently some legal disagreement over whether the Swimming Pools Safety Act 1972 applies to new pools that require building approval, or whether the more stringent provisions of the building regulations apply. The building regulations appear to require new pools to be fenced, so as to prevent direct access from the house to the pool as well as restricting access from outside the property. They also refer to the design and construction standards set out in AS1926 which requires, for example, gates that automatically close as well as self-latch. The proposed amendment to the building regulations will overcome any confusion. I trust that this Bill that we are currently debating will clarify the situation with respect to new pools. I look forward to, but will not relish, the debate with respect to existing pools.

The Bill also contains amendments to the Real Property Act and the Strata Titles Act which translate provisions of the Development Act into reality. They were addressed in the Development Bill. I believe that it brings about a consistency of approach. In summary, the Opposition supports all the provisions contained in the Bill. They are necessary and have been quite well thought out. We will not be moving any amendments during the Committee stage and will support its speedy passage.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the Opposition for its indication of support for this measure. The honourable member has canvassed a number of the issues and I will not go over them except to say that I intend to move one minor amendment in the Committee stage to improve the Bill. To summarise, the purpose of the Bill is to establish an integrated system of planning and development assessment, and as a major initial step the Bill contains provisions to replace those presently in the Building Act 1971, the City of Adelaide Development Control Act 1976 and the Planning Act 1982, as well as the development assessment provisions of the Coast Protection Act 1972, the Real Property Act 1886 and the Strata Titles Act 1988. This Bill repeals the first three Acts to which I have referred and amends the latter three to delete material now contained in the Development Bill that we dealt with in this place tonight.

The Bill also amends the Local Government Act in order to ensure that councils have sufficient flexibility to make appropriate delegations in relevant legislative provisions pertaining to their activities. The Bill further amends the Mining Act 1971 in order to improve the public notification procedures for applications under that Act, so there is no need for a separate notification process under clause 75 of the Development Bill. This will streamline the assessment of mining applications and comes about as a result of quite extensive negotiations with the interests associated with mining in our State.

An important aspect of the Bill is for development plans to promote the provisions of the planning strategy. The amendment to the National Parks and Wildlife Act 1972 ensures that plans of management for parks are also prepared having regard to the overall planning strategy in this State. However, the bulk of the Bill has been prepared in order to ensure a smooth transition from the current to the proposed much enhanced planning system in this State. Once again, I pay tribute to those involved in the planning review because they grappled with bringing together the more than 100 statutory instruments that currently have the effect of law in this State. They tried to bring them together to marshal all those instruments into the planning process.

The series of Acts in this legislation foreshadows the fact that many more statutory instruments will be brought into the planning process in a more formal way as time proceeds. So, we have made provision for that in the way in which this measure has been drafted. This is the final of the three statutes which will give effect to the recommendations of the planning review, the 2020 Vision reports and to the enormous amount of interest and substantial commitment given to the public consultation process which has brought about these measures in the amended form that we see tonight that will well serve the community once they receive the attention of the other place. I commend the measure to all members.

Bill read a second time. In Committee.

Clauses 1 to 10 passed.

Clause 11—'Amendment of the Real Property Act 1886.'

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

Page 5, line 16—After 'party' insert ', or if a certificate is not required under section 51 of the Development Act 1993'.

This clause relates to the division of land under the Real Property Act 1886. An application for the division of land will need to be accompanied by a certificate issued by the Development Assessment Commission under section 51 of the Development Act 1993. The clause presently provides, in the same manner as the current provisions of the Real Property Act 1886, that such a certificate will not be required in relation to a transaction to which the Crown is a party. However, the Development Bill provides that the regulations may prescribe various kinds of development that do not require a certificate under section 51. This clause must therefore be consistent with the Development Bill, and this amendment provides for that consistency.

Amendment carried; clause as amended passed.

Clause 12 passed.

Clause 13—'Amendment of the Swimming Pools (Safety) Act 1972.'

Mr S.J. BAKER: This clause relates to swimming pools, on which I have received a number of representations. With the indulgence of the Committee, I should relate that there is some concern about the measures proposed, and I would like some indication from the Minister what the process will be for introducing regulations and what sort of time frame we are talking about for having a peripheral fence around a swimming pool. A number of pool owners have contacted me because they are very uncertain about whether this sort of measure will operate in the best interests of children.

I understand that there are some mixed statistics on this issue, and I understand the concern of the total community in relation to preservation of life. Far too many babies and young children are drowned in swimming pools. It has been a matter of concern to everybody that this sort of thing should happen. Most people regard it as avoidable, and we should be doing everything in our power to ensure that all means at our disposal are instituted so that children are safe. It has been suggested to me is that the vast majority of existing swimming pools do not have this fencing which surrounds the swimming pool and which has total integrity. Concern has been expressed about any proposal for total fencing of a swimming pool because it appears from the figures that are coming out (and some of the swimming pool owners are a lot closer than I am to this) that the fencing of these swimming pools in the manner suggested or proposed by the Government may not be in the best interests of safety.

The reason put forward by swimming pool owners is that, because the pools are totally fenced, an assumption is made by pool owners that their children are safe from the pool. We all know, however, that children are very agile, even at a very young age. As soon as toddlers can walk they are into mischief, and that mischief can be climbing a fence or, having seen an adult removing a safety catch on a fence, a child can quickly copy the actions of an adult.

The proposition I have heard from a number of pool owners is that, if parents believe that they have achieved some element of safety because their pool is totally fenced, that assumption leads to some tragedies which we

would all wish to avoid. I have a number of friends who have swimming pools and none of them has them totally enclosed by a fence. None of them, fortunately, has had a tragedy, but they also reiterate that the children at a very young age somehow manage to get over the fence, through the gate or climb up the struts, pull up the safety latch and get into the pool. That is when those tragedies can occur.

Having received a number of representations on this subject, I am looking for the Minister or someone within Government to provide me with some statistics in relation to the number of young children who have died as a result of drowning in swimming pools and the circumstances under which they have died. I would appreciate some statistical information which would clear my mind to the extent that the majority of accidents that do occur are related to those pools that are unfenced, and in a proportional relationship. In other words, if 10 per cent of pools are totally fenced and 90 per cent of pools are not, and we find that we have 5 per cent of drownings with the totally fenced pools, that to me would indicate a very clear statistical relationship that total fencing of a pool area is in the best interests of the community at large.

I understand that the last three reported drownings occurred with pools that were totally fenced. Obviously, that may be a very biased statistic, but it sounds a warning bell in my mind that perhaps what we are doing sounds like a good idea, but we may be giving parents some false sense of security when they really need to be forever vigilant, whether they be parents of children, people with young children who have invited guests into their house or grandparents looking after their grandchildren.

So, I am in favour of a total fencing concept if it is going to achieve what we all desire, that is, increased safety for our youngsters. I do not know what proportion of pools in private ownership are totally fenced, but I suspect that it may be no more than about 20 per cent. I would like some clear indication so that we do get it right and that we are not drowning more children by this process because of the factors that I have outlined.

Can the Minister provide the House with details, for example, of drownings of young children during 1992; the number that occurred in pools with total fencing; the number that occurred where there was not total fencing; and the relative proportions of the populations of those two types, namely, how many pools were totally fenced and how many were only partially fenced? I would be pleased to get that information because it may guide the House a little more than the proposition does at the moment.

The Hon. G.J. CRAFTER: First of all, I must clarify that the measure we have before us this evening refers only to pools that will be built in the future when this Act comes into force. Under separate legislation we are dealing with existing pools and the requirements about fencing. This is not a situation where I believe the Parliament can legislate to control every aspect of human behaviour. If the honourable member seeks statistics to justify one form of fencing over another, they will not assist him in that cause. I think it is a vexed area of legislative intervention in order to assist the community in the best possible way to establish its own sense of responsibility and its own sense of duty of care for children in particular and other persons as well. The law that is proposed to apply when this Act comes into force is a national code. It does not simply provide for fencing around the immediate pool area: it provides for a series of approaches to the greater protection of swimming pools, for example, safety catches on windows and doors that surround a pool.

A more vexed question concerns existing pools. That matter will be the subject of a white paper that will be released by the Government in the near future. It will contain whatever statistical information is available to us to assist in the public debate about the form of legislation that is most desirable to deal with this issue, legislation which I hope can be prepared later this year. I undertake to obtain for the honourable member whatever statistical information is available to the Government. I know that information is currently being collected to assist in the white paper process, and I undertake to make that information available to the honourable member to assist him in his concerns about swimming pool safety in South Australia.

Mr S.J. BAKER: I thank the Minister for undertaking to give me further information on the subject. I want to clarify one item. I am not suggesting that the Parliament should act as a watchdog over parents or attempt to cover every possible contingency or, indeed, look at the way in which parents look after their children, I am simply making the point that, if we do not get it right and if unnecessary deaths result, we have done a disservice to the parents of those children who go through enormous trauma, as everyone would appreciate. So, there is a point in getting it right. There are many times in our life when we believe something will work but it does not for a whole range of reasons, because of human behaviour and because of the way in which people approach their responsibilities. For example, when traffic lights have been installed following an accident, on occasions we have found that the number of accidents has multiplied dramatically because, when those traffic lights were designed, account was not taken of other factors in the system. So, there are many occasions when we do things with the best of intentions but we get it awfully wrong.

Because of the sensitivity of this issue, it is important that we get it right. I take what the Minister has said to heart. I know that we are operating with the best of intentions, and that is very important when dealing with matters such as this, but I have this niggling concern. I have received so many different approaches on this subject that I believed it was important to satisfy my own mind that we are doing the right thing. There are many occasions when we make laws which finish up having a counterproductive effect, and we are left with an outcome which we would never have desired in the first place but which occur because we have got the law wrong or because the changes we have made to existing arrangements have been wrong. I do not intend to spend the rest of the night talking about that issue—we could talk about it for a long time—but it is important, and I thank the Minister for providing that explanation. I ask the Minister: what procedures will be followed in order to reach the point where all new pool owners will be required to provide the requisite form of fencing?

The Hon. G.J. CRAFTER: Once the Bill comes into effect, an applicant for permission to build a swimming pool on a property will need to comply with the national building code. They will go through the appropriate planning process, and their building of that pool will need to comply with the approval and any conditions that are applied to it by the local authority.

Mr S.G. EVANS: I have always had doubts about this sort of legislation. I voted against it originally. I said there would be no fewer children drowned, and I was right. We have children run over by their parents driving motor cars in their drive. People do not fence their properties, so kids run on the street. With this sort of legislation we penalise those people who do not have children; we force them to fence a pool, even though they may have a satisfactory fence around their property to keep neighbours' young children out. I do not think it will achieve everything, because there will always be some parents who take a risk and there are always adventurous children. Unfortunately, that is part of human nature. All we would do is to add a massive cost to the operation of some homes, just for the sake of thinking we are doing something good when we know that we failed last time and we will fail this time.

Clause passed.

Remaining clauses (14 to 29) and title passed.

Bill read a third time and passed.

PUBLIC CORPORATIONS BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clauses 28 and 29 and the schedule, printed in erased type, which clauses and schedule, being money clauses and schedule, cannot originate in the Legislative Council but which are deemed necessary to the Bill. Read a first time.

ECONOMIC DEVELOPMENT BILL

The Legislative Council intimated that, in lieu of its amendment No. 9 to which the House of Assembly had disagreed, it had made alternative amendments.

BARLEY MARKETING BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 5, line 6 (clause 12)—After 'four persons' insert '(who may—but need not be—members of the South Australian Farmers Federation Incorporated)'.

No. 2. Page 14 (clause 35)—After line 21 insert new subclause as follows:

(5) An authorised receiver appointed to receive barley or oats in South Australia must not, except with the written approval of the board, have a direct or indirect interest in a business involving the buying or selling of barley or oats or in a body corporate carrying on such a business.

No. 3. Page 28, line 13 (clause 62)—After 'names' insert 'of persons (who may—but need not be—members of the South Australian Farmers Federation Incorporated)'.

Consideration in Committee.

The Hon. T.R. GROOM: I move:

That the Legislative Council's amendments be agreed to.

I propose to accept these amendments Nos 1, 2 and 3 on the schedule of amendments made by the Legislative Council. In relation to amendments Nos 1 and 3, I think this is a petulant act on behalf of the Upper House; it actually does nothing, but it draws a line between the South Australian Farmers Federation and the Victorian Farmers Federation and really downgrades them. This was done for some petulant reason, simply because the Farmers Federation was pursuing its legitimate course in looking after the way it saw that it should look after farmers and growers in the industry in this State. The original Bill did not require me to have four persons who may necessarily be members of the Farmers Federation, but just nominated by it. I said in the second reading debate that it would be really downgrading the federation to insert amendments into the Bill in this way, particularly when the Victorian Farmers Federation did not have this silly little petulant act. I regret that the Upper House has done that, but I have no other course than to accept these amendments to ensure that this Bill is on the statute books.

Mr S.J. BAKER: Obviously the Opposition supports the amendments. They were moved in another place by members on our side of the Parliament. They reflect the even-handedness with which we always address Bills. They reflect a demand by barley growers themselves that they wish the Farmers Federation nominees not to be limited to those who are members of the South Australian Farmers Federation. For those reasons we accept the amendments.

Mr BLACKER: I am pleased that the Bill will now pass both Houses. I take up the point just referred to: the amendments are a little semantic in that that choice to select members other than members of the Farmers Federation was in the original Bill. The amendments do clarify that point. However, to me the important part is that the legislation must get through so that the financiers of the Barley Board can put together the forward contracts for the coming year.

Mr VENNING: I support the amendments.

Motion carried.

ADJOURNMENT

At 11.59 p.m. the House adjourned until Thursday 1 April at 10.30 a.m.