LEGISLATIVE COUNCIL

Tuesday, August 29, 1972

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

SHARK FISHING

The Hon. R. C. DeGARIS: I seek leave to make a short explanation before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. C. DeGARIS: Since I directed a question to the Minister of Agriculture recently about the effect on the shark fishing industry of the ban placed on flake sales in Victoria because of the mercury content of that fish, the Minister has had discussions with the Victorian Government. First, will the Minister inform the Council of the result of those discussions and, secondly, can he say whether, since South Australia is represented on the National Health and Medical Research Council, he will ask our representatives on that council to re-examine the tolerance limits of mercury in flake?

The Hon. T. M. CASEY: I shall be only too happy to relate what happened last Friday when I visited Victoria and discussed this matter with the Victorian Premier (Mr. Hamer) and the Victorian Minister of Health (Mr. Rossiter). Mr. Hamer said that he had been most reluctant to impose the ban on the sale of flake because, in his opinion, the tolerance figure was too low. Mr. Rossiter informed me that he was willing to approach the Commonwealth Government to see whether a special meeting of the National Health and Medical Research Council could be held to investigate whether the matter could be dealt with realistically by changing the tolerance figure from 0.5 p.p.m. to about 1 p.p.m. I told him that he would receive the unqualified support of South Australia. Tasmania has also said that it will support Victoria in this matter. I have already reported the situation to our Minister of Health, and I am sure that, when the meeting of the N.H.M.R.C. is held, we will do our best to ensure that the tolerance level is upgraded, as the Leader has suggested.

GOVERNMENT ADVERTISING

The Hon. L. R. HART: Has the Chief Secretary a reply to my question of August 15 regarding the letting of advertising contracts to South Australian-owned, rather than to foreign-owned, advertising agencies?

The Hon. A. J. SHARD: The advertising agency of Hansen Rubensohn-McCann Erickson Proprietary Limited is not a wholly-owned American company. The firm originally was Monahan Huntley Advertising, which, over the last three decades, handled the Labor Party's account. However, it was taken over by the Sydney firm of Hansen Rubensohn, and the South Australian directorate and South Australian employment were retained. Later, the firm became associated with, but not wholly owned by, the American advertising firm of McCann and Erickson, which is not known in the United States of America as Hansen Rubensohn-McCann Erickson because Hansen Rubensohn is not involved in the American company. It is not intended to change the advertising policy at present. There are signal advantages in having one advertising concern to do most of the advertising for a specific client. Consequently, several economies can be obtained, as a result of which we get a rather cheaper service.

ROAD TRAFFIC REGULATIONS

The Hon. Sir ARTHUR RYMILL: Like other honourable members, I have recently had to refer to the regulations under the Road Traffic Act in regard to amendments now before the Council. I have found that there are no fewer than 25 amendments to the 1961 regulations and that many of the amendments amend each other. The regulations are directed to members of the public, who are supposed to understand them and who might be penalized if they do not understand them. Will the Minister of Agriculture, representing the Minister of Roads and Transport, ask his colleague whether the Government will consider consolidating these amendments, because I find them almost impossible to understand and because certain other people, who are probably more expert than I, have expressed a similar view?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and obtain a reply.

GAWLER RIVER SCHOOL

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. M. B. DAWKINS: Last week, the Chairman of the Gawler River School Committee (Mr. W. F. Rendell) informed me that the Education Department intended to

close the Gawler River School, which is 99 years old and which is situated near my home. This school was recently a two-teacher school whereas it is now a one-teacher school. There is nothing remarkable about this, except that the Education Department was fairly recently seeking six acres of land on which to build a new school in this area, apparently to make this the main school between Gawler and Two Wells. In view of the objections raised and the concern expressed by the school committee, will the Minister of Agriculture ascertain from his colleague the reason for the change of policy regarding, first, the building of the larger school and, secondly, the decision to consider closing the school?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and, when his reply returns, I will certainly give it to the honourable member.

LOTTERIES

The Hon. M. B. CAMERON: Has the Chief Secretary a reply to the question I asked on August 17 regarding facilities for purchasing lottery tickets in Penola?

The Hon. A. J. SHARD: In May, 1967, A. S. & M. E. Sanderson were appointed ticket-selling agents at Penola. In September, 1970, the agency was cancelled because a lottery agent is not permitted to conduct a South Australian Totalizator Agency Board subagency. The Sandersons advised the Lotteries Commission that they preferred to retain the South Australian Totalizator Agency Board subagency. When the agency was closed, all previous applicants on file in Penola were contacted, but only one lodged an official application which was considered by the commission, but rejected because of the unsuitable location and low customer rating.

In January, 1971, S. and B. Simms wrote to the commission requesting information regarding a lottery agency and an official application form, which was sent to them. The application form was not returned, and it is assumed that they were not interested. Where minimum sales of 100 tickets a lottery are not attainable, it is not economical for a person to conduct an agency, and at the time the agency was closed minimum sales were not being achieved at Penola.

COORONG

The Hon. M. B. CAMERON: Has the Minister of Agriculture, in the absence of the Minister of Lands, a reply to the question I asked on August 1 regarding the Coorong?

The Hon. T. M. CASEY: Reports on the honourable member's question have been obtained from the Minister of Works and the Minister of Environment and Conservation. The Minister of Works states that the movement of water in the Coorong is largely determined by tidal effects inside the Murray mouth, which in turn are determined by the physical characteristics and the flow capacity of the channel system at the Murray mouth. This channel system is subject to influence from ocean tide levels and outflows from the Murray River. It is constantly varying and at times has been subject to dramatic change. Following the 1956 flood, the channel at the mouth enlarged appreciably. In the ensuing years silt deposit and sandbar movements have reduced this opening. Recorded survey information also indicates that the actual location of the mouth is constantly changing.

The pattern of movement, and hence of effect on the Coorong, is very complex and any survey or investigation would have to be conducted over a large number of years before any major evaluation could be given. The Minister of Environment and Conservation has had this matter under consideration for some time and intends to institute a complete study of the Coorong and seek recommendations on how the situation can be improved.

LOCAL GOVERNMENT GRANTS

The Hon. M. B. DAWKINS: On August 15, I asked a question of the Minister of Agriculture, representing the Minister of Local Government, regarding the reductions in Government grants to the Yorke Peninsula local government area. These reductions have been confirmed in the interim by other councils. Has the Minister received from his colleague a reply to that question?

The Hon. T. M. CASEY: The Minister of Local Government reports that the payment of Highways Department funds to the 11 councils in the area covered by the Yorke Peninsula Local Government Association over the past three years is as follows:

AMOUNT ALLOCATED

Year	By Grants $	By Debit Order $
1969-70	203,770	263,103
1970-71	219,025	231,151
1971-72	241,729	160,265
1972-73 (Proposed)	304,905	94,950

Grant assistance is allocated to councils to enable them to carry out works on roads for which they are primarily responsible. It will be

seen from the above table that grant assistance to the councils in the association is continuing at an increased rate.

Funds are made available under debit order to carry out specific works on behalf of the Highways Department on roads where the department assumes the major responsibility. Over the years, a considerable sum has been expended on the construction of sealed roads on Yorke Peninsula, with the result that the area is now well served, and the need for further sealed roads is relatively less than in other areas. Accordingly, the funds available to the department for new rural road construction are being expended in other areas where the needs for such work are considered to have higher priority.

Highways Department programmes are formulated with the full knowledge of council resources, and, although it is inevitable that the dictates of road needs will produce fluctuations in fund allocation, these are planned so as to avoid unreasonable dislocation of council work forces. So far as is known, there are no serious problems on Yorke Peninsula in this regard.

POLLUTION CONTROL

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. M. B. CAMERON: In recent months considerable concern has been expressed by many people living in the Adelaide Hills water zone area about the effect of pollution control on farming operations. I am sure many members have had approaches similar to those made to me on this matter. I understand the need for pollution control. However, the controls are having considerable adverse effects. Will the Government consider initiating either a Select Committee of both Houses or a committee of inquiry to investigate the effects on the farming community in the Hills area of pollution control, and to examine ways and means of alleviating problems that have arisen from the controls?

The Hon. T. M. CASEY: I am sure the Minister of Works in another place has this matter completely under control. He has indicated that to me and I believe the people in the Adelaide Hills are quite aware of the situation. However, I will refer the honourable member's question to my colleague and bring back a reply when it is available.

GIFT DUTY

The Hon. Sir ARTHUR RYMILL: Has the Chief Secretary a reply to a question I asked recently, supplementary to a question asked by the Hon. F. J. Potter, about gift duty?

The Hon. A. J. SHARD: The honourable member is right in his suggestion that the set-up of the South Australian Gift Duty Act more closely resembles the Commonwealth legislation, in that it provides for assessment on returns, rather than the Acts of the States, which are more of the nature of stamp duties. However, the effective rates of duty involved in South Australia are, as earlier stated, based substantially upon those effective in Victoria, and are below those in certain other States. Should the other States amend their rates and exemptions to be more nearly comparable with those of the Commonwealth, the Government would seriously consider a comparable amendment for South Australia.

AGRICULTURAL COLLEGES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. C. DeGARIS: In the Ramsay report on agricultural education a recommendation was made for the establishment of technical agricultural colleges in South Australia. I think it was the Minister of Education who made an announcement that the first such agricultural college would be established in Mount Gambier before the beginning of 1973. In view of the importance of the recommendations made in the report of the Ramsay committee, which was commissioned by the previous Government, what representation will the Minister of Agriculture or the Agriculture Department have on the committee dealing with the proposed agricultural colleges?

The Hon. T. M. CASEY: First, I should like to correct the Leader on one thing he said in his question: this committee was set up by the previous Labor Government, not by the previous Liberal Government. I make that quite clear to correct any misunderstanding.

The Hon. R. C. DeGaris: I said "by the previous Government".

The Hon. T. M. CASEY: It was the previous Labor Government; the report was handed down during the life of the present Government. I will get a detailed report for the Leader on the question he has asked and bring back a reply as soon as possible.

The Hon. C. R. STORY: I seek leave to make a short statement with a view to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: In the Minister's reply he said that the committee had been set up by the previous Labor Government; but is it not a fact that Mr. Ramsay became Chairman during the term of office of the previous Liberal Government?

The Hon. T. M. CASEY: Well, what the honourable member has said could be true, but I am just saying that the committee was set up during the term of the last Labor Government.

VICTOR HARBOUR HIGH SCHOOL

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. M. B. CAMERON: I understand that land has been purchased for the site of a new high school at Victor Harbour. Can the Minister tell me when the new high school is to be established on the new site or whether or not it is to be built on that site?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague, the Minister of Education, and bring back a reply as soon as possible.

ROAD TRAFFIC ACT AMENDMENT BILL (SAFETY)

Adjourned debate on second reading.

(Continued from August 24. Page 1009.)

The Hon. L. R. HART (Midland): Any Act of Parliament that endeavours to reduce the appalling road toll in this country should receive the full attention of honourable members. While the Bill does not set out specifically to do that, its implementation should in some small way help to cure what must be regarded as the worst social disease with which this country has to cope. The staggering figures of 30,000 Australians killed on the roads over the last 10 years and a further 750,000 injured (largely people under the age of 24 years) surely illustrate a state of affairs that no country should tolerate.

Road accidents involve three elements—the road, the vehicle and the driver. Today we are designing better and safer roads. Further, motor vehicles, with some exceptions, are not accident prone if they are properly handled. This makes one ask whether drivers of motor vehicles have the necessary competence to cope with the stresses of today's traffic. We are spending millions of dollars annually on road construction and on making highways safer and (perhaps unfortunately) faster. Motor car manufacturers are also spending millions of dollars annually on designing safer and faster cars. All this expenditure is of no avail if we do not adequately train drivers in the skills needed to handle modern vehicles under present-day conditions. A driver is required not only to be trained in the skills of vehicle control but also to have a thorough knowledge of the traffic code and the rules of the road, including road courtesy.

To support a contention that the average motorist does not have these qualifications, I draw honourable members' attention to a survey of eight metropolitan and Hills Lions Clubs, involving 206 Lions Club members, who took part in the survey by answering a 24-part questionnaire. The results gave the participants and road safety officials a jolt. The lowest score was two correct, while the highest was 16. The average number of correct answers was only 10.01. Blackwood Lions Club's road safety chairman (Mr. Ian Smith), who is a field officer of the Road Safety Council, said the survey was treated seriously by all members who participated. "The survey showed clearly there is a general ignorance of speed limits," Mr. Smith said. "Not one person completed question 8 correctly, one which should have been correctly answered by every motorist." But a further shock was in store for the sample group. Seven of the questions concerned offences where demerit points applied. Mr. Smith said that 60 per cent of those taking part lost more than 12 demerit points. They would have lost their driver's licences if the test had been the real thing. The survey showed that many drivers were not familiar with road safety rules and road laws. "Many drivers, particularly older ones, would benefit from attending a refresher driver course, or the Road Safety Council's driver improvement programme," Mr. Smith said. The Commonwealth Minister for Shipping and Transport has said:

> The problem of road safety is not one that can be tackled by hope or by putting it in the too hard basket. It will not disappear or phase itself out.

All authorities on road safety nowadays agree that surveys need to be taken and statistics analysed and evaluated so that a scientific approach can be made in our efforts to solve

the road accident problem. Dr. W. J. Hadden, Junior, (President of the Insurance Institute for Highway Safety, Washington D.C.) at the national road safety symposium, said that until recently there had been almost a complete absence of competent scientists and professionals working in the road accident field. He said that safety programmes had been based almost exclusively on folklore, tradition and armchair guesswork. In Victoria injuries caused by traffic accidents are now a notifiable condition; this means that doctors must report them in the same way as they report infectious diseases. I believe that the Victorian Government is the first to introduce this regulation. The present Government in this State seems to take pride in saying that it is the first Government to introduce an innovation, but this is one case where it was not first in the field.

The Hon. C. M. Hill: The South Australian Government was the first to introduce petrol rationing.

The Hon. L. R. HART: Yes, and it is now being suggested that rationing may have to continue into October. Possibly the Government could investigate requiring doctors to notify all injuries caused by traffic accidents. Where the human element is involved, there will always be accidents; so the Government must reduce the human element to the minimum. New section 74 (1) causes me concern; it provides:

A driver shall not diverge to the right or left, turn his vehicle to the right or left, stop, apply the brake of his vehicle, suddenly decrease speed, or make a U turn, without giving a signal in accordance with the regulations.

It will be interesting to see what type of signal will be required under the regulations in the case of a motorist who has to apply his brakes suddenly in an emergency. In the wet weather a motorist may have his windows closed, and therefore it will not be possible for him to give a hand signal. Further, the driver of a nearby vehicle may not be able to see the motorist's brake lights, even if they are functioning. So, I wonder how it will be possible to give the necessary signal in some circumstances, and I wonder who will decide how the signal should be given.

The Hon. T. M. Casey: Do you think they should give hand signals?

The Hon. L. R. HART: I do not think it is possible or even reasonable in this day and age to continue to give hand signals. There may be occasions when they should be given, but not in emergencies. I support the second reading, but reserve any further comments until the Committee stage.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 954.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill makes four or five worthwhile amendments to the principal Act, all of which have my support. The first change is made by clause 3, which extends the present provisions applying to disorderly and offensive conduct and language in licensed premises. As a result of changes made to the licensing laws, premises in respect of which permits and licences are granted come under the definition of "public place" in the Act. Clause 3 amends section 7 of the principal Act for this purpose. Section 3 (7) of the Police Offences Act, which deals with offences against public order, provides:

"public place" includes, in addition to the places mentioned in section 4 of this Act, any ship or other vessel (not being a ship or vessel of the navy of any country) in any harbour port dock or river, and any premises licensed under the Licensing Act, 1932-1949, or any part of such premises.

This extension means that a public place includes premises in respect of which a permit or licence is granted; it is reasonable, and I support the change. Clause 4 repeals and redrafts section 11, which is complementary to the amendment made to section 7. Clause 5 I found a little amusing. In his second reading explanation, the Minister said:

Clause 5 is an amendment to section 26 of the principal Act that has been requested by the Commonwealth to enable it to accede to the International Convention on the Suppression of Traffic in Persons and of the Exploitation of Prostitution of others.

This international convention requested the Commonwealth Government to take action in this important field, and the Commonwealth has obviously requested the States to take action to amend the legislation. Although I approve of the clause, which extends the scope of the Act to cover both male and female persons who live on the earnings of prostitution, it appears somewhat strange that the Commonwealth should have to request the States to make this change and, even stranger still, that an international convention should be the instigator of such a request. The present Act provides:

(1) Any male person who—
(*a*) knowingly lives wholly or in part on the earnings of prostitution; or
(*b*) in any public place solicits for any immoral purpose,
shall be guilty of an offence.
(2) The fact that a male person lives with or is habitually in the company of a prostitute and has no visible lawful means of support shall be *prima facie* proof that he is knowingly living on the earnings of prostitution.

The Bill strikes out "male", so the Act will now relate to "any person".

The Hon. G. J. Gilfillan: That could apply to the wife.

The Hon. R. C. DeGARIS: There are many interesting aspects of this. It is strange that we should have had laws that meant that, although a female could live on the earnings from prostitution and commit no offence, the poor old male of the species committed an offence if he lived on the earnings of prostitution. The change may be part of the process of women's liberation; one does not know. I find no reason to disagree to the clause, except to point out that the whole process appears rather strange, in that an international organization with a long title has requested the Commonwealth to request the States to make this important amendment.

Clause 6 makes an alteration which, I assume, comes from the recommendations of the Royal Commission that inquiried into the disturbance that occurred in Adelaide during the moratorium demonstration. It means that any allegation in a complaint, for an offence that is a contravention of this section, that a direction was given or published in a particular manner shall, in the absence of evidence to the contrary, be proof that that direction was given or published. This amendment has no doubt come from a recommendation of the Royal Commissioner who investigated the moratorium disturbance. It means that, in the absence of any evidence to the contrary, that order or direction is deemed to have been given. If honourable members cast their minds back they will recall the controversy over whether the order given by the Superintendent at that time was heard or whether the order had really been given. As the Bill will provide a tightening-up of this provision, it has my approval. Clause 7 amends the drafting of certain sections of the Act but not the meaning of the Act. I support the second reading.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)

Adjourned debate on second reading.

(Continued from August 24. Page 996.)

The Hon. C. M. HILL (Central No. 2): There has undoubtedly been a need in recent years within the city of Adelaide for adequate planning to be effected by the local government body, the Adelaide City Council. True, some of the controls that have been exercised have not been as adequate as some people interested in planning would have liked. However, I wonder whether the situation has been as bad as it has been painted by people recently. For example, in introducing this Bill, the Minister said:

Unscrupulous development has taken place in which the wider interests of the community in the proper development of the city have been subordinated to the immediate interests of developers. Now, as never before, the future of the city is threatened by forms of development which have wrought such aesthetic and sociological havoc in other places. We cannot afford to allow a city, so excellent in original conception and design, to become an aesthetic waste-land of discordant architecture in which civilized values of design and beauty are stifled.

It is fair for one to say that those sentences imply harsh and strong criticism of those involved in the architectural profession in Adelaide over the last decade or two. It would be proper to ask the Government for a further explanation of this criticism and also to ask what examples of architecture it believes to be discordant or what values of design have been uncivilized, because, unless it can come up with a range of examples that most of those interested in aesthetics would agree are bad, I do not think the Government can substantiate criticism such as this. If it cannot, it is unfair on the architectural profession to suffer implied criticisms like that.

The Hon. T. M. Casey: Of course, that is talking not about the present-day profession but of the position many years ago when the city was developing. There is a lot of difference between today's situation and what it was many years ago.

The Hon. C. M. HILL: Although I thank the Minister for that interjection, I do not agree with what he says. The criticism to which I have referred includes architectural activity right up until the present time: it does not involve only architectural work that was carried out many years ago. If the Minister reads his second reading explanation again, he will agree with me that it is not intended to refer only to many years ago.

This is the point I am making. It does not only rest there.

Recently, criticisms (or references that have been interpreted as criticisms by people who live in villas and bungalows in the suburbs of metropolitan Adelaide) have been made by the Government about housing. I counsel the Government to be most careful in its press releases regarding housing accommodation and architecture within metropolitan Adelaide, because, understandably, people take quick objection to being told that, because they live in a suburban bungalow or villa, they are living in a ticky-tack existence or that the bungalows and villas are a flow-over from some aesthetic pimple that exists within metropolitan Adelaide, which has its centre in the city proper.

Much of this talk is easily interpreted the wrong way, and it is unfair for people to be upset in this way. The same principle applies to the Bill now before honourable members. There was no need for the sentences to which I have referred to be included in the second reading explanation; it could have continued as it did after those sentences, when the Minister simply said the city council recognized that there were dangers in present architectural trends and that it wanted more power in relation to interim development control.

Had the Government said that, I would have agreed with it completely. However, unless the Government can come up with many examples to substantiate the statements to which I have referred, I claim that it is being unfair. No-one will claim that the situation has been perfect, even on the whole matter of aesthetics.

Those who consider themselves to be experts and who are interested vitally in the aesthetics of buildings seldom totally agree. What is attractive and beautiful in a building to one pair of eyes can easily be unattractive to another. We are in a realm and dealing with a subject in relation to which one never expects uniformity. However, this is all the more reason why we should take care when we criticize architectural standards and refer to them as being uncivilized and discordant.

The Bill proposes that a committee, which shall comprise members of the Adelaide City Council and Government appointees, be set up, and that this committee will have considerable control in relation to development and land and building usage within the city of Adelaide for the next few years, by which I mean until the supplementary development plan for the city of Adelaide is finally approved. It is contemplated that the committee will then, by proclamation, simply go out of existence.

As the Minister said in his second reading explanation, the Adelaide City Council intends to retain consultants to draw up a plan, which, it is hoped, will ultimately be the supplementary development plan. While these consultants are working at this task, the Adelaide City Council forthwith seeks (and the Government apparently agrees with its need) to establish a committee with wide powers between now and the time when the supplementary plan is approved.

Honourable members will recall that in the original Planning and Development Act the Adelaide City Council was excluded from the supplementary plan, which was for the balance of metropolitan Adelaide. That plan, which was accepted, was the original 1962 development plan. So in endeavouring to obtain this control the Government has seen fit to introduce it by the machinery of this separate Bill and by the establishment of a new committee. The committee, apparently, was never contemplated when the original planning and development legislation was implemented in 1966.

The powers of the proposed committee have been set out by the Minister who, in his second reading explanation, said that the powers were grouped, generally speaking, under two headings: first, the committee was empowered to make planning directives, aimed at keeping the *status quo* within the city regarding (I take it) zoning and land use; secondly, the committee was to concern itself with the aesthetic and sociological viewpoint, and all proposed building work must either be approved by the committee or at least pass through the machinery set up by the committee if the work was of only a rather minor nature. It has this twofold purpose.

From my investigations, it appears that the committee will work on the basis that applicants for consent to build, to use land, or to use buildings for certain purposes, will have to lodge plans and requests to the committee, which will consider such applications before they are passed on to the Adelaide City Council, as is done in the normal way. This is set out in the proposed new section 42h (9), which states quite emphatically that not only has the committee power to peruse these applications and to refuse them or to seek amendment to them, but that it may, if it so

wishes, appoint another body and have the application referred to that body.

Section 41 of the Planning and Development Act deals with interim development control, and it is interesting to wonder why the Government did not accept that section, which was inserted in the original Act for the purposes of interim development control. Honourable members will recall the position in 1966 when the Government's Bill for planning and development was held up by it as being a very forward measure and the most up-to-date planning legislation in Australia. We heard, with much publicity, that it was progressive, full of teeth, and so on.

However, when the measure actually comes to the test, as it does on this occasion, and when a local government body, such as the Adelaide City Council, approaches the Government and asks it to provide interim development control, the Government, for one reason or another, decides that it is unable to rely upon the provisions of section 41 of the original Act, and chooses this course of action as a means of helping the Adelaide City Council.

It might well be that the changes taking place in planning in these times are far more important, and coming one upon the other at a far greater rate than occurred six or seven years ago. I think there is some weight in this suggestion. In this realm of planning there is a need for the Government of the day to keep up to date. Quite rapid change is occurring in the whole profession, and phrases such as "action planning", which are commonplace overseas today in relation to municipal bodies and their planning, were not heard very much, if at all, five or six years ago. It is proper that local government bodies and the Government, when it is approached and help is sought from it, should keep up to date so that adequate and proper planning machinery is implemented.

There is one trend in modern planning principles that I must point out to the Government. I know the Government is aware of it, but it does not seem to put it into practice very much. I am speaking of the need for people to be involved in the planning process to the greatest degree possible. In this respect I believe the Government is failing in several planning measures in which it is involved at present.

I have mentioned previously in this Chamber the need for the public to be involved in a public inquiry into the establishment of Murray New Town. I mention that now merely to stress the issue that it is absolutely essential for successful planning in today's world to include the provision that the people directly concerned by planning have ample opportunity to make their views known. It is true that, in the measure before us, when the proposed committee deals with an application, the applicant, if he is not satisfied with the finding of the committee, can appeal to the Planning Appeal Board, but on the other hand the committee is given the right to make its decision known to the council, which has 28 days in which to consider its position before the decision becomes final.

It would seem that, on the one hand, the Government is giving the council an opportunity to have another look at the matter; so, on the other hand, it should give the applicants involved the opportunity to have a further look at the whole position before those applicants have foisted upon them a decision, their only redress being through the official channels of the Planning Appeal Board.

I do not think that is an unreasonable suggestion. When people involved in the application present the case and discuss the matter with the committee there is no reason why the press cannot be included in such discussions. It is a question of maximum publicity in all matters of planning, and maximum involvement of the people concerned. This principle of the public being greatly involved with planning discussions is an accepted principle in oversea countries, where many people go along to talk out their problems with committees of this kind. This is the kind of participatory democracy we want to see in South Australia.

We had this in relation to the Metropolitan Adelaide Transportation Study, when that report was made public for six months for maximum discussion by all interested members of the public. So, in planning, people must be given full opportunity to discuss their attitudes and their points of view regarding applications to build, zoning, applications for land use, problems in the use of existing buildings, and so on. If maximum opportunity is given to people who have an interest in the matter (and I include third parties), then in the final result the best possible planning decisions will be arrived at.

I move to a point mentioned previously and argued when the new building legislation was before the Council last year, the point that the Government itself should come under control of this kind. It seems quite ridiculous that a Government department can prepare plans for a Government building, proceed to build it, and then that building takes its place

along a street frontage with other buildings, and so forth. Yet, for those plans to be approved and for the building to be erected, no Government consent is required. I know that in most cases Government departments co-operate fully with the authorities and do everything possible to abide by the existing laws, regulations, controls and so forth, but I do not know why the Government is not prepared to place its own plans and specifications before a committee like this.

In the history of events of this whole area, Government departments have something to answer if we are to take notice of the comments and criticisms that have arisen recently about the aesthetics of public buildings. I read with interest that His Excellency the Governor commented on the police building in Victoria Square, making comments that were not exactly complimentary. That is a Government building, and I have had pointed out to me many times by those interested in aesthetics, and interested particularly in the future development around Victoria Square, the clash that one can see in the siting of the State Administration Centre in its present position compared with the adjoining Reserve Bank building. One has only to look at those two buildings as one concept to see that the rather bulky State Administration Centre gives the impression of exerting some kind of overbearing pressure upon the rather slim and graceful Reserve Bank building.

In the siting of that building on that block of land, if the authority concerned (the Public Buildings Department) had had to conform to the Act proposed by this Bill and place that site plan before a committee such as the one we are now proposing, it is possible that simply by discussion, advice and indeed an overruling decision, if necessary, some slight adjustment could have been made so that a far better aesthetic appearance could have been gained from the two buildings, taking them as one concept.

It is in these areas that criticism arises and where severe criticism develops, such as that to which I referred earlier. On an occasion like that, the architects in private practice who tend to specialize in that type of architectural work have not been involved at all; so I favour the principle that in a Bill of this kind the Government departments themselves should come within its provisions just as every individual does who makes application.

The Bill contains no time limit. It provides that this form of interim development control shall be introduced by proclamation, and it is left at that. It is interesting to see that in section 41 of the parent Act, which deals with interim development control, the Government saw fit, back in 1966, to impose a five-year term upon interim development control. I believe that that period of time should flow on into this Bill. The City Council hopes that the consultants who will be retained will complete their report, that a supplementary plan will run the gauntlet of public scrutiny and appeal and that the whole machinery may be completed within three years from now. If that happens, the suggested period of five years will not be unreasonable.

The benefit of having a defined time written into a Bill of this kind is that at least it does tend to hasten the council concerned with the planning process. If there is no time limit in the Bill and if the committee is working to the satisfaction of the council, the council may tend not to hasten as much as it should. So, on the basis of the precedent set by the parent Act of giving a fair and reasonable time within which to impose some interim development control, I think there is a need for a period such as five years to be written into the Bill.

I mention particularly to honourable members concerned (and I must do this, of course) the harsh controls and restrictions that the Bill provides for. One can peruse these at proposed new section 42g, which provides:

(1) The committee may issue such planning directives as it considers necessary or expedient to ensure the proper development of the defined area or any part thereof.

(2) Without limiting the generality of subsection (1) of this section, those planning directives may—

(*a*) restrict or prohibit the performance of building work or any change in the use of any land or building within any part or parts of the defined area over a period, specified in the directive, that the committee has determined as being necessary to permit adequate research to be carried out into the manner in which that part, or those parts of the defined area should be developed;

I interpose here that this means that anyone who wishes to use a plan or a building for a specific purpose may, on application, find that the committee simply says, "We need more time to research this area of the city to find out whether in fact we shall permit you to use the building or the land for the purpose you seek it for." There is no time limit in this Bill on that matter. In other words, the property owner has simply to wait on the pleasure of the committee and, therefore, if

it was imposed by the committee unreasonably, this would be harsh on property owners in some instances. The clause continues—and this deals with the planning directives that the Bill states that the committee may issue:

(*b*) establish zones within the defined area, and make special provision with respect to any zone;

(*c*) regulate or restrict the height of any proposed buildings within the defined area, or within any zone;

(*d*) stipulate maximum floor area indexes (which may vary according to the location, nature or design of the building or any other circumstances defined in the directive) with which any proposed building within the defined area, or any zone, must conform;

(*e*) stipulate standards of design and construction to which any proposed building work within the defined area, or any zone must conform;

and

(*f*) restrict or prohibit the use of any land or building within the whole, or any portion of, the defined area, or any zone—

(i) for any use defined in the directive;

(ii) for any use other than a use defined in the directive;

or

(iii) for any use other than a use approved by the committee, the council or some other body or person nominated in the directive.

The Hon. R. C. DeGaris: Which clause is that?

The Hon. C. M. HILL: That is new section 42g (2). Those powers are very wide. I am not specifically criticizing them. I realize that, if a committee of that kind, the council concerned and the property owners co-operate and if everything runs along smoothly during this interim period of development, which may well be from three to five years, property owners may not be treated unfairly by a clause like this. However, we must recognize that, if those provisions are used unreasonably, considerable hardship and anxiety will be experienced by those wanting to develop and build; we must remember that the activities of those people are part of the general progress and improvement of the city. So, there is a need for a warning to be given.

The second action that the committee can take deals with the actual approval of building work. This is the normal procedure that a council follows when people apply for permission to build in its area. The committee will require that plans and specifications of proposed work be submitted to it. Last Friday an architect told me that sets of plans and specifications for major city building work cost a client about $100,000. If the committee wants that kind of specification before the owner will be able to know whether he can proceed with the work, it will be totally unreasonable. Can the Minister assure me that some form of summarized specification will be adequate for the committee, rather than a full set of plans and specifications?

The Hon. R. C. DeGaris: There may have to be an amendment.

The Hon. C. M. HILL: I do not know how one would describe brief plans and specifications in an amendment. The situation is rather similar to that of an owner obtaining agreement in principle from a council. If an owner can make to this committee an application similar to an application for approval in principle that he makes to a council, it will be helpful, provided those who give the approval in principle honour the arrangement (and in most cases local government does honour the arrangement). If the arrangement is honoured, owners can then proceed and go to the expense of having full plans and specifications prepared.

It is necessary for all who are involved in developing this city to have a say about this Bill. Architects and professional planners should closely peruse the Bill, because they are involved in the everyday machinery that is being affected. Before this Bill is passed, these people should have the opportunity to tell us whether they approve of it. The architect who contacted me last Friday was upset by some of the clauses. I have sent a copy of the Bill to a person representing the Institute of Architects and I have asked the institute, through that gentleman, whether the Bill can be submitted to the relevant committee, so that I can be told of its views. The Planning Institute of South Australia is also considering the Bill.

There are some associations concerned with housing in Adelaide that are involved in this matter, particularly associations whose aims are to retain and restore older houses and buildings. One such association is the North Adelaide Society, which has approved the Bill. The Adelaide Residents Society contacted me last Friday because it was very worried about the Bill; it has taken a copy of the Bill and it will later state its views on it. In view of the fact that the Bill was passed by another place in one day's debate and in view of the wide repercussions it can have in the city in the next few years, I believe that great care and consideration ought to be given to it. This

Council has a clear duty to consider this Bill fully.

I believe that the Adelaide City Council approves the Bill and, in doing so, it accepts a great responsibility, because no doubt many owners will worry that council if the committee does not work as smoothly as we all hope it will work. The council believes that this is the best machinery to control development within the city limits in the next few years, before the supplementary development plan is brought down. There is a great need for that plan to be dovetailed into the overall plan. That is another complicated question that the council will have to face in the future.

The Hon. T. M. Casey: Have you any doubts about the council?

The Hon. C. M. HILL: No; I greatly admire it, because it is making every possible endeavour in connection with the future planning and development of the city. However, basically we must consider the views of all the individuals concerned. We must consider not only the planners but also those who will be affected by planning.

The Hon. R. C. DeGaris: What about the provision requiring plans and specifications to be submitted?

The Hon. C. M. HILL: Later in the Bill (I think in the regulation clause, which we all know usually comes at the end of the Bill), it is provided that, under new section 42i (2) (*a*), the regulations may prescribe the manner and form in which plans, specifications and information are to be furnished to the committee. I am uncertain whether there is a clash here. The point raised by the Leader is the major point. As I mentioned earlier, an architect who read the Bill for the first time on Friday was alarmed about this point. When I perused the Bill later I saw that there might well be a let-out by regulation, but that might be unsatisfactory at this juncture. As I should like to hear from these bodies concerned and so that I may be able to receive those representations (and I assure honourable members that I will do my best to expedite them), I ask leave to conclude my remarks.

Leave granted; debate adjourned.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (BOARD)

Adjourned debate on second reading.

(Continued from August 24. Page 997.)

The Hon. C. M. HILL (Central No. 2): This Bill deals with the Planning Appeal Board. The Minister made the point (and he made it well) that the time has come in the history of this board when there is a need for full-time commissioners to be appointed. We have in the whole realm of planning a form of evolution in that, as work has developed and appeals have increased stage by stage, the machinery of the board has had to change. Originally, the board consisted of the Chairman who, as honourable members will recall, was His Honour Judge Roder, and three commissioners, but after some years (indeed, in 1971) the board was increased by appointing three additional commissioners, making six in all.

Subsequently, an Assistant Chairman, His Honour Judge Ward, was appointed. The stage has now been reached where the commissioners, most of whom have other everyday work to perform, have found that they simply cannot devote the time needed to do their work as board members. So the Government intends to appoint some full-time members.

I take this opportunity of complimenting the members of the Planning Appeal Board on the work and service they give to planning generally in this State. The board, in the main, has been very successful, and the increase in its volume of work can be seen from the statistics the Minister gave. Whereas in 1967 only 20 appeals were lodged (and this figure remained almost static in 1968, when 19 appeals were lodged), in 1969 there was a slight increase to 26 appeals and, in 1970, a vast increase to 70 appeals. Again, in 1971 there were 70 appeals, and for the first half of this year 49 appeals were lodged. So one can gain some impression of the increase in the work that has been involved. In the early days of the board, Judge Roder and his original commissioners (Messrs. J. A. Crawford, J. D. Cheesman and K. J. Tomkinson) carried out their duties very well. Those members appointed in 1971 were Messrs. F. P. Bulbeck, D. M. Fordham and F. M. Maurice.

The Government now intends that some of these gentlemen shall be made full-time members, but I should like the Minister to tell me whether the Government will appoint more than six commissioners in all and whether it will retain the number of commissioners at six and make some of them full-time members or retain those six gentlemen as part-time commissioners and appoint additional full-time commissioners. This point is relevant, when one examines the principal Act, in which the qualifications of commissioners are laid down.

Honourable members will no doubt recall that the Act states that no more than two of the commissioners must be involved in local government, etc., and that no more than two of the commissioners must be involved in business, etc.

That pattern, with which I totally agree, conforms to a scheme of things where there are six commissioners but, if there are to be more than six in all, the 1971 amending legislation may have to be amended. It is pleasing to see that the principle of what I call lay members is being retained by the Government. This is the English practice, and it works very successfully in England. I have been told by appellants before the board that they found the commissioners very understanding, particularly of the social problems involved in the whole question of planning. This alternative of managing the increased workload by making some of the commissioners full-time members is one which I approve. I understand that most appellants also approve of it as being the best means of overcoming the problem. I support the Bill and commend the Government for keeping abreast with this phase of planning.

The Hon. R. A. GEDDES secured the adjournment of the debate.

BOOK PURCHASERS PROTECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 24. Page 998.)

The Hon. C. R. STORY (Midland): I support this Bill which, I hope, will have a much quicker and happier passage through the Council than the original Bill had in 1963. I introduced the 1963 Bill and it took some time to convince honourable members of the need for this kind of legislation. The 1963 Bill was passed after certain amendments were made to it. By this Bill, what the Government has done is merely to build on the foundations that were so well laid, after certain amendments were moved in this Council. There are many other pieces of legislation to which I could refer and for which the Government takes some credit for passing, and which are in the process of being amended. I have no disagreement with this legislation. The principal Act was amended in a minor way in 1964, whereas the present Bill provides amendments of somewhat greater magnitude. The Bill is consistent with legislation which the Council has passed after amending it in recent times, particularly the 1971 door-to-door sales legislation.

Most honourable members have been very dissatisfied at times as a result of personal experience or of having constituents come to them and say that they have been taken down or that someone has attempted to take them down by means of door-to-door selling. I do not think it is right to blame every door-to-door salesman. However, some action must be taken to protect people against the larger, and often highly-skilled, firms that make it a practice of brainwashing people to purchase books from door-to-door salesmen. A well-known practice, to which I have objected for many years, is that of firms in other States sending books to people through the post. Although one does not know what they are when one receives them, one must take delivery of these parcels when they arrive on the doorstep. One has then to open them and, if one does not want them, reseal the parcel and return them.

The Hon. D. H. L. Banfield: I have got some good books as a result of this practice.

The Hon. C. R. STORY: I suppose that is how the honourable member makes some of his wonderful speeches.

The Hon. D. H. L. Banfield: Don't give all the credit to the books. You chaps help considerably.

The Hon. C. R. STORY: However, this practice has been got over to some extent as a result of the unordered goods legislation. The most important amendment is that contained in clause 3, which provides for the ratification of contracts. It provides that a contract shall be unenforceable against a purchaser unless the words referred to in section 4 (c) of the Act are printed immediately above the place provided for the purchaser's signature, and not on the back of the contract, so that a purchaser can see exactly what he is signing. The space for the purchaser's signature must be immediately below the contract. This amendment therefore effects an improvement and generally tightens up the legislation.

Another important amendment relates to the practice of certain salesmen who try to enter a person's house on the pretext that they are going to discuss education or some other matter and, having entered, immediately commence a spiel in an attempt to obtain a contract for the purchase of a certain book or group of books. Under the new provision, a salesman must disclose, immediately he is admitted to premises, the business for which he has come. The intention is to ensure that he explains immediately that he is trying

to make a sale and to get the person involved to enter into a contract. I see no objection whatsoever to this provision.

Under new section 6a, a person who so enters any place to which the new section applies shall forthwith inform a purchaser or prospective purchaser of the name and address of the vendor of the book or books intended to be the subject of the contract and the fact that he intends to enter into negotiations that may lead to the making of a contract. Another interesting amendment is effected by the insertion of new section 6b, which prohibits the provision that foreign law is to apply to a contract. The Government is being realistic in relation to this provision, because it says that it will not countenance proceedings taken in our courts in relation to which it is deemed that contracts were entered into under duress or in relation to which a salesman did not fairly go about the business of obtaining a contract. New section 6c, which relates to demands or assertions based on unenforceable contracts, is perfectly proper. It provides as follows:

A vendor or his agent who, in relation to a contract to which this Act applies—

(*a*) asserts an intention to bring legal proceedings to enforce such a contract;

(*b*) places or causes to be placed the name of any person who would, were the contract an enforceable contract, be liable under the contract on any list of defaulters or debtors or who asserts any intention of so doing;

or

(*c*) invokes or causes to be invoked any other procedure for the enforcement or giving effect to such a contract,

unless he has reasonable cause to believe that he has a right to assert a right to payment pursuant to such a contract (proof of which reasonable cause shall lie upon him) shall be guilty of an offence against this Act and shall be liable upon conviction to a fine not exceeding $200.

There are several other amendments in the legislation that do not increase the fines but merely state them in decimal currency. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Enactment of ss. 6a, 6b, 6c and 6d of principal Act."

The Hon. C. R. STORY: This clause provides that a person who enters any establishment shall forthwith inform a purchaser of certain matters. Would it not be better for a salesman to have to inform a prospective purchaser before he enters the home? Perhaps there is some good legal reason for this provision.

The Hon. A. J. SHARD (Chief Secretary): I had a quarrel on this many years ago with the electoral authorities. The explanation is quite simple: what is meant by the entry to the place?

The Hon. C. R. STORY: The wording does not quite match up with the information contained in the second reading explanation. I wonder whether it is not proper to have the man stop at the door to explain the purpose of his visit, rather than he should be able to get inside the house and then start his spiel. If the wife is home alone it might not be easy to get him out.

The Hon. A. J. SHARD: A person cannot state his intention when he enters the front gate. If he gets into the home that is the point at which he must make known his intention.

The Hon. C. R. STORY: In this day and age many people have outside entertainment areas, built-up gardens, and so on, which are just as important as the front verandah.

The Hon. F. J. Potter: Does not "place" mean the house or the property? I would say both. You cannot give an explanation until you are confronted.

The Hon. C. R. STORY: You could confront a person in the front garden. Has one got to be told there?

The Hon. A. J. SHARD: Yes.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

STATUTES AMENDMENT (VALUATION OF LAND) BILL

Received from the House of Assembly and read a first time.

INDUSTRIAL CODE AMENDMENT BILL

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

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): I move:

That the Council do not insist on its amendments.

As honourable members all know where we stand on our various points of view, I will not go into the various clauses again. The reason for disagreement by another place to the amendments is that they would destroy the principles of the Bill. Last week, I put the

Government's point of view as plainly as I could and the Hon. Mr. Potter put the views of the majority of members here, and no good would be achieved by reiterating the various points of view.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am always interested in the reasons another place gives for disagreeing to our amendments. The reason in this case is that the amendments would destroy the principles of the Bill. I thought the principles of the Bill were to permit shopping on Friday until 9 p.m., but our amendments would not destroy the principles of the Bill. Late night shopping was fully debated in this session and in a previous session. The amendments to the current legislation, which are similar to those moved last time, involve principles that the Council strongly holds: first, regarding the writing into legislation of industrial conditions, which is a matter that should be left to the discretion of the court; secondly, the question of discrimination against red meat sales on Friday evening. Therefore, I believe the Committee should insist on its amendments.

The Hon. F. J. POTTER: The Leader said he was interested in the reasons for disagreement, but I am becoming increasingly puzzled, because it seems to me that the Council's amendments would not only further the objects of the Bill but also provide the one satisfactory way by which the people of the State could enjoy Friday night shopping. However, because another place has seen fit to take a different attitude on this matter, I can only support the Leader in his suggestion that we should not in any way resile on the amendments we have inserted.

Motion negatived.

Later:

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 7.30 p.m., at which it would be represented by the Hons. D. H. L. Banfield, M. B. Cameron, R. A. Geddes, F. J. Potter, and A. J. Shard.

The Hon. A. J. SHARD (Chief Secretary) moved:

That Standing Orders be so far suspended as to enable the conference on the Industrial Code Amendment Bill to be held during the adjournment of the Council and the managers to report the result thereof forthwith at the next sitting of the Council.

Motion carried.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PAROLE)

Received from the House of Assembly and read a first time.

STOCK FOODS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 5.26 p.m. the Council adjourned until Wednesday, August 30, at 2.15 p.m.