LEGISLATIVE COUNCIL

Wednesday 18 April 1984

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 11.45 a.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

David Jones Employees' Welfare Trust (S.A. Stores),
Maralinga Tjarutja Land Rights,
Parliamentary Salaries and Allowances Act Amendment,
Trustee Act Amendment (No. 2).

PAPER TABLED

The following paper was laid on the table:

By the Minister of Corporate Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Corporate Affairs Commission—Annual Report, 1982-83.

QUESTIONS

DRUG SURVEY

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about drug surveys and misleading Parliament.

Leave granted.

The Hon. R.I. LUCAS: Over the past five to six months this Minister, aided and abetted by the Premier and Attorney-General, has sought to cover up a scandal of monumental proportions. Last week in this Council, when cornered, the Minister of Health had to concede that he had agreed to an extra Party political question on his personal approval in a taxpayer-funded survey. Up until this morning the Minister has continually denied that there was more than one extra Party political question in this survey, even though yesterday documentary evidence was provided in this Council of a 'State voting intention' question and even though a member of the Minister's own staff has been touting to sections of the media the results of a further question in that survey.

The Hon. J.R. Cornwall: That is a lie.

The Hon. R.I. LUCAS: The Minister did not deny it yesterday. I am touching a sore point. This morning there was an article in the *Advertiser*, quoting some statements from a Miss Marie Hartwig, who has been prepared to go on record in the *Advertiser*, on 5DN this morning and, I am advised, on *Nationwide* this evening, to back up her statements. This morning she has made a statutory declaration, and I quote from it:

I, Marie Hartwig, of 23 Priscilla Road, Pooraka, do solemnly and sincerely declare that some time between 27 August 1983 and 4 September 1983 I was interviewed by a representative of the ANOP Market Research Company at my home. In addition to about 30 or 40 questions in a range of drug related issues, the following questions were asked:

1. Whether I knew the name of the State Minister of Health.
2. Did I approve or disapprove of his performance as Minister?

And I might interpose that I understand that she disapproved. The statutory declaration continues:

3. Approval or disapproval of the Premier's performance.
4. Intention to vote at a State election.
5. Intention to vote at a Federal election.
6. How I had voted at the last State election.
7. How I had voted at the last Federal election.
8. What good things the State Government had done.

Once again, I interpose that her personal view was that she could not think of anything. The questions conclude:

9. What bad things the State Government had done.

This statutory declaration was signed by Miss Marie Hartwig as of this morning. There are some quite serious allegations (backed up by statutory declaration) being made by members of the Opposition and backed up by evidence from a person who was interviewed by Australian National Opinion Polls. I add that Miss Marie Hartwig believes that she was also asked a question as to why she approved or disapproved. However, she was not 100 per cent sure that that question was asked or whether she just offered the view, so as a result she has not included that in the statutory declaration.

In addition, Miss Hartwig thinks that there might have been a question in relation to the performance of the State Leader of the Liberal Party, Mr John Olsen. Once again, she was not 100 per cent certain of that, so that question is not included in the statutory declaration. She has declared that there were at least nine, and possibly more, questions in a taxpayer-funded survey on the Health Commission. What we have is an absolute scandal that the Government is running ALP surveys at taxpayers' expense—that is what is happening. My questions to the Minister of Health are as follows:

1. Does the Minister now agree that on Wednesday last he knowingly misled the Council by saying that he did not commission or pay for a poll which included a State voting intention question?

2. In the light of Miss Hartwig's statutory declaration of this morning, does the Minister agree that he has further knowingly misled this Council by saying that only one extra Party political question was included in this taxpayer-funded survey?

The Hon. J.R. CORNWALL: The short answer to both questions is 'No'. However, I am quite happy to expand on that answer. I will now repeat what I have said on numerous occasions, both inside and outside this Chamber.

I never paid for, nor did I receive, a survey which indicated other than what I have tabled in this Council. It has been a public document now in South Australia for five months. The Health Commission never paid for, nor did it receive, other than the document that was contracted for. I have told the Council already—indeed, I told the Council a week ago—that there was a piggy-back question regarding my approval rating. So, nothing that the Hon. Mr Lucas has told the Council today is new.

Indeed, this document was tabled on 8 December and at various places through it we have people broken down into categories. We have young single, young family, older family, older couple, urban, rural, tertiary educated, secondary educated, part secondary educated, elementary educated, household income below $14 000, between $14 000 and $25 000, and over $25 000, and men and women. It has been here on the table for five months, so it is hardly a revelation. It covers State voting intention—Labor voters, Liberal and National Country Party voters, not supporting legislation, heavier penalties—that is in respect of marihuana.

The Hon. R.I. Lucas: You denied it.

The Hon. J.R. CORNWALL: Does anyone seriously suggest that I would be foolish enough to deny something when I tabled it myself.

The Hon. R.I. Lucas: It's on the record.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Really, this whole matter is becoming quite a sick joke. The Hon. Mr Lucas at this stage is in grave danger of making himself look very foolish. I refer to the question of current drink driving laws in more detail: here we have a break down amongst those who are

tertiary, full secondary, part secondary, elementary educated (full table); household income under $14 000, between $14 000 and $25 000, and $25 000 and over; a full break down of life cycle stage, young single, young family, older family, and older couple. It also refers to voting intention—Labor voters and Liberal and National Country Party voters. To extrapolate that to a direct voting intention survey of course requires a fair bit of imagination.

Had the Hon. Mr Lucas produced a statutory declaration in which someone had said, 'I recall that the interviewer had a little box and handed me a piece of paper, saying, "Would you please indicate on that piece of paper how you would have voted had there been a State election last Saturday and next Saturday; please fill in that and pop it in the box?",' as I understand it, that is the way that State voting intention surveys are normally done. What he has done is produce a woman with what she says is a good memory. I have no reason to call this lady's credibility into any doubt whatsoever. She has produced a statutory declaration which does not tell anyone anything that the great majority of them did not already know.

Members interjecting:

The Hon. R.I. Lucas: You wouldn't tell us.

The Hon. J.R. CORNWALL: The man must think very slowly. I said on 20 June that it was my intention to commission an ANOP poll.

The Hon. R.I. Lucas: That is the document that was tabled, was it?

The Hon. J.R. CORNWALL: That is the document that was tabled.

The Hon. R.I. Lucas: That's the doctored version.

The PRESIDENT: Order! I ask the Hon. Mr Lucas to stop interjecting.

The Hon. J.R. CORNWALL: This is the document that was tabled by me in this Parliament on 8 December when I introduced the Controlled Substances Bill. But, I had already said publicly from 20 June last year that it was my intention to commission a poll, and I kept the Council informed on the progress of that poll, on when I was about to commission it, on the cost that had been agreed, and so forth. It just so happens that the question of drug abuse is a matter of very serious concern. It is one of the major and most important social issues of our time.

I was determined that, in developing major policies and in moving towards major reform in the drug and alcohol areas, I did not do anything that would have been divisive in the community. It was for that reason that the very wide-ranging poll was conducted and that, at all stages, although there was no requirement for me to do so, I kept the Council, the Parliament and the public informed of what I was doing. Had I seen fit to have this poll taken on a confidential basis, as the Liberal Party did many, many times when in Government, there would have been no reason why the public, the Parliament, or anyone else would have known about it. However, that is not my style. I believe in open government: I believe that the people of South Australia are entitled to be treated as mature, intelligent adults. That has always been my position, and it will continue to be my position. I believe that people will get very sick of Opposition back-benchers carrying on *ad nauseam* in the way in which the Hon. Mr Lucas and some of his colleagues have been carrying on.

The question of State voting intentions is there and has been there for more than four months for all South Australians to see. Really, I do not believe that there is any great benefit in pursuing these matters any longer. Indeed, I challenge the Opposition to join with me in what I had hoped would be a very positive, progressive and bipartisan approach to the very serious problem of drug abuse in our community. However, it seems that members opposite prefer to divert their attentions to running down rabbit burrows. It is about time that they showed considerably more responsibility than they have shown today on the whole matter of drug abuse.

The Hon. R.I. LUCAS: I wish to ask a supplementary question. Does the Minister of Health categorically deny that any of the questions that Miss Marie Hartwig has included in her statutory declaration were included in the survey conducted by Australian National Opinion Polls for the Health Commission?

The Hon. J.R. CORNWALL: Over a period of days and weeks I have answered innumerable questions at length, in depth—

The Hon. R.I. Lucas: You won't deny it, will you?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL:—and in breadth. At this stage I see little point in adding to anything that I have had to say. The whole—

Members interjecting:

The Hon. J.R. CORNWALL: Just be a bit patient. The whole matter has been aired publicly. I have been totally frank about the business and I have nothing to add—

The Hon. R.I. Lucas: Answer the question! Come on: answer the question!

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: If the Hon. Mr Lucas wants the information, all he has to do is read *Hansard.* It is all there.

The Hon. R.I. LUCAS: I wish to ask a further supplementary question.

The PRESIDENT: Order! The honourable member has asked one supplementary question, and I must take another question.

The Hon. M.B. CAMERON: I seek leave—

The Hon. Anne Levy: Don't you go from one side to the other?

The PRESIDENT: I always go to the front bench first. The honourable member might remember that.

The Hon. Anne Levy: The Hon. Mr Lucas is not on the front bench.

The Hon. M.B. CAMERON: I think I am. I seek leave to make a very brief statement before asking the Minister of Health a question about surveys.

Leave granted.

The Hon. M.B. CAMERON: The Minister must now face the situation that the Opposition just does not believe everything he says. He must also face the fact that the community now sees a wide credibility gap. The Minister has a way of clearing that up. Will the Minister of Health table all Ministerial and Cabinet documents relating to this issue of the survey conducted by ANOP and will he approach Mr Cameron of the ANOP market research company and ask him to make available the complete questionnaire as well as the results of all questions asked?

The Hon. J.R. CORNWALL: I would be perfectly happy to table the Cabinet document relating to the survey—there is only one.

The Hon. M.B. Cameron: What about Ministerial?

The Hon. J.R. CORNWALL: I will have to look at it; as a matter of fact, I cannot quite recall what documentation there is. I would be happy to look at the Ministerial documentation. I recall with clarity that the survey was approved as being *bona fide* by the Director of Health Promotions Services, but I cannot recall in fine detail other matters. I would certainly be very happy to table the approval and/or the imprimatur given to the proposed survey by the Director of Health Promotions Services. I have never in any way contracted with ANOP to provide me with the other material for which the Hon. Mr Cameron asks. It is my understanding—and has always been my understanding in the limited

contact that I have had with pollsters (and it has been very limited)—that the methodology is their own and remains their property.

The Hon. R.I. Lucas: That is nonsense.

The Hon. J.R. CORNWALL: That is not nonsense.

The Hon. R.I. Lucas: And that indicates that you know nothing about market research.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I am not an expert in market research, indeed. The honourable member is quite right. I do not believe that I have ever claimed to have any expertise in market research at all. I really cannot see what future the Opposition believes there is in this extraordinarily divisive tactic.

The Hon. R.I. Lucas: Your head.

The Hon. J.R. CORNWALL: The Hon. Mr Lucas says my head. That is the sort of politics that the Hon. Mr Lucas and his colleagues are prepared to play. It has always been my head. It has always been 'Kick John Cornwall', no matter what positive things or what achievements there have been or what runs I have got on the board (and there have been a lot of runs on the board over the past 16 months). Even in matters such as Julia Farr, where it is well documented and where the South Australian public knows and applauds what has been achieved in areas like that—

The Hon. K.T. Griffin: The residents are not happy about what you are doing.

The Hon. J.R. CORNWALL: The residents are very happy about what is being done. That is a typical interjection. The Hon. Mr Griffin, who would be poorly informed in matters affecting Julia Farr, interjects and says, 'The residents are not too happy?' It is well known by relatives, friends, residents and anyone who works at Julia Farr that the position is 500 per cent better than it was 12 months ago but, even in matters like that, the Opposition behaves in the most negative way possible. It has been a case of 'Get John Cornwall'. That has been the policy for the past 12 months. It has been a persistent policy. It has been virtually impossible for me on many occasions to be heard in this place when I have been on my feet. I have been subjected continuously to a most disgraceful and persistent form of abuse from both the Opposition back bench—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL:—and from the Opposition front bench. The Hon. Mr Cameron says that I have a credibility gap with the Opposition.

The Hon. R.I. Lucas: And the public.

The Hon. J.R. CORNWALL: I will come to that in a moment. Any alleged credibility gap with a discredited Opposition like we are unfortunate enough to have in South Australia does not worry me one bit. As to the alleged credibility gap with the community, I reject that completely.

The Hon. M.B. CAMERON: The Minister did not answer the second question I asked, namely, whether he will approach Mr Rod Cameron of ANOP Market Research Company and ask him to make available a copy of the complete questionnaire as well as the results to all questions asked. Secondly, the Minister has not clearly undertaken to table all Ministerial and Cabinet documents relating to this issue.

The Hon. J.R. CORNWALL: I will go through it all again, if it will make the Hon. Mr Cameron happier. I have given a clear undertaking that I will table the one Cabinet document—there is only one. I will not undertake to table all Ministerial correspondence in this matter or in any other matter.

That would set a most extraordinary precedent; it would mean that members in either House could rise to their feet at Question Time any day on which the Parliament is sitting and ask or demand—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL:—that every Ministerial file on every subject, no matter how sensitive, be tabled. Even the most—

Members interjecting:

The Hon. J.R. CORNWALL: I am not amused to think that the Opposition finds the matters of drug related surveys so humorous, but that is the way it has carried on for the past 12 months. I was about to say that it would be a ludicrous extension, even by the most avid supporters of freedom of information, to suggest that a member of Parliament merely had to stand in his or her place and ask that all Ministerial files on any subject be tabled. I will not set that precedent.

I have made it clear that I am happy to table the assessment and the imprimatur of that survey that was given to it by the Director of Health Promotion Services, but I will not set a precedent by tabling the entire file. Were one to do that, there are literally dozens of extremely sensitive areas in my portfolio, ranging from patient confidentiality through to dealings, for example, with the Adelaide Children's Hospital—

The Hon. R.I. Lucas: Will you talk to Rod Cameron?

The Hon. J.R. CORNWALL: It would be quite irresponsible for me to undertake to do that with this file or with any other file. I have answered the question about talking to Rod Cameron, not only today but on previous occasions. Again, members can consult *Hansard* if they want further details.

The Hon. M.B. CAMERON: I ask a supplementary question.

The PRESIDENT: Order! The honourable member has already had one supplementary question.

The Hon. M.B. CAMERON: The Minister has not answered that question. I wish him to answer that question because he has not said in *Hansard* whether—

The PRESIDENT: Order! I have no jurisdiction over the Minister. He is not compelled to answer any question.

RECLAIM THE NIGHT MARCH

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Chief Secretary, a question about the Reclaim the Night march.

Leave granted.

The Hon. ANNE LEVY: Last Friday evening there was the seventh annual Reclaim the Night march. The purpose of the march is to indicate that women have as much right to use the streets at night as anyone else and that they should be able to do so without fear of being molested, intimidated or raped. The march was a large one, with over 700 people taking part. It was a very happy crowd; women were there of all ages and from all sections of the community.

Unfortunately, some incidents occurred towards the end of the march when the numbers had diminished; it was getting late at that stage, being past 10 o'clock. Whilst I was one of the people in the march, I and a number of friends had left the march before any of the incidents occurred, so that I cannot speak as a witness of what occurred. I noted while part of the march that many uniformed police were along the route of the march—more than I had seen at any previous Reclaim the Night march. Because I saw so many, I carefully examined the onlookers at the march to see whether any trouble might be expected. Certainly, my impression was that the observers of the march along Hindley

Street generally showed curiosity and interest in what was occurring. I certainly observed no aggression or hostility towards the people taking part in the march, with the exception of a small group of people—all men, I think—by the Star Grocery corner.

Because of the happy nature of the march I was most surprised and disturbed to hear that some disturbance and arrests had occurred right at the end of the march back to Light Square. My questions do not specifically relate to the arrests because that matter is *sub judice* and, not having been a witness, I cannot comment in any way about that. My questions are:

1. Did any one incident start the series of arrests that occurred and, if so, what was it?

2. Were plainclothes police along the route of the march as well as uniformed police and, if so, why? Were they involved in any of the arrests that took place?

3. Were any members of the Star Force police present and, if so, why? Were they involved in any of the arrests that took place?

4. Were plainclothes police inside a sex shop before a small number of women left the march and went into it? Did these plainclothes police identify themselves as such? Why were they there, and why did they not identify themselves?

The Hon. C.J. SUMNER: I will attempt to obtain the answers to the honourable member's questions. I saw the press report, but I am not in a position to provide any information at this stage. I will refer the question to my colleague and bring back a reply.

DRUG SURVEY

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about drug surveys.

Leave granted.

The Hon. J.C. BURDETT: Miss Hartwig has declared as to a number of extra political questions that were included in the survey on drugs, paid for by the Health Commission. My questions are: If the Minister maintains that he was aware of only one extra Party political question:

1. Why was a member of the Minister's staff informing sections of the media of the result of a further question in the survey as to the reasons for people approving or disapproving of him?

2. Does he agree that this further question was included in the survey?

3. Will he provide the results of that question?

The Hon. J.R. CORNWALL: This gets curiouser and curiouser. Sitting here and reflecting on the statutory declaration that has been produced today, we are told that as part of this ANOP survey people were asked about their Federal voting intentions. If that is the case I really should have a serious talk to Mr Cameron because I cannot think of any value that a Federal voting intention survey would have merely six months after the election of the Hawke Government and 2½ years before an election was due. Although some people may consider me positively statesmanlike, I make it clear to the Council that I am a simple provincial politician.

If Mr Cameron off his own bat asked about Federal voting intentions, he certainly exceeded any brief I gave him. I turn now to the matter of State voting intention: I have answered that question, and the document that I hold has been a public document for a long time. Yes, he asked (apparently because he classified Labor Party and Liberal National Country Party voters the same) people about their incomes and level of education.

The Hon. R.I. Lucas: You denied it last week.

The Hon. J.R. CORNWALL: I have never denied it.

The Hon. R.I. Lucas: It's on record—read *Hansard.*

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The honourable Mr Lucas is a very dull person. This document has been on the table of this Parliament—it has been a public document—since 8 December. This 'Lucasgate' affair is becoming an absolute farce. The Hon. Mr Burdett (John who?) is perpetrating the myth that other members of the Opposition have been touting about for some time—that a member of my staff has been ringing the media and extrapolating all sorts of things. I have asked my two personal staff members (and I have only two) whether they were ever involved in such an exercise. Their unequivocal answer, which I accept without qualification, is 'No'. In any case, how they could be ringing about with information that either, first, did not exist or, secondly, was well beyond their knowledge, I simply do not know. All I can say is that I have asked both members of my staff (who are both extremely competent and loyal people) about this matter. One of them is alleged to have a *quasi* religious fervour for his Minister (and I might say that he is a very good judge of character, in my view). Really, this whole matter has gone on for so long that it is now discrediting the Parliament. It is reducing us all to the politics of derision. Maybe there is something to be said for the politics of laughter, but I think that nothing can be said for the politics of derision or the continued belittling of this Chamber that some Opposition members are engaging in.

The Hon. R.I. LUCAS: Does the Minister deny that the following statement was made by him and recorded in *Hansard* last Wednesday:

> Frankly, he [me] is privy to more information than I am. I would like to know whence he gets that information, because I certainly did not commission a poll that asked about voting intentions on Saturdays, Sundays, Wednesdays, or any other days. I certainly did not pay for a poll that asked about voting intentions.

The Hon. J.R. CORNWALL: The honourable member really is a little twister. That was in the context, as I explained earlier today, of a specific poll that asked, 'If there had been a State election last Saturday, or if there were a State election next Saturday, how would you vote?' That answer was to be recorded on a piece of paper and placed in a box. That is my understanding of how such polls are conducted. I cannot imagine that there would be any value in such a poll, in relation to my performance, the Health Commission or anybody else, if it were taken in August 1983. That is really ludicrous, because I understand that we have until March or April of 1986 before we have to go to a poll in South Australia. It is perfectly reasonable and an entirely responsible use of public funds to commission an in-depth and in-breadth poll of community attitudes with relation to drug abuse and misuse in order to frame sensitive and sensible social policies in these areas.

Reform with reassurance, which I have always tried to have in the 16 or 17 months that I have been Minister of Health, is a very firm policy and approach pursued by the Bannon Government. Again, I make no apology for this. I told people about the document from 20 June: at all stages it was public knowledge, and as soon as possible it was a public document. Our draft legislation, the Controlled Substances Bill, was to a significant extent based on what was an in-depth survey of community attitudes. It is notable that the Controlled Substances Bill has passed both Houses of Parliament with an absolute minimum of controversy, because there was substantial agreement between all Parties that it was right. We knew what we were doing was right because we had accurate information. It is significant that one of the junior back-benchers, the Hon. Mr Lucas, who cavils and cavorts about ANOP, broke Party discipline and

crossed the floor to support what might be considered one of the slightly more controversial clauses of the Bill. If there is any credibility gap developing in this matter at all, it is with some members of the Opposition who continue to worry away at the bone long after all the meat has disappeared.

TROPICAL CONSERVATORY

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister for Environment and Planning, a question about the tropical conservatory.

Leave granted.

The Hon. I. GILFILLAN: I make no secret of the fact that I am very disturbed about the plan to locate a tropical conservatory in Botanic Park. It seems to me to be a quite irresponsible location, although I do not want that remark to be taken as a reflection on the project itself. Although there may be very good and logical reasons for the proposed location, I plead with those who will be instrumental in making the decision about that site to consider what will be the effects of that siting over the years (and one must look at perhaps 50 or 100 years) and of the gradual erosion of these incredibly precious features of the City of Adelaide that are occurring. I make this protest about this particular project to emphasise the fact that we are at risk if we allow the continued whittling away of our precious heritage.

The Hon. K.L. Milne: They would never have done it in London.

The Hon. I. GILFILLAN: Good for London—perhaps we can learn still from the old country in this regard. My questions are specifically related to the tropical conservatory, and I am sure that my preamble will be conveyed to the Minister in another place by the Minister of Health so that he understands my attitude when he answers my questions, which are as follows:

1. What is the source of funds for the proposed tropical conservatory?
2. Have the funds been allocated?
3. What funds were used for the architectural feasibility studies?
4. What planning approvals have been sought?
5. Is risk to endangered species the major reason for having a new conservatory?
6. In order to maintain security, what type of perimeter wall or fence is proposed?
7. What period of public consultation was there in the development of the plans for the project?
8. Who holds the title to the STA bus depot?

The Hon. J.R. CORNWALL: I think that a range of questions as comprehensive as that probably should have been placed on notice. Notwithstanding that, I will refer all of the honourable member's questions to the Minister for Environment and Planning forthwith. Indeed, they are matters of some public interest and importance and I will endeavour to bring back a reply as soon as I reasonably can.

The Hon. B.A. CHATTERTON: I desire to ask a supplementary question. When the Minister obtains that information, can he add to those questions and ascertain the recurrent cost of running the conservatory, once it is built?

TELECOM 008

The PRESIDENT: I have a reply to the question asked of me by the Hon. Mr Gilfillan in regard to the Telecom 008 service. I have made investigations through Telecom and have ascertained that the present Parliament House PABX switchboard is overloaded (which is no news to us) and, therefore, is unable to accommodate the Telecom 008 service. I understand that proposals are under way for a new board with increased capacity that would be able to incorporate such a system. I advise the Council that the 008 service would cost $1 000 a year in rental as well as 30 cents a minute per call for calls from country areas, and that would be payable by Parliament. Further, we should investigate the situation again when the new switchboard, which is capable of handling 008, is installed.

SURVEYS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about surveys.

Leave granted.

The Hon. K.T. GRIFFIN: The Attorney-General has indicated that, some time prior to last week's questions in the Council about the drug survey, he became aware of the results of the extra question asked relating to the personal approval of the Minister of Health. My questions are:

1. Is the Attorney aware of the extra nine or 10 questions asked in the survey?
2. Is he aware of any of the details of the results of those questions?

The Hon. C.J. SUMNER: I am not sure that I said last week that I was aware of the results. I am not making much of that, but I said that I recalled some discussion about the results of the Hon. Dr Cornwall's approval rating. They were not formal discussions; they were informal discussions. That is the extent of my knowledge of any results, other than the results of the survey tabled in the Council. I was aware of some information relating to the Hon. Dr Cornwall's personal approval rating at some time. I said that last week. The answers to the honourable member's two questions are 'No' and 'No'. I have no information about anything else.

The Hon. L.H. Davis: You still—

The PRESIDENT: Order!

The Hon. C.J. SUMNER: He can ask if he wants to. I do not mind.

The Hon. L.H. Davis: You still don't have any knowledge?

The Hon. C.J. SUMNER: No, that is right. The answer to the question of whether I was aware of any other survey—

The Hon. K.T. Griffin: Is the Attorney-General aware of the extra nine or 10 questions?

The Hon. C.J. SUMNER: No, I am not. I do not know that there were any further questions. I have no knowledge of that whatsoever. I am certainly not aware of it. I do not know whether they were included in the survey—

The Hon. J.R. Cornwall: Or whether they even existed.

The Hon. C.J. SUMNER:—or whether they existed.

The Hon. K.T. Griffin: Is the Attorney aware of the details of the results of the questions?

The Hon. C.J. SUMNER: No. The only matter apart from the material that has been tabled was some discussion about the Hon. Dr Cornwall's approval rating. It was not a particularly precise discussion; it was of a general nature. That is the only knowledge I have of the matters that the honourable member has referred to.

The Hon. R.I. LUCAS: I desire to ask a supplementary question. In the informal and imprecise discussions that the Attorney had with the Minister on personal approval was there any informal or imprecise discussion concerning the question that Miss Marie Hartwig alleges, that is, the recognition level question, which is separate from personal approval. The recognition question asks 'Do you know the name of the Health Minister?' In these informal and impre-

cise discussions with the Minister of Health was the Attorney made aware of the results of that question in relation to the Health Minister?

The Hon. C.J. SUMNER: No. My recollection is that that was not part of the discussions. I do not recall that. I do not even recall what the actual survey results were in terms of approval. Until the Hon. Dr Cornwall introduced those figures in the Council last week they were not something of which I was specifically aware. They may have been mentioned in discussions, but they were not something that I particularly remembered. Certainly, I had no independent recollection of them. My recollection is that the matter that the honourable member now raises was not something that I had heard of prior to his asking the question here today.

The Hon. L.H. DAVIS: I desire to ask a supplementary question.

The PRESIDENT: There has already been one supplementary question. Other members must be given an opportunity to ask questions.

POLICE HARASSMENT

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Chief Secretary, a question about police harassment.

Leave granted.

The Hon. ANNE LEVY: I understand that an incident occurred at about 1.45 a.m. last Sunday morning 15 April at 249 Pulteney Street, Adelaide. I am told that certain members of the Vice Squad entered the premises there, spoke to numerous people, both individually in side rooms and as a group in the lounge area. I have received several affidavits from people who were present to the effect that one sergeant of the Vice Squad pulled a gun from his ankle holster, cocked it and pointed it at the head of one of the men present. While he did so and while the man held his arms above his head a constable from the Vice Squad, at the direction of the sergeant, undid the man's trousers and pulled them down with his underpants to his ankles and conducted a body search. All this occurred in front of about 10 people—both men and women.

I understand that police operational instructions lay down very strict conditions as to police pulling their guns and aiming them at people. To my knowledge—and I may be mistaken—before an officer pulls his gun he must know that the individual concerned has a gun (he must not just suspect that he has a gun) and, furthermore, have reasonable cause to believe that the individual concerned will use it. In this case, the man involved was not armed and had done nothing, according to the numerous affidavits that I have received, to give any cause for suspicion that he would use a gun (even if he had one). Furthermore, I understand that police operational instructions do not permit an individual to be searched unless he has been arrested first and then, even when arrested, only a pat search can be done in public—that any search requiring undressing can only be done in private, and certainly not in mixed company.

I understand that the victim of this alleged intimidation and harassment has not been arrested or charged with any offence whatsoever. I have an affidavit from him. He has not yet laid a formal complaint against the police, although his affidavit states that, if the Commissioner wishes him to lay a formal complaint, he will do so. I understand further that he visited at the request of the police the chief officer of the Vice Squad yesterday morning to discuss the incident. If the events that occurred at that time and place are as described in these affidavits, I can only describe it as a most disgraceful humiliation, harassment and intimidation of an individual. I ask the Chief Secretary the following questions:

1. Did a Sergeant of the Vice Squad pull a gun and aim it at an individual at about 1.45 a.m. on 15 April at the above address?
2. Did a constable of the Vice Squad take the man's trousers and underpants down to his ankles and search him in front of onlookers, both men and women, while a gun was aimed at him?
3. If the events described or something like them did take place, what action, disciplinary or otherwise, does the Police Commissioner intend to take, regardless of whether or not the individual concerned lays a formal complaint against the police?
4. If no formal complaint is ever laid, will the Commissioner still investigate these allegations, regarding which I would be very happy to provide him with the affidavits that have been presented to me and, if not, why not?

The Hon. C.J. SUMNER: I will attempt to obtain the information for the honourable member.

DRUG SURVEY

The Hon. C.M. HILL: Will the Minister of Health indicate which members of the State Labor Party organisation were provided with the results of the questions and answers of the survey?

The Hon. J.R. CORNWALL: That is a ridiculous question, and I believe that I ought to treat it with the contempt that it deserves.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: We were talking about the allegations that had been made that I was assisting in the perpetration of crimes against workers in regard to the radiation and protection regulations. That is what I was talking to him about. I did not provide anything, and the Health Commission did not provide anything. The Health Commission paid for and received—

The Hon. R.I. Lucas: What happened to—

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —all the results which have been tabled. That is a contemptible question, and it does the Hon. Mr Hill no credit at all, particularly in the light of his long years in this Parliament.

The Hon. C.M. HILL: I wish to ask a supplementary question. Is it a fact that the Secretary of the organisation, Mr Schacht, was in Parliament House literally blasting hell out of the Minister only yesterday?

The Hon. R.I. Lucas: In the corridors?

The Hon. J.R. CORNWALL: Really, you are getting—

The Hon. C.M. Hill: Well, answer it!

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Members opposite should not be so damned stupid.

The Hon. L.H. DAVIS: Will the Attorney-General advise the Council which questions, of which the Council is unaware at this stage, were asked in that survey, given that he has had only informal discussions to date with the Minister of Health concerning the survey questions.

The Hon. C.J. Sumner: I haven't had any discussions.

The Hon. L.H. DAVIS: Well, will the Attorney undertake to make available to the Council the nine or 10 questions that were obviously contained in that survey?

The Hon. C.J. SUMNER: I am a bit concerned in relation to the question asked by the Hon. Mr Griffin. There was an inaccuracy in what the honourable member said about the statement that I made last week. I have checked the *Hansard.* Last week I did not say that I was aware of the results of the survey: I said that I recalled some discussion

about it. There is a difference. The fact is that that question was asked on a wrong premise. If members are to come into this place and make serious accusations about my actions in relation to this—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Just a minute.

The Hon. R.I. Lucas: You agreed to it.

The Hon. C.J. SUMNER: I agreed to what?

The Hon. R.I. Lucas: You said that you had some knowledge.

The Hon. C.J. SUMNER: I said that I had some discussions.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member can peruse the *Hansard.* The question that the Hon. Mr Griffin asked contained a statement that I had not used in the Parliament. He said that I had said that I was aware of results, and that is not the statement that I made in relation to the question last week. If the Hon. Mr Lucas cared to check the *Hansard*—

The Hon. R.I. Lucas: What did you talk about?

The Hon. C.J. SUMNER: I will tell the honourable member what I said. If he really wants to know—

The Hon. R.I. Lucas: You had some knowledge of his personal approval rating. What does that mean?

The Hon. L.H. Davis: I want to know where you got that information.

The Hon. C.J. SUMNER: I will tell you what I said. The thing that concerns me—

The PRESIDENT: Order! Question Time has expired.

The Hon. C.J. SUMNER: I am concerned that members opposite—

The PRESIDENT: Order! Does the Attorney wish to extend? If he does not, I will call on the Orders of the Day.

GOVERNMENT EMPLOYEES

The Hon. C.M. HILL (on notice) asked the Minister of Ethnic Affairs: In relation to his Ministerial officers, his Department (if any) and statutory authorities administered under his portfolio:

1. What was the aggregate number of employees as at 30 December 1982 and 30 December 1983?

2. Between the period 30 December 1982 and 30 December 1983 how many employees—

(a) retired?

(b) resigned?

The Hon. C.J. SUMNER: No separate departments or statutory authorities are allocated to this portfolio. The figures would have been provided previously in regard to the Department of Public and Consumer Affairs. If the honourable member wants the information in relation to the Ethnic Affairs Commission, I dare say that it can be provided.

The Hon. C.M. HILL (on notice) asked the Attorney-General, representing the Minister for the Arts: In relation to his Ministerial officers, his Department and all statutory authorities administered under his portfolio:

1. What was the aggregate number of employees as at 30 December 1982 and 30 December 1983?

2. Between the period 30 December 1982 and 30 December 1983, how many employees—

(a) retired?

(b) resigned?

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

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister for the Arts were:

	December 1982	December 1983
Department for the Arts	134.1	145.7

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

[*Sitting suspended from 12.50 to 2.15 p.m.*]

ROXBY DOWNS

The Hon. K.T. GRIFFIN: Does the Attorney-General have an answer to my questions of 3 and 12 April on Roxby Downs and loitering charges?

The Hon. C.J. SUMNER: I have been asked a number of questions by Mr Griffin relating to the decision of Mr Justice Cox dismissing an appeal in respect of a loitering charge arising from the Roxby Downs protest last year and as to whether that decision would be appealed to the Full Court of the Supreme Court. I have received advice from the Crown Solicitor upon the question of appeal. That advice indicates that, while there may be grounds of appeal, the decision of Mr Justice Cox was largely influenced by the state of evidence led by the prosecution at the trial. I am advised that additional evidence can be led in subsequent prosecutions. It is expected that this further evidence would allow the point of principle arising in these cases, namely, whether the loitering occurred in a public place, to be better argued in any appeal. As it appears that the legal issues arising out of these prosecutions can be better argued on a case with more fully presented evidence, I have given instructions to the Crown Solicitor not to proceed with an appeal to the Full Court from the decision of Mr Justice Cox. In addition, further prosecutions are to be proceeded with and the first of these has been listed for hearing on 1 June 1984.

At the present time 232 charges of loitering arising from the Roxby Downs protest remain to be determined. Of the 232 persons charged, six have additional charges and it is expected that these will be dealt with in conjunction with the loitering charges. In addition, 11 persons were charged with offences other than loitering. Of these, seven have been determined, with charges against four pending before the courts. These charges are for behavioural offences (such as disorderly behaviour, hinder police, fail to obey a reasonable direction, and the like) which do not depend on any finding that the offence occurred in a public place. Charges of this type which have not yet been finalised will be prosecuted in the normal way. As has been indicated, the advice received from the Crown Solicitor is that the decision of Mr Justice Cox turned largely on the state of the evidence in the particular case before him. Accordingly, the Government does not see that decision as requiring a legislative response at this time.

SHOP TRADING HOURS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 2916.)

The Hon. G.L. BRUCE: I rise to put the Government's viewpoint. At present we are opposed to this Bill going any further. As members will recall, some months ago a Bill was brought in by the Hon. Mr Gilfillan. In that Bill a period was set up for trading for red meat allowing for Thursday nights and Saturday mornings or Friday nights and Saturday mornings as an optional trial. The Government does not believe that the Bill has had a fair trial. Upon going around to some supermarkets, I found that tables had been set up with boxes, hundreds of pieces of paper and pens with a big notice saying, 'Sign this petition and send it to your local MP protesting against shop trading hours.'

The Hon. R.I. Lucas: That's democracy.

The Hon. G.L. BRUCE: That is democracy at work, but that situation arose in the first week that the Act came into force. It was not given a fair trial. Pressure is being put by people out there for their own means and ends without giving the Bill, introduced by the Hon. Mr Gilfillan, a fair chance. There has been no further consultation within the industries vitally concerned with red meat sales, namely, the butchers, the union concerned or the shops involved. I imagine that primary producers are also into the act, but there has not been the consultation that we envisage should take place before a new Bill of this sort comes before us.

I believe that political expediency by the Hon. Martin Cameron puts this Bill before us. Given the fullness of time and the trials and tests of the present legislation, giving flexibility to trade on Thursday, Friday or Saturday, it should be given a fair go. We do not believe that it has been given a fair go and, therefore, because this Act has not had time to work, we are opposed to bringing in a new Bill straight away. Therefore, the Government opposes the Bill introduced by the Hon. Martin Cameron.

The Hon. M.B. CAMERON (Leader of the Opposition): It was nice to see the Hon. Mr Bruce get up and at last be able to express an opinion about this matter, which has been around for a long while, as he said. The Government seemed to take about a month to be able to make up its mind on whether or not to allow a vote on it. We remember the farce of last week when I attempted to have the debate adjourned until the next day of sitting to give the Government another 24 hours but, no, the Attorney-General took the matter out of my hands and put it off until this Wednesday. He tried to force it through until 9 May. Fortunately, he did not succeed.

The Hon. C.J. Sumner: That's because you wanted the next day.

The Hon. M.B. CAMERON: There is nothing wrong with the next day. I had already been waiting some time for members opposite to make up their minds on this momentous matter, namely, whether people should be able to buy one of the major products of this country during normal shop trading hours. That really is a very heavy decision for the Government! At last it has come to a decision, namely, 'No, one should not be able to do so.' That is an extraordinary viewpoint—one which I find quite unbelievable. It is incredible that in our society we have a crazy situation where a major product—not one that we buy from elsewhere—of the rural community of this State is not able to be bought by the housewives of this State during normal trading hours.

The Hon. G.L. Bruce interjecting:

The Hon. M.B. CAMERON: No, they cannot. Are people going to travel around Adelaide, or whatever part of the State in which they live, trying to find a butcher shop that is open at one time or another? If they are unfortunate enough to live in an area where all the butchers decide that they will open on Saturday mornings, they do not have the opportunity of buying their meat during late night trading hours.

If they are unfortunate enough to live, on the converse, in an area where all the butchers decide to open on late night trading they cannot buy their weekend meat on Saturday morning. How on earth a sensible Parliament can support that sort of measure continuing to exist is beyond me. It is a disgrace to this State that we have passed a measure in this Council that leads to that situation; it is a disgrace to this State that evidently the Government is prepared to allow this provision to continue. The net result of its saying today that it will not support the Bill is that it will not get through the Lower House and that situation will continue. I suppose that that is the Government's level of sensitivity towards the rural community, the housewives of this State and the people who wish to trade in a normal product in this State. So, we will continue with this absolutely crazy situation.

I urge the Government to change its mind on this issue, to take up this matter as a Government Bill, to take the credit for it if it likes in the Lower House and to introduce this Bill when it gets down there. I challenge any member of the Government in the Lower House, any private member, any Minister, or anybody who is prepared to take it on board to see me and I will delegate that person to take the Bill into the Lower House, and that person will become the hero of the housewives and of the farmers. That person will get it through the Lower House. The members on our side of the Lower House would be only too delighted to see that happen, but none of the Government members would because they have been told by Caucus that in this important matter of whether one can buy red meat during normal trading hours the Government decision is, 'No, you shall not unless we give approval.' So be it.

The Hon. G.L. Bruce interjecting:

The Hon. M.B. CAMERON: We neither supported it nor did not support it. That situation will continue to exist, but I warn the Government again that on the first day, at the first opportunity, of the new session of Parliament I will reintroduce this matter; it will come back and back until it is finally passed and until the Government finally decides that it will allow the people of this State to enjoy one of the products of this State and to be able to purchase it during normal trading hours. I hope that at some time in the future the Government can take this big, momentous step forward in our shop trading laws and allow this product to be sold in normal trading hours. I urge members to support the Bill.

The Council divided on the second reading:

While the division bells were ringing:

The PRESIDENT: I point out to members that there is a camera in the upstairs gallery.

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and K.L. Milne.

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

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. C.W. Creedon.

Majority of 3 for the Ayes.

Second reading thus carried.

Bill taken through Committee without amendment. Committee's report adopted.

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That this Bill be now read a third time.

The Council divided on the third reading:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and K.L. Milne.

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

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. C.W. Creedon.

Majority of 3 for the Ayes.

Third reading thus carried.

Bill passed.

POLICE OFFENCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 28 March. Page 2911.)

The Hon. C.J. SUMNER (Attorney-General): The Government is prepared to support the second reading of this Bill, although we wish to further debate the matter during the Committee stage. If a Bill satisfactory to the Government emerges from this Council, then the Government would be prepared to make time available in the Lower House for the Bill to pass into law prior to the end of this session. However, that is conditional on the matter being agreed to by the Government in this Council. The broad intention of the Bill is not in dispute, but the means that the Hon. Mr Griffin has used in his Bill to achieve that intention are subject to question. I make two preliminary points without labouring them: first, the Hon. Mr Griffin, in his second reading explanation, gave the example of a person who went to hospital for six weeks leaving a home vacant and who came back to find that squatters had taken over. As I understand, that matter received some publicity and was dealt with on the programme *Nationwide*.

The facts are not as outlined by the honourable member in his second reading explanation. However, I will not labour that point except to say that I do not think that matters were as clear cut in that incident as the honourable member indicated in his second reading explanation. The honourable member also mentioned the squatters manual. While not giving any support to that manual, I think a lot was made of it when, as I understand, the manual has not been in existence or circulation in recent times and was published initially three or four years ago.

The Hon. K.T. Griffin: It is still available.

The Hon. C.J. SUMNER: It may still be available, but it is certainly not something, as I understand it, that is currently being actively published. I make those points for the record. Apart from that, the intention of the Bill (to provide some clarity of the law in relation to squatters) is supported by the Government.

In order to arrive at an appropriate amendment to the Police Offences Act, I refer to the Mitchell Report at page 210 where offences of wrongful entry or occupation are dealt with. The Mitchell Committee makes the point that under the present law there is no general offence of trespass to land and subsequently recommends that there should not be such a general offence. That is apparently accepted by the honourable member, who has not included such a general offence of trespass in his Bill. The only thing that comes close to trespass is section 17 of the Police Offences Act, with which the honourable member's Bill does deal. The Mitchell Committee, in this extract, points to the vagueness of expressions used in section 17—'unlawful purpose' and 'without lawful excuse'. It makes the point that those offences fall short of making any actual act of trespass to land an offence. The conclusions of the Mitchell Committee are as follows:

> Although the problem is not clearcut, we have concluded that a general offence of trespass to land is neither necessary nor desirable. Such an offence presupposes that every technically unjustifiable entry upon land should attract the attention of the criminal law.

The report continues later:

> As a general proposition the criminal law, in its relation to intrusion on land, should be reserved for situations in which damage or harm to persons or property can reasonably be expected, or where the element of nuisance involved is exceptionally high.

The Mitchell Committee then goes on to say that it commented on the vagueness, in some respects, of section 17, and then states:

> Our criticisms of the section relate to terminology rather than the substance of what the section is intended to achieve.

Further, the Mitchell Committee recommends that section 17 be repealed, as follows:

> We therefore recommend its repeal and replacement by a differently worded offence to approximately the same effect. An appropriate offence would be one which penalises a person who, being unlawfully on land, fails to leave as soon as is reasonably practicable after being ordered to do so by a person entitled to occupation.

That is the Mitchell Committee's view on this subject. I assume that that is what the honourable member is attempting—it is not exactly what he is attempting but it is partly what he is attempting. He has retained what the Mitchell Committee believed were the unsatisfactory aspects of the definitions of section 17.

My criticisms of the honourable member's drafting would be in terms of the Mitchell Committee recommendations. His proposal still retains what the Mitchell Committee regarded as unsatisfactory in section 17. My second criticism would be that the honourable member's amendment goes too far in one direction, in that it gives a member of the Police Force the right in relation to premises which belong to the Crown or an instrumentality of the Crown the power to order people off the land, even though that may not be requested or considered appropriate by the person who has the administration, control or management of the premises.

What I have circulated for consideration at this stage, because I must still formally approve the amendment, picks up the criticism of the Mitchell Committee of section 17 and also restricts to some extent while still not excluding the police from some role in this area if the owner or occupier of the premises believes that the police should be involved and should be called in. I will explain the effect of the amendment in this second reading debate so that all honourable members can consider it during the break. My intention would be that the matter should be finally considered in this Council on the Wednesday after we resume. If satisfaction can be reached, the matter can be dealt with in the House of Assembly in the final week and a half of the session.

The amendments that I have circulated have the following effects. The first effect is to leave out clause 2 of the Bill and substitute a new clause 2. New clause 2 provides for the repeal of section 17 and the substitution of new sections 17 and 17a. New section 17 provides in subsection (1) that a person who, being a trespasser on premises and having been asked to leave by an authorised person, fails to leave or again trespasses within 24 hours, is guilty of an offence punishable by a fine of $2 000 or imprisonment for six months. New subsection (2) is an evidentiary provision—an allegation in a complaint that a person named therein was on a specified date an authorised person in relation to specified premises shall be accepted as proved in the absence of proof to the contrary. New subsection (3) defines 'author-

ised person' as a person in possession of or entitled to immediate possession of premises, or a person acting on the authority of such a person.

Where the premises belong to a school, educational institution or other instrumentality of the Crown an authorised person is the person having the administration, control or management of the premises or a person acting on the authority of such a person; 'premises' means any building or structure, any land that is fenced or otherwise enclosed, any land (whether or not fenced) forming the yard, garden or curtilage of a building, or any aircraft, vehicle, ship or boat. New section 17a provides in subsection (1) that, where a member of the Police Force believes on reasonable grounds that a person has entered premises, or is present on premises, for the purpose of committing an offence, he may order the person to leave. Failure to comply with the order is an offence punishable by a fine of two thousand dollars or imprisonment for six months (subsection (2)). 'Premises' is defined in new subsection (3) as any building or structure, any land that is fenced or otherwise enclosed, any land (whether or not fenced) forming the yard, garden or curtilage of a building, or any aircraft, vehicle, ship or boat.

I have provided that explanation for the benefit of honourable members. I conclude by saying that the Government intends early in the next session to introduce a Bill to amend the Police Offences Act which will cover a number of other issues that are not canvassed in this Bill. The consideration of that matter is reasonably well advanced and I hope that the drafting instructions can be given in the near future. In the meantime, I accept the proposition of the honourable member that this matter should be dealt with and we will attempt to facilitate it, provided that some agreement can be reached in the Council on an appropriate means of dealing with it. The Council has now before it the honourable member's proposition and the amendments which I have circulated and which put foward my tentative view of the way the matter should be resolved. I support the second reading.

The Hon. K.T. GRIFFIN: I appreciate the favourable response that the Attorney-General has given to the Bill to amend the Police Offences Act. I am pleased also that he has discussed in his contribution to the second reading debate his amendment; he has largely picked up the main provisions of my amendment. If, when the matter is considered in Committee, there can be agreement on the drafting, I would certainly welcome the proposal that the Government adopt the Bill and have it passed before the end of this session.

There are several matters that I want to comment upon, the first being one of the incidents to which I referred in my second reading explanation, namely, the occupation of premises of a person who had been in hospital for six weeks. The Attorney said that he was not sure that the facts that I related were in fact the accurate facts of the case. I believe them to be accurate but, whatever the position, the fact is that there was squatting, for whatever reason, in a dwelling house without the approval of the owner.

The other matter is in relation to the squatters manual. While it may be that in fact there has been no active publication by the original publishers of that manual for a period, the fact is that the squatters manual is still being used actively, whether in original form or after various mutations through the photocopying processes, and it is still being used by those who squat unlawfully in premises. In respect of the possible amendments which we may consider in Committee, one significant difference is the period of imprisonment for an offence. The monetary penalty of $2 000 is the same as the penalty that I provided in my Bill. The imprisonment has been fixed at six months rather than 12 months in my Bill.

While I have a preference for 12 months, I will not let that be the deciding factor as to whether or not the Bill in an otherwise acceptable form passes the Council. In relation to either school or education premises or premises belonging to the Crown or an instrumentality of the Crown, I believe that a police officer, in ordering a trespasser off the premises, may find it difficult to find the person who has the administration, control or management of the premises, or a person acting on the authority of that person, particularly during holidays, on weekends, or at night. If people are trespassing on school premises where there have been a number of incidents, particularly fires, in recent years, someone should have the appropriate authority to get rid of them. It seemed to me that the police were the appropriate people to do that if those in authority could not be found.

It would be somewhat strange if a trespasser was identified by the police on a regular patrol but the police were unable to require that person to leave the school premises without finding someone in authority. For that reason, some identifiable person should be employed by the Crown to exercise that responsibility. We must remember that this relates only to premises of the Crown. I would like the Attorney and his advisers to consider that matter further and to find a suitable mechanism whereby some person, who can give the appropriate order for trespassers to leave premises owned by the Crown, or an instrumentality of the Crown, can be identified.

My other concern relates to proposed new section 17a in the Attorney-General's foreshadowed amendments. As the Attorney has indicated that the amendments still require his final approval before he formally moves them, will he consider what I believe to be a problem in relation to proposed new subsection (1), which provides that, where a member of the Police Force believes on reasonable grounds that a person has entered or is present on premises for the purpose of committing an offence, he may order the person to leave the premises? The police officer must have a reasonable belief that a person is on those premises for the purpose of committing an offence. It may well be very difficult to determine that in a very short time. In addition, it is rather strange that, where a member of the Police Force believes that there are reasonable grounds, all he is able to do is order the person to leave the premises. If that person does not leave the premises, he or she is guilty of an offence.

I would have thought that, if there was reasonable ground for believing that a person had entered premises or is on premises for the purpose of committing an offence, the police should have wider power than merely being able to say 'Please leave the premises.' It suggests to me that the police are required to turn their back on the facts of a case and not take appropriate action to detain that person where there are reasonable grounds for belief that the purpose of his being on the premises is to commit an offence.

Will the Attorney consider that further in the next 10 days or so? I am not averse to the complete redrafting of section 17, but I would not like us to redraft it so that, rather than give stronger and more positive power to deal with persons who are trespassing on premises, we in fact delete other powers to remove people who are unlawfully on premises. I know that this is a difficult area of the law, but I hope that there will be an opportunity to investigate this matter further with a view to clarifying that matter. I am pleased that there is a reasonable prospect that this proposal may have the support of the Government when we next consider the matter.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Being unlawfully on premises.'

The Hon. K.T. GRIFFIN: I suggest that we report progress.

Progress reported; Committee to sit again.

PLANNING ACT AMENDMENT BILL (1984)

Third reading.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a third time.

Since the events of last week, which have been subject to a variety of interpretation, the Government has been pressed by people, concerned for future orderly planning in this State, to re-present the Bill. The condition of development control decision making in this State will be very difficult indeed if this legislation, or something which approximates very closely to it, does not pass the Council today.

Last week, the unfortunate consequence of the legislation failing was canvassed. Nothing has occurred since then to shift the Government from that view. On the contrary, it is widely understood that members opposite have been approached by representatives of local government and planning and environmental organisations requesting reconsideration of their opposition to the Bill.

The Minister responsible (Hon. Dr Hopgood) has been informed that a developer in the retail industry is now preparing plans for major developments of existing shopping centres which would be pursued in the event of what would be seen as an appropriate outcome of the current Supreme Court action in the Dorrestijn case.

This Government is certainly not opposed to development, but it is clearly most desirable that such propositions should come under the appropriate planning review. To do less than to attempt to rectify this potential anomaly would be against the best interests of the community, in both city and rural areas. I could go on with examples of single-storey flats being transformed into multi-storey flat developments based on the actual court interpretations of the 'existing use' provisions of the Planning Act, and the possibility that the Full Court of the Supreme Court may confirm those interpretations. Numerous examples of equal concern have been canvassed in recent days, and I will not recite them at this point.

In view of the concerns expressed by honourable members opposite, the Government proposes to move a number of amendments to the Bill, the substance of which I will outline now. The purpose of the first amendment to clause 2 is to provide that, with the exception of that portion of the Bill affecting section 56 (1) *(a)*, the Bill will come into operation upon the Governor's assent.

It is the Government's intention that the amendment affecting section 56 (1) *(a)* should not come into operation until a date to be declared by proclamation, and that such a proclamation will not be made until after the Full Court of the Supreme Court has delivered its judgment in the case of the *South Australian Planning Commission v. Dorrestijn.* The Government has adopted this approach because of the concerns expressed by members opposite. The purpose of the second amendment is to preserve the sunset clause so that those concerns may be fully canvassed whilst the situation which the Government now seeks to implement is preserved.

Some members opposite have expressed the view that to amend or suspend section 56 (1) *(a),* prior to the judgment of the Full Court in the Dorrestijn case, would be premature. Accordingly, in recognition of that concern, the Government is prepared to give, and hereby gives, an undertaking that the suspension of section 56 (1) *(a)* will not be brought into operation until after the Full Court has delivered its judgment. If, after the judgment has been handed down and evaluated, it is considered unnecessary to then suspend section 56 (1) *(a)*, the proclamation for the operation of clause 7 *(a)* and 7 *(ab)* will not be made.

If, on the other hand, it is necessary for the proclamation suspending these provisions to be made, I point out that that proclamation will also activate the sunset clause. The purpose of the sunset clause is to maintain proper and effective planning controls while the concerns of members opposite are fully canvassed. From a practical viewpoint, this means that unless all concerns are satisfactorily met the sunset clause will operate so as to reinstate section 56 (1) *(a)*. This, of couse, will provide a strong incentive for all members in this place, and in another place, to work towards an effective accord. Indeed, steps in this direction have already commenced.

Over a number of months, the Government has investigated submissions by the United Farmers and Stockowners and commissioned a report from Mr Ken Taeuber into the incidence of hardship amongst farmers in relation to vegetation clearance, and possible measures to address those problems. More recently, the Government entered into negotiations with the United Farmers and Stockowners in relation to a hardship scheme under the umbrella of the Rural Adjustment Scheme already in place and operated by the Department of Agriculture.

The Government has taken the United Farmers and Stockowners into its confidence by commencing those negotiations. While the Government recognises that the proposals do not extend to compensation as a matter of right, which the United Farmers and Stockowners submit should apply, the Government believes that the 'hardship scheme' would assist individual farmers particularly hard hit by the vegetation clearance controls. Only yesterday, further discussions concerning the harship scheme were held with the United Farmers and Stockowners, and the Minister for Environment and Planning announced the scheme as proposed.

The Government confidently expects that, once the adjustments to which I have referred are in place, there can be no reasonable opposition to the permanent repeal of section 56 (1) *(a)* (provided such a repeal is necessary) and, accordingly, it is expected that the provisions of the sunset clause will be repealed when Parliament further considers this matter prior to 1 November.

Before we move to a detailed consideration of the clauses of the Bill, I think it appropriate in conclusion to express the view that one of the purposes of this Bill is to bring to fruition what must surely have been one of the aims of the previous Government when it introduced the Planning Act, which we now seek to amend. I find it difficult, if not impossible, to imagine that the then Government deliberately introduced a Bill which permitted virtually unrestricted expansion of existing 'non-conforming' uses without planning approval. One of the clear and obvious objectives of the Government of the day in introducing the Planning Act was to remove the opportunity to expand 'non-conforming' uses in the manner which was permitted under the repealed Planning and Development Act.

The reason why this objective has not been realised is that the provisions of section 56 (1) *(a)* have been interpreted far more widely and very differently than was envisaged when the Act was drafted. This Bill now seeks, amongst other things, to make clear that the expansion of 'non-conforming' uses without approval cannot occur. This will bring the Act into conformity with what was obviously intended when the Planning Act was introduced. Were honourable members opposite to continue to espouse the view that this Bill constitutes some fundamental invasion of rights previously bestowed by the Planning Act, I would ask

them to explain what they thought they were supporting when the Planning Bill passed this Council in 1982.

This matter still needs to be resolved. It is important, in the interests of the State, the environment and proper planning procedures in South Australia, that the matter be resolved. For that reason, I have moved that the Bill be now read a third time on the understanding that an attempt will be made to have the matter reconsidered, recommitted to Committee and further consideration given to some of the clauses of the Bill before the motion to have the Bill read a third time is put again.

The Hon. M.B. CAMERON (Leader of the Opposition): It would be appropriate for me to say a few words at this stage in relation to the Bill as it now stands. As it now stands, the Bill is not acceptable to the Opposition, but certainly we will not stand in the way of an attempt to improve the Bill. That would be irresponsible. However, I will say a few words about the views expressed by the Minister in relation to the Planning Act as it now stands and as it has existed since it was changed. When the Opposition as a Government put through changes to the Planning Act, section 56 (1) *(a)* was part of the Act and, therefore, existing use, as it was then understood, was a part of that Act. There has been an attempt by the Government to infer that section 56 (1) *(a)* has suddenly become a monster. I do not agree with that, and I believe that this area of the Planning Act is being exaggerated. However, that is a matter for people more expert in the law than I to argue in the courts.

Some examples have been used in relation to section 56 (1) *(a)* and the interpretations that the court has been placing upon it. One example given was that of a slaughterhouse going through a rebuilding process. I understand that the slaughterhouse had to be rebuilt because of changes in the health regulations. If the changes had not been made, the slaughterhouse could not have continued in its existing use. The previous restrictions that occurred in relation to the numbers that could be slaughtered as well as other restrictions continue, but the people concerned were able to continue with the use. If section 56 (1) *(a)* had not existed, these people could have been told that, because they were going to make changes which were brought about by changes in the law, they were not allowed to continue and would have had no right of appeal to any body because existing use provisions no longer existed.

I do not believe that the laws should be changed in such a way as to take away property rights without there being some right of appeal and some measure of protection for existing uses. The Minister has attempted to infer that a small corner shop could be developed into a large supermarket. I do not accept that; nor do I accept that court rulings would allow that to occur because it refers to existing use, namely, existing use within that property area.

We will certainly be watching that area closely, but at the moment the Minister certainly has not convinced us that that problem has arisen to such monumental proportions that it is necessary for the whole of the existing use provisions to be wiped out and for us to take away all existing property rights that have existed under section 56 (1) *(a)*. It is important that this Parliament protect people's property rights. I said that in the original second reading debate and repeat it now, because it is an important part of our Westminster system and a part of people's rights to their own property.

With relation to the second matter which has been brought into this Bill and which has been somehow intertwined by the Government in an attempt to get the whole matter through all at once is the question of the vegetation clearance controls. I make it absolutely plain—and there have been attempts to say otherwise—that the Opposition does not oppose controls on the clearing of native vegetation. Not one person in the Opposition would take a position other than that, but we have taken exception to the manner in which this whole matter was introduced. I said earlier that this Government can take direct responsibility for the enormous amount of clearing that has occurred in the past 12 months because it has created panic in the community; it has caused a greater number of applications for clearing than would have occurred in the next 10 years; and it must take direct responsibility for the enormous amount of land that is now being cleared under its supervision and with its permission. If the Government had done this thing properly in the first place a lot of that land would never have been cleared, or certainly would not have been in the short term. The Government has panicked the rural community.

A person was in my office yesterday who wanted to know how to go about getting permission to clear 700 acres of land. I could not help him; he had to go about his application in the normal way. But I asked him, 'If these regulations had not come into force would you have cleared this land?' He said, 'No, probably not. It was not in my mind in the immediate future, but I will not leave a situation where a Government tells me what I will do on my property, and I intend to attempt to proceed.' That same story exists all over this State. This Government can also take direct responsibility for the enormous amount of ill feeling between the farming industry, the environmentalists and the Department of the Environment.

I trust that the Government in the recommittal proceedings will at least attempt to ameliorate this bad feeling that now exists because of its actions by at least considering some compensation for farmers for their loss of property rights. If it does that I can assure it that that will at least be a beginning of the diminution of the ill feeling that now exists.

We support this move of the Government. We do not support the third reading of this Bill as it now stands; we do support the move on the understanding that this Bill goes back to Committee and on the understanding that (at least for a short period, for further discussions to take place today) the Minister will report progress.

Bill recommitted.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.R. CORNWALL: I understand that the Leader of the Opposition is looking for some further, but I hope very brief, consultation on these matters, and I therefore—

The Hon. M.B. Cameron: It is so important. You should not push it too far.

The Hon. J.R. CORNWALL: He really is a third rate actor.

The CHAIRMAN: All that I am interested in is some instruction.

The Hon. J.R. CORNWALL: He wishes to take some further instruction, which should be brief. I therefore believe that it is reasonable in the circumstances that we should report progress.

Progress reported; Committee to sit again.

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Aged and Infirm Persons' Property Act, 1940. Read a first time.

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

That this Bill be now read a second time.

The powers of a person appointed to be a manager of the estate of an aged or infirm person are enumerated in section 13 (1) of the Aged and Infirm Persons' Property Act. At

present a person appointed to be such a manager has no power, without the sanction of an order of the court under section 25 of the Act, to apply for a grant of administration for the benefit of the protected person where the protected person would, but for his incapacity, be entitled to a grant of probate or administration in respect of the estate of some deceased person.

The Bill proposes the addition of such a power in order to render effective a proposed new rule of court which makes special provisions for grants of administration in cases of mental or physical incapacity. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 13 of the principal Act, which provides for the powers of a person appointed to be manager of the estate of an aged or infirm person. The clause adds a new power, namely, that the manager may obtain a grant of administration on behalf of the protected person during the person's incapacity where the person would, but for his incapacity, be entitled to obtain a grant of probate or administration.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Administration and Probate Act, 1919. Read a first time.

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

That this Bill be now read a second time.

Under suggested new Rules of Court prepared by the Law Reform Committee, there is a proposal that certain matters arising from common form practice in the court will be delegated to and dealt with by the Registrar of Probates. In order to achieve this objective it is necessary for the Administration and Probate Act to be amended to enable the court to empower the Registrar to deal with such matters. In addition, provision has been made to allow an administrator appointed under the Mental Health Act to obtain a grant of probate or administration on behalf of the patient during the patient's incapacity where the patient would, but for his incapacity, be entitled to such grant. A special provision has been proposed in the new rules relating to grants in the case of mental or physical incapacity making this change to the Act necessary. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts in the principal Act a new section 7a providing that the Registrar of Probates may exercise the jurisdiction, powers and authorities of the Supreme Court or a judge of the Supreme Court to such extent as may be authorised by rules made under the principal Act. The provision extends to jurisdiction, powers or authorities whether arising under the principal Act or otherwise. Under the proposed new section there may, subject to the rules, be an appeal to a judge of the Supreme Court against a judgment, determination, direction or decision of the Registrar given or made in the exercise of a jurisdiction, power or authority of the court or a judge.

Clause 3 amends section 118 m of the principal Act which sets out the powers of a person appointed under the Mental Health Act, 1976, to be administrator of a patient's estate. The clause adds a new power, namely, that the administrator may obtain a grant of administration, on behalf of the patient during the patient's incapacity where the patient would, but for his incapacity, be entitled to obtain a grant of probate or administration. Clause 4 amends section 122 of the principal Act which empowers the Supreme Court or one or more of its judges to make rules. The clause adds a provision providing for rules to be made authorising and regulating the exercise by the Registrar of Probates of any specified jurisdiction, power or authority of the Supreme Court or a judge of that court whether arising under the principal Act or otherwise.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Children's Protection and Young Offenders Act, 1979. Read a first time.

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

That this Bill be now read a second time.

The question of young drug offenders has been considered as part of the whole exercise that culminated in the introduction of the Controlled Substances Bill. As honourable members will recall, that Bill specifically excluded children from the drug assessment provisions relating to simple possession offences, as it is considered that the Children's Protection and Young Offenders Act provides its own alternative system for dealing with young persons charged with offences.

The Bill therefore simply makes provision for the addition of a person approved by the Minister of Health to a children's aid panel that is about to deal with a child charged with a drug offence. It is also considered inadvisable to exclude cannabis offences from the panel system, as the discretion should still lie with the screening panels to decide whether a child is to be dealt with by a court or by a children's aid panel. 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 and 2 are formal. Clause 3 provides for the inclusion of persons approved by the Minister of Health in the children's aid panel list. Clause 4 provides that where a drug offence is alleged against a child, the children's aid panel that will deal with him must be comprised of a member of the Police Force, a Community Welfare Department officer and a person approved by the Minister of Health, all chosen from the panel list. Where truancy is also alleged, the panel will have a further member chosen from the list of Education Department officers. It is made clear that it is the Director-General of the Community Welfare Department who selects the members to comprise a children's aid panel. 'Drug offence' is defined to mean an offence against the Narcotic and Psychotropic Drugs Act.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the South Australian Health Commission Act, 1975, and to make consequential amendments to the Health Act, 1935. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

This Bill has three main purposes. First, it will enable the South Australian Health Commission to license private hospitals on the basis of need. Existing licensing responsibilities with respect to physical standards of private hospitals will become a part of the new scheme, in order to avoid a double licence system. Secondly, it will remove barriers in the present South Australian Health Commission Act to part-time employees of the Commission and incorporated health units becoming contributors to the South Australian Superannuation Fund. Thirdly, it broadens the fee-fixing regulatory powers, to ensure that the level of fees of all hospitals funded pursuant to Commonwealth/State funding arrangements can be regulated, not just those incorporated under the South Australian Health Commission Act.

Turning to the matter of licensing of private hospitals, honourable members will recall that the Bright Committee of Inquiry into Health Services in South Australia (1970-73) recommended the establishment of a single State health authority with overall responsibility for planning, co-ordinating and rationalising the provision of health services in South Australia. The objectives of the resulting South Australian Health Commission Act are, among other things, to:

> achieve the rationalisation and co-ordination of health services in South Australia and to ensure the provision of health services for the benefit of the people of the State . . .

Section 16 of the Act gives the Commission a specific charter of powers and functions aimed at promoting the health and well-being of the people of this State. In particular, the Commission is required:

> to ascertain the requirements of the public, or any section of the public, in the field of health and health services and to determine how those requirements should be met to the best advantage of the public, or the section of the public concerned;
>
> to plan and implement the provision of a system of health services that is comprehensive, co-ordinated and readily accessible to the public.

In practice, however, the Commission has been restricted in exercising its State-wide statutory charter, owing to the lack of clear specific statutory powers in the private sector. At present, the Commission's role has been restricted to an oversight of the public sector.

The hospital system in South Australia consists of 81 recognised (public) hospitals, 37 private and community hospitals and two Commonwealth hospitals. Private hospitals comprise 24 per cent of the State's acute-bed provision. Under existing arrangements, the Commonwealth Health Department approves private hospital beds for the purpose of payment of the daily bed subsidy for the three categories of private hospitals. Under the State's Health Act, local and county boards of health license private hospitals, largely on the basis of physical facilities. Health system-wide issues, such as geographical distribution, service mix and co-ordination of services do not and cannot be reasonably expected to form part of a local board's consideration of a licence application. There are, however, factors which must be taken into account at a State level if haphazard development of services is to be prevented and if the Health Commission is to fulfil its role of rationalising and co-ordinating services. They are factors which are all the more important in times of constrained economic options.

Concern about the accountable and effective use of available health care resources has been expressed in numerous reports and inquiries at both State and Federal level over the past decade. The majority of these reports have supported the need for State Government controls over the establishment of new services in both the public and private sectors, to provide for accountable management of public moneys and the responsible oversight and distribution of hospital services.

Indeed, official files indicate that in 1981 the then Commonwealth Minister for Health, Hon. Michael MacKellar, wrote to the then State Minister of Health in the following terms:

> I would reiterate the hope that I expressed at the recent Health Ministers' conference that you would move quickly in the direction of adequate and effective control of growth of private hospital facilities in your State to ensure that any growth which does take place is consistent with the proper planning of an efficient and effective hospital system in your State, complements the public hospital system and does not exacerbate any existing maldistribution of public and private hospital beds.

The reply from the then State Minister indicated that proposals were in fact being worked up, for Cabinet's consideration. The recent Inquiry into Hospital Services in South Australia, under the Chairmanship of Dr Sidney Sax, also addressed the question of the need for State Government controls on the establishment of new hospital services, facilities and beds in both public and private sectors. Factors identified by Sax as supporting the need for State Government controls (I quote directly from his report) include:

- the presence of a high proportion of small hospitals;
- the existing over-provision of beds;
- unnecessary duplication of services and equipment;
- the lack of control over both capital and service developments in the private sector;
- the requirements of two medical schools and, in particular, the clinical services regarded as essential for teaching purposes; and
- quality assurance considerations.

Sax noted that New South Wales and Victoria had both introduced legislative controls in this area and recommended that legislation be introduced in South Australia 'to ensure that the establishment of additional private hospital facilities complies with State and sector strategic planning guidelines and does not prejudice the economic and efficient delivery of health care services in South Australia'.

In summary, it is recognised that private hospitals have an important role to play in the provision of health care in the community, but it is essential that there should be balanced development. The legislation before honourable members today therefore introduces a power for the Health Commission to license private hospitals on the basis of need. In order to avoid a double licence system, existing licensing responsibilities under the Health Act with respect to physical standards are transferred to the Commission. It should be noted that premises licensed as nursing homes or rest homes under the Health Act are not affected by the Bill—the existing system will continue to apply in relation to nursing homes and rest homes. This system will be reviewed in due course. Separate policy decisions will be taken in relation to these areas, and there will be extensive consultation with local government, health surveyors and other interested parties before implementation.

The Commission, when considering an application for licensing a private hospital, will have regard to a number of factors, including the scope and quality of the proposed services; standards of construction, facilities and equipment; location of premises and their proximity to other health service facilities, adequacy of existing facilities; and the impact on the economic or efficient delivery of health services in the State. It should be noted that the Commission

is required, upon application, to grant a licence to holders of existing licences under the Health Act.

An important power included in the Bill is the ability of the Commission to impose conditions on licences. Such conditions may limit the services to be provided; limit patient numbers; prevent alteration or extension of premises wthout Commission approval; prevent or require installation or use of facilities or equipment; and require specified staffing standards. The Commission will be able to vary or revoke conditions or impose further conditions. The regulation-making powers of the present Act are broadened by this Bill, consequent upon the transfer of licensing responsibilities from the Health Act, and to take account of quality of care considerations (for example, standards, staffing, and medical record keeping).

Power is included for the Commission to suspend or cancel a licence under certain circumstances. An appeal to the Supreme Court is provided against any decision or order of the Commission. It will be an offence under the legislation with a penalty of up to $5 000 to operate a private hospital without a licence or to contravene a licence condition. Where a body corporate is guilty of an offence, every member of the governing body will be guilty of an offence and liable to the same penalty, unless he or she proves that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the offence. The Government regards the private hospital licensing provisions as an essential feature of the promotion of an effective and efficient hospital and health service in South Australia. I commend the provisions to the Council.

The other two main issues dealt with by the Bill are superannuation for part-time employees and fee-fixing powers. In relation to superannuation, when the South Australian Health Commission was established, membership of the South Australian Superannuation Fund was restricted to full-time permanent employees. The South Australian Health Commission Act reflected this position in its provisions relating to superannuation. As a result of Government policy to encourage part-time work, the Superannuation Act was subsequently amended to allow specified permanent part-time Government employees to become members of the Superannuation Fund. It is appropriate that part-time Commission and incorporated hospital and health centre employees should also be eligible.

The South Australian Salaried Medical Officers Association has, in fact, specifically requested that the necessary amendments be made. The Bill makes provision accordingly. It also removes an anomaly whereby persons who transfer to the Commission on Public Service Act terms and conditions, and thereby enjoy Superannuation Fund eligibility, may work alongside Health Commission Act employees who do not currently have that eligibility.

In relation to fee fixing, under the Medicare agreement, 1984 (and preceding Commonwealth/State cost-sharing arrangements), all recognised hospitals are required to charge the same level of fees for ordinary patients. For hospitals incorporated under the South Australian Health Commission Act, the regulations made under section 39 of that Act are applicable. For hospitals which are not incorporated under that Act (but under the Hospitals Act or Associations Incorporation Act), it is necessary for a hospital board to adopt the levels of fees set in those regulations as the levels at which the charges will be made at their hospital. Given the Commonwealth requirements, and taking account of the fact that recognised hospitals receive Government funding in respect of their operating expenses, it is appropriate that fees be fixed in a consistent manner. The Bill therefore broadens the fee-fixing regulatory powers to cover recognised hospitals, rather than just hospitals incorporated under the South Australian Health Commission Act. I commend the Bill to the Council.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a date to be fixed by proclamation, but that specified provisions may be brought into operation at a subsequent date. Clause 3 is a formal provision amending section 4 of the principal Act which sets out the arrangement of the Act.

Clause 4 amends section 6 of the principal Act which provides definitions of terms used in the Act. The clause inserts new definitions of 'private hospital' and 'recognised hospital'. 'Private hospital' is defined to mean a hospital other than a recognised hospital. 'Recognised hospital' is defined to mean an incorporated hospital or a hospital prescribed by regulation.

Clause 5 amends section 21 of the principal Act which provides at subsection (1) that a full-time officer or employee of the Health Commission may become a contributor to the South Australian Superannuation Fund. The clause amends the subsection by deleting the word 'full-time' so that the provision may extend in its operation to permanent part-time officers or employees of the commission.

Clause 6 amends section 31 of the principal Act which provides at subsection (1) that full-time officers or employees of an incorporated hospital may become contributors to the South Australian Superannuation Fund. The clause removes the reference to 'full-time'. Clause 7 amends section 38 of the principal Act which provides that the board of an incorporated hospital may make by-laws. Paragraph *(g)* of subsection (1) of the section provides that by-laws may be made to 'provide or regulate the standing, parking or ranking of vehicles . . .'. The clause corrects this wording by substituting for the word 'provide' the word 'prohibit'.

Clause 8 amends section 39 of the principal Act which provides that the Governor may, by regulation, regulate the fees to be charged by incorporated hospitals for services provided by them. The clause amends the section so that the fee-fixing power relates to recognised hospitals, that is, all non-private hospitals. Clause 9 amends section 52 of the principal Act which provides at subsection (1) that full-time officers or employees of an incorporated health centre may become contributors to the South Australian Superannuation Fund. The clause removes the reference to 'full-time'.

Clause 10 provides for a new Part IVA dealing with private hospitals. Proposed new section 57b provides that it shall be an offence punishable by a fine not exceeding $5 000 if health services are provided by a private hospital except at premises in respect of which a licence is in force under the new Part. Proposed new section 57c provides for applications for licences in respect of private hospitals to be made to the Health Commission and the manner and form in which applications are to be made.

Proposed new section 57d provides for the matters to be taken into account by the Health Commission in determining an application for a licence in respect of premises or proposed premises. Amongst the matters specified are the questions of the adequacy of existing facilities for the provision of health services to persons in the locality, the existence of any proposals for the provision of health services to such persons through the establishment of new facilities or the expansion of existing facilities and the requirements of economy and efficiency in the provision of health services within the State.

Proposed new section 57e provides that the commission may impose conditions upon a licence, being conditions which, in general terms, regulate or control the physical standards of the licensed premises, or the scale, range and quality of the health services provided. Proposed new section 57f provides that it shall be an offence punishable by a fine not exceeding $5 000 if a licence holder contravenes or fails to comply with a provision of the Act or a condition of the licence.

Proposed new section 57h provides for the transfer of licences, the commission being required only to be satisfied as to the suitability of a proposed transferee. Proposed new section 57i provides for the surrender of licences and for suspension or cancellation of a licence by the commission where the commission is satisfied that the licence was obtained improperly or that the licence holder has contravened or failed to comply with a provision of the Act or a condition of the licence. Proposed new section 57j provides for an appeal to the Supreme Court against a decision or order of the commission.

Clause 11 provides for the insertion of new sections 64a, 64b and 64c. Proposed new section 64a provides that a notice or document required or authorised to be given or served under the Act may be given or served by post. Proposed new section 64b provides that a member of the governing body of a body corporate that is guilty of an offence against the Act is also to be guilty of an offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence.

Proposed new section 64c is an evidentiary provision relating to the holders of licences and the conditions of licences under proposed new Part IVA. Clause 12 inserts in the regulation making section (section 66) new powers to make regulations relating to physical and quality standards for private hospitals, records to be kept by private hospitals, exemptions by the commission and the inspection of private hospital premises. Clause 13 makes consequential amendments to the Health Act, 1935, removing the requirement for private hospitals to be licensed under that Act and removing the power to make regulations under that Act relating to private hospitals.

The Hon. J.C. BURDETT secured the adjournment of the debate.

SEEDS ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Seeds Act, 1979. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

It makes an amendment to the Seeds Act, 1979. That Act regulates the sale of seeds and this Bill is concerned with section 7 of the Act, which stipulates certain information in relation to seeds that a vendor must supply to a purchaser.

Amongst other things, that section requires a person selling seeds to inform the purchaser of the proportion by mass that the inert matter mixed with the seeds bears to the total mass of the seeds and the inert matter. Although inert matter is defined precisely in the regulations, it may be said to consist of broken seed which is not expected to germinate, dirt, sticks, stones, husks and other extraneous material.

However, none of the interstate legislation relating to seeds requires the proportion of inert matter to be notified and as there is a vigorous interstate seed trade, the South Australian provision creates difficulties for producers and merchants in this State. It is considered that the requirement should be deleted from the principal Act in order to remove an unnecessary restriction upon the industry. The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 amends section 7 of the principal Act by striking out paragraph *(d)* of subsection (3).

The Hon. PETER DUNN secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3) (1984)

Adjourned debate on second reading.

(Continued from 17 April. Page 3646.)

The Hon. C.M. HILL: This is the third local government Bill to come before the Council in the past few weeks. The first Bill dealt with universal superannuation for local government. That Bill was passed. The second Bill was the major revision Bill for local government which is before the Council. There is now the third Bill which, in the Minister's words yesterday, involves housekeeping amendments necessary for the general local government administration in South Australia. That is exactly what the Bill includes—it is just a series of diverse matters that the Government has introduced. Many of the clauses simply correct cross-references to other provisions in the Act.

Clause 4 concerns the exemption of rates for the Royal Zoological Society and the land it uses for the purposes of its zoo. I suppose that one should say 'zoos' because, no doubt, the Monarto land will come under this provision in due course.

Clause 6 of the Bill provides local government with the opportunity to use some of its reserve money which it has set aside for the purpose of temporarily overcoming deficits on the books of councils. The money must be made good and the reserves topped up again before the end of the financial year during which a proposal is under discussion. I think this is quite reasonable and it will help local government which at times does run into temporary deficits. Perhaps one of the most important of the many different measures involved is that referred to in clauses 22 and 23 relative to the passing and confirmation of council by-laws.

In the Bill the Government has seen fit to provide for the deletion of the need for the Crown Law Office to certify council by-laws, as has been the practice under the existing Act. The Government proposes that in future this will be done by a legal practitioner. This means that the certifying of by-laws will be done by practitioners in private practice. There is no doubt that the removal of this need from the Crown Law Office will overcome some bottlenecks within that Department in relation to staff. There are some legal practitioners who specialise in work of this nature relative to local government, and no doubt, if this amendment to the Act is made, in future work will tend to be channelled into the offices of such specialists.

In principle I do not oppose this change. I make only one point about it, and I do so quite strongly. Indeed, I have placed an amendment on file to cover this aspect. I believe that the actual certification ought to be done on a certificate which should be on a prescribed form. That form should include details that the Government believes are proper to be on such a form, particularly a reference to the relative section of the Act to which the by-law applies. By a common approach of that kind, I think the Government of the day can be assured that certification is being done in the most competent way.

I think that, in the long term, machinery of that kind will be more satisfactory than simply leaving it, as it is provided

for in the Bill, to a legal practitioner to certify such a by-law without having to make any further reference within the certificate to indicate that he fully understands the by-law and its ramifications and to which section or sections of the Act the by-law applies. I do not know what the Government's response will be to that relatively small change, but I think that in principle it is very important and that it will lead to better legislation than that which the Government has proposed. However, that matter must be discussed during the Committee stage.

Generally, as I said, the many and varied relatively minor measures in the Bill will improve the Local Government Act. They are necessary for better administration of local government, and for that reason I support the Bill at the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank the honourable member for his contribution. He is far better informed and more learned in matters of local government than I am. He has made some points on which I do not consider myself to be competent to give a fully comprehensive and informed reply at this stage of the proceedings. It would be wise and expeditious to take this Bill into the early stages of Committee, because the matters raised by the Hon. Mr Hill can be debated most reasonably on a clause by clause basis. Therefore, I suggest that we expedite the passage of this Bill into Committee. Progress will be reported in the early stages of Committee and a debate will be resumed when the Minister of Local Government has returned from Government business in New Zealand. In the Easter and Anzac recess, I will take advice on the matters raised by the Hon. Mr Hill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.R. CORNWALL: For the reasons I outlined previously, I believe it would be wise if we reported progress at this stage.

Progress reported; Committee to sit again.

DENTISTS BILL

Adjourned debate on second reading.

(Continued from 17 April. Page 3657.)

The Hon. R.J. RITSON: The Opposition supports this Bill, but we will move amendments in Committee. However, by and large the Bill travels very much the same path as does the Medical Practitioners Act, and I am sure that it will in many ways be a great improvement. I do not intend to canvass the Bill at length. Much of the description of its effects has been dealt with by the Hon. Mr Burdett, but I want to comment on one aspect in regard to which we will seek an amendment—the question of restricting the practice of dentistry to the jaws and teeth.

I have an enormous respct for the skill of the dental profession, a respect engendered from sitting in the dentist's chair a number of times and grasping the handles of that chair with vigour. The question of whether a dentist should be confined to operating on the jaws and teeth is a vexed one in some areas of practice. It is fair to say that, when a dentist infiltrates the mandibular nerve with local anaesthetic, he is at that moment not only operating on the jaws and teeth, but infiltrating a nerve the infiltration of which is essentially part of dental treatment.

There are other examples of flap surgery within the mouth which are related to dental treatment. Indeed, I would not like to see such a literal interpretation of dental treatment as would restrict in any way the sorts of intra-oral procedure which are a normal part of general dentistry and which are also dealt with by the specialty of oral surgery. Having said that, I draw to the attention of the Minister some problems involved in trying to allocate specific skills or specific areas of specialty, be they medical or dental, to a region. One example of the difficulties of regionalisation or of drawing lines across the face or down the body is to be found expressed in the Chiropodists Act, whereby chiropodists appear to be entitled to do anything to the human body below the knee. There is nothing in their training that would indicate that they are competent or appropriate people to perform a below-the-knee amputation or major bone surgery that lies deep in the field of orthopaedic surgery.

However, occasional examples of that arise where people discover, on reading the Act, that their area of expertise has been defined regionally instead of in respect of the types of problems they are to deal with, and there is always someone who will say, 'I am not trained to do it but, if the Act says I can do it, I will start doing it.' Any legislation must be drafted for the great majority of people and not for the exceptions. Indeed, it would be bad legislation if it were to deal with the exceptions rather than the rule.

Be that as it may, I point out to the Minister that, with the inclusion of related or proximate structures within the ambit of dental treatment, one can expect one or two people perhaps in a discipline such as oral surgery to take a wide view of what are related structures. There are strong pressures to argue that oral surgeons are the appropriate people to have charge of fractures of the eye socket and to have charge of fractures of the base of the skull. Indeed, I had to raise in this Council three years ago a problem concerning such a person managing a case with a fracture of the base of the skull.

The difficulty here, of course, is that the upper jaw, unlike the lower jaw, is not a distinct entity in itself but has boney continuity with the whole of the skull and, to that extent, the whole of the skull could be called a related structure. However, there is nothing to indicate in the case of an oral surgeon that he is trained to be in charge of the total management of people with major facial trauma and accompanying neurological difficulties, airway difficulties and so on. The other area in which we can expect some problems to arise is in the treatment of intra-oral cancer. Cancer is not a local disease but rather a whole body disease. It is not confined to the question of cutting out tissues but to the understanding of the place of radiotherapy, to the understanding of chemotherapy, to the understanding of counselling for dying, which is a wide subject.

Whilst the claim is made that the treatment of cancer of the tongue lies within the province of oral surgery, I would have to dispute that. Again the training within that discipline does not qualify to follow the treatment through in all its aspects, and it does not qualify to reconstruct major defects after excising tumours or to carry out the dissection of malignant lymph glands from the neck. I bring the Minister's attention to the fact that, whilst in 99 cases out of 100 it is appropriate for dental treatment to include by definition other related tissues, the real problem is that one can never draft a Bill to cope with exceptions. We can expect to see some exceptional claims cropping up as a result of this method of thinking because Dr A or Mr B owns a region rather than has a duty to treat a type of problem and not to treat a different type of problem. Having said that, I see no reason why we cannot now move into Committee and expedite the passage of this Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.R. CORNWALL: It would be wise if we were to report progress now. A number of quite large amendments from the Opposition are on file which do have a significant effect on a number of areas of the Bill. I wish to take further advice and wise counsel on them before we proceed with the debate.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (1984)

Adjourned debate on second reading.

(Continued from 17 April. Page 3661.)

The Hon. K.L. MILNE: The revision of the Local Government Act is welcome, and on the whole there is support for the Bill before Parliament. Not unexpectedly, a number of amendments are foreshadowed and mine will be discussed at length in Committee. I would like to refer to the Hon. Murray Hill's speech, which I thought was very thoughtful and sympathetic. I would like to associate myself with the remarks that he made about those people who have been so active in bringing this review of the Local Government Act to fruition. There is no need for me to repeat it, but I am equally grateful to all those people who took part in the many discussions with the Local Government Association and the Government itself. I thank the Hon. Murray Hill for his courtesy in the discussions that we have had together: he has been a great help, because local government is one of his strengths and I do not see why we should not applaud it.

In his introductory statement, the Minister said:

> The representative character of local government must more closely model that of its State and Federal counterparts whilst retaining its non-partisan and voluntary aspects.

One cannot have both. From my experience over the years, local government is very different in philosophy and character, responsibility and performance. We must remember that unlike Britain (where local government is the second tier of government) here it is the third tier of government. The responsibilities of local government in Britain are roughly the same as those of State Government in Australia. We must also remember that in Britain it was local government that gave its powers to Parliament in Westminster, whereas in Australia it was the other way around: State Parliaments created local government and gave it authority through the Local Government Act.

However, in South Australia we find that local government is the creature of State Parliament, although the Federal Parliament, during and since the Whitlam era, has taken a greater interest in it. It could well be that Federal funding and the establishment of regions are indicators that Canberra feels that two tiers of government are enough and is working towards a change.

I feel deeply for local government. It is very much a part of our version of democracy. Some people blithely say that we are overgoverned, that it is all wasteful and expensive. I do not agree. If one looks at the Notice Paper of Federal and State Parliaments, one will see a great difference in the subjects that each one talks about. Likewise, if one looks at the agenda papers of local government councils, one finds that the subjects listed for debate are quite different from those in either State or Federal Parliaments.

There is some overlap, which is unfortunate and which should be looked at, but on the whole the three-tier system works very well for a country such as Australia, divided as we are into States with vast distances and areas to cover. Incidentally, the three-tier system works very well in the United States of America and in Switzerland. It is interesting that the smallest local government unit in Switzerland has only 76 people, but the Swiss would defend to the death their right to exist as long as they want to. We ought to remember that kind of thing as our historical councils get older.

Therefore, in looking at this review of the Local Government Act I have tried to keep in mind whether the changes recommended will maintain the essentially personal character of local government bodies or whether the alterations will spoil that character and turn councils into a series of second-rate mini Parliaments. The main items that come to mind are questions like membership of the Advisory Commission, allowances, meetings compulsorily held after 5 p.m., length of terms of office, and register of interests.

I would like to see the Local Government Advisory Commission increased from five to seven members, for reasons that I will explain in Committee, but really so that the representation of the work force and of the Local Government Association can be increased. Meeting times should be at the discretion of each council and should not be arbitrarily after 5 p.m. I have heard from Mount Gambier council, for example, that it sometimes meets at midday, which suits employees serving as councillors. I understand that we will be told during the debate that meeting after 5 p.m.—say, 6 p.m.—does not suit married women with young families who want to get the families fed and settled and then go to meetings. I know what the Government has in mind in trying to make service on councils available to the maximum number of people across the spectrum of the community, but I think that it will find that arbitrarily making councils meet after 5 p.m. does not achieve this.

The three-year term, with all retiring at once, is a reasonable idea on the whole and has worked reasonably well interstate. After all, councils are like a single house of Parliament and not a house of review in the bicameral system. However, I am well aware that a number of councils are having second thoughts on this subject, encouraged by a circular letter that the Hon. Dr Eastick sent to all councils, canvassing alternatives. Members of the Local Government Association at a general meeting evidently voted for the three-year term all in all out. One alternative which has not been canvassed and which I would like councillors to think about if this is not settled within the local government area itself is two-year terms all in all out.

One of the problems with a three-year term is finding people who are prepared to be Chairman, Mayor or, particularly, Lord Mayor for three years. That is worth thinking about. I am completely opposed to the register of interests. I am very suspicious indeed as to why it has been introduced. I think we must remember that politics is a career but serving in local government is not, and I believe that we should clearly understand the difference.

Whilst councillors are not paid a salary (and I do not believe that they should be), I agree that they should have an allowance, similar in principle to, but less than, mayoral allowances and similar in principle to our electoral allowances, but not on a reimbursement basis. I do not think it is very dignified having to go to the Town Clerk and saying, 'I spent $25 on such and such last night,' or, 'I gave a donation to something or other which I could not avoid on Saturday,' and seeking reimbursement.

I think it is much better to realise that, just as members of State Parliament have unavoidable expenses, simply by being members of Parliament, these days councillors have the same problems. We find that items like postage, stationery, telephone, entertainment and petrol are increasing and that the costs of being a councillor are now quite considerable. It would be quite easy for councils at their first meeting of the year to set an allowance for the Mayor or Chairman and to set a council, electoral or ward allowance

to cover expenses for the year on an estimated basis. Of course, the important thing is that the allowance arrived at must be arranged with the Federal taxation people so that it is totally allowable for income tax purposes. In other words, the allowance would not in any sense be remuneration or salary.

I wonder why the date of elections has been moved to May. I have heard some argument for and against, but the present time of the year—namely, October—seemed to be a good time to hold elections. If that first Saturday is no good because of the football grand final, why not make it the third Saturday in October, when the football is finished and cricket has not started?

I have not fully discussed a number of other matters with the Minister or with the Hon. Mr Hill, but they are not of enormous consequence, I feel. However, some provisions should be altered, in my view, when dealt with in the Committee stages. I return to the quotation I read when I started. The Minister said in his opening remarks:

> The representative character of local government must more closely model that of its State and Federal counterparts . . .

I am not sure that that is right. I think one would find a distinct difference of opinion among people engaged in local government. That will have to be a matter for discussion and, perhaps, compromise. The Minister continued:

> . . . whilst retaining its non-partisan and voluntary aspects.

I think that everyone, especially in South Australia, believes that. Even if the Government wants to bring Party politics into local government, which many people would like to see, I personally would not want that. I saw that system operating in the United Kingdom, and I did not like it very much. But there is a point of view that some people would like to see more active politics in local government. Some Parties regard it as good training ground for future politicians.

I do not think that the people of South Australia feel that way about this matter. I do not think that the Government will get a lot of thanks for pushing that argument about copying other State Parliaments and the Federal Parliament. It will, however, get a great deal of support for retaining the non-partisan and voluntary aspects of a very valuable and personal tier of our democratic government. I support the second reading.

The Hon. DIANA LAIDLAW: I support the second reading of this Bill to amend the Local Government Act, although I do so with a number of qualifications, some of which have been outlined by the Hon. Murray Hill and others by the Hon. Lance Milne. In general, the introduction of this Bill has been welcomed by local government and those members of this Parliament who have taken a long-standing interest in local government and who have seen the need for local government to have a modern legislative framework in which to operate. The present Act, as most members appreciate, is the largest Statute in South Australia. It is cumbersome and outdated. It is an amalgamation of two 19th century Acts brought together in 1934. It provides a framework for local government, which was less complex and certainly had lower community expectations than today. As well, local government in those days undertook responsibilities that are covered now by other Acts of Parliament. Mixed in with the archaic provisions are all the more recent amendments, which embody not only newer language and different intentions but also an underlying philosophy of local government autonomy which does not sit well with the older and more prescriptive parts of the Act.

The Bill before us is the result of 16 years of work, which commenced in 1968 with the establishment of the Local Government Revision Committee. That Committee recommended a complete rewrite of the Act. For a variety of reasons, the principal one I suspect being the daunting nature of the task, little progress was achieved until the Hon. Murray Hill, as Minister of Local Government in 1981, decided he had had enough of all the talk and the endless subcommittees on this subject and wanted to see some positive results for local government. I commend the Hon. Murray Hill for his drive and enthusiasm in this respect, for I have no doubt that without his personal commitment this Bill would still be years away. As I had the pleasure of working with the Hon. Mr Hill at that time, I am aware also that these qualities to which I have just alluded were factors in gaining the confidence and co-operation of local government in this State to undertake the ambitious task.

In late 1981 the Hon. Mr Hill established a working party of officers from the Local Government Association and the Local Government Department. The plan was to revise the Act in five stages based upon all the work that had been undertaken over the previous 13 years, together with extensive consultation with elected members and officers of local government and members of community groups, on each of the five draft Bills. It was proposed that the Bills, the first of which is the Bill presently before us, would deal with the following subjects: the structure of local government; rating powers and financial management provisions; regulatory powers; works and other undertakings; and the last one including citizens rights of appeal.

It was envisaged that each Bill would be introduced and proclaimed progressively over two years and that they would be drawn together by the final Act. The first Bill was released in June 1982. In some respects, that Bill did not go as far as the former Liberal Government would have wished, for it had hoped to produce a Bill that would have catered for local government for years ahead. However, it was recognised at that time, as this Government has yet to do, that, if it had not demonstrated a preparedness to accept less ambitious, workable reforms in the first revision Bill, and that if it had not retained the confidence and respect of local government, the subsequent four Bills would have been more difficult to negotiate and their passage would have been slow and tortuous.

The present Labor Government has not chosen to follow this measured approach. Rather, it has opted to force its ideological views on local government and to ride in a rather roughshod manner over the collective views of local government. While this approach is not new for the Government it is nonetheless disappointing in this instance. It is disappointing because the Government's willingness to allow Labor policy made at State Conventions to take precedence over the collective views of democratically elected members of local government places this whole Bill in jeopardy. It is disappointing also because the Government has not seen fit to honour and reinforce its commitment to local government at the last election with respect to the fact that local government is considered an integral part of our three tiered Federal system of government in this State.

It is my view that, irrespective of one's philosophical view on certain issues, one sphere of government, in this instance the State Government, should not impose its will upon another sphere of Government—local government—when the latter strongly opposes that imposition. In making this claim I am not disputing the right of an elected Government to express its views and develop its legislation, but I do contend that alongside this right goes a responsibility by the State Government to acknowledge the rights and privileges of local government.

I do not wish to sound totally negative in respect of this Bill, for indeed there are many positive provisions that I welcome. Indeed, the bulk of the measures are the same as

those provided for in the 1982 Liberal Bill to which I referred earlier. In particular, I welcome the following:

- Section 35, which writes into the legislation the powers of councils so that local government continues to operate within a known framework.
- Section 28, which provides for a council to carry out periodic reviews to determine whether the electors of an area are adequately and fairly represented.
- Sections 30 to 34, which allow for a council to be suspended in the event of serious irregularities.
- Section 54, which increases the penalties for non-disclosure of a member's interest.
- Section 60, which provides a mayor with a casting vote and a chairman with a deliberative vote but not both.
- Section 62, which requires council and council committee meetings to be open to the public.
- Section 94, which proposes that local government elections be held on the first Saturday in May.
- Section 96, which allows for a longer time for campaigning, and
- Section 106, which provides for advanced voting.

There are also a number of other areas in the Bill which I support, but I will now refer to some of the aspects which I cannot accept. The first is the Government's decision to require all councils and council meetings to be held after 5 p.m. I do not support this provision on three grounds, namely, that it represents an unjustifiable intrusion by the Government into the basic decision making capacity of local government, it has ramifications that are not in the best long-term interests of strong local government in this State, and it is not justified on the grounds of increasing accessibility or broadening the representation on councils.

Surely, as long as councils in this State meet their obligations under the Act, each council should be entitled to determine when it meets, having regard in each instance to all local factors and circumstances. The Local Government Association submission to the Minister of 29 April noted:

> Any adverse reaction caused by a council decision in this regard should be dealt with through local pressure manifested in public opinion.

The Local Government Association and councils throughout the State are united in their resolve that the decision as to when councils and council committees meet should not be imposed from above.

In addition to this fundamental objection, the Association and councils in general have raised a variety of practical objections to the after 5 p.m. proposition. They believe that, if an elected member is not available other than after 5 p.m. on a particular day to attend a council meeting, that member will not be in a position to make a proper contribution to council or adequately represent electors. The demands of council are far greater than the mere attendance at that one committee meeting. Attendance at committee meetings is an important aspect of an elected member's roll. If all committee meetings are henceforth to be held after 5 p.m., a conscientious member would have little spare time in which to attend other community activities in the evening that are an important aspect of the job or, in doing so, would compromise his family obligations.

Committee meetings in particular regularly require the advice of members of the public with professional, technical and other backgrounds. Those people may be available only during normal business hours, but inspections to investigate and assess a particular problem generally need to be conducted during the daylight hours. To require staff members to attend evening meetings would necessitate a council's paying staff, other than salaried staff, overtime. That would add to the cost of conducting council meetings and committee meetings with no corresponding increase in productive returns.

In addition to the general practical objections that I have mentioned, the after 5 p.m. requirement would impose immense burdens on rural councils and, in particular, on those elected members who are required to travel considerable distances, often over unmade roads, to attend council meetings. The after 5 p.m. provision would mean that these representatives, who have to cope with the increasingly complex and demanding responsibilities of council, would either be required to arrive home in the wee small hours of the morning or attend at least twice the number of council meetings that they attend at present. In either instance, I do not believe that these additional burdens should be imposed on democratically elected members of rural councils who to date have conscientiously served their communities in a voluntary capacity.

Certainly, these extra burdens should not be imposed on such councillors when one considers that the Minister of Local Government in another place was not able to cite one instance in rural councils where people had been excluded from standing for council election because councils met during normal business hours. On this specific question the Local Government Association has advised the Minister in repeated submissions, as follows:

> Based on experience, there is no reason to suggest that significant numbers of people have been disadvantaged by council meeting times.

In his second reading explanation the Minister stated that the after 5 p.m. provision was vital to ensure that local government was accessible to everyone in the community, so that ultimately councils would reflect a wider cross-section of the community. I do not deny that these goals of accessibility and representation are laudible or that they are not goals that I share. However, I cannot accept that, in the name of accessibility and representation, the Government's insistence on all meetings being held after 5 p.m. is warranted. In the first place, the argument overlooks totally the fact that all but two of the 30 metropolitan councils by choice already conduct their council meetings after 5 p.m. The two exceptions are the Adelaide City Council, which meets in the afternoon, and the Noarlunga Council, which meets at 4 p.m.

Furthermore, as 82 per cent of all South Australians live within the greater Adelaide metropolitan area, they technically have what the Government would describe as unlimited access. It is interesting to note that those councils that already meet after 5 p.m. are equally adamant in their opposition to the Government's proposal that all their meetings should be held after that time. They do not believe that they should be dictated to. They believe that, as they have already made the decision, it should be made by choice.

My principal objection to the Government's insistence that all council and council committee meetings be held after 5 p.m. (justification for this insistence being accessibility and representation) rests on the argument that the move may be counter-productive in respect to its increasing opportunities for women to serve on councils. Women make up only 10 per cent of local government members in South Australia, despite the fact that council decisions about the shape of our suburbs, shopping centres, quality and design of footpaths, availability of parking spaces, amount of space for recreation and the type and scope of community services, are all decisions that affect the quality of women's lives.

However, the fact that women have been (and remain) grossly under-represented in local government spheres does not deny the fact that they have made considerable advances in this field of government over the past decade or so. I have been unable to locate specific figures relating to the

number of women involved in local government in this State, so I will refer to two Victorian based studies mentioned in the 1983 publication by Jocelyn Clarke and Kate White entitled 'Women in Australian Politics'. I understand that the trends identified in these studies can be considered to be occurring at the same rate in South Australia. The authors note that a study completed by Helen Glezer in 1980 entitled *Towards a Typology of Women in Local Government (A Study of Women Councillors in Melbourne)* demonstrates the advances that women have made in local government since a survey by Margaret Bowman a decade earlier. Between 1968 and 1979 the number of women councillors in Victoria increased from 42 to 176 and, incidentally, increased to 201 in 1982. Comparison of the two studies reveals an equally dramatic change in the characteristics of women represented on councils.

Margaret Bowman's 1970 study highlighted that women councillors tended to be middle-aged; that most were in the 45 year to 70 year age group, none being under 30 years of age; that almost all had professional husbands and children who were no longer dependant on them and, finally, that 50 per cent were in paid employment, the remainder listing themselves as housewives. By contrast, the 1980 study by Helen Glezer noted that of the largest group of women councillors 44 per cent were in the 30 year to 39 year age group and 29 per cent in the 40 year to 49 year age group. The report also noted the following facts: 34 per cent were housewifes; 34 per cent were part-time employed; 24 per cent were working full-time; 7 per cent were studying; 83 per cent were married; 12 per cent were divorced; 2 per cent were widowed; 2 per cent were single and 90 per cent had children, 54 per cent of which were of school age and 12 per cent of which were under school age.

The authors suggested that a comparison of the two studies revealed that a new young professional woman was emerging in local government—a woman able to juggle the demands of full-time and part-time public life with those of housewife and mother. They raise the question whether or not women would continue to move into local government in increasing numbers. Their conclusion was that the number of women doing this was likely to reflect the numbers of women in public life generally but that women in local government faced special difficulties which could retard their efforts to increase participation and influence in this sphere of government. The authors considered—and this is important to the consideration of this Bill—that the principal deterrent in this respect was meeting times, noting that 'meeting times are usually set at 5.30 p.m. to suit men in business, a time that is extremely inconvenient for women with family duties'.

This is vitally important, as I mentioned, because the Government in this State appears to have overlooked this factor in its obsession with the after five provision for all council and council committee meetings. The inconvenience for women with family duties of meetings commencing between 5 and 7 p.m. is particularly relevant when one considers the increasing trend of younger women serving on council who have school age and pre-school age children and who also undertake part-time and full-time employment. In essence, this is the central reason why I oppose the Government's proposition concerning meeting times, as I fear that it will not only encourage a reversal of the most encouraging trend at present but that it may also lead to an overall reduction in the opportunities for women to serve on local government in South Australia.

When this Bill was being debated in the other place the member for Mawson indicated her pleasure about the fact that child care expenses are to be prescribed by the Government as being an allowable item of expense necessarily incurred by a member of council as a consequence of his or her attendance at meetings of council, committees or at other functions or activities that may be approved from time to time on behalf of the council. I, too, welcome that initiative. However, I do not foresee that it will overcome the problem I have outlined concerning women with family responsibilities being able to attend on a regular basis meetings held between 5 and 7 p.m.

On the subject of reimbursement of expenses, I indicate that I share the Opposition's belief that this provision should be supported. However, I am unable to support the provision regarding the payment of allowances, as I believe that comprises the voluntary nature of local government. Also, such a provision should be unnecessary if the range of prescribed items for reimbursement of expenses is carefully and fully considered. While I accept that there is some basis for the arguments that have been presented to me to the effect that allowances are less unwieldy for both members and council officers to administer (and this is the point that the Hon. Mr Milne made in his contribution), in contrast to reimbursement, and that allowances may help those women councillors who have little disposable income, I perceive a danger that allowances could be accumulated by a sitting member to use to his or her advantage if and when challenged at a future poll.

The provision to establish a register of interests is a further Government commitment that I am able to support. The provisions in respect to the register are similar to those applying to members of Parliament, although it is proposed that in respect of local government the register will apply only to a member's financial interests. When the Bill to implement the Parliamentary register was introduced into this Parliament in May last year, I indicated that I had sympathy for the argument that Parliamentarians, as trustees of the public confidence and as persons whose salaries are derived from taxpayers' funds, should disclose details of their interests in order to demonstrate to their colleagues and the electors at large that they have not been influenced in the execution of their duties by considerations of private personal gain.

In respect of Parliamentarians, I maintain the view that as legislators we should be seen to be placing our public responsibilities above our private interests and that the register is an acceptable means of demonstrating this. While elected members of council must maintain and be seen to maintain the same standards of accountability and integrity in the conduct of their work, I do not believe that a public register of their interests is an appropriate way of addressing this matter. The whole nature of local government is different, due to the voluntary role of its elected members.

Local government members do not have the absolute privilege that is available to members of Parliament, and I believe that that is a significant difference. Further, I believe that the register is unwarranted, considering the strict conflict of interest provisions in this Bill; these provisions I support. I recognise that one of the Minister's arguments in favour of the public register is the fact that this provision is in force in other States. Certainly, it is in force in Victoria, although it is noteworthy that the Minister failed to refer to the continuing controversy in that State over this provision.

I have been advised by the President of the Victorian branch of the Australian Local Government Womens Association and by the Honorary Secretary of the Victorian division of the Australian Business and Professional Womens Association that their concerns as expressed in August 1982 to the Victorian Minister of Local Government, the Hon. Mr Wilkes (who was responsible for introducing this public register for local government in that State), have been realised. Those associations were concerned that the imposition of the register would 'encourage many councillors to resign and discourage other citizens from contemplating standing

for council'. As the many newspaper articles and statements that both these associations have forwarded to me attest, these worst predictions have been confirmed. As the South Australian Government is blandly following the lead set by its Victorian counterpart, one can only predict that the imposition of a public register for local government in South Australia will produce the same consequences as have been unfolded in Victoria. For this reason, I cannot support the public register.

I do not intend to take up the time of the Council further in outlining in detail my reservations about amendments such as those in regard to three-year terms, the requirement that all members retire at the one time, and optional preferential voting. However, I wish to indicate that I believe that a combination of these factors would not be in the interests of strong local government throughout the State and that I intend to pursue my concerns on these issues in Committee. I support the second reading.

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

BREAD INDUSTRY AUTHORITY BILL

Adjourned debate on the question:

That this Bill be now read a second time,

Which the Hon. J.C. Burdett has moved to amend by leaving out 'now' and adding after 'time' the words 'this day six months'.

(Continued from 17 April. Page 3663.)

The Hon. R.J. RITSON: Who on earth dreamt up this Bill? What an extraordinary attempt it is to produce womb to tomb control of this little part of the system of production and exchange of wealth. It smacks of every sort of total control and bureaucratic interference that is so typical of the Soviet Union in the way in which it has managed to destroy the efficiency of its farming system by having bureaucrats making minor decisions from thousands of miles away. It could not have been the Department of Consumer Affairs that dreamt up this Bill: the Department is far too sensible. I should be surprised if people such as the Hon. Mr Blevins would support it, because he is on record as having been a champion of the cause of constraining Ministerial and Departmental authority.

The Hon. J.C. Burdett: What do you think the Hon. Mr Chatterton would think about it?

The Hon. R.J. RITSON: I would not ask him. This Bill is an embarrassment to Government members. It must have had a stormy passage through Cabinet, but we shall not inquire into that. Perhaps its introduction is the result of union pressure or perhaps an ideologue got his finger into the pie and produced this Bill. With all my heart I support the contention of the Hon. Mr Burdett that the second reading of this Bill should be adjourned for six months.

Let us look at the violence that the Bill does to democracy. We have over the centuries evolved a precious democratic system in which there are three branches of Government: Parliament makes the laws; the Public Service administers them; and the courts decide disputes. There has been an increasing trend in Western liberal democracies for a fourth branch of Government to develop in the area of administrative law. As Parliaments more and more give discretion to departments (a discretion which at times can amount to almost a discretion to legislate without Parliamentary oversight), and as Parliaments more and more leave administrative law outside the area of appeal to the courts, except under difficult and unusual circumstances, more and more our precious system of democracy is taken out of the hands of the elected, sackable and criticisable member and placed in the hands of the unelected, unsackable and uncriticisable secret public servant.

This is not a criticism of the Public Service: it is a criticism of a legislator such as whoever dreamt up this mare's nest that masquerades as a Bill. It is a criticism of this erosion of the democratic freedoms which this Bill represents and of the way in which this Bill takes us farther down the primrose path to the hell of total bureaucratic control. What are the powers of the Authority? It can hand out vast penalties: for instance, a fine of $10 000, presumably for being late in submitting one's monthly return. The Authority can determine the type and the quantity of bread that each baker may bake and it can delegate its authority to a member or employee of the Authority. So, the authority of Parliament is passed over not just to the Minister or to the Authority but right down the line to a member or employee of the Authority.

The Authority has powers to exempt and to declare zones. As I search the Bill I can find no provision for proclamation of exemptions. I cannot find in the Bill any reference to regulations about zoning coming before this Parliament. It is a complete handover of Draconian powers to the unappointed, unsackable, secret people—whoever they may be. This Parliament may never know who they will be if this Bill is passed. I have a great deal of respect for most people working in a minor official capacity, but it is common knowledge that the minor official sometimes can get a little carried away with his power. We have seen some trouble with that in regard to the inspection of trucks. This Bill will create another little nest of minor officials with major powers, and we may see a lot more trouble in that direction.

What of the traditional idea that courts decide disputes? The person who drafted the Bill does not believe that. To give just one example of the concept of appeal within the Bill, clause 26 (7) provides:

> Upon the receipt of an objection under subsection (6), the Minister shall give the bread producer a reasonable opportunity to make submissions to him in relation to the recommendation of the Authority and shall then decide whether or not, in the circumstances of the case, it is appropriate that the recommendation of the Authority be accepted.

That is an appeal from Caesar to Caesar, because the authority is acting under the general direction of the Minister and, if someone does not like what the Authority does or does not like what one of the mysterious little men who will have this power delegated to them does, one can lodge an appeal to Caesar against the decision which is, in any case, the decision of Caesar.

The question of fees is an interesting one because we discover that costs will be associated with bread producers' monthly returns. The cost in the Bill is set at $5 or any other amount that may be determined, based on the type or quantity of bread produced, whichever is the greater. I think the $5 is in there as a little red herring to indicate that the fee will be nominal at $5 a month for a big bread producer, but directly follows a provision for an indefinite escalation of the costs. The only mention of a court that I can discover as I read the Bill is that the Authority may have access to the courts to recover fees. Is not that generous and democratic! I guess that, if this Bill ever gets to the Committee stage, we could go on and on demonstrating the very many intrusions and the very great powers given to the Authority and to its lesser minions.

I suspect that this Bill will not get to the Committee stage. I am sure the Australian Democrats have far too much common sense to allow that to happen. I am sure that they rejoice in the name 'Democrats' and would not want to be associated with a measure which did so much violence to

the fundamental principles of Parliamentary democracy and which contributed so greatly to the ever expanding powers of the unofficial fourth branch of government, namely, the uncontrolled administrative law branch of government.

I refer to some previous remarks made by a member of the Labor Government a few years ago when an issue was before this Chamber involving the principle of Ministerial powers. It is interesting to see what the Hon. Frank Blevins had to say. We were discussing the question of whether the Minister should have powers to exempt particular shops from some of the provisions of the shop trading hours. That great democrat, the Hon. Frank Blevins, made a number of comments which appear in *Hansard* of December 1980 (at page 2395) as follows:

> I feel that the Minister is having some difficulty in understanding tonight, or is misrepresenting me. I did not say that there was any difficulty in the legislation that went through the House earlier in relation to wine grapes. I did say, and I repeat for the benefit of the Minister, that in certain Bills (and every Bill has to be treated on its merits) the question of Ministerial discretion is valid and that an area of an emergency nature where emergency powers may be required is one instance where I see that a wide Ministerial discretion could be appropriate.

It is important to understand the context of that statement, because the Hon. Frank Blevins had supported Ministerial discretion in terms of emergency powers, and he is now opposing it when it deals with the question of exempting shops from shop trading hours. The *Hansard* report continues:

> I also said in relation to legislation that went through the Council earlier that it was appropriate, not because it was anything to do with emergency powers but because what happened was that the Minister came to power, outlined the problem and said, 'I want the discretion to deal with that problem.' It was an instance, I agree, but it has absolutely nothing in common with this blanket, total discretion given to a Minister to conduct in secrecy—
>
> **The Hon. R.J. Ritson:** Not in secrecy.
>
> **The Hon. FRANK BLEVINS:** It is in secrecy, and if the honourable member had listened he would have heard the Minister admit it. I maintain that this discretion is totally unnecessary, far too wide, and that if the Minister wants to deal with the problem of Toytown, which I agree is a problem, the Opposition will certainly assist him to do so in isolation. The Opposition feels it is completely wrong, merely because of Toytown, to give the Minister complete discretion to do anything he likes in total secrecy and totally ignore the Act.

That statement of the Hon. Frank Blevins was a little exaggerated. The situation then was much milder than is the one we have before us now.

The only discretionary powers that the Minister was to have been given were those of exempting particular stores. We are now asked to give the Minister discretionary powers which will devolve to the Authority and then devolve to lesser employees of the Authority. Certainly, they include exemption, but they also include punishment, determining types of bread, quantities of bread, zoning bread producers and, as the Hon. Frank Blevins pointed out in 1980, if that Ministerial discretion is exercised in secret, how much more so here? I cannot see anything about courts or about the Subordinate Legislation Committee, or regulations. It is all discretion: theoretically, Ministerial discretion, but handed right down the line, potentially to the most minor official.

It is on those grounds that I totally reject this legislation. In so doing, I am not denying that there are problems in the bread industry. I am not denying that discounting wars are very disruptive. I am not saying that we have as yet a perfect solution to those problems.

I am absolutely sure that this Parliament collectively has the wit and wisdom to come up with something that attempts to come to grips with the problem of the bread industry without doing that much violence to democracy and without building up that fourth branch of Government into a bigger monster than it already is. I ask the Hon. Mr Milne, if he has any concern for democracy and any fear of placing that enormous bureaucratic control in the hands of minor officials, to support us in this amendment and then to join us at some other date in a new look at the problems of the bread industry. I support the amendment.

The Hon. K.L. MILNE: Like the Hon. Dr Ritson, I simply cannot understand why the Government has brought in a Bill of this kind in an attempt to regulate the bread industry of South Australia. I am sure that this Bill has got into this Council by mistake.

The Hon. R.J. Ritson: A terrible accident.

The Hon. K.L. MILNE: It must be. When I say 'regulate' I mean just what that word implies. The Bill says that it is for the orderly development of the bread industry, but it is a most unnecessarily Draconian Bill, tying the manufacturers, in particular, hand and foot. It is an example of gross interference in the market place of small business, for one thing. It appears to be as bad a case of bureaucratic control as I have ever seen.

Perhaps the constitution of the Authority itself gives a clue to the attitude of the Government. There are to be three members appointed by the Governor on the nomination of the Minister: one shall be appointed Chairman of the Authority (it does not say which one or who); one shall represent those manufacturing and selling bread (it does not say whether the selling refers to the manufacturer or the retailer; if it is the manufacturer selling wholesale to which it refers, the retailer is not represented at all); one shall represent the employees engaged in the production of bread, but it does not say whether this refers to all employees in a bakery, including the office workers, or just those on the production line and on deliveries. That is the total expertise of the authority.

A meeting of the Retail Traders Association was held yestereday to discuss the Bill, and among those represented were the supermarket operators, the Supermarket Association and the Independent Grocers Co-op. They expressed their total opposition to the Bill because it seeks to control the baking, selling and distribution of bread and everything else about the industry.

Clause 26 is an absolute shocker. The Authority can by notice in writing impose any conditions that it likes—that is my reading of the clause—upon bread producers, including limiting the amount of bread, prohibiting the sale of bread and restricting the sale of bread. One would not believe this unless one read it. The Authority may tell them what kind of bread they may bake. The penalty for not complying with an order is up to $10 000. My reaction is that this clause makes Queensland look like a democracy.

Clause 29 regarding fees to be paid monthly, to which the Hon. Dr Ritson referred, is to finance the Authority. So, obviously, the fees will gradually increase and will unquestionably cause the price of bread to rise still further, for no other purpose than to finance an Authority which they do not need and which we do not want. Clause 37 takes the biscuit.

The Hon. R.J. Ritson: Biscuits are included!

The Hon. K.L. MILNE: Biscuits are included! It takes the bun. If I do not read it, honourable members will never believe it and it might get lost in posterity, because that is where the Bill will go, I hope. Clause 37 (1) provides:

> Subject to this section, the Authority may, by order published in the *Gazette*, fix and declare—
>
> *(a)* periods during which bread may not be baked at bakeries;

It is unbelievable. They can tell them that they are not allowed to bake bread in bakeries: bake it somewhere else. Paragraph *(b)* provides:

> periods during which bread may not be released from the bakery at which it has been baked;

They could make an order that one should keep it there until they were ready. They might go on holiday. Paragraph *(c)* provides:

periods during which bread may not be delivered to a shop;

I cannot believe this. Paragraph *(d)* provides:

periods during which bread may not be sold to the public from a vehicle.

I do not know who thought this up, really. Subclause (2) provides:

An order made under this section may be of general or limited application according to—

(a) the time;
(b) the day of the week;
(c) the area;
or
(d) any other circumstances,

So, to make an order based on 'any other circumstances' could mean that people are baking bread which the Authority could tell them not to sell. The subclause continues:

to which the order is expressed to apply.

Subclause (3) is a good one! It provides:

An order made under subsection (1) *(a)* shall not apply—

(a) to the preparation, mixing or making of any dough, whether by hand or by machinery;

I do not know whether honourable members have seen a bakery operating but, if one does not make dough, one cannot make bread. The first thing is to get those beautiful machines to make the dough.

The Hon. Anne Levy: They make bread out of plastic.

The Hon. K.L. MILNE: They do not in the bakeries I have been to. I repeat subclause (3):

An order made under subsection (1) *(a)* shall not apply—

(a) to the preparation, mixing or making of any dough, whether by hand or by machinery;

What on earth is the use of making dough if one is not allowed to make bread and sell it? Why should not one be allowed to make it? I suspect that the group of people who make dough do not want this Bill to apply to them. I think they have overplayed their hand on that one. Subclause (3) *(b)* provides that it does not apply:

to the firing of any oven by a doughmaker while waiting in attendance for the preparation, mixing or making of dough.

Really! Subclause (4) provides:

The Authority may, by subsequent order published in the *Gazette*, vary or revoke an order made under this section.

That is good. Subclause (5) provides:

A person shall not contravene an order made by the Authority under this section.

There is no penalty because they forgot to put it in.

The Hon. R.J. Ritson: It is $10 000. It is at the end—a general penalty.

The Hon. K.L. MILNE: It is not fair, though. It should have been put here. Anyway, how do you like that, Mr Acting President? I have also received a deputation from bread manufacturing representatives who oppose the Bill absolutely. They would rather retain the unsatisfactory *status quo*, relying on complicated market forces, than accept these extraordinary controls. That is all they want, so they tell me. All they wanted when they went to the Government in the first place was a maximum-minimum price structure.

The Hon. C.J. Sumner: They have always supported an Authority up until now.

The Hon. C.M. Hill: Until they saw the Bill.

The ACTING PRESIDENT (Hon. G.L. Bruce): Order! The honourable member is doing very well.

The Hon. K.L. MILNE: I think the Bill would have changed people's minds, and I do not blame them. Secondly, they would like a total prohibition on credits for bread unsold at the end of the day by retailers. Blind Freddy could see that the credit system was unfair, as the retailers insist in finishing the day with their bread shelves well stocked, for which the manufacturer pays.

As I have said, they only wanted two things, the first being the maximum-minimum price structure. I agree with the Hon. Anne Levy that it is not market forces, so they want it both ways. Secondly, they want a total prohibition on returning bread or bread credits. I hoped that these aims could be achieved by one or two simple amendments to the Prices Act—not by creating an enormous, unnecessary Authority. I implore the Government this time to consult all parties in the bread industry. Quite obviously either this was not done in the Bill before us, or it was not done enough.

The Hon. C.J. Sumner: We have been consulting them all the time.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.L. MILNE: This is always said in defence and, in fact, the Attorney-General may feel that that has been done. However, they say that it did not occur. They say that they have not seen the Bill and, whether or not they were consulted, the Bill certainly did not come out as those two sections of the industry envisaged. Like all members, I know that there are some grave problems in the bread industry. I hope that in future the Government will approach this matter with sympathy for all those involved, not only one or two sections.

The Hon. J.C. Burdett: And the consumer.

The Hon. K.L. MILNE: Yes, and the consumer, because he is not represented or mentioned at all. That is unlike the present Government, because it nearly always puts a consumer representative on its boards or commissions. If the position is left as it is now, the price of bread will probably rise again, there will undoubtedly be retrenchments in the industry, and both those factors will lead to further inflation. However, this Bill does not help—rather, I believe that it will cause more trouble. Quite frankly, I cannot see the Hon. Mr Bannon's hand in this Bill, I cannot see the Hon. Jack Wright's hand in this Bill, and I cannot see the Hon. Mr Sumner's hand in this Bill.

I believe that this Bill has been designed by a group that was not really in a position to accomplish that task. I want to know exactly who is behind this Bill—and I know that it is not Parliamentary Counsel. I want to know the person or persons who instructed Parliamentary Counsel. Whoever is responsible, I think that they are dangerous to the Government, and it would be wise for the Government to treat them with considerable care in future, for its own interests. Accordingly, I support the Hon. Mr Burdett's amendment.

The Hon. L.H. DAVIS: Once upon a time in November 1982 in the State of South Australia a Labor Government was elected to serve the interests of the people of South Australia. One day the Minister of Agriculture had a good idea. He said, 'Let us establish a bread industry authority. We have not got one of those.' He remembered that in the early 1970s the Labor Government thought that it was a good idea. Indeed, he told a breathless Legislative Council that the idea of an authority was permitted to lapse in the 1970s and, notwithstanding the lapsing of the authority, bread was still sold in the State of South Australia.

The Hon. Frank Blevins: In what year?

The Hon. L.H. DAVIS: In the early 1970s. You are the Minister; you should know. However, in the interests of open Government, what he did not tell the Council was that the Premier of the day (Mr Corcoran) dismantled the interim authority and demanded the report of an inquiry into the bread industry to be suppressed. However, 10 years later the Labor Government has decided that the creation of a bread industry authority will have a leavening influence

on the bread industry. Again, apparently in the interests of promoting a greater awareness of the bread industry, the second reading explanation of the current state of the industry stretches to one full cramped column in *Hansard*. Have the Minister and his staff been loafing? Do they really believe that ignorance is bliss? One may well ask why should we need a bread industry authority? Who supports this legislation? Do the bread manufacturers support the legislation?

Do the retailers support the legislation? Of course, the answer is 'No'. Who does support the legislation? Could it be the Breadcarters Union or the Bakers Union? Of course, the answer is 'Yes'. I suggest that the only interest group in the community to get a rise out of this legislation will be the unions, but that should come as no surprise because the unions have been getting a rise out of most of the legislation that this Council has seen in recent weeks.

The creation of this statutory authority reflects the basic philosophical difference between the Labor Government and the Liberal Opposition. This Bill is the crudest legislation that I have seen presented to the Council since I was elected in 1979. It is unamendable and I support the novel proposal of the Hon. Mr Burdett, which will effectively defeat it.

Turning to the Bill itself, I will mention a few examples. The Hon. Mr Milne, in his excellent contribution, highlighted some of the grave deficiencies of the legislation. Clause 7 provides that the Authority shall consist of three members, one of whom shall be the Chairman, appointed by the Minister, and one who will represent the interests of the persons who manufacture and sell bread. Those interests are not necessarily the same. The manufacturers and retailers may have different interests on different occasions. The other person to be appointed to the Authority will represent the interests of employees engaged in the production of bread. Therefore, there is one person representing the bakers, one representing manufacturers and retailers, and one appointed as Chairman.

The quorum for the Authority will be two members, of whom one shall be the Chairman or his deputy. Of course, it is easy to see what the position may be if the vote is one all. The Chairman has a second or casting vote and, on matters of great moment, the question will be decided on the casting vote of the Chairman or the Deputy Chairman. What a fiasco that could be in matters of importance, through a board which does not really represent fully the interests of those concerned in the bread industry. The Hon. Mr Milne highlighted clause 26, which provides that the Authority may impose conditions limiting the amount of bread that a registered bread producer may produce at a specified bakery.

It should be of interest to honourable members to know that we have about 88 bread manufacturers in South Australia: 55 of them are in the country, of which 50 are small bakeries such as those at Greenock and Nuriootpa. There are many small country bakeries, and long may they reign. One of my favourite pastimes in visiting a country town, whether on a Select Committee or otherwise, is the sampling of the local product. One can imagine that, if the bread industry authority is created, an inspector may well be breathing down my neck when I go in to make my next purchase.

There are 50 country bakeries out of a total of 88 in South Australia. About six of the country bakeries could be described as medium bakeries, such as those at Mount Gambier, Loxton, Whyalla, and Port Lincoln. In the city, there are basically eight large bakeries: Gold Star, Buttercup, Baker Boy, Tip Top, and others. There are also what can be classified as medium bakeries in the city, including Continental and Riviera, and there are about two dozen small bakeries, including Perrymans, John Opie, the French Bakery, and so on.

One is really looking at an industry with 88 manufacturers; probably 70 could be classed as small, nearly a dozen as medium and half a dozen to eight as large manufacturers. It would be foolish to ignore the fact that in this industry, like many others, there has been a dramatic change in the past decade. In 1972-73, 40 per cent of the bread in the metropolitan area was home delivered: that figure has fallen dramatically to something like 8 per cent. Of course, that pattern is not uncommon in other industries—milk, greengroceries and groceries are also affected. All members know of the changes that have occurred in those industries concerning home deliveries. One can sympathise with breadcarters and other deliverymen in the sense that, obviously, their numbers have shrunk. They are not alone because there are many industries where jobs have disappeared because of the changing nature or different method of purchasing goods in that industry.

From time to time there have been discounting wars in the bread industry, one occurring during the period when the Liberal Government was in office. The Liberal Party does not dispute or shrink from that fact. The answer, surely, is not to create a statutory authority. If that was the solution to every problem we would end up having more statutory authorities than we have now. I do not believe that that is the answer to the problems of South Australia.

Clause 26 limits the amount of bread that a registered bread producer can produce at a specified bakery. So, an inspector may suddenly descend on, for instance, the small town of Eudunda, in his Government car with his camera at hand because he has the power to take photographs of people producing and buying bread. He can snap a photo of a little old lady coming out of the Eudunda Bakery with her cream buns and loaf of brown bread, develop it, and take it to the baker and say, 'I told you last month that you really are producing far too many cream buns and too many loaves of brown bread; under the powers of the Act, you should desist.'

How ludicrous this Bill is. As the Hon. Mr Milne has quite rightly pointed out, it has enormously broad powers. The Authority may impose a Draconian power such as one limiting the amount of bread that a registered bread producer may produce at a specified bakery. One can imagine the implications if a bakery purchased flour and other ingredients in anticipation of maintaining its monthly sales only to be told that it had to change its level of production. Also, the Authority can prohibit, restrict or regulate the sale of bread produced by a bread producer in any specified zone. Then, there are the administrative provisions set down in Division III, which state that a registered bread producer is liable to pay the Authority a fee of $5 or such fee as may be determined from time to time. Of course, we have not heard from the Government how many people will be required to administer the Authority, or how many inspectors will be appointed to carry their little cameras around to the country snapping photos of the production and sales of Easter buns and brown and white loaves. Clause 29 (3) provides that:

> Any bread produced for consumption outside the State shall be disregarded in determining a fee payable by virtue of this section.

How on earth will interstate sales be administered? For instance, what will happen to bread supplies in Mount Gambier in the South-East of the State, the second largest regional town in South Australia (a town with which my colleague the Hon. Robert Lucas is not unfamiliar)? Will bread there be produced by the local bakery or will it be brought in from interstate? Will the Mount Gambier bakery produce bread for the western region of Victoria, and perhaps surreptitiously by night bring back the bread in plain wrappers so as to escape the iniquitous provisions of the bread

industry authority? Price orders are referred to in clause 34 (4), as follows:

The Authority shall, in fixing prices . . . take into account the following matters:

(a) the costs associated with the production and sale of bread;

(b) the benefits that may accrue to the bread industry . . .

(c) changes in the prices of foodstuffs . . .

There is a whole range of matters associated with that. Of course, that will require a further administrative workload; it will be an enormous task to properly administer the provisions in clause 34. I have already referred to the power of inspectors. Clause 40 provides that:

An inspector may, for the purpose of ascertaining whether the provisions of this Act are being complied with enter any premises that the inspector believes on reasonable grounds to be used as a bakery or for or in connection with the production, storage or sale of bread and . . . examine plant or equipment . . . carry out tests—

whatever that means—

take any photographs; or require any person to answer any question that may be relevant to the investigation.

Those are amazing powers, and I can only share the Hon. Lance Milne's bemusement with respect to those very broad powers.

The Hon. R.J. Ritson: Will the inspectors carry exposed hand guns, do you think?

The Hon. L.H. DAVIS: I do not think they would carry exposed hand guns, but that is probably the only thing that they would not be carrying. They will certainly have rule books, a good supply of camera equipment, and a regional map with all the bakeries marked on it. This is full of exciting possibilities: it would be, could I suggest, a bureaucrat's delight, but, as I have said, it certainly will not provide a solution. Following all this, it has been suggested that the Bill should have a sunset clause and that the sun should set, perhaps, on the Bread Industry Authority after four years.

An honourable member: It should never rise.

The Hon. L.H. DAVIS: As my colleague has just observed, the sun should never rise in this regard. As the Hon. Mr Corcoran observed when he was Premier some time ago, I think this is a stale idea which should be thrown out. For the sake of common sense, I hope that the Government's madness in this matter is overcome by the Council's rejecting the Bill through the novel device suggested by the Hon. Mr Burdett.

Finally, I suggest that the Government has totally ignored, on the side of research, the excellent work that the Bread Research Institute of Australia has done. At a Federal level it has an active programme which involves representatives coming to South Australia for a fortnight each year with an educational programme, ensuring that the bread sold in South Australia is of a nutritional standard and of a high quality. Certainly, there are arguments that problems exist on the marketing side. One can argue that, like potatoes and eggs, bread should be promoted as a product more widely than it is at the moment, because over the past two decades, on balance, I think there has been a fall in the production of bread of about 1 per cent each year.

That has perhaps accelerated in recent years. The fall-off in bread production no doubt reflects an increase in living standards and changing tastes, but from my observations I suggest that it also reflects the fact that bread has not been advertised as a product as well as it might have been. However, that is no excuse for this shocking piece of legislation. One can imagine that, if this measure is implemented, it will certainly provide some jobs, which in itself might be a good thing, but it will not provide solutions. It will introduce another statutory authority—another QUANGO—an administrative nightmare, a jungle, and extra pieces of paper that small bakeries will have to fill in—and this comes from a Government which has indicated its interest in deregulation and which only recently introduced a Small Business Corporation of South Australia Bill to help South Australian small business. This measure will certainly not help the 60 or so small bakeries in the country and metropolitan areas. It will be just another cost burden for them and another exercise in futility. I strongly urge the Council to throw out this Bill. It is inappropriate and unnecessary.

The Hon. R.I. LUCAS: This Bill is an abomination, as other speakers have indicated. It really seems that, in the eyes of this Government, anything that moves has to be regulated. In the past two weeks we have seen the creation of a Small Business Corporation as an attempted panacea for the problems of the small business community, and we now see an attempt to create a bread authority to solve the problems of that industry. The Minister of Agriculture turned his statutory authority, the Phylloxera Board, into the Phylloxera Corporation, and the Health Commission has gone through a wonderful little exercise whereby farmers who want to purchase poisons have to fill in an application form and wait for a licence before they can do so. They are all indications of the Government's going mad on regulations. Anything that moves must be regulated, according to this Government.

This attempt to solve the problems of the bread industry will not work, even if it was allowed to come into existence. Other members have adequately debated the quite ludicrous provisions of the Bill, and I will not take the time of the Council in repeating the points made, but it needs to be said again and again that this Government has a philosophy of regulation. It has a phobia about creating new, glossy statutory authorities to solve problems. Sooner or later this Government's approach to regulation making must be stopped, and as one small step along that road this Bill should be knocked on its head right now.

The Hon. ANNE LEVY secured the adjournment of the debate.

STATE BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 April. Page 3647.)

The Hon. K.T. GRIFFIN: This Bill, which the Opposition supports, is really the second stage of the legislation required to establish the new State Bank of South Australia. When the first piece of the legislation was before us in the earlier part of this session in 1983, I spoke at length upon the benefits that would obviously flow from the merger of the South Australian Savings Bank and the State Bank of South Australia. There is no need for me to repeat those observations when considering this Bill. When the matter was last before us it was indicated that negotiations were being undertaken to evolve an agreed scheme for dealing with the conditions of employment of employees of both banks. I am pleased to see that this Bill is the result of such negotiations. I understand from officers of the bank—

The PRESIDENT: Order! I ask that some of the conversation in the Chamber be cut down. The Hon. Mr Griffin.

The Hon. K.T. GRIFFIN: I understand from officers of the banks that the Bill is an agreed Bill and that that agreement extends to the support from the relevant employee associations. So, the Opposition supports the Bill.

I will raise two matters in the Committee stage: first, the matter of confidentiality. I raised that matter when we were considering the principal Act and indicated that I would want to see included in the Bill a provision which would make it an offence to disclose information as to the affairs of a customer which had been acquired by an employee in the course of his employment, unless the disclosure was made in the normal course of the business of the bank, had the customer approval, or was authorised by any Act or other law. I was informed at that stage that the matter would be considered in the second stage of the legislation when dealing with the conditions of employment of employees. It is not dealt with specifically, but I understand that it was raised during discussions, and it was presumed that the rules of conduct of employees that the board of the bank would prescribe would deal adequately with the question of confidentiality.

One would certainly hope that the rules of conduct do so deal with the question of confidentiality. I hold the strong view that, because this is a State instrumentality, it ought to be subject to a statutory requirement as to confidentiality, much as we have included a similar provision in the Small Business Corporation Act and in another Bill which we debated yesterday. The penalty in my amendment was $2 000 maximum, and that is similar to the Bill which we considered yesterday. The only other amendment is to the schedule, dealing with the question of misconduct. I did have some question as to whether or not the definition of 'misconduct' was sufficient to empower the board to make rules of conduct for its employees. In considering that, it has been drawn to my attention that a possibility exists that the use of the words 'rules of conduct prescribed by the board' may make those rules subject to the Subordinate Legislation Act. That is not something that I would want to see, because they ought to be matters dealt with primarily on an internal basis and subject to the oversight of the board.

However, in the discussions that have taken place in relation to the power of the Board, I am satisfied that, if there is a reference to the code of conduct in the definition of 'misconduct' in the schedule, that will be sufficient to give validity to that code. So, the amendment which I will move in respect of that merely tidies up the provisions so that the code is not subject to scrutiny by the Joint Committee on Subordinate Legislation. I am therefore pleased to be able to support the amendments along with the Bill, and I hope that the amendments will not be controversial when we come to consider them in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

New clause 3a—'Confidentiality of information supplied to employees.'

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

Page 1, after line 20 insert new clause as follows:

3a. The following section is inserted after section 29 of the principal Act.

29a. No person who is or has been employed by the Bank shall disclose information as to the affairs of a customer acquired by him in the course of his employment unless—

(a) the disclosure is made in the normal course of the business of the Bank;

(b) he has the customer's approval to do so; or

(c) he is authorised or required by any Act or other law to do so.

Penalty: Two thousand dollars.

As I have indicated, this amendment seeks to put into the Statute a provision requiring confidentiality and to make it an offence if that confidentiality is breached, except in circumstances specified in the amendment.

The Hon. C.J. SUMNER: This amendment is acceptable to the Government.

New clause inserted.

Clause 4 passed.

Clause 5—'Insertion of new schedule.'

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

Page 2—Leave out paragraph *(a)* of the definition of 'misconduct' and insert the following paragraph:

(a) a contravention of or failure to comply with a code of conduct laid down by the Board.

This is to ensure that the code of conduct is not subject to the Subordinate Legislation Act.

The Hon. C.J. SUMNER: The Government accepts this amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

[*Sitting suspended from 5.55 to 7.45 p.m.*]

LICENSING ACT AMENDMENT BILL (1984)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Licensing Act, 1967. Read a first time.

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

That this Bill be now read a second time.

It imposes a moratorium on the further grant of certain types of liquor licence. In 1983 the Government established a review of the Licensing Act. That review is almost completed. Amongst other things, it will propose a restructuring of the licence categories now available under the Act. It will propose that some categories be amalgamated, and that the criteria to be satisfied before some other licences can be granted be altered. In some cases, it will propose that the trading conditions applying to licences that have been granted be liberalised. Transitional provisions will deem the holders of some current types of licence to hold licences in these new categories.

As a result, during the period between the release of the report and the implementation of amendments to the existing Licensing Act that may follow, it will be an attractive proposition for some persons to apply for an existing type of licence and so take advantage of liberalised trading conditions that may apply as a result of transitional provisions. In order to avoid this speculative obtaining of licences, the Government has decided to impose a moratorium on the further grant of those types of licence which it will be attractive to gain.

To be effective, the moratorium will apply from the date on which this Bill was introduced. However, all those persons who lodged applications for licences before that date will not be disadvantaged. Their applications may be determined by the Licensing Court as if there was no moratorium. The five classes of licence to be subject to the moratorium are set out in the Bill. Only these categories were selected, rather than apply the moratorium to all categories, which would unreasonably disadvantage persons applying for licences in those other categories for genuine purposes. The reasons for selecting only these five categories will be explained in the report of the review.

Clause 1 is formal. Clause 2 provides that the new Act shall be deemed to have come into operation on 18 April 1984 (the date of introduction of the Bill into Parliament). Clause 3 enacts new section 4a of the principal Act. This new section imposes a moratorium on the grant of wine licences, distillers storekeepers licences, cabaret licences, club licences and 20 litre licences. It will prevent any such licence being granted on an application made after the date of commencement mentioned above.

The Hon. J.C. BURDETT secured the adjournment of the debate.

PLANNING ACT AMENDMENT BILL (1984)

Adjourned debate in Committee (resumed on motion).

(Continued from page 3720.)

Clause 2—'Commencement'—reconsidered.

The Hon. J.R. CORNWALL: I move:

Page 1, lines 14 and 15—Leave out clause 2 and insert the following clause:

2. (1) Subject to subsection (2), this Act shall come into operation on the day on which it receives the Governor's assent.

(2) Section 7 *(a)* and 7 *(ab)* shall come into operation on a day to be fixed by proclamation.

It is proposed that this clause be amended so as to provide that, with the exception of clause 7 *(a)* and 7 *(ab)*, the Act shall come into operation on the day on which it receives the Governor's assent. For the reasons outlined by the Attorney earlier in the day clause 7 *(a)* and 7 *(ab)* shall come into operation on a day to be fixed by proclamation. There is a cast iron guarantee and undertaking given by the Government that this Part will never be proclaimed unless there is an adverse finding in a case currently before the South Australian Supreme Court. I seek the Committee's co-operation and its support for the amendment.

The Hon. M.B. CAMERON: I guess that one could say that this amendment is an improvement because at least it nails this whole situation back to an adverse decision in the infamous or famous Dorrestijn case, but it does leave a situation of uncertainty about development all over the State. It means that, if the decision in the Dorrestijn case, which relates entirely to land clearing at this stage, is averse to the Government, this Bill will come into effect, and with all its effects.

The most important part of the effect is on section 56 (1) *(a)* of the Planning Bill, which has been the subject of argument from the beginning. It means that from that point on, if there is what is regarded as an adverse decision, people who wish to develop in this State will be subject to uncertainty in the area of continuing use. I do not find that situation very satisfactory because it means that from then—and I guess we have to rely on the fact that a subsequent amendment will be successful—until November 1984, uncertainty will sit on every potential development in this State where it relies on continuing use. That is a serious situation for people in the State who, since time immemorial, have enjoyed a situation where they know that their property rights and current uses of property are protected. That could lead to adverse decisions concerning development.

That is not something that the Opposition wants to see happen in this State. I realise the situation with land clearance—a situation that the Opposition, time after time, has said it is concerned about. I will be moving amendments at a later stage that, I believe, will lead to the situation being resolved, because the Government will recognise that property rights of the rural community are important and should be compensable.

Concerning the effect on other areas of development, I do not believe, regardless of how the Dorrestijn case goes, that it will have the immediate and horrendous impact that the Government has been building up around this issue. I do not believe that it is necessary to move with such haste in this area. I have attempted to have the Government hold this matter over until there can be further discussion. Every time I speak to a lawyer on it it seems that we get a different opinion concerning the effect of section 56 (1) *(a)*.

The Hon. Anne Levy interjecting:

The Hon. M.B. CAMERON: The honourable member's Leader must be out; otherwise, she would not be saying that. It is a difficult area, and I do not believe there will be the horrendous effect that the Government has built up. I suspect that the whole matter has been attached to the native vegetation area in an attempt to gain what is seen as an easier method for planning officials in this State to gain total control of planning, apart from some minor areas. It is of concern to me that we are now facing up to this Bill without the areas of concern being clarified and being told that, unless we pass this, something terrible will happen as a result of the four relatively minor cases in which there have been decisions. However, I will listen to any argument put forward by the Minister on this clause. Perhaps other members of the Opposition will have a point of view to put forward.

The Hon. K.T. GRIFFIN: Over the past couple of days I have consulted a whole range of people both on the Government side and in the private area who are involved with the Planning Act. There are divergent views on the impact of the Dorrestijn case and on the meaning of section 56 (1) *(a)*. It seems to me that there are some distinctions that can be drawn between the wide claims by the Government and the facts of the Dorrestijn case.

As I understand the Dorrestijn case, a farmer on Kangaroo Island acquired land in 1981 with a view to developing it, which would involve clearing. In fact that property had been cleared previously, but as a result of some neglect there had been substantial regrowth. A fire went through part of the property, and it was that part which was subsequently the area proposed to be cleared. In the light of the fact that Dorrestijn had a programme for clearing and the fact that previously a substantial part of the property had been cleared and used for farming purposes, Dorrestijn embarked upon that clearing programme. I am informed that that case is not really a case involving an extension of existing use, but the point has been made to me that each case will, of course, have to be judged on its merits.

The other case that has been referred to is the case of the Hills slaughterhouse, and that is a case where the hygiene and health laws were invoked to require a proprietor of a slaughterhouse, which, apparently, was substandard, to rebuild that slaughterhouse. Rebuilding was undertaken, but it was allowed only on the basis that the conditions applying to the operation of the slaughterhouse remain unchanged. So, the throughput remained the same, the health and hygiene legislation was complied with, and the standard improved quite dramatically. So, that case cannot be used in regard to a point of view that has been put to me to justify an assertion that it was in fact an extension of an existing use. Therefore, on the information that has been given to me from a number of quarters, those two cases are not cases upon which to base a high level of consternation that, if the Dorrestijn appeal is not upheld, it will mean widescale redevelopment and extension of continuing existing uses and the wholesale clearance of native vegetation.

Quite obviously, we will have a greater opportunity to explore this matter when we consider clause 7, but I thought it was important to put that information on record to put the consideration of this Bill in a different perspective. The other point I want to make is that I have made some inquiries about when the Full Court decision might be handed down, and I have been informed that it is not expected that it will be handed down before the week after next, which will still give us ample opportunity to have a more dispassionate look at the Bill now being considered rather than rushing the Bill through and making amendments to significant portions of the Planning Act, when, in fact, they may never be required.

Even if my information is not correct, and if the decision is handed down next week, as the courts are not sitting on Tuesday, that leaves Thursday and Friday and the following Monday before we next sit, and I cannot believe that, in regard to the urban areas of South Australia, a hiatus period of a maximum of five days will create any problems at all, because it will not be possible within that period for existing use to be expanded by any sort of structural or other urban development.

In addition, it would be difficult to mobilise many bulldozers to undertake a clearance programme in that time. I am not as perturbed about the delay to 1 May as I was when the matter came before this place last week, when we understood that the decision of the Full Court in the Dorrestijn case was imminent. So I believe that there is merit in deferring consideration of the Bill until 1 May on the basis that, because there is a genuine concern on this side to ensure that reasonable legislation is in place, we can, during that period, have consultations (and I would certainly be prepared to participate in them) with members of the Government, the Democrats and respective advisers with a view to reaching a satisfactory and reasonable alternative to what at present seems to me to be a quite remarkable and significant amendment to the Planning Act. Essentially, the amendment is made on the premise that the decision of the Full Court in the Dorrestijn case is imminent, but according to my information that is not so.

I am concerned about the Bill as a whole, but I am also concerned about rushing it through and about the proposed amendment. However, as the Hon. Mr Cameron has said, the amendment is better than the provision contained in the Bill at present, and there are many aspects of the Bill that I certainly would not want to support. It is in that context that, while I will support the amendment, I will not support the Bill unless more significant amendments are made or unless the Government is prepared to defer final consideration until 1 May.

The Hon. PETER DUNN: This amendment improves the Bill slightly, but I point out that the Bill has been introduced in indecent haste. The expanding use clause is quite out of proportion: it disadvantages the little man, the battler, the fellow on the periphery of the State who endeavours to make a living by purchasing a raw block and who is prepared to put his back to it, handle the shovel, throw stumps around, to do work that, I venture to say, no-one in this Chamber has ever done, and to work very hard for long hours. I believe that those people work extremely hard to make a small living.

For the Government to say that, in regard to land purchased two to five years ago, a landowner can clear only 600 acres when originally he intended to clear 1 000 acres is very similar to telling a householder, 'For the benefit of the rest of the State, we will take half of your block—but we won't pay you any recompense, because it is for the benefit of everyone, and your benefit alone.' I believe that one very small section of the community is being heavily penalised for something that is desired by the rest of the community.

The Bill makes no comment on that fact, and it does not in any way say that people will be recompensed. The rural industry is not stupid and, if the Dorrestijn case in the Supreme Court comes down in favour of Dorrestijn, the rest of the rural community will not go out and clear hundreds of thousands of acres (as we have been led to believe and as we have read in the paper), for several very good reasons: first, they do not have the plant and equipment to do so. It is a specialised operation and involves big and expensive machinery which, in the main, is owned by contractors who clear this type of country. There are only two or three of those plants in the State, and I understand that at least one of them is operating interstate.

If members think that individual farmers can clear scrub in their own right with their small plant, they do not understand the facts of scrub clearing today. Secondly, they still have to obtain permission from the Department of Agriculture (Soils Branch) before clearing vegetation. However, they cannot get that permission because there are not enough staff in that Branch to inspect the country and approve clearance. That is another restriction on these people.

I am convinced that this matter has been brought before Parliament with indecent haste. The Hon. Mr Griffin explained that it is not likely that there will be a decision in the Dorrestijn case for about 14 days. Even if we had seven days or five days, two days will be part of a weekend, and what could be done in that time? It is quite ridiculous to think that the whole of South Australia could be cleared in that time. Farmers are not going to clear their land, because they know the value of having native vegetation on their properties. They retain as much vegetation as is economically viable. If they cannot do that there is no future for them in farming, because most properties today have native vegetation for personal reasons such as shade and shelter. In fact, many farmers are re-establishing areas of native vegetation.

Members should ask the Department of Woods and Forests how many trees it sells each year on its annual trip around Eyre Peninsula. I believe that this week the Department is taking two or three truck loads of small 12-month-old plants around Eyre Peninsula to sell predominantly to farmers, and it may sell a few to local people in small rural towns. Farmers are aware of the value of native vegetation, but the Government is adopting the attitude that they only want to clear vegetation. There is no more ridiculous belief than that, because farmers simply are not endeavouring to do that. However, if farmers are to be controlled in any way, it should be under a regulation that will give them a reasonable chance when making application and one which also provides a mechanism of appeal. If they lose an appeal, they should be recompensed in some small way—not tomorrow, but perhaps over a longer period of time. Few people are involved in this area. It is not as though we have 100 000 farmers—there are only 18 000 in the State.

The Hon. J.R. Cornwall: We have 100 000 hectares, though.

The Hon. PETER DUNN: Yes, but it would be impossible to clear 100 000 hectares within the time declared in the Bill. I do not know whether the Minister has experienced the joy of picking stumps, raking them in the dust, or clearing scrub. If he had, he would view the matter differently. It involves a lot of hard work, and a long period lapses before landowners earn a living from that country.

The Hon. J.R. Cornwall: To my eternal shame I was actively involved in a lot of clearing of the heath country around the Victorian border.

The Hon. PETER DUNN: I suggest to the Minister that he did not have to go through the third degree, similar to that in the Bill before us, before he was able to do that. He knows and I know that mallee heath country is very small timber, and the stumps—

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: If one calls it heath country that, by its very name, indicates that it is a very small plant.

The ACTING PRESIDENT (Hon. C.M. Hill): The Minister does not need to tell us about his experiences.

The Hon. PETER DUNN: I think that he is enjoying telling us about his picking up those stumps, which were probably three or four inches across—no more. The Government is introducing scare tactics in relation to this matter. For instance, as I read in the paper the other day of an

indication that the whole of the country would be cleared of any vegetation. The Government has severely over-reacted to this matter. However, I support the amendment because it does improve the Bill.

The Hon. J.R. CORNWALL: Following the events of last week the Government was faced with two possibilities, and no more than two. The stark reality was that, had we chosen the path of cynical, political opportunism, we could have said 'Well, the Opposition has done this, it has thrown out legislation which sought to impose reasonable controls on the irresponsible clearing of the very precious remaining areas of native vegetation in the agricultural areas of South Australia,' and there are not a lot of them. One only has to look at the maps that have been produced in consecutive decades since the end of World War II to see the remarkable and devastating impact that vegetation clearance has had on this State. Had we been the sort of Government that said, 'There is a fair bit of political mileage in this, one way or the other; we will let the Opposition live with the odium it has brought upon its own head by its rashness and its own folly,' that would have been the end of the matter in the foreseeable future, but we are not that sort of Government.

The matter was debated at some length by the Cabinet on Monday and the Parliamentary Caucus of the Labor Party on Tuesday. A clear decision was taken that we should try one more time, in a spirit of real conciliaton, to make an interim arrangement (no more than that) because the whole thing, under the amendments that are filed in my name, will expire in November, anyway. That gives us, as sensible legislators, a period of six months in which to try to reach some sort of workable compromise or middle of the road course which sees honour satisfied as far as particular rural interests that the Opposition purports to represent are concerned. Those interests must be protected in some reasonable sort of way while, at the same time, remaining precious areas of native vegetation on rural properties in this State are protected.

There is a further element to this matter, of course. The Hon. Mr Cameron referred to three or four little cases and the Hon. Mr Dunn said that it was an assault on the little people (about whom the Hon. Mr Hill professes such concern from time to time). Let us look at these little, allegedly inconsequential, cases and let us look also at the little people involved and the claims to the unfettered right to use their properties as they see fit, which they are currently making. There is a case now before the Planning Appeal Tribunal, No. 129 of 1984, in which a certain gentleman—whom I will not name at this moment because I do not think it would be reasonable to do so since the case is proceeding—from Willunga is appealing against the District Council of Willunga, certain residents of that area and the Southern Districts Environment Group.

The District Council of Willunga has refused this person permission to extend an abattoir in the area. The abattoir is currently slaughtering 9 000 units a year. The immediate application is to extend it to slaughter 18 000 units and then, in a short time, to 60 000 units a year. Therefore, he is seeking to increase the capacity of the existing abattoir by 700 per cent and to build an appropriate new abattoir or premises, as he puts it. The Southern District Environment Group had this to say about that:

> We believe that this case typifies the problem with section 56 (1) *(a)* of the Planning Act and it coincides with the dramatic and deplorable outcome of the session of the Legislative Council on 11 April 1984 in which the proposed amendment of the Planning Bill came under crossfire.

It did a little more than come under crossfire; it was absolutely blown out of the water by the action of the Opposition. That is the position. We have been up and down these roads many times. If we continue with the present rate of progress we will be here for a very long time. I do not think that there is really any need for that because all the arguments have been put *ad nauseam* and do not need reiterating. I simply summarise my main contribution to the Committee stages of this debate by saying that the Government, in a true spirit of compromise and in an attempt to conciliate, is looking for no more than a breathing space for the people of South Australia—not for the Government, which is only 13 people.

The Hon. K.T. Griffin interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Griffin usually does not get involved in Legh Davis type remarks. He was a member of a Government— the Tonkin interregnum I believe it was called—and as a participant in that Tonkin interregnum would know, if he has done his homework, that back-benchers are Government supporters, and not technically members of the Government as such at all. That happens to be a fact if one looks at the Westminster traditions and system.

An honourable member interjecting:

The Hon. J.R. CORNWALL: The honourable member may diverge, digress and contort as much as he likes; that happens to be a fact. Cabinet is Government in the Westminster system. Cabinet is supported by the back bench and unless it has the numbers on the floor of the Lower House—the Democratic House—it is not in Government. That just happens to be a fact. I do not care if it happens to be unpalatable, or how members of the Opposition see it: the Government in South Australia is, in fact, 13 people in Cabinet. It will not be the Government that will suffer (it will certainly not be the 13 people who meet on Monday afternoons in the Cabinet room on the 11th floor of the State Administration Centre). It will be the people of South Australia who will be the poorer if the Opposition continues with its extraordinary attitude to what we are trying to do.

It is a genuine attempt at conciliation; it is a genuine attempt to have a reasonable hiatus of six months during which the President, members of the Opposition, members of the Government back bench, members of the Cabinet, the Democrats and anybody else who wants to get into the act can sit down and talk about these matters and see whether there cannot be a reasonable resolution. That is the entirely reasonable proposition that we are putting. We are giving the Opposition a chance to make a death bed confession, and I am told—although I have never had the personal experience—that death bed confessions are usually the best kind, because it is at that stage that people face their real moments of truth, and this is the real moment of truth for the Opposition.

Is the Opposition prepared, in a fury, to see the sacrifice of an estimated 100 000 hectares of native vegetation in this State over the next six months in the event that an adverse decision is handed down by the Supreme Court, whether it be next week, the week after or the week after that; or is it prepared to act sensibly, reasonably and in a spirit of consensus to combine with the Government, and as a Parliament, to take this very minimal, sensible step to protect our native vegetation and our existing use planning in urban areas for no more than six months? That is what the Government is asking on behalf of the people of South Australia.

The Hon. M.B. CAMERON: One would think after listening to the Minister that somehow the Opposition was responsible for the present situation. I make absolutely clear that the Opposition had nothing to do with the regulations that have caused the Government to be in this very serious predicament. We did not bring in the regulations that have caused so much vegetation in South Australia to be cleared that this Minister must, to use the type of words that the

Minister used, writhe in his bed at the thought of what he and his Government are responsible for.

Let me assure the Minister—I know that he does not get out of the city these days, and that is a good thing because people whom I know in the country areas are sick of him—that if he got out of the city areas and travelled around a little he would know exactly what he and his Government have caused in rural areas. There has been wholesale clearance under Government supervision. Areas have been cleared which in the next 10 years would not have been touched. Why? Because the Government introduced regulations that caused the farmers of this State to suddenly look at their uncleared land and say, 'Hell, we had better get it knocked down in case this Government becomes a little worse in its attitude.' So, we have had applications by the hundreds from people who had no intention—this year, next year or in the next 10 years—of touching native vegetation.

The Hon. Peter Dunn: How many applications were made in the previous 12 months?

The Hon. M.B. CAMERON: That is exactly right. That would be a very interesting question for the Minister to answer: how many applications were there in the year prior to the introduction of the native vegetation control regulations, and how many were there in the year in which this stupid Government introduced these regulations that caused all this problem?

Now, the Government is trying to turn the thing on us and say that somehow we are responsible. We have had nothing to do with the Government's movements in this area. It did not take any advice; it did not seek any advice. Now, suddenly, it is saying, 'We are prepared to sit down with the Opposition, or anybody, and go through this whole situation.' It is a pity that the Government had not done that before it jumped into the hot water that it is in now and before it got itself entwined in the situation that has caused so much damage to native vegetation in this State. I make it absolutely clear that we do not support the wholesale wiping out of native vegetation.

If that has occurred, then it is this Government that is responsible for the second time, not for the first time. The first time was in 1976 when some grandiose press announcement was made that the Government would suddenly stop all clearing: it would cut it off the titles, and the damage which was done to native vegetation and which has continued since that announcement was horrendous to see. As a person who lives in a rural area, I know what occurred: I saw what occurred and it was a shameful period, caused not so much by the rural community (although they did it) but by the Government, which created a panic, and now it has done it for the second time.

One would think that the Government would learn, but it did not learn: it has done it again, and for the Minister to try to turn this thing around on the Opposition is just not acceptable to us. The situation is that the Government has taken this action. It is now in a panic because it has found that the way it went about avoiding the Parliament regarding the regulations in the first place may have caused a problem. We are quite happy to help the Government resolve that problem. However, in the meantime what the Government has attempted to do is tie to it everything else in the State that was covered under continuing use.

Now the Government is saying, 'We have had a meeting of Cabinet. We are the heroes of the State. We have brought this matter back to Parliament, and we will give you a second chance and a compromise.' Again, it is a pity that the Government had not thought this out before it brought it in in the first place so that it did not have to go through the performance of last week, being put in a position of having to defeat a Bill to bring a bit of sense into Cabinet and Caucus (and a bit of sense might have arrived, but not enough).

It is a pity that the Government did not talk a little more in Caucus until it brought about some common sense. I will have a little more to say because this is not my last contribution on the matter, I can assure honourable members. If the Minister rises again and attempts to blame the Opposition, he will get even worse words from us. I have a question for the Minister relating to a continuing use that I believe may be affected by this Bill in the interim period of six months in which it operates if the Dorrestijn case goes against the Government. I refer to quarries in the Adelaide Hills, particularly those operating in the immediate Hills area, where, as I understand it, they operate under a continuing use.

Native vegetation in the area will be damaged, and I guess that it is damaged every time a quarry is increased or there is a development in the area. I ask the Minister what exactly will be the protection offered to quarries in the Adelaide Hills which operate now under a continuing use programme.

The Hon. J.R. CORNWALL: Had I thought of the expression first, I might say that the Hon. Mr Cameron is writhing as the State pierces his soft underbelly. However, it would not be an original quote, so I will not use it. He is extremely uncomfortable and it is pretty obvious why. He has asked me a question, so I will respond. In the terms of quarrying, as he should know, it is an operation which is a moving industry in the sense that there is a requirement upon it (and a very large rehabilitation fund which is paid for by royalties) as one area is quarried and rehabilitated, a suitable new and approved site is selected for the next quarrying activity, so it is not directly relevant to this debate at all. The Hon. Mr Cameron says that there have been two great bursts of vegetation clearance in this State, both of which he tries to attribute to a Labor Government.

The fact is of course that in 1976 we tried to get some sort of community consensus by canvassing the desirability of imposing vegetation clearance regulations. We gave notice to the community at large that that was what we were contemplating, and a small irresponsible but very significant section of the farming community went berserk. It conducted an extravagant and irresponsible campaign that was based on quite extraordinary and hyperbolic rhetoric.

They attempted to make the case that they would no longer be able to chop down a single piece of vegetation, that they would no longer be able to cut down a tree, even though it was an impediment and a threat to the amenity and comfort of the daily conduct of their lives. All types of extraordinary statements were made. At that time there was an upsurge, no doubt, in the rate of clearing of native vegetation that we could ill afford to lose in the agricultural areas around this State.

On this occasion (and I remember the discussion well), the Minister for Environment and Planning, on the advice of his very senior and competent officers, brought to Cabinet a submission in which it was proposed that the regulations should be put into force overnight, without warning. That was quite a deliberate action. It was a deliberate ploy for which we make no apology and for which we most certainly have no need to make any apology. It was applauded at the time and it continues to be applauded not just by conservation groups but by individuals throughout this State who are concerned in a responsible way with conservation issues.

It ill behoves the Hon. Mr Cameron to speak in derogatory terms of people who live in the city and who would not know what it is like to be out in the bush or rural communities, and so forth. The heritage belongs to all of us. Whether we live at West Lakes, Robe, Beachport, the Flinders Ranges or anywhere else; it is not the God given right of

the Mr Camerons of this world to dictate to the majority of us what they ought to be able to do with the remaining heritage. As I understand it, that is really what planning legislation in a civilised society is all about.

The Hon. Peter Dunn: It sounds a bit like America.

The Hon. J.R. CORNWALL: Perhaps it does sound a bit like America, too. It has nothing to do with the political systems, but it has a great deal to do with civilised and caring societies.

The Hon. Peter Dunn: What about caring for the people who use the land?

The Hon. J.R. CORNWALL: The Hon. Mr Dunn is obviously a staunch advocate, and truth will out, of property owners doing as they wish with vegetation. The honourable member should stand up and say it and not hide his mouth behind his hand. On this occasion he shows his true colours. The honourable member usually poses as a mild mannered West Coaster (if that is not a contradiction in terms). On this occasion the Hon. Mr Dunn shows his true colours. It is a belief sincerely held and he ought to get up and tell us.

The honourable member believes in the right of individual property owners to clear whatever remaining scrub is on their properties. It is as simple as that. If they are not permitted under the planning legislation and regulations to do that, then the Hon. Mr Dunn and the Hon. Mr Cameron and some of the other rural representatives of more extreme view on the other side believe that they ought to be compensated in full, *in toto*. It is the old 'Let us get rid of succession duties in one fell swoop' revisited, no matter how much it distorts the Budget. I am sure that we will have more to say about that later because the Hon. Mr Cameron has some extraordinary amendments on file. No matter that it might cost the State $30 million, $40 million or $50 million; the Hon. Mr Dunn regards that as his right. He is one of the born to rule conservatives. I often wonder how such a mild mannered man got up in the Liberal Party preselection.

The honourable member had no previous known record as far as the rest of us were concerned, but it is becoming obvious how the honourable member got up: he espouses his extremist views when he goes home to his natural and native country and acts like a mild mannered man when he comes to the city. Let the Hon. Mr Dunn stand in this place and say that he believes in unfettered rights of property owners to clear whatever remaining vegetation might be on their properties and, if there is any restriction whatsoever on those unfettered powers, they should be given full compensation for it. The Hon. Peter Dunn and the Hon. Mr Cameron would use the full compensation bait, not in practice just for retaining some vegetation but, indeed, as an incentive to clear because, unless one has started to clear and has shown that there is good cause for it on economic grounds, one cannot claim the compensation in the scheme put forward by the Hon. Mr Cameron and supported by the Hon. Mr Dunn.

I have covered a wide range of areas—indeed, most of the matters submitted in the Government's amendments and in the foreshadowed amendments of the Hon. Mr Cameron. I conclude, as I started, by appealing for common sense and an interim peace plan. Let the rural red necked right be accommodated in this interim peace plan and let us, as I said, to the extent possible, try to reach some reasonable consensus during the six months, which the Government's amendment would grant to all of us. By 'all of us', I mean the public of South Australia at large.

The Hon. R.C. DeGARIS: I have had a very fair view, over the past week or two, concerning what the Government has attempted to do with this legislation. I have been turning over in my mind what could occur if the appeal before the Supreme Court went against the Government. I think that has been a matter of concern to every member. I think, too, that the Government has tried to do what it can, if it did happen, and has introduced this legislation. I have some feeling for the Government. It took me a long time to work out the position, and I have now done so. I will put some questions and views to the Minister.

The big problem, to me, is the repealing of section 56 (1) *(a)*. The Government feels that, if the Dorrestijn case is lost by the Government, not only will there be wide-scale destruction of natural vegetation but also all existing use conditions will be under threat. I accepted that view of the Government for quite some time but, having done quite a lot of work on it, I have come to the conclusion that that is not the position. I believe that the retention of section 56 (1) *(a)* is important to the whole planning structure. What effect will the deletion of that section have on the existing use right?

I point out that the existing use right is a right that one will find in all planning legislation in Australia. Any decision made on an existing use right which adversely affects a person cannot be appealed against, leaving some concern in relation to the legislative right of the established existing use. The deletion of section 56 (1) *(a)* affects expansion of an individual's rights and also alterations, because alterations will fall within the definition of 'development'. Of course, it will have to go through planning and consent procedure and may be prohibited by the development plan.

This applies not only to the question of native vegetation clearance but also its application in towns and cities. Section 56 (1) (a) ensures that existing lawful activities cannot be stopped by the adoption of planning laws; in other words, when planning laws apply to a certain area, existing use has some rights, as it should have. This concept has appeared in all planning legislation and, as I have pointed out, it is not designed to interfere with established uses but to establish control over new development. What we are really discussing in this matter is the meaing of the word 'existing', and the question of the extension of that existing use. In the old Planning Act we had the 50 per cent rule, but that was changed when the new Planning Bill was passed in 1982. The deletion of section 56 (1) (a) would curtail the continuation of existing lawful developments by requiring that any change, alteration, or expansion must go through the planning process.

The Hon. Peter Dunn: Does that include painting the front door?

The Hon. R.C. DeGARIS: I do not know about that, but I can say that, in regard to a person living in an industrial area, if that person wishes to put up a carport he must obtain not only building approval but planning approval as well, in exactly the same way as someone who wants to build a $10 million factory. He would have to obtain planning approval, and it appears to me that that would be a quite ridiculous situation. I think I am right in thinking that, if section 56 (1) (a) is retained, as I think it should be, the bounds of the extension of existing use that do not require planning approval should be clearly stated in legislation. As I pointed out, such a provision existed before the 1982 legislation was introduced, when the 50 per cent rule applied. Once we know the boundaries involved, the opposition to section 56 (1) (a) must be reduced.

In regard to the Dorrestijn case, on reading the judgment, one finds that it involves an extension of existing use. It has been claimed by the Government that that extension takes the matter to the almost endless degree of extension. That does not apply; I do not accept that. Expansion of existing use can occur only on an allotment itself, in any case, and must continue the same use. For example, in regard to a small delicatessen operating in a residential area, there is no way that that existing use can be turned into a

supermarket, but that has been a claim made by the Government in regard to this matter. I do not believe that it is possible.

After taking a very long look at this matter, I do feel very strongly now that the provisions of section 56 (1) (a) are important to the planning legislation in this State. Even if the Dorrestijn appeal by the Government is lost, the deletion of section 56 (1) (a) by proclamation will have more serious implications than if the Dorrestijn appeal is lost by the Government. I am not criticising those who claim otherwise, because I believe they are just as genuine in their approach as are those who take a different view. However, we can only make judgments on this matter, and I have done so. I do not believe that there is any real danger to the planning structure that exists, whether in relation to native vegetation or to other existing uses. I do not believe there is any real danger to anyone, whatever happens in regard to the appeal. The Minister has already claimed that clearance of 100 000 acres of native vegetation would occur within a six month period between, say, May and November, if this Bill does not pass.

I would say that that is nonsense, not only from that point of view but because of the fact that those who are still holding scrub land which has not been used for farming will not be able to change the use. We have been looking at this in an incorrect way. I have changed my mind today after doing quite a lot of work—and I freely admit that. The amendments make some improvement to the original Bill, but I do not believe it is reasonable that we should allow the abolition of section 56 (1) *(a)* even for six months, whichever way the Dorrestijn appeal goes. We have been trying to see what could happen, but I do not believe that there is any possibility that that will happen. Therefore, I will support the amendments: I almost supported the original Bill, but at this late stage I have come to the conclusion that there is no real danger in its defeat.

The Hon. M.B. CAMERON: I believe that the Hon. Mr DeGaris has raised an important point, particularly in relation to native vegetation, and that is the question of what are areas of native vegetation under continuing use. I suggest that those areas in that category are very limited indeed. I do not believe that this question has been addressed in the debates so far. There are very few areas of farmland which are under native vegetation and which are actually used for farming or grazing purposes. As the Hon. Mr Griffin has already pointed out, the Dorrestijn land is in a different category: it has been subjected to use, and it has been cleared and developed. That point should be considered very carefully before we suspend section 56 (1) *(a)*.

I have no doubt that the Minister will refer to 100 000 hectares time and time again, but that figure is incorrect. There is no doubt that farmers might want to clear that area of land if they were told, 'You shall not do it,' as is the case at present, but, if we consider whether or not that land is suitable for development, we could easily halve that figure (or it could even be less than that). A lot of land under native vegetation would not be suitable for development. That criterion alone would diminish the area of land that would be subject to clearance approval, even if the Government decided to allow clearance. It would be minimised to the extent of nearly 50 per cent or more. The Minister talks about a conference of interested bodies or a compromise conference. I guess one could call it a peace conference.

The Hon. J.R. Cornwall: No, I haven't used the word 'conference' at any stage.

The Hon. M.B. CAMERON: The Minister referred to some sort of gathering of people to talk through this issue.

The Hon. J.R. Cornwall: It would be a consultative process.

The Hon. M.B. CAMERON: All right, but the Minister said that the right wing rednecks will be involved in that process.

The Hon. J.R. Cornwall: I didn't say that.

The Hon. M.B. CAMERON: The Minister referred to the right wing redneck farmers.

The Hon. Diana Laidlaw interjecting:

The Hon. M.B. CAMERON: The Minister has a penchant for being the opposite of a person who can stand up and advocate consensus and conciliation. It is a pity that in this process he displays this attitude, because it leaves me with a feeling that he does not mean what he is saying. His attitude is one that will cause concern as no doubt it will hit the press—the Minister in charge of the Bill called the farming community 'right-winged red necks'. What will be the reaction of the rural community when it sees that? Is that going to cause any diminution of the feeling against the Government or against these regulations? Of course it is not. So, the Minister deliberately sets out to present himself as a great consensus man and the Government as the great conciliator in order to get this matter resolved. He then sets about saying the words that he knows will inflame rural organisations and farmers and cause a further exacerbation of the problem facing rural areas towards these regulations and towards the controls the Government has imposed.

The Minister's attitude and his steps in this regard are stupid, because he has reached the stage where, no matter what happens tonight, by that one remark alone he has caused severe difficulties for anybody trying to get together a gathering and trying to get some reason and resolution into the whole situation. Unfortunately, it is not the Minister who has to go out and face farmers in the next few weeks but rather officers of the Department of Environment and Planning. Those officers have to go out and face the farmers knowing that they have behind them a Government that takes that attitude towards the rural community. I abhor what the Minister said and believe that he should retract the remark. Perhaps he might do that in his follow-up remarks and get this debate back to the stage where the rural community will look on the matter and say that it is a reasonable proposition put forward by the Government and one at which they ought to look. I assure the Minister that that will not happen as a result of the remark he has just made.

The Hon. J.R. CORNWALL: It is very sad. The Leader of the Opposition has very few talents and that is one of the reasons why he has spent much of his time in this Chamber in Opposition and a great amount of that time on the back bench. He has two talents: one is to personalise almost every debate in which he rises, particularly if I am involved; and the other talent is to grossly misrepresent almost everything that I say or that the Government puts forward. He plays the politics of divisiveness in a way that he has clearly refined it to an art form. I did not characterise all South Australian farmers as 'members of the rural red-necked right' at all.

The Hon. M.B. Cameron: Really? I have written it down—I took some trouble.

The Hon. Peter Dunn: He accused me of being one.

The Hon. J.R. CORNWALL: Neither statement made by interjection is correct.

The Hon. R.I. Lucas: You have been denying a lot of things lately.

The Hon. J.R. CORNWALL: I will tell the honourable member and, indeed, everybody else in this Chamber precisely what I said. I said that it was clear that Mr Cameron and Mr Dunn represented the rural red-necked right. In other words, they represent extremists in the farming and rural communities and they appear very happy to do that.

That most certainly does not apply to all members of the farming community at all. A very significant number of farmers and graziers in the State of South Australia (and remember that I lived and worked with them for a decade, so I know what I am talking about) are sensitive and sensible conservationists. I want that clearly on the record.

The Hon. Mr Cameron would not be fit to latch the shoes of Mr Vern McLaren, for example, who is probably the best known rural conservationists in this State; he comes from Mr Cameron's area. Mr Cameron ought to call and say hello to him sometime and hold some discussions with him, and find out what Mr Vern McLaren in his rural constituency thinks of the attitude of the Opposition to the wholesale desecration and devastation of the remaining vegetation on properties in the agricultural area of this State.

So, let me repeat again, just so that it is very clear on the record: I acknowledge and I am very happy to say that a very significant number of farmers in South Australia and a very significant number of people in the rural community—indeed, I would go so far as to say quite probably the majority of people in the rural community in South Australia—are sensitive and sensible conservationists in the best sense. However, I repeat that Mr Cameron and Mr Dunn seem to believe that they represent the extremist rural red neck right in this debate. So, that has cleared that little matter up.

Regarding existing use right, we support it enthusiastically. It existed for a very long time under the old planning legislation. Under that legislation of course the 50 per cent expansion rule was always accepted. It was accepted without demur and without question. It was only changed when the now Planning Act was introduced into this place by the then Liberal Government. Section 56 (1) *(a)* is the creation of the then Minister for Environment and Planning, Mr David Wotton. It is clear that at the time they knew not what they did because, as I reminded the Council last week, the Hon. Mr Burdett is clearly on record in *Hansard* as saying that section 56 (1) *(a)* could and would be applied, and regulations under the Act would be applied to prevent or to control vegetation clearance. I trust that people like the Hon. Mr Dunn, who profess a great interest in this matter, have looked up the debates of that time in this Council and he would see that the Hon. Mr Burdett, the then Minister of Community Welfare representing the then Minister for Environment and Planning in another place, made clear reference to the fact that the Government of the day believed—in good faith, I accept—that vegetation clearance would be controlled and controllable under section 56 (1) *(a)*.

Now, the Hon. Mr Cameron, in one of his less notable contributions, says that we should not be all falling about, getting excited or frothing at the mouth—whatever it is that we are alleged to be doing—as existing scrub would be subject to the Planning Act. By that he meant existing scrub blocks, existing areas of scrub where no farming was being undertaken—and that is perfectly true. The 100 000 hectares in the agricultural areas to which we refer and which is highly vulnerable is that scrub which is on existing properties—in other words, those properties where a variable degree of clearing existed, whether it be 20 or 80 per cent of the property, and existing use in that circumstance is farming. So, we accept that where there has been no clearing of existing scrub, whether it is 100 per cent scrub, 100 per cent bush or whatever one likes to call it, existing native vegetation in those circumstances remains protected.

It is the estimated 100 000 hectares on existing farm properties—whether it is 10, 20 or 80 per cent of those properties—that is at very grave risk under section 56 (1) *(a)* as it has been interpreted by the Planning Appeal Tribunal, and as it may well be interpreted in a pending decision of the Supreme Court within the next one to three weeks. Incidentally, that 100 000 hectares, unlike the mythical nine questions of the Hon. Mr Lucas which he seeks to write into folklore, is not folkloric. It is an estimate that has been given by the conservation programmes division of the Department of Environment and Planning.

The Hon. PETER DUNN: The rural, red necked, irresponsible, extravagant farmers—

The Hon. M.B. Cameron: Represented by you.

The Hon. PETER DUNN: Represented by me—have brought this upon their heads! That would be a great statement to make to the opening of a conference of farmers conciliating on this matter. I am sure that it would not do a great deal of good! If I were to go into the Minister's industry and make a statement similar to that, I think I would be a little hurtful.

The Hon. J.R. Cornwall: The Opposition has brought it upon itself. It has to make a death bed confession.

The Hon. PETER DUNN: The Minister made the statement five minutes ago that the farmers brought this on their own heads.

The Hon. J.R. Cornwall: No, I didn't.

The Hon. PETER DUNN: The Minister's memory is even shorter now. He should listen to what the Opposition is saying and he should also read the speech that his Leader in another place made at the graduation ceremony at Roseworthy Agricultural College just Friday week ago. The Premier described farming as one of the three industries in this State that were 'locomotive industries' that pulled this State along. I suggest to the Minister of Health that his meals would be much leaner if not for the farmers who got off their bottoms and cleared the land to make this State as wealthy as it is today.

The Hon. J.R. Cornwall: Is that the locomotive that flattened everything in its path?

The Hon. PETER DUNN: The Minister should ask the Premier, because it was he who used that very good term. I suggest that the Minister of Health reads the Premier's speech.

The Hon. J.R. Cornwall: You are distorting everything I said.

The Hon. PETER DUNN: The Minister's memory is getting shorter by the moment. I suggest that the Minister and the Department, in their endeavour to restrict the clearing of this country—and I have never said at any stage that it should be cleared totally (that would be totally irresponsible)—have used a square-mouthed shovel to feed the tiny mouths of a hungry Government and a hungry vocal minority. They have made some very sore faces in doing so, and they are rather angry about that.

I am not saying that it is just the people directly involved, who still have native vegetation to clear, that the Government has put off side—it is the whole rural community, and the Government can blame its very heavy handed and bulldozer approach. I am sure of that; if the Minister had gone to those people in a conciliatory manner, which he promotes at great length, they would not have been irresponsible. They would have come to the party and said, 'Look, we realise there is a necessity for planning, because the rest of the community has to abide by planning laws.' However, that was not done. This Bill was raced in. Of the 18 000 farmers in this State, not one is represented on the Government benches. Therefore, it does not worry the Government if it belts farmers around the ears; it will just do it. That attitude has caused the problem we have today.

The Hon. DIANA LAIDLAW: First, I thank the many people who have very generously given up their time over the past week, and particularly in the past 24 hours, to answer a range of questions that I had in relation to the Bill and the Government's amendments. However, after

reading the decision of His Honour Judge Ward in the Dorrestijn case, I have come to the view that His Honour ruled that nothing would change a situation that has existed for at least the past two years. In effect, his decision simply confirms the long held belief that existing use as provided in section 56 (1) *(a)* involved some expectation for expansion. His decision has not overturned the *status quo*, as the Government would have us believe; nor has it introduced a dramatic change. As such, after considerable thought I cannot appreciate the Government's determination both to delete section 56 (1) *(a)* and to do so with such haste.

However, this amendment has some merit and, as my colleagues have suggested, it is certainly preferable to what was proposed in the original Bill that we discussed last week. However, what concerns me is that the Government is seeking to pre-empt the outcome of the Dorrestijn appeal. In the event that this case goes against the Government, the Government should use an avenue that is already open to it; that is, it should appeal to the High Court rather than insist on pushing through this Bill.

In advocating this approach—an appeal to the High Court—I do not wish to discount the Government's concern for our scarce native vegetation resources or to suggest that it is not genuine; certainly, it is a concern that I share. If I had not shared that concern, I would not have gone through considerable agonising over the past 24 hours. I have spent a great deal of time worrying over my course of action in respect of this Bill, and I do not make these brief comments lightly. Like the Hon. Mr DeGaris, who has also been thinking about this measure a great deal over the past few days, in the final analysis I have come to the view that section 56 (1) *(a)* is a right that one should not throw out lightly. I do not wish to be a party to abolishing that right at this stage. Certainly, Judge Ward's decision does not justify the Government's introduction of this Bill.

I also acknowledge that I have some suspicions about the Government's intention in seeking to extend this Bill to abolish section 56 (1) *(a)* to other than native vegetation clearance. I cite as one example the factories (namely, Detmold and Gerrard) in the Hindmarsh area. I know that both of those industries are coming under increasing pressure from very politically active local residents' groups, which are putting pressure on the local council to apply equal pressure to those local industries. I would feel that I was assisting in that approach to relocate those industries by force if I supported this measure to abolish section 56 (1) *(a)*.

The Hon. M.B. CAMERON: The whole question of section 56 (1) *(a)* revolves around this clause if the Dorrestijn case fails, because immediately this Bill will come into effect and the end result is that secton 56 (1) *(a)* will disappear (and not only as it applies to rural vegetation, because that is jut one of the issues involved). It will lead to developments in the State being subjected to decisions by two planning authorities—the local planning authority and the State Planning Authority. In many (I am not saying all) cases there will be no right of appeal because the decision of the authority will be absolute.

If a person has a home in an industrial area and decides to upgrade that home for one of many reasons, or is asked to upgrade the house because it is unlivable, and if that person wishes to continue living in the area and applies for planning approval to upgrade that house, what right of appeal will that person have if either the local planning authority or the State Planning Authority refuses permission to upgrade on the ground that such an upgrading is not an approved use within the particular area because it applies to a residence in an industrial area? I see that situation being a real problem. There should be no reason why a person should not retain existing use in that situation. Therefore, will the Minister say what is the situation in relation to such a residence in an industrial zone if that residence has always existed in that industrial zone?

The Hon. J.R. CORNWALL: He or she would not require planning approval under existing section 56 (1) *(a)*, but quite obviously under the proposed amendments one would.

The Hon. M.B. CAMERON: There are some problems in this situation because such a resident could well be asked to upgrade his home in the next six months, could be subject to an order to upgrade, or may decide that he wishes to do so, anyway. What right of appeal would they have if the existing use provisions are gone and they seek planning approval, which is then refused? Where would they go from there? On what grounds could they appeal?

The Hon. J.R. CORNWALL: Sundry minor operations are excluded under the first schedule of the regulations under the existing Planning Act, and that will continue to be the situation. The provision is as follows:

(1) The erection, construction, conversion, alteration of, or addition to, and including the making of any excavation or filling for or incidental thereto, any of the following buildings:

(a) Outbuildings, in which human activity is secondary, which:

(i) are detached from and ancillary to another building . . .

(ii) have a total floor area not exceeding six square metres, no span exceeding three metres, no part higher than 2.5 metres . . . .

(iii) are not erected, added to or altered on any land . . . .

(iv) do not obstruct the view of a person using any road at or near any intersection . . .

I might tell the Committee that alterations to a house are not development unless the outside is extended or substantially changed. So, within existing use there has always been that provision and there would continue to be that provision.

The Hon. M.B. CAMERON: That answers that question but raises a further question. Alterations within the existing structure are one matter but, if a person wishes to make an addition to his house, in the past and under the old Planning Act he could make an addition of 50 per cent of the floor space. Under regulation 33 (I forget the clause governing it) a person could make an addition of 50 per cent of floor space without having to seek planning approval. It certainly sounds as if that will not be the case from now on, and that really is a significant restriction. As I understand it, under existing section 56 (1) *(a)* people who have an existing use will be able to continue that existing use but will also have a right of appeal. By getting rid of section 56 (1) *(a)* we are taking away their grounds for appeal if they wish to extend a house and if that appeal is refused because they happen to live in a zone other than the zone for which that particular structure is approved; in other words, if they are residents in an industrial zone.

The Hon. J.R. CORNWALL: The situation is that they would have to obtain planning approval from their local council. Councils in South Australia by and large are notorious for their pragmatism and common sense.

The Hon. R.C. DeGaris: Can you appeal against that?

The Hon. M.B. CAMERON: Those reasons are not really grounds for appeal. The Hon. Mr DeGaris is right: people cannot appeal on the ground that the council has not shown its usual pragmatism and common sense.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: I agree with that. It is a small example of the sort of problem we are encountering.

The Hon. R.C. DeGaris: A real problem is the third party appeal if the council gives its consent. There is no appeal if the council does not but you have a third party appeal to deal with if consent is given.

The Hon. M.B. CAMERON: Yes. So, you have it one way but you have not got it the other way if you lose your

right. Really, that indicates the sort of thing that will arise with the Bill in its present form. I see that situation as a real problem. I have talked about a residence, but what about a shop in an R1 area where, for the purpose of economy, they wish to extend the floor area, although not dramatically in the way described by the Minister (which was to build a supermarket where a shop once was), but by up to 50 per cent?

That would not be unreasonable in many circumstances. When those people apply for planning approval they would be subject to third party appeals. That is an area where there will almost inevitably be third party appeals by what the Minister describes as environmentalist associations or somebody of the sort.

The Hon. J.C. Burdett: Neighbouring owners.

The Hon. M. B. CAMERON: Yes, neighbouring owners. In the past they have had an opportunity to appeal against a decision not to grant approval, and they had a ground for appeal. Now, they will have no grounds. It appears to me that we are really on the edge of using a sledgehammer to crack a nut, because it will create real difficulties for people who in the past would have been able to increase the area of their shop even to a small extent. We are now going to take away their grounds for appeal.

The Hon. J.R. CORNWALL: It was the honourable member's Government's Act. I know that he was only a back-bench supporter of that Government, if we come to the literal definition, but it was during the Tonkin interregnum that the present Planning Act was introduced and passed by both Houses and the 50 per cent rule disappeared.

The Hon. R.C. DeGaris: I would have done a lot better with it if the ALP had supported me more when that Bill went through.

The Hon. J.R. CORNWALL: Your logic and arguments must certainly have been much better, more concise and less circuitous than the strange ones you have put forward this evening.

Members interjecting:

The Hon. J.R. CORNWALL: Well, the honourable member has been well briefed but has not understood his brief. That is the real problem with the honourable member in this debate. Concerning the position with the carport example, about which the Hon. Mr Cameron complains, having explained that the 50 per cent extension that had been accepted under the old Planning Act disappeared with the advent of the new Planning Act introduced by the then Liberal Government, that, I take it, is accepted and that was the spirit and intent of that legislation. Under the amendments the Government proposes to the new Planning Act, in the case quoted by the Hon. Mr Cameron, if the application to build a carport was refused the applicant would have no right of appeal. However, if it were approved, a third party would have a right of appeal against that decision.

Exactly the same position obtains, on my instructions, with the proposed extensions to a small shop in an R1 area as quoted by the Hon. Mr Cameron. If an application to extend those premises was refused by the local council, the applicant would have no right of appeal, but, if it was approved, the third party would have the right of appeal against it. In that sense things are sometimes different when they appear to be the same. There would be no difference in what we are proposing in this six-month interim period from what was intended by the conservative Government then in power in this State when the Planning Act was introduced some few short years ago.

The Hon. R.C. DeGARIS: If section 56 (1) *(a)* is repealed, where any expansion or alteration occurs on a property of a person who has an existing use, it will mean having to go through the planning and consent procedure. Will it be possible for the planning authority, the council, to prohibit that existing use under the development plan? Could that not happen? In other words, the existing use would disappear altogether.

The Hon. J.R. CORNWALL: The answer to that is an unequivocal 'No'.

The CHAIRMAN: The Committee having voted against the existing clause, I ask the Minister whether he wishes to speak to new clause 2.

The Hon. J.R. CORNWALL: Matters relating to the new clause have been canvassed at length already. For the benefit of everyone who has a vital interest in this matter, I want to repeat that the Government is giving a firm, cast iron, gilt edged guarantee that it will not move to proclaim this legislation unless an adverse decision is handed down by the Supreme Court in the Dorrestijn case in the immediate future. I would like everyone to be clear about that, and I will repeat it for as long as I have to. As we all know, there is a case before the Supreme Court, about which we have been talking at length not only tonight but also when the Bill was before the Council previously. A decision is expected in the very near future.

If one listens to the former Attorney, one learns that it may not be for two to three weeks but, if one takes counsel that is just as wise, one learns that it is possible that it could happen almost immediately. Whatever happens, one expects that within the next three weeks there will be a decision. In the event that the current appeal in that case is successful, there will be no need to proclaim the provision, and the Government repeats the undertaking that it will not proclaim it. But in the event that that appeal fails, we will proclaim this measure forthwith.

The Hon. K.T. GRIFFIN: As the Hon. Martin Cameron, the Hon. Peter Dunn and I indicated previously, the Opposition will support the new clause because it is an improvement. It means that, in conjunction with later amendments, the operation of section 56 (1) *(a)* will continue in full force and effect unless clause 7 is proclaimed to come into effect after the Dorrestijn case, However, that does not mean that we support the suspension of the operation of section 56 (1) *(a)*or other later provisions of the Bill: it is just that this amendment is an improvement. We will support it, but our attitude in respect of other parts of the Bill will depend on other circumstances.

Existing clause struck out; new clause inserted.

Clause 3—'Concept of change in the use of land.'

The Hon. J.R. CORNWALL: Clauses 3, 4, 5 and 6 were debated previously and were approved by honourable members. However, it has been drawn to my attention that there are now some concerns with penalty provisions appearing in clauses 5 and 6. It is to that matter that I wish to address my remarks. As I understand the situation, and having taken advice from people far better informed and more learned in these matters than I, concern has been expressed with respect to both the person who unwittingly commits an offence and to the continuing penalty which may be applied to that person prior to the issue of the complaint for the offence. Because of the similarity of the provisions of both clauses 5 and 6, I will, with leave of the Council and with the leniency and courtesy that you, Mr Chairman, have shown me to date, deal with them together.

I appreciate that in times past it was customary with respect to so-called continuing penalties to provide that the continuing penalty not apply until after conviction; in other words, it was a continuing penalty in very much the literal and ongoing sense. Whilst I appreciate that in some circumstances that is appropriate, the Government is of the view that such an approach is not appropriate to the Planning

Act. This Government is of that view for several reasons: first, the Planning Act deals with an incredibly wide variety of developments and, in some cases, because of the benefits which accrue from a disregard of the law as such, substantial penalties are both appropriate and necessary. If, in respect of any case, a summary court imposes a penalty that is excessive in the circumstances, the defendant concerned will have a right of appeal to the Supreme Court.

Members opposite will appreciate that the Supreme Court has jurisdiction to reduce a penalty in those cases in which the penalty imposed by the lower court is regarded as being either harsh or manifestly excessive. The rules whereby penalties are assessed are fairly well recognised. I do not regard as a valid criticism of this clause the suggestion that a court may impose an excessive penalty with respect to the case before it. As to the suggestion that persons should not be unduly penalised for the commission of an offence in circumstances wherein they were not aware that they were committing an offence, it seems (and again I must bow to advisers who are far better informed in these matters than I) that the intention of a person who flouts the law is a question which a court will take into account when assessing penalty. If the person can satisfy a court that he or she acted in genuine error, I have sufficient confidence in the courts to expect that they will impose a penalty that is appropriate in the circumstances.

If, however, we are being asked by members opposite to accept that ignorance of the law should be a justification for the commission of an offence, I say quite openly that ignorance of the law has never been accepted as an excuse, and I see no reason why it should now be so accepted. In these circumstances the Government is of the opinion that the penalty provisions set out in clauses 5 and 6 are appropriate in the circumstances and shall stand as printed.

I point out that the prescribed sum is payable only with respect to each day upon which an offence continues. That is very important and ought to be made crystal clear to every member in this Council who is vitally concerned with the Bill. I ought to repeat that so that it is emblazoned on everyone's mind: the prescribed sum is payable only with respect to each day upon which an offence continues. In other words, it is payable only for each day on which the person concerned continues to commit the offence. In particular cases of scrub clearance or applying that to an area of scrub clearance (which is a matter of concern to us all this evening), a person may be liable to pay the prescribed sum for each day upon which clearing operations are conducted.

In other words, there is a daily penalty; if clearing continues from say, three days or 30 days, then the penalty is $1 000 per day so it would be $3 000 or $30 000, according to the number of days. It does not mean on all my advice—and I state this on behalf of the Government—as has been suggested in some quarters, that a farmer continues to be liable to pay the prescribed sum for each day between the commission of the offence and the date of conviction. A farmer might be guilty of an offence of clearing over a period of five days; he is then reported and the wheels are set in motion for his prosecution. However, that case may not come to court for six or 12 months, and it has been suggested that the recurrent daily penalty would go on through that six month or 12 month period. That is not the case. I stress again that the operator or owner is subject to pay the penalty only in respect of the days on which clearance operations are actually conducted. The Government has taken further legal advice and is assured that the effect of the continuing penalty is as I have just described.

I can give the Committee the further assurance that, in the event of the continuing penalty provision being interpreted by the courts, in the way in which some have argued (that is, in the unlikely event that it is from the day of apprehension until the day the case comes before the courts, with the result (unlikely though it may be) that the penalty applies on each day between the offence and the court hearing. If that is how the court happened to interpret or misinterpret it, the Government will—and this is another one of those cast-iron, gilt-edged mixed metaphor guarantees—as an act of Executive clemency reduce the fine to operate in the way the Government intends it to operate by this clause, and as I hope I have very clearly outlined it. I give also a further assurance that the Minister would in that event urgently introduce amending legislation to ensure that the intention regarding the continuing penalty is achieved.

The Hon. K.T. GRIFFIN: I do not intend to spend much time on the penalty question, which comes in later clauses of the Bill. I want to focus on clause 3 and, when that has been disposed of, clause 4. As the Minister has made some observations on the penalty provisions, I think it appropriate to make some response.

I have not suggested that if an offence occurs on one day then a penalty accrues for each day subsequent to that until conviction. What I have said is that there may be a continuing offence, quite by inadvertence. I accept that generally speaking ignorance of the law is no excuse, but here we have planning legislation which is quite difficult to construe, and any ordinary citizen who is confronted with it, particularly in light of the debate in this Parliament over the past several weeks, will not be blamed for being confused about what his or her rights may be.

It was in that context, particularly, that I suggested that the penalty has, to some extent, a retrospective impact. But, if one takes the case of the carport, and such cases have been referred to during the debate, in circumstances where a carport is added to a dwelling house it will not necessarily be subject to planning control and that carport is, for example, built by the home handyman; it might well be that it is built over a number of weekends. If the penalty for each day upon which work is done on that carport is to be a maximum of $1 000, it is quite conceivable that the maximum penalty which will be imposed is up to $1 000 for each day that the home handyman decides to do work on his carport or on any other development around the home. So, by the time it is finished or at the time he may be served with a summons or complaint, it is quite likely that the maximum penalty to which he is liable could be quite substantial. It is the potential penalty to which that person is liable that causes me some concern.

If one relates that to vegetation clearance, obviously the penalty applies for each day that vegetation clearance continues. I suppose it then becomes a matter of fact to determine whether the bulldozing, raking or burning is all part of that clearing project, and the penalty is liable to be imposed for each day that some part of the work relating to that clearance occurs. But, it is exposure to the penalty that causes the concern. I do not know of many other Acts of Parliament where this sort of penalty is imposed. Rather, a penalty is imposed from the date of conviction and that penalty is imposed per day or for some other period after that conviction on which the offence continues. But, I do not want to make any further substantial comment about those two clauses, which are really not the main issue that is being addressed in this Bill.

When I deferred to the Minister, I was about to deal with clause 3 and say that it is, to some extent, related to clause 7 of the Bill, which deals with section 56 (1) *(a)*. This clause brings across from the present section 56 a number of matters which are necessary to identify what is a change in the use of land. I have already dealt with some of the reasons for opposing clause 7, as have the Hon. Mr DeGaris and other members on this side. I do not want to repeat

them, but I will make some additional comments when we reach clause 7. But, if clause 7 is to be opposed, as I intend, although I will support the amendment which improves the clause, then clause 3 of the Bill ought equally to be opposed as a consequence of my opposing clause 7.

I know that some additional aspects of clause 3 are not as expressly stated in present section 56 as they may be, but, notwithstanding that, the clause can be opposed on the basis that it is irrelevant if section 56 is to remain, and I think that it should. I will oppose clause 3 for those reasons. If anyone misunderstands the reason why I believe that section 56 has a part to play in the operation of the Planning Act and will not lead to the problems that the Government has proclaimed as the basis for moving quickly on this Bill, I will certainly deal with them again during the consideration of clause 7. I will vote against clause 3 for those reasons.

The Hon. PETER DUNN: I want to register my disapproval of this $10 000 and $1 000 a day penalty that is imposed in this Bill. It appears to me very heavy indeed. We have just lowered penalties for growing cannabis. It is just as well that it is not a native; one would be up for $10 000 and $1 000 for each day that one cleared it. Fortunately, it is not a native, so it does not come under that provision.

This seems very severe when one applies it to somebody who lives a great distance from here and who does not have a great deal to do with lawyers. A person can live even 200 miles away from where he can get expert advice; he will no doubt read it in his paper when he gets it once a week, drive out there on a dirt road and probably get a little sustenance money because he cannot make a good living off his block; yet that person is probably working very hard for it. If he is found clearing country contrary to these regulations, such a person is likely to be out of business very quickly. It only needs an officer who has a set on him or who may in good faith be trying to carry out his duty, and he will be putting someone else on unemployment relief. It is absolutely Draconian and is really cracking a nut with a sledge hammer. I cannot support it because of that.

The Committee divided on the clause:

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

Noes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 4—'Interim development control.'

The Hon. K.T. GRIFFIN: Clause 4 relates to section 43 of the principal Act, which deals with interim control. The present section in the Planning Act, 1982, which came into operation in early November 1982, states that section 43 shall expire at the expiration of two years from the commencement of this Act. Therefore, it expires in early November. Section 43 provides:

> Where the Governor is of the opinion that it is necessary in the interests of the orderly and proper development of an area or portion of the State that a supplementary development plan should come into operation without the delays attendant upon advertising for, receiving and considering public submissions, he may, at any time after notice that the plan is available for public inspection has been published, declare, by notice published in the *Gazette*, that the plan shall come into operation on an interim basis on a day specified in the notice.

When that notice has been published in the *Government Gazette* and has not been through any part of the Parliamentary process, then the supplementary development plan comes into operation on the day specified in the notice and ceases to operate only at the expiration of 12 months from the day on which it came into operation or when superseded by the supplementary development plan which comes into operation under section 41.

Of course, section 41 provides for a great deal of input from not only the public but also the advisory committee, local councils and others. Public notice is given of the supplementary development plan and there is an opportunity to make submissions. When the Minister has approved the supplementary development plan after it has been through the consultative process and is gazetted, the Joint Committee on Subordinate Legislation then has 14 days or six sitting days after the supplementary development plan has been laid on the table within which to pass a resolution disallowing the plan.

Where it has been referred to the Joint Committee on Subordinate Legislation, if it has not been disallowed in 14 days, that is the end of it. There is a very significant consultative process and the important involvement of the Joint Committee on Subordinate Legislation. When section 43 was put into the old Planning and Development Act it was never intended to be a permanent feature. When it was put into the Planning Act in 1982, it was obviously believed that the need for such a provision would expire in about two years after the Act came into operation. It was also envisaged that by that time the development plan and any amendments for supplementary development plans could be processed and there could be much more order within the planning process than was likely to occur in the early days of the operation of the Act. In other words, it was an interim measure.

The Government wants to make it a permanent measure and provide that if someone wants to enact a supplementary development plan the Minister can, by a stroke of the Ministerial pen, determine that the plan has the force of law for up to 12 months. I find that quite serious. If one examines the proposal that the Minister has made by way of amendment to the old Bill, one sees that section 56 (1) *(a)* may be suspended but that the provision in the Bill to suspend is to expire on 1 November this year. Therefore, the Act will come back to Parliament before 1 November.

What is the need to remove the time limit on section 43—a time limit which expires early in November before which we are likely to see the Act again before Parliament? It is a serious matter to make interim development control a permanent feature of the legislation. It has the potential for abuse by a stroke of the Ministerial pen, and there is no right at all for any person prejudiced by the supplementary development plan to appeal to the planning tribunal or to take any other steps to achieve a remedy in respect of any rights that may be infringed. I certainly oppose the clause for those reasons.

The Hon. J.R. CORNWALL: The submission of the Hon. Mr Griffin is wrong in almost every significant detail. When this matter was debated at length, in depth and with considerable breadth when the Bill was before the Chamber a short time ago, I disposed of the arguments advanced at that time and I do not intend to do so again, in view of the lateness of the hour. It would be tediously repetitious and, if one were to go too far, it could involve undue prolixity, which is against Standing Orders. The Government does not accept any of the arguments of the Opposition.

The Committee divided on the clause:

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

Noes (10)—The Hons J.C. Burdett, M.B.Cameron, L.H. Davis, R.C.DeGaris, Peter Dunn, K.T.Griffin (teller), C.M.Hill, Diana Laidlaw, R.I.Lucas, and R.J.Ritson.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 5—'Offences of undertaking development contrary to this Division.'

The Hon. M.B. CAMERON: This clause and the next clause are penalty clauses in the Bill. The Opposition believes that these penalties are far too great and wide in their application. It is an extreme penalty, as follows:

'the prescribed sum' means the sum calculated at the rate of one thousand dollars for the day on which the offence is first committed and for each subsequent day on which it continues before the offender is convicted.

That is a very high sum of money and I think, frankly, it goes overboard. The Opposition considered amending the penalty provisions. However, we believe that the best approach is to vote against the penalties as a whole, and I indicate that the Opposition will be doing that.

The Hon. J.R. CORNWALL: I have been through this very slowly and at some length and, I hope, with substantial clarity so that the Committee understands the position clearly. I do not think that it needs further discussion. The Opposition is opposing this clause because it thinks that people who desecrate our native vegetation and destroy our heritage should not be penalised. The Government does not accept that view. In fact, it takes the opposite and responsible view: if anyone acts in the worst possible way to desecrate and destroy the remaining vegetation against the wishes of the great majority of the South Australian people, the penalties should be high enough to have both a punitive effect and, at the same time, one would hope, a substantial deterrent effect. Anything less than these penalties for a large developer, who can clear many hectares in a day, would be manifestly inadequate.

The Committee divided on the clause:

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

Noes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 6 passed.

Clause 7—'Saving provision.'

The Hon. J.R. CORNWALL: I intend to move to leave out '(3)' and insert '(2a)' in line 23 on page 3. This amendment is easy to understand. I canvassed the arguments in relation to it at some length when I made my earlier contribution. Clause 7 as amended (and this is the amendment that tries to obtain conciliation or an interim peace agreement) must be read in conjunction with clause 2, as that is the clause that provides that paragraph *(a)* and proposed paragraph *(ab)* of clause 7 shall come into operation on a day to be fixed by proclamation. I ask honourable members to bear that in mind when considering clause 7.

Leaving aside for the moment paragraph (b) of clause 7, to which I will refer later, the practical effect of clause 7 is to empower the Government to make a proclamation suspending the provisions of section 56 (1) *(a)* or, as many people rightly view it, infamous section 56 (1) *(a)*, of the Act. Moreoever, this clause further provides that such suspension continues only until 1 November 1984, for the reason I have already explained on a number of occasions. That six-month period would give all interested parties a chance to get as close together as they reasonably can and to reach some sort of compromise that would protect the competing interests and, most important of all, would protect both the natural environment, the native vegetation, and the built-up environment. It is also an interim measure to protect the amenities and rights of citizens that are normally conferred under planning legislation.

The last provision of clause 7 to which I wish to draw the attention of honourable members is paragraph *(b)* which is purely formal. As the substance of those subsections of the Act have by and large been inserted in or superseded by clause 3 of the Bill, or inserted by clause 3 of the Bill as new section 4a of the Act, and as that has already been accepted by the Council, I ask members to support the Government's amendment.

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

Page 3, lines 21 to 24—Leave out these lines.

My amendment is the basis for compensation for farmers who are required to keep native vegetation for the community and forever. Obviously, each individual farmer will not be there forever, but certainly on the title of the land from the time that agreements are reached, if this compensation is paid it would be part of the title of the land, that that area was not to be used other than for the purposes of the retention of native vegetation. This has been the most vexed area in farmers' minds, because overnight they have been faced with a diminution of their property value to the point where native vegetation, unless it is close to the metropolitan area, is virtually worthless. That is something that happened overnight. This has caused the greatest degree of concern and aggravation in rural communities towards this whole proposal. I have no doubt that the Government, if it decides to move into this field, will have to provide for a decision that would not allow the same sort of problem that occurred in 1976. As I indicated earlier, this Government has now been responsible for two ravagings of the native vegetation of South Australia.

The Hon. B.A. Chatterton: Rubbish!

The Hon. M.B. CAMERON: You have. The first time you stepped into this area you made statements that everybody in the rural community—

The Hon. B.A. Chatterton interjecting:

The Hon. M.B. CAMERON: You can say what you like. I can assure the Hon. Mr Chatterton that, from the time he made that statement, not a person in the rural community who had some inkling of what would occur did not know that the end result of the honourable member's stupid action would be a ravaging of the native vegetation. The honourable member and his colleagues went right into it with their mouths open, and down went the native vegetation. If they had only looked at the potential of their statements—

The Hon. J.R. Cornwall: This is the politics of ridicule and laughter.

The Hon. M.B. CAMERON: If the Minister regards the effect of those moves as being the subject of ridicule and laughter, he does not have much pride in the native vegetation of this State because his Government caused this problem. Members opposite can say what they like about who operated the bulldozers, but members opposite stepped in and made statements that inevitably would mean to anybody with an ounce of common sense that people would move to protect their futures. Now the Government has done it again, as I have said before, and farmers now are extremely resentful of the situation that the Government has created. They are applying by the hundreds to clear native vegetation, but the Government will not answer how many applications were received the previous year and how many were received during the year it introduced the regulations. This is like the red meat Bill: it is hard to sink into the minds of Government members that a particular event must take place, namely, that they must replace some of the damage that they have caused to farmers' economies.

The farmers resent this step. They have an active dislike of officers now, as the Minister would know, if he has any associations at all with the Department of Environment and Planning, and that is most unfortunate. I imagine that it has caused those officers some anguish in the way in which they have been required to carry out these proposals. I listened to one officer (whom I will not name) at a meeting who said quite clearly that it was not his idea that there be no compensation: in fact, he thought it would be a reasonable proposal, and I agree with him. He was speaking off the record, and I respect that and will not go into names or the place.

The Hon. J.R. Cornwall: He does not aspire to the Treasury, presumably.

The Hon. M.B. CAMERON: No, he is just fair-minded, which is more than your Government is.

The Hon. J.R. Cornwall: He has as many brains as you have.

The Hon. M.B. CAMERON: The Minister a while ago talked about me getting down to the personal level: we have just had another indication of the sort of discussion that he descends to, even outside the House with ordinary citizens of the State. However, we will not go into that: he cannot help himself.

The Hon. L.H. Davis: Gentle John.

The Hon. M.B. CAMERON: Yes.

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.B. CAMERON: This amendment is put forward not necessarily as a perfect solution to the problem. It is possible that it could be improved on but it is a genuine attempt by the Opposition to provide a reasonable level of compensation for the loss of property rights of people who had absolutely no input into those loss of property rights, who had no warning and who found out that it occurred overnight.

The majority of responsible farmers—and there will always be irresponsible ones—would like to keep the native vegetation: there is no doubt in my mind about that. However, unfortunately a situation has now been created where they—in many cases even the responsible people—have an active dislike of native vegetation or an apprehension about the future they face, particularly many who thought that at some stage in the future they may have those areas available for young members of the family.

If those areas are to be kept, the farmers should be provided with some recompense so that they can get areas in replacement for what they had planned. There are many places where compensation takes place when a person's property is acquired for the purposes of Government. One only has to look at the corridor of the Torrens River where a number of homes were acquired and people were not only provided with the value of their homes but were also assisted to shift. There are plenty of times when that happens in the community, when a Government requires property for the purposes of the community. In this case the community requires that these areas be kept aside, and it is our opinion, if that is the case, that the community should be prepared to have some input into the matter.

I do not believe that farmers should be compensated for areas that are unsuitable for development and the Opposition has attempted in these amendments to indicate that those areas that are not considered suitable for development under the relevant Department or Acts will not involve compensation.

In fact, the figure of 10 per cent will have to be for an area that is suitable for development. They cannot simply put aside stony hills and say, 'That is the area I will keep under native vegetation.' It will be an area apart from areas that are unsuitable for development. That would be more than fair to the community. If the Government requires any further extension of those areas, the farmers should be compensated. I have my doubts that the question of fencing will arise. The farmer himself should be prepared to put some of this finance towards compensation, because this question is often raised between neighbours. In this case, the area required by the community will have a neighbour, who is the farmer. Certainly, that area could be looked at.

I return to the basis of the argument. It is the Opposition's view that compensation should be paid. I suggest that, if members find that these amendments do not completely suit them, at least they form a basis for discussion. I ask members to support them and, if the Government feels that there are problems in relation to them, there is no reason why the Houses of this Parliament cannot go into a conference and work out any differences that we may have with respect to those proposals.

The Hon. Mr Gilfillan was vocal only two days ago on the Phillip Satchell programme in relation to compensation. I am led to believe (although I confess I did not hear him myself) that when the question was raised the honourable member indicated that he supported such a view. Certainly, when the regulations were introduced the honourable member jumped in very early and indicated sympathy with the view that farmers should be compensated. I am providing him and the Government with an opportunity to support a very fair measure. I shall be interested to see whether the honourable member is prepared at least at this stage to support this measure. If he, or any other member, has reservations, I am, as I have indicated, perfectly happy to have the matter looked at by a conference of both Houses. This is the only proposal on compensation that has been put forward. I trust that it receives some consideration on this basis alone.

Some concern has been expressed to me that people who may not have considered clearing land will apply for compensation for the retention of native vegetation. That may well be so. One cannot read people's minds. But, if honourable members will forgive me, I will quote the Hon. Mr Gilfillan, who has cleared the majority of his land but who has an area left which he does not intend to clear. It is possible for someone in his position to apply for compensation. I know that he would not do that, because he would consider it improper. But, there is no doubt that there will be some examples like that, perhaps quite a number, around the countryside. However, at least once the community has had an input into those areas, which in most cases could be rather large areas, then it will have, in essence, acquired them. They will be on the title of the land and will be retained for the community. I have attempted to ensure that the financial burden on Government will not immediately be heavy by allowing the Government up to a 10 year period to pay these sums of money, which I think is more than fair.

The Minister raised the matter of 100 000 hectares being under immediate threat. I do not necessarily accept that. It is always difficult in Opposition to know the facts involved. One must look at the figures that are put forward. However, not all that area will be retained because a large proportion of that area will presently be under application for clearing because of these regulations, unfortunately.

A large proportion of these areas will be under application, and a fair proportion will be allowed to be cleared. That is what will happen, as in a large proportion of these areas plenty of approvals will be given, because plenty of approvals are being given.

The Hon. B.A. Chatterton: It is not the regulations; the farmers are clearing it.

The Hon. M.B. CAMERON: The honourable member really does not understand. Where has he been? Has the honourable member been sitting outside the Parliament, because he obviously has not been listening to me? I have said it time and time again. Perhaps I will repeat it for the benefit of the Hon. Mr Chatterton.

The Hon. J.R. Cornwall: Don't do that; it is very boring.

The Hon. M.B. CAMERON: I must do that because he obviously has not been listening. The Hon. Mr Chatterton must realise that the reason for the 700, 800 or 900 applications—whatever the case may be—in the past 12 months is that the regulations were brought in. The majority of those people would never have applied, or certainly would not have applied in the next 10 years if the Government had not brought in the regulations. Of course, people are applying, but, now they are clearing under licence from the Government, it is even worse. As the honourable member has not participated in the debate, he had better just sit back in his seat and relax again because he has not really followed the debate at all.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: At least we would have been able to work out a fair way of stopping the clearing that would have gone on, and it certainly would not have happened at the rate that the Government has created. It has been a most unfortunate situation where farmers have been antagonised by the way in which this has been done. It is acquisition of land—that is what it amounts to—by Government without payment. It is not just the retention of an old house because one can still use an old house, but in this area one cannot use it anymore. It is land acquisition; it is the creation of private national parks, and now the Government does not want to pay for it. It wants the farmer to fence it, keep the weeds off it and do everything on it.

In the eyes of the rural community it really creates a very large problem of credibility towards the Government and, if we do not do something about it, towards the Parliament. They will feel that they have no representation at all in this establishment. I ask members to look at this matter very carefully. If the Dorrestijn case goes against the Government, compensation would not be payable under this because there would be no reason for it to be paid. However, in the event of the Dorrestijn case going to the Government, under this amendment the compensation will be payable at the rate decided by the proper authority, and that would be the Government Valuer. It would be payable only on land that was suitable for development and only on any area above 10 per cent of that land. The Government could pay over 10 years and the person concerned, if that were agreed, would have the right of appeal. I ask members to support the amendment.

The Hon. B.A. CHATTERTON: I would like to ask the Hon. Mr Cameron whether I interpret his amendment correctly. Does he propose under this amendment that compensation be paid to those people who are forced to retain their vegetation and that it not be paid to those people who voluntarily retain their vegetation under a heritage agreement? In other words, is he suggesting that compensation should be paid to those people who are forced by legislation and not to those people who act responsibly and sign heritage agreements to retain the vegetation?

The Hon. M.B. CAMERON: No, I do not think so, if a person has voluntarily done it, has been provided by the Government with the facility to fence the land, and wishes to keep it. I would hope that people who in the normal course of events voluntarily kept that land would not apply for compensation. Of course, one cannot hope for that to occur in all cases, but certainly people who have volunteered already to do that did so within the financial structure of their farm. They knew what they were doing: they accepted an offer from the Government. I hope that they can still do that. I do not know whether the Government has cancelled that excellent scheme—it would be a pity if it has. I would hope that they could still do that wherever it is available. However, it is certainly a different situation from the farmer who has acquired land for the purpose of increasing his economic unit and finds himself now with a bank overdraft, no asset to back it, and no asset at the finish with which to repay his loan. That is quite a different situation.

The Hon. J.R. CORNWALL: Could I seek your guidance, Mr Chairman? Are we debating the Hon. Mr Cameron's amendment?

The Hon. M.B. Cameron: We are taking a test on mine first: then we go back to yours.

The Hon. J.R. CORNWALL: That seems like a splendid idea. I will have to speak at some length on this, because—

The CHAIRMAN: I indicate that right from the beginning: honourable members will speak, then we will put the amendments when they have run out of things to say.

The Hon. J.R. CORNWALL: I want to speak against the Opposition's amendment. It is really an outrageous proposition, and I will have to spend some little time demolishing it, even though the hour is a little late. The simple fact is that planning controls over development in this State have been a very well accepted feature of the law since 1967, when the original Planning and Development Act came into operation. Throughout that time (and it is now almost 17 years), with a relatively small number of notable exceptions, there has been very wide community acceptance of planning controls exercised in the public interest, in spite of there being no provision anywhere for compensation to be paid where development proposals are refused.

That has been the case for 17 years. To suggest now that compensation should be introduced for developments involving the clearance of native vegetation strikes right at the heart of our planning system. It would have very wide ramifications and to do so would be a very illogical course, discriminating quite deliberately in favour of particular farmers and others who were refused approval to clear—in other words, a relatively very small number of people in the general South Australian community.

The Hon. B.A. Chatterton: The more irresponsible, the more compensation.

The Hon. J.R. CORNWALL: And encouragement to irresponsibility—precisely. At the same time, to legislate for compensation in those cases would discriminate against all other citizens affected by planning decisions and zoning changes. In other words, the great majority would not be eligible for compensation: those in metropolitan Adelaide and regional towns; people affected by having a building on the heritage list and being unable to demolish it; people refused consent to build a holiday house on their land on the Murray River flood plain; developers refused the opportunity to earn further returns on their investment by building shopping complexes, flats or industrial premises in inappropriate areas, to name just a few.

If the hour was not so late I could go on at length. The logic of making a special case in the law to compensate for planning decisions in relation only to native vegetation clearance proposals escapes me. It is ludicrous in the extreme, as I will show in a moment.

Yet, to extend compensation to all areas of planning decision making is clearly an untenable course of action. The estimated cost to the taxpayer in doing this is a matter that honourable members on this side at least are not willing to brush aside; it is something that we would have to consider. The United Farmers and Stockowners have put to the Government a proposal for compensation that has been studied and examined carefully. I would like to give the facts that show just what a mind-boggling proposition

this irresponsible Opposition is putting to the Parliament. It is further establishing its case in this Chamber as being the most irresponsible Opposition in living memory. It is estimated that the total area of remnant native vegetation in the agricultural region outside the reserves system is now about 2 million hectares. That is a fair bit of remnant vegetation, although it is not as much as we would like to see—

The Hon. B.A. Chatterton: It's declining rapidly.

The Hon. J.R. CORNWALL: —and as the Hon. Mr Chatterton rightly says it is diminishing rapidly. Estimating the amount of agriculturally productive land currently uncleared is difficult. It has been stated that the majority comprises the poorer soil types, topography, or location, particularly with regard to rainfall. However, improvement in technology is resulting in landholders reassessing what land can be brought into production on the margins particularly. What is unproductive today may be considered productive tomorrow. Some landholders are seeking to clear marginal land in attempts to achieve economy of scale.

Of course, that has been a process that has been going on for a long time. I remember clearly when I became Minister of Lands for a brief period that the same old queue appeared at the door. Every time there has been a new Minister of Lands the same old queue of people from the marginal lands have come in and have tried to pull the Minister's coat right off his back. They queue up: they are the sort of people we are talking about; they are the irresponsible ones; they are the minority of farmers in the State; they are the ones who want to clear marginal lands; and they are the ones for whom the Hon. Mr Cameron and the Hon. Mr Dunn want to have inserted in legislation this extraordinary amendment.

After discussions with agricultural officers it is estimated that the figure may be between 10 per cent or 30 per cent. Approvals to clear 4 per cent have already been granted in relation to 400 applications. Based on recent land sales and some preliminary advice from valuers, a gross estimate of $100 average per hectare over all areas has been developed. Using the figures above as a basis for compensation, the cost to the Government would be in the range of $20 million to $60 million to provide compensation only in the area of native vegetation clearance proposals. The cost to the Government of extending the compensation principle to other areas of planning is incalculable. It would mean that the irresponsibility of the Tonkin Government in regard to removing the tax base with the stroke of a pen and running the State into a $120 million deficit within its first year of office would be repeated and would look like a garden party in comparison. That is what the Opposition now proposes.

Members interjecting:

The Hon. J.R. CORNWALL: I will not respond to the infantile protests of two or three honourable members opposite. Clearly, the extension of compensation to any or all areas of planning control is unacceptable because of the enormous and intolerable cost to the taxpayer. Where would the Opposition have us make those savings: in our hospitals, schools, welfare system, road building and improvement activities?

The Hon. R.I. Lucas: Spend a little less on your market research.

The Hon. J.R. CORNWALL: The Opposition gets very poor value from the honourable member. I suggest that he is grossly overpaid; indeed, anything—

The CHAIRMAN: Order! The Minister should come back to the Bill.

The Hon. J.R. CORNWALL: Anything that the Hon. Mr Lucas is paid, and I will address the Chair, is most certainly a waste of taxpayers' money. The other side of the compensation point is a betterment tax. I wonder whether that is what the Opposition is really proposing. Such a tax would apply to all citizens who benefit financially from any planning approval or by any zoning change which, at the stroke of a pen, increases a person's land value. Members opposite have not incorporated in their amendments a betterment tax on such people obtaining a financial windfall. One assumes that the Opposition does not propose a betterment tax for the very good reason that the community at large would find it unacceptable. Perhaps the Hon. Mr Cameron will tell us his views on a betterment tax, but not at much length. Members opposite do not tell the Council how their compensation scheme is to be funded by the South Australian taxpayer. We are not talking about a $32 000 survey: we are talking about a minimum proposition in the first instance of $30 million to $50 million, and God alone knows how much thereafter, because the incentive would be created to bigger and better clearing schemes. One assumes that the Opposition does not—

The Hon. R.I. Lucas interjecting:

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: A very limited outlook and intelligence, the pair of you. While firmly opposed to the introduction of compensation, the Government is conscious that in a limited number of cases individual farmers may experience financial hardship as a result of their being unable to clear native vegetation. The Government has had this matter investigated by Mr Ken Taeuber, an experienced valuer, who probably knows even more about it than the Hon. Mr Lucas, although he seems to know a great deal—he is very learned. One of my colleagues recently said that the Hon. Mr Lucas has one—

The Hon. R.I. Lucas: Are they talking to you?

The CHAIRMAN: Order!

The Hon. R.I. Lucas: What has this got to do with the Bill?

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: I will develop my point in a moment. A colleague of mine said—

The Hon. R.I. LUCAS: I rise on a point of order. The Minister, as is his wont, is beginning to wander. I ask you, Mr Chairman, to return him to the Bill.

The Hon. J.R. CORNWALL: There is clearly no point of order.

The CHAIRMAN: I am not upholding the point of order, and I think at this stage we should deal with the Bill.

The Hon. J.R. CORNWALL: That is precisely what I have been trying to do until members opposite could not control themselves. I have to finish this because it is quite germane to what I am talking about. Somebody did say that the Hon. Mr Lucas had one of the—

The Hon. R.I. LUCAS: I rise on a point of order. There is nothing in this clause we are debating that has anything to do with me or the Hon. Mr Cornwall's learned colleague.

The CHAIRMAN: I am sure that the Minister wishes to pass this Bill.

The Hon. J.R. CORNWALL: I am sure that it will. My colleague was saying to me—

The CHAIRMAN: I hope that this is not about the Hon. Mr Lucas.

The Hon. J.R. CORNWALL: It is about Mr Lucas. I will link up my remarks. My colleague said that he seemed to have a very wide all round knowledge; in fact, that the honourable member was the greatest know-all ever to come into this Parliament. The Government has had the matter investigated—not the matter of the Hon. Mr Lucas being a know-all, but the matter of compensation—by Mr Ken Taueber, who is a very experienced valuer and a former Director-General of Lands. The Minister consulted with the United Farmers and Stockowners on proposals to address those hardship cases—and I stress 'hardship cases'.

Yesterday, the Minister introduced a hardship scheme which will be administered by the Department of Agriculture officers experienced in assessing the economic viability and determining the need of farmers for rural adjustment assistance. The Government recognises that the hardship scheme does not go as far as the U.F. and S. would wish. It does, however, provide a significant concession. Individual farmers will be entitled to apply for financial assistance for farm buildup, debt restructuring or intensification of their existing productive cleared land. With the present commercial interest rate running at 14 per cent, the offer of loans under the hardship scheme at 4 per cent is a real concession for those individuals who experience hardship. The scheme will be open to those who bought land before the native vegetation clearance regulations came into operation.

For those who do not wish to take advantage of concessional loans, alternative steps are available. The voluntary heritage agreement scheme introduced by the former Government provides an opportunity for farmers to obtain financial assistance for fencing areas of native vegetation being retained. Thirdly, in cases where a farmer wishes to sell areas of uncleared land of high conservation value, the opportunity is always open for him to offer that land for purchase by the National Parks and Wildlife Service. In recognition of other concerns expressed to the Government by the U.F. and S., the Government plans to make a number of other concessions. Native vegetation clearance regulations will be fine tuned to improve the clarity and administrative operation of the system. In response to farmers' concerns that their practical land management requirements be taken into account when they apply to clear, the policies in the native vegetation clearance supplementary development plan will be amended. This will mean that the planning authority will consider not only conservation factors but also the land management needs of farmers.

In conclusion to what has been a lengthy contribution for the Committee stage of a Bill (but I would submit an important and very necessary one), I will summarise the Government's position on this matter. The Government appreciates that there may be cases in which a refusal to clear results in hardship to the farmer concerned. I have outlined already what the Government intends to do with respect to such cases. It is the Government's view that this is the proper and effective course, whereas the suggestion that compensation be introduced for all people refused clearance consent is not only inequitable when viewed against the application of the Act in regard to the general community but also, I believe, totally unworkable and unrealistic from a financial point of view. The Government opposes the Opposition's amendment.

The Hon. I. GILFILLAN: I have found this debate to be long-winded, tedious, selfish and expensive.

The Hon. R.I. Lucas: And abusive.

The Hon. I. GILFILLAN: It should be abusive to people who waste our time. I get dead sick of sitting here listening to the irresponsible contributions made by members. This is thoughtless and is simply a game of bandying words from one side to the other. It is about time that some consideration was given to the staff and other people involved in this. If those involved had to wait whilst this studious debate went on before a decision was made about land clearing, half of South Australia would be cleared.

The Hon. J.R. Cornwall: Sanctimonious.

The Hon. I. GILFILLAN: I do not care whether I am described as being sanctimonious. I think that there would be a few others who share my impatience.

The CHAIRMAN: I ask the honourable member to come back to the Bill before the Committee.

The Hon. I. GILFILLAN: I shall now refer to the Bill. I do not think my previous track record indicates that I have indulged in the same sort of wasting of time and wind that has occurred. I might not be a particularly eloquent or effective speaker, but I make the point that the Bill has been contrived too hastily and, of course, is justifiably the subject of a lot of trenchant criticism. The point is that the reason why the matter has got to this point is that there is a crisis in South Australia concerning the heritage of our native vegetation which must be saved. It is on that basis that concessions have been made to the normal procedure, debate and consideration that should take place in the deliberations on a Bill of this nature.

Some nonsensical remarks have been made about the basis of the Dorrestijn case and about clearing of land as a result of certain pressures. The point is that those pressures may have speeded up the matter. There is no logic in what has been said. This sort of waste of time in regard to debate frustrates me. If it is really our aim to save the scrub, then let us get to it and see what we can do to effect such an aim. I have indicated that I am in favour of compensation, and I remain in favour of it. I put up a proposal for compensation and I also put up a plea that hardship cases by given assistance, as a result of which some action has been taken. I invited, and managed to persuade, the Minister to come to Kangaroo Island. Some effective amendments were made to the regulations as a result of that. But I am not in the business of bargaining to save the bush for South Australia by hanging on a Bill a compensation clause along the lines of 'You take this, or else.'

If Opposition members really care about saving the scrub, they will insert a clause specifically for that. I am certainly not satisfied with their contributions, and I have made that clear enough. I do not intend to back off from my determination to seek compensation for those who are affected economically, and, even if it is a slightly backhanded compliment, I believe that the contribution of the Hon. Martin Cameron in regard to this amendment deserves a lot of thought. However, thought takes a lot longer than tonight, as do many of the other processes in the Bill. That is why it has a sunset clause. It works because it is effective. I hope that we can address this matter so that the scrub can be saved, and so that these matters can be resolved. However, this is not the time or place for that.

The Hon. M.B. CAMERON: What a remarkable contribution at this hour of the night! The Hon. Mr Gilfillan suddenly rises to his feet and just—

The CHAIRMAN: Order! The Leader must come back to the Bill.

The Hon. M.B. CAMERON: I will have to say something, because the honourable member cast his hand over the whole Parliament, indicated that we are keeping the staff here and referred to what we were not doing. He said that we should save the scrub, but listening to him I think he believes that the scrub is to disappear overnight. What a lot of rot! I have never seen the honourable member's compensation proposal—it is not on the file of amendments. The honourable member has the Bill in front of him and he can propose an amendment, but he has not done that. For the Hon. Mr Gilfillan to come forward with a protestation that he believes in it is a load of nonsense. If he believed that that was appropriate, he would have moved an amendment. Of course, my amendment provides some basis for that proposal, but at least it is in front of us.

The Hon. Mr Gilfillan may be interested to know that I as a rural producer have never cleared one acre of scrub—I wonder how many other rural producers in this Parliament could say that, including the Hon. Mr Gilfillan. It is all very well for him to be sanctimonious on his little patch of the Island, but a few of his neighbours do not think the same about him. The honourable member has done all of his clearing, but other people have not. He should not get

too sanctimonious in this issue, otherwise he will get a bit of it back. Regarding the compensation issue, the Minister produced figures based on acreages or hectares, and referred to $20 million to $60 million. That is pretty wide ranging and, in fact, the Minister changed his mind at one stage and referred to $30 million to $60 million, which is a bit different. That might have been a slip of the tongue.

The Hon. R.I. Lucas: It's a bit rubbery.

The Hon. M.B. CAMERON: Yes, it is a bit rubbery—like the survey figures that the Minister produced. It is a very good questionnaire.

The CHAIRMAN: Order!

The Hon. M.B. CAMERON: I indicated earlier (and I believe that the Minister understood) that compensation should be paid for a period of 10 years. I would not be averse to extending that period, if it is too big a burden for any one Government. That equates with the Minister's lower figure, which I believe would be more accurate, of $2 million a year—or less, if the period is extended. The Minister has indicated that the Government has brought in a magnificent hardship scheme. There could not be a bigger insult to the rural community!

The Hon. Peter Dunn: It would be a hardship if it was taken up.

The Hon. M.B. CAMERON: Yes. If a farmer suffers badly enough because of the Government's overnight decision, the Government will help him in his hardship. In fact, a farmer can obtain a loan of $100 000 at 4 per cent. However, if a farmer does not have enough land, he will not be able to pay back the loan—if he is reduced to that state. Therefore, if 20 farmers are helped to the extent of $100 000 a year, the total cost is $2 million, and I imagine that there would be at least 20 farmers who would suffer hardship. That means that we would be back to the figure that I have suggested is reasonable. There is no doubt that in some areas farmers are developing beyond what we have always considered to be marginal lands.

I certainly would be prepared to look at containing the area to ensure that lands that are truly marginal are not subject to compensation. I thought that I indicated that in my comments on the area suitable for development. There certainly could be some tidying up of that part of the amendment to ensure that the compensation provisions do not extend to areas that, quite frankly, in a lot of cases should not be cleared.

The Minister indicated that he thought that this whole thing was irresponsible and that other people in the State who are subject to restrictions under the Planning Act should also be entitled to compensation. That may well be the case, but in this case farmers have been deprived totally of a property. They are private national parks, and farmers are getting nothing whatsoever for them. Many farmers regarded this land as a potential asset, but that has been absolutely cancelled. If they are going to continue their operation, they should be entitled to some compensation. They do not want loans from the Government; they only want to be paid for the property rights that have been taken away from them. It is a reasonable proposal and certainly is the basis for discussion. I ask members to support my amendment on that basis.

The Hon. PETER DUNN: At this late hour I will make a small contribution to the debate. Without compensation, this Bill amounts to the greatest steal by a State Government from its private citizens. It really does amount to stealing land from private citizens.

The Hon. B.A. Chatterton: They have got the land—they can use it.

The Hon. PETER DUNN: But the Government is saying that they cannot use it.

The Hon. B.A. Chatterton interjecting:

The Hon. PETER DUNN: It does not affect me in any way. The honourable member interjected and asked why farmers do not use the land.

The Hon. B.A. Chatterton: In the way that they are using it now.

The Hon. PETER DUNN: Most of the land involved is between 200 and 900 kilometres from here. Will someone drive 900 kilometres there and back in a weekend to make use of that land? Most of the drive will be on dirt roads, and when they arrive they will find that they are without a telephone. What is the point of retaining this land for the rest of the community? Members opposite are saying that every property that has this scrub must become a national park for the rest of the community to enjoy. Is the Government going to give officers a brown shirt with a logo on it and instruct them to visit each area of natural vegetation to check and count the roos?

The Hon. J.R. Cornwall: It is a conservation area, not a recreation park—you should know the difference.

The Hon. PETER DUNN: It is a conservation park for the benefit of the citizens of this State. The Government is saying that it will do this at the farmers expense. We are getting close to the bone and down to what the measure really means. The Minister wanders around as though he has a tight truss.

The Hon. J.R. Cornwall: Don't act like a half wit.

The Hon. PETER DUNN: The Minister is becoming agitated. There are plenty of cases where compensation is paid for a road running through a property and for the loss of viability. What about people who lose an arm, a hand or a finger? They get compensation for that because they lose the ability to earn money. That is what is happening on some properties: people are losing the ability to earn an income. The Minister is saying, 'Do not worry, you stand back—the rest of the community will benefit from having that national park.'

At least under the Hon. Mr Cameron's amendment, 10 per cent of the vegetation will be retained. However, as the Bill stands at the moment, if the Commission says that a farmer can clear the lot, what happens then? At least under the Opposition's amendment farmers will have to retain 10 per cent. That is fair and reasonable. Over and above that, farmers should be eligible for compensation because viability and value of a property is drastically reduced if it involves a large patch of scrub: first, because of the vermin that it could contain, and the people bordering that land do not want that.

There is also the retention of those vegetation pests that are now becoming worse and worse throughout the community. Who will have to look after these areas of scrub? Certainly not the Commission. Farmers will have to treat the African daisy, skeleton weed and other pest plants, and bear the cost of that treatment.

However, the Government is saying that it cannot pay compensation in such cases. I say that in 50 years there will not be a patch of scrub left, that if it is not fenced off the scrub will disappear off the face of the earth, anyway. There is no regeneration of such vegetation if vermin is not kept out and other animals are able to graze on it. That is what is happening on Kangaroo Island where there is no provision to fence properties. In 50 years time there will not be any scrub or native vegetation there at all. If people are given compensation for scrubland and asked to fence it off there is a fair chance of retaining some of the vegetation involved, but that cannot be done under this scheme. The Hon. Mr Cameron's compensation amendments should be given very close consideration. If we were given a little time to sit down and argue those amendments properly we could perhaps come up with a solution to this matter that is amenable to all people.

The Hon. DIANA LAIDLAW: I rise to speak in favour of the principle outlined in the Hon. Mr Cameron's amendment relating to compensation. Native vegetation is a very scarce resource in this State. In our fragile environment, in my view, controls are warranted. My basic premise in respect of this issue of native vegetation, and, in fact, in respect of the issue of heritage and conservation in general, is founded on the old saying that we have not inherited the earth from our parents, but have borrowed it from our children. The retention of native vegetation should be an issue that everyone in the community approaches with a degree of zeal. While I appreciate the Government's motives in relation to vegetation controls, I have been appalled at its handling of this issue since the introduction of the regulations on 12 May because that happening has so polarised the community. The Government subsequently aggravated the situation by introducing these amendments to the Planning Act and feeling is at a level that distresses me considerably.

The retention of native vegetation should be seen as a heritage matter of significance to all the community. Therefore, the costs of retaining that vegetation should not be borne solely by a few individuals selected at random but should be shared by the community at large. The Minister stated in answer to comments made by the Hon. Martin Cameron that the scheme he had outlined would be inequitable. However, my argument in answer to the Minister would be that it is inequitable to continue to insist that a few selected people in our community bear the responsibility of preserving and maintaining a resource that the Government has determined should be retained in the community interest. If the State Government, and indeed all members of this Parliament, really believe that vegetation and items of built heritage must be retained, then they should be prepared to follow up their rhetoric with tangible action.

The question here, essentially, is: what is the community prepared to pay to retain our heritage for the enrichment of future generations? I suppose that I would have considerably more sympathy for the Government's present predicament if I was convinced that it was prepared to demonstrate an equal degree of enthusiasm for addressing the area of compensation that I have just outlined, and to implement a concerted campaign for revegetation of native trees and shrubs. Also, that the zeal shown in those two instances would be equal to that shown by the Government when seeking to retain our diminishing native vegetation resource.

Further, I believe that the Government has been remiss in not providing farmers with assistance to fence off areas of native vegetation. This issue was mentioned a moment ago by the Hon. Mr Dunn. There is no question that without fencing it is impractical and naive to believe that vegetation to be retained will necessarily survive. If stock, particularly cattle, are able to graze through such areas vegetation may be severely damaged and certainly regeneration will not occur. Thus, without a provision for fencing, the Government's efforts to retain native vegetation, despite all the goodwill in the world, will be counter-productive. In conclusion, I repeat that I am as concerned as the Government to avoid any wholesale clearance of native vegetation. However, I believe that the preservation of our heritage, whether it be native vegetation or the built heritage, should not be the sole responsibility of a select number of people but should be a community responsibility.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

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

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. M.B. CAMERON: I took that as a test case on the rest of my amendments. I have spoken to them, as have other members; so I will not now proceed with the remainder of my amendments or with my proposed new clause 8, and we will look at the amendments of the Minister.

The Hon. J.R. CORNWALL: I move:

Page 3—
Line 23—Leave out '(3)' and insert '(2a)'.
After line 23—Insert the following paragraph:
(ab) by inserting after subsection (2) the following subsection:
(2a) The operation of subsection (1) *(a)* is suspended until the first day of November 1984.
Line 25—Leave out 'and substituting'.
Lines 26 to 28—Leave out these lines.

I gave notice of these amendments previously, although I have not been guilty of the undue prolixity which we have seen from the other side and which understandably upset the Hon. Mr Gilfillan, not to say our 47 colleagues in the House of Assembly. It is time that we got on with it and got this to a vote.

Amendments carried; clause as amended passed.

Title passed.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a third time.

The Hon. M.B. CAMERON (Leader of the Opposition): It is the intention of the Opposition to oppose this Bill because it has not come out of Committee in an acceptable form. It leaves for a six-month period a very definite problem in the mind of the community in relation to clause 56 (1) *(a)*; it has not provided compensation for people who have been deprived of their property rights—that is, the farming community—and it has given no opportunity for them to receive the compensation that would be due in any other case where land is confiscated. That is really what is happening.

In fact, the land is being confiscated and not acquired under the normal circumstances that would occur, and no recompense at all is provided. This whole saga has been a sorry one. There is no doubt that the Bill as it has come out of Committee is an improvement on the Bill that we rejected last Friday, but the improvements, to my mind, are not sufficient to cause the Opposition to have changed its views. It is nearly 12 months since the Government made regulations under the Planning Act governing native vegetation clearance. This occurred on 12 May 1983 and the regulations were laid on the table of this Council on 31 May 1983.

On 26 October 1983, I moved for the disallowance of these regulations and in a substantial speech outlined my concerns about the impact of the regulations and the way they have been implemented. That concern has been heightened in recent times. I said in October that the regulations would create enormous worry and uncertainty, they had been implemented without consultation, and the process of application for clearance approvals had proven to be costly, bureaucratically difficult and frequently unsuccessful—unsuccessful in terms of looking at the real problems of the farmer who faced up to these applications.

The worst part of it was that, when he was unsuccessful, he had nowhere to go because he had no return or recompense. I stressed also (and continue to do so) that the Liberal Party recognises the need for sensible controls over the clearance of native vegetation. We believe also that people's

property rights under section 56 (1) *(a)* (that is, continuing use) should be retained, and a six-month period would be extremely difficult. Of course, it is an improvement that this Bill will not be proclaimed until the Dorrestijn case is decided, and only then if the Dorrestijn case goes against the Government. It is also an improvement that it will come into effect only until 1 November, and if the Bill is passed at its third reading stage I trust that the Government will take on board the questions that have been raised by the Opposition, because they are really serious questions in terms of the property rights of the people of South Australia.

I have said that I have not been convinced by anything the Government has said or done about the protection of native vegetation and flora and that, if this is undertaken for the benefit of the community as a whole, the community should be prepared to bear at least a significant cost in relation to it. It should not just be borne by the rural community, which will be the part of the community that has to look after these native areas in future. This situation exists now where the regulations are causing the rural community to look after these areas forever with no recompense, and the Government is seeking to perpetuate that situation.

The Government has said that it is prepared to give low interest loans in hardship cases affected by the clearance controls. Such an offer I regard as meaningless and gratuitous. The simple fact is that many farmers have outlaid many thousands of dollars to purchase land, the clearance and development of which has been staged, such that their borrowing plans and cash flows have centred around the long term development of this land and the potential income that would arise as a result.

The PRESIDENT: Order! Because of the private conversations taking place, we cannot hear the speaker.

The Hon. M.B. CAMERON: It is a pity that Government members were not taking a little interest in what was being said, because it is important and will be important in the future. Now farmers are being told, 'Yes, you bought the land which you could have cleared in previous years. Yes, you paid significant amounts of money for it; but, no, you are not allowed to clear that land and we will offer you no compensation, but we will lend you money at a cheap rate so that you can pay off the land which we want to set aside as a private national park.'

That is unacceptable. If the community insists that land should be set aside in its natural state, then the community should be prepared to compensate, as in the case of Western Australia's farmers whose land is so affected. There is nothing new about this concept. Nothing that the Government has done in its so-called compromise gives ground on this issue and, therefore, the Bill remains unacceptable to the Opposition in its present form. I stress that in the nearly 12 months since the regulations governing clearance controls—and the subsequent introduction of the Planning Bill into this Council—

The Hon. C.J. Sumner: You've had this prepared—

The Hon. M.B. CAMERON: The Attorney should go back to his office where he has been all evening. He has not had the slightest interest in this subject. The Attorney has left us to try to put the case for the rural community. I suggest that he go back from where he came. All that the Government has done in its mishandling of the issue has been to cause the most gigantic rift between farmers and the Department of Environment and Planning, and between the farmers and native vegetation—

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: No. I had a feeling that the Government would be stupid and not listen to the Opposition's proposal on compensation, so one has to be prepared for stupidity. The Department of Environment and Planning and farmers are now at loggerheads. Instead of educating farmers to recognise the value of setting aside tracts of native vegetation, they seem to set out to be in conflict with them, and that is most unfortunate.

The Government has stimulated unparalleled clearing and has ensured that farmers will become increasingly antagonistic rather than sympathetic with the notion of national parks and native vegetation reserves. The introduction of the Planning Bill has been a disaster from the start, and so were the regulations. The introduction of the Planning Bill by the Government did not represent a reasonable objective. Instead, the Government sought to have widespread powers over not just native vegetation but a whole range of other matters—powers which were unacceptable and which could not be justified.

By the recommendation of this Bill the Government persists with that line of thinking. The question must be asked: why is the Government not willing to acknowledge the simple fact that people who are asked to provide land for the benefit of the community should be compensated for doing it? That is all that the Opposition is asking. Our policy is quite clear on this matter: we believe that people should receive compensation. I will not go through the details of it again, because the details are in our amendments which the Government and the Democrats have rejected; that is most unfortunate. It is also unfortunate that, if the Democrats have a policy on compensation, they did not bring it forward at this stage so that it could be considered by the Council. However, that is their decision. It is our intention, because the Government and the Democrats have refused to listen to what we consider to be a very reasonable proposal, to vote against the third reading.

The Hon. I. GILFILLAN: I suggest that the Leader of the Opposition read my speech on his motion for the disallowance of the native vegetation regulations, because he will find spelt out in there, long before this proposal arose, a detailed proposal for compensation. He would be better informed by reading that when he speaks in future. I point out that the issue of getting the farmers on side is critical. I make the point in my speech in this debate now that the Minister for Environment and Planning must be willing to meet the farmers in their areas to hear and discuss with them the issues face to face. There will be no long-term preservation of native vegetation if farmers do not cooperate with goodwill and good faith in the matter. That cannot be emphasised enough.

The bellowing about compensation being the only condition for passing this Bill is hypocrisy and is quite unnecessary. Those who really want to have compensation will see that it will be much better introduced in a more deliberate and positive climate than at present exists in the Council. I believe that what we are doing today is talking to and supporting a Bill dealing with a short-term crisis involving a critical situation. I look forward to seeing the proper cooperation between those who want to see native vegetation held in South Australia and those who will be responsible for it—the farmers. It will be the intention of the Democrats to help that process as we have conscientiously done since the matter was first brought into this Council.

The Hon. K.T. GRIFFIN: My opposition to the third reading is based on the fact that there is no crisis and that the Dorrestijn appeal to the Full Court has been used as the basis for introducing this legislation, including the prospect of the court's upholding extensions of uses as falling within the provisions of section 56 (1) *(a)* of the principal Act. The fact is that that is ill-considered. On all the advice which we have and to which I referred during the Committee stage (I do not intend to deal with it at any length now),

the fact is that section 56 (1) *(a)* is not likely to be the problem that other members have suggested. Certainly, the Full Court decision in the Dorrestijn case, which is not due until, at the earliest, the week after next, will not create the wholesale vegetation clearance which some members have suggested. Any farmer who believes that the Dorrestijn decision, if it goes against the State Government is thus, a licence to clear would be most ill-advised to embark on that course, because there is no basis at all for that sort of conclusion to be reached. Each case has to be determined on its merits.

I have already referred to the facts in the Dorrestijn case, which are most likely to be quite different from the facts involving other rural property owners. I am disappointed that the emphasis has been on vegetation clearance, because this Bill is not just about that issue—it is about existing uses and the rights of property owners to continue to use property, in the context of a non-conforming use, for existing uses.

I do not agree that on all the information we now have there will be the sort of problem which the Government referred if we do not pass the Bill as it applies to the urban areas of South Australia. I do not believe that there is a crisis or that, if the Bill fails, there will be wholesale clearance of vegetation or wholesale extension of properties within urban areas where there is currently an existing use. I do not believe, either, that if the Dorrestijn case goes against the State Government it will then be a licence for wholesale vegetation clearance.

I do not believe in wholesale vegetation clearance. I want to ensure that there are reasonable controls on vegetation clearance, just as I want to ensure that there are reasonable controls over the destruction of our built heritage within the urban areas of South Australia. In fact, a number of personal experiences, which I will not detail here, clearly indicate that I have taken initiatives to ensure that the heritage in particular areas is not destroyed by those who wish to develop and who have sensitivity for the character of particular areas. I want that on the record.

In opposing the third reading, I need clearly to put on the record that this is on the basis that there is no urgency with the legislation and that it will not result, if the Bill is not passed, in the wholesale development or clearance to which other honourable members have referred. The Opposition offered the Government an opportunity to have discussions on a tripartite basis—with Democrat, Government and Opposition—with advisers, in the next 10 days, with a view to bringing in some amending legislation that is more balanced during the last two weeks of the session. However, that offer was declined.

So, the Opposition has endeavoured to ensure that this Bill provides a balanced approach to controls over development and not the wholesale reaction which, I believe, would have some quite devastating consequences upon people who have existing rights within the South Australian community. I oppose the third reading.

The Hon. R.C. DeGARIS: I agree entirely with the view just expressed by the Hon. Trevor Griffin. If I thought for one moment that there was a critical situation in this matter, I would not vote against the third reading. However, I am quite convinced that a critical situation does not exist. In listening to the debate during the Committee stage tonight it has been interesting to note that not once was any argument put forward in relation to how the Dorrestijn case would affect existing use in the towns and cities of South Australia. We had all that before, but not this time. I believe, as the Hon. Trevor Griffin has pointed out, that there is not a critical situation in that area.

There may be a difficulty in relation to native vegetation clearance, but I do not think so. I would point out to the Council that the correct way to approach this is, first, to define very clearly in legislation the way in which we should handle the matter of vegetation clearance, and, secondly, if we are not satisfied with section 56 (1) *(a)*, we should define in legislation the extension of existing use that can occur, and not take the action of deleting section 56 (1) *(a)*, because I believe that that would have a very serious effect and make inroads into the existing use rights that people have under the Planning Act. I have made a check and have found that the right exists in every planning Act in Australia. Existing use and the ability to extend and alter existing use are accepted in all planning Acts in Australia. I do not believe that there is a critical situation. I believe that some people genuinely think that there is, although I do not think so. I think it would be far better to preserve the operation of section 56 (1) *(a)* than to delete that provision at present. If we want to make any changes, then let us do so, but let us keep the principle there. I oppose the third reading.

The Hon. C.J. SUMNER (Attorney-General): Briefly, the information that the Government has and information that I have been able to glean in relation to this matter indicates that there is potentially a very critical situation particularly in relation to vegetation clearance. If there is an hiatus in the legislation which would allow vegetation clearance to occur, because there would be no law to control it, in those circumstances the whole of the Parliament would deserve to be condemned. Indeed, members opposite would deserve to be condemned. A lot of vegetation clearance can occur in a very short time.

The Hon. Peter Dunn: What with?

The Hon. C.J. SUMNER: The Hon.Mr Dunn has made some point about that matter. I have also had the opportunity of talking at some length to the Hon. Mr Gilfillan, who is a farmer and who has had some experience in this area. However, the advice I have obtained and that the Government has obtained indicates that there could be a substantial amount of vegetation clearance undertaken in a very short time. I do not believe that South Australians can afford to run that risk. That would be the risk with non-passage of this legislation. When considering this legislation members might ask, 'What has the Government done during the Committee stages which alters the situation that we were faced with last time the matter was before the Council?' The fact is that the Government has made significant concessions in order to ensure that this Bill is passed.

As I have said, the Government has given an undertaking that it will not proclaim the relevant clauses unless it is necessary following the decision in the Dorrestijn case. So, if it is not necessary, the situation will remain as it is: there will be no change. However, if it is necessary, the Government has stated that those clauses will be proclaimed. But, the Government has given an undertaking that there will not be a proclamation if it is not necessary to bring the law into effect. I put to the Council that that is a significant departure from the original Bill that was considered in this Council last week.

Secondly, there is still the sunset clause. If members opposite or other poeple, are concerned about this matter, as they say they are, what is wrong with a period of time that is not particularly long to enable discussions that members opposite say should take place? That was the purpose of introducing a sunset clause. I would have thought that that was a major concession by the Government to ensure the passage of this important legislation. In my view, and in summary, the situation is potentially critical. I do not believe that anyone can be under any misapprehension

about that, although it depends on the result of the court decision.

In a genuine attempt to overcome the stalemate in this situation, the Government has made significant concessions. It has made concessions on the proclamation of the Act and it has given an undertaking depending on the result of the Dorrestijn case. The Government has inserted a sunset clause that will enable all members of Parliament and the community to consider the issue over a comparatively short period. The matter will then be debated again—it must be debated again before November. For those reasons, I believe that the situation has changed. Now that the Government has made concessions, the Council should consider very seriously passing this legislation in its amended form.

The Hon. DIANA LAIDLAW: I had not intended to speak at this stage, but I do so in response to comments made by the Attorney.

The Hon. B.A. Chatterton: Oh, no!

The Hon. DIANA LAIDLAW: The honourable member might sigh, but this is a very important matter. It was the Government which brought back this measure, so let us give it a good hearing. I, with all other members of the Opposition, believe in the retention of native vegetation, and we share that belief with the Government. We also acknowledge that the amendment that the Government has introduced is a departure from the Bill, and we supported that amendment. However, it is my view (which is not shared by all members of the Opposition) that there may be a potentially critical situation if the Dorrestijn case goes against the Government. I asked the Minister (and I still have not received a reply) what is wrong with the alternative that, if the case goes against the Government, the matter should go to the High Court, so that we would not go through this procedure and we would not get rid of section 56 (1) *(a)*? I would appreciate a response from the Attorney.

The Hon. C.J. Sumner: I cannot give a response. The appeal decision will apply only in the Dorrestijn case. It will not apply to all the rest. That is the simple answer.

The PRESIDENT: Order! This is not the second reading debate.

The Council divided on the third reading:

[Midnight]

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

Noes (10)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

FISHERIES ACT AMENDMENT BILL (1984)

Returned from the House of Assembly without amendment.

APIARIES ACT AMENDMENT BILL

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

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

In view of the hour, I seek leave of the Council to have the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The prime purpose of this Bill is to provide a compensation scheme for registered apiarists who, pursuant to the Apiaries Act, are obliged to destroy their disease affected bees and/or hives.

Currently, section 16 (2) of the principal Act precludes the payment of compensation to any beekeeper whose apiary is subject to a lawful destruction order. However, a large majority of beekeepers (including amateur beekeepers) have indicated by ballot that their industry was prepared to fund a compensation scheme. Accordingly, it is proposed to establish a Beekeepers Compensation Fund financed by a triennial levy against all registered beekeepers. A four person committee appointed by the Minister will have the responsibility of recommending an appropriate amount per frame hive of bees to be paid by a registered beekeeper each triennium. One member of the committee, who will be Chairman, will be an officer of the Department of Agriculture. The remaining members will be appointed from each of the three groups representing the honeybee industry in South Australia. The mechanics of the general scheme will be specified by regulation.

Where a registered beekeeper destroys any of his bees, hives, combs or appliances at the direction of an inspector, he will be entitled to compensation for the damage he suffers. Similarly, a registered beekeeper whose bees, hives, combs or appliances are destroyed by an inspector pursuant to the provisions of the principal Act will be entitled to compensation for his damage. The value of any claim is limited to 75 per cent of the value of the property destroyed. That value is to be determined by agreement between the claimant and the Minister, and, in default of agreement, by a person nominated by the Minister. The Minister may refuse an application for compensation by a beekeeper who has breached the Act or failed to comply with an inspector's direction. Similarly, compensation may be refused if the property destroyed was brought into the State after having been affected by the disease by reason of which it was destroyed.

The Bill also makes provision for the notification by a beekeeper of the sale or disposal of any bees. This will assist inspectors in the performance of their duties under the Act. The opportunity has also been taken to increase penalties provided for offences against the Act.

Clauses 1 and 2 are formal. Clause 3 amends section 3 of the principal Act by inserting the definition of 'the Fund', being the Beekeepers Compensation Fund. Clause 4 amends section 5 of the principal Act. The penalty for keeping bees without being registered is increased from $200 to $500. Clause 5 amends section 5 of the principal Act, which deals with duties of beekeepers. The amendment requires a beekeeper to give written notice to an inspector within seven days of the disposal or sale of any bees.

Clause 6 inserts new sections 8a, 8b, 8c and 8d into the principal Act. New section 8a establishes the Beekeepers Compensation Fund. There shall be paid into the Fund the contributions of beekeepers and, where the amount of the Fund is not sufficient to meet claims upon the Fund, the insufficiency is paid from the General Revenue upon terms and conditions determined by the Treasurer. There shall be paid out of the Fund amounts payable as compensation, amounts certified by the Treasurer as having been incurred in administering the Fund, and such amounts as are necessary to reimburse General Revenue. New section 8b requires that beekeepers must make a triennial payment of the prescribed amount to be credited to the Fund. If a beekeeper fails to pay that amount his registration is suspended until he does so. A committee appointed by the Minister consisting of an officer of the Department of Agriculture and three representatives of beekeepers has the function of recommending to the Minister the rate that should be fixed as the prescribed rate. The Minister upon the recommendation of the committee fixes an amount per frame-hive as the prescribed rate, and notice of that amount is published in the *Gazette*.

The 'prescribed amount' is defined in relation to a beekeeper as the amount obtained by multiplying the number of frame-hives kept by him at the time at which he is required to made a contribution, by the amount last published in the *Gazette* as the prescibed rate. New section 8c provides that compensation must be paid to a registered beekeeper who destroys any bees, hives, combs or appliances in accordance with the direction of an inspector or whose bees, hives, combs or appliances are destroyed by an inspector. An application for compensation is to be in writing and accompanied by the prescribed information verified by statutory declaration. The amount of compensation is 75 per cent of the value of the property destroyed (on the assumption that it had not become infected or affected by disease). The value of the property is to be determined by agreement between the beekeeper and the Minister, and, in default, by a competent person nominated by the Minister. Such a determination is final. New section 8d provides that the Minister may refuse compensation where the beekeeper has contravened or failed to comply with the Act or an inspector's direction or where the property concerned was brought into the State after being infected or affected by disease.

Clause 7 amends section 9 of the principal Act which deals with offences. The penalty is increased to $500. Clause 8 amends section 10 of the principal Act. The penalty for contravening a proclamation under the section is increased to $500. Clause 9 amends section 11 of the principal Act. The penalty for contravening a proclamation under the section is increased to $500. Clause 10 amends section 12 of the principal Act which provides that the keeping of bees other than Ligurian bees is prohibited on Kangaroo Island. The penalties are increased to $500. Clause 11 amends section 13. The penalty for contravention of a proclamation of the Governor under that section reserving a part of the State for breeding purposes is increased to $500.

Clause 12 amends section 13a of the principal Act. That section requires bees to be kept in a frame-hive and the penalty for failing to do so is increased to $500. Clause 13 amends section 13a of the principal Act which deals with the requirement to brand hives. The penalty is increased to $500. Clause 14 amends section 16 of the principal Act by striking out subsection (2). Clause 15 amends section 19 of the principal Act which deals with regulations. The maximum penalty for contravening regulations is raised to $500.

The Hon. PETER DUNN secured the adjournment of the debate.

ADELAIDE RAILWAY STATION DEVELOPMENT BILL

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

ROAD TRAFFIC ACT AMENDMENT BILL (1984)

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

CLEAN AIR BILL

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

ENVIRONMENT PROTECTION (SEA DUMPING) BILL

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

FISHERIES ACT AMENDMENT BILL (1984)

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

CONTROLLED SUBSTANCES BILL

Returned from the House of Assembly with the following amendments:

No. 1. Clause 4, page 3, line 27—After 'other than' insert as follows:

(a) an offence arising out of the possession of a prohibited substance, not being a substance declared by the regulations to be one that may lead to dependence in humans;

or

(b)

No. 2. Clause 32, page 13, line 24—Leave out 'drug or'

No. 3. Clause 63, page 27, lines 3 to 6—Leave out subclause (3)

No. 4. Clause 63, page 27, line 11—After 'transporting' insert, 'disposal'

Consideration in Committee.

Amendment No. 1:

The Hon. J.R. CORNWALL: I move:

That the House of Assembly's amendment No. 1 be agreed to.

This is not a controversial amendment; it is simply a drafting clean up.

Motion carried.

Amendment No. 2:

The Hon. J.R. CORNWALL: I move:

That the House of Assembly's amendment No. 2 be agreed to.

Again, this is a drafting amendment.

Motion carried.

Amendment No. 3:

The Hon. J.R. CORNWALL: I move:

That the House of Assembly's amendment No. 3 be agreed to.

Honourable members will recall that an amendment was inserted in this place which gave very substantial and perhaps dangerous powers to the Controlled Substances Advisory Council. In fact, that amendment would have set a precedent. I am still of a mind that the Bill, as I introduced it, was better with the original clause. Therefore, I commend this amendment made by the House of Assembly, because it will return the Bill to its original form.

The Hon. J.C. BURDETT: I oppose the motion. Honourable members will remember the history of this matter. I moved amendments in regard to the quantity of drugs which would amount to a change from simple possession to trafficking, and also in regard to the increase in penalty. I tried to write the amounts into the Bill. I lost that amendment, but the Hon. Mr Gilfillan moved the amendment which is the subject of the provision now before the Committee. He said that the regulations in this respect could only be passed if they had the support of the Advisory Council.

I supported that, and still do, because it takes the matter somewhat out of the hands of the Government. I do not believe that this would be unworkable. I can certainly understand the Minister's concern. However, I believe that appointments to any responsible advisory council will involve a good deal of input from the Minister. I believe that any responsible advisory council would not be bloody minded in regard to a genuine and proper request of the

Minister. Therefore, I believe that the amendment moved by the Hon. Mr Gilfillan is not unworkable. I think it will work. Therefore, I oppose the motion.

The Hon. I. GILFILLAN: I oppose the motion. I point out that the intention of my earlier amendment, which was carried here, was for a particular case in particular circumstances and was not in any way intended to set a precedent or be a pace-setter for future legislation.

I was concerned, as were others, that, in a matter as profound as the level of these severe penalties—where the substance and levels of that substance are critical between massive changes in the penalty to which an offender would be subject—to have the amount left to the whim of any Minister or Government of the day was disquieting, to say the least. I discussed the other option, which involved attaching a schedule to the Act, but I found that that offered a very cumbersome and perhaps unsatisfactory working situation. I am happy to resort to my original amendment and hope that it will add stability and a breadth of contribution from the Advisory Council into the determination of the prescribed list of drugs and their amounts. Therefore, I oppose the motion.

The Hon. J.R. CORNWALL: Somewhat reluctantly, I bow to the weight of circumstance rather than to the weight of logic. I repeat that I believe that the Bill as originally drafted was better, but in view of the unique nature of the very high penalties—greater than life imprisonment in practice—and the fact that I have received a clear understanding from both the Opposition and the Democrats that this is not to be seen as a precedent, I can accept it. I stress that it should not be seen as a precedent. It would be quite intolerable if, in every third or fourth piece of legislation that came before us, we inserted a consultative or advisory committee and made it extraordinarily powerful, having power in certain circumstances above and beyond the Minister and the Government. In view of the extraordinary nature of the penalties and the fact that there needs to be, to the extent possible, complete objectivity in fixing the amounts, albeit very reluctantly, I accept the will of the Committee.

Motion negatived.

Amendment No. 4:

The Hon. J.R. CORNWALL: I move:

That the House of Assembly's amendment No. 4 be agreed to.

Again, this is simply a drafting tidy-up, and I suggest that the Committee should accept it.

Motion carried.

The following reason for disagreement was adopted:

Because of the unique nature and severity of the penalties.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 April. Page 3673.)

The Hon. C.M. HILL: This Bill, which I understand has been introduced by the Government at the request of the Renmark Irrigation Trust, increases the penalties for non-payment of outstanding rates. At present the penalty is 10 per cent of the outstanding rates when such payments are three months overdue. The Bill extends these charges by retaining that 10 per cent while, at the same time, including an overdue penalty of 1 per cent per month after the expiration of that first three months in arrears. The amendments are comparable with those that were passed in Parliament last year and comparable, therefore, with those that apply in other irrigation areas of South Australia. Therefore, it does not seem unreasonable that these penalties should be brought into line and, if there are ratepayers who are tardy in paying arrears, then this further cost will be an inducement to them to at least not go over the first three monthly period in arrears. Therefore, I support the Bill and see no reason why this Council cannot support it. I believe that we should apply our usual co-operation to the Government to help the Bill's speedy passage.

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

GAS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 April. Page 3674.)

The Hon. R.J. RITSON: The Opposition does not oppose this Bill. I understand that it involves a technical matter whereby the Department of Labour has scientific facilities for dealing with dangerous substances and for the control of explosives. The chemistry of gas and its explosive qualities are said to sit more happily with the Department of Labour and its scientific expertise than with the Department of Services and Supply. For that reason the Opposition accepts and intends to support the Bill and will not be seeking to amend it.

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

SITTINGS AND BUSINESS

The Hon. C.J. SUMNER (Attorney-General): I move:

That so much of Standing Orders be suspended as would prevent the delivery of a message to the House of Assembly while the Legislative Council is not sitting.

Motion carried.

[Sitting suspended from 12.37 to 12.58 a.m.]

CONTROLLED SUBSTANCES BILL

The House of Assembly intimated that it did not insist on its amendment No. 3 to which the Legislative Council had disagreed.

STATE BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

PLANNING ACT AMENDMENT BILL (1984)

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

ADJOURNMENT

At 2.1 a.m. the Council adjourned until Tuesday 1 May at 2.15 p.m.