

## LEGISLATIVE COUNCIL

Tuesday 17 August 1982

The **PRESIDENT (Hon. A. M. Whyte)** took the Chair at 2.15 p.m. and read prayers.

## PAPERS TABLED

The following papers were laid on the table:

By the Minister of Local Government (Hon. C. M. Hill):

*Pursuant to Statute—*  
Fisheries Act, 1971-1980—Regulations—Lobster Pot Allocation Formula.

By the Minister of Community Welfare (Hon. J. C. Burdett):

*Pursuant to Statute—*  
Planning Act, 1982—Development Plan.

## ABERFOYLE PARK HIGH SCHOOL

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

Aberfoyle Park High School.

## QUESTIONS

## RUST-PROOFING

The **Hon. C. J. SUMNER**: On 8 June this year, I asked the Minister of Consumer Affairs whether rust-proofing of motor vehicles, particularly dealer-applied rust-proofing, was effective in preventing rust or whether there should be some investigation into its effectiveness on behalf of consumers in this State. I understand that the Minister has an answer to that question.

The **Hon. J. C. BURDETT**: I provided the Hon. Mr Sumner with an interim reply to that question by letter dated 18 July 1982 which I now lay on the table and which I seek leave to have incorporated in *Hansard* without my reading it.

Leave granted.

The **Hon. J. C. BURDETT**: It is a fact that new car franchise dealers are offering rust-proofing treatment to customers. In one instance treatments for paintwork, carpets, upholstery, together with rust-proofing and insulation amount to almost \$600 as a package. Only a few complaints have been received by my department concerning rust treatment and investigation has revealed in these cases that the application of the material has been poor. However, the average motorist is not in a position to know whether the material has been applied and even if it has whether the job has been done satisfactorily. Under these circumstances I have asked for a detailed investigation to be conducted into this matter and on receipt of the report will consider what other action is necessary.

Our difficulty is that there is not yet any Australian Standard for rust-proofing products and their application and the question whether work has been satisfactorily carried out sometimes involves a subjective assessment. The question of guarantees and other documents will be covered by the investigation. The documents in question have also been referred to the Trade Practices Commission, which has conducted a comprehensive survey of manufacturers' guarantees. However, as a result of representations made to the

distributor by my department, the 'waiver of benefits' form has now been withdrawn.

The **Hon. J. C. BURDETT**: My further reply is that a detailed investigation has been made into rust-proofing which had been applied by car dealers and rust-proofing firms. It appears that in most cases the application of rust-proofing material leaves a great deal to be desired. Of 63 vehicles inspected by officers of my Department of Public and Consumer Affairs, only three were passed as satisfactory. The inspections were based on the draft standard for the application of corrosion protection products to motor vehicles formulated by the Standards Association of Australia. Even work done by rust-proofing firms has been found not completely satisfactory.

I intend to make rust-proofing services a prescribed service under the Consumer Transactions Act to ensure that the service is performed with due care and skill. This will also require materials used to be suitable for the purpose. Breach of this contractual warranty should enable the consumer to obtain compensation. I will prescribe an information standard under the Trade Standards Act to ensure that the products used comply with the specified standards and are applied in accordance with the Standards Association of Australia standard, once it has been finalised.

The matter will also be discussed at the forthcoming meeting of the Standing Committee of Consumer Affairs Ministers on 20 August 1982. I will be recommending that the question of the adoption of a uniform standard by the States be examined by the Commonwealth-State Consumer Products Advisory Committee and be based on the draft S.A.A. standard.

The Government will also consider taking cases to court on behalf of consumers if they cannot be given adequate redress through negotiation with suppliers of the services. Consumers who have had their vehicles rust-proofed should:

- request a copy of the checklist based on the draft standard from the consumer services branch of the Department of Public and Consumer Affairs;
- have an independent mechanic or an organisation such as the R.A.A. use that checklist as a yardstick to assess whether the rust-proofing process has been effectively carried out. The mechanic should provide a written report to the consumer;
- if the consumer believes the work is unsatisfactory, contact the consumer services branch (telephone Adelaide 228 3211) and provide a written complaint which will be investigated.

In the first instance, the department will attempt to negotiate on the consumer's behalf to see if the firm involved will either make good the work or refund the money. If negotiation fails, the department will seriously consider taking individual cases to court on behalf of the consumer. A suitable 'test case' could help resolve subsequent claims by consumers.

The Government has a strong policy of fair trading within the consumer affairs area, which means both supplier and consumers should be given a fair deal. Based on my department's investigation, consumers in this situation have not been given a fair deal, and we intend to act to ensure that they are in the future. A media statement is being made today to give consumers publicity of this matter.

## TATTOO REMOVAL

The **Hon. R. J. RITSON**: Has the Minister of Community Welfare a reply to a question I asked on 27 July about an advertisement for a magic liquid for the removal of tattoos?

The **Hon. J. C. BURDETT**: The Western Australia Commissioner of Public Health issued a proclamation on 15 June 1981 pursuant to the W.A. Health Act prohibiting the product Medi-Pro Tattoo Remover from sale on the grounds of its being deleterious to health. This was done because

the W.A. Food and Drug Advisory Committee considered 'that the high alkalinity of the product rendered it unsuitable for application to the skin except under direct professional supervision.' However, because the product is supplied by mail order from Victoria it is doubtful whether the prohibition is legally enforceable.

From information obtained it would appear that the statement in the advertisement 'does not leave noticeable scars' may well constitute an unfair statement as defined in the Unfair Advertising Act. However, that Act does not provide any mechanism for banning an advertisement from publication in South Australia. As the information obtained about this product indicates that its use may well be hazardous in unskilled hands, I have referred the matter to the Commissioner for Standards to investigate the possibility of banning the supply of the product in South Australia under the provisions of the Trade Standards Act on the grounds that the product is potentially dangerous. The Trade Standards Act contains a specific provision for this form of action to be taken.

In addition, as a result of inquiries made by the Consumer Services Branch of my department, the Australian Publishers Bureau, which is the controlling industry organisation for magazines and press advertising, is conducting its own inquiries into this matter. Should these inquiries conclude that advertisements relating to Medi-Pro Tattoo Remover should be banned, newspapers and magazines that are members of the bureau will no longer publish the advertisements.

#### TRAFFIC LIGHTS

**The Hon. ANNE LEVY:** I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Transport, a question about traffic lights.

Leave granted.

**The Hon. ANNE LEVY:** At many intersections with traffic lights in the metropolitan area there is a box on the side of the road displaying a notice requesting anyone who finds the traffic lights to be non-functioning to telephone Adelaide 260 0400 and report the faulty traffic lights. If people are willing to do this, it will obviously be of great benefit both to the public at large and the Highways Department, as rapid detection of faulty traffic lights will lead to rapid repairs being carried out to the benefit of all concerned.

It has been put to me that the department should make an arrangement with Telecom whereby calls to this telephone number would be free to the person making them and whereby the department would meet the cost. I understand that that can be arranged readily with Telecom, and it would seem a fair thing for the Government to do. After all, if people are public spirited enough to report faulty traffic lights, it seems a bit rough that they are expected to pay for the cost of the phone call themselves. If the phone calls were made free, and if this was indicated on the notice, it would certainly encourage people to be public spirited. Certainly, I doubt that it would lead to nuisance phone calls, because people who wish to make nuisance phone calls would not be deterred by having to pay 10c in order to make such a call. Can the Minister say whether phone calls to this number are currently free to the person making them? If they are not, will he consider arranging with Telecom that they are made free? Can the Minister indicate to the Council how many such calls are made per week or month, in order to give an indication of the cost that would be involved?

**The Hon. K. T. GRIFFIN:** I shall be pleased to refer that question to my colleague and bring down a reply.

#### MUNNO PARA COUNCIL

**The Hon. N. K. FOSTER:** Is the Minister of Local Government aware of the concern expressed in respect to Munno Para council boundaries through correspondence directed to members of Parliament? If he is, when will the Minister take some form of action towards the settlement of demands being made upon that council? Does the Minister recall his public concern expressed in his statement of 4 August 1981? Finally, when will he take action as outlined in that statement to the satisfaction of all parties concerned?

**The Hon. C. M. HILL:** The situation is that the negotiations concerning the boundaries of the Munno Para council have been quite a long saga. I regret very much that the matter has taken so long to resolve. I also regret that we are not very much closer to a resolution of this problem even at this stage. A considerable time ago a group of ratepayers on the western side of the Munno Para council area sought to secede from the Munno Para council and wanted to be joined to the Mallala council. That action seemed to be the signal for further action by other residents in that whole region.

Following that particular petition, there was a move by people from Elizabeth to have the boundary between Munno Para and Elizabeth moved further north. There was a further petition from people in the One Tree Hill area on the eastern side of Munno Para, residents on the Hills face and in the Hills area generally, to secede from Munno Para and be joined to the District Council of Gumeracha.

At the same time, people in the Gawler area sought to have the boundary between Gawler and Munno Para shifted so that some present residents of Munno Para who were closely associated with the township of Gawler could be included in the Gawler council area. There has not been a great deal of progress made.

With regard to the first petition concerning the people on the western side of Munno Para, those were people in the vicinity of Virginia and Two Wells and that petition was referred to the Local Government Advisory Commission. That is a quite normal procedure as the commission exists for the purpose of advising the Government of the day on matters of this kind. The commission took a little longer than is usual to deliberate on this question. I can recall that the Chairman was ill for some time, so one can well understand that that caused some delay. However, I do not in any way blame the commission (or the Chairman) for that delay. As I recall, there was opinion expressed within the Mallala District Council questioning whether that council wanted this particular region to be joined to the Mallala council. That is an event in a matter of this kind which would cause any commission, or anyone investigating the problem, to look deeply into that problem.

I know that there are strong feelings in the Virginia and Two Wells area that local residents would like to become part of the Mallala District Council and would like to secede. Basically, I think that those people believe that they do not have any community of interest, at least with the central area of the Munno Para District Council, which is a residential area whereas the areas of Two Wells and Virginia have large market garden properties, which creates a general community of interest revolving around the market garden activities in those areas.

The upshot of all this is that, until this point of time, I have not been able to make a great deal of progress in this matter. There are some court actions pending concerning the other petitions to which I have just referred. There has been a strong view expressed by the Local Government Advisory Commission that the whole question of the Munno Para District Council ought to be resolved in totality rather than concentration being upon one particular area of that

council. I can well understand that view. I am also quite sympathetic to the anguish expressed by members of the Munno Para District Council from time to time. They believe that they cannot get down to the solid work of local government in that area and make the progress that they ought to make in the local government field whilst there is this constant attack upon the council from all sides, in effect, and whilst the uncertainty remains as to the future of the Munno Para District Council boundaries on all sides.

Quite frankly, I have not been able to make any breakthrough in this matter. I know that the Chairman and the Munno Para District Council have been communicating with members of Parliament seeking some resolution of this matter. As I said a moment ago, I have some sympathy with them in this situation. It might well be that, with the passing of time, we might have to look at another means by which this whole question can be resolved. It might well be that we have to turn to an alternative method of readjustment of boundaries in these areas, that is, by the appointment of a select committee from this Council for that purpose. That method was implemented for the first time by this Government, I understand, particularly in the areas of Port Augusta, Port Pirie and Port Lincoln. Select committees of this Council have sat on such matters and I think that it is now generally accepted that, whilst there are some emotions and strong feelings involved when these questions are discussed, in those three instances the boundaries of those regional cities in South Australia have been altered properly and successfully.

Certainly, at this point in time, the Government cannot consider a select committee into the boundaries of the Munno Para District Council because it is an extremely time consuming task for such a committee and there are one or two other areas which are pressing for action of that kind and which are, in effect, in the queue. Select committees of this Council have to apportion their time amongst their other work and at the moment I cannot see my way clear to look seriously at the possibility of a select committee into this matter. I know that the Local Government Advisory Commission still has this whole question in hand, but it requested me (and I thought quite properly) to agree with it that every endeavour should be made to try to resolve the boundaries of Munno Para on all sides in the one exercise rather than dealing with this matter as a piecemeal operation.

There are court actions pending regarding other petitions and that has, unfortunately, delayed the overall process even further. My department and I are watching the situation closely. If we can make any positive moves which will resolve this matter quickly, the honourable member can rest assured that we will make them. At this point in time we are in a position where, unfortunately, there is delay, but I am hopeful that as time passes we can make a breakthrough and that, finally, the Munno Para District Council will gain the peace it deserves alongside other local government bodies in this State so that it can attend to its ordinary work of providing good local government to the community without this incessant pressure from both within and without the council area to alter its boundaries.

#### SCHOOL BUSES

**The Hon. M. S. FELEPPA:** Has the Minister of Local Government a reply to a question I asked on 20 July about school buses?

**The Hon. C. M. HILL:** All motor omnibuses registered in South Australia are required under legislation to undergo two inspections for roadworthiness each year. The Education Department owns and operates 454 buses while 272 school

buses are owned and operated by private contractors. All of these buses were examined twice last year. Buses which fail the test are removed from service until satisfactory repairs are completed or a replacement vehicle is provided. The Education Department holds some spare vehicles for use in such emergencies.

Schoolteachers who drive buses regularly to transport children to and from school must possess a class 5 classification driving licence, which is a requirement for all drivers of motor omnibuses. Holders of such licences must pass both theoretical and practical examinations conducted by the Motor Registration Division of the Department of Transport before a licence can be recommended. In addition, a medical examination is required at the time of issue and every five years thereafter. Accurate figures are not kept by the Education Department in relation to how many teachers have been examined.

#### MIGRANTS—POLICE REPORT

**The Hon. M. S. FELEPPA:** Has the Minister Assisting the Premier in Ethnic Affairs a reply to a question I asked on 27 July about the migrants—police committee?

**The Hon. C. M. HILL:** The report of the Migrants—Police Working Party has been presented to the Premier and is currently being looked at by the South Australian Ethnic Affairs Commission and will be considered at the commission's meeting of 10 August 1982. This answer was actually supplied to me last week, when I told the honourable member that it was available. I do not think that he had a chance to ask for the reply to his question, as his colleagues were asking too many questions. I have asked the Chief Secretary to ask the Commissioner of Police to comment on the report as the commission and the Police Department are equally concerned in this matter.

Further to what I said on 27 July 1982, I must explain that though two officers of the commission (including the Executive Officer) have been members of the working party, the commission has respected the wishes of police members and of the Chairman of the working party that the report should be presented to the Premier, rather than to the commission, in order to demonstrate the impartiality of the working party. For this reason the members of the commission have not intervened in the deliberations of the working party. Consequently, they have requested time to study the report carefully before deliberating on it at the meeting of 10 August. The Government will consider the recommendations of the commission and the Police Department before releasing the report.

#### MIGRANT SERVICES

**The Hon. M. S. FELEPPA:** Has the Minister Assisting the Premier in Ethnic Affairs an answer to a question I asked on 28 July about migrant services?

**The Hon. C. M. HILL:** The honourable member has stated that many of the voluntary services to migrant welfare are not even identified by the South Australian Ethnic Affairs Commission. This is not correct as the commission has a continually updated system of migrant welfare services, both Government and voluntary. If the honourable member knows of any person in need of ethnic welfare assistance, he can refer that person to the Ethnic Information Services of the commission, where the person will be assisted on a free and confidential basis by a dedicated and professional group of information officers. Also, the grants referred to in the article are to be managed and distributed by the Department of Immigration and Ethnic Affairs, as they are

Federal Government grants. As to the method of their distribution, the honourable member may contact that department for further details.

Concerning the question on when the committee on migrants will make a report, the newspaper article to which the honourable member has referred was based on the recommendations of the Galbally Report, prepared four years ago and on the 'Evaluation of Post-Arrival Programmes and Services' released on 25 July. The report, which contains the Commonwealth Government's ethnic affairs policies, is available from the Australian Government Publishing Service Bookshop, 12 Pirie Street, at a cost of \$8.50.

### PETROL PRICES

**The Hon. G. L. BRUCE:** Has the Minister of Consumer Affairs an answer to a question I asked on 29 July about petrol prices?

**The Hon. J. C. BURDETT:** A survey conducted on 2 August revealed that of the 497 metropolitan service stations, 284 displayed price boards. Of the 284 board prices, 178 showed retail prices for super motor spirit below 39 cents per litre and 106 were above that amount.

### ADVERTISING OF LEGAL SERVICES

**The Hon. R. J. RITSON:** I seek leave to make a brief statement before asking the Attorney-General a question about the advertising of legal services?

Leave granted.

**The Hon. R. J. RITSON:** I have received representations which indicate that the Public Trustee is conducting an intensive advertising campaign on radio seeking to attract business in the matter of people's estates. Many lawyers feel that this is unfair, as they are unable to advertise the fact that in a number of cases it can be substantially cheaper to employ the services of a private lawyer.

I do not have any particular axe to grind on this issue, but it seems that in general terms of professional ethics one can do almost anything, either as a corporate body or as a non-professional person. For example, whereas a non-medical practitioner can advertise all sorts of things, including magic unctions at twice the price of prescription items and can advertise them on the back pages of *Pix* magazine, the moment one acquires a professional registration one has to remain silent.

Whilst not wishing to advocate a system whereby professional people can advertise with the sort of advertising 'puff' characteristic of advertisements for other products, I ask the Attorney-General whether he feels that it is satisfactory that an incorporated body can advertise in this manner whilst self-employed professionals cannot? If the Attorney-General thinks that there are some unsatisfactory aspects to this, does he see any possibility of restricting the Public Trustee's range of advertising, or does he think that there may be some merit in persuading professional bodies to bend their rigid attitude to advertising and permit carefully controlled generic advertising of their services?

**The Hon. K. T. GRIFFIN:** This question arises periodically, not just in relation to the Public Trustee, but in relation to the trustee companies that advertise the availability of their services for particular purposes. On each of the occasions when it has been brought to my attention, generally speaking the Council of the Law Society has taken some action by consulting with the alleged offender, and some reasonable compromise approach has been achieved. The Public Trustee is a body that is responsible to the Minister of Consumer Affairs, and I shall certainly take up

the matter with him to endeavour to ascertain the extent of the advertising campaign conducted by the Public Trustee.

It is a matter of concern to professionals periodically when, by their own ethics, they are restricted from advertising and find that there is competition in the advertising field undertaken by incorporated bodies. When this has been drawn to my attention in relation to the Public Trustee, an approach to the Minister of Consumer Affairs has generally brought some moderation in the programme in consultation with the Public Trustee. In this instance, I will have discussions with my colleague, who may determine that it is appropriate to have discussions with the Public Trustee with a view to coming to grips with the allegations made in this case.

The honourable member also raised the question of my views on professional bodies lifting some of their very tight restrictions on advertising. That is a matter for the governing bodies of those organisations which have responsibilities for maintaining high ethical standards among the members of their respective societies or professional bodies. There is generally a fear that, if unlimited advertising were allowed, it would encourage unethical practices. I am not able to judge whether or not that is so, except to say that the American experience indicates that, if advertising is unrestricted, it does bring about some unethical practices, such as ambulance chasing. I do not believe that we want that sort of behaviour from any of our professions in South Australia.

The matter of ethical standards is essentially one for professional bodies, although under the Legal Practitioners Act, which was passed last year and which came into effect earlier this year, there is now a much wider opportunity for the Attorney-General and the complaints tribunals established by that body to take action in relation to unprofessional conduct. It may be that, in respect of some unethical attitudes, those committees might become more involved if practices regarded generally as being unethical became more prevalent in society.

### SPORTS INSTITUTE

**The Hon. BARBARA WIESE:** Has the Attorney-General a reply to a question I asked on 16 June concerning the board of the Sports Institute?

**The Hon. K. T. GRIFFIN:** My colleague advises that, unlike the normal advisory committees to the Government, the board of the Sports Institute has been appointed as a committee of management and hence specific attributes are needed. The Minister refutes claims that the board is 'sexist' or has been chosen to represent a narrow range of sports. Members were chosen not to represent particular sports but for the contribution their individual skills and abilities will make to the success of the institute.

To illustrate, the Minister has outlined the reasons for selecting each member:

Geoff Motley (Chairman)—an administrator, manager and business man with the dynamism necessary to guide the institute through its formative period. He has not been appointed to represent football.

Marjorie Nelson—a former Olympic medallist now involved in South Australian sport and community affairs in a broad and varied capacity. She is also a past president of the Olympic Council.

Dennis Glencross—one of the State's most respected sports psychologists who also is a member of the Sports Advisory Council. He has not been appointed to represent hockey.

Peter Bowen-Pain—as a solicitor and Olympic team manager, Mr Bowen-Pain offers invaluable strength to the board. He does not represent swimming.

Howard Mutton—a doyen in sport in South Australia. A professional administrator who has been involved in school and top level sport and, although current manager of the State's Sheffield Shield cricket team, he does not represent cricket.

Ken Cunningham—as a most prominent sporting commentator Ken has his finger on the pulse and avenues of communication which will be a great asset to the board. He is most knowledgeable on a whole range of sports.

A great deal of consideration was given to the composition of the board and the result is an exciting balance of experience, discipline and conceptual thinking which will ensure that the Sports Institute develops for the benefit of all South Australian sportsmen and women.

**The Hon. BARBARA WIESE:** Is it the view of the Government that there are no women in South Australia with the type of qualifications, skills and experience outlined in that reply?

**The Hon. K. T. GRIFFIN:** I am not aware of whether or not that is so. I can best refer it to the Minister.

### COURT PUBLICITY

**The Hon. FRANK BLEVINS:** I seek leave to make a brief explanation before asking a question of the Attorney-General regarding publication of decisions of the courts.

Leave granted.

**The Hon. FRANK BLEVINS:** I have been contacted by a constituent who was recently involved in a court case that arose out of a motor vehicle accident. The settlement of that case resulted in what appeared on the surface to be an extremely large sum of money being awarded in damages, and so on, as the result of a motor vehicle accident. Full details, including the names of the people involved and the amounts awarded by the court, were published in the press. Since then, my constituent has been subjected to a quite unacceptable degree of harassment from persons who have no business whatever contacting that individual. The person was contacted by telephone, and at times those calls were obviously from cranks, and were quite offensive. Also, my constituent has been contacted personally by people coming to the front door with all kinds of business propositions, some of which, to say the least, were pretty outlandish. Of course, there has been straight-out begging, and begging letters have been received. Altogether, I am sure that the Attorney-General will agree that this is a totally unsavoury thing to happen to a person who has gone through the trauma of an extensive court case lasting many years.

I agree that the courts must be as open as possible and as accessible as possible to the press, and I would defend that as strongly as the next person would—perhaps even more strongly. However, I wonder whether in these cases it is necessary for the press to have the right to publish the names of the people concerned. I assume that it is possible for the person to ask the court for suppression of the name, but that is something apparently that is not thought of at the time; people do not expect to be harassed in the way in which that has evidently occurred. In an attempt to do something about this matter, would the Attorney-General tell me precisely the present position regarding the law and publication of names in this area only and, in view of the information given by me, will he consider whether the present position needs to be looked at to protect the people concerned from unwelcome publicity?

**The Hon. K. T. GRIFFIN:** From the information given by the honourable member, I tend to agree that the attention focused on his constituent is unsavoury and unnecessary. Regrettably, that person appears to have been in a similar position to those who may, for example, win a lottery. I am sure they are subject to the same sort of harassment and unsavoury approaches as the honourable member's constituent.

**The Hon. Frank Blevins:** They can elect to remain anonymous.

**The Hon. K. T. GRIFFIN:** Yes, they can. To some extent that option is open in the settlement of any court case. To a very large extent it depends on the agreement reached between the parties and, to a certain extent, it depends on whether or not the judgment is recorded or whether it is an out-of-court settlement where no judgment is recorded.

**The Hon. Frank Blevins:** It wasn't an out-of-court settlement.

**The Hon. K. T. GRIFFIN:** I understood the honourable member to say that there was a settlement of the case.

**The Hon. Frank Blevins:** The judge decided it.

**The Hon. K. T. GRIFFIN:** That is a bit different from an out-of-court settlement. If a matter goes to trial as a civil action the court is necessarily open to the public as much as any criminal court should be. The same rights are available to parties in the civil jurisdiction to apply for the suppression of names as are available in criminal cases.

Whilst I have every sympathy for the honourable member's constituent, the question asked raises questions that have been raised on many occasions in relation to access to the courts, not only by the media but also by the public, and the availability of information in relation to all court cases, except in those exceptional cases where for some good reason names should be suppressed. I do not believe that any other legitimate course can be followed, apart from an application to the court for the suppression of a name, which in these sorts of cases or in criminal cases keeps information from the public about the judicial process and about cases which come before the courts for resolution.

If the honourable member has a reasonable proposition which can be considered, I shall be pleased to receive it and give it appropriate consideration. However, I think this question raises the same serious questions of principle which have been raised in this Council, I think even during this session and certainly during previous sessions, about accessibility to the courts and the information on which courts make their decisions. Whilst I have every sympathy for the honourable member's constituent, as I do with any person who finds himself in this position, I have grave reservations about whether anything can be done to close off an opportunity for free access to all information before the courts, other than through the mechanisms which are currently provided, namely, an application to the court for the suppression of a name or information which may lead to the identification of a person making an application.

### AGRICULTURAL CHEMICALS

**The Hon. B. A. CHATTERTON:** Has the Minister of Community Welfare a reply to a question I asked on 10 June about agricultural chemicals?

**The Hon. J. C. BURDETT:** I refer the honourable member to my reply (*Hansard* 10 December 1981 to his question 10 November 1981) regarding the labelling of agricultural chemicals to include poisons advisory information.

In response to the honourable member's further question (10 June), my colleague, the Minister of Agriculture, has had a senior officer of his department personally contact six major suppliers of agricultural chemicals regarding the

availability of protective clothing for use when using dangerous chemicals. I assure the honourable member that supplies of all necessary protective clothing and equipment, as recommended in Department of Agriculture leaflets, are readily available through those suppliers and most minor independent sellers of farm supplies throughout the State. Furthermore, the basic needs, such as rubber boots, overalls and gloves are readily available through numerous commercial outlets.

### GRAPE ADVISORY COMMITTEE

**The Hon. B. A. CHATTERTON:** Has the Minister of Community Welfare a reply to a question I asked on 16 June about the Grape Advisory Committee?

**The Hon. J. C. BURDETT:** The South Australian Grape Industry Advisory Committee and the working party established to study means of rationalising the wine grape industry have completed their joint investigation and their Report on Rationalisation and Co-ordination of the S.A. Wine Grape Industry was submitted to the Minister of Agriculture in May 1982. The report is currently in circulation within the industry and the Minister is awaiting their response.

### LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.  
(Continued from 11 August. Page 374.)

**The Hon. C. W. CREEDON:** In his second reading speech, the Minister declared that he is abiding by his Government's policy to remove unnecessary legislation from the Statute Book. In reality all he is doing is shifting it from one section of the book to another. This short Bill, as the Minister described it, puts public property into the hands of the influential business entrepreneurs of the area. In fact, the Rundle Mall belongs to the State.

The construction of Rundle Mall was opposed most strenuously by the business men of the day. The Labor Government poured untold thousands of dollars into its construction and it has become one of the most successful malls in Australia. It is attractive and it is well used by tourists and local consumers. The Labor Government expected it to be of benefit to all South Australians and not just to a minority who have business enterprises adjacent to it.

The Rundle Mall is vastly different from other malls located in the Marion Shopping Centre, Tea Tree Plaza, the Elizabeth Shopping Centre and Parabanks, to name just a few, which are all owned by the developer. Some can even be locked up, so there is no after-hours access. However, Rundle Mall is there for the benefit of the public at all times. No doubt the Government has other reasons for this action which have not been disclosed.

The lack of funding, or the recent failure to provide it, has in all probability irritated the council and business houses. They have been left to find funds that previous Governments had budgeted in their favour. Not unnaturally, I suppose, they are demanding favours so that if they are paying they will at least be governing it. I understand that the present committee governing the mall's activities consists of six members, two of whom are appointed by the Government—certainly not enough to determine what happens in the area. Those two outsiders can express another point of view, perhaps unthought of by those whose very existence is bound up in the operation of the mall. Naturally, the

Government representatives keep the Government informed. Therefore, the Government is able to assess whether consumers and users are benefiting or whether they are being deprived.

It is strange that it intends to change the numbers on the committee. I can only assume that the committee of six members worked successfully in the past. Although I can understand why there is no Government representation when the Government is shedding its obligations to the people, at least those two members should have been replaced by people of a more independent stance than those presently envisaged.

The Government has had much room in which to manoeuvre on this subject. It could have increased the number of committee members slightly and included a woman on the committee. After all, the greatest users of the mall are female. What about the appointment of a consumer representative? Consumers are major users of the mall. They spend in the shops adjoining the mall, and business houses should be pleased to see a consumer representative on the new committee. Indeed, without consumers, business houses would not exist and they would not have to pay taxes for upkeep for the mall.

What about representation for staff and shop assistants? There are probably thousands of people employed in the mall area. What consideration has been given to them? Has their union been approached to see whether these people would act if they were offered representation?

I now refer to buskers. This group of people adds a certain character to the mall. Their performances seem to be appreciated by the public, and to my mind those performances are far superior to the amplified raucous rowdiness emanating from the Woolworths shop front. As far as I can see, much effort is displayed by the mall management in trying to dislodge and restrict buskers, yet I have heard of no effort to constrain the noisier of the business houses. Buskers have become an important part of the life of the mall, and it seems that an unwarranted restriction is being placed on buskers and the number of buskers who can perform in the mall.

As a group, buskers believe that they are being harassed by petty regulations as a prelude to their ultimate removal from the mall. Indeed, at a meeting of Adelaide buskers within the past three months, a schedule of matters irritating them was drawn up, and I should like to acquaint the Council with those matters. Buskers believe:

Busking is demonstrably self-regulating, both by the numbers and good sense of the performers. The problems which have arisen are isolated, insignificant and not condoned by responsible buskers, and can be resolved by ways other than petty restrictions designed to further harass publicly recognised street entertainers. (NB: In a recent Melbourne survey, over 80 per cent of the public approved of busking.)

Limiting the number of permits will have no effect on the number of performers in the mall.

Ratepayers' money is being wasted by time-consuming petty bureaucracy in the council, and the present complex permit system involving photographs, badges, etc. Unrestricted numbers of permits in 1978 brought less problems to all parties than did the systems which now exist.

Adelaide buskers have co-operated with the mall management wherever practicable and will continue to do so.

Rundle Mall is a public place and the centre of our city. The public want us, as is clear from the numbers who congregate at performances. We are a tourist attraction and some of us have been featured in mall tourist promotions and in the media. We attempt to bring humanity, culture and artistic values to the Festival City.

Commercial interests have been allowed to override community interests disproportionately in Adelaide for far too long and, in particular, with regard to busking in the mall.

Busking is a training-ground for aspiring entertainers, as is evidenced by the ever-increasing standard of buskers' performances.

The request or demands of the buskers are as follows:

Unrestricted numbers of permits for the whole city.

Free permits, freely available during normal trading hours.  
A sensible permit system and regulations.

They refer to the regulations in Melbourne. The final request is as follows:

Confidentiality of buskers' records.

I did not realise that a person could not do something without risk of his records being made public. That is indeed strange action for the committee of management to undertake. It is unbelievable that such a committee could stoop to such action.

Parliament would not want to see anyone needlessly denied the use of the mall, and it is obvious that there should be wider interests involved on the management committee. The people wanted the mall, although the traders obstructed its creation in every way possible. Indeed, the Government had to take the initiative and with that came some financial responsibility. Certainly, the Government and the shopkeepers contributed and accordingly obtained their share of committee representation, but consumers and users of the mall contribute substantially and should also be worthy of having representation.

In conclusion, I refer to the Bill introduced in March 1975 when, after the conference was over, the Hon. Mr Cameron stated:

The people who use the mall will determine whether it is successful. While it is within the interests of the traders to have representation, it is also within the interest of the people to have representation and that must inevitably come through a Government representative.

We oppose the Bill.

**The Hon. ANNE LEVY:** I endorse the remarks of the Hon. Mr Creedon about this Bill and, having been a member for one term of the Rundle Mall Committee, I wish to add a few comments of my own. The Government claims that the Bill before us is a matter of deregulation. This, I argue, it certainly is not. The substantive parts of the Rundle Street Mall Act are being transferred to the Local Government Act, so there is no diminution of the amount of regulation which will apply to Rundle Mall.

If the Government wished, it could have certainly repealed those sections of the Act which are now obsolete, and it could have left the matter of the mall's control in the Rundle Street Mall Act, instead of moving it to the Local Government Act. In fact, I am surprised that the Government should be doing that at this time. I understand that many bodies have written to the Minister requesting certain changes to the Local Government Act, and they have received the Minister's response that, while he would consider the matter, it was inappropriate to make changes at this time, when the Local Government Act was in the process of being rewritten, because he did not want piecemeal changes to the existing Act while a new Act was being prepared for presentation soon to Parliament.

Here we have a situation in which the Government is repealing the Rundle Street Mall Act and putting its substantive provisions into the Local Government Act without waiting for the Local Government Act to be rewritten and presented to Parliament. What are the Government's motives for this action? Why is there this hurry to transfer measures from the Rundle Street Mall Act to the Local Government Act, when so many other provisions in the Local Government Act cannot be changed at this stage but must wait for the rewrite of that Act?

I will certainly be interested to hear any comments that the Minister might make in this regard. Why can this proposal not wait until the rewriting of the Local Government Act, as do all other such matters? As stressed by the Hon. Mr Creedon, one thing which will result from this Bill is that the people of this State, as represented by the Govern-

ment, will lose all say in what happens in Rundle Mall. In existing legislation the Rundle Mall committee has two representatives appointed by the Minister. Past practice, as I understand it, has been for the Minister to appoint people of varying qualifications and interests to those positions, but people who could certainly be regarded as bringing different points of view to the Rundle Mall committee.

The legislation before us abolishes these Ministerial representatives on the committee and makes no provision to replace them on the Rundle Mall committee with anyone who could be regarded as representing the broader interests of the people. The members appointed by the Minister on the previous committee did not have a majority and could be outvoted at any time. Nevertheless, they were on that committee to represent and speak for more broadly based interests. From my experience on the committee, I believe that such members were extremely valuable to that committee and contributed a great deal. I submit that the remaining members of the committee are far too narrow in their concerns. The committee is to include two members of the city council, one of whom must be from the Hindmarsh ward. In my experience the councillor from the Hindmarsh ward is invariably a businessman or trader, if not in Rundle Mall itself with very close connections with Rundle Mall.

I presume that the second councillor has been put on that committee as some means of getting a woman on to it, which otherwise would have been virtually impossible. Apart from that, there is to be a member nominated by the Retail Traders Association, as there was on the old Rundle Mall committee, and a member who is either in business in the mall or an employee in the mall. This latter provision I am sure was inserted initially with the intention that people who work in the mall for wages would have some representation on this committee. It has never, to my knowledge, worked out in that way. That second representative has always been a manager or owner of a small business in Rundle Mall.

In the current legislation before us this individual is to come from an even broader group. The individual can be not only an employee or a person who runs a business in the mall but also a director of a company which has a business in the mall.

**The Hon. C. M. Hill:** But an employee could get in under that provision.

**The Hon. ANNE LEVY:** An employee could get in, but never has. There has never been representation of the people who work for wages in the mall on the Rundle Mall committee.

**The Hon. C. M. Hill:** That is an argument the honourable member has with the city council, not with me.

**The Hon. ANNE LEVY:** The Minister writes the legislation.

**The Hon. C. J. Sumner:** The general people are not going to be represented at all.

**The PRESIDENT:** Order!

**The Hon. ANNE LEVY:** This is exactly the point I am making, that the Rundle Mall, while it happens to be located within the boundaries of the City of Adelaide, has implications for far more than just the local government area of the City of Adelaide. Rundle Mall is an asset which belongs to the people of this State.

**The Hon. C. M. Hill:** So does every amenity within local government.

**The Hon. ANNE LEVY:** But it is very widely used by people from outside the local government area. It is used by people as consumers, visitors or employees. There would be only a small proportion of the people actually in the Rundle Mall at any one time who would live within the boundaries of the local government area of Adelaide. To suggest that the entire control of the Rundle Mall should

be vested within the local government area of the Adelaide City Council is to ignore its significance to the wider population.

I fear very much that, if this legislation is left as it is, the rights and privileges of the general public will be completely ignored. There has always been a tendency for the Rundle Street traders to regard the mall as their own private property and to need constant reminders that it is, in fact, a public thoroughfare. The Rundle Mall is not like other shopping centres, which are private property; the mall is a public thoroughfare and should not be treated by traders as if it were their own private property. I have a copy of a quotation made by a previous manager of the Rundle Mall when discussing the operation of that mall. This quotation came to me almost at random and states:

A shopping centre is a giant, money-making machine. It must be well oiled and maintained to achieve its objective.

I feel that that attitude very well sums up the attitude of traders in the Rundle Mall and the attitude of a large number of Adelaide city councillors, if not all of them: they view Rundle Mall purely as a money-making machine and do not regard it primarily as a public thoroughfare providing services to the public at large.

**The Hon. L. H. Davis:** That is rubbish.

**The Hon. ANNE LEVY:** Why on earth would he write that rubbish if he did not feel that way? This is an actual quotation that I have read to you; I did not make it up. Those words were spoken by the manager of the Rundle Mall and quite obviously indicate what is his attitude to the mall.

**The Hon. C. M. Hill:** How long did he stay in office?

**The Hon. ANNE LEVY:** Until the end of his contract.

**The Hon. L. H. Davis:** Don't you like contracts?

**The Hon. ANNE LEVY:** I beg your pardon.

**The PRESIDENT:** Order! The Hon. Miss Levy need not pay any attention to interjectors as they have no right to interject. She should ignore them.

**The Hon. ANNE LEVY:** I agree, Mr President, but it is even more annoying when I do not hear what they say. When this happens I feel that the person is making allegations about me which I might wish to refute if I heard them.

**The PRESIDENT:** I know just how the honourable member feels.

**The Hon. ANNE LEVY:** The previous Rundle Mall committees have tended to regard the Rundle Mall as the exclusive property of the traders in that mall. I could quote numerous examples of their behaviour in this regard.

The Hon. Mr Creedon has already discussed the council's attitude to the buskers who, it is generally agreed, have added considerable colour and interest to Rundle Mall, despite the concerted opposition of the traders to the busker's presence and performances. There was a long running battle, when I was a member of the Rundle Mall committee, regarding the provision of hot take-away food from a stall in the Rundle Mall. The traders were apparently happy that the stall holder could provide sandwiches and cold drinks, but were not happy that this stall was permitted to provide hot pies and cups of coffee on a cold winter's day. I gathered that the traders feared that this might interfere with the sale of pies from their own stores, though why it should interfere more with the sale of hot food as opposed to cold food, one could never determine.

The traders placed every possible obstacle in the way of the provision of this service, which was undoubtedly wanted by a vast number of people who used the mall, and it took much argument and discussion before any sense was finally arrived at. I will not go into the full details of that saga, but the minutes of the Rundle Mall committee for a period of 18 months seemed to consist of nothing else.

At one time when the Rundle Mall committee had come to what appeared to be an amicable and sensible solution, the city council itself intervened, overrode the Rundle Mall committee and imposed its own views on the matter, thereby ignoring what the committee was doing.

I feel that this legislation before us now is unnecessary and untimely; it can well wait for a rewrite of the Local Government Act (if that is what the Minister wishes to happen). It is also undesirable in that it will remove from the Rundle Mall committee any representation from people outside the Rundle Street traders or local government of the city of Adelaide in that it will lose any semblance of representing the interests of the bulk of the people who work in the mall or use the mall. In consequence, the Bill is totally unnecessary and undesirable at this stage. If it is to proceed, it should certainly receive considerable amendment before it would be acceptable to the people of this State.

**The Hon. N. K. FOSTER:** I wish to address myself to what the Government proposes should occur as a result of the various clauses of the Bill. I also look with interest at what policy may be formed by members of the Opposition regarding this matter, beyond the words they have uttered here this afternoon. I walked through the mall a couple of hours ago, having not been there for some time, as I am one of those people who have been completely turned off by this so-called pedestrian freeway. It is an obstacle course for a range of people from women with pushers to the elderly with baskets attempting to keep company with husbands or wives. There was also a large explosion of permits under the system for buskers.

I was appalled to find a little while ago that not only has a walkway been perched above what was previously the Malltown building but also a couple of holes have been dug in the ground below this walkway. I then discovered what I believe to be two escalators being built plumb in the middle of the mall. Surely, this was never the intention.

This is the type of development one can see in Sydney, with escalators and walkways going from one building to the other, which has proved most unpopular. Who gave the authority for such construction, if what I say is true? It is nothing more than a cluttered-up array of paraphernalia brought about by the Adelaide city council's persistence, with the present authority in respect of the mall, to gather additional revenue.

If this is the best example of what the Government can put up for the transference of powers, God help us as a Parliament and God help the community. The street barrows that we all knew some few short years ago have increased the problems in the mall. The plastic crates (and I measured one this morning and it was in excess of 25 feet in length) are longer than the barrows themselves. How many more crates are to be allowed to extend beyond those fruit barrows in the mall area?

I am not saying that they should not be there, but it is now difficult to take a sighting from the westernmost part of the mall over the top of the silos of the brewery (which we hope will not be there much longer) to the foothills of Adelaide, almost to the Hills Face Zone. Previously, one almost had an uninterrupted view through the mall to the Adelaide Hills, nearly to the old vineyards at Penfolds winery. That view is now hardly visible because of the contraptions in the way.

There is no way that one can walk in that mall, with the possible exception of on the original footpath, without being jostled and knocked over by all sorts of so-called business paraphernalia. The Government is handing this power to the city council to do what it likes with the mall, when it has been quite correctly stated that the council has turned



its back on the mall. One of the only obstructions that should be in the mall—and I am trying to think of the previous Lord Mayor's name who stuck his neck out in defiance of the council—

**The Hon. C. M. Hill:** Bowen.

**The Hon. N. K. FOSTER:** No, it was not; it was the bloke in the wine game.

**An honourable member:** Clampett.

**The Hon. N. K. FOSTER:** Yes. Clampett has a post named after him in the Finisterre Ranges because he was a company commander in the Second World War.

**The Hon. C. M. Hill:** It is near Shaggy Ridge.

**The Hon. N. K. FOSTER:** Yes, not quite on Shaggy Ridge; one could not do that on that ridge, because it is far too narrow. The mall could have been complemented by some reference to what that particular Lord Mayor did in respect to the attitude of most of its councillors of that day. The mall is now nothing more than an obstacle course and there are all sorts of so-called monuments. Whoever dragged that fountain down there to drench people, I do not know. The person who referred to it as being an unenclosed urinal was not far out. It should be shifted. The fountain blows water all over people in the mall from whatever direction the wind may be prevailing, and it has been there for some considerable time. One cannot spruik in the mall if one wants to put an honest political point forward. One is not allowed to demonstrate, yet shopkeepers can encroach on the footpath and punish the ears of passers-by with electronic devices that clearly should not be allowed.

I conclude on this note; let me sound a warning in respect of what the Government may be doing in handing power over to such a council as the Adelaide City Council. The Adelaide City Council considers itself to be a compact dictatorship with its own absolute rights. Look at what it has done to the bloke who had the pie cart; that type of thing is what the council might do if the Government gives it further power. The council has absolutely ignored this Parliament and has insulted the committees of this Parliament, particularly the Subordinate Legislation Committee.

Some of those people will be appearing as witnesses before the Subordinate Legislation Committee tomorrow morning, and I will not be late for that meeting. I have had many a run-in with them since I have been on the committee, and I will continue to do so. The Opposition is not sufficiently loud in its protest. If there is to be a select committee as a result of this legislation, then it must have the broadest terms of reference that any select committee has ever had in relation to local government matters, and particularly in relation to the City Council. There should be provision for the public to be admitted and for proceedings to be open to the media, if necessary, and the City Council should keep its hands off the mall. That would be in the interests of all the people of South Australia, particularly the urban residents.

It should be considered a matter of necessity that the Government does not allow the City Council to get its dirty hands on the mall. That is what it all means. I suggest that all members of this Council who will be voting on this matter should try to make their way through the mall between 11 a.m. and 3 p.m., but especially in the lunch hour. No wonder people are running around the back streets in the lunch hour with nothing on; they cannot walk through the mall to get exercise. I have tried to find a definition of the word 'mall', but the dictionary perhaps almost describes the attitude of the Adelaide City Council. I want answers from the Minister. I want to know what is going on with the two elevators. Does the Minister know of them?

**The Hon. C. M. Hill:** Yes.

**The Hon. N. K. FOSTER:** Why do you allow those things to be there?

**The Hon. C. M. Hill:** Then let me get up in a moment—

**The Hon. L. H. Davis:** He will answer when he speaks.

**The Hon. N. K. FOSTER:** Everyone seems to know about it, although it has been a dark secret. However, other members of this Parliament may not know why they are there. If they have been put there with the consent of those people who are supposed to take care of the mall, then it would seem that there is not sufficient power to stop the inroads being made by the present council. I think this matter should be adjourned and that no vote should be taken on it until every member of this place has had the chance to inspect whatever the Minister says is now in hand or under construction. Are the steel balls to be moved?

**The Hon. C. M. Hill:** They are works of art.

**The Hon. N. K. FOSTER:** Culture for vultures, perhaps, but they are not works of art to me. It seems that there is too much power in the hands of a group of dictators, those permanent officers, as well as some of the elected councillors, and that is a luxury that the people of this city cannot afford.

**The Hon. C. J. SUMNER (Leader of the Opposition):** As I understand the position, the mall management committee is merely an advisory committee to the council as presently constituted, so that the council at present has the ultimate authority over what happens in the mall. The Act of Parliament established the management committee, which has on it Government appointees with the role of advising the council on what should happen in the mall. The ultimate authority presently rests with the council, as I understand it. If that is so, I cannot see why the Government is so anxious to repeal the legislation. It is maintaining control of the mall by the council, but deleting the Government representation on the management committee. If that is all that has happened, I find that a narrow-minded approach. It is a matter of record that, had it been left to the City Council, there would have been no Rundle Mall. It was only as a result of State Government intervention and encouragement—

**The Hon. C. M. Hill:** That's a good word.

**The Hon. C. J. SUMNER:** —several years ago—

**The Hon. C. M. Hill:** Finish the whole story. They were bludgeoned into it.

**The Hon. C. J. SUMNER:** The Minister says that they were bludgeoned into it, but the mall is of benefit to the city—

**The Hon. C. M. Hill:** Yes, and I totally agree.

**The PRESIDENT:** Order! The Minister has the right of reply.

**The Hon. C. J. SUMNER:** What is obvious, and what the Minister has admitted, is that, without the Government's having taken a lead in the matter several years ago, without its intervention and encouragement, or whatever one wishes to call it, there would have been no mall today, and yet the mall is accepted and used by the residents of the city, the residents of North Adelaide, the people of the whole State—

**The Hon. Anne Levy:** The whole country.

**The Hon. C. J. SUMNER:** The whole country, yes, as I was about to say, by tourists who come to Adelaide. In those circumstances it is not unreasonable for the Government, representing the general interests of the State, to have some appointees on a committee that is, after all, only an advisory committee. That seems a perfectly reasonable proposition, but it is one that the Hon. Mr Hill is about to negate.

The basic principle is that the mall is a place not used just by the people of the city of Adelaide. It is not a location in an ordinary local council area, but a location in the centre of the capital city of the State, and as such I believe that it is quite reasonable for there to be some input, on behalf of the Government, from those Government repre-

representatives who are able to put a viewpoint that is broader than that of just the City Council or the traders in the mall. I believe that the repeal of this legislation is unnecessary. The existing committee should continue, although perhaps the membership could be changed to some extent. However, there should still be on the management committee some input, even though it is only limited input, on behalf of the people of South Australia. Therefore, I oppose the Bill.

**The Hon. G. L. BRUCE:** When I have been in the mall I have seen rows of tents, I have seen a wine tasting festival promoting Barossa Valley wines, and I have seen the Minister throwing tuna up the street in a tuna throwing competition. Many of these things, which relate to tourism, no doubt would be recognised by the City Council as a practical part of what the shopping centre is about. I believe that there should be input from the Government, representing the people of South Australia, in relation to tourism, but I do not know whether the City Council can recognise that representation while continuing its present policy.

**The Hon. C. M. HILL (Minister of Local Government):** I am surprised by the opposition to this measure, and greatly surprised at the extent of the arguments put forward by members opposite. The Bill is here not as an initiative of the Adelaide City Council, but as a Government initiative.

**The Hon. C. J. Sumner:** That makes it even worse.

**The Hon. C. M. HILL:** Wait a moment. The Government had a clear policy, which it outlined to the people, and which on that occasion the people supported, of deregulation.

*Members interjecting:*

**The Hon. C. M. HILL:** I am the first to admit that that word has a broad meaning, but one of the significant meanings, of course, is that the fewer Acts on the Statute Book, the better.

Members opposite love legislation. They love to be involved. Anyway, it is a socialist plank to become involved in the lives of the people of this State. What did we have? We had a situation where the question of the management of Rundle Mall was surely a local government matter. The Government believed that this Act could be abolished, because the mall is now an established amenity. It is not in any developmental stage at all. There is no need for the State to continue as a watchdog in the evolution of the mall.

**The Hon. G. L. Bruce:** It is one of Adelaide's major tourist attractions.

**The Hon. C. M. HILL:** I entirely agree with that statement. However, that does not mean that the Government must be involved in it.

**The Hon. G. L. Bruce:** Why not?

**The Hon. C. M. HILL:** The Government believes that, if local government can manage its own affairs, it should have such a responsibility.

**The Hon. C. J. Sumner:** What will you do if they open it to traffic again?

**The Hon. C. M. HILL:** If the Leader of the Opposition (and I stress 'Leader') has to make an interjection like that to substantiate his argument, his Party must be clutching at straws. The Government believes that the Adelaide City Council is a very responsible local governing body, despite the Hon. Mr Foster's criticism, and we believe that it can manage this amenity. It can manage it for its own ratepayers, for all South Australians who enjoy its presence, for tourism and for any other beneficiaries. I believe it will do that very well. The Government believes that it is time for it to get out of its involvement with the mall in this capacity and manage its own affairs of State and to leave the Adelaide City Council to its own affairs.

**The Hon. G. L. Bruce:** Is it costing the Government money to be there?

**The Hon. C. M. HILL:** Yes.

**The Hon. G. L. Bruce:** How much?

**The Hon. C. M. HILL:** As Minister, I was contributing \$18 000 through my department to the Adelaide City Council for payments to the committee. No doubt the council was also contributing its fair share.

**The Hon. C. J. Sumner:** What was that money used for?

**The Hon. C. M. HILL:** I presume it was used to pay committee members fees.

**The Hon. Anne Levy:** No. No fees at all were paid to committee members. Of course, that situation could have changed now.

**The Hon. C. M. HILL:** Incidentally, the honourable member would not have been in a position to accept a fee.

**The Hon. Anne Levy:** No fee was paid to any member.

**The Hon. C. M. HILL:** All right, I will not argue the point.

**The Hon. C. J. Sumner:** Why wasn't she entitled to a fee?

**The Hon. C. M. HILL:** She could have been interpreted as being an officer of the Crown. If the Leader does not want to place his colleagues in such a position of risk he should ensure that they do not undertake such positions.

*Members interjecting:*

**The PRESIDENT:** Order! Some questions can be asked, provided it is done in a sensible tone and provided they are answered in that way.

**The Hon. Anne Levy:** There were no committee fees.

**The Hon. C. M. HILL:** If the Hon. Miss Levy, as a former committee member, informs me in this Council that she never received a fee and that present members of the committee are not being paid a fee I will accept that. The money is used by the Adelaide City Council for the administration of the committee and the control and management of the mall. Surely we can be clear about that without trying to run off with red herrings. In reply to the Hon. Mr Bruce, \$18 000 of the people's money in this State was being allocated to the Adelaide City Council. I believe I had a clear duty to avoid that expenditure.

**The Hon. G. L. Bruce:** Isn't that money well spent if it is promoting South Australia as a tourist venue?

**The Hon. C. M. HILL:** The mall will be a tourist venue for South Australia whether or not I pay my \$18 000.

*The Hon. G. L. Bruce interjecting:*

**The Hon. C. M. HILL:** That is not necessarily so.

**The Hon. G. L. Bruce:** I think so.

**The Hon. C. M. HILL:** I do not agree with that. Honourable members opposite spent money as though it were water when they were in Government. That was all part of the process which brought this State to its knees until September 1979, when this Government came to office. We have been very careful about every cent we have spent. We have a duty to be as careful as that. I do not intend to let that \$18 000 go through my department's budget unless I am absolutely sure that it is being well spent. In relation to funding, in my opinion there is no need at all for Government money to be involved.

**The Hon. C. J. Sumner:** Wasn't that money used to promote activities in the mall, for instance, Sundays in the mall?

**The Hon. C. M. HILL:** No, that comes under another line. We still contribute to Sundays in the mall and other community art activities in conjunction with the Adelaide City Council, the Government and the Adelaide Festival Centre Trust.

**The Hon. Anne Levy:** The total budget for the mall is over \$200 000 per year.

**The Hon. C. M. HILL:** If that is the case it is the concern of the Adelaide City Council and not me. I am saying that

\$18 000 was being spent under the Minister of Local Government's line.

**The Hon. C. J. Sumner:** What is it being spent for?

**The Hon. C. M. HILL:** It is being spent by the Adelaide City Council on the general administration of the mall.

**The Hon. Anne Levy:** And promotion.

**The Hon. C. M. HILL:** Part of it might be for promotion. The Government does not intend to spend money in that way, because we believe it is a local government administrative matter. We have complete faith in the ability of the Adelaide City Council to manage this local amenity to the same standard that it has been managed to date. Incidentally, in the whole area of local government, in relation to matters which fall within its ambit and which can be managed and controlled by local government, we believe that we as a State Government should get out of their hair. I do not believe I can be any clearer than that.

The Hon. Mr Creedon said that under the new committee arrangements there is no assurance that a woman will be a member of the committee. I quite appreciate his concern that it is nice to have women members on committees of this type. I remind the Hon. Mr Creedon that, following the precedent set by his Government (when it appointed a very able woman member in the Hon. Miss Levy), when it came to the present Government's turn to appoint two members to this committee, we chose Mrs Turner. She is a splendid citizen and a woman of high intelligence who has done a splendid job. I am sure that the Hon. Mr Sumner and the Hon. Mr Feleppa will be interested to know that the other member appointed by the Government came from the ethnic community.

**The Hon. M. S. Feleppa:** It's about time.

**The Hon. C. M. HILL:** It is not about time; we have done it on many occasions. It was about time—considering the previous Labor Government's record.

**The Hon. Frank Blevins:** The Hon. Mr Feleppa has got to you.

**The Hon. C. M. HILL:** Mr Feleppa is doing a good job. *Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C. M. HILL:** The second member was Mr Bill Konstas, who is a leading member of the Greek community, and I am sure he is well known to members opposite. I think that covers the point made by the Hon. Mr Creedon, who expressed some sorrow that a woman may not attain membership of that committee. Of course, it is now within the prerogative of the Adelaide City Council to appoint a woman.

Further red herrings were dragged across the trail in regard to buskers. I am happy with buskers in the mall, but the management and control of buskers in the mall is not a matter for the State Government to be involved in. It is a matter for local government and the by-laws of local government. That is where that issue rests. The Hon. Anne Levy said that we should wait until we bring down the first of the Local Government Act amending Bills and bring about this change then. However, because this measure deals with a specific matter involving the repeal of a separate Act there is cause why we should treat it as a separate issue.

**The Hon. Anne Levy:** You don't have to repeal the Act.

**The Hon. C. M. HILL:** We want to repeal the Act, as I said earlier, because we gain some pride whenever we repeal an Act and remove unnecessary legislation from the Statute Book.

**The Hon. Anne Levy:** It's not unnecessary.

**The Hon. C. M. HILL:** I believe it is unnecessary: it is the Government's opinion that it is unnecessary. The Hon. Mr Foster is so concerned about an overway that is apparently being constructed, or that he noticed being constructed, that he is not even present in the Chamber now. The

situation is that the Adelaide City Council has approved redevelopment at that end of Rundle Mall which, incidentally, has always been somewhat run down in volume of trade and business. It has approved an imaginative plan in which an overway is being built between the old Malltown on the southern side of the mall and the Richmond Hotel on the northern side.

As I understand (and I have not been down there recently), it will provide a form of mall from Ruthven Mansions right through, running westwards, to the Richmond Hotel building and up and over the mall, through the new construction of an overway, into the old Malltown building on the southern side of the mall. We should not oppose an imaginative scheme of that kind. Are we so backwards in our outlook that we cannot accept a pedestrian overway being built above the mall? Surely one must accept that in every progressive city in the world there are overways and underpasses for pedestrian flow and the like.

**The Hon. Anne Levy:** Yes, but there should be some consideration of aesthetics.

**The Hon. C. M. HILL:** I take umbrage at that suggestion, and I understand it to be correct that one of Adelaide's foremost architects, Mr John Chappel, has designed the overway. He has a reputation in his profession for the highest standard of aesthetic work. I rebut vehemently the accusation that work which he has done and which has been approved by the council is poor aesthetically when judged by the standard of the ordinary citizen.

I think I have dealt with the matters that have been raised. I do stress the point that it is a simple matter: there is no need for the old Act to be retained on the Statute Book. Control of the mall, now that it has been built and developed, should revert to local government control because it is a local amenity.

**The Hon. C. J. Sumner:** It's not a local amenity.

**The Hon. C. M. HILL:** Physically, it is. It is within the area of the Adelaide City Council, just as it manages and controls various squares and parklands. Does the Opposition want the Government to get involved in that kind of management and control? It is just another amenity—a splendid amenity. The Opposition should have more faith in local government and in the council which, in my view, is quite a splendid body that can properly manage and control an amenity of this kind. Therefore, there is no need for the fears which have been expressed by honourable members opposite.

I point out to the Opposition that, if the Bill passes the second reading stage, it must go to a select committee, when a further investigation can be held into the matter. At that stage the queries and fears raised by honourable members can be brought forward. The Opposition will have three representatives on the committee, a number equal to that of the Government representatives. In that way a fair assessment can be made of the whole problem.

No doubt the Adelaide City Council will make representations to the committee, and the retail traders and anyone else interested can do the same. In this way, a further look can be taken at the whole question. I ask the Council to support the second reading so that this measure, which has been brought forward in all sincerity in keeping with the Government's policy of deregulation, can be put into effect.

The Council divided on the second reading:

Ayes (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, M. S. Feleppa, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Majority of 1 for the Ayes.

Second reading thus carried.

**The PRESIDENT:** As this is a hybrid Bill, it must be referred to a select committee, pursuant to Standing Order 268.

**The Hon. C. M. HILL:** I move:

That the select committee consist of the Hons G. L. Bruce, J. A. Carnie, C. W. Creedon, M. B. Dawkins, C. M. Hill, and Anne Levy.

Motion carried.

**The Hon. C. M. HILL:** I move:

That the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the Chairman of the select committee to have a deliberative vote only.

**The Hon. C. J. SUMNER:** I move:

That the Standing Order which prevents publication of the evidence of the committee also be suspended.

**The PRESIDENT:** It would appear that the Hon. Mr Sumner's intention would be met if we accepted the Minister's motion, and then allowed the Council to debate whether that Standing Order should be suspended.

**The Hon. C. J. SUMNER:** In fact, the Hon. Mr Chatterton has on the Notice Paper in relation to the select committee to investigate pastoral lands a motion which includes as part (a) the motion which the Hon. Mr Hill has just moved. It also has a part (b) which is, in effect, the motion I wish to move as an amendment. Therefore, my amendment is really to append to the Hon. Mr Hill's motion the same words as are attached by the Hon. Mr Chatterton to his contingent motion on the Notice Paper.

**The PRESIDENT:** Is it necessary to suspend the Standing Order in order for the honourable member to achieve what he wants?

**The Hon. C. J. SUMNER:** I want to amend the Hon. Mr Hill's motion by adding the following paragraph:

(b) That this Council permit the select committee to authorise the disclosure or publication as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

**The PRESIDENT:** The honourable member is not seeking to suspend the Standing Order; he is seeking to have a paragraph added to the Minister's motion.

**The Hon. C. J. SUMNER:** It has been the practice when the Council has set up select committees of any importance or significance over the past three years for the committees to be open to the public, as indeed they are normally.

**The Hon. C. M. Hill:** That's not so. The honourable member's statement is incorrect.

**The Hon. C. J. SUMNER:** My statement is not incorrect.

**The Hon. C. M. Hill:** Name the committees.

**The Hon. C. J. SUMNER:** I will name three: the uranium select committee, the select committee into unsworn statements, and the select committee into random breath testing. They have been the three significant select committees established by this Council since the 1979 election. There have been a number of more minor committees dealing with local government matters and, in those cases, we did not move the motion permitting the publication of evidence. However, in those matters of some public controversy and importance without exception this motion, by amendment at least, has been moved to the motions which have established those committees.

The Hon. Mr Hill cannot deny my statement—those three committees, which are the three that have been of such importance, have been open to the public (as indeed, all select committees are, anyway), but, more importantly, this Council has authorised the committees to allow evidence given to those committees to be published in the press. That occurred in relation to the three select committees I have mentioned. I believe that in this case the same provision

ought to apply. If there is some evidence which requires confidentiality the committee can prohibit its publication. However, in the general run of evidence it ought to become public. That is a principle we established in relation to the uranium select committee and followed on two other occasions with the random breath testing select committee and the unsworn statements select committee. Indeed, it is consistent with the policy adopted by the Liberal Party when in Opposition. The now Deputy Premier, when in Opposition in the House of Assembly, moved a motion in that House requiring select committees to be open to the public and for their evidence to be published.

That is the principle we have followed in this Council since 1979. All my amendment does is allow that principle to be applied to this select committee. The only select committees to which it has not applied have been ones of a fairly uncontroversial nature involving things such as local government boundary matters, and I think some hybrid Bills dealing with banking mergers. Select committees involving Bills of important public controversy have been open to the public, and the evidence has been made available to the press for publication. I think that should happen in this case, given that it is a matter which involves not just the City Council and Rundle Mall traders but the whole of the State of South Australia.

**The Hon. J. R. CORNWALL:** I support the amendment. It seems incredible to me that any select committee in 1982 ought to set about its business in some sort of cloak and dagger way, yet that is what the Minister is proposing. I recently attended the Senate select committee on hospitals and nursing homes and was extremely impressed by the way in which that committee goes about its business and, indeed, the way in which all Senate select committees go about their business. Members opposite are always talking about the role of Upper Houses sitting back at leisure doing a splendid job through the committee system, and there is something in what they say. However, when it comes to the reality of a select committee being able to do its job and have the matters raised before it reported publicly, for some strange reason members opposite object.

It is interesting to reflect on the way in which a Senate select committee goes about its business. Witnesses are sworn, taking either an oath or an affirmation. The evidence is immediately available for publication. There is a *Hansard* type transcript of all the evidence available, and those committees are conducted in a completely open and public way. The public can be kept informed of any evidence given to the committee during the conduct of an inquiry. The only exception is when a witness requests confidentiality. In the event of a witness wishing to give evidence *in camera*, it is extraordinary for that request to be denied. In other words, a witness has that option available at any time. For goodness sake, if we are fair dinkum (which I think is the best expression to use) about the work of select committees in this place, let us not put up with this strange fetish about putting some sort of cloak of secrecy around these hearings.

**The Hon. C. M. Hill:** I oppose the amendment. There is nothing strange, secretive or conservative about the procedure for select committees in this Chamber, a procedure that has been in force since this Chamber first began. The Hon. Mr Sumner thinks that only the select committee in which he has been involved are the important ones in this place. The honourable member has no idea of the controversy, pressure and strain that has been involved in some of the select committees that have dealt with local government questions during the term of this Government. I would like the honourable member to have been at Port Pirie on one occasion when 400 protesters grouped in front of the motel where the select committee was staying and expressed

their opposition, in no uncertain manner, to the presence of the select committee.

*Members interjecting:*

**The PRESIDENT:** Order! Let the Minister reply.

**The Hon. C. M. HILL:** Let me inform the Chamber that the simple procedure which has been going on since time immemorial, of witnesses being invited to come to select committees and give their evidence in the knowledge that that evidence, when the committee reports to the Chamber, will be tabled and then will be public, has worked extremely well.

Being the Chairman of several committees, I have put this question to the witnesses and asked if they understand that their evidence must be confidential until the conclusion of the select committee's deliberations, and that it will be made public when the evidence is tabled and the committee reports to the Chamber. That procedure has been accepted by those witnesses. At the same time, it has been pointed out to the witnesses that, if they have any evidence that they would like to give *in camera*, they can request that of the committee. I have never known an instance where such a request has been made and refused by a committee.

**The Hon. Frank Blevins:** What have you got to hide? What has the City Council got to hide?

**The Hon. C. M. HILL:** I am not talking about the City Council. The council may or may not come along to the committee and, if it comes along, it will give its evidence. When the committee, after considering that evidence along with all other evidence, comes to a decision, that committee's report to the Chamber and the evidence provided by the council as a witness will then be made public because it has been laid on the table of this Chamber for the whole world to see. What is the Opposition trying to do? Is this a fit of pique because it lost the last debate? The Opposition is fighting a rearguard action.

**The Hon. C. J. Sumner:** Don't you agree with Roger Goldsworthy on this point?

**The Hon. C. M. HILL:** I am not concerned about what others may have stated in this regard. What I am saying is that in this case, based on the precedent set by all other select committees that have dealt with local government matters in this Chamber, the evidence that is given to select committees will finally be made public. However, for it to be made public every day of the hearing and for controversy to be blown up on the front page of newspapers as a result of the hearing is not the best environment in which a select committee of this Chamber can deliberate.

There is nothing to hide. I do not want to hide anything at all. I am speaking in the knowledge that all the evidence will be made public. That must be agreed by members opposite. All evidence will be made public, but it will be made public—

**The Hon. M. B. Dawkins:** At the proper time.

**The Hon. C. M. HILL:** At the proper time, after the select committee has deliberated.

**The Hon. K. T. Griffin:** As a whole.

**The Hon. C. M. HILL:** Yes, as a whole. Those who are interested and who read the evidence will be assessing one witness's evidence against the evidence of a second, third and fourth witness, and so forth. Frankly, in my view, this is just a matter of tactics. If members opposite want to be mischievous about the matter, if they want to rupture the good working of a select committee, they are going about it in the right way. I repeat that we have nothing to hide in this matter.

*Members interjecting:*

**The PRESIDENT:** Order! All honourable members will have the opportunity to express their opinions and have their say.

**The Hon. C. M. HILL:** We are not wanting to keep anything secret at all.

**The Hon. C. J. Sumner:** What about Goldsworthy?

**The Hon. C. M. HILL:** The Leader can draw on a snippet of comment which he alleges the Hon. Mr Goldsworthy has made. The Leader has not quoted *Hansard* or the day on which it occurred, but for the purposes of the argument he plucks a little point out of the air and he thinks to himself that this is momentous support for his argument.

**The Hon. K. T. Griffin:** A debating point.

**The Hon. C. M. HILL:** A debating point. The Leader cannot put that kind of tactic over here. Let him base his claims upon factual dates and so on from the other House.

**The PRESIDENT:** I inform the Minister that he has half a minute to close the debate, which must conclude within 15 minutes.

**The Hon. C. J. Sumner:** Why?

**The PRESIDENT:** Because it is written in Standing Orders.

**The Hon. C. M. HILL:** There is really no need for me to continue. I hope that those who believe in the good working of the democratic system in this Chamber, so that the best result is obtained from select committees of this kind, will oppose the obvious delaying tactics of the Leader of the Opposition.

**The Hon. K. L. MILNE:** Mr President, I wish to ask a question.

**The PRESIDENT:** The debate is closed.

**The Hon. K. L. MILNE:** I rise on a point of order. Am I entitled to ask a question? Before being required to vote, I wish clarification on a matter.

**The PRESIDENT:** The debate is closed, as the 15 minutes allowed for the debate has expired. The honourable member knows that he has the Whip, of whom he can ask questions.

The Council divided on the amendment:

Ayes (11)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, M. S. Feleppa, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, and R. J. Ritson.

Majority of 1 for the Ayes.

Amendment thus carried; motion as amended carried.

**The Hon. C. M. HILL:** I move:

That the select committee have power to send for persons, papers and records, to adjourn from place to place, and to report on 14 September.

Motion carried.

#### NORTH HAVEN DEVELOPMENT ACT AMENDMENT BILL

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

**The Hon. C. M. HILL (Minister of Local Government):** I move:

*That this Bill be now read a second time.*

In 1972 the South Australian Government and the A.M.P. Society entered into an indenture agreement on the development of a new residential and recreational area to be called North Haven at the northern end of the LeFevre Peninsula. The area to the western side of Lady Gowrie Drive was to include a boat haven and the majority of the recreational facilities including marinas, a boat ramp, hotel, caravan park, shopping and any other activities related to the harbor. On the eastern side of Lady Gowrie Drive a new residential area containing approximately 1 700 home

sites, two school sites, large reserves and shopping facilities were to be developed. Also included was a nine-hole golf course contained within the rail loop adjacent to the Outer Harbor wharf area.

As part of the residential area a section containing 402 home sites was planned north of Victoria Road protruding into an area planned for port related industries by the Department of Marine and Harbors. This was the only land to be developed for single unit residential purposes outside of the area contained by Victoria Road, Lady Ruthven and Lady Gowrie Drives. The location of this proposed residential development as related to the proposed port related industrial development was cause for considerable concern by the Department of Marine and Harbors.

As part of the indenture agreement and the North Haven Development Act, 1972, the developer—the society—was given certain protection against development incompatible with the residential and recreational development taking place in or adjacent to the land within the indenture area. In fact the society had a right of veto over development within the indenture area or within 400 metres of its boundary. This 400-metre protection zone was of particular concern to the Department of Marine and Harbors because it encroached on strategically important areas for the future development of the port related industries proposed at the northern tip of the LeFevre Peninsula.

At the time of reaching the agreement with the society, the crucial importance of the Port of Adelaide as one of the few remaining port areas in the world with industrial land available adjacent to a deep water port had not been fully recognised. During the 1970s this factor became increasingly apparent and it was obvious that for the State of South Australia to gain full benefit from this unique situation, it would be necessary to remove the possibility of the proximity of residential development inhibiting the establishment of this critical industrial zone. It was obvious therefore that the residential land needed to cease at the convenient and effective buffer of Victoria Road. The Department of Marine and Harbors therefore took steps to regain control over this section of land, which was known as areas 'M, N and P' on the society's development plan, at the earliest possible date.

Also as part of the indenture agreement certain other conditions had been agreed which gave the society developmental rights over the marina and adjacent recreational areas, and the LeFevre Peninsula as a whole. These were seen to be necessary at the time of drawing up the agreement but due to the change in circumstances over the ensuing 10-year period, included in which was the society's desire not to be actively involved in the development of the marina area, these rights are no longer seen to be necessary by either party. In fact, they provide a restrictive development climate for the Department of Marine and Harbors and the Government over LeFevre Peninsula generally, and for the North Haven Trust over the North Haven harbor area specifically. Deletion of or variation to these conditions have therefore been negotiated and agreed between the parties, but at the same time the interests of the residents of North Haven have been protected.

In the original planning of the residential area, the Minister of Education indicated his department required two school sites. His department's requirements on this matter have now changed and only one site is required. This is due in part to the variation in population growth which has occurred in the State generally, and also to the proposed deletion of the 402 home sites which would have been contained in areas 'M, N and P'. It is proposed, however, that the area originally planned for the second section site would better serve the community as a recreational area. Therefore the parties have agreed that this area should be transferred to the Department of Lands for dedication as a reserve.

This period of negotiation was also seen to be an opportune time to resolve any outstanding financial matters remaining between the Government and the society. The prime area of concern was the extensive wharf construction which had taken place within the North Haven harbor and had been funded by the society, but was not a requirement of the indenture. The works had been undertaken on the understanding that some compensation would be paid by the Government but that the society would carry out the works at the time they did—before the harbor was allowed to fill with seawater—as construction would be considerably cheaper in the dry than at a later date. The society's interest in constructing the works at that time also stemmed from their intention to be involved in the further development and running of the harbor, an option which they later declined to exercise.

In some of these matters the Government was asking the society to relinquish certain rights which they had previously been granted by the Government. In return, the society asked for support in areas of concern to it, and for support in a proposed modification in the plans for their residential development area. The change was due to market demand which had altered over the period since 1972. The society also asked that the Government construct a landscaped buffer zone along the entire boundary of Victoria Road as it related to areas 'M, N and P'. This is to further protect residents who had purchased allotments on the southern side of Victoria Road believing residential development would take place on the northern side. They also asked that their liability for construction faults on works carried out under the indenture be restricted to the normal contractor's liability instead of the two year term which currently exists.

The Government, without in any way agreeing to indemnify the society, has also agreed to recognise—

- (a) that proceedings related to this land transfer were instigated by the Government;
- (b) that the society has co-operated in the spirit of further development of the State; and
- (c) that the society and its agents have always intended that the areas of land known as 'M, N and P' would be developed as residential land.

The Government has agreed to these requests by the society as they are either in the best interests of the residents and the community or because they are in the case of points (a), (b) and (c) basic fact.

In recovering this area of land 'M, N and P' from the society, the financial consideration had to take into account a wide range of matters, not the least of which was the society's unique developmental rights and concessions which were afforded to it in the interest of establishing a major new residential development in the State of South Australia. These arrangements allowed the society to develop its residential areas with the minimum of holding charges by way of rates and taxes and by way of purchase of the land from the Government. As such, in setting the consideration, value of the area had to be determined not as a light industrial area for which the Department of Marine and Harbors proposed to use it, but as a residential allotment area for which the society had the development rights but for which it had no holding expenses. In this matter the Government sought the advice of the Valuer-General and of officers of the Department of Environment and Planning (then the Department of Urban and Regional Affairs) and negotiated a final figure based on these factors. The final consideration agreed for areas 'M, N and P' of \$1 000 000 is in fact considerably less than the society originally sought.

Due to the complexities of this total proposed arrangement, the Government, on the advice of the Crown Solicitor, has incorporated all of the conditions and terms of agreement evolving from the negotiations into a supplementary deed

described in the Bill as the Amending Indenture. The deed has the following effect—

1. To amend the definition of North Haven by deleting areas 'M,N and P' from the indenture area.
2. It directs the Minister not to sell and transfer the land to the society as he is required to do under the existing indenture.
3. It frees the society from the obligation to pay the Minister for that land.
4. It directs the Minister to construct a landscaped buffer strip for the extent to which Victoria Road abuts areas 'M,N and P' and to complete such construction and landscaping works by 31 October 1982.
5. It amends the defects liability clause contained in the indenture by reducing the society's liability for construction faults from two years to one year. This is in accordance with the normally accepted construction practices in Australia today.
6. It deletes clauses 16 and 26 from the original indenture. These two clauses dealt with the society's first option to exercise development rights over Government owned land on the LeFevre Peninsula and in the North Haven Harbor area. Given that the society no longer wishes to have a major involvement in those development areas, these clauses have proven to be a major hindrance in the commercial negotiations being undertaken by the Department of Marine and Harbors over the peninsula industrial lands, and by the North Haven Trust over the harbor commercial development areas.
7. It sets out a procedure whereby the three hectares of land originally intended for the second school site in the North Haven area will be transferred to the Minister of Education who will then transfer it to the Department of Lands for dedication as a reserve for public recreation and amusement.
8. It amends clause 25 of the indenture which deals with the area of North Haven to be provided as reserve to take account of the reduction in residential land due to the transfer of areas 'M,N and P' to the Government.
9. It indicates the society's approval of the amendment of the planning regulations to permit the rezoning of areas 'M,N and P' from R2 as existing to light industrial as proposed by the Department of Marine and Harbors.
10. It undertakes that should the society request a rezoning of section of the residential land from R1 to R2, the Government will not lodge objection to that rezoning. The area in question is in fact adjacent to proposed commercial and townhouse development around the marina and so provides a desirable transition between the marina area and the residential area to the east of Lady Gowrie Drive.
11. It sets out the method of payment of the principal sum of \$1 225 000 to the society. The sum includes the consideration for the society relinquishing its development rights over areas 'M,N and P' and allowing the Government to regain control of the land, and the payment to the society for the construction of the vertical edge section of the harbor and the discharge of all the claims which the society may have against the Government in the harbor area. The final consideration on these matters was agreed to by the parties on 3 August 1981 and the deed allows for a mutually agreed interest rate to be payable on the consideration from that day until settlement.

The provisions of the Bill are as follows: clauses 1 and 2 are formal. Clause 3 provides a definition of the 'Amending Indenture'. Clause 4 inserts new section 5a into the principal Act. This section approves and ratifies the Amending Indenture.

**The Hon. BARBARA WIESE** secured the adjournment of the debate.

#### ADJOURNMENT

At 4.57 p.m. the Council adjourned until Wednesday 18 August at 2.15 p.m.