LEGISLATIVE COUNCIL

Wednesday 1 September 1982

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

QUESTIONS

BREAD PRICE

The Hon. C. J. SUMNER: My questions are directed to the Minister of Consumer Affairs, as follows:

1. Is the Minister aware that the price of bread has increased by 42 per cent in a little more than 2½ years, that is, from 60 cents in 1979 to 85 cents in the most recent announcement yesterday?

2. Why was bread, a staple basic food in South Australia, removed from formal price control by the Liberal Government?

3. Why has the Prices Branch been run down by reducing staff by half since the Liberal Government came to office and reducing other resources available to the branch?

4. What action does the Government intend to take in view of this quite dramatic increase in the price of bread over the past 2½ years?

The Hon. J. C. BURDETT: Bread is subject still to formal price control at the retail level, but not at the wholesale level. The wholesale level has been reduced to justification.

The Hon. C. J. Sumner: This is justification?

The Hon. J. C. BURDETT: At the wholesale level—

The Hon. C. J. Sumner interjecting:

The Hon. J. C. BURDETT: What I said is entirely correct.

The Hon. C. J. Sumner: Justification—

The PRESIDENT: Order!

The Hon. J. C. BURDETT: If the honourable member who asked the question will listen to my reply he will find out what he wants to know. At the wholesale level the price is subject to justification, which means that exactly the same procedure applies as applied previously in regard to formal control, namely, that the price has to be justified in the same way, but it is done before instead of after—

The Hon. C. J. Sumner: After instead of before.

The Hon. J. C. BURDETT: The price is increased before and the figures have to be supplied afterward. At the retail level the price is still subject to formal price control. It is by margin at the wholesale level. If the honourable member wants to argue that that means that it is all justification he can argue that, but at the retail level it is subject to formal price control. The increase is significant, but I have investigated this matter since the question was raised recently in the media—

The Hon. C. J. Sumner: If it was subject to formal control, why were they able to put up the price from yesterday?

The Hon. J. C. BURDETT: The question has been looked at since the matter was recently raised in the press. The costs have been justified in regard to all of the increases that have been made. Had bread at both wholesale and retail levels remained subject to formal price control, the increases would have been exactly the same.

The Hon. C. J. SUMNER: I desire to ask a supplementary question. If the retail price is subject to formal price control, as alleged by the Minister and contrary to information given to me this morning by the Prices Branch, why was it possible for the companies concerned to increase the retail price of bread yesterday without reference to the Prices Commissioner?

The Hon. J. C. BURDETT: It may be that that was not done correctly. The information that I have been given is that there is formal price control at the retail level.

The Hon. C. J. Sumner: Come on—you know that's not correct.

The Hon. J. C. BURDETT: At the margin—

The Hon. C. J. Sumner: It's a percentage.

The Hon. J. C. BURDETT: As a percentage, yes.

The Hon. C. J. Sumner: Once you put up the wholesale price, the retail price goes up automatically.

The PRESIDENT: Order!

The Hon. C. J. Sumner: Mr President, tell the Minister to be truthful.

The PRESIDENT: Order! I will not tell the Minister anything; I am telling the Leader to listen to the reply.

The Hon. J. C. BURDETT: I made that clear all along, that is, that formal price control at the retail level was as a percentage—was as a margin.

The Hon. C. J. Sumner: You didn't say that.

The Hon. J. C. BURDETT: I did say that. The honourable member can look it up in *Hansard* tomorrow, if he desires. I said that it was as a margin. I also said that the justification procedures that have applied and the papers that have been lodged indicate that the prices are justified on cost. Exactly the same price would apply today if bread at the wholesale level was still under formal price control.

The Hon. C. J. SUMNER: I desire to ask a further supplementary question. If the wholesale price is not subject to formal price control and can be put up by bread companies, as it was yesterday, and if only the retail price control is governed as a percentage of the wholesale price, which is not subject to formal control, how can the Minister say that the retail price is subject to formal price control? It is simply not true.

The Hon. J. C. BURDETT: It simply is true. It is true that bread at the retail level is subject to formal control. That is expressed as a margin on the justified wholesale price.

DROUGHT RELIEF

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about drought relief.

Leave granted.

The Hon. B. A. CHATTERTON: Yesterday, the Prime Minister announced that the Federal Government would make available a 50 per cent subsidy on fodder that is used by farmers. Obviously, such a scheme will be quite difficult to administer to ensure that it is not abused, because the opportunities are certainly there for fodder to be sold a number of times, resulting in claims for subsidies on each transaction. Has the Commonwealth Government asked the State Government to administer the fodder subsidy scheme and, if so, have there been any consultations and discussions about how the scheme will be implemented in practice to ensure that it is not open to abuse?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring down a reply.

FLINDERS MEDICAL CENTRE

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to asking the Minister of Community Welfare, representing the Minister of Health, a question about the Flinders Medical Centre.

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No.

The PRESIDENT: Leave is not granted.

The Hon. J. R. CORNWALL: Is the Minister aware of a report on page 3 of today's *News* which quotes the Administrator of Flinders Medical Centre, Mr John Blandford, as saying that some operations are being delayed by up to six months because of an acute shortage of beds? Further, is the Minister aware that appointments for non-essential surgery are being postponed in orthopaedic, ear, nose and throat, general surgery and ophthalmology areas, with those specialities being amongst the worst hit areas?

Is the Minister further aware that Mr Blandford said that at the moment Flinders Medical Centre has only 500 beds and that it has reached a point that demands on the centre are exceeding its capacity to deliver. First, does the Government intend to commission more beds, which are urgently needed at the centre? Secondly, if it does, will it involve a reduction or rationalisation of acute-care beds in other teaching or community hospitals under the Commonwealth-State hospital cost-sharing agreement? Thirdly, if the Government does not intend to commission additional beds at Flinders Medical Centre, what steps does it intend to take to overcome what has clearly become an intolerable problem?

The Hon. J. C. BURDETT: I will refer the question to the Minister of Health and bring down a reply.

HOUSING TRUST RENTS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Housing a question about Housing Trust rents.

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No.

The PRESIDENT: Leave is not granted.

The Hon. ANNE LEVY: Will the Minister explain why the special veterans allowance provided to pensioner ex-servicemen has (since 1 July this year) been taken into account by the Housing Trust when determining a pensioner's income in order to set the rent payable by an aged pensioner on his accommodation? The special veterans allowance has, until now, not been considered by the Housing Trust when assessing a pensioner's rent. In fact, it has been specifically excluded from the income of pensioners when determining rent to be paid by them. Will the Minister ensure that this special veterans allowance is not taken into account in future when assessing a pensioner's income, because when it is taken into account those pensioners are then no better off than if they had not received the allowance at all?

The PRESIDENT: Order! That is really not a question, and the honourable member was not granted leave to make an explanation.

The Hon. ANNE LEVY: Will the Minister ensure that that allowance is not taken into account when assessing a pensioner's income in the future; otherwise, the special veterans allowance of $7 a week (a figure given to me by a constituent) means that the pensioner must not only forgo the social security special rent allowance of $4 a week but, with the veterans allowance being taken into account by the Housing Trust, it has resulted in my constituent having his rent increased by $3 a week, so that he has ended up receiving no benefit whatsoever from the special veterans allowance.

The Hon. C. M. HILL: I did not know that any special arrangements had changed as from 1 July, as the honourable member has indicated. However, I will obtain a detailed report on this matter and bring back a reply for the honourable member.

ACCIDENT RESCUE

The Hon. R. J. RITSON: I seek leave to make a brief explanation before directing a question to the Minister representing the Chief Secretary, about the possibility of accident rescue operations being undertaken by the Fire Brigade.

Leave granted.

The Hon. R. J. RITSON: On at least two commercial television news services last night it was announced that responsibility for rescuing victims of crashed vehicles would be transferred from the Police Department to the Fire Brigade. I see that there was probably some justification for that change in so far as it probably represents a rationalisation of the distribution and use of tools such as the jaws of life. However, I did see some sinister political undercurrents behind that announcement and noted that in another—

Members interjecting:

The Hon. R. J. RITSON: I thought I would get some interjections here. There are some undercurrents, as this move can be seen as the thin end of the wedge to erode the role of the St John Ambulance Brigade. There may indeed be moves in future to advance the fire services in the direction of being paramedical teams similar to those that are operated by fire services in the United States.

I notice that a Mr Mick Doyle made favourable comment on a television news service about this matter and is reported as having expressed the view that firemen would need more first aid training should this come about. As honourable members would recall, I produced during my Address in Reply debate speech sworn evidence that clearly indicated Mr Doyle's previous dedicated attempts to eliminate St John volunteers from the metropolitan ambulance service.

I do not believe for one moment that Mr Doyle has changed his spots. All he needs to do is find an opportunity at some future time to argue that, as the fire brigade will attend, extract victims and be trained in first aid, it may as well be the agency to transport victims to hospital. If that argument were to succeed, that would be the end of the St John Ambulance Brigade and Mr Doyle would have won.

Medical colleagues who have observed the American system have said that it is inferior to the service of the St John Ambulance Brigade. Moreover, our brigade has a mean emergency attendance time of 7 minutes and a standard of medical and general education amongst its members that is higher than that of firemen. There can be no justification for firemen taking paramedical responsibility for treatment at the scene of an accident, yet I believe that these pressures will arise in future. Will the Minister give an undertaking that no Liberal Government will permit the slightest erosion of the present role of volunteer and salaried St John personnel at the scene of accidents?

The Hon. C. M. HILL: The Government has no intention of changing the present system applying at the scene of accidents. I also saw the television broadcast to which the honourable member referred, and I was greatly surprised by the statements and claims made by Mr Doyle. In relation to giving an undertaking as to what might happen regarding this matter in the future, I will refer the question to the Minister responsible for the fire brigade and bring back a reply.

INTERPRETERS AND TRANSLATORS

The Hon. M. S. FELEPPA: I seek leave to make a brief explanation before asking the Minister Assisting the Premier in Ethnic Affairs, representing the Minister of Education, a question about interpreters and translators.

Leave granted.

The Hon. M. S. FELEPPA: It has come to my attention that since the Government has reduced spending on the education sector one of the areas most seriously affected is the teaching of community languages and, in particular, training programmes for professional interpreters and translators. Will the Minister say what the Government's position is on the provision of interpreting and translating services to the ethnic communities? Does the Government intend improving and extending the present services, and does it consider that it is important to support and endorse the professional training courses for interpreters and translators to ensure that high professional standards are conferred on the profession? Also, is the Government aware that because of a lack of funds and resources the South Australian College of Advanced Education is being forced to terminate contract positions within the School of Community Language? Finally, is the Minister aware that the result of this drastic decision will be the elimination of the degree of Bachelor of Arts in interpreting and translating, which is the only course in South Australia that teaches professional interpreters and translators in Greek and Italian at the N.A.A.T.I. level III?

The Hon. C. M. HILL: The Ethnic Affairs Commission is applying increased funds in the current financial year to the area of interpreters and translators, and it places great emphasis on the need to provide an improved service over the quite good standard of service that has been given in this case until this financial year.

The honourable member mentioned the area of the Minister of Education, and his question impinges on that area and relates to courses at the C.A.E. level. I shall have those matters which he has raised concerning that C.A.E. situation referred to the Minister of Education and bring back a reply as soon as possible.

PETROL PRICES

The Hon. N. K. FOSTER: I direct the following questions to the Minister of Consumer Affairs:

1. Is the Minister aware of the very substantial increases in the price of petrol in Victoria over recent months?

2. Is he further aware that the State Government of Victoria has imposed control on prices in an endeavour to hold the price of petrol below 50c to 55c a litre by the end of 1983?

3. Will the Minister ensure that the price of petrol to the consumer in this State is pegged at somewhere below 40c a litre during the course of the next 12 months?

4. Will the Minister consider top-level inquiries within the industry to ensure that such a course, in the interests of the cost of living in this State and the general cost structure to manufacturing industry, is maintained?

5. Will the Minister, in convening such conferences, have in mind the very real fact of profit to the resellers not being eroded, and of the owners of petroleum products being in a position to take up the cost in relation to any pegging to be done in the interests of the economy of this State, also allowing a higher margin to the reseller?

6. Is the Minister aware that, if this is not done, South Australians may well be paying in the vicinity of 60c a litre for petrol by the end of this year?

The Hon. J. C. BURDETT: I am quite sure that South Australia will not be paying up to 60c a litre by the end of this year. Let us look at what was done in Victoria today. The maximum wholesale and retail price of premium motor spirit was set at 39.9c wholesale and 43.9c retail, respectively, for all oil companies. Obviously, Victoria has had a problem that we have not got, because our prices are much below that.

The Hon. N. K. Foster: They weren't that much lower last week.

The Hon. J. C. BURDETT: Yes, they were. The maximum wholesale price was set at 39.9c, and ours is much lower than that. The maximum retail price was set at 43.9c, and no-one offers petrol at that price in South Australia.

The Hon. C. J. Sumner: In the metropolitan area.

The Hon. J. C. BURDETT: Yes, and this of course was set in Victoria for the metropolitan area and Geelong. Victoria clearly has had a problem that we have not had here. These prices are set for the Melbourne metropolitan area and Geelong, and the boundaries are yet to be defined. The maximum prices were to operate from today, 1 September, if publication was effected by 12.30 p.m., although I do not know whether or not that has happened.

The maximum prices have been fixed for three months, and a study of petrol retailing is to be undertaken during that period. The Government action was sparked by 45.9c a litre being charged by some resellers. That does not happen here; here we have maximum wholesale price control set at 3c below the P.P.P.A. maximum justified price, and they do not have that in Victoria. They were therefore operating in an entirely different situation.

The most common price in the Melbourne metropolitan area is 43.9c a litre, and no-one even offers petrol at that price in the Adelaide metropolitan area. Prices below the maximum can be charged, and the Victorian Automobile Chamber of Commerce has called for minimum prices and reduced P.P.P.A. wholesale prices. As I have indicated before in replies to questions, particularly to the Hon. Mr Sumner, I have made all the relevant inquiries at present. I do not intend at this time to conduct any other inquiries. I have consistently said and maintained, as I maintained at the Standing Committee of Consumer Affairs Ministers conference recently, that this is necessarily a Federal matter with a Federal industry, and relates to a product that is bought by people travelling across State boundaries. I have maintained that consistently, and I intend to do so in future. As I have said, there is no point in making further inquiries at present, because all relevant inquiries have been made. The situation in Victoria is quite different from the situation here.

The Hon. N. K. FOSTER: I ask the following supplementary questions:

1. Is the Minister aware that, over the past 12 months in Victoria, petrol prices have increased by from 10c to 12c a litre?

2. In part of his reply, the Minister said that there was no way in which the price of petrol would rise to 60c a litre—

Members interjecting:

The Hon. N. K. FOSTER: Yes, it is a question, if you will shut up for a minute. Question No. 2 continues:

How does the Minister propose to ensure that there is no further increase in the retail price of petrol?

3. What steps does he intend to take to ensure that a similar jump of 10c to 12c a litre does not take place in the next three months in this State, bringing the price to what in my previous question I said it would be?

The Hon. J. C. BURDETT: In reply to the first part of the question, I am not aware of the increases that have occurred in Melbourne in the past few weeks, and it may well be that there is some increase in South Australia. In reply to the last question, if there is evidence of an increase, or of the price reaching 50c or 60c, as the honourable member suggested, I will certainly be taking some action. However, South Australia has been able to maintain the retail price at pumps at well below that in most of the Eastern States, largely because we have the maximum wholesale price fixed at 3c below the P.P.P.A. justified price.

Until today in Victoria, at any rate, we were the only State doing that consistently.

New South Wales for some time had the maximum wholesale price fixed at 2c below the P.P.P.A. justified price. Some months ago it departed from that situation, and maintained its price control system, but simply adopted the P.P.P.A. maximum wholesale price. It has price fixing in zones at the retail level. I suggest that the action that the South Australian Government is maintaining at present is keeping prices down in South Australia. If it appeared that that was not working and that there were gross increases, certainly we would look at it, and I would expect in such circumstances to take appropriate action. I repeat that I believe that it is likely, because of increased costs and the tax situation, and so on, that there may be some increases in South Australia. I am not saying that there will not be, but I am not expecting anything like the situation that has occurred in Victoria.

RYEGRASS TOXICITY

The Hon. M. B. DAWKINS: Honourable members will be aware that I have previously asked questions regarding the high incidence of ryegrass toxicity in this State and about what steps are being taken to find a satisfactory means of combating the disease. Has the Minister of Community Welfare a reply from his colleague, the Minister of Agriculture, to my question?

The Hon. J. C. BURDETT: The first world recording of annual ryegrass toxicity was in South Australia in 1956. In 1970 it was discovered in Western Australia, and in 1980 South Africa made its first recording of the disease.

Although some research has been in progress since 1970, it was only in 1978 that a concerted effort was made to develop control methods. This was a joint Department of Agriculture/Waite Agricultural Research Institute programme which was funded by the Australian Meat Research Committee (A.M.R.C.). The aim of the project is to control the nematode, the carrier of the bacterium which is responsible for the toxin production in the ryegrass plant. The methods of control include mowing, herbicide application and biological control, all aimed at preventing the nematode from reproducing in the ryegrass seedhead. Progress has been good, despite the difficulties associated with sampling for the nematode, and recent trials have shown that early spring mowing and the use of herbicides markedly reduce nematode populations. This season's studies will be conducted on the multiplication of the nematode to ascertain how frequently control measures should be applied. A recent increase in funding by A.M.R.C. has allowed more herbicides to be tested for use in pasture and to make mowing and herbicide treatments more practicable. Trials will also commence on controlling the nematode in ryegrass during the cropping phase.

Other progress has been the identification of the toxin by the C.S.I.R.O. Division of Animal Health. It is now known that the toxin inhibits the synthesis of proteins. Extension work by the Department of Agriculture has been aimed at making farmers aware of the problem and encouraging them to check stock regularly during the toxic season. These efforts have been enhanced by the production of a film on the symptoms of A.R.G.T. in stock. As part of this extension programme, the Department of Agriculture has provided a diagnostic service to farmers and has tested 420 ryegrass samples this year during the toxicity period.

The extension programme appears to have been successful. Stock losses per outbreak were less last year than in earlier years, indicating that farmers were detecting the problem earlier. The Merino Breeders Association of South Australia has undertaken to raise $10 000 to further research work. In partnership with industry, this Government will subsidise the employment of a bacteriologist to investigate the bacterium. This should lead, over a five-year period, to the development of anti-toxins and better field control.

CHILDREN'S INTERESTS BUREAU

The Hon. BARBARA WIESE: Has the Minister of Community Welfare established a Children's Interests Bureau in accordance with the provisions of the Community Welfare Act, which was recently proclaimed? If so, what is its membership and what are its functions? If it has not been established, when will this occur?

The Hon. J. C. BURDETT: The Community Welfare Act has not yet been proclaimed.

The Hon. Barbara Wiese: It should have been.

The Hon. J. C. BURDETT: It has not been. The Act has not been proclaimed recently, as the Hon. Miss Wiese said. It will be proclaimed during this financial year.

The Hon. Barbara Wiese: It was supposed to have been proclaimed in July.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I said earlier that I hoped to proclaim the Act in July. However, this was not possible.

The Hon. Barbara Wiese: Why?

The Hon. J. C. BURDETT: Because it is necessary to work out models for such things as the Children's Interests Bureau before the Act is in force. It is necessary to see that these things are done correctly. The models must be checked to see that they will operate correctly. The Children's Interests Bureau and the other initiatives in the new Community Welfare Act are expected to come into operation some time during this financial year.

The Hon. BARBARA WIESE: I desire to ask a supplementary question. When exactly will the new Community Welfare Act be proclaimed?

The Hon. J. C. BURDETT: I do not have to say exactly. It will be some time during this financial year, when we are satisfied that all the models in relation to the Children's Interests Bureau and other areas have been correctly worked out and established.

LEGAL AID

The Hon. C. J. SUMNER: Has the Attorney-General a reply to the question that I asked on 24 August about legal aid?

The Hon. K. T. GRIFFIN: The Commonwealth Government's contribution to legal aid in this State has not been reduced as a result of the Federal Budget that was announced the week before last.

MISLEADING ADVERTISING

The Hon. R. J. RITSON: I seek leave to make a brief statement before asking the Minister of Local Government, representing the Minister of Education, a question about misleading advertising by the teachers union.

Leave granted.

The Hon. R. J. RITSON: At about 10.45 a.m. last Saturday on radio station Five Double SA-FM a commercial dealing with the question of class sizes was broadcast by the South Australian Institute of Teachers. During this commercial several claims were made that were said to have been derived from the work of a famous professor, whose name I cannot recall at the moment, to the effect that a quantifiable

amount of schooling was lost per student per day for every pupil present in a class exceeding 25 pupils (I think it was either 2.6 or 2.4 days per annum per additional student). The conclusion proposed by the commercial was that a child in a class of 30 students would therefore lose the equivalent of 24 or 26 days schooling.

I was immediately suspicious because, as the Hon. Miss Levy would know, no statistician or any person with any knowledge of biological variations would reduce this argument down to the first decimal place, exactly the same for each child. Not only is it possible that the good professor has been misrepresented by this abuse of his work, but also the commercial made no reference to the North American studies which, having surveyed 900 000 students, have demonstrated that within the range of 16 to 37 students per class there is no discernible difference in the quality of education.

Will the Minister obtain from the radio station a transcript of the contents of that commercial, and will he submit the transcript to the professor who is named in the commercial, and invite him to comment on whether or not the commercial accurately or inaccurately represents his work? Also, will the Minister inform the Council of the result of these investigations and, in addition, of the details of the North American study in relation to this question?

The Hon. C. M. HILL: I will refer those questions to the Minister of Education in another place and bring down a reply.

DOME

The Hon. K. L. MILNE: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about continued assistance for the organisation known as DOME.

Leave granted.

The Hon. K. L. MILNE: As all honourable members know, the DOME title means 'Don't Overlook Mature Expertise'. This group is working with unemployed persons over 40 years of age. In fact, its members are over 40 years of age and are unemployed themselves.

I understand that it is the only group in South Australia dealing with the over-40s in regard to self help, and to some extent the under-40s as well. The Government has given DOME some assistance. It was given the use of 102 square metres of office space at 49-51 Flinders Street rent-free by the Minister of Industrial Affairs on 1 November 1981. This right to use accommodation is due to expire on 31 October 1982, which is soon.

The Minister of Community Welfare has given a grant for a half-time co-ordinator and has been most helpful. I make it clear that the organisation is most grateful for that assistance. However, it does not have any assurance from the Minister of Industrial Affairs that the lease will be renewed for a further year. In a letter of 3 August the Minister said that he made no promises but that the matter was under review. In addition, DOME has requested a loan from surplus stores. Honourable members all know that Government warehouses have a considerable amount of surplus furniture and the like. An electric typewriter and office furniture would help DOME operate efficiently in helping unemployed people prepare job applications.

The work is of the utmost importance in keeping up the morale of this particular group of unemployed. DOME is less than a year old but has a membership of over 500. That is nothing to be proud of. Actually, it is something for DOME to be proud of but it is something for us to be ashamed of, because it shows the extent of this kind of unemployment.

DOME is now starting groups in other States and other areas. In one year it has had 111 successful job placements. The Council must realise that the plight of the over-40s unemployed is great. It is terribly difficult for such people to be re-employed. Being over 40, just at a time when they have maximum commitments in regard to their children's schooling and other expenses, they are right in the most expensive part of their lives. I am sure all honourable members agree that such people need special help. Will the Minister of Community Welfare find out from the Minister of Industrial Affairs whether he will continue to support this group not only with a loan of furniture and equipment but also with continued office accommodation, because after 31 October the existing agreement terminates, and will the Minister advise DOME and this Council to stop it worrying and keep it working?

The Hon. J. C. BURDETT: In regard to DOME, which was formed in the last financial year, the Hon. Mr Milne mentioned that it had been given a grant by my department. DOME has applied for another grant this year, and it will certainly get some grant. There is no doubt about that. The system in regard to community welfare grants, as most honourable members know, has been established for some time. That is to say, there is a Community Welfare Grants Advisory Committee. A procedure is established for applications for grants to be considered by that committee and its recommendations, except in special circumstances, are always agreed to by me.

I know that DOME has made an application this year. Its two senior executive officers saw me last week and I heard what they had to say. Certainly, I very much support what they are doing. I agree with the Hon. Mr Milne that DOME is filling a real need in a changing society where we get people unemployed in their 40s. I realise what a traumatic experience that must be. I have been told of the obvious trauma of some clients who come to see DOME. In regard to the use of the rooms and loan of stores, I shall be pleased to do what the Hon. Mr Milne has asked and take it up with the Minister of Industrial Affairs and ask him what is to be done and, in particular, to give a prompt reply so that DOME will know where it is going in the future.

In regard to its premises, it may be that there is some other need for those premises and they may not be available. Certainly, I will take up the matter with the Minister and ask whether he can sympathetically consider either extending the lease of these premises or providing some other premises for the organisation.

MURDER BAIL

The Hon. N. K. FOSTER: Has the Attorney-General a reply to the question I asked yesterday in respect to an alleged murder of Mr Whitwell by Mr Hughes who, I understand, is now free on bail for a paltry sum? If he cannot reply now, will the Attorney have the matter treated as a matter of urgency so that a reply can be given by tomorrow?

The Hon. K. T. GRIFFIN: I did ask the honourable member to give me the names of the persons involved, so that it would make it easier to check the information to which he referred in his question. I did not receive it from him, but I did receive information from another source which, I think, adequately identified the person to whom he was referring. This morning I asked my officers to check the facts and to give advice on whether or not there is an opportunity for an appeal to be instituted against the decision on the granting of bail. I have not yet received that advice, but I will endeavour to have it for tomorrow.

NORTH HAVEN TRUST

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the North Haven Trust.

Leave granted.

The Hon. C. J. SUMNER: Recently, the Government announced—

The Hon. R. C. DeGaris: You're winning!

The Hon. C. J. SUMNER: Yes. The Government has recently announced that the marina administered by the North Haven Trust will be sold or offered for sale to private developers. This has caused some concern, particularly in the Semaphore area, and I understand that the Port Adelaide council has decided to oppose the sale of the marina to private developers. The question has also been raised about what authority the trust has to make such a sale and whether or not an amendment will be needed to the North Haven Trust Act. In other words, does the Act contain the relevant powers to enable the sale or offering for tender for sale of this section of the North Haven development to private developers? What authority has the trust to dispose of the marina to private developers? Further, will an amendment to the Act be required before this procedure can go ahead?

The Hon. K. T. GRIFFIN: The responsibility for North Haven Trust is with the Minister of Environment and Planning, who made a public announcement about the trust's and the Government's intentions last week. I will have to have the Act examined with a view to answering the question, and I will bring down a reply. Also, from the information that I have received and from comments that I have heard, the decision of the trust and the Government to dispose of the marina has been well and favourably received, particularly in the context of the conditions applying to that sale, relevant both to the marina's continuing operation and the rights of employees.

I do not have full details of the Minister's public statement about this matter. If it is of interest to the honourable member, I can obtain a copy of that statement and let him have it in due course.

PROMOTIONAL BOOK

The Hon. C. J. SUMNER: Has the Attorney-General an answer to the question I asked on 27 July about a promotional book?

The Hon. K. T. GRIFFIN: I am not aware that a print run of promotional literature is dictated by a pre-determined formula. The Government has always judged promotions on merit and print runs are set bearing in mind individual circumstances. An earlier print run of the book has been selling in Adelaide shops for the price mentioned. These books were purchased by an Adelaide wholesaler direct from Commercial Printing House under conditions laid down by the State Promotional Unit. No Government money was expended with their printing. For ethical reasons I am not able to supply the name of the wholesaler nor the terms of the conditions of purchase. Previous printing runs were:

	Soft Covers		Case Bound
	English	Japanese	English Only
First print	20 000	—	1 500
Second print	22 500	2 500	1 500
Third print	110 000	3 000	—
	152 500		

The unit cost originally quoted by Griffin Press was $1.22 per book for 110 000 and the total print was put at $134 356. The printing of the book was held up for a short time awaiting the arrival of suitable paper. Honourable members have now been given copies. Cabinet approved the print run, the book is to be given away, and the third edition contains all new photography and copy which has been rewritten and updated.

This publication constitutes the basis of our promotion campaign overseas, interstate and locally. In its original form it replaced a wide range of Government publications which were produced with intermittent frequency. The book will be distributed widely in accordance with normal practice (that is, overseas, interstate and locally) and, because of the educational value evident in this publication, it will be made available to seventh grade school students as well as being used for various promotions in connection with the opening of international facilities at Adelaide Airport. The total cost of production of the third edition was:

	$
Editorial	2 000
Photography	9 000
Design/Artwork	4 670
Printing quote	134 356
Distribution	nil
Author's corrections and labour increases	5 161

No financial provision has been made for distribution. It has been the practice in the past for those organisations wishing copies of the book to collect them themselves.

KEROSENE PRICES

The Hon. C. J. SUMNER: Has the Minister of Consumer Affairs a reply to the question I asked on 18 August about the price of kerosene?

The Hon. J. C. BURDETT: Wholesale prices of kerosene are approved by the Petroleum Product Pricing Authority. In the period from January 1980 to August 1982 the average wholesale price of bulk kerosene has increased from 21.5 to 38.1 cents per litre. In the corresponding period average retail prices have increased from 26.3 to 46.7 cents per litre (retail prices are calculated on a profit margin of 22½ per cent which has been accepted as a reasonable margin for many years). A recent limited survey of kerosene prices at metropolitan service stations reveals that resellers are charging from 39.9 to 47.5 cents per litre, that is, 7.6 to 24.4 per cent on cost. The imposition of price control at the retail level would not provide relief to consumers at this time because the profit margin is not considered excessive.

WOMEN'S PROMOTIONS

The Hon. BARBARA WIESE (on notice) asked the Minister of Community Welfare:

1. What positions and classifications are currently held by the seven women who have been promoted in the Department of Community Welfare since March 1981 (as advised in the Minister's reply to my question on notice dated 2 June 1982)?

2. What positions and classifications did they hold before promotion?

3. Have the eight women been appointed who were in the process of being promoted at the time of the Minister's reply?

4. If so, what are their new positions and classifications and from which positions and classifications have they been promoted?

5. If these promotions have not taken place, when will they occur?

The Hon. J. C. BURDETT: The replies are as follows:

1. and 2.

Current Position	Current Class.	Previous Position	Previous Class.
Senior Residential Care Worker	SWO-2	Community Welfare Worker (SWO-1) acting as Regional Youth Worker (SWO-2)	SWO-2
Senior Residential Care Worker	SWO-2	Residential Care Worker	SWO-1
Clerk	CO-3	Clerical Officer Class I	CO-1
Senior Community Welfare Worker	SWO-2	Community Welfare Worker	SWO-1
Regional Youth Worker	SWO-2	Group Worker	SWO-1
Director	EO-1	Acting Social Planner	SWO-4
District Officer	SWO-4	Lecturer Grade 1 (Department of Further Education)	

3. Seven have been appointed.

4.

Current Position	Current Class.	Previous Position	Previous Class.
Senior Community Welfare Worker	SWO-2	Community Welfare Worker	SWO-1
Senior Community Welfare Worker	SWO-2	Community Welfare Worker	SWO-1
Senior Community Welfare Worker	SWO-2	Community Welfare Worker	SWO-1
Senior Residential Care Worker	SWO-2	Group Worker	SWO-1
Staff Development Officer	SWO-4	Supervisor, Community Care Unit	SWO-2
Staff Development Officer	SWO-4	Supervisor, Student Unit	SWO-3
Senior Community Welfare Worker	SWO-2	Community Welfare Worker	SWO-1

5. Appointment expected within two months.

WRONGS ACT AMENDMENT BILL

The Hon. C. J. SUMNER (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Wrongs Act, 1936-1975. Read a first time.

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

That this Bill be now read a second time.

The law relating to liability for animals is in a confused and undesirable state. As long ago as 1969 the Law Reform Commission of South Australia in its seventh report to the then Attorney-General (Mr Millhouse) recommended various amendments. I commend this report to honourable members, and I also commend an article which Mr T. M. McRae, the member for Playford in another place, prepared for the *Australian Law News*.

Honourable members will be aware that in the famous case of *Donoghue v. Stevenson* (1932) A.C.562 the modern law of negligence was clarified. The classical pronouncement is to be found in Lord Atkins' speech in that case, as follows:

> There must be, and is, some general conception of relations giving rise to a duty of care, of which the particular cases found in the books are but instances . . . The rule that you are to love your neighbour becomes in law you must not injure your neighbour; and the lawyers question, 'Who is my neighbour?' receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law, is my neighbour? The answer seems to be—persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.

In my respectful submission, there is no reason why this basic principle should not apply to persons in custody of animals in the same way as it applies in the general law of negligence, yet for various reasons strange and peculiar distinctions have been drawn. In particular, in the notorious case of *Searle v. Wallbank* (1947) A.C.341, it was held by the House of Lords that the landowner was not liable for damage caused by animals straying on to the roads from his land, even though he may have known that his fences were in a bad state of repair. This foolish and unjust rule has now been abolished in England, Scotland, Canada, New South Wales and Western Australia. It still remains law in South Australia today, despite the report of 1969.

Furthermore, there are ancient distinctions which allegedly delineate between animals said to be naturally in a wild state and domesticated animals. As the law commission report mentioned, this peculiar distinction caused one famous writer to ask whether or not a snail was a wild animal.

This Bill provides that the keeper of an animal who negligently fails to exercise a proper standard of care to prevent the animal from causing loss or injury shall be liable, in damages, in accordance with the principles of the law of negligence to a person suffering loss or injury in consequence of his neglect. I have provided a standard of care in accordance with the facts of the particular case. I have provided a presumption in the absence of proof in relation to vicious or dangerous animals.

I have abolished the rule in *Searle v. Wallbank*. I have provided for employees of such owners. I have defined 'owner' in a reasonable fashion. I have dealt with the question of trespass and incitement. I have excluded other ancient principles of law which are no longer relevant. I have provided that action in nuisance can in certain circumstances still be maintained and that no Statute remedies are affected. I have made it quite clear that this Act will not be retrospective.

I feel sure that the proposals I have put to the Council are in accordance with the great weights of opinion in the legal profession and, furthermore, are in accordance with the numerous reports of the law reform commissions throughout the British Commonwealth and in many of the Australian States. Finally, I believe that the Bill is in accordance with common sense and justice and does equity to all concerned. I commend the measure to the Council.

When in 1981 Mr McRae introduced this Bill in another place he gave the following example of injustice which can occur. These facts are quite startling. A young lady was driving her motor vehicle from Lyndoch in the direction of Gawler and seated next to her was a young female friend. As they were passing a farm, sheep strayed from the farm. The farmer had been warned on two occasions by the local policeman that his fences were in a state of disrepair. The end result was horrific. The young lady struck the sheep, and the car went out of control. It smashed headlong into a car conveying a man, his wife and three children coming from Gawler to Lyndoch. The toll of that accident was absolutely horrifying. The young lady was dead, her female passenger was a paraplegic, and in the other car the husband and wife suffered horrific injuries and all the other passengers were injured.

The matter went to the High Court. Only as a matter of luck and because the young lady who was the driver was dead and not there to defend herself, it was held that all the survivors could sue her insurance company, but the High Court held that, notwithstanding what I would say

was a virtual criminal act by that landowner, nonetheless under this ridiculous *Searle v. Wallbank* rule he would not be liable.

When this matter has been raised previously by Mr McRae, the Government has always defeated it, using the excuse that discussions were still being undertaken. The Government has now had three years in which to determine its attitude and I suggest it should not avoid the issue any further.

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

RACIAL DISCRIMINATION ACT

The Hon. C. J. SUMNER (Leader of the Opposition) obtained leave and introduced a Bill for an Act to prohibit discrimination on the ground of race; to promote equality of opportunity between persons of different races; to repeal the Racial Discrimination Act, 1976; and to deal with other related matters. Read a first time.

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

That this Bill be now read a second time.

In 1966 the Walsh Labor Government was the first Government in Australia to introduce legislation preventing discrimination on the grounds of race. In 1976 this legislation was updated in the light of the experience of the previous 10 years. There is now a need to revamp the legislation again taking into account developments in other areas of anti-discrimination legislation. This Bill is based on the Sex Discrimination Act, 1976, and the Handicapped Persons Discrimination Act, 1981.

The rationale for these amendments is contained in a report of the Working Party on Anti-Discrimination Legislation in South Australia, which I established in June 1979 and which reported in August 1979, a short time before the last election. That working party recommended:

- that each ground of discrimination, race, sex and the handicapped should be the subject of separate legislation but that the administration of each Act should be under one authority, the Commissioner for Equal Opportunity.
- that each Act provide for a separate administrative tribunal to deal with complaints not satisfactorily conciliated by the Commissioner for Equal Opportunity.
- that a new Racial Discrimination Act be enacted modelled upon the Sex Discrimination Act.

In commenting on the Racial Discrimination Act, 1976, the report said:

> The Racial Discrimination Act does not set up any mechanism whereby complaints can be received by any particular Government body or statutory officer. The mere bringing of proceedings under this Act is difficult as they require the prior approval of the South Australian Attorney-General. Clearly this is an unwieldy and unworkable system and this is evidenced by the fact that there have been only two attempted prosecutions under this Act since its introduction in late 1976. It is impossible to believe that there have been only these instances of racial discrimination within the terms of this Act since its introduction. The fact that there has been no identifiable person or body to complain to with regard to racial discrimination may go some way to explain why prosecutions have been so very few.
>
> This Act, although it provides a criminal sanction, does nothing to change the nature of discriminatory attitudes. This position is considered to be most unsatisfactory for an area of such importance as racial discrimination and it is therefore recommended that the Race Discrimination Act be redrafted in similar form to the Sex Discrimination Act. This recommendation would mean that under a revised Race Discrimination Act the Commissioner for Equal Opportunity would be made the sole recipient of complaints on matters of racial discrimination. The provisions pertaining to powers and functions of the commissioner; the need for conciliation before a board hearing; and the constitution of the board could all be modelled on the revised provisions in the Sex Discrimination Act as recommended elsewhere in this report.

These criticisms have since been restated by the South Australian Commissioner for Equal Opportunity in a paper in 1981. The following comments were made:

- in making discrimination a criminal offence and not providing other remedies, difficulty existed in establishing that discrimination had occurred. There had only been two prosecutions under the 1976 Act and only one of those had been successful.
- The Act does not provide for an administrative body with specialist expertise to investigate complaints of discrimination.
- There are no procedures to resolve complaints by conciliation.

The paper said that it was of limited use to the complainant in actions involving discrimination if the person who has discriminated against him or her is only fined. It says, 'More often, to return people to the position they had before the discrimination occurred, they need to be compensated financially, given their jobs or promotion back, or given accommodation. A criminal Act does not provide for these remedies whereas a different piece of legislation can include these remedies.' The paper says that court procedure under the present Act does not guarantee adjudication by any person with any expertise in the area of discrimination.

South Australia has a good record in anti-discrimination legislation. In a recent address to the Commonwealth Club in Adelaide, Justice Mitchell, the Chairman of the recently established Federal Human Rights Commission, said:

> Generally the provisions of the South Australian Racial Discrimination Act 1976 put South Australia ahead of most other States in anti-discrimination legislation. That statute prohibits discrimination on the ground of race in employment, the provision of goods and services, access to public places and accommodation ... As I have said South Australia is in the vanguard of States legislating upon human rights. A recent example is the Handicapped Persons Equal Opportunity Act which came into operation on 1 July 1982.

The Labor Party is proud of its record in government in South Australia in the human rights area which saw the Racial Discrimination Act, the Sex Discrimination Act and the establishment of the Bright Committee into the rights of the disabled which led to the Handicapped Persons Equal Opportunity Act. This Bill will ensure that the Racial Discrimination Act is updated and is consistent with the more flexible procedures in other anti-discrimination legislation. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 sets out the necessary definitions. The Commissioner for the purposes of this Act is the Commissioner under the Sex Discrimination Act and Handicapped Persons Equal Opportunity Act. Clause 5 repeals the 1976 Act. Clause 6 binds the Crown. Clause 7 gives the Commissioner the responsibility of administering the Act subject to the control and direction of the Minister. Clause 8 empowers the Commissioner to delegate. Clause 9 requires the Commissioner to report annually to the Minister who will table the report in Parliament.

Clauses 10 to 20 establish the Racial Discrimination Tribunal, give it the usual powers, including the power to conciliate, and provide for a registrar of the tribunal. Clause 21 spells out the criteria for establishing discrimination on the ground of race. This provision is substantially the same as in the 1976 Act. Clause 22 spells out the behaviour that constitutes victimisation. Clause 23 makes it unlawful to discriminate in offering a person employment. Discrimi-

natory acts against employees are also unlawful. Employment within a private household is exempt. Clause 24 renders discrimination by a principal against his agents unlawful. Clause 25 renders discrimination by a principal against contract workers unlawful. Clause 26 renders discrimination within firms, or in the formation of a partnership, unlawful. Clause 27 provides that it is unlawful for an association to discriminate. This does not apply to an association set up for the purpose of benefiting persons of a particular race.

Clause 28 provides that it is unlawful for a body that confers qualifications or licences for trades or professions to discriminate. Clause 29 provides that it is unlawful for an employment agency to discriminate. Clause 30 provides that it is unlawful for an educational authority to discriminate. Clause 31 provides that it is unlawful for a person who provides goods or certain specified services to discriminate. Clause 32 renders it unlawful for a person to discriminate in offering accommodation. Clause 33 provides that it is unlawful to commit an act of victimisation. Clause 34 provides that a person who causes, instructs, induces or aids another person to contravene the Act is also liable for the contravention.

Clause 35 provides that an employer or principal is jointly and severally liable with his employee or agent for any contravention of the Act arising out of action taken by the employee or agent on behalf of his employer or principal. Clause 36 exempts charities set up for the benefit of persons of a particular race. Clause 37 generally exempts anything done as a special benefit for persons of a particular race. Clause 38 provides that this Act does not derogate from the provisions of other Acts. Clause 39 gives the tribunal a power of exemption. Clause 40 gives the tribunal the power to conduct an inquiry, either upon its own motion or upon the application of the Minister, to determine whether a person is contravening the Act. The tribunal may make certain orders, and failure to comply with such an order is an offence carrying a penalty of $2 000. Clause 41 enables a person who claims to have been discriminated against to lodge a complaint with the Commissioner within a period of six months.

Clause 42 gives the Commissioner the power to decline to entertain frivolous or vexatious complaints. The Commissioner may conciliate. The Commissioner must refer complaints that cannot be resolved by conciliation to the tribunal. The complainant may insist that his complaint be referred to the tribunal where the Commissioner has declined to entertain it. Clause 43 sets out the orders the tribunal may make upon determining a complaint. Failure to comply with an order of the tribunal is an offence carrying a penalty of $2 000. Clauses 44 and 45 provide for appeals to the Supreme Court against orders of the tribunal. Clause 46 provides that contraventions of this Act do not give rise to any other criminal or civil actions. Clause 47 makes it an offence to publish advertisements indicating an intention to contravene the Act. Clause 48 makes it an offence to molest, insult, hinder or obstruct the Commissioner. Clause 49 provides that offences against the Act are to be dealt with in a summary manner. Clause 50 empowers the Governor to make regulations.

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

HAIRDRESSERS FEES

Order of the Day, Private Business, No. 3: Hon. J. A. Carnie to move:

That regulations under the Hairdressers Registration Act, 1939-1981, concerning fees, made on 22 April 1982, and laid on the table of this Council on 1 June 1982, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

Order of the Day, Private Business, No. 4: Hon. J. A. Carnie to move:

That regulations under the Hairdressers Registration Act, 1939-1981, concerning fees, made on 3 June 1982, and laid on the table of this Council on 8 June 1982, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

Order of the Day, Private Business, No. 5: Hon. J. A. Carnie to move:

That regulations under the Fees Regulation Act, 1927, concerning hairdressers fees, made on 3 June 1982, and laid on the table of this Council on 8 June 1982, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

SELECT COMMITTEE ON PASTORAL LANDS

Adjourned debate on motion of the Hon. B. A. Chatterton:

That a select committee be appointed to investigate the pastoral lands with particular reference to:

1. The present condition of the pastoral lands and the means employed by pastoralists, scientific agencies and the Department of Lands, Department of Agriculture and Department of Environment and Planning to assess and monitor their condition.
2. The control and management of the pastoral land and, in particular, the operation of the Pastoral Board, the staffing resource it has at its disposal, the forms of tenure currently applying, and the rights of public access.
3. Possible conflicts between pastoral use of the land and Aboriginal land claims, mining and tourism.
4. Amendments to the Pastoral Act needed to implement any recommendations of the select committee.

(Continued from 11 August. Page 372.)

The Hon. FRANK BLEVINS: I support this motion. When the Government's Bill relating to the arid lands was before the Council, I opposed it very strongly. Members will recall that the Bill was basically to freehold the arid land to the North of the State. I stated quite clearly, and I do not resile from it at all, that I could see no good reason why that land should be freehold and that there were very good reasons why it should not be. I voted accordingly. It would take an awful lot to persuade me that there is good and sufficient reason to freehold that area. However, that is not to say that I think everything relating to the arid lands is all right. Quite obviously it is not, and I think a select committee would be an ideal medium to see whether the present position could be improved, not only for the whole of the State, but also for the pastoralists who rely on that area for their livelihood.

I have been through a good deal of this land, on the land itself, with some very experienced people, who have pointed out various features of the properties in the area. There is no doubt that to suggest that all the pastoralists in the area have done nothing but rape the land is absolute nonsense. Many properties up there are a credit to the pastoralists, and there is no doubt that their stewardship has been to the betterment of this State generally. However, equally there are some properties, even to an eye like mine that is not trained, that obviously are in poor condition and should not be allowed to continue in that way. If they do, I believe that much damage would be done to that land.

It may be that some irreversible land erosion has already occurred in the area. I have not seen it, and I do not think

from my experience that there is a great deal of land that has been damaged irreparably. I believe a select committee would be the ideal way to find out. From speaking with some of the pastoralists in the area, I think there is no doubt that, because of economic necessity, the land has been overstocked. When pastoralists are attempting to recover from a very severe drought, for example, the temptation to overstock in the good seasons must be enormous, because there is a very large debt hanging around the neck of many of these pastoralists, although not all of them.

It is interesting to note that those lands that are not subjected to this pressure, which is caused through economic necessity, are owned by very wealthy landowners. By and large, those wealthy landowners do not overstock in the good years and can afford to let their stock numbers run down in the bad seasons. It is the small pastoralists who are subject to this economic pressure. During the debate on the Pastoral Bill, extremist statements were made by people on both sides. It was said by some pastoralists that they want all the land and want to keep everyone else out, but I do not accept that position at all.

I believe that the community has a right to intervene in the management of these lands. Indeed, the public has a right and also some responsibility to have access to a large area of these lands, even if that access must be limited to some degree. Some environmentalists believe that this land should be left untouched, that all the stock should be removed and that the land should be returned to nature. That is an extremist position, and I disagree with it totally. Some environmentalists are more honest than others, and a few have openly stated that extremist position, that is, that the land cannot sustain any pastoral activity at all.

I reject that as an extremist position, just as I reject the extremist view expressed by a few pastoralists. In my opinion the land can be used by all members of the community and it can be used sensibly. The land is not there simply for the betterment or the economic well-being of a few pastoralists.

The Hon. N. K. FOSTER: I rise on a point of order. The Hon. Mr Sumner and the Hon. Dr Cornwall are the most ignorant men I have known in my life; I think that is universally known. They are carrying on in front of me a conversation of such volume that I cannot hear the Hon. Mr Blevins. I ask them to shift over.

The PRESIDENT: Order!

The Hon. N. K. Foster: They are just ignoring their colleague.

The PRESIDENT: Order! There is no reason why the Hon. Mr Sumner, if he wants to have a conversation with the Hon. Dr Cornwall, cannot join him on the front bench.

The Hon. FRANK BLEVINS: The logical extension of the argument put forward by a few of these extreme environmentalists is that we should all return to living in caves and that we should not use any of the land for agricultural or pastoral purposes at all. These extreme environmentalists all appear to have one thing in common: they all have extremely highly paid and mainly public sector jobs. There is also the question of access. I think the Hon. Mr DeGaris, when I was speaking to the Pastoral Bill, asked by interjection whether I would object to people having access to my freehold land. I point out that I will not own that land for another 25 years; the bank owns it at the moment.

The Hon. J. C. Burdett: You are a tenant in fee simple—you own it.

The Hon. FRANK BLEVINS: I am delighted. However, I am sure that, if I tried to sell that land, the bank would take some action to stop me. Pastoralists are constantly plagued by quite unthinking people wearing moleskins who believe that they have the right to roam around in air-conditioned $25 000 landcruisers. These people probably do more damage to this land than do sheep and cattle. I do not believe that anyone has a right to do that. Some sensible arrangements should be made to allow people reasonable access to the land without invading the privacy of the people who are using the land in order to derive an income from it.

It is obvious that some very strong conflicting interests are involved in this question. I believe that the ideal way to resolve those conflicting interests is through a select committee. The *Advertiser* has just presented a series of articles in relation to this question, and I commend it. The articles drew the public's attention to these regions and some of their problems. However, as with most questions, there are two sides. I believe that those *Advertiser* articles do not state the other side of the argument quite as forcefully as they do the argument that was the basis for those articles. I believe that a select committee is one way in which the other side of the argument can be put and where proper consideration can be given to these conflicting interests.

If as a number of people have stated the land has been degraded to a significant degree, I believe the main blame for that degradation lies with the Pastoral Board and successive Ministers of Lands, who have been in charge of the Pastoral Board. From my knowledge of the Act it had good and sufficient powers to ensure that pastoralists did not succumb to the temptation to flog the land in bad years, which has been done in a few cases. Before we look at the pastoralists and others, we should look at the Pastoral Board and successive Ministers of Lands. I am delighted to see that Part II of the motion states:

> The control and management of the pastoral land and in particular, the operation of the Pastoral Board, the staffing resource at its disposal, the forms of tenure currently applying, and the rights of public access.

If it is true, as some people have suggested, that the lands have been extensively degraded, then I believe that the Pastoral Board has a lot to answer for.

Whilst looking at the Pastoral Board, I do not resile at all from criticising successive Ministers of Lands, if they have allowed the Pastoral Board to neglect its duties in the way that has been suggested. I am concerned about the attitude of Liberal Party members in this Chamber towards this motion. I think that most members opposite are reasonable people and that they must concede that there are some conflicting interests. There is not much point in their sitting on one side of the fence and saying that the pastoralists are correct and that freeholding will solve the problem, while on the other side the Labor Party and the Australian Democrats are saying that things are not all right and that freeholding is not the answer. Quite clearly, all reasonable people should see that a conflict of interests is involved in this question. I suggest that the best way in which we as Parliamentarians can resolve this conflict of interests is to support this motion for a select committee.

I believe that it would be valuable if Liberal Party members in this Council took part on the committee. I have no idea whether or not they intend to do so or whether the terms of reference are as they wish, but I urge them strongly to take part in the committee's proceedings. Some honourable members opposite have personal experience in the working of this kind of land, and their experience and knowledge would be of much value to the committee. Whether or not they take part, I believe that the committee should proceed, and I will vote to support it. I urge members opposite, who I know are reasonable and who can see the conflicting interests involved in this question, to consider this matter favourably. I urge the Council to support the motion.

The Hon. M. B. CAMERON: I move:

That this debate be now adjourned.

The Council divided on the motion:

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

Noes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton (teller), J. R. Cornwall, M. S. Feleppa, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. C. W. Creedon.

Majority of 1 for the Ayes.

Motion thus carried; debate adjourned.

DEVELOPMENT PLAN

Adjourned debate on motion of Minister of Community Welfare:

That the following resolution of the House of Assembly be agreed to:

That, pursuant to section 40 of the Planning Act, 1982, the development plan laid before Parliament on 17 August 1982 is approved.

(Continued from 31 August. Page 824.)

The Hon. J. A. CARNIE: I will be extremely brief in my comments on this Bill. I asked to have the debate adjourned yesterday because I had been approached by a district council representative and because I had also spoken to the Secretary of the Local Government Association. Both those people expressed concern about various aspects of this development plan and, in order to allow time for myself and others, if they wished, to look at it, I sought the adjournment of the debate.

In a telephone conversation this morning with the Secretary of the Local Government Association, I was told that the association had six areas of concern. He was going to send a minute to all local government bodies in South Australia, and would also send a copy of those areas of concern to me but, to date, I have not received them, which makes it difficult for me to speak to this Bill now. I therefore sought the adjournment so that I could look at the matter.

In looking at the development plan and the speeches that were made by the Minister of Environment and Planning in another place, it is clear that it is important that this development plan passes as quickly as possible, because the 1982 Planning Act, which was proclaimed earlier this year, and any regulations that can be made under it, can take full effect only after this development plan is approved by Parliament.

Honourable members will remember the time two weeks ago when six large volumes were carried to the table, and, in passing, I would like to say that six months is a remarkably short period in which to prepare such a document. I join other honourable members in congratulating the Minister's staff who drew up the plan. During its preparation, I know that full consultation took place with every council in South Australia, as well as with the planning consultants of the Local Government Association. In addition, copies were progressively made available for public inspection, so I am sure that no-one would say that full and free consultations did not occur during the development of this plan.

The point is clear, as the Hon. Anne Levy said, that it is really a scissors and paste job. Most of the matters covered in the plan have been in being in some cases for up to 15 years. It represents a consolidation of various regulations and development plans which have been made and which have been inspected and studied by the Joint Committee on Subordinate Legislation over several years.

This development plan brings them all together under one ambit. I do not think that anyone, least of all the Minister, would deny that there will still be areas that will not be quite correct. The Minister said this when speaking on this matter in another place. He gave an assurance that consultation would continue and that he would continue to listen to representations made by any person interested in this development plan. He also gave an assurance that I am sure will be repeated by the Minister representing him in this place, namely, that that consultation will continue and that, if necessary, amendments will be made.

I believe that it will do no good at all to delay the passage of this Bill, or the implementation of this development plan, which is largely intended as a guide for supplementary development plans that will come forward in the normal course of events. I am sure that we must accept the assurance that was given by the Minister. Some members do not like assurances being given by Ministers because Ministers change and an assurance given by one might not necessarily be honoured by another. However, I believe that there is no alternative in this case. To block the acceptance of this development plan will do far more harm than might result from some of the areas of concern that have been mentioned. For that reason, I support the motion.

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That this debate be now adjourned.

The Council divided on the motion:

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

Noes (9)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. M. B. Dawkins.

Majority of 1 for the Ayes.

Motion thus carried; debate adjourned.

TRAVELLING STOCK RESERVE

Consideration of the following resolution from the House of Assembly in which it requested the concurrence of the Legislative Council:

That portions of the travelling stock reserve, sections 292 and 293, hundred of Copley, and sections 255, 256, 257, 258, 263 and 264, hundred of Gillen, as shown on the plan laid before Parliament on 23 June 1981, be resumed in terms of section 136 of the Pastoral Act, 1936-1977.

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

That the resolution be agreed to.

Following the relocation of the Eyre Highway, the Australian Army has requested that an access route be provided from the relocated highway to the El Alamein army camp. Following completion of the new portion of the Eyre Highway in July 1976, the Commissioner of Highways proposed to close the old highway at the railway crossing adjacent to sections 263 and 264, hundred of Gillen, just north-east of the junction of the old and the new highways

The Australian Army objected on the grounds that an additional 21 kilometres travelling was involved to reach the Cultana training area from the El Alamein Army camp via Port Augusta. As a result, the Highways Department has not closed the railway crossing. The Army has requested that an access strip two kilometres long and 50 m wide be made available through section 9, hundred of Gillen held under perpetual lease 6779 and sections 241 and 215, hunded of Copley held under perpetual lease 13344. Both leases are held by Lincoln Park Pastoral Company Pty Ltd.

The provision of this access strip and the closure of the railway crossing would effectively close the travelling stock reserve. Lincoln Park Pastoral Company Pty Ltd has expressed its willingness to make the access strip available to the Australian Army and also has made the request that the disused travelling stock reserve (sections 292 and 293, hundred of Copley, and sections 255, 256, 257, 258, 263 and 264, hundred of Gillen, area 162.5 hectares), together with the old Eyre Highway, be placed under its control.

Neither the Pastoral Board nor the United Farmers and Stockowners of South Australia Incorporated objects to the closure of the travelling stock reserve. Once closed, the portions of the travelling stock reserve would be made available to Lincoln Park Pastoral Company under miscellaneous lease conditions, and upon surrender from perpetual leases 6779 and 13344 the access strip would be granted to the Commonwealth of Australia. In view of the circumstances, I ask honourable members to support the motion.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

WATER RESERVE No. 87

Consideration of the following resolution from the House of Assembly in which it requested the concurrence of the Legislative Council:

That water reserve No. 87, section 1172, out of hundreds (Ooldea), as shown on the plan laid before Parliament on 23 June 1981, be resumed in terms of section 136 of the Pastoral Act, 1936-1977.

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

That the resolution be agreed to.

The subject land contains an area of approximately 260 hectares and was set aside as a water reserve around 1895 but never proclaimed nor placed under the control of any body or authority, although the Pastoral Act Amendment Act No. 669 of 1896 placed all public stock reserves and waters within pastoral country under the direct control of the Commissioner of Crown Lands. This is now covered by section 134 of the Pastoral Act, 1936-1977.

In 1980, a wind storm severely damaged portion of the galvanised iron roof, and on inspection it was found that the supporting timbers had collapsed. Approximately 40 per cent of the guttering along the lower edge of the roof to run the water into the squatters tanks was also found to be unserviceable. It is estimated that the cost to repair the damage would be approximately $5 500.

The Ooldea-Colona travelling stock route passes through water reserve No. 87. However, the Pastoral Board has advised that the route has not been in use since 1930, and the incidence of traffic on the Ooldea-Colona Road does not warrant the cost of repair or the retention of the tanks.

It is proposed that, when the reserve has been resumed and reverted to Crown land, the tanks and shed be disposed of by sale and tender. The United Farmers and Stockowners of South Australia Incorporated supports the proposed action. I therefore ask honourable members to support the motion.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

BUDGET PAPERS

Adjourned debate on motion of Hon. K. T. Griffin:

That the Council take note of the papers relating to the Estimates of Payments and Receipts, 1982-83.

(Continued from 31 August. Page 816.)

The Hon. J. R. CORNWALL: Yesterday the Minister of Community Welfare, in answer to Question on Notice No. 18, said:

The Julia Farr Centre (formerly the Home for Incurables) is a private charitable incorporated association, not subject to Government control but in receipt of a subsidy from the Government.

According to the figures in the latest annual report which I have been able to obtain, the Government subsidy was $5 100 000. It is therefore pertinent that I examine some aspects of the conduct of the Julia Farr Centre today and the way in which at least part of that $5 100 000 is spent or, more accurately, misspent.

Before I do so I pay a tribute to the nursing staff, the auxiliaries and to all the charity workers who have contributed so magnificently to this unique institution for more than 90 years. I am distressed to have to reveal the incompetence, the intrigue and the exploitation that have marred its administration in recent years. On 3 June last year the Minister of Health (Hon. Jennifer Adamson) said in a prepared press release:

In order to ascertain the reasons why the operating costs of the Home for Incurables are so much in excess of other similar institutions, I recently asked the board of the Home for Incurables to co-operate with the Health Commission in a cost allocation study similar to that conducted at the Royal Adelaide Hospital .... That study is now in progress. It is expected that the study will reveal valuable information on which considered decisions in respect to the future roles and functions of the home can be made.

That study was completed and available to the Minister before Christmas last year. It contains innumerable examples of financial mismanagement at the Julia Farr Centre. My own research has indicated other irregularities. Today, I intend to point to four particular areas: first, the employment and method of payment of two senior partners of the accountancy firm of A. E. H. Evans and Co. as the Chief Executive Officer and the accountant at the Julia Farr Centre; secondly, irregularities and financial mismanagement in the purchase of insurance cover for the centre; thirdly, gross discrepancies in the stated profit from the centre's principal charity fundraiser, the Miss Industry Quest; and, fourthly, misrepresentation of the profit and loss account of the centre's kiosk.

Unlike almost every other hospital or institution in South Australia, the board of the Julia Farr Centre has never employed a salaried administrator or chief executive officer. Under a very cosy arrangement, reaching back into the mists of time, the administrator and chief executive officer has been Raymond Griffith Rees, a principal of A. E. H. Evans and Co. The assistant secretary and accountant has been Brian Robert Curtis, another principal of A. E. H. Evans.

During the financial years 1979-80, 1980-81 and 1981-82 the firm was paid $117 212, $134 509 and $134 232, respectively, for services rendered, including the services of Mr Rees and Mr Curtis. For these total sums Evans and Co provided six full-time equivalent personnel. An examination of the persons involved other than Rees and Curtis shows that they were mostly paid at the relatively low rates of cashiers, receptionists and stenographers.

In fact, during this period Mr Rees officially spent an average of 1 518 hours per year, or something less than 30 hours per week on work for the centre. For this work he received an estimated $50 000 per annum net. The number of hours which Mr Curtis devoted to work for the centre as assistant secretary and accountant have not been detailed. However, it is estimated that he received more than $30 000 per annum for his contribution. This is a total for the two partners of more than $80 000 for substantially less than full-time employment. There is no doubt that during this

time the board of management could and should have employed a fully qualified administrator and an accountant both on a full-time basis, at a cost not exceeding $60 000.

Moreover, the cosy arrangement did not stop there. In 1965, Raymond Griffith Rees and another senior partner of the firm of Evans and Co., namely, Leonard Arthur Ranson Evans, formed a company, Raylen Pty Ltd, to act as insurance brokers. I seek leave to table the original return from the Companies Office giving details of that company.

Leave granted.

The Hon. J. R. CORNWALL: Particulars of directors of the same company, lodged with the Companies Office on 10 November 1980, show that at that time Ray Rees remained a director, Len Evans had withdrawn, but Donald Robert Jaunay, Brian Robert Curtis and Michael John Evans, all partners of the firm of Evans & Co., were both the directors and shareholders in Raylen. I seek leave to table that document.

The PRESIDENT: Is the document purely statistical?

The Hon. J. R. CORNWALL: No, I am tabling it, not incorporating it.

Leave granted.

The Hon. J. R. CORNWALL: There is no doubt that this company was set up to maximise profit from handling the insurance of the Home for Incurables; indeed the Home for Incurables was virtually its only client. Certainly it provided more than 90 per cent of their premium income. According to the information given to this House on Tuesday last, the total premiums paid by the Julia Farr Centre to Raylen Pty Ltd in the 12 months to 1 September 1981 were $705 590, including $62 435 as a premium adjustment for the previous year. I have obtained a copy of the financial statements of Raylen Pty Ltd for the year ended 30 June 1980. The return is statistical and I seek leave to have it incorporated in *Hansard*.

Leave granted.

RAYLEN PTY LIMITED
PROFIT AND LOSS ACCOUNT FOR YEAR ENDED 30 JUNE 1980

1979 $	$		$	$
	1 046 850	Gross premiums received	700 303.95	
36 141	1 010 709	Less paid to companies	663 231.41	37 072.54
16 784		Interest		5 654.50
52 925				42 727.04
		Less—		
	60	Audit fee	60.00	
	34 056	Salaries	34 641.00	
	158	General expenses	636.27	
	2 400	Directors' fees	2 400.00	
	1 660	Superannuation	1 800.00	
45 046	6 712	Provision for tax	1 466.48	41 003.75
7 879		Net profit for period		1 723.29

APPROPRIATION ACCOUNT

1979				
6 896		Balance as at 1 July 1979		7 975.82
7 879		*Add* net profit for year		1 723.29
14 775				9 699.11
6 800		*Less* dividends paid		7 600.00
7 975		Balance at 30 June 1980		2 099.11

BALANCE SHEET AT 30 JUNE 1980

1979				
		Nominal Capital: $200 000 in 200 000 shares of $1.00		
		Issued Capital and Reserves		
200		Issued Capital		200.00
6 998		Capital Reserve		6 998.47
7 975		Unappropriated Profits		2 099.11
15 173				9 297.58
		Represented by:		
		Investments		
6 000		Finance Corporation of Aust. Debenture 11½% November 1979		—
		Current Assets		
	62 486	Bank of Adelaide	1 116.55	
	100 000	A.M.P. Acceptances Deposit at Call	9 000.00	
163 656	1 170	Sundry Debtors	882.21	10 998.76
169 656		Total Assets		10 998.76
		Less Liabilities		
	54 000	Prepaid Premiums	—	
	93 771	Sundry Creditors	234.24	
154 483	6 712	Provision for Income Tax	1 466.94	1 701.18
15 173				9 297.58

The Hon. J. R. CORNWALL: The statement shows that the gross premiums received in that financial year were $700 303.95. Commission after payment to insurance companies was $37 072.54. Directors fees for that year were $2 400; in other words, $600 to each of the four partners of Evans and Co. for virtually no work. In addition, the company paid a dividend of $7 600; or $1 900 to each of the director-partners, again for little or no work. Rees and Curtis had already been more than handsomely remunerated as Chief Executive Officer and Accountant of the Julia Farr

Centre. Obviously the placement of insurance should have been part of their duties. By the device of using Raylen Pty Ltd their own company, the principals of Evans and Co. regularly skimmed $10 000 per annum additional money from the Home for Incurables.

Curiously, there is also a very substantial amount of $34 641 shown as salaries in the profit and loss account of Raylen Pty Ltd for the financial year 1979-80. Obviously, there would be expenses in processing the book work involved in insurance claims, particularly workers compensation claims, during this period. However, it is beyond belief that this cost $34 641 in salaries in addition to the $117 212 paid to A. E. H. Evans and Co. by the Home for Incurables for their services during that year. Put bluntly, there is clear evidence that the partners in A. E. H. Evans and Co. have at best acted incompetently and created a direct conflict of interest. The employment of a salaried administrator and a salaried accountant, combined with direct placement of their insurance, would have saved the Julia Farr Centre at least $50 000 a year. The evidence has been available to the Minister of Health (Mrs Adamson) for nine months, yet it appears she has done little or nothing.

I turn now to the Julia Farr Centre's major charity fundraiser, the Miss Industry Quest. This activity has been sponsored and supported as a worthwhile charity by people of good will in the South Australian community for many years. Again, I pay a tribute to the many girls, their sponsors and their supporters who have given their time and their money so generously year after year. Sadly, in later years the organisation has become completely unbalanced by salaries and expenses for professional organisers.

The cost allocation study initiated by the Minister of Health shows that in 1980 the gross profit from the quest was given as $233 615. However, this figure does not take into account the incentive prizes, salaries and expenses of public relations officers (including motor vehicle expenses), and all the other operational and incidental costs involved in the conduct of the quest. In fact, the true net profit is shown in the cost allocation study as $12 417 or 5.2 per cent of the gross profit. Put another way, $221 418 for the conduct of the quest came from the general operating budget of the centre; in fact, it was taxpayers money. The Minister has chosen to cover this up, to hide it, in what amounts to defrauding the public in an attempt to protect herself from an embarrassing public scandal.

It is also interesting to note the results of the investigation into the kiosk at the Julia Farr Centre. The public records for 1980 show that income exceeded expenditure by $49 932; in other words, the public has been led to believe that this was another substantial fundraiser for the magnificent work done by the Julia Farr Centre. Again, many costs were ignored. The cost allocation study showed that the direct costs for salaries and wages incurred in the conduct of the kiosk, but ignored in arriving at the suggested profit, were $47 718. Staff costs for cleaning and maintenance were an additional $14 744. Air-conditioning and other operating costs not shown in the statement accounted for a further $10 015. In fact, the Minister's cost allocation study showed that the kiosk actually lost $22 255 for the calendar year 1980. Again, this was subsidised from the operating budget of the Julia Farr Centre.

The original $49 932 stated kiosk profit was transferred to the Public Relations Department and added to the stated gross profit of the Miss Industry Quest of $233 615. Hence, the centre showed an alleged total profit from the two enterprises of $283 547. In fact, when all expenses were taken into account from both fundraisers, the net loss to the Julia Farr Centre for 1980 was $9 838. It appears that no action has been taken and little has been done since the report became available. In fact, under the constitution of the Home of Incurables (or the Julia Farr Centre, as it is now known), the board can neither appoint nor dismiss the secretary. Its only power is to suspend him. There is literally 'succession in perpetuity' for Evans and Co. Mr Rees retired on 1 July 1982. Despite the report prepared as a result of the Minister's cost allocation study, Mr Curtis took over as secretary of the centre. Mr Rees is now retained as an adviser, and the same cosy position apparently persists.

This is a very unhappy, indeed a scandalous story. I repeat that it must in no way be allowed to reflect on the caring and compassionate approach of the staff or the excellent support from voluntary fundraisers and auxiliaries. However, it reflects general discredit on the centre's board of management, and it reflects discredit on both the competence and motives of Ray Rees, Brian Curtis and their partners. It reflects disgracefully on the Minister of Health (Mrs Adamson). Her lack of action, her refusal to make the report public, and her active attempts to hide many of the details from this Parliament demand that she should resign.

The Hon. L. H. DAVIS secured the adjournment of the debate.

ROYAL COMMISSIONS ACT AMENDMENT BILL

In Committee.

(Continued from 31 August. Page 818.)

Clause 2—'Protection to Commissioners and Witnesses.'

The Hon. K. T. GRIFFIN: I move:

Page 1, after line 16—Insert new subclause as follows:

(3) Counsel appearing before the commission has the same protection and immunities as counsel appearing in proceedings before the Supreme Court.

This matter was drawn to the Committee's attention by the Leader of the Opposition, that is, whether counsel assisting a royal commission should have the same protection and immunity as a Royal Commissioner and witnesses appearing before a royal commission. Yesterday, I said that in my view counsel assisting and counsel appearing before a royal commission would have the benefit of qualified privilege in certain circumstances; if defamatory statements made by counsel were made without malice, qualified privilege would apply. Yesterday, I undertook to make further inquiries and consider whether or not there ought to be some specific reference in the Bill to the liability of counsel, whether assisting the commission or simply appearing before it in other ways. I have reached the conclusion that it is probably appropriate to provide some express protection for counsel appearing before a royal commission.

My amendment is in the form of an additional subclause to clause 2. In all respects it places counsel appearing before a royal commission in the same position as counsel appearing before the Supreme Court. It is very similar to the provisions of the Western Australian Royal Commissions Act. I thank the Leader for drawing the Committee's attention to this particular matter.

The Hon. C. J. SUMNER: The Government does not always show the good sense that has been shown by the Attorney-General on this occasion. I am pleased to support this amendment, because it was my idea in the first place.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PRISONERS (INTERSTATE TRANSFER) BILL

In Committee.

(Continued from 31 August. Page 820.)

Clause 30—'Notification to prisoners of certain decisions.'

The Hon. K. T. GRIFFIN: Yesterday, I said that I would consider overnight whether the Leader's amendment could be accepted and whether it would affect the Bill so that it would detract from the uniform application of this legislation throughout Australia. After considering the amendment I have reached the conclusion that there is no reason why the amendment should not be accepted. I do not believe that the amendment will detract from the uniform application of this legislation across Australia. Of course, it will apply only in South Australia.

I also gave further consideration to the reason why the Chief Secretary, as the Minister responsible for the administration of the Act, is not specifically required to give notice of any decisions he makes. I think the reason is that under the Bill there are specific clauses which allow for a right of appeal against decisions made by the Attorney-General. In that context, it is important that there be a specific requirement that the Attorney-General gives notice of his decision to the prisoner. However, there is no review or appeal specifically provided against decisions made by the Chief Secretary. Therefore, it is not technically necessary to require the Chief Secretary to give notice of his decisions in relation to a prisoner. Notwithstanding that, as I said yesterday, in the normal course of events one would expect the Chief Secretary to give notice to a prisoner of any decisions he takes which affect a prisoner's request to be transferred interstate. Therefore, I see no reason why that should not be formalised in the acceptance of the amendment moved by the Leader of the Opposition.

Amendment carried; clause as amended passed.

Remaining clauses (31 to 35) and title passed.

Bill read a third time and passed.

REFERENDUM (DAYLIGHT SAVING) BILL

Adjourned debate on second reading.

(Continued from 31 August. Page 823.)

The Hon. K. T. GRIFFIN (Attorney-General): As indicated in my second reading explanation, the proposal for a referendum is the result of a commitment first made by the Liberal Party in 1977 and again in 1979 with respect to this topic. People throughout the community have differing points of view on the principle of daylight saving, as well as on the questions which have already been referred to in debate, namely, if it does apply, then for what period and whether it should be one hour or half an hour or the like.

The emphasis in this Bill is to determine once and for all the attitude of the community at large to the general principle of daylight saving. Whatever one might think of referenda, this issue is appropriate to be referred to the people for an indication of opinion. In fact, the people of South Australia should be allowed to express their point of view. As honourable members have observed, the cost of this referendum will be negligible because it will be held in conjunction with the next general State election.

The major issue referred to by Opposition members concerns who should prepare the 'Yes' and 'No' cases. The Government has taken the view that the Electoral Commissioner, although having no special expertise in determining what should or should not be agreed with respect to daylight saving, has a level of impartiality that cannot be challenged, and it is the Government's view that he is the person best placed to put objectively before the people both the 'Yes' and 'No' cases without emotion which otherwise would be evident from those who rather passionately hold to one view or the other.

Although some suggestions have been made for alternative persons to prepare the two cases, the Government firmly believes that the Electoral Commissioner is the person best qualified to present impartially the two points of view. I should say that, if anyone does have a specific point of view which he or she believes the Commissioner should consider in preparing the cases, they are at liberty to make that point of view known to him. So, if the Hon. Frank Blevins wants specific points made I suggest he puts pen to paper and draws them to the attention of the Electoral Commissioner.

The Hon. Frank Blevins: I will send him a copy of my speech from *Hansard.*

The Hon. K. T. GRIFFIN: I am sure the Commissioner would be most interested to read that speech, or he may already have read it, so diligent is the Electoral Commissioner in keeping abreast of what is happening in Parliament, for which he has responsibility at election time. In conclusion, I thank honourable members for their support for the Bill and commend the second reading and the subsequent third reading of the Bill to the Council.

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

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 August. Page 823.)

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the indications of support for the Bill. In her speech the Hon. Anne Levy raised several questions to which I will now give the answers. The Hon. Miss Levy asked that the Parliament be informed of the benefits that will accrue to revenue as a result of this Bill passing, particularly in relation to what she called 'tax avoidance measures' being closed off. The provisions of clauses 7 and 8 of the Bill arose primarily because of an opinion given by the Crown Solicitor in 1978 which raised some questions about the application of the original Act. It is as a result of those questions rather than of any tax avoidance scheme being practised that clauses 7 and 8 of the Bill are before us.

The provisions of the Bill are really more of a precautionary nature and clarification of sections of the principal Act, rather than the direct result of a tax evasion scheme. It is, therefore, not possible to quantify any amount of tax as having been avoided because the principal sections are in their present form. It is felt that by the amendments being proposed there will be further discouragement of the splitting of ownership to avoid the effect of aggregation. It ought to be said that these are really measures directed more to the future than to eliminate or reduce the effects of any current schemes.

The Hon. Anne Levy also made reference to clause 15 of the Bill. I think that she was referring more to the beneficial effect of that amendment than she was raising any particular question on the way in which it would operate. In essence, what the amendment seeks to do is provide a greater degree of certainty for vendors and purchasers in respect of land tax on property which is the subject of a settlement in a sale and purchase context. These particular provisions of clause 15 are welcomed by the legal profession, real estate agents and other persons who deal directly with the sale and purchase of real property on behalf of vendors and purchasers.

In summing up, essentially the Bill is a tidying up measure designed to provide benefits for land brokers, real estate agents and legal practitioners while dealing with concessions for homes in the sort of scheme to which reference has already been made in the second reading explanation and,

also, to clarify provisions which may be subject to tax avoidance schemes in the future.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 August. Page 816.)

The Hon. K. T. GRIFFIN (Attorney-General): The Hon. Frank Blevins raised one question in particular when he spoke on this Bill. I intend to make some reference to that question. There was also a question raised by the Hon. Martin Cameron which is the subject of amendments that we will have a better opportunity to consider during the Committee stages of this Bill. The Hon. Frank Blevins raised the question of the desirability of providing that four demerit points, rather than the present three, be necessary before a probationary licence is cancelled. He expressed some tentative concern about following that course of action when, generally, the focus of road safety legislation is towards tightening up rather than making easier the holding of a driver's licence.

It is to that point I direct a few remarks. It is also a matter of judgment as to what should be done concerning licensing procedures, particularly for those who hold a licence for the first time. The Government's decision largely arose because of a review of traffic infringement notice schemes and complaints being made that young offenders who were the holders of probationary licences were finding themselves in a position where licences were cancelled in consequence of receiving an expiation notice, three demerit points being immediately attracted.

Those offences under the traffic expiation scheme are relatively minor and should be expiated rather than being the subject of a court appearance. That caused the Government to give consideration to this matter. It concluded that it would be appropriate to give probationary licence holders a little breathing space (but not a significant breathing space) by providing that four demerit points would be required before a licence was cancelled.

For major offences under the Road Traffic Act four or more demerit points are subtracted. So, for a serious offence there would be no question of a second chance, but for offences not so serious a probationary licence holder can commit two offences, generally speaking, before the licence is cancelled. In fact, that course of action is presently being undertaken by the consultative committee at an administrative level. It is considered to be fair and reasonable and is being placed in monitor by the consultative committee.

I now turn to the amendments to be moved by the Hon. Mr Cameron. If the Council supports the amendments, they will go back to the House of Assembly, where they will be further considered. The Minister of Transport has informed me that, if the amendments go back to the House of Assembly, he will seek a response from the Road Safety Council on the amendments. On a provisional basis, those amendments could be supported for further consideration in that way by a body that was established specifically to give advice to the Minister on road safety matters.

So, at this stage, I indicate that if those amendments are moved and passed during the Committee stage the Government's intention is to refer them to the Road Safety Council for comment before final consideration is given to the amendments in the House of Assembly. I thank honourable members for their indications of general support of the principles of this legislation.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Learner's permits.'

The Hon. M. B. CAMERON: I move:

Page 1, line 9—After 'amended' insert as follows:

(a) by striking out from the definition of 'prescribed concentration of alcohol' in subsection (3a) the passage '.05 or more but';

and

(b)'.

I ask that clause 2 be taken as an indication of what should occur in relation to clause 3, as that clause is consequential on clause 2 being passed. This clause is my key amendment which, if passed, will fulfil what I am trying to do with the P plate and L plate system, namely, to ensure that a person who drives a vehicle does not drink and drive while holding a P plate or an L plate. I know that when I said this during the second reading explanation many people would have liked to know about the Tasmanian statistics, which proved that it worked, as in Tasmania this provision has been in operation for some years. Having telephoned the Road Safety Council in Tasmania to ask whether or not they had any statistics, I was told that they are continually asked that, as there is always an academic approach to this issue.

People should look at this matter from a common sense point of view. Common sense must dictate that these provisions should work because, if one deters people from drink driving at a young age, it must have an effect. If it does not, we are saying that drink driving is not a problem. When people are learning to drive they are most vulnerable and, if one looks at the question of the drinking age, one can see that young people should not be drinking, certainly not in hotels, although this is mainly a question for them to decide. In essence, however, they should not be drinking. So, drinking and driving should not be mixed. In South Australia there is also the opportunity to obtain P plates and L plates 12 months earlier than in other States.

The Hon. N. K. Foster: We are more advanced.

The Hon. M. B. CAMERON: In Western Australia one can obtain an L plate at an early age, but one cannot obtain a P plate until the age of 17 years. In fact, there is a 12-month learning period, and there are some very unhappy parents at the end of that 12-month period, because they have had to drive alongside the young learner drivers. In fact, there is in this State an advantage, about which there has always been some argument. Frankly, I do not argue with the idea that people should learn to drive at as young an age as possible.

Many people have indicated that this proposition will cause problems for older people who are learning to drive for the first time and who obtain an L plate or a P plate at an older age. I accept that that is a problem for those people. I believe that younger people pick up the ability to drive more quickly than the majority of older people and that older people have a problem acquiring new skills such as driving. Parliament should ensure that these older people also do not mix drinking and driving while in that learning period.

I have no doubt that there will be some argument on this issue, but I trust that common sense will prevail, as I believe that it is an issue which has a clear answer, namely, that we should try to ensure that young people do not drink and then drive. Parliament should try to keep young people alive, and any member who reads the statistics day by day in the newspapers will know exactly what I mean. Far too many people are being killed on the roads at the beginning of their lives. In the majority of cases these are single vehicle accidents. Why do single vehicle accidents occur, without another vehicle being involved? I suppose that stobie poles suddenly move, or whatever the case may be. Inevitably

these young people have single vehicle accidents because they have been drinking.

It would be a pity if we allowed people to continue with the idea that drinking and driving is acceptable. Somehow we have to get people to the stage where they realise that driving is a benefit given to them by the community and that it is not their God-given right. Also, these people should realise that other users of the road have the right to drive with the knowledge that others around them are safe to drive and that they do not drink too much alcohol.

Many younger people go absolutely mad when they first obtain a vehicle and want to show off in front of their mates. Those young people have not reached the level of maturity required to enable them to mix drinking and driving, and I hope that they never do so, as I believe that we should at some stage stop this completely. In many countries drinking and driving is banned. The limit is nil for all people, not just for young people.

The Hon. K. T. Griffin: Is that in Iraq or Iran?

The Hon. M. B. CAMERON: No, East Germany and a few countries like that. It applies in Sweden, to put it back in perspective. But, there are about 15 countries—and I do not intend to list them today, but the lists are available—where drinking is totally banned when people drive.

There are countries where the figure is nil, and I believe that we will have to get to that stage here if we cannot reduce the road toll. We have the impression in this country that drink-driving is a sport, but that is not the case in Europe, and it will not be the case here in future if I have anything to do with it.

The CHAIRMAN: The Hon. Mr DeGaris has an amendment in exactly the same place, and I think it would be fair for him to speak to his amendment now.

The Hon. R. C. DeGARIS: I think most of us would agree with the comments of the Hon. Martin Cameron in relation to the matter of drinking and driving. His amendment would reduce the blood alcohol limit for P and L plate drivers from .05 to nil. This follows the provisions that have been operating for some time in Tasmania, but it does not follow the provisions operating in Western Australia which permit blood alcohol limits of .02 per cent for P and L plate drivers. I take the view that the Western Australian provision is better than saying that nil blood alcohol should apply.

There are people who are much more than 18 years of age, particularly women, who have P and L plates, so that that provision does not apply only to those under 18 years of age. It is possible, too, for a blood alcohol content to apply to people who do not consume any alcoholic beverages at all. There are sales of low-alcohol drinks other than in hotels to young people. It has been reported to me that people who do not drink have, on some breathalyser tests, shown a blood alcohol reading. It may be that an Administration might not charge a person with a blood alcohol content of .01, .02, or .03, but I believe that the Parliament should be clear that what it passes as law should be administered as law.

Parliament should pass laws to be enforced as it passes them, not allow the Administration to alter that provision to something else. I believe that the change from .05 to .02 for P and L plate drivers is more realistic than is going to the question of nil consumption, because there may well be a miscarriage of justice in relation to a person who can be not drinking at all but still have a blood alcohol level.

If we are to improve the position or to change it from .05 per cent to nil or .02 per cent, we should look at the Road Traffic Act, as well as the Motor Vehicles Act, which would need to be amended to cover the matter completely. At this stage, I will oppose the nil provision put forward by the Hon. Mr Cameron, not because I disagree with the comments he has made, but because I believe that, from the point of view of Parliament, .02 per cent is a reasonable provision in this case.

The Hon. FRANK BLEVINS: The Opposition opposes the amendments of both the Hon. Mr Cameron and the Hon. Mr DeGaris. Both propositions have been extensively canvassed within the Parliamentary Labor Party—the Hon. Mr Cameron's proposal for a complete disallowance of anyone with a P plate or an L plate driving with any degree of alcohol in the blood, and the Hon. Mr DeGaris's suggestion of some half-way measure. On balance at this time, the Parliamentary Labor Party decided that the case for either proposition had not been adequately made out; in other words, the case has yet to be proved.

The question of P plate drivers is a fairly vexed one. Certainly, during the Labor Party's deliberations there was some argument that perhaps the whole area of P plate drivers was not as much of a safety issue as perhaps the Government would like to say. In support of that, I would draw to the attention of the Hon. Mr Cameron and the Hon. Mr DeGaris the proceedings of the select committee on random breath testing. During those proceedings, I asked Mr Hender, Chairman of the Road Safety Council, what he thought about P plates, and at that time he was not convinced about them. It may well be that, with the period since the introduction of P plates, he sees some value in an amendment such as this, but such evidence has not been brought to the Labor Party. At this time, we are not convinced.

One other matter that should receive the Committee's attention is whether or not there is harassment of P plate drivers by the police. It has been suggested that P plate drivers, by the very fact of their having an identifying mark on their car, are subject to more strict police control than are other drivers. That may well be true, and some might argue that it is a good thing—that while drivers are in this preliminary stage of learning they require an eye to be kept on them to acquaint them with any mistakes that they might make and with the rules of the road.

That is one side of the argument. The other is that young people particularly can be vulnerable, when driving cars with a P plate, to police harassment. I do not know how much that would hold up in the metropolitan area, but there is a possibility that it could be the case in country areas, where young people are more easily identified by the police. How much there is in this I do not know, but the matter was raised and it gave us some cause for a certain amount of caution in relation to this proposition.

It boils down to this: do we allow P plate or L plate drivers to drink? An argument has been put by the Hon. Mr Cameron that we should not. Some people would say that we should not allow any driver, P plate or otherwise, to drink at all. Again, there is a point of view that inevitably we are coming to the situation where society will not tolerate any person driving with any measure of alochol in his blood. If anyone puts that proposition to me, I shall give it very serious consideration. However, society does allow drinkers to drive. Society says that drivers can drink a reasonable amount of alcohol and still drive. The argument revolves around what is a reasonable amount.

That is where the argument arises. There is already a clear distinction between P plate drivers and those who hold full licences in relation to the degree of reasonableness. In fact, there is a clear distinction of .03 per cent. On balance, the Opposition believes that at this time that level is sufficient. If we lowered it to .02 per cent, we would be telling young people that they could drink and drive, but only a tiny drop.

The Hon. M. B. Cameron: A wee dram.

The Hon. FRANK BLEVINS: Yes, a wee dram. I believe that would place an awful responsibility on young drivers, because they would have to know the very fine line between

zero and .02 per cent. I suspect that if the Hon. Mr DeGaris's amendment is carried and eventually becomes law far more P plate and L plate drivers will be convicted. We will be saying that they can still have a drink and drive, but that they can consume only one and a half glasses because they may weigh only six or seven stone. The very people whom it is alleged will be assisted by the Hon. Mr DeGaris's amendment could be further disadvantaged than if we told them quite clearly that they could not drink at all.

Although the Hon. Mr DeGaris's amendment appears to be a half-way house, I believe that it is the worst position of all. It does not address itself to the real problem, and it certainly does not coincide with society's attitude, that is, that one can have a drink and drive if one is reasonable about it. If the Government had brought forward any evidence, for example, from road safety authorities or from any other area, to indicate the degree of alcohol that P plate and L plate drivers could have in their blood, the Opposition would consider it. However, that has not been done. As far as the Opposition is concerned, the case for both amendments has not been proved.

The Hon. N. K. FOSTER: I understood the Attorney-General to say that, should the amendments be carried, they would be subject to scrutiny by the appropriate committee.

The Hon. K. T. Griffin: They will be referred to the Road Safety Council before a decision is taken.

The Hon. N. K. FOSTER: Do I take it from that that if the police apprehend a driver under this legislation he will be free of conviction until the Road Safety Council has made a decision?

The Hon. K. T. Griffin: If this clause passes it will be referred to another place. Before any decision is made there, the matter will be the subject of a report from the Road Safety Council, so it will not even become law.

The Hon. N. K. FOSTER: That is how I understood the situation. I believe that a rate should be struck in relation to L plate and P plate drivers and alcohol. At the moment it is possible for people to be under suspicion by a breathalyser unit after they have eaten a certain bar of chocolate that has been impregnated with alcohol. I believe that a responsible balance must be struck in this matter. I understand that Caucus was evenly divided in relation to this matter, 12 all.

The Hon. R. C. DeGaris: You mean 13 to 12.

The Hon. N. K. FOSTER: No, I was not there. Caucus supported the random breath test scheme, despite my protestations. However, so be it. I am prepared to support these amendments at this stage. I am not convinced by the argument put by the Hon. Mr Blevins. It is true that in some cases a breathalyser can misjudge the degree of intoxication. I am informed that a person who had consumed one alcoholic drink went around the corner to buy a packet of cigarettes, was stopped by the breathalyser unit and asked to blow into the bag. The testing officer told him that, if he had taken a mouthful of wine, as occurs with wine tasting, and rolled it around in his mouth, irrespective of whether or not he swallowed it, the alco-test reading would have been sufficient to take him to the next step, that is, blowing in the breathalyser. It is up to the testing officer to decide whether a driver takes that further step. If a driver is pulled over by a random breath test unit, every step is a vehicle to get him convicted.

A person could be as drunk as a lord and cunning enough not to expel the last bit of air from his stomach and still not get pinched. That was the caper in New South Wales before the police woke up to it. I understand that there are a lot of lurks. There is no doubt that if no provision is made we would be placing in the legislation something that is contrary to the law of the land in relation to the consumption of alcohol. The law does not provide for people who partake of liquor in a public place or at a barbecue. There is no argument about that. However, they can drink at home if they wish. If legislation is to be placed on the Statute Book for courts and lawyers of the Leader's ilk to play about with, it must be specific. We must be specific and we must provide a definition. A definition is not zero: it must be .02 per cent, as provided in the Hon. Mr DeGaris's amendment.

The Hon. J. C. Burdett: Or .05.

The Hon. N. K. FOSTER: Yes, or .05. Zero is not good enough. I will be supporting the amendments because they will be referred to the appropriate committee and a decision will then be made. I have made up my own mind in relation to this matter. What that committee does is its prerogative. P plate drivers will get a second bite of the cherry if this amendment becomes law. I urge the Opposition to be honest about this matter and pass these amendments.

The Hon. D. H. LAIDLAW: This has been a rather unusual debate. Both sides of the Committee are actively attempting to outdo the other to save the Government from bringing in legislation that makes it easier for P plate drivers to drive after the commission of an offence. For some years I have been a director of a food processing company, and I have been told for quite a while that supermarkets and delicatessens have sold drinks which contain alcohol.

For that reason, I support the amendment of the Hon. Mr DeGaris. I understand what the Hon. Mr Cameron is doing, but what he is trying to do is precisely the same as what the Hon. Mr DeGaris is trying to do, that is, reduce below .05 per cent the limit at which a P plate driver can drive. I am wary about reducing that to zero because injustices can be done to young people. Such changes must be considered carefully to ensure that injustice is not inflicted on young people.

The Hon. L. H. DAVIS: In my second reading speech I tabled certain road accident statistics from South Australia over the past decade which sought to establish the very marked difference in performance of drivers in the 16-20 year-old age group as against the total driving population. I refer to my figures shown on page 697 of *Hansard*. The figures show, for example, the involvement rate in accidents of the 16-20 age group being double that of all drivers. Both the responsibility rate for accidents and the death rate per 10 000 drivers licensed were more than double for the 16-20 year age group compared with the total driving group, and the injury rate also was double.

There is no doubt that we have a problem in that young age group which reflects not only the lack of experience in driving in that group but also the exuberance of youth. There is no question that alcohol plays an important part in many accidents. Both the Hon. Mr Cameron and I have been in contact with the Director of Road Safety of the Tasmanian Police, Mr Kelly, who said that, since the introduction of the Tasmanian legislation, which makes it an offence for anyone who is a learner or probationary driver to have any alcohol in his blood, there has been a steady reduction in the number of first-year drivers who have been involved in fatal crashes.

Also, there has been a steady reduction in the average blood-alcohol level of these drivers involved in fatal crashes. The fact is that the number of young drivers involved in accidents in Tasmania with a blood-alcohol level is still very high. For example, in 1981, one-third of all those involved in alcohol-related accidents were under the age of 21, which is about three times what that statistic should be. About 12 per cent or 13 per cent of the drivers in Tasmania are under the age of 21, yet about 33 per cent of them were involved in alcohol-related accidents.

The frightening fact was that their blood alcohol level was much higher than the average level for all drivers

involved in alcohol-related accidents. I do not think that the Council can shrink from the fact that the evidence is there. I suspect that, if we had before us the evidence in relation to drink driving accidents amongst young people in South Australia, we would have much the same experience.

The Hon. Frank Blevins made a valid point when he said that perhaps we should look at banning L plate and P plate drivers from having any alcohol at all, and perhaps even taking it beyond that to cover the first two or three years of holding a licence. Indeed, that suggestion has the support of the Chairman of the Road Trauma Committee of the Royal Australasian College of Surgeons, Mr Gordon Trinca, who is one of the more noted authorities in Australia on drink driving. Only last year he suggested to the Victorian Government that it should consider making it an offence for drivers to have any alcohol in their blood for the first three years of driving. He conceded that the proposal might be regarded as Draconian and impractical, but he put it forward as a view that should be seriously considered, and perhaps in time it will be.

Arguments have been advanced which I find most persuasive for both the amendment to reduce the blood alcohol level to zero and that to reduce it to .02 per cent. Indeed, in the second reading stage of this Bill I indicated to the Council that the Western Australian Government had recently introduced legislation seeking to set a level of .02 per cent. I am not aware whether that legislation has come into law. However, it did underline the movement around the States of Australia generally to look more seriously at this facet of drink driving and to concentrate on the L plate and P plate drivers, because we are seeking to educate young drivers, make them aware of their responsibilities on the road and the dangers of drink driving, and to change attitudes. One can do that only by setting high standards right from the start.

Therefore, I am inclined to support the amendment that has been moved by the Hon. Mr Cameron. Certainly, by argument, one can say that it may not be practical, but the suggestion in Tasmania is that with a zero blood alcohol level it has worked. There is a tolerance factor in it, and the Hon. Mr DeGaris said that, if one was going to have a zero level, it was not good law to allow for a tolerance factor. However, the Council knows that, whilst the speed limit in the metropolitan area is 60 km/h, one would not be convicted unless one was travelling above a certain speed. I do not know what that is, but it would be several kilometres an hour above 60 km/h, which is the speed limit. That is only one of many examples of a tolerance level that readily comes to mind.

Only this morning I spoke with Mr Kelly in Tasmania on this point and asked him whether he had had any problems putting it into practice. He said, 'No, we do not; we have a tolerance factor of .02 per cent. We do not prosecute under .02 per cent.' That is the practice in Tasmania, and it has been so for the past 10 years. I am inclined to come down on the side of the Hon. Mr Cameron's amendment, on the basis that if we set it at anything above zero, immediately those drivers who are learning to drive for the first time, which in itself is a difficult enough task on busy roads, will recognise that they can have one drink or perhaps two or three drinks, and it will not have the desired effect or the impact that the Hon. Mr Cameron's proposal would have, that is, to educate people of the grave dangers of drink driving.

For that reason, I believe that it is the more desirable amendment of the two. I am most disappointed in the Labor Opposition, which has not seen fit to support either amendment because, if one wants to be practical and look at the statistics and the amendments that are now being considered, one could well argue that there is more justification for the amendments proposed by either the Hon. Mr DeGaris or the Hon. Mr Cameron than there was for the random breath test legislation.

This is a far more positive measure in getting down to the very starting point of the problem on the roads, that is, young people driving for the first time. I am therefore pleased to be associated with this proposed amendment.

The Hon. M. B. DAWKINS: During the second reading debate I indicated that I had examined the Hon. Mr Cameron's amendments and that I supported them. I do so again now for a reason I also mentioned during that debate; that is, that in this State we have a legal driving age of 16 years whilst in most other States the legal driving age is 18 years. Therefore, we have a large number of juveniles driving in this State. Those young people are not supposed to drink, anyway. I believe it is a matter of public safety (and the safety, in particular, of young people of that age) that is involved in this matter.

We all know that the carnage on the roads is frightening and that a considerable number of people are killed and maimed, many of whom are of an immature age. While I would not for one moment seriously consider altering the legal driving age from 16 years, because it has applied for half a century at least, I believe that we must give consideration to the fact that there are juveniles of the ages of 16 to 18 years who are P plate holders and who are immature and should not under driving conditions (or under the law) be drinking. Therefore, I come down on the side of the Hon. Mr Cameron's amendments.

The Hon. ANNE LEVY: I point out that the statistics that the Hon. Mr Davis and others have quoted referred entirely to age groups and alcohol concentrations present in the blood of people involved in accidents. There was no information as to how many of the young people with alcohol in their blood who were involved in accidents were P plate drivers. That is what we are concerned with at the moment. I would like the proposers of these amendments to give us statistical information on this matter, such as how many P plate licences are issued each year in South Australia and what is the age distribution and sex distribution of people receiving those P plate licences. It is all very well to say that 18 to 20-year-olds are involved in many alcohol related accidents, but we have no information as to whether they are P plate licence holders or not.

The Hon. K. T. Griffin: There are 24 000 issued—

The Hon. ANNE LEVY: That is 24 000 P plate licences, but what is the age, and sex distribution of those drivers?

The Hon. N. K. Foster: What has sex got to do with it?

The Hon. ANNE LEVY: The sex distribution of those drivers is relevant if we are considering the effects of an amendment prohibiting consumption of alcohol while driving and holding a P plate licence. I suspect (although I do not have the figures and this is why I would like to see them) that the vast majority of 16 and 17-year-olds with P plate licences are males and that the majority of females do not get their P plate licence until they are much older. I may be wrong, but I would like the figures which would indicate what we need to know about the 24 000 people who have P plate licences and how those people are going to be affected by this legislation.

It would seem to me that the arguments raised by members opposite take for granted that all P plate licence holders are aged 16 or 17 years. They kept discussing young people. I would like to know whether all 24 000 P plate licence holders are 16 or 17 years old. Also, what is the proportion of 50-year-olds among them? The comments being made in relation to 16 and 17-year-olds may be totally inappropriate for a 30-year-old or a 50-year-old. I feel that the movers of these amendments, while I do not doubt their good intentions, have not undertaken the work required to inform us exactly

who is going to be affected in the community by the passing of this legislation. Is it justified to assume that it involves only 16 and 17-year-olds? We need far more information before we can make a reasoned decision on a matter such as this.

The Hon. M. B. CAMERON: I find it difficult to understand some of the reasoning that people come up with in this place. First, I am bitterly disappointed at the Opposition's decision on this matter. I cannot believe that there are no individuals among them who would support this measure. I cannot believe that every person opposite does not support a measure that is eminently sensible. The Hon. Miss Levy did exactly what the chap in Tasmania said would happen. He said, 'The academics you are dealing with will ask, "Where are the statistics?" ' I did not think we would reach a stage of sex distinction in relation to the driving habits of P plate licence holders, but it has managed to come to that.

Either members opposite have never had children so they have never worried as a parent does, or they do not understand that some measures have to be looked at with straightforward common sense, because that is all that one has to do in this issue. The question involved is whether we are going to set about training people not to drink and drive from the beginning of their driving careers. I do not give a damn whether those people are young or old. If the Hon. Miss Levy had been in the House during the whole of this debate she would have heard my reference to older people. She is attempting to raise a smoke screen over this issue, but that does not cut any ice at all with me. There are not any statistics (and the honourable member would know this if she had done any research) available about this matter.

How does one know whether a person who has been killed was killed as a result of not having this law or of having it? One cannot get statistics on that. How does one know whether people have not been killed because we have had a certain law? One cannot get those sorts of statistics because they are not available—the people are still alive. I think it is time the honourable member got out of the realm of statistics and into the realm of using straightforward common sense. That is one of the problems with people like the honourable member who have had just a little too much academic training.

The Hon. C. J. Sumner: Turn it up!

The Hon. M. B. CAMERON: This turned out exactly as predicted, that we would get people asking for statistics. However, I was surprised at the level at which they were asked for.

The Hon. N. K. Foster: You've lost Davis—he's an egghead.

The CHAIRMAN: Order!

The Hon. M. B. CAMERON: The honourable member is an eminently sensible man and has demonstrated that common sense clearly lately. We all understand his common sense. The other issue that will arise and that will end up in a rather peculiar situation is the one raised by the Hon. Mr DeGaris. He raised that point because a Bill is being looked at in the Western Australian Parliament at the moment which deals with the question of setting a blood alcohol content level. I do not agree with the setting of a level in this situation because what I am setting out to do is establish a very clear principle that P plate and L plate licence drivers do not mix drinking and driving. If the Parliament sets a figure it is saying that it is condoning a certain blood alcohol level.

The Hon. D. H. Laidlaw: Stop them drinking Coke, too.

The Hon. M. B. CAMERON: The honourable member should listen for a moment. If we say to P plate licensed drivers that they can have a certain amount of alcohol in their blood by law when driving then we immediately run into the problem that whoever is administering the Act will allow another level above that shown in the Act because of the problems experienced with measuring instruments and the fact that it is difficult to prove that a blood alcohol content is exactly .02. We will be back where we started.

It has already happened with speeding offences. What I want to happen is that, when people go to get their P plates or L plates, a clear instruction is given to them that they do not drink and drive. What happens administratively in Tasmania has worked. I am not going to indicate the level used in Tasmania because that was told to me confidentially, but I was assured that it has been tested in the courts and that there has never been any doubt raised on the level used by the people administering the law.

I do not want a level to be told to young people because it will not be understood and they will immediately run around amongst themselves and say, 'Can you have one, two or three drinks?' That would completely wreck what I am attempting to do. What we have to do is stop young people drinking and driving and killing themselves and other people. If the Opposition thinks that that is an acceptable way for people to continue carrying on, then I am very disappointed. I am also disappointed with members of the Opposition with whom I worked for a period of 12 months on the Random Breath Test Select Committee. Those Opposition members should understand the problem because they watched it and went through it with me, and I trust that some of them will change their minds. This measure should have been a conscience vote; that is what I expected. For it to be treated as a Caucus decision by the Opposition really disappoints me and I feel very sad for this Parliament if this sort of measure is going to be treated on a political level.

The Hon. ANNE LEVY: I must interject by way of a personal explanation. I am very sorry that I did not hear all of what the Hon. Mr Cameron had to say when he moved his amendment. I was on the telephone for the first part of his speech. My request for statistics was not a request as to lives saved or not saved because of this measure. What I requested, and it should have been readily available from the Highways Department or the Motor Vehicles Department, was the age and sex distribution of P plate and L plate holders. This is not theoretical or impossible to provide, and I would think that it is relevant to the matter before us.

The Hon. M. B. CAMERON: I do not have that information and do not consider that it is relevant. All I can tell the Hon. Miss Levy is that each month 50 P plate and L plate drivers are caught with blood alcohol levels over the allowable limit.

The Hon. R. C. DeGARIS: Mr Chairman, would it be more satisfactory for the Hon. Mr Cameron to move the first part of his amendment, which is exactly the same as the first part of my amendment? Once that is decided we can then talk about the next issue.

The CHAIRMAN: The two amendments are different. The Hon. Mr Cameron's amendment will prohibit any drinking whatsoever and the honourable member's amendment will allow a blood alcohol level of .02 per cent.

The Hon. R. C. DeGARIS: I am saying that if we move the first part of the Hon. Mr Cameron's amendment then we can determine whether the next issue can be discussed.

The Hon. C. J. SUMNER: The problem is that, if the Hon. Mr Cameron's amendment is carried, that is the end of it and that means that the Hon. Mr DeGaris's amendment is not voted on. What the Hon. Mr DeGaris is trying to get to is the point where both amendments are voted on so that if .05 per cent is not wanted, one can have .02 per cent or vice versa.

The CHAIRMAN: I think that what you are saying is right. That is how I understand it, but I believe there is confusion in the way we are going about it. I put the amendment moved by the Hon. Mr Cameron down to 'but'.

The Committee divided on the amendment:

Ayes (8)—The Hons J. C. Burdett, M. B. Cameron (teller), L. H. Davis, M. B. Dawkins, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Noes (11)—The Hons Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, R. C. DeGaris, M. S. Feleppa, N. K. Foster, D. H. Laidlaw, Anne Levy, C. J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. J. A. Carnie. No—The Hon. C. W. Creedon.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. R. C. DeGARIS: I move:

Page 1, line 9—After 'amended' insert as follows:

—

(a) by striking out from the definition of 'prescribed concentration of alcohol' in subsection (3a) the numerals '.05' and substituting the numerals '.02';

and

(b)

The argument that has been put forward on this is reasonably valid. There should be a reduction in the blood alcohol content of those people who drive with either P or L plates. I think that is a reasonable approach. On the arguments put forward, I believe it is wrong to reduce the figure to nil.

The Hon. FRANK BLEVINS: The Opposition opposes this amendment. Society does allow people to have a drink and to drive. Whether society is right or wrong, that is the general attitude, and I believe that the amendment does not provide for a reasonable level. If people are to be allowed to have a drink, it must be to a reasonable degree.

The Hon. M. B. CAMERON: I support this amendment, because any lowering of the figure is better than none. However, I note the argument put forward by the Hon. Frank Blevins earlier that it may well lead to a problem of more people being caught. For that reason, I hope that the people in another place will look again at the level and perhaps come to a different conclusion. Meanwhile, I support the amendment.

The Hon. N. K. FOSTER: I support the amendment, and I am disappointed in the attitude of the Opposition. We cannot bring back the dead to prove the statistics, and I think such an attitude is quite shameful. This amendment should be supported, and some members of the Labor Party, especially those who served on the select committee, should support it. Accusations have been made to me about another select committee, and I now put them back in the teeth of those who have made them. The Hon. Mr Sumner, as a lawyer and Leader of the Opposition, should bear the responsibility in relation to this, especially when there is a clear indication of the intent of the Bill's going to the appropriate committee before it goes on the Statute Book.

The Committee divided on the amendment:

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

Noes (8)—The Hons Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, M. S. Feleppa, Anne Levy, C. J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. W. Creedon.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 3—'First licences must be subject to certain probationary conditions.'

The Hon. R. C. DeGARIS: I move:

Page 1, line 11—After 'amended' insert as follows:

—

(a) by striking out from the definition of 'prescribed concentration of alcohol' in subsection (1a) the numerals '.05' and substituting the numerals '.02';

and

(b)

This amendment is in line with my previous amendment.

Amendment carried; clause as amended passed.

Clause 4—'Consequences of learner or probationary driver contravening a probationary condition or incurring four or more demerit points.'

The Hon. M. B. CAMERON: I move:

Page 1—

Line 17—After 'probationary condition' insert '(other than the condition referred to in section 81a (1) *(ca)*)'.

Page 2—

Lines 13 and 14—Leave out 'subsection' and insert 'subsections'.

Line 17—After 'condition' insert '(other than the condition referred to in section 75a (3) *(a)*)'.

After line 31—Insert new subsection as follows:

(2a) Where a person who holds a learner's permit, or a driver's licence that is endorsed with probationary conditions, commits an offence of contravening the condition referred to in section 75a (3) *(a)* or section 81a (1) *(ca)*, as the case may be, the Registrar shall, upon receiving notice under section 93 of the conviction, or the expiation, of the offence, cancel, by notice in writing served personally or by post upon the person, every permit or licence held by him under this Act at the time of service of the notice.

After line 32—Insert new paragraphs as follows:

(ca) by inserting in subsection (4) after the passage 'subsection (2)' the passage 'or (2a)';

(cb) by inserting in paragraph *(a)* of subsection (5) after the passage 'three months' the passage 'or, in the case of cancellation pursuant to subsection (2a), twelve months,';

The effect of this amendment is that, if a person commits an offence by contravening the new level, that driver will lose his P plate for a period of 12 months from the day on which the cancellation took effect. The reasons are similar to the others I have outlined, bringing these people into line with those in other States. They will lose their licence in the same way as people do in other States. In the case of older people, it would be for a period of 12 months, and I hope that would bring home to them that drink-driving is a serious offence, and a serious condition when people are learning to drive.

The Hon. R. J. RITSON: Does the amendment mean that a person so suspended would cease all driving and, at the end of the period of suspension, begin again with an L plate or a P plate, or does the loss of the P plate take the driver back to being able to apply for an L plate and drive under supervision for the period of the loss of the P plate? Is it better, if a person has to go back to a P plate, that he should spend a lot of time out of practice, or should he still be gaining further experience as an L plate driver?

The Hon. M. B. CAMERON: My information is that it would take a driver back to the status they enjoyed before they committed the offence and they would start their P plate period again.

The Hon. FRANK BLEVINS: The Opposition opposes this amendment. We are quite content with the legislation as it stands. The Opposition realises that it does not have the numbers in relation to this amendment and although we oppose it we will not be calling a division.

The Hon. N. K. FOSTER: Has any consideration been given to a juvenile who requires his driving licence for his employment, because this provision could cost him his job?

The Hon. M. B. CAMERON: It is not the legislation that will cost him his job but the actions of the person concerned. I trust that the seriousness of the situation will bring that fact home to him. I am not a person who likes to see young people lose their jobs. That is the last thing I want to do. However, young people must understand that when they drive on the roads they are affecting other people, not just

themselves. A person driving on the roads while intoxicated is different from someone who has a slight lapse of concentration while driving. These people must be made aware of the penalties that apply if they drink and drive.

The Hon. K. T. GRIFFIN: Without wanting to detract from that answer, I am advised that a person in the position mentioned by the Hon. Mr Foster can apply to the court for his licence to be reinstated on the grounds of hardship. Based on the practice currently adopted by the courts, the question of whether or not a job will be lost is a most relevant factor in determining the question of hardship.

The Hon. N. K. FOSTER: If this amendment is carried, will we be placing in the legislation a direction to the courts and creating a situation where Parliament is denying the courts a right to make any decision? It is a question of whether or not a penalty is imposed on a person who needs his licence for his employment. That penalty could include a licence suspension during periods when the licence is not required for a person's employment. If the Attorney cannot answer that, I suggest that the amendment be altered so it does not conflict with the customs and practices that apply in the courts at present.

The Hon. K. T. GRIFFIN: This amendment will not affect that situation at all. Section 18b of the Motor Vehicles Act and subsections (6) to (8) are not affected by the Hon. Mr Cameron's amendments.

Amendment carried; clause as amended passed.

Clause 5 and title passed.

Bill read a third time and passed.

DEVELOPMENT PLAN

Adjourned debate on motion of Minister of Community Welfare (resumed on motion):

That the following resolution of the House of Assembly be agreed to:

That, pursuant to section 40 of the Planning Act, 1982, the development plan laid before Parliament on 17 August 1982 is approved.

(Continued from page 885.)

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That this debate be further adjourned.

The Council divided on the motion:

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, M. S. Feleppa, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

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

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. J. A. Carnie.

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. C. J. SUMNER (Leader of the Opposition): I wish to speak only briefly to this motion. I moved twice this afternoon that the debate be further adjourned. On the first occasion it was adjourned with the support of the Hon. Mr Milne, but it seems that he has done one of his traditional performances and changed his mind over the past two hours or so. I wanted the matter adjourned because there is still some dissatisfaction with the development plan that this motion ratifies and places into law.

In particular, local government is dissatisfied with the development plan. I have received a number of complaints about it. The Liberal Government has got itself into trouble previously with local government because of its failure to consult with local government over legislation to amend the Local Government Act. Now, it seems that the Government has repeated its performance. I want to tell the Council this: on Thursday last this Council was presented with a development plan which, if it was placed on a bookshelf, would take up 18 inches of width. We have had two days to debate it, and now the Government, which insists that it be forced through today, apparently has the support of Mr Milne to do that. There have been two days of debate only, and now the Council has only a matter of minutes to enable it to consider a document of this significance and complexity.

I do not intend to go through all the objections of local government to this measure, but the number is substantial. Local government believes that the new system will prove unsatisfactory if this plan is approved in its present form. It expresses serious reservations over the haste with which this matter is being dealt with and, in fact, believes that certain aspects of the plan and the conflict of definitions therein lead to a nonsensical position. Local government has difficulty with the determination of State agency development applications, third party appeal rights, matters to be determined by the commission, locations of definitions, unclear status of different parts of the plan, and other objections.

The Council has had only two days to consider the matter. I suggest that the debate be further adjourned, at least until tomorrow, and that the Council resolve itself into a Committee so that the plan can be properly considered. It is farcical to believe that in a motion of this kind the plan can be considered properly. That can happen only by resolving the Council into a Committee, considering each point and taking into account the objections of the Local Government Association. That is why I have moved to further adjourn the debate. In that same vein, I seek leave to conclude my remarks later so that that objective can be achieved.

The PRESIDENT: Is leave granted?

The Hon. J. C. Burdett: No.

The PRESIDENT: Leave is not granted.

The Hon. C. J. SUMNER: It appears that I must continue and that the Government is determined to force this measure through tonight. I can only say that the Opposition will not take the strong step of opposing the motion altogether, although I believe that the Government should adjourn the debate to enable the processes that I have outlined to be gone through.

The Hon. N. K. FOSTER: I believe that this measure should be further adjourned. I have asked questions of the Attorney-General in this place over the past 12 months or two years as well as in recent weeks regarding the Adelaide City Council, which has powers and which has denied the Government the right of any consideration at all. I remind the Minister of Community Welfare that this measure gives local government power that is vested only in a municipality or city, that is, Adelaide City Council, and that is not right. Personally, I cannot condone that because, as a member of the Subordinate Legislation Committee, I know that we have much strife with this Act, which has been a *fait accompli* by local councils under the existing Act, let alone existing provisions that denied the right of people and their elected members in this Chamber. That is what this Act is all about. I am aware of the complexities involved.

I am determined on this matter and, if the Government carries this measure and denies the right of further involvement, it is stupid. The political Party that goes to the next election in respect of local government will grab 2½ per cent of the vote above what is expected. There can be no mistake about that. By confusion, people are denied their right to object because of the *fait accompli* under the present Act, but this measure consolidates that situation and denies

the right. The matter should be further adjourned to provide for further discussion not just with the Local Government Association but also with others, although at this stage I do not want to deal with empire building. I do not take lightly what the legislation means. I could not even get a copy of it this afternoon, yet I am an elected member of Parliament.

The PRESIDENT: Order! It is 6.30 p.m.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That Standing Orders be so far suspended to enable the Council to continue sitting beyond 6.30 p.m.

Motion carried.

The Hon. N. K. FOSTER: Will someone please give me a copy of the legislation? It is a disgraceful state of affairs when one has to stand here and ask for a copy of the legislation.

The Hon. K. T. Griffin: It is in the library.

The Hon. N. K. FOSTER: I know that it is in the library. I have seen a copy, but I did not think the Government would pull this stunt again tonight. I hope that someone in this place will have enough common sense and understanding of the problems in the community to cast his or her vote in a way that forces the Government to look at this matter. This Council is sitting tomorrow, and then members will be off for a week, during which this matter could be adjourned to allow them time to study it and come back understanding it. It would give people on this side time to confer with people who are interested in this measure. However, I do not think that that is likely to happen.

I draw the Minister's attention to the fact that a matter relating to the whole Murray region and involving planning recently came before a subcommittee of this House. There was much confusion about it, and, if the Minister had been the successful candidate for the seat of Mallee, he would have appeared before the Subordinate Legislation Committee and put a strong viewpoint that many sections ought to be included, or that there should be a better understanding of what this Bill means to the residents of that area. It is not good enough for Parliament to approach only the residents of a particular area when it is seeking votes for election or re-election to this place. The fact is that people's day-to-day lives are bound up with this Bill, and those day-to-day lives ought to be subjected to Parliamentary scrutiny.

If a local government body does not necessarily agree with a viewpoint it cannot approach its local member to raise the matter in a positive and proper way in a House of this Parliament, yet that is what the Parliament is designed for. It horrifies me to be able to say, with some historical understanding of what happened, that it was out of local government that the South Australian Parliament came into being. I suppose it was inevitable that it would have come into being, but a form of local government manifested itself in this State before the Parliament did. It did that because, as the State grew, responsibilities grew heavier.

The PRESIDENT: Order! Will members please be seated and talk to whomever they wish in a quiet manner. That includes the Hon. Mr Cameron and the Hon. Ms Levy.

The Hon. N. K. FOSTER: I am pleased that you, Mr President, are not discriminating between the sexes.

The PRESIDENT: We will not go on until honourable members have resumed their seats.

The Hon. N. K. FOSTER: Thank you, Sir. It was out of that responsibility, recognised by what we call local government, that the Parliament was derived and the first steps were taken towards the existence of a Parliamentary Chamber. This Bill will result in a department running this State with respect to local government matters. Local government in some areas will determine what will be wrong, what will be assented to, and so forth. That is not good enough.

The Minister of Local Government is wandering around like a lost chook. I wonder how long it is since he spoke to local government representatives. Most of them are empire building. We know that they are on your back, Murray, to do all sorts of things. The Minister ought to be paying attention to this debate because, although it does not involve a local government matter, it is more a local government matter than anything else and will become a local government matter and not a Parliamentary matter if the Bill is carried in its present form.

There are some sections of local government that do not want this Bill passed in its present form. Is the Government going to recognise the right of Opposition members to consider the matter further? The Government had this matter put aside this afternoon, and I say to the Government, and indeed to Opposition members, that whichever Party makes it at the next election will have to look at this Act sooner or later, and it will be more than an albatross around a Government's neck. I sound a warning that that is what will happen.

The Hon. C. J. Sumner: You should not have voted for it.

The Hon. N. K. FOSTER: I am not questioning whether or not I should have voted for it. I did that partly because of the Leader's attitude.

The Hon. G. L. Bruce: That is a good way to run Government.

The Hon. N. K. FOSTER: My almost colleague, the Hon. Mr Bruce, said that is a good way to run government. Let someone define a good way to run government.

The Hon. Frank Blevins: Stop his leave.

The Hon. N. K. FOSTER: Do not start me on that, because Opposition members have been shown as a most incompetent lot of creatures when asking questions without having been granted leave.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I should have thought that, when the proceedings were before us this afternoon, the Government would mark time because it was hearing rumblings in respect of this matter. I say openly and honestly that I misjudged the Government when it decided to put this matter on motion. It has the matter on motion now, but what does it intend to do? The Minister in charge of the Bill is not in the Chamber.

An honourable member: He's in the other Chamber.

The PRESIDENT: Order! Will the Hon. Mr Foster get on with it?

The Hon. N. K. FOSTER: This is not a matter of your shaking your head, Mr President: it is a serious matter. It is not my role to stand here and talk for the next half hour, as the Attorney perhaps thinks I ought to. I am surprised that leave was sought to extend the sitting beyond 6.30 p.m. I wonder how long we can go before we need to adjourn. I leave this matter on the basis that if honourable members here are foolish enough to carry this Bill in its present form they will rue this day.

The Hon. J. A. Carnie: The Bill has been carried.

The Hon. N. K. FOSTER: I know that the Bill has been carried, and that one would need a 1½-tonne truck to carry it because of what it contains. There are clauses in this measure that can be subjected to amendment, and that is the point that I have been making. That would enable us to retain the authority of the Parliament. Do honourable members want everyone running around like this fellow Llewellyn-Smith from the Adelaide City Council? The Hon. Mr Carnie sits on a committee where he sees this problem more than does any other member. I can understand his feelings because of the changing viewpoint of some people who have considered this measure. I appreciate that an undertaking is an undertaking, and I suppose that that is more than fair. However, if that undertaking is not forth-

coming I can understand that attitude, and I consider that we should not be carrying this Bill today or tomorrow.

It only has to be finished next week. I am sure that we are all big enough, including those people who want to make representations, to speak to the appropriate Ministers, committees and members of Parliament over the next eight, nine or 10 days, and come back the second week in September.

What is wrong with that? It is not a measure contained within the Bill: it is a procedure of this Chamber to say that we will let it lay for another sitting day, which effectively will give us about 10 days to look at it and to straighten it out in our minds. If we go ahead tonight and force it through with the brutality of numbers, I think that that is morally wrong, and also wrong in principle, especially on a measure that has been in formation by Governments of both political persuasions.

This goes back to Geoff Virgo's day and possibly beyond that and this matter has been in formation for over a period of some 10 years. Yet, we do not want to give ourselves another 24 hours, which seems ridiculous. I think that that is what the mover of the resolution was asking, although he does not talk to me. As far as I am concerned this measure should be laid aside for one more sitting day and be resumed on 14 September.

The Hon. FRANK BLEVINS: I move:

That this debate be now adjourned.

Motion negatived.

The Hon. K. L. MILNE: I know that the Government would agree to defer this matter for one more sitting day to enable Cabinet to reconsider it, but I do not think that this is practical when it has been considered a number of times and when the Government has taken the question of consultation to the limit and is prepared to go no further.

The Hon. C. J. Sumner: What was your attitude this afternoon?

The Hon. K. L. MILNE: The Democrats' attitude earlier was that we wanted the Government to defer it for another day, meaning until tomorrow, not 14 September, while the Local Government Association has yet another talk with the Minister, having disagreed with his letter.

We have seen the Minister's letter to the Local Government Association dated 31 August and the reply received from the Local Government Association, also dated 31 August. I have also discussed this matter with Mr Hullick. This matter has been discussed with the Minister, and I believe that it is time to come to grips with it. We have been given two conflicting pieces of advice, as has every member in the Chamber. One side says that it will not work and the other side says that one cannot find out unless it is passed and put into operation.

The Hon. Frank Blevins: We didn't say that it wouldn't work.

The Hon. K. L. MILNE: If you did not say that, I do not know what you are making the fuss about.

The Hon. C. J. Sumner: You haven't listened, have you?

The Hon. K. L. MILNE: Yes, I have. The Local Government Association will not be all that unhappy, and I believe that it is now in the interests of everyone concerned to get the first step over and get on with the next step. We must remember that what was to be decided and approved by both Houses of Parliament was only the form of the development plan, and there was no need, nor should there be any, to debate the details now.

That is not what we were asked to approve. We were asked to approve the form, and the Local Government Association, and now the Opposition, is trying to get us on the details. We have accepted a strong assurance by the Minister, in writing to the Local Government Association, that the Minister will attempt to fix the matters about which the association is still complaining. The Minister's argument is that unless it is done now he will not have the time to do it. The Minister has given an undertaking to bring in certain amendments, and those amendments will not be brought in until the matter has passed and, if it is not passed now, there will not be time to do it by the end of the session. That is what the Minister says, and one should believe him.

The Hon. Frank Blevins: If you believe him, you will believe anyone.

The Hon. K. L. MILNE: I believe the honourable member some of the time. We have also accepted assurances that the regulations will not be gazetted before consultation with the Local Government Association, and that was one of the major complaints and fears of the Local Government Association. The Minister has said that that will not happen.

I hope that, if a council runs into legal trouble of some sort as a result of the legislation being brought in now,the Government will then take its share of responsibility. With some misgivings, although believing that it is best in the long run, the Democrats do not intend to seek to have the matter deferred any further.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank members for their contributions to this debate, particularly the Hon. Anne Levy, because she referred to the question of consultation with local government. I point out that there was considerable consultation over a period of time, particularly with metropolitan councils. There were only three councils which did not respond, and other councils were consulted in detail. At the end of the Hon. Anne Levy's speech, she said:

In brief, the Opposition supports this measure and trusts that it will have the effect that is intended, realising that amendments may result from supplementary development plans which are in the pipeline at certain local government areas.

So, the Hon. Miss Levy, on behalf of the Opposition, supported the motion. The Hon. Miss Levy referred to regulations, but she acknowledged that that was not really part of the matter before the Council.

The Hon. Mr Sumner referred to the amount of time that this measure had been before the Council and the Parliament and that it was known after the amendments to the Act were passed that this measure would be introduced.

There has been no measure of haste, and the amendments were supported in the other place. In regard to the objections raised by local government, it is by no means all local government, but part of it. The Hon. Mr Foster referred to denial of rights. There has been no denial of rights because of the consultation on the plan. The Hon. Mr Milne is very much to be congratulated on his speech. He said, 'Let it be put into operation and, if it does not work out, then let the Government do something about it.' That is entirely the right approach. He made again the point that was made in my speech when I supported the motion that the plan is only a matter of form. He referred to the undertakings given by the Minister. The Minister did undertake to amend the Act further, and he has given that undertaking personally, which means that the matter will come before the Parliament again. In his letter yesterday to local government (and I recognise that local government has not accepted this), the Minister said:

Dear Mr Hullick,

I refer to your letter of 30 August 1982, concerning the new planning system and to my discussions with yourself and other representatives of the association last night.

Having considered the matters raised in your letter and the accompanying report, and in the light of our discussion, I am prepared to make the following commitments:

(a) To ask Cabinet to further consider whether the S.A. Housing Trust, the Metropolitan Fire Service, and the

S.A. Urban Land Trust should be listed in the 7th schedule to the regulations or should be subject to development controls exercised by councils.

(b) To ask Cabinet to further consider whether applications for farm buildings, detached dwellings, semi-detached dwellings and row dwellings should be exempt from notification.

(It should be noted that regulations under the Planning Act are made by the Governor upon the recommendation of the Planning Commission. Accordingly, were Cabinet to agree to any changes in the above areas it would still be necessary for the commission to agree to recommend those changes.)

(c) In the event that the association is able to produce convincing evidence of conflicts between various provisions of the development plan in relation to particular zones or areas, to amend the development plan, pursuant to section 42 (2) *(c)* of the Act, to more clearly establish the precedence of provisions relating to zones over more general provisions.

(d) To initiate, immediately after approval by Parliament of the form of the development plan, and in consultation with the Local Government Association and the Local Government Planners' Association, a comprehensive review of standards which are revelant to the consideration of consent applications, with a view to incorporating these standards in a supplementary plan amending the development plan in respect of those council areas currently operating under zoning regulations. Upon completion of a draft supplementary development plan along these lines, and subject to the agreement of the affected councils, I am prepared to recommend to the Governor that this supplementary plan have interim operation from the date of public exhibition pursuant to section 43 of the Planning Act.

I have considered closely the question of whether definitions should be located in the regulations or the development plan and am satisfied that the arguments in favour of their remaining in the regulations are more convincing. However, as I have already indicated in a recent letter to all councils in this State, I will be prepared to consider amendments to the development plan and regulations (including relocation of the definitions from the regulations to the development plan) if it can be demonstrated, in the light of experience with the new planning system, that such a change will be beneficial.

Finally, I should emphasise that it is not within the ambit of the Parliament to amend the development plan at this time, but neither does approval of the form of the plan by Parliament in any way prejudice the ability of the association, or individual member councils, to canvass changes to any of the components of the planning system which are considered necessary.

I suggest that those undertakings by Ministers should take care of the fairly few reservations expressed by members of the Council who have spoken. The Hon. Mr Milne has supported the motion, the Hon. Anne Levy has supported it on behalf of the Opposition, and I commend it to the Council.

Motion carried.

ADJOURNMENT

At 6.55 p.m. the Council adjourned until Thursday 2 September at 2.15 p.m.