HOUSE OF ASSEMBLY

Tuesday, October 9, 1973

The SPEAKER (Hon. J. R. Ryan) took the Chair at 2 p.m. and read prayers.

LAND AND BUSINESS AGENTS BILL

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PETITION: CASINO

Mr. GUNN presented a petition signed by 36 persons who expressed concern at the probable harmful impact of a casino on the community at large and prayed that the House of Assembly would not permit a casino to be established in South Australia.

Petition received.

QUESTIONS

DOCTORS' FEES

Dr. TONKIN: In the absence of the Premier, can the Minister of Works, as Deputy Premier, say when the Government will rescind the recent proclamation of medical services as declared services under the Prices Act in this State? Medical services were brought under price control by proclamation, and have been so since early August, following much publicity and a Ministerial statement by the Premier, in which he criticized the proposed fee increases recommended by the Australian Medical Association. The Commissioner for Prices and Consumer Affairs recommended a 12.5 per cent increase in medical fees, but later amended it to a 15 per cent increase. In his report the Commissioner, referring several times to the independent tribunal that was set up by the Commonwealth Government, intimated that the prices order was an interim measure and that there would be a need to review the decision as a result of the tribunal's findings. The tribunal that was independently constituted by the Commonwealth Government has now reported, and the increases in fees proposed by the Australian Medical Association have been found to be almost completely justified. The Australian Medical Association has been shown by the tribunal's findings, in fact, to have acted most responsibly in arriving at its proposed fee increase, and the action of this Government has now proved to be rather precipitate and unjustified.

The SPEAKER: Order! The honourable member is commenting.

Dr. TONKIN: I will not refer to the difference in fees as accepted by the tribunal except to say that those figures accepted by the tribunal as being fair are close indeed to those fees recommended in the first instance by the Australian Medical Association in its proposals. I therefore ask when will action be taken to rescind the proclamation.

The Hon. L. J. KING: I take this question because, as the honourable member may or may not appreciate, the Attorney-General is now the Minister responsible for administering the Prices Act. As the honourable member is aware, medical services were declared for the purposes of the Prices Act, because of an announcement by the Australian Medical Association that it intended to recommend a unilateral increase in fees on the part of members of the medical profession and that it did not intend to submit to or, indeed, accept any form of arbitration with respect to that increase in fees. In those circumstances, the Government was left with no option for the protection of the people of South Australia but to have the Commissioner for Prices and Consumer Affairs make the necessary investigation to satisfy himself as to the propriety or otherwise of the proposed increase in fees. The criticism that the Premier made at that time of the Australian Medical Association as to the quantum of the fees (as he himself said at the time, he was not in a position to judge on the information available what should be the final or ultimate decision regarding medical fees) was that the medical profession intended to increase its fees without submitting them to any form of arbitration by any authority responsible for the public of South Australia.

He also said (and the Commissioner made this clear) that the determination that the Commissioner made was in the nature of an interim determination and was based on the information then available to him. Both the Commissioner and the Premier indicated that the full investigation being conducted by the Commonwealth tribunal would be an important factor in the course of action that was followed in the future. As to what has happened regarding the Commonwealth tribunal, I can only say that our information is derived entirely from the press report: as yet no official information has been received. I discussed the matter with the Commissioner this morning, and he is now in the process of obtaining confirmation of the reported findings of the tribunal. He will then look at the matter afresh, discuss it, of course, with the responsible officers of the Australian Medical Association, and make a recommendation to the Government.

Later:

Mr. MILLHOUSE: Will the Attorney-General say how long he expects it will be before the Government can make up its mind about price control and the medical profession? Interestingly enough, this question follows the first question asked today by the member for Bragg concerning price control and the medical profession.

The Hon. Hugh Hudson: You see some significance in this?

Mr. MILLHOUSE: I certainly do.

The SPEAKER: Order!

Mr. MILLHOUSE: I listened with great interest to the reply of the Attorney-General, whose reply did not entirely line up with some of the things the Premier has said. In the course of that reply the Attorney said the Commissioner for Prices and Consumer Affairs was getting a copy of the determination and he would then have to consult with the medical profession before making a recommendation to the Government. Why should all this be necessary when the Australian Medical Association has said, as I understand it, that it will abide by the tribunal's decision, which almost completely justifies the stand taken by the A.M.A.? Why is it necessary to go through all this paraphernalia before the Government can undo the injustice which it created quickly and which is exemplified in the proclamation of August 2? How long will it be before the proclamation is annulled and before the medical profession can again conduct its own affairs?

The Hon. L. J. KING: I cannot at present say when a decision can be made, but I am able to say this: there is nothing in what has happened that justifies the initial attitude of the A.M.A., because it was determined to fix its own fees and it refused to submit to arbitration by anyone. Quite the contrary: the interesting thing is that the A.M.A. participated finally in the hearings before the Commonwealth tribunal and, if press reports are to be believed, it now says it will accept the rulings of that tribunal, so that

the final justification in this matter (if justification is in question) is in the insistence of this Government on a proper investigation and proper arbitration, apparently a situation that the A.M.A. itself is now at last (and to its credit) willing to accept. The honourable member when he was a Minister may have governed on press reports; I do not know.

Mr. Millhouse: Would you—

The SPEAKER: Order!

The Hon. L. J. KING: I do not intend, however, to administer this or any other Act for which I am responsible on the basis of press reports. Before a decision is made by the Government as to what should happen in the future, official confirmation will be sought of the press report as to the findings of the tribunal, and proper assurances will be sought—

Mr. Millhouse: What are they?

The Hon. L. J. KING: —from the representatives of the medical profession that that profession will abide by the decisions of the tribunal. There was no injustice at all in the fixing of medical fees in South Australia. It was a thoroughly considered decision, made in the interests of the people of South Australia, including the patients to whom the medical profession renders its services. The decision was a proper one and it will be varied only when the South Australian Government is satisfied that that course is proper in the interests of the people of this State.

SHACKS

Mr. HALL: Will the Minister of Works, representing the Minister of Lands, ascertain whether the Government will consider compensating lessees of holiday-shack sites along the coast of Yorke Peninsula who have incurred annual charges, including capital charges, paid to the local council during the last year or two of their leases? On a visit to Central Yorke Peninsula over the weekend I was told that a certain subdivision of beachfront sites administered by the Central Yorke Peninsula council has resulted in leases being held for two years, and that the lessees concerned have paid about $30 a year in charges to the council in respect of those sites. Certain capital funds of about another $30 or $40 have been paid towards constructing roads. From this brief description (and I can give more detail later if he requires it), the Minister will see that in all good faith people who have leased these allotments have, until this point, with the co-operation of local government prepared for the building of the shacks.

The Hon. J. D. Corcoran: They haven't yet built them.

Mr. HALL: No. They have each incurred about $100 in expenses. The nub of my question it that under the law as it existed, until the new decree, they have each spent $100 on expenses with regard to their allotments. If no compensation is paid or if the people are not permitted to proceed with building, they will obviously lose that money.

The Hon. J. D. CORCORAN: As I have said previously, where money has been spent on the purchase of materials to prepare for the building of shacks and the building has not actually commenced, the people concerned should contact the department as quickly as possible. I shall be pleased to refer the matter raised by the honourable member to the Minister of Lands for his ruling, and I will let the honourable member know about it.

POINT LOWLY

Mr. MAX BROWN: Has the Minister of Transport a reply to my recent question about the Point Lowly road?

The Hon. G. T. VIRGO: The control and maintenance of the Point Lowly road through Commonwealth lands are still the responsibility of the Australian Government. The Department of the Interior has requested the South Australian Lands Department to initiate action for a strip of what is now Commonwealth land along the coast to become Crown land under State care and control. I understand that a survey is now in progress.

FLINDERS RANGE

Mr. ALLEN: Will the Minister of Environment and Conservation consider establishing emergency camping grounds in the Flinders Range area? The Minister is probably aware that, last weekend, record crowds visited the Flinders Range. Although it is hard to say how many were there, it is estimated that 8 000 cars passed through Hawker; in Blinman on Sunday 2 500galL (11 365 l) of petrol was dispensed; one shopkeeper alone served 22gall. (100 l) of ice cream; and it was estimated that about 6 000 people were in the Wilpena Pound area. If, as is estimated, there were 6 000 people in that area, there would be about 15 000 people altogether in the Flinders Range area. Many campers camped on private property without permission. However, coming home last evening I did not notice any litter, there being hardly any cans on the side of the road. In places where people had camped, there was no litter at all, so I give people credit on that account. In this area there is the Oraparinna national park, where I believe emergency camping grounds could be established. I do not suggest that they be used to compete with private enterprise but, when an emergency arose, as it did last weekend, campers could be diverted to another camping ground so that they would not intrude on to private property. Landowners in the area believe that this proposition should be considered.

The Hon. G. R. BROOMHILL: This has been an excellent year for flower growth in the Flinders Range area, with the result that the number of tourists visiting the area in recent weeks has increased considerably, creating tremendous pressure on the facilities available. From the figures brought to my notice, it is apparent that the number of tourists visiting the Flinders Range is likely to increase each year, irrespective of whether or not the season is good. As a result of this, both the Tourist Bureau and the National Parks Commission have been consulted on this matter to see what additional facilities are required in the area. The honourable member will probably know that we are seeking to improve and increase the camping facilities available at Oraparinna. However, if the honourable member in his question was referring to immediate short-term action (I assume that he was when he referred to the future provision of facilities), I point out to him that we are looking at this matter, and I shall be happy to keep him informed of the actions we intend to take.

EUROPEAN CARP

Mr. ARNOLD: Has the Minister of Fisheries a reply to the question I asked on September 18 about allowing professional fishermen to net European carp in the backwaters of the Murray River?

The Hon. G. R. BROOMHILL: The Fisheries Department does not support the issue of more inland waters permits for commercial fishing in the Murray River. However, the concern of the department is for the effect of

the European carp on the stocks of commercial fish species such as Murray cod, callop, bony bream, etc. Thus the Government is shortly calling applications for the position of a senior research officer to study this problem in the South Australian section of the Murray River. Until such studies have been undertaken it is considered undesirable to change the present policy. Where European carp have been trapped in isolated small lagoons cut off from the Murray River proper by a falling river level, these fish will starve themselves and the population of live fish will fall to a very low level. These lagoons will also provide very good sporting areas for recreational fishermen in the meantime. Although authority exists under the fisheries legislation to issue inland waters permits for commercial fishing in backwaters of the Murray River many difficulties have been encountered in the past when this has been done, mainly because water in backwaters invariably covers privately owned or leased land and disputes have developed between landowners and those holding commercial fishing permits in which the department inevitably becomes involved. Because of this a firm departmental policy was implemented several years ago whereby no permits were to be issued for commercial fishing in backwaters.

WATER AND SEWER SERVICES

Dr. EASTICK: Will the Minister of Works take steps to ensure that the proposed direct action against the contracting system by unions represented within the Engineering and Water Supply Department does not result in longer delays in servicing metropolitan building blocks? I draw the Minister's attention to a news sheet which has been distributed by the Australian Government Workers Association signed by the union's General Secretary, (Mr. Jim Thompson) and Branch Secretaries (H. Armstrong and J. Campbell). The news sheet, headed "Mass Meeting", states:

To all workers of the Engineering and Water Supply Department and sewers. Contract work—your job is at stake unless you fight now. The contractors are rapidly moving in and your union leadership intends to fight this with your support. A mass meeting will be held on Tuesday, October 16, 1973, at 7.30 p.m. in the Shannon Room, New Trades Hall, corner South and West Terraces. Every worker must attend. Your executive have decided to ban all supplies to contractors and direct action is contemplated. Your attendance at this mass meeting is vital. Get every worker to attend—fight for your job.

At a time when the Government has decided, after investigating each application, to allow normal contracting for the provision of services, particularly water and sewers, action such as this by the members of the Engineering and Water Supply Department will clearly defeat the advantages that would accrue from the use of contractors. What will the Government do if the action contemplated by this call for a meeting is proceeded with?

The Hon. J. D. CORCORAN: The policy of the Government in this matter is to connect to sewer and water services as many blocks as possible in any one year. I am meeting the General Secretary of the Australian Government Workers Association at 9.30 a.m. tomorrow when I will discuss with him the information the Leader has given the House. I do not foresee any difficulty in the matter.

ANNUAL LEAVE

Mr. COUMBE: Can the Minister of Labour and Industry say whether the Government has been asked by the Trades and Labor Council to grant an annual leave loading for Government employees and whether this programme would cost the Government about $3 500 000 in a full year? Can the Minister say whether discussions are taking place about this and what is the Government's attitude toward this question?

The Hon. D. H. McKEE: True, the Government was approached by the unions some time ago. As the honourable member would be aware, members of the metal trades and other unions, as well as other employees in private enterprise, have been granted through the courts a 17½ per cent loading on their three weeks annual leave, and naturally the unions are now placing pressure on the Government to extend this privilege to Government workers generally. At present, discussions are taking place at the Commonwealth level, and we are awaiting a decision at that level. Whatever is decided will no doubt affect State Governments, and it is expected that a decision will be made shortly.

MIXED PRISONS

Mr. BECKER: Has the Attorney-General a reply from the Chief Secretary to my question of September 18 about the establishment of mixed prisons in South Australia?

The Hon. L. J. KING: The Chief Secretary states that there are no mixed prisons in South Australia in terms of the prisoners mingling together. Prisons at Mount Gambier, Port Augusta, and Port Lincoln have female divisions which are under female staff and are conducted separately from the male division. However, the new security hospital, which will commence operation later this year, will provide for both male and female inmates.

PRISON TRADE SHOPS

Mr. RUSSACK: Has the Attorney-General a reply from the Chief Secretary to the question I asked during the Estimates debate about whether materials for trade shops, when processed, are disposed of outside or whether these materials are used to make articles for use within the prison?

The Hon. L. J. KING: The Chief Secretary states that materials for trade shops when processed are disposed of as follows: (1) contract items such as steel lockers, rubbish bins, mop buckets, etc., are disposed of through the State Supply Department to other Government departments; and (2) items for use within the prison system are disposed of direct to the various institutions and are paid for as if they were a purchase from an independent source. The $9 900 is for the purchase of Commer and International vans to be used for the transport of prisoners and their property both in the metropolitan area and to country prisons. All movements of prisoners between institutions are carried out by the Prisons Department. A certain amount of prison-produced items is transported from Yatala Labour Prison to other institutions, but it could not be said that they were mainly for either agricultural or workshop use.

PATENTS

Mr. EVANS: Has the Deputy Premier the reply to my question of August 23 about whether Government departments and semi-government authorities such as the Electricity Trust recognize patent rights? I understand that this reply was available from the Premier last Thursday.

The Hon. J. D. CORCORAN: The Crown Solicitor has reported on this matter as follows:

Patents Act, 1952-1969 (sections 7, 125 and 129)—Services of the Commonwealth or State. The Patents Act, 1952-1969, binds the Crown in right of the Commonwealth and of the several States (section 7). Section 125 of the Act is concerned with the powers of the State or Commonwealth to make, use, exercise, or vend the invention.

Once an invention has been patented its term is a period of 16 years reckoned from the date of the patent, and the patent may then be renewed pursuant to the provisions of section 68 of the Act. The effect of the patent is a grant

to the patentee of the exclusive right, by himself, his agents and licensees, during the term of the patent, to make, to use, exercise, and vend the invention in such manner as he thinks fit, so that he shall have and enjoy the whole profit and advantage accruing by reason of the invention during the term of the patent (section 69). The patent has effect throughout Australia. Subsection (1) of section 125 provides, however, that at any time after an application for a patent has been lodged at the patent office, or a patent has been granted, the Commonwealth or a State, or a person authorized in writing by the Commonwealth or a State, may make, use, exercise, or vend the invention for the services of the Commonwealth or a State. Subsection (3) of section 125 is further concerned with the matter of the authority granted to a person by the Commonwealth or a State. The words "for the services of the Commonwealth or State" embrace a wide field of Commonwealth or State activity, though it would seem necessary for there to be a direct nexus between the invention and the use made thereof for the services of the State or the services of the Commonwealth. Accordingly, it is not relevant for the purposes of that subsection to consider the benefit that the invention will have to the community or the public. That which may be of a benefit to the public or the citizens of the State may not be identical with the use of the invention for the services of the Commonwealth or State.

As to the matter of remuneration, subsections (2), (5) and (6) are pertinent. No remuneration is payable to the patentee in respect of the use of the invention by the Commonwealth or the State, as the case may be, where a patented invention was, before the priority date of the relevant claim of the complete specification, recorded in a document by, or tested by or on behalf of, the Commonwealth or a State. Such is not the case where the record or testing is in consequence of the communication of the invention directly or indirectly by the patentee or by a person from whom the patentee derives title. Subject, however, to the provisions of subsection (2), where a patented invention is made, used, exercised, or vended under subsection (1) of section 125, the terms for the making, use, exercise, or vending of the invention are such terms as are, whether before or after the making, use, exercise, or vending of the invention, agreed upon between the Commonwealth or the State and the patentee, or in default of such agreement, as are fixed by the High Court.

In fixing the terms the High Court may take into consideration compensation which a person interested in the invention or patent has received directly or indirectly from the Commonwealth or State in respect of the invention or patent. The effect of section 125 is that no action for infringement lies in respect of the making, use, exercise, or vending of a patented invention by the Commonwealth or State. (See subsection (8) of section 125.) Furthermore, the right to make, to use, exercise, and vend an invention under subsection (1) of section 125 includes the right to sell goods which have been made in exercise of the right, and the purchaser of goods so sold, and a person claiming through him, is entitled to deal with the goods as if the Commonwealth or State were the patentee of the invention. Where a patentee considers that the patented invention has been made, used, exercised, or vended pursuant to section 125 he may apply to the High Court for a declaration accordingly. (See section 126.)

It is further provided in section 129 of the Patents Act that the Governor-General may direct that an invention, the subject of an application for the grant of a patent, or a patent, shall be acquired by the Attorney-General from the applicant or patentee, and thereupon the invention or patent and all rights in respect of the invention or patent are by force of section 129 transferred, to invest it in the Attorney-General in trust for the Commonwealth. In the case of such an acquisition the Commonwealth is obliged to pay to the applicant or patentee, and to such other persons appearing in the Register as having an interest in the patent, such compensation as is agreed upon between the Commonwealth and the applicant, patentee, or other person, as the case may be or as, in default of agreement, is determined by the High Court in an action for compensation against the Commonwealth.

In addition to the specific provisions pertaining to the Crown, it may be of interest to note that a patent may be challenged by opposition to the grant thereof on several grounds pursuant to section 59 of the Act or by application for revocation pursuant to sections 99 and 100 of the Act. There may indeed be cases of patents that should properly be challenged for lack of novelty, lack of utility, lack of an inventive step, or some other statutory ground that would render a patent invalid.

TREASURY BUILDING

Mr. MATHWIN: Has the Minister of Works a reply to my question of September 18 about the artificial lighting on the ground floor of the Treasury building?

The Hon. J. D. CORCORAN; Orders for the purchase of more supplementary light fittings are being processed to complete the installation of a system that will ensure an adequate light level in the ground floor office area.

POLICE FORCE

Mr. DUNCAN: Has the Attorney-General received from the Chief Secretary a reply to the question I asked on September 12 about police cadets?

The Hon. L. J. KING; The Chief Secretary states that it is not the policy to reject applicants who have committed offences, without first considering all information relative to the applicant, his age at the time of the offence, and the type of crime and circumstances surrounding the commission of it. It is realized that many juveniles commit offences without realizing the gravity of what they are doing, and this is taken into account. But when a series of offences or when serious breaches of the criminal law are committed, such as housebreaking or assaults, in all probability applications would be rejected. Because of the very nature of a policeman's job, offences of dishonesty must be scrutinized so as to avoid any possible embarrassment or attack on the creditableness of a future member of the Police Department. It is the policy of the Police Department to dismiss members who have been convicted for dishonesty, so it is necessary for the sake of consistency to screen carefully those joining the force. Without knowing the name of the applicant referred to it is not possible to give reasons for the applicant's rejection.

Mr. COUMBE: Has the Attorney-General a reply from the Chief Secretary to my question about the strength of the Police Force in South Australia?

The Hon. L. J. KING: My colleague states that the strength of the Police Department is not based on a specific establishment and it has not been for many years. The active strength at June 30, 1973, approximates a police to population ratio of 1:570. Current planning is to reduce that ratio over a three-year period to 1:550 and in the current financial year it is intended that the intake of cadets and adult recruits reach about 170. In the two succeeding years of this three-year plan it is desired that the total recruitment of both adults and cadets provide an increase of 172 to June 30, 1975, and 183 to June 30, 1976. This assessment is based on the expected population growth calculated by the Commonwealth Bureau of Census and Statistics.

COOBER PEDY SCHOOL

Mr. GUNN: Will the Minister of Education consider providing at the Coober Pedy school a transportable classroom in order to overcome the shortage of space which at present could be classed as critical at that school? I understand that the new Samcon school at Coober Pedy was designed to accommodate about 200 students, whereas at present over 300 children attend the school, and this has resulted in a critical shortage of space.

The Hon. HUGH HUDSON: I will obtain a report for the honourable member.

INCOMES REFERENDUM

Mr. MILLHOUSE: Will the Leader of the House say what is the Government's attitude now to the referendum on incomes? Some weeks ago I asked a question on this topic of the Premier, who said amongst other things:

We cannot transfer to the Commonwealth Parliament power in relation to wages and other incomes, because we do not have that power.

He gave what one might call an evasive (or perhaps more politely one should call it a non-committal) reply to my question. I remind the honourable gentleman that over the weekend, at a meeting of the Labor Party's Federal Executive, branches of the A.L.P. in the various States were directed to support a "yes" vote on these things, although apparently the industrial wing is going the other way, but that is by the way, and—

The SPEAKER: Order!

Mr. MILLHOUSE: I therefore ask the Deputy Premier whether the Government now, in the light of the decision taken over the weekend, is still non-committal about this, or whether it will be wholeheartedly behind a "yes" vote.

The Hon. J. D. CORCORAN: I thank the honourable member for his reminder of what happened over the weekend. The Leader of the Opposition in the Commonwealth Parliament has had a bit of trouble on this matter, too, I might add. But let me tell the honourable member (I hope there is nothing equivocal about this) that the State Government supports the attitude and actions of the Commonwealth Government in this matter and will back it actively in regard to the referendum.

Mr. Millhouse: You don't sound very enthusiastic.

The SPEAKER: Order!

Mr. Millhouse: I apologize, Sir.

MURRAY RIVER BRIDGES

Dr. EASTICK: Has the Minister of Transport a reply to the question I asked during the debate on the Appropriation Bill (No. 2) about bridges over the Murray River?

The Hon. G. T. VIRGO: The site for a new bridge over the Murray River at Swanport has been finalized and design is proceeding. Initial earthworks for the western approach embankment have been commenced by the District Council of Mobilong and actual bridge construction is scheduled to start next financial year. A recent survey of crossing needs indicates that Berri could be the location for the next bridging of the Murray River, and this proposal is now receiving further consideration.

ROAD RECONSTRUCTION

Mrs. BYRNE: Will the Minister of Transport ascertain whether that section of Wright Road, Modbury, between Kelly Road and the city of Tea Tree Gully boundary near Doncaster Avenue comes under the jurisdiction of the council or the Highways Department? If the council is responsible for it, will the Minister also ascertain whether the department has been approached for assistance by way of a grant towards reconstructing and widening this section of road?

The Hon. G. T. VIRGO: I will seek the information and give the honourable member a reply.

WATER FILTRATION

Mr. COUMBE: In view of the announcement by the Minister of Works last week regarding filtration of the metropolitan water supply and of the indication given concerning the procedures and priorities to be adopted; and, further, in view of the sum included in the Estimates this year to commence this work, can the Minister say what is the estimated total cost of this project?

The Hon. J. D. CORCORAN: The honourable member may be aware that the original estimate in 1970 was between $35 000 000 and $40 000 000. Allowing at present for the escalation in cost of materials and labour, etc., as a result of inflation, I point out that at this stage it is expected that the total cost will be about $55 000 000. It is estimated that the cost of the Hope Valley treatment plant project, which has just been referred to the Public Works Committee, will be $12 000 000 and that it should be operating within three years. It is hoped that preliminary work, including design work, will be commenced in about six months time, and that from that point it will take about 2½ years to complete, involving a total period of about three years from now. The present estimated cost of the seven treatment plants for the metropolitan area is about $55 000 000 and, in addition, a treatment plant is to be included in connection with the Little Para dam to augment the Barossa complex that currently serves the Salisbury-Elizabeth area. In addition, there will be a treatment plant at some stage for the new town of Monarto.

Mr. Coumbe: What period does this cover?

The SPEAKER: Order!

The Hon. J. D. CORCORAN: It involves a period of 10 years, although I have said that this could be reduced, depending on the sum the Commonwealth Government will make available to the State Government. As I have previously said, we hope that the Commonwealth Government will support this programme as it is supporting the programme to expedite sewerage reticulation in the other major cities.

RAILWAY ADVERTISING

Mr. DUNCAN: Has the Minister of Transport a reply to the question I asked on September 13 about railway advertising revenue?

The Hon. G. T. VIRGO: The total revenue received by the South Australian Railways from outdoor advertising for the year ended June 30, 1973, was $46 332. This amount represented .13 per cent of total railway revenue.

WINE INDUSTRY

Mr. HALL: Will the Minister of Works say what representations the Premier is making in Canberra on behalf of South Australian wine and brandy producers and what action the Government will take if the Premier's colleagues in the Whitlam Commonwealth Government will not budge from their present hard-line attitude of taxing that industry? On August 19, 1970, the then Premier (Hon. D. A. Dunstan) moved the following motion:

That this House call on the members of the Commonwealth Parliament representing South Australia to take action in the Commonwealth Parliament to protect employment and development in South Australia from the impost on the sale of wines of 50c a gallon and from an increase of *2½* per cent in sales tax on motor vehicles and electrical goods . . .

The main point of the motion was really the tax on wine which the Premier greatly abhorred and for imposing which he violently criticized the Commonwealth Government. In today's *News,* the Premier is reported as saying that the tax now imposed by the present Commonwealth Government is worse than that which he so violently criticized in 1970. The Deputy Premier may laugh but this is what the *News* states.

The SPEAKER: Order! The honourable member is commenting.

Mr. HALL: Yes, Sir; I did not intend to do so, but the Deputy Premier was taking the matter so lightly that I felt obliged to comment. Obviously, those in the industry are

now being faced with another impost made by people who do not understand the industry. This is of great concern in an irrigation and horticultural area that is facing problems in respect of other products as well. I put this question to the Deputy Premier hoping that, despite his laughter about the matter, he may see some gravity in it on behalf of those employed in the industry.

The Hon. J. D. CORCORAN: I am terribly upset if I have offended the honourable member by smiling at the antics of the member who sits alongside him—

Mr. Millhouse: I didn't—

The SPEAKER: Order! The honourable Deputy Premier.

The Hon. J. D. CORCORAN: —whilst the member for Goyder was asking his question.

Mr. Millhouse: I wasn't doing a thing.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: The member for Goyder knows full well that the question he has asked is entirely hypothetical.

Mr. Hall: Hypothetical!

The SPEAKER: Order!

The Hon. J. D. CORCORAN: The latter part of the question is entirely hypothetical.

Members interjecting:

The SPEAKER: Order! The honourable members for Goyder and Mitcham know the requirements of the House, and they must abide by them.

The Hon. J. D. CORCORAN: If I remember correctly, the honourable member has asked what action the Government would take if the Commonwealth Government refused to heed the representations of the Premier. That part of the question is hypothetical as the honourable member surely knows. As the honourable member has stated, the Premier has gone to Canberra to make representations to the Commonwealth Government, on behalf of the industry, with regard to the tax on brandy. As the Premier has pointed out, about 90 per cent of the brandy produced in the whole of Australia is produced in this State, so that any impost in this area would have a marked effect on the industry in South Australia. I believe the Premier is competent to put and capable of putting a telling case before the Commonwealth. I hope that note will be taken of his representations; I am sure that the honourable member joins me in that wish.

FLINT REPORT

Mr. ARNOLD: Can the Minister of Transport say whether the Government intends to implement the desirable aspects of the Flint report on transportation in this State and, if it does, when? Since the Flint report was released, primary producers and transport operators have been somewhat at a loss to know whether in future their present vehicles will be suitable. In addition, businesses and garages that sell these trucks have a problem in knowing what to recommend to their clients. As I hope that the Minister can recognize the problem existing in this connection, T point out to him that the sooner the Government indicates its intentions in this matter the sooner people in the industry will be able to know where they are going.

The Hon. G. T. VIRGO: I was rather interested to hear the honourable member ask when the Government would introduce the desirable aspects of the Flint committee report, and I assume that he shares my view that the whole of the report is desirable and essential in the interests of road safety and the well-being of the people of South Australia. If the honourable member can contain himself for a couple more days, all will be revealed to him.

A.D.P. STAFF

Mr. MATHWIN: On Thursday last, the Premier said he had a reply to a question I asked on September 13, during the debate on the Budget, about salaries for automatic data processing staff. In the absence of the Premier, will the Deputy Premier give that reply?

The Hon. J. D. CORCORAN: As the Chairman of the Public Service Board has supplied statistical information, I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

A.D.P. SALARIES

Public Service Board	Actual 1972-73	Proposed 1973-74
Investigating	$188 579 (25 officers)	$280 390 (40* officers)
Industrial	$101 378 (18 officers)	$127 790 (22 officers)
Personnel	$92 137 (20 officers)	$106 220 (22 officers)
Staff development	$60 757 (7 officers)	$98 630 (13 officers)
Administrative and clerical	$120 858 (27 officers)	$129 370 (29 officers)
	$563 709 (97 officers)	$742 400 (126 officers)
		Increase $178 691

*Includes eight additional work study analysts, one operations research officer, and six additional investigating and office staff.

Information Systems Branch		
Administrative	$56 801 (7 officers)	$105 840 (12 officers)
Operating	$153 431 (29 officers)	$179 560 (32 officers')
Systems and programming	$167 844 (31 officers)	$190 660 (35* officers)
Overtime	$10 949	$15 940
	$389 025 (67 officers)	$492 000 (79 officers)

* Includes four officers being transferred from other departments.

Increase $102 975
Total increase $281 666

Explanation of increases

	$
(1) Cost of gazetted salary increases	47 600
(2) Full year's cost of new offices created and filled during 1972-73 financial year:	
Board (29 new offices)	131 000
A.D.P. (12 new offices)	60 000
(3) Cost of normal increments during 1973-74 financial year	43 066
	$281 666

BUS ACCIDENT

Mr. BECKER: Has the Minister of Transport received from the New South Wales Government a report on the passenger bus crash on September 26 at Tumut Ponds, New South Wales? If he has, will he release it to the House, and will he say when he will do so?

The Hon. G. T. VIRGO: The answer is "No".

Mr. BECKER: Will the Minister say whether the statement attributed to him in the *Advertiser* yesterday about receipt of a report on the accident is incorrect and, if it is incorrect, will he say when he expects to receive a report?

The Hon. G. T. VIRGO: I understand that the *Advertiser* yesterday stated that I had received a report on the bus tragedy, and that statement was accurate: I have received a report from the officers I sent to the scene of the accident.

Mr. BECKER: Will the Minister release that report to the House? If not, why not?

The Hon. G. T. VIRGO: No, I will not release it to the House, because I understand it would be improper for me to do so. With a colonial inquiry pending, I should imagine that the matter would be *sub judice.*

WORKING HOURS

Dr. TONKIN: Can the Deputy Premier say whether the Government intends to introduce a system of optional working hours in the State Public Service? I noticed recently a report stating that some Commonwealth Government departments were introducing a system of optional working hours, leaving it open to officers of a department to nominate the hours at which they started and finished work, provided that they complied with the normal working-hour requirement each day.

The Hon. J. D. CORCORAN: I can only say that the matter is being considered by the Government at present. In fact, in the State Administration Centre there is already a staggering of working hours, with some officers starting and finishing work earlier than others start and finish. However, as I understand that further studies are being undertaken, I will inquire and let the honourable member know whether further information is available.

HOUSING APPENDIX

Dr. EASTICK: In the absence of the Premier, has the Deputy Premier a reply to my recent question about the housing appendix that is normally attached to the Loan Estimates?

The Hon. J. D. CORCORAN: The Leader has asked why the appendix dealing with the activities of the Housing Trust in country localities was not provided this year as an attachment to Parliamentary Paper 11A, the statement on the Loan Estimates. The appendix was omitted because the Treasury, in reviewing the form of the Estimates and the accompanying statement, had questioned the usefulness of the information and had suggested to the Premier that it might be omitted and any specific information required given in answer to question. Each year in the debates on the Loan Estimates and the Estimates of Expenditure, members ask many questions of the appropriate Ministers on matters of detail. Sometimes the Minister is able to give an immediate reply from his own knowledge or from papers he has with him in the House, and sometimes he has to ask for time to get a report from the department concerned. To attempt to put into Parliamentary Papers so much information as would obviate such questions would not be practicable, of course. It is, then, a matter of judgment as to how much should be printed and how much should be given in answer to question as required.

It was the Treasury's view that the extent of information included in that appendix was far more detailed than for any other aspect of the Loan budget, that lack of comment made in the debate of past years suggested that it was unlikely that there was general interest in the appendix, and that provision of information by way of answer to specific questions might by more appropriate. The Premier concurred in that view. It follows that, if the Leader or any other member has a question about Housing Trust activities in a certain locality, the Government will be happy to get a report from the trust.

CIVIL DEFENCE

Mr. COUMBE: Has the Attorney-General a reply to the question I asked on September 18 concerning civil defence activities?

The Hon. L. I. KING: The Chief Secretary reports that the experience in recent years would not present a case for any expansion in civil defence activities, and the amount provided is sufficient to meet requirements.

HOTEL PROJECTS

Mr. MILLHOUSE: Can the Minister of Environment and Conservation, as Minister in charge of tourism, say what is now the position regarding the Victoria Square hotel project? Some years ago the Government announced, with much publicity, a project to build a hotel on the western side near the south-western corner of Victoria Square. From time to time questions have been asked and announcements made about this project. The reason for my asking a question now is that an announcement of a new large hotel across North Terrace, on the site of the old South Australian Hotel, has been made. This has been mooted before, but the project now is apparently firm. I have expressed the doubt in the past about whether we, in a city of this size—

The SPEAKER: Order! The honourable member is commenting.

Mr. MILLHOUSE: I think that the point is obvious. Apart from that, I have heard in recent weeks that at least one of the parties interested in the Victoria Square hotel has pulled out and that the project is now completely in the melting pot. Certainly, no Government announcement has been made about it for a long time. Therefore, in view of the timing of the project across the way, I ask the question of the Minister.

The Hon. G. R. BROOMHILL: If the honourable member—

Mr. Millhouse: What—

The SPEAKER: Order!

The Hon. G. R. BROOMHILL: If the honourable member refers to *Hansard,* page 1071, he will see that some information on this matter was made available only recently.

Later:

Mr. MILLHOUSE: Can the Minister of Environment and Conservation, who I understand is in charge of tourist activities, say what are the general principles which have been determined with regard to the Victoria Square hotel project and which are now being taken up with the consortia involved? A short while ago I asked a question of the Minister about the progress on this hotel and was courteously referred by him to page 1071 of *Hansard* (which was at that very moment being put on my file) in which he answered a question from the member for Eyre, similar to the question which I asked, by saying:

The committee appointed to examine submissions has proceeded to a stage where it became necessary to have discussions with the City of Adelaide Development Committee. The latter committee has now determined general principles that it will require to be observed for the project, and these are being taken up with the consortia involved. So far as I know, that question has not been followed up by anyone asking, as I now do, what those general principles may be, in the hope that by finding them out we can come to some assessment of whether or not the project is ever likely to come to anything.

The Hon. G. R. BROOMHILL: I do intend to let the honourable member know what the criteria are. I shall be quite happy to refer this to the Premier on his return to Adelaide to see whether any embarrassment will be caused by giving that information to the honourable member. If not, the information will be given to him.

SMOKING

Dr. TONKIN: Can the Minister of Transport say what is his department's policy on smoking on public transport? The subject of smoking on public transport has received publicity recently. Smoking is generally recognized, as everyone knows, as a health hazard. The danger to people in a confined space where smoking is allowed, such as on a bus or a train, is almost as high for a non-smoker over that period as for a smoker. I believe that if action were taken it would please most metropolitan travellers.

The Hon. G. T. VIRGO: Neither the Government nor my department has a policy on this matter; in fact, the Government, not the department, is the policy-making organ. I have made that comment on several occasions in public, most recently on Tuesday last when the members for Glenelg and Hanson were present. Although I am a heavy smoker, my observations overseas showed clearly that where smoking on public transport vehicles was prohibited the condition of those vehicles was vastly superior to the condition of vehicles on which smoking was permitted. In several places not only is smoking prohibited on vehicles: it is prohibited in stations, subways, and the like. At this stage this matter has not received proper consideration to determine whether there should be a change. Because of the different circumstances applying I am not sure how effective such a change would be; for example, the Glenelg tram has two separate compartments, which are physically divided. That situation is vastly different from that applying in a bus where there are only front seats and back seats. I am willing to predict that at some stage smoking will be prohibited, but I do not know when that will be.

PRISONS DEPARTMENT

Mr. BECKER: Has the Attorney-General a reply from the Chief Secretary to the question I asked on September 18, concerning the Comptroller of Prison's?

The Hon. L. J. KING: The Chief Secretary reports that in discussing the staffing of the Prisons Department it must be remembered that the Comptroller of Prisons is also the Chief Probation and Parole Officer, and that the total staff consists of professional, administrative, custodial and probation and parole officers. Therefore, the total staff picture is not related purely to the numbers in prison, but also to the numbers under supervision in the community. Also, the Auditor-General's Report deals with actual numbers on the payroll at the given times, and this number is not necessarily the number on the establishment as approved by the Government through the Public Service Board.

As at June 30, 1972, the approved establishment for the Comptroller's office was 61, but at that time there were vacancies (including nine Probation and Parole Officers) which were in the process of being filled. The establishment as at June 30, 1973, was still 61, but a supernumerary clerk was being carried at that time, making the total 62. With regard to total staff of all categories, the departmental establishment as at June 30, 1972, was 410, and there were 22 unfilled vacancies giving the actual staff figure of 388. As at June 30, 1973, the staff establishment had increased to 433, but there were only seven vacancies, giving the actual figure of 426.

Although the number of prisoners in prison declined from 922 to 867, the numbers on probation and parole increased from 1 862 to 2 235, and as the trend continues there will inevitably be staff growth in this area. Staff establishments are continually being assessed in the light of changing requirements both in institutions and in community treatment, and attempts made to provide the appropriate amount of staff for the circumstances.

Dr. TONKIN: Has the Attorney-General a reply from the Chief Secretary to my question about the staff of the office of the Comptroller of Prisons?

The Hon. L. J. KING: My colleague states that the Prisons Department has two full-time psychologists on its establishment and that the Assistant Comptroller (Treatment) also is qualified in this profession.

LAND ACQUISITION

Mr. EVANS: Will the Minister of Works say whether he will make an early decision regarding the future of properties within the catchment area of the proposed Baker Gully reservoir? At present, at least one such property is for sale. The elderly couple who own the property cannot continue on it any longer and, for health reasons, they must move out before next winter. The property comprises about 180 acres (72.8 ha) and the owners act in the proper way by telling all prospective buyers to contact the Engineering and Water Supply Department, but the department tells the person inquiring that the property may be required for a reservoir in future, and so the prospective buyer loses interest. The price being asked is $638 and acre (.405 ha) and an adjoining property has been sold for the high price of $1 200 an acre. I understand the Minister's plight in making a decision, because if he buys one property other owners may want to sell their properties to the Government. However, a decision is urgently required in this case so that the future of the persons involved can be decided. These people cannot work the property and they are unable to sell it.

The Hon. J. D. CORCORAN: Regarding the difficulty that the honourable member has mentioned, I understand that the position is extremely long term, even remote, at this stage. Doubtless, the department has been cautious by telling people who have inquired that there is a possibility that in the distant future it may be necessary to use these resources. That is understandable, having regard to the water supply position in South Australia. Frankly, I do not know how to solve the problem. Regarding our purchasing land, the honourable member must realize that our financial resources are committed heavily in creating buffer zones around existing reservoirs and in purchasing land in certain other catchment areas when the need arises. However, I will have this matter examined. As I understand the plight of the honourable member's constituents and the difficulties that future planning may have caused them, I shall get the information for the honourable member as quickly as possible.

SPEAKER'S GALLERY

Mr. ALLEN: Will you, Mr. Speaker, consider issuing a pass to members' wives so that they may enter the Speaker's Gallery without having to obtain other approval? Members often are called on to sign entry cards so that their wives may be seated in the Speaker's Gallery, and the member must leave the House to do this. I suggest that, if the signature of a member's wife was on a pass, the police officer in attendance could compare that signature with the signature on the entry card, thus avoiding the need for the member's wife to approach someone for verification of her identity.

The SPEAKER: The present requirements are that the direct relatives of a member can be admitted to the reserved section of the Speaker's Gallery only upon the authority of the member. The form requires the signature of the member. As the honourable member has raised the matter, I will consider it further and inform the House later.

JAPANESE LANGUAGE

Mr. MATHWIN: Will the Minister of Education say whether the Government intends to introduce the teaching of the Japanese language at Flinders University? Woodlands school, in my district, has taught Japanese for the past nine years, and other Governments have encouraged the teaching of this language, one reason being that these Governments consider Japan to be one of Australia's best trade customers. Several State high schools in South Australia also are teaching the Japanese language and there has been some assurance that this subject will be taught at tertiary level soon. Many Japanese students have been brought to this country by Rotary and other organizations, specifically to help teach the Japanese language in schools. There is a reciprocal arrangement whereby students from Australia have gone to Japan. Because of this and because it has been said that the language would be taught at tertiary level soon, I ask the Minister whether the Government intends to arrange this and, if so, when.

The Hon. HUGH HUDSON: Certainly, the Government is concerned to see that effective courses in Asian languages are taught at tertiary institutions in South Australia. However, the matter is not entirely under the Government's control, as Flinders University has its own Statute governing the university's mode of operation and that Statute does not give the Government or the Minister power to direct the university as to what subjects shall or shall not be introduced. Further, the honourable member would appreciate that the finance for such developments must be approved through the Australian Universities Commission. Having said that, I assure the honourable member and the general public that I am concerned to see Japanese language courses established. It seems to me extraordinary that they have not yet been established, in view of the significance of the Japanese language to Australia generally. I hope to discuss the matter with the Australian Universities Commission soon to try to get an early decision.

PREMIERS' CONFERENCE

Dr. EASTICK: Can the Deputy Premier say whether the Premier intends to seek an expansion of the agenda at the Premiers' Conference to be held in Canberra on October 11? The agenda to which I refer relates to the Loan Council and to local government's receiving a seat on the Loan Council. Many things concern the community at the present time, one of which was highlighted by me recently when I forwarded a telegram to the Prime Minister stating that there was an urgent need for all sectors of the community to face the problems of inflation. I have not yet received a reply from the Prime Minister although I have had brief discussions with him in the presence of the Minister of Education. I have received a reply from the Premier of New South Wales (Sir Robert Askin) in which he says:

As you may know, there is already a firm arrangement for a Premiers' Conference on October 11 to consider those clauses of the financial agreement which relate to Loan Council representation. I have been pressing the Prime Minister for these talks to be widened to include the problems of inflation and the economy but the Prime Minister has not agreed.

A letter from the Premier of Victoria (Mr. Hamer), indicates that there is a commitment to meet with the Prime Minister on October 11, and he points out that he has been pressing the Prime Minister for the talks to be widened to include the problems of inflation. Sir Gordon Chalk has indicated his commitment, and a letter from the Premier of Western Australia (Mr. Tonkin) states:

I refer to your telegram of the—

The SPEAKER: Order! The Leader has asked a question, and with all due respect I think he is getting beyond the realms of brevity in reading letter after letter. A brief explanation of what is said in the letters would meet requirements.

Dr. EASTICK: I point out that the Premier of Western Australia (Mr. Tonkin), in his letter of September 20, indicates his support for the request which I made, but he then proceeds to say that, having conferred with the Prime Minister, he recognizes there is a shortage of time and therefore it may not be possible for such a meeting to be called. As the Premier said in this House that, if the Prime Minister called such a meeting, he would give it his support, and recognizing now the support from Sir Gordon Chalk, Sir Robert Askin and Mr. Hamer, along with the conditional support of Mr. Tonkin, I ask whether the Government has sought to have the Premier widen the scope of the agenda at the meeting on Thursday.

The Hon. J. D. CORCORAN: I take it the Leader is referring to the Prime Minister in the latter part of his explanation. To my knowledge, the Premier does not intend to take any initiative in having the agenda broadened for this specific meeting, but that does not mean to say that he will not do so. I say "to my knowledge", because he has not discussed with me whether or not he proposes such an expansion of the agenda, but I cannot say categorically that he will not. I do not think there is very much point in just talking about the problem; a little action surely is what we need in this matter.

Dr. Eastick: Around the table.

The Hon. J. D. CORCORAN: The Leader of the Opposition has said "around the table". I listened to the Hon. Billy Snedden on Sunday night. I think it was only a matter of a month ago that he called on the Commonwealth Government to freeze wages and prices—

Dr. Eastick: For 90 days.

The Hon. J. D. CORCORAN: So what! He knows full well that the Commonwealth Government does not have the power to do so. What is the Leader talking about? We have said we are quite happy about transferring to the Commonwealth our powers in relation to prices. Have Mr. Hamer, Sir Robert Askin and Mr. Bjelke-Petersen? Of course they have not, and they will oppose the referendum that is proposed by the Commonwealth Government to seek this power. There is no question about that. We support the Commonwealth Government in relation to the referendum. We do so actively, and that is exactly what every other Premier should be doing also.

RESEARCH GRANTS

Dr. TONKIN: Has the Attorney-General a reply to my recent question on research grants?

The Hon. L. J. KING: The amount of $10 000 provided in the 1973-74 Estimates for research grants will be used to help finance research in two categories. First, there is research by Community Welfare Consultative Councils which have been established under the Community Welfare Act. Research facilities will be needed by the councils from time to time to establish factual information about the nature and extent of community problems in specific districts and how these problems might be met. Secondly, there is research by academics, students and other private researchers into matters affecting the department's work. There is a standing research committee in the department which includes academic staff from Adelaide and Flinders Universities. One of the objectives of the committee is to interest university staff and students to undertake research into matters of importance to the department. Depending on the nature of the research, it is sometimes desirable that some financial assistance be granted by the Government for the project.

SITTINGS AND BUSINESS

Mr. MILLHOUSE: Can the Deputy Premier, as Leader of the House, say whether the House will be sitting in the evening of tomorrow week? I have received an invitation from the Chairman and Board of Management of Southern Cross Homes Incorporated to a reception at Edmund Wright House on Wednesday, October 17, in the presence of His Excellency the Governor and the Premier, to mark the opening of an appeal. I recall that last week we did not sit on Tuesday at all, and I understand that this was because the Premier went off to crown Miss South Australia. In view of the most extraordinarily poor management of the House during the past couple of weeks, when for one sitting we went through to 5 a.m., and the next day—

Mr. Langley: Were you here?

Mr. MILLHOUSE: No, I was not. The next day we were up before dinner time, and on the following Thursday the House sat only until about 5 o'clock. I put the question to the honourable gentleman in the hope that members will have some idea of what sittings are planned for the House up to and including this date.

The Hon. J. D. CORCORAN: I suggest that the honourable member may turn up next Wednesday week in the evening and find out.

Mr. Millhouse: That's not a very courteous reply.

The Hon. J. D. CORCORAN: I assure the honourable member that the House will be sitting.

CONSULTANTS

Dr. EASTICK: In the absence of the Premier, has the Deputy Premier a reply to my recent question about payments to consultants?

The Hon. J. D. CORCORAN: An amount of $25 798 was paid to Arthur Andersen and Company, Chartered. Accountants, 330 Collins Street, Melbourne, during the 1972-73 financial year to design and install a pay-roll system for the Police Department for processing at the Automatic Data Processing Centre, and to provide guidance in the development of similar systems for other large departments. Feasibility studies have demonstrated that advantages follow from such arrangements. A further amount of $583 was paid to this firm to interview and assess applicants for work-study courses to be conducted by the Public Service Board.

LAND YACHTS

Mr. BECKER: Has the Minister of Transport a reply to my question of August 30 about the revocation of permits issued to owners of land yachts?

The Hon. G. T. VIRGO: Land yachts are vehicles under the Road Traffic Act and may not be operated on a public beach without a permit from the Road Traffic Board. The beach is an area commonly used by the public or to which the public has access and as such falls within the definition of a road in the Act. The Police Department has had occasion to question persons operating land yachts on the beach at Port Gawler, to ascertain whether they had a permit from the board. This action followed complaints from the public of dangers to children, etc., as a result of the operation and speed of the yachts. Furthermore, as they are capable of speeds of more than 50 m.p.h., (80 km) and the beach, under the council by-law, has a maximum speed of 15 m.p.h., (24 km) some abuse is occurring. In deference to the need for an area where these enthusiasts could operate with relative safety to the public, the board has approached the Coast Protection Board to ascertain whether a special area could be set aside on one of the northern beaches for their exclusive use, together with hovercraft vehicles, which are in the experimental stages. The general public would not be allowed to use the beach, except at their own risk, and notices would be erected advising of the dangers.

STUDENT TEACHER ALLOWANCES

Mr. MATHWIN: Can the Minister of Education say whether full consideration has been given to student teachers' allowances and, if it has, what decision has been made and when will it operate? On July 19, the Minister sent me a letter about this matter in which he stated that the representations of the people to whom I had referred would be considered. My query related to student teachers' allowances, which have now become inadequate, and the people who spoke to me suggested that an increase of at least $1.50 a week would help solve their problems.

The Hon. HUGH HUDSON: The decision announced in a public statement about a month ago was that basic allowances would not be reviewed but that special allowances, including the allowance paid to graduate and mature-age students, would be reviewed by the Barnes committee. That committee is now reviewing these matters, and special attention is to be given to allowances paid to married students, for dependent children, and for cases of hardship, and I have asked the committee to introduce a proper means-test approach to payments of these additional allowances. Also, the boarding-away-from-home allowance is being reviewed. When the committee makes available its recommendations, they will be discussed by Cabinet and precise details will be made available. I point out that basic allowances are not subject to review.

GOVERNMENT PRINTING DEPARTMENT

Dr. EASTICK: Has the Attorney-General a reply from the Chief Secretary to my question asked in the Estimates debate about communication between Parliament House and the Government Printing Office?

The Hon. L. J. KING: The Chief Secretary states that communication between Parliament House and the Government Printing Department at Netley will be by means of a courier, and provision has been made in the 1973-74 Expenditure Estimates accordingly.

STURT GORGE RESERVE

Mr. EVANS: Can the Minister of Environment and Conservation say what classification will apply to Sturt Gorge Reserve? Will it be a recreation or wild life reserve, and what facilities will be provided in that area? It is pleasing to note that the Minister has declared the area a reserve and that patrol officers will take an interest in it in future. However, persons are concerned to know whether car-parking facilities will be provided for visitors outside the area; from which side of the reserve access will be available; whether toilet facilities will be installed in the area; and whether tennis courts or other recreational facilities will be available. Is it intended to leave the area in its natural state to allow bushwalkers and others interested in similar recreation to use the area? It will now be possible to penalize people who abuse that area, because patrol officers will be present, and that is the action that has been advocated by people in the community for some time.

The Hon. G. R. BROOMHILL: We will be dedicating this area as a recreation reserve, and its future use will depend on the results of a total study of the whole area. A management plan will be prepared in order to determine what facilities should be provided and where they should be located. Obviously, there will be a need to provide all of the facilities to which the honourable member has referred, including provision for car parking, as well as determining what sections of the park ought to be left in their natural state simply for the pleasure of bush-walking and what areas should be developed as barbecue or picnic sites, etc. However, there is a need for a thorough examination of the total area and for a management plan to be prepared in order to assess where facilities should be provided.

Because of the heavy demand placed on us to prepare management plans for all of our parks, whether they be conservation or recreation parks, I am afraid that I cannot say how long this may take or what priority may be given to providing a management plan for this area, as against other areas which, being equally as important, also require management plans. However, I assure the honourable member that we will develop the area only after carefully considering all the factors to which I have referred.

WEEVILS

Mr. GUNN: In view of the Commonwealth Government's decision not to provide funds to assist in the control and eradication of weevils in grain, will the Minister of Works, representing the Minister of Agriculture, ascertain whether the Government intends to provide funds to carry out this most important operation? The Minister will no doubt be aware that the Commonwealth Minister for Primary Industry (Senator Wriedt) committed the Commonwealth Government to providing a substantial sum to assist in this most important project, which would help protect a vital export earning. However, Commonwealth Caucus took an irresponsible decision and refused to support the Minister's decision.

The Hon. J. D. CORCORAN: I will refer the matter to the Minister of Agriculture and obtain a report.

MOTOR CYCLING

Mr. EVANS: Can the Minister of Environment and Conservation say whether an area has now been found that can be made available to motor cycle enthusiasts within the State to enable them to pursue their recreational activities? About 12 months ago I brought to the Minister's notice the fact that there was a need to provide for motor cycle enthusiasts an area that was away from the general population, where noise would not interfere with local residents and where there would be no adverse effect on the environment, bearing in mind that these activities might harm native bushland that we wish to protect, but at the same time giving people wishing to participate in this sport an opportunity to do so and to develop their skills in such a way as to increase road safety through their learning how to handle their machines under adverse conditions. As about 12 months has elapsed, the Minister having previously said that his department was aware of a need in this regard and that it would look for such an area, I ask whether that area has been found or whether an investigation is still taking place.

The Hon. G. R. BROOMHILL: I asked the State Flaming Office to consider the needs of these motor cyclists and to inquire about providing an area for their use. As I have received no recommendations at this stage, I will again take up the matter with the State Planning Office, ask how far it has proceeded or whether there is any possibility of pursuing the matter further, and let the honourable member know.

TORRENS ROAD

Mr. COUM BE: In view of the further demolition work occurring on Torrens Road, in my district, leading to the eventual provision of an over-pass over the Ovingham railway crossing, can the Minister of Transport say what is the up-to-date programme for this major work, which will overcome a real traffic bottleneck at that crossing?

The Hon. G. T. VIRGO: I do not have the time table at present, but I shall be pleased to obtain that information.

TRADESMAN SHORTAGE

Mr. MATHWIN: Will the Minister of Labour and Industry now take action and advertise in newspapers in the United Kingdom and in Europe for tradesmen to come to this State? In reply to a question I asked recently of the Premier, who was then Minister in charge of immigration matters, with a view to encouraging this type of immigration, the Premier said that limited advertising had been resumed in Britain but that no special advertising campaign was being undertaken at present to attract qualified tradesmen. We all know of the grave situation that exists here, especially in the building industry, and it is no good the Minister saying that there is no shortage of tradesmen; that is balderdash, and he knows it. If he is going to say that an extended apprenticeship is the answer, that is piffle, too; it is only a fleabite or a matter of peanuts compared to tradesmen coming to this country. In view of the present shortage of tradesmen in the housing industry, will the Minister consider advertising for tradesmen in the United Kingdom and in Europe?

The Hon. D. H. McKEE: No.

PRIVATE BUS

Dr. TONKIN: Will the Minister of Transport examine the operation of the privately chartered bus service that has run for the past five years from Brighton to Athelstone each school day for students of various schools *en route?* I raised this matter with the Minister of Education during a previous debate in this House, and he suggested (rightly, I think) that I should ask the Minister of Transport to look into the matter. A privately chartered bus, which has been running from Brighton to Athelstone through the District of Bragg, is used by the children of some of my constituents and also, I imagine, by other children along the way. The bus passes schools such as Cabra, Mercedes, Urrbrae, Linden Park, Loreto and St. Ignatius. The service is organized by a private individual (Mrs. Elizabeth Crowe), and I believe it has been necessary to charter two buses to cope with the demand.

However, it now appears that for several reasons it will be impossible for this charter to continue, and since this service has been well patronized over the past five years and, indeed, seems to be a most essential one (it certainly is regarded as such by my constituents) I ask the Minister to examine the situation and to see whether his department can do anything to ensure that a similar bus service is provided.

The Hon. G. T. VIRGO: I shall be happy to examine the matter. I should be interested to know, however, why the service is not going to continue.

Dr. Tonkin: I don't know.

The Hon. G. T. VIRGO: If the honourable member does not know, we will start from square one and see what we can find out about it. If the honourable member has a letter on it, I shall be happy to have it.

DOMICILIARY CARE

Dr. EASTICK: Has the Attorney-General received from the Minister of Health a reply to the question I asked on September 19 about domiciliary care?

The Hon. L. I. KING: The Minister of Health states that the present spread and proposed extension of domiciliary care resources throughout the State during 1973-74 is shown in the following table, which I ask leave to have incorporated in *Hansard* without my reading.

Leave granted.

DOMICILIARY CARE

Location of scheme	Present status of scheme	Estimated Expenditure 1973-4 $
Western (metropolitan)	Services already operating	146 000
Wallaroo/Kadina/Moonta	Services already operating	9 000
Port Lincoln	Services already operating	8 000
Murray Bridge	Services already operating	5 000
Para (Elizabeth/Salisbury)	Services already operating	30 000
Eastern (metropolitan)	Recently approved by Commonwealth	
Southern (metropolitan)	Recently submitted for approval by the Commonwealth	
Whyalla	Recently submitted for approval by the Commonwealth	
Mount Gambier	Recently submitted for approval by the Commonwealth	
Port Augusta	Recently submitted for approval by the Commonwealth	94 150
Port Pirie	Under active consideration by local committees	
Barossa Valley	Under active consideration by local committees	
Loxton	Proposal submitted for consideration by State authority and thence approval by Commonwealth	
	Total	$292 150

The Hon. L. J. KING: The present largest domiciliary care scheme is in the western (metropolitan) region and its total expenditure for 1972-73 was $109 064. It is not possible to provide precise details of expenditure in each new scheme coming into operation, as this depends on such factors as the delay in obtaining Australian Government approval for subsidy under the terms of the State Grants (Home Care) and (Paramedical Services) Acts, the recruitment of personnel, the availability of local help and skills, and the general development and service needs in each area. All schemes are listed under the one Treasury line of domiciliary care services in order to provide maximum financial flexibility for new schemes coming into operation during the current period. Under present financial procedures, the Australian Government provides a 50 per cent reimbursement to the State on cost of approved domiciliary care services. However, it has recently been announced that the financial aid will be increased to a $2 for $1 subsidy for home care.

PAROLE BOARD FEES

Mr. BECKER: Has the Attorney-General obtained from the Chief Secretary a reply to my recent question about the fees of Parole Board members?

The Hon. L. J. KING: My colleague states that the fee for the secretary is now being paid from office salaries and the sum proposed is for payment of members only.

FLINDERS HOSPITAL

Dr. TONKIN: Will the Attorney-General ask the Chief Secretary what long-term steps are now being taken by the Government to provide necessary medical and nursing staff for the new Flinders Hospital? All members will recall the extreme difficulties experienced at one stage in recruiting enough medical and nursing staff for the Modbury Hospital, and I believe that problem has still not been solved. In view of this, it would seem necessary that steps be taken now to recruit the necessary staff to move into the new Flinders Hospital when it opens early in 1976. It is generally accepted that there is a most severe shortage of doctors in the community at present, and this could be a serious problem.

The Hon. L. J. KING: I will obtain a reply for the honourable member.

FORENSIC INVESTIGATIONS

Mr. BECKER: Has the Attorney-General obtained from the Chief Secretary a reply to my recent question about administration expenses in connection with forensic investigations?

The Hon. L. I. KING: The Chief Secretary states that the item of the Estimates concerned with administration expenses does not include the cost of salaries of personnel employed in the police forensic laboratories. Forensic investigations are costed only to the extent that the services of organizations are utilized external to police facilities. The salaries of police forensic technicians are included in the general police salary line. The extent to which external facilities were used in the Duncan case amounted to $472. The provision within the administration expenses for forensic investigations by external organizations amounts to $41 500, which is an increase of $15 300 over the 1972-73 provisions. Forensic investigations have not been held up for lack of funds. Should the allocation in any year be completely absorbed and allocation of further funds become necessary, an excess warrant would be applied for to the assessed extent of the need of a specific case or cases.

AIR POLLUTION

Dr. TONKIN: Can the Minister of Environment and Conservation say whether any further readings of air pollution have been taken in Rundle Street and around the city of Adelaide? Considerable concern has been expressed at the high level of air pollution that was recorded when a series of readings was taken by the department about 12 months ago. In particular, the level of carbon monoxide was found to be dangerous. Because of this, the Government instituted further investigations with regard to turning Rundle Street into a pedestrian mall. There is now evidence to suggest that the lead fumes in the atmosphere could also reach a dangerous level; indeed, there is a danger of the condition of lead poisoning being far more common again. In view of this, I ask the Minister whether readings have been taken so that comparisons can be made with readings taken at this time last year.

The Hon. G. R. BROOMHILL: I am sure that additional readings have been taken not only in Rundle Street but also in areas surrounding Rundle Street. I think I noticed a Health Department van in King William Street over the weekend. However, as I have not seen any recent readings, I will check to see whether any are available or whether they are being compiled in one report, and I will let the honourable member know.

BOATING REGULATIONS

Mr. WARDLE: Can the Minister of Marine report any progress with regard to the registration of small power craft and the licensing of drivers? Will legislation be introduced before the coming season? The Minister will be aware that boating activity increases tremendously as the weather warms up.

The Hon. J. D. CORCORAN: When the matter was last raised by, I think, the member for Hanson, I explained that the working committee set up by the Ministers of Marine, or equivalent Ministers, of the various States and the Commonwealth Minister for Transport had completed its work on uniform legislation with regard to the registration of power craft, the licensing of drivers, etc., and that I expected a meeting of Ministers in Hobart some time this month. As that did not eventuate, I spoke to the Commonwealth Minister for Transport (Mr. Jones) only, I think, a fortnight ago, asking him whether, as a matter of urgency, to solve the problem of uniformity in relation to this measure, he would call a meeting. A week later, he wrote to me stating that he had raised the matter with the permanent head of his department and that the Commonwealth Government was making a submission to each State seeking an opinion whether or not the States would be willing to allow the Commonwealth to take over the matter. I guess that at this stage the Commonwealth Minister is awaiting replies from the various States. That is the situation at present. With regard to this State, I am not particularly concerned whether or not the Commonwealth takes over responsibility in this matter, as long as something is done quickly. As I have indicated, if there were likely to be long delays, I would examine the possibility of introducing unilaterally the model legislation that has been drawn up. However; I would sooner await the outcome of the immediate negotiations. As I have said, I am anxious to get on with this legislation as quickly as possible because, with other members, I believe that some form of control is necessary to protect people who engage in this recreation.

At 4 o'clock, the bells having been rung:

The SPEAKER: Call on the business of the day.

COUNCIL BOUNDARIES

Dr. EASTICK (on notice):

1. What applications pursuant to section 27a of the Local Government Act, 1934-1972, are currently before the Minister in respect of the severance of a portion of an area from one council and the annexure of the portion so severed to another council?

2. What stage have negotiations reached in each instance?

3. Does the Minister intend making any changes in advance of the report of the Royal Commission on Local Government Boundaries?

The Hon. G. T. VIRGO: The replies are as follows:

1. Petitions have been received in connection with severance from one council and annexation to another in six cases. These relate to an adjustment of boundaries between the City of Woodville and the City of Port Adelaide, the City of Henley and Grange and the City of West Torrens, the City of Tea Tree Gully and the District Council of Gumeracha, the City of Elizabeth and the District Council of Munno Para, the City of Port Lincoln and the District Council of Lincoln, the City of Port Augusta and the District Council of Kanyaka-Quorn.

2. In each case notice has been published that petitions have been received by the Minister. The time for counter-petitions has expired.

3. No action is intended before the Royal Commission report. All petitions mentioned above have been forwarded to the Royal Commission on Local Government Boundaries for consideration in its deliberations.

GRAZING RIGHTS

Dr. EASTICK (on notice):

1. Has the Government any policy on the grazing of cattle or sheep in Government pine forests?

2. If grazing is permitted have tenders been called for grazing rights?

3. Does the Government run stock in any forests?

4. Have any forestry officers been granted permission to graze cattle in Government forests?

5. Have any employees of the Forestry Department been called upon to husband or drove any cattle associated with forest reserves?

The Hon. J. D. CORCORAN: The replies are as follows:

1. It is departmental policy to graze cattle and sheep in selected areas by any of the following means:

(a) grazing leases issued over the signature of the Minister of Forests; *(b)* agistment at rates approved by the Minister of Forests; (c) grazing by departmentally owned sheep; and (d) grazing on a limited basis by employees and staff for domestic milk supplies.

2. Tenders are called for grazing rights where leases are involved; see 1 (a) above.

3. The department runs sheep on certain northern forest reserves largely for fire protection reasons; see 1 (c) above.

4. Forestry officers and employees, many of whom are located in relatively isolated areas, customarily have been permitted to graze cattle for domestic milk supplies.

5. Employees may be called upon to move cattle and other stock in emergency situations to protect departmental and public interests.

MALVERN INTERSECTION

Mr. MILLHOUSE (on notice):

1. What more work remains to be done at the intersection of Unley Road and Cross Road?

2. When will this work be finished?

The Hon. G. T. VIRGO: Work is in progress on the north-eastern and south-western corners of this intersection and is to commence shortly on the south-eastern corner. The work on the north-western comer has been completed. All remaining works should be completed in eight weeks.

ISLINGTON SEWAGE FARM

Mr. MILLHOUSE (on notice):

1. Upon what basis has the price of the old Islington sewage farm land been fixed?

2. By whom has the price been fixed?

3. Is it the intention of the Government to reduce the price asked for those blocks for which applications for purchase are not received by October 30, 1973, and, if so, by how much and when?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Comparable sales of land with similar favourable location and quality of services provided by development.

2. The Land Board—Lands Department.

3. No; prices will not be reduced. October 30 is only relevant in regard to the date after which applications received up to that date will be dealt with. From that date, sale of land will continue by application as is the normal practice for land which has been offered in terms of the Crown Lands Act.

MONARTO

Mr. MILLHOUSE (on notice):

1. Has the Minister, pursuant to section 8 of the Murray New Town (Land Acquisition) Act, 1972, attributed a price less than the price paid in relation to the sale of 494.5 acres (about 200 ha) being sections 316, 317 and 318, hundred of Monarto, and being all the land comprised in certificate of title 2027 folio 152?

2. If so, when was this done?

3. Had this land been sold by D. J. Thomas to G. Gale and at what price an acre?

4. What price did the Minister attribute in relation to that sale and why?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. Yes.

2. September 25, 1973.

3. Yes, at $80 an acre.

4. The sum is $30 020. The land was purchased by an adjoining owner and would have special value to him, with the possibility of future subdivision into smaller parcels and the probability that some of the land could be taken for a future airport.

Mr. MILLHOUSE (on notice):

In how many instances has the Minister, pursuant to section 8 of the Murray New Town (Land Acquisition) Act, 1972, attributed in relation to a sale of land:

(a) a price lower than the price paid and what were his reasons, in each case, for doing so?

(b) a price higher than the price paid and what were his reasons, in each case, for doing so?

The Hon. G. R. BROOMHILL: The replies are as follows:

(a) In six instances a fair price lower than the price paid has been attributed to land sales because the Minister, after conferring with the Valuer-General, considered that the prices paid for the land were higher than the prices that would have been paid for the land had the Act not been enacted. One sale was purchased by an adjoining owner and would have special value to the purchaser with possibility of future subdivision into smaller parcels and the probability that some of the land could be taken should an airport, as has been mentioned, be established in the area.

The second area was purchased by an Adelaide accountant for an outsider with no farming interest in the area, and the price paid, which was higher than that considered a fair price for a rough grazing block with poor access, suggested that other than purely agricultural pursuits were involved. The third purchaser (who acquired two parcels of land) was a subdivider and the price paid for that land has no relevance to the agricultural use of the land as at March 29, 1972. The shareholders, I understand, are shareholders in Gardiners of Stirling and already action has been taken to sell off the land in small parcels, section by section, from $400 to $800 a hectare with settlement to be effected in February, 1974. This means of subdivision avoids the oversight of the State Planning Authority and other bodies and costs of subdivision are extremely light. The fourth purchaser acquired its land for speculative purposes. The fifth purchaser is interested in the possible use of its land as a quarry site close to Monarto.

(b) Nil.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (QUEENSTOWN)

Adjourned debate on second reading.

(Continued from October 3. Page 1038.)

Mr. GUNN: I rise on a point of order, Mr. Speaker. As this matter is subject to a decision of the court, I seek your ruling whether this matter should not be discussed by this House until after the courts have made a decision. I refer to Erskine May, as I believe the matter is *sub judice.*

The SPEAKER: I cannot uphold the honourable member's claim based on the argument that the matter is *sub judice,* because the power of Parliament is always paramount in dealing with legislation at any given time. In this case Parliament is considering amendments to legislation already on the Statute Book, and I rule that it is perfectly proper and constitutional for the House of Assembly so to do. The only matter that would be *sub judice* would be the matter that is now the subject of litigation before the court. As I understand it, there is litigation before the court dealing with the validity of a certain subject matter, and that subject matter would be *sub judice,* but the amendment of legislation already on the Statute Book would not be *sub judice.* The debate on this matter will be along these lines, having in mind that Parliament is always able to deal with legislation and amendments to legislation.

Dr. EASTICK (Leader of the Opposition): With the introduction of this Bill by the Government we have seen the scraping of the bottom of the barrel not only by the Premier but by all members of the Government. The Premier earlier indicated what he intended to do if a certain court action was not successful. Because of panic or for some other reason, the Premier suddenly seeks to alter an Act of Parliament in advance of the final decision on the case now before the courts. Far beyond that, we have most oppressive and spiteful legislation introduced by the Premier and described by him as being against one particular business organization. The Premier has seen fit to indicate his reaction and his thoughts on one business organization, but we find that the measure before us goes far beyond the action that is relevant to that one business organization. The measure before us could cause the demolition tomorrow of three K Marts, three Target stores, the Marion Shopping Centre, and West Lakes, certainly the West Lakes stadium.

We have been asked to consider, in the words of the Premier, one "simple" small amendment that will overcome the present difference of opinion between the Government and several business organizations. I am speaking of the generalities, not of the one specific case at present, but the retrospective or retro-active Bill before us could destroy existing premises. It could go further and require that every transaction that has passed through the Lands Titles Office and the State Planning Office since 1962 be reassessed, at a time when we are bottlenecked for subdivisional land and when every member of this House constantly has brought to his or her notice the inability of people to obtain title to their land so they can proceed with their building programme. As a result, persons are being denied the opportunity to build houses at today's prices. Houses will be built months after the contracted commencing date and subject to the 18 per cent inflation in the building industry.

These are only some of the difficulties or areas that are brought into focus by the "simple" piece of legislation that the Premier introduced last Wednesday afternoon. He is not here today. Granted, he is absent on Government business, but he is not here to answer, in closing the debate on the second reading, the questions that undoubtedly will arise in the debate. On that basis, I seek leave to continue my remarks when the Premier is in the House and able to reply to the second reading debate.

The SPEAKER: The honourable Leader of the Opposition has sought the leave of the House to continue his remarks on the Bill.

The Hon. D. J. Hopgood: No.

The SPEAKER: Leave is refused. The honourable Leader of the Opposition.

Dr. EASTICK: Thank you, Mr. Speaker. Again we see the bulldozer tactics of members opposite, when the Opposition and the South Australian community are being denied the opportunity to get answers to vital questions on the Bill. I have much respect for the new Minister, the Minister of Development and Mines, but he has not been a party to the lengthy discussions and negotiations between the Premier and other people on this matter. Whilst I have the assurance that the debate on this measure will not proceed today beyond clause 2 in the Committee stage, the Minister has not the wealth of background information and, when he closes the second reading debate, we will be denied the opportunity to get answers to our questions.

The Hon. D. J. Hopgood: Are you the only speaker on your side?

Dr. EASTICK: I assure the Minister that I will not be. Only one member opposite can try to put the whole matter into perspective, and that is the Premier. I have pointed out that this is oppressive and spiteful. The measure certainly is retrospective or retro-active, having regard to the fact that proposed new section 41 (7a) provides that section 41 requires, and always has required, the authority of a council, in determining whether to grant or refuse its consent under the section, to make a decision that is not at substantial variance with the provisions of the authorized development plan as in force when the decision is macle.

In the Address in Reply debate at the beginning of this session, I highlighted the matter or retrospectivity, and the Attorney-General agreed with me that retrospective legislation was reprehensible and had no place in legislation before a House of Parliament. An extract from a judgment given by His Honour Mr. Justice Willes in the case of *Phillips and Eyre* (1870 LR6, QB1, at page 23) states:

The legal presumption is against retrospectivity, unless by express words or necessary implication it appears that retrospectivity was the intention of the legislature. Retrospective laws are however *prima facia* of questionable policy and contrary to the general principle that legislation by which conduct of mankind is to be regulated ought, when introduced for the first time, to deal with future Acts and ought not to change the character of past transactions carried on upon the faith of the then existing law.

Action taken previously in terms of the Planning and Development Act has been carried out as the law provided and as ail parties at that time interpreted and accepted it.

The SPEAKER: Order! In allowing the debate to continue, I rule that Parliament always has the paramount right to consider and amend legislation on the Statute Book, but, regarding a matter that is before the court, I cannot allow debate on whether that matter is valid or otherwise. That is certainly *sub judice.* In other words, discussion of the validity of the matter now before the court for its decision definitely is *sub judice* and, whilst I will allow the debate to proceed on the legislation before the House at present, I cannot allow debate to continue on whether the matter before the court at present is valid. The Leader is in order in continuing, as long as he does not refer to the validity of certain matters that are before the court.

Dr. EASTICK: At no time, Mr. Speaker, have I mentioned a specific court action or individuals. I again make the point that retrospective or retro-active legislation is the most unfair form of legislation that can be brought before a House of Parliament. The common attitude, quite apart from one's political beliefs, is against seeking to determine a position today which did not apply yesterday and against penalizing a person when the action he took was taken without any intention to do other than what the law permitted. From its inception, section 41 (7) of the principal Act has done no more than provide that the council is to have regard to (the specific words used by the Premier) the Metropolitan Development Plan, as one of four factors—not the only factor. This is shown in section 41 (7) (a) of the principal Act. That provision also refers to:

(b) the health, safety and convenience of the community;
(c) the economic and other advantages and disadvantages (if any) to the community. . . .
(d) the amenities of the locality. . . .

If we accept what the Premier said in his explanation (that section 41 (7) of the principal Act has always required the council to make its decision in connection with an application for consent under section 41 by determining whether or not the application is at substantial variance with the provisions of the plan), I suggest that every application conforming to the plan would have to be approved and every application at variance with the plan would have to be refused, if the variance is substantial. It is not a simple little matter of an alteration to legislation to overcome a difference of opinion between the Premier and a business organization: it is a matter that clearly affects every transaction in this field where there is a substantial variance from the original plan. I suggest that the Premier's approach involves a rigidity that is the antithesis of interim development control. The Premier's approach would also tie the whole of metropolitan development to the 1962 report. Notwithstanding that 11 years has elapsed since the tabling of that report and notwithstanding that there have been many major changes in commercial and industrial development in that period, we would be tied to the commencement date in 1962. At present we have a bottleneck

in the Lands Titles Office. The State Planning Authority will be only an infinitely small portion of the total bottleneck that we will have if this Bill is permitted to go on the Statute Book and throw the whole matter back to 1962.

What do we find in the period since the Metropolitan Development Plan was first published? The Marion drive-in regional shopping centre has been built and brought into operation since 1968. Further, since the 1962 Metropolitan Development Plan we have seen the building and occupation of the Tea Tree Plaza, a facility that I believe the member for Tea Tree Gully will accept is an integral part of the requirements of her district. We have also seen since 1962 the commencement of the West Lakes project, associated with which will be a drive-in regional shopping centre; that proposal did not become public until five years after the introduction of the 1962 development plan.

When one looks at the examples I have quoted, without going any further, one realizes that the Premier obviously has a bee in his bonnet about a certain development that he raved about in his explanation. Why has he been so spiteful, and why has he introduced this Bill, suggesting that it is aimed at one development when obviously it goes much further? The projects at Marion, Tea Tree Plaza and West Lakes are all contrary to the concept of the Metropolitan Development Plan, because that plan did not provide for them as they have been developed and, indeed, it specifically rejected the concept of these drive-in regional shopping centres. It was clearly indicated that this new form of shopping centre, which in 1962 was in its relative infancy overseas and was virtually unknown in Australia, was not an acceptable concept of development when the 1962 plan was brought before the House. In its report accompanying the plan in 1962, the Town Planning Committee said:

> Shopping centres based on the American pattern and promoted by large department stores have already appeared in Sydney, Melbourne and Brisbane. In Adelaide, large centres of this type may not be sound economically.

That report was brought in in 1962, so these developments obviously were against the concept of the plan. One does not suggest that change cannot take place, and this type of development has been acceptable in South Australia and has proved successful, but it is at substantial variance with the proposal contained in the 1962 plan. I suggest that the judgment of the then Town Planner's office was at variance with the proven facts and that the obvious public acceptance of centres such as Marion and Tea Tree Plaza showed that the committee at the time did not appreciate how economically sound and successful such developments could become.

In administering interim development control, councils previously knew exactly where they stood: they were to take the provisions of the Metropolitan Development Plan as only one of a series of factors I have outlined. This Bill seeks to substitute uncertainty for certainty, suggesting (if it becomes law) that councils must ask themselves not only what are the effects of the factors listed in section 41 (7), paragraphs *(b)* to *(d),* and not only what are the provisions of the Metropolitan Development Plan, but also whether there is variance with that plan and, if there is, whether it is substantial variance.

"Substantial variance" is a term used by the Premier in his explanation to the House and it appears also in the Bill. If the Bill were to pass in its present form, a council would not be able to have regard to the factors in paragraphs *(b)* to *(d)* of section 41 (7) dealing with the convenience of the community, the economic and other advantages to the community, and the amenities of the locality. It would be unable to consider them because the sole criterion would be (and this is what we are being asked to accept) whether or not there was substantial compliance with the provisions of the plan. Once there was that substantial compliance, a permit would be granted; if there was not substantial compliance, a permit would have to be refused. Leaving out the provisions now contained in paragraphs *(b)* to *(d)* would merely create further confusion.

Four criteria have been provided, but no precedence has been given other than that one factor happened to be specified in paragraph *(a),* one in *(b),* one in (c), and one in *(d),* each being of equal importance, but the Government would suggest that paragraphs *(b),* (c) and *(d)* are less important than paragraph *(a).* I suggest that this is not a situation which we as responsible members of Parliament could accept, and I look forward in due course to members opposite helping members on this side to defeat the measure. Further, we say that it becomes extremely difficult, whether in Parliament, in a council, or in a court of law, to determine just what is "substantial variance" or, more particularly, what the word "substantial" means. The Minister of Transport, as a former member of the Marion council, will recognize the difficulties encountered by that council in interpreting "substantial".

Mr. Mathwin: He was not there very long.

Dr. EASTICK: No, he was not there very long, but he acknowledged, after I made a personal explanation on this point, that he was the Geoffrey Thomas Virgo who had. been a member of the Marion council and that that council had got into difficulties with the interpretation of "substantial" when a claim by it was disallowed by the late Judge Gillespie in a court action. However, that is another subject. It is well recognized by members opposite that the interpretation of "substantial" can be most difficult. I am informed that in England the Committee on the Rating of Charities and Kindred Bodies, in its report to Parliament, stated:

> The construction of the word "substantial" (or any corresponding word or phrase) could cause much litigation.

That appears at. page 28 of the report and it was quoted subsequently in the *Town Planning and Local Government Guide,* at paragraph 38. Coming closer to home, in a judgment of the Supreme Court of South Australia His Honour the late Mr. Justice Mayo said:

> "Substantial" is not a word with a fixed meaning in all contexts. . . . It is an unsatisfactory medium for carrying the idea of some ascertainable proportion of the whole.

That judgment was handed down in 1948 in the case of *A. G. Terry's Motors Limited* v. *Rinder,* and is duly recorded. In the Supreme Court of New Zealand, His Honour Mr. Justice Wilson said:

> The word "substantial" is relative. What may be substantial alteration to a small building may not be so to a large one.

That was in the case of *Clifford* v. *Ashburton Borough* in 1969, and is quoted also in the *Town Planning and Local Government Guide,* at paragraph 73. In the New South Wales Court of Appeal, Asprey, J. A., said:

> "Substantial" has been described as a word of no fixed meaning. It does not necessarily bear the meaning of large or considerable.

That was in *Barker* v. *Scahill,* in 1968, which is recorded and which also appears in the *Town Planning and Local Government Guide,* at paragraph 72. So much for "substantial".

I believe that a very vicious aspect of the Bill is that it deliberately sets out to invalidate, by its retrospectivity, existing consents. An organization has been permitted to proceed on the premise of the correctness of

its interpretation and of its action in accordance with the law at that time. It involves organizations, because I have clearly pointed out that this goes far wider than the one organization into which the Premier seems to have his spurs: it includes a whole host of organizations that have proceeded to develop their enterprise as a result of a series of consents given by various authorities, not the least of them being a number of Government authorities. I believe that the real aim of the Bill was made clear by the Premier in his second reading explanation, for which only he can accept the responsibility. He said:

> At the present time the validity of this purported consent is the subject of proceedings in the Supreme Court. The matter is, however, of such gravity and of such overall importance to the proper planning and development of the greater metropolitan area that it is vitally necessary for Parliament to state again, so that there can be no doubt or dispute, the intendment of the provision conferring interim control . . . The purpose of this amendment is therefore to ensure that in this case and in any future case of this kind the validity of any consent purportedly granted under interim development control will be dependent on consistency with the general policy of the Act.

However, the Premier is now attempting to override the validity or the general policy of the Act. Having started off by pinpointing one organization and consistently battering it, he said in his second reading explanation:

> The matter is, however, of such gravity and of such overall importance—

not just of importance to one singular project—

> to the proper planning and development of the greater metropolitan area—

not of one section of the metropolitan area—

> that it is virtually necessary for Parliament to state again, so that there can be no doubt or dispute, the intendment of the provision conferring interim control.

Obviously, the Premier has seen fit to make a vicious attack and then, at least, to attempt to go back to the point where he recognizes that he is dealing with the whole of the metropolitan area, even though I believe that, from the look on the faces of many Government members, they thought we were dealing with one little project, and not with the whole metropolitan area. The Bill is not limited to the one case the Premier saw fit to highlight. Section 41 of the principal Act provides not that a consent' should have been considered in a certain way for a project but that all consents should; have been considered in a certain way, but that was not stated by the Premier when introducing the Bill. Nonetheless, the Premier has seen fit to single out one organization consistently and has even hoodwinked Government members into believing that it is only against that one organization that the Government is acting.

I suggest that it can only be concluded that the Government is anxious to prevent this project from proceeding and is concerned that another project may be lost in litigation. The Premier has highlighted that as a distinct possibility in his statement made in the House and in a letter, dated June 22, which was addressed to Mr. K. C. Steele and which the Premier read to the House. It states, in part:

> If the legal action commenced by your company should succeed in the courts eventually, the Government would introduce an amendment to the Planning and Development Act to support its planning decision.

What justice is there in a letter over the Premier's signature to an organization, stating that, if he did not get his own way in regard to this project, he would introduce an amendment to the Act to give him greater power to overcome a court decision? No honourable member on either side can accept that kind of attitude: certainly the Attorney-General does not, and I do not believe that any other Government member, if he really came face to face with facts, would accept being told, "Go out by all means. Test yourself in court and, if the court action is shown to be in your favour and against me, I will take steps to ensure that the position is reversed." That is not responsible government, nor is it the type of pronouncement that people in this State want to hear. The Government, in taking action against one project, has introduced an amendment that will react against many companies and individuals, and I have referred to several major projects in this category. If this Bill is enacted, every consent that has been granted under the Planning and Development Act will have to be reassessed in order to determine whether the decision to grant that consent was at substantial variance with the provisions of the plan.

Any consent granted since the Act came into force could be invalidated by this Bill. The Government and the Premier are asking us to vote for legislation that will invalidate consents which have been given but in which no complete regard has been given to a substantial variance with the original plan. Another feature of the Bill is that it deliberately hints at litigation, which is before the court at present and which the Speaker has rightly indicated is *sub judice.* The effect of this Bill is clear, because it refers to "cases arising either before or after". This is the nub of the matter, and the point that makes this action retrospective. The Premier has had the gall to introduce a measure that seeks to interfere with an action now before the court, thus indicating what he will do to get his own way. This is an action that cannot be tolerated and one that is not acceptable to any Opposition member. The Premier's second reading explanation contains misstatements, and several basic facts were not given due regard.

The Premier's statement proceeds on the basis that the proposed development in the area he has specified is contrary to the provisions of the Metropolitan Development Plan. I have already suggested that the Marion, Tea Tree Plaza, and West Lakes projects are all similar developments that were not part of the original plan, which did not permit the construction of drive-in regional shopping centres. A statement has been made referring to the plan's application to other States and oversea countries, and to the fact that these projects might not be sound economically in Adelaide. The permit to build Tea Tree Plaza would be invalidated by this measure, because that project falls specifically into the category that it may not be economically sound. We do not argue that it has proved to be economically sound, and the member for Tea Tree Gully has indicated that it is an essential facility in her district.

The Hon. Hugh Hudson: What do the Tea Tree Gully zoning regulations provide?

Dr. EASTICK: The Minister had the chance to listen to what I have said, but he has been out of the House for three-quarters of an hour. I do not intend to repeat my speech, for which other members will be thankful. It has been shown that consent was given in exactly the same way as other consents were given: therefore, it was at variance with the basis of the Metropolitan Development Plan. I have not used the other essential ingredient, that is, "substantial": I am saying it was at variance. If we refer to substantial variance, another whole realm opens up, and the Minister should consider this. The three Target discount shopping centres and the three K Mart stores have all been accepted by the community, but their construction would be invalidated, because the Metropolitan

Development Plan did not consider departmental discount stores. In other words, a totally new concept has been introduced that is at variance with the original plan. When the plan was introduced, the concept of a departmental discount store was in its infancy in oversea countries, let alone in Australia.

In addition, the West Lakes project is at variance with the plan, because it was not conceived until five years after the plan was introduced in 1962. In his second reading explanation the Premier apparently had no restrictions placed on him that may be placed on me, if I refer to a matter that is now before the court. In his second reading explanation, the Premier said that on March 9, 1972, Myer Shopping Centres Proprietary Limited applied to the Port Adelaide council for consent to erect a shopping centre at Queenstown. The explanation states:

The matter of the shopping centre had been before the council before this, but no consents had been granted.

The Hon. Hugh Hudson: What did the Port Adelaide council—

Dr. EASTICK: The fact is that the council had given approval, on September 17, 1970, for Myers to proceed with the construction of a shopping centre.

The DEPUTY SPEAKER: Order!

Mr. Coumbe: He's quoting from *Hansard.*

The DEPUTY SPEAKER: The Speaker has earlier ruled that there is to be no reference to the matter now being raised by the honourable Leader. As that matter is to come before the court, it is *sub judice.* I will uphold the ruling of the Speaker given earlier this afternoon. I ask the honourable Leader not to refer to that matter.

Mr. MILLHOUSE (Mitcham): I move:

That the Deputy Speaker's ruling be disagreed to.

I take exception to what you have said. I cannot accept that a Bill which is so utterly unfair and which all hinges on litigation before the court can possibly be debated without reference to that litigation. The Bill is unfair enough, but if you, Sir, intend to change the rules like this, this debate will be an absolute farce. Neither the Leader nor anyone else can possibly debate the Bill without referring to what has happened in relation to the Queenstown shopping dispute, and I therefore wish to disagree to your ruling as strongly as I can.

The DEPUTY SPEAKER: If the honourable member intends to disagree to my ruling, I ask him to bring forward his reasons in writing.

Mr. MILLHOUSE: I will certainly do that.

The Speaker having resumed the Chair:

The SPEAKER: I believe the honourable member for Mitcham has moved to disagree to the ruling made with regard to the litigation on the matter before the Supreme Court. The honourable member for Mitcham has moved:

To disagree to the ruling that no mention may be made of litigation in the Supreme Court which involves the Queenstown shopping project and West Lakes, because such ruling is fundamentally unfair and makes the debate a farce.

The honourable member for Mitcham has moved: "That the Deputy Speaker's ruling be disagreed to". Is that motion seconded?

Honourable members: Yes.

The SPEAKER: The question is—

Mr. MILLHOUSE: I hope that at least there will be some opportunity to debate the matter. I made my protest, when disagreeing to your Deputy's ruling a few moments ago, because the Leader was rightly canvassing the issues that are involved in this Bill. Everyone knows the Bill is aimed to stifle the litigation in the Queenstown shopping dispute: there is no other reason for it at all. One has only to look at the first sentence of the Premier's second reading explanation to see this, as follows:

It arises from the disturbing events that have surrounded the proposed establishment of a regional shopping centre at Queenstown by Myer Shopping Centres Proprietary Limited.

At least Parliament should be allowed to debate all the issues in the Bill, and that is the supreme issue in the Bill. As I understand it, you, Mr. Speaker, or your Deputy, are saying that we must not even debate these things. What is this place coming to? Is it to be simply a rubber stamp for the whims of the Government? I will try not to canvass now the merits or demerits of the Bill, and that is hard enough. I suggest that in this debate Parliament must be free to discuss every aspect of the matter. One of the important aspects is the litigation now before the court, the way in which it came before the court, and the events which have led up to it and which have given rise to this Bill. After all, you, Sir, did not stop the Premier on June 27 when he read out a letter—

The SPEAKER: Order!

Mr. MILLHOUSE: —stating that if the litigation was successful—

The SPEAKER: Order!

Mr. MILLHOUSE: —he would change the law.

The SPEAKER: Order! The honourable member for Mitcham has been in this House long enough to know that he may not cast a reflection on the determinations of this House. I will not allow the debate to continue along those lines.

Mr. MILLHOUSE: There was no determination on that occasion; the Premier simply read out during Question Time a letter that he had written to Mr. Steele saying that if Myers was successful in the litigation the Premier would have the law changed. You, Sir, did not stop him; no-one in this House took any exception. Now, a Bill to change the law has been introduced even before the litigation has been concluded, and you will not let us talk about these things.

The SPEAKER: Order! The honourable member for Mitcham is saying things that are not true and correct. He has said that certain letters were read out during the second reading explanation.

Mr. MILLHOUSE: No, I said it was read out in June during Question Time.

The SPEAKER: If the honourable member is referring to something that happened in June, the remarks then were in order and permissible at that time.

Mr. MILLHOUSE: I do not understand your intervention in my speech. I was referring to what happened on June 27 (as reported at page 167 of *Hansard)* when the Premier, in the course of a long reply to a question asked by the member for Semaphore, read out a letter stating that the law would be changed if Myers won the litigation. If, in that reply, he could canvass the facts arising out of this dispute and the fact that it had gone to law, why can we not do the same thing in this debate? The answer to the question must be that we should be allowed to do it, but your ruling, Sir, would prevent us from doing it. I know the *sub judice* rule that we in Parliament should not influence what is likely to happen in a court or the decision of a court, but this is a special case. We are here deliberately debating a measure that will preclude any meaningful litigation, and that is why it should be treated separately and why, I suggest, with great deference, that the Leader and other members should be permitted to continue in this vein. If this matter is to be properly debated and not to be a mere farce, we must be allowed to do this.

Mr. COUMBE (Torrens): I support the motion, because nearly all the Premier's speech was taken up with references to a certain matter now before the court, and to deny members of this House, either Government members or Opposition members, the opportunity to refer to it is simply to make a farce of this Parliament. The member for Mitcham referred, correctly, to the first paragraph of the Premier's second reading explanation of the Bill: the Bill was introduced simply because of a matter before the court and as a result of certain actions taken by certain people and a certain council. That is the matter on which the member for Mitcham has moved the motion to disagree. If, last Wednesday, the Premier was permitted by you, Sir, I presume, to make those comments, it is perfectly right and proper for any member of the Government or the Opposition to make similar comments. Indeed, you, Sir, stopped the Leader of the Opposition from referring to some of the comments made by the Premier when he was debating the matter. Therefore, I agree with the action taken by the member for Mitcham, who was perfectly entitled to move the motion.

Dr. EASTICK (Leader of the Opposition): I support the motion. I clearly highlighted to the House at the beginning of my speech on this matter the difficulties that would arise, and, recognizing that in the absence of the Premier, who had made certain statements, no-one would obtain a worthwhile answer to the questions that had been asked, I sought leave to continue my remarks. The Premier made certain statements when introducing this measure and in reply to a question asked by the member for Semaphore that cut right across the point you, Sir, have now taken. Tn the interests of the South Australian public, the debate should be permitted to continue along the lines that were developing.

Mr. HALL (Goyder): If, Sir, your Deputy's ruling is upheld, you must inevitably rule that the Bill cannot be further debated, because it deliberately sets out to influence the court. You cannot have it both ways: either the motion will be carried and the debate will proceed along the lines of the effect that the Bill will have on the court, or you must be fair and consistent and rule that the debate cannot continue at all. The logic is as simple as that: there cannot be a double standard, and it is not a complicated decision to take.

As the Premier has said, the Bill will influence the court by completely taking from it the power to make effective decisions on the matter before it, and no-one can say that that is not so because the Premier has said this previously and, in effect, he said so when explaining the Bill. What are you going to do about this subject, Mr. Speaker? Are you going to say that the Bill will not influence the court? You cannot maintain that, but if you say that the Bill will not influence the court that will be a negation of the purpose of the Bill. If you uphold your Deputy's ruling, you, Sir, can expect to receive further representations on the matter.

This is indeed a serious matter and I ask you, Sir, to reconsider your Deputy's decision and either allow the Bill to be consistently discussed or refuse to let it be discussed at all. I tend to think that the latter is the better course as the Bill obviously interferes with the work of the court and, therefore, should not proceed on that basis.

Dr. TONKIN (Bragg): I strongly support the motion moved by the member for Mitcham and supported by other members. I point out that you, Sir, have already ruled on this matter previously this afternoon in response to a query by the member for Eyre who, properly, quoted Erskine May which, under the heading "Matters pending judicial decision", states:

> A matter, awaiting or under adjudication by a court of law, should not be brought before the House by a motion or otherwise. This rule applies to motions for leave to bring in Bills, but not other proceedings on Bills.

You have already this afternoon ruled that this matter is not *sub judice* and now you turn around and say it is. You cannot have it both ways. It must be one thing or the other. The Leader was simply beginning to enumerate the dates of the events leading up to the litigation now before the court.

Mr. McAnaney: It is already in *Hansard.*

Dr. TONKIN: That is so. It was referred to by the Premier in his second reading explanation. We must have some consistency. I believe the whole matter is an attack on the Parliamentary way of democracy. I do not like it: the whole thing is abhorrent to me and you, Sir, are not making it any easier. This House deserves consistent rulings and, indeed, rulings that are meaningful on this matter. I recognize that you have been put in an extremely difficult position but, respectfully, you have no-one to blame but yourself.

The SPEAKER: Order! The honourable member for Bragg, while speaking to a dissension motion, cannot reflect on the Chair. He can speak to the motion alone, without referring to the Chair.

Dr. TONKIN: The dissension motion concerns your inconsistency, Sir, and I do not think anything more needs to be said about it. We must have a ruling one way or the other. This House accepted the ruling that you gave to the member for Eyre this afternoon on the same matter. Indeed, I understand from the honourable member that he had in mind at the time to move a motion to disagree to your ruling because he considered that a matter such as this should not be debated, as it may (as it is intended to do) influence the court's decision. Because he respected your ruling at that time, the member for Eyre did not move that motion. However, I thoroughly agree with the member for Mitcham and other members. We cannot sit here and listen to such inconsistencies.

The Hon. HUGH HUDSON (Minister of Education): I rise to oppose the motion. The position is clear: the Bill makes no reference to a particular dispute.

Mr. Dean Brown: It refers to Queenstown. Have you read it?

The Hon. HUGH HUDSON: It states its main objects. I am sorry, but Opposition members should check their facts. The title of the Bill is the Planning and Development Act Amendment Bill (No. 2), 1973. There is no reference in the Bill itself to any particular matters directly concerning the court case.

Mr. Hall: There is. Can't you read?

The Hon. HUGH HUDSON: Are you reading from the Notice Paper?

Mr. Hall: I am reading from the Premier's second reading speech.

The Hon. HUGH HUDSON: The member for Goyder is one of the most incredible men I have ever come across. We are talking about the Bill itself. There is no reference to that particular matter, and the Speaker's ruling that the Bill itself is in order to be presented to the Parliament is quite correct, because the Bill itself makes no reference to the Queenstown dispute; that is quite clear.

Mr. Hall: The second reading explanation refers to Queenstown.

The Hon. HUGH HUDSON: I do not mind. I deal with the words and the statements in the Bill itself. I know

that the member for Goyder is not interested in the actual facts of any situation, which is one reason why he is where he is today. But, be that as it may, the Bill is quite clear in its statements, and it makes no reference whatsoever to Queenstown.

Mr. Hall: Don't be childish or devious.

The Hon. HUGH HUDSON: I am not. The Speaker, who is being required to rule whether or not the Bill is in order, is quite correct in ruling that it is in order and therefore in order to be debated. There can be no dispute about that, because the Speaker can make a ruling on this matter only in relation to the Bill as presented to Parliament.

Mr. Hall: Are you saying it will not affect the Queenstown dispute?

Dr. Tonkin: Read the title of the Bill, as laid on the table.

The Hon. HUGH HUDSON: The way in which it is laid on the table and the way in which it is read a first time, and in that process—

Mr. Hall: You are not fooling anyone.

The Hon. HUGH HUDSON: I know that members of the Opposition do not really appreciate *sub judice* proceedings but, so far as the Bill itself is concerned or the process of reading it a first time and laying it on the table, nothing in respect of Queenstown is involved, and the only thing the Speaker can do, in those circumstances, is to rule that the Bill itself is in order.

Mr. Hall: Are you saying that it will not affect the litigation? Be honest!

The Hon. HUGH HUDSON: I am being honest. The member for Goyder is not being honest. The facts are as I have stated them. However, so far as the debate on the Bill is concerned, all that the Speaker has done is to apply the traditional ruling in relation to any matters that are *sub judice.* A debate on a specific case which may or may not be affected by this Bill would not be in order because that could influence court proceedings.

Dr. Tonkin: There is inconsistency.

The Hon. HUGH HUDSON: That is the position that applies. The member for Bragg is quite wrong when he tries to accuse you, Mr. Speaker, of inconsistency. You have been completely consistent in your approach in ruling that the Bill is in order and the debate is in order, and ruling also that references to the dispute as regards Queenstown and Myer Shopping Centres Proprietary Limited are not in order because they could influence current judicial proceedings.

Mr. McANANEY (Heysen): Have I really heard what a member said when he said the Premier got up and introduced the word "Queenstown" immediately? He talked about Myer Shopping Centres Proprietary Limited, and this was accepted by the Chair. Now it has been ruled that we cannot deal with what is in the second reading explanation. What a farce Parliament will become if a Minister can get up, make a second reading speech and cover everything he wants to and then, when a member of the Opposition or a member of his own Party gets up and discusses the same thing, it is ruled out of order! This is the most disgraceful thing that has happened in the 10 years I have been in Parliament—and there have been some fairly disgraceful incidents. I myself have been ejected—

The SPEAKER: Order! The honourable member must speak to the motion.

Mr. McANANEY: I was merely comparing one shocking incident with another. Never have I seen so many shamed faces on the other side of the House.

The SPEAKER: Order!

Mr. McANANEY: Surely, when you, Mr. Speaker, set a precedent in this House on a particular Bill, it is the right of the individual member to reply to points made in the second reading explanation or in any other speech. This right is being denied us on this side of the House. I strongly support the motion.

Mr. MATHWIN (Glenelg): I support the member for Mitcham in this matter. He brought it up rightly, and his points were proper and correct. The Minister of Education amazed me more than ever today when he said that the Bill had no reference at all to Queenstown; he wants us to believe that and to take no notice of the second reading explanation given by the Premier. Are we not to be able to answer that explanation or refer to it in any shape or form? At the beginning of his explanation of the Bill, the Premier said:

> It arises from the disturbing events that have surrounded the proposed establishment of a regional shopping centre at Queenstown by Myer Shopping Centres Proprietary Limited.

That organization has been mentioned many times throughout the second reading speeches, yet the Minister of Education is asking us not to reply, in any shape or form, or not to do the same as the Premier was able to do. Are we not to mention Queenstown?

The Hon. Hugh Hudson: I didn't say that.

Mr. MATHWIN: Is it a case of double standards, that the Minister and his Premier can do this, yet we in the Opposition cannot talk in this manner? Is that what the Minister wants, that the Government can put forward any case it wishes yet the Opposition is not allowed to answer it in any way? Is that the sort of fairness that the Minister wishes in this House? Is that what he wants to go on record as advocating? Is that what you want, Mr. Minister?

The SPEAKER: Order! The honourable member must address the Chair.

Mr. MATHWIN: I apologize.

The Hon. Hugh Hudson: I should think so.

Mr. MATHWIN: I certainly do not apologize to the Minister but I apologize to you, Sir. Earlier today we had before the House a motion well moved by the member for Eyre that this debate should not be allowed to proceed, and you, Mr. Speaker, said that that was not correct. An explanation was given by the Deputy Premier today and you gave the rules and regulations about what the Government could and could not do. That motion was defeated. The member for Eyre was willing to agree with the ruling from the Chair but now we have a different ruling altogether. Now we are supposed not to make any reference to the second reading explanation given by the Premier. I for one think it is an absolute disgrace; it is a shocking state of affairs.

Mr. EVANS (Fisher): I support the motion. I invite members to read page 1037 of *Hansard,* where they will find (we are talking of not being able to debate an issue that is before a court) that the Premier said:

> The attempted misuse by the Port Adelaide council of its powers under section 41 of the principal Act (which provides for interim development control) cannot be countenanced by the Government, or by this Parliament, which enacted the provision and laid down the guidelines for the exercise of the powers that it confers.

The Premier was saying that the council had misused its powers. Further, the Premier said:

> Nevertheless, the members of the council present purported to consent to an application under section 41, and thus to authorize the erection of the proposed Queenstown centre.

The Premier talked about an actual court action that was going on. He debated it in this House in his second reading explanation; there is no doubt about it. The Minister of Education knows it, but he avoided the point. Further, he avoided the comment that the Premier made in this House. The Minister of Education knows that the Premier debated the very issue that was before the court; the Premier did that in this House less than a week ago. Mr. Speaker, your Deputy gave a ruling that I believe will prove to be wrong whether it be by interpretation of this House or by the people at large, and I believe—

The SPEAKER: Order! I have drawn the attention of members to the fact that there is a motion before the Chair moved by the member for Mitcham; it is a motion to disagree to the Speaker's ruling, and it does not allow an open debate on the subject matter of the Bill. The honourable member for Fisher.

Mr. EVANS: I believe that the Deputy Speaker's decision was made on the spur of the moment and that he himself now regrets that he made it. On looking closely at the Premier's second reading explanation, we all realize that the whole subject was laid open by the Premier. Consequently, we can discuss any aspect of it, because it is all covered in the Premier's explanation and it refers to the Queenstown shopping centre. There is no doubt that the member for Mitcham was right in moving his motion, and the Leader was right in discussing the matter that he was discussing at the time the Deputy Speaker made his decision. T support the member for Mitcham and I know that the Minister of Education, in a subtle sort of way, does so, too.

Mr. DEAN BROWN (Davenport): I, too, support the member for Mitcham. Tn the short period that I have been a member of this House I have never seen such a despicable situation arise where, in fact, the Premier spoke on a specific situation in his second reading explanation and the Opposition has been stopped by the Deputy Speaker from speaking on the same sort of topic and from referring to the Premier's speech. When I entered this House I never thought that I would see politics reach such a low and despicable level as they have this afternoon in this House.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Speaker. To say that politics have reached a low and despicable level is a further reflection on the Chair.

Members interjecting:

The SPEAKER: Order!

The Hon. HUGH HUDSON: In giving his ruling, the Deputy Speaker was acting in all good conscience and on the advice that he had been given. For the honourable member to make the suggestion he has just made is further reflecting on the Chair.

The SPEAKER: Order! I uphold the point of order. Rulings of the Speaker and Deputy Speaker are given in all good faith, and members are not at liberty to reflect on the decisions of the Chair at any time. Once again I draw the attention of the honourable member for Davenport to the fact that the subject matter under discussion by the House at present is a motion, moved by the member for Mitcham, of disagreement to the Deputy Speaker's ruling. The only subject matter permitted to be debated is the motion of dissent moved by the honourable member for Mitcham. The honourable member for Davenport.

Mr. DEAN BROWN: Thank you, Mr. Speaker. I was referring to the Minister's speech and the case he put forward. It is obvious that the Premier, in his second reading explanation, discussed the whole issue of Queenstown. On page 1037 of *Hansard* this Bill is referred to as the Planning and Development Act Amendment Bill (Queenstown). If we are to debate this Bill clearly, logically and openly, we must be able to refer to a specific situation in connection with Queenstown.

The Hon. Hugh Hudson: That's not the Bill's title.

Mr. BECKER (Hanson): I support the motion, because ft is clear that, whilst the amendments may be a matter of principle, the names of the shopping centre and the council have been included in the Premier's explanation. It is also interesting to note that, after the first passage, which has been quoted twice already, the explanation states:

> On February 24, 1972, interim development control over the area of the Port Adelaide council was conferred on the council pursuant to section 41 of the Planning and Development Act. On March 9, 1972, Myer Shopping Centres Proprietary Limited applied to the council for consent to erect a shopping centre at Queenstown under section 41.

There are two occasions where specific reference has been made to the company involved and to the council. Therefore, how can one debate the issue before the Chair without referring specifically to those two organizations? Further, at page 1038, the second reading explanation states:

> The purpose of this amendment is therefore to ensure that in this case and in any future case of this kind the validity of any consent purportedly granted under interim development control will be dependent on consistency with the general policy of the Act.

Regrettably, I, like all my colleagues, Mr. Speaker, must support the motion to disagree to your ruling.

The SPEAKER: The motion moved by the member for Mitcham is one to disagree to the Speaker's ruling. Of course, although the ruling was given by the Deputy Speaker, it is still the Speaker's ruling. I intend to reply to the remarks that have been made about the alleged inconsistency of the Speaker's rulings. First, the honourable member for Mitcham stated that at some time previously reference to this matter had not been ruled inadmissible. The honourable member surely must realize that no matter is *sub judice* until it is listed before the court, and at the time in question the matter was not listed as a case before the court.

Dr. Eastick: The date was April 16.

The SPEAKER: Order! The other matter referred to as an inconsistency was that, when the honourable member for Eyre earlier sought a ruling on whether debate was permissible on this Bill, I ruled that a debate was permitted and also said that the power and authority of Parliament must be recognized always and that Parliament always was the authority to discuss legislation and amendments to legislation.

In ruling that debate on the Bill would be permitted, I ruled on those lines. When the Leader of the Opposition was speaking in the debate, I reiterated that the authority of the Parliament also should be considered and that Parliament always had authority to consider legislation and amendments to legislation. I said that, in this specific case, Parliament had the power and authority to discuss the legislation.

I also state now that the second reading explanation is an explanation of what the Bill is intended to do, and I ruled, during the speech of the honourable Leader of the Opposition, that members of the House had the full right to discuss the Bill as it should be discussed in the second reading stage. In other words, the merits of the Bill could always be discussed by the House but the matter of litigation before the court (the validity of the consent of a certain organization to a company, which is now the subject of a court case) should not be subject to debate, but all other categories in relation to the Bill would be

open to discussion by members. I rule again that Parliament can debate the terms of the Bill but that the validity of the subject matter before the court is *sub judice.*

The Hon. HUGH HUDSON: May I raise a point of order, or a question, Mr. Speaker? As it is the validity of the matter before the court that cannot be discussed, the validity of the decision by the Port Adelaide council, that would permit members, would it not, in debating the whole matter, to refer to events that had taken place, without discussing the validity?

Mr. Millhouse: Are you trying to get out of it?

The Hon. HUGH HUDSON: I think there is some confusion about a distinction between referring to facts, such as that on a certain day a certain organization did a certain thing, and discussing the validity of that action. My impression is that your ruling means that we are not at liberty to discuss the validity of a certain action, and the implication would be that we were at liberty to refer to certain events without discussing the validity of any actions that might have been taken.

The SPEAKER: If there is confusion in the minds of members, I repeat what I have said twice previously and, I hope, consistently rather than inconsistently. There is litigation before the court regarding a certain consent decision by an organization that is being challenged in the court. That is the matter that is *sub judice.* The merit and subject matter of the Bill may be debated but the matter of the litigation (in other words, the consent of certain people to do certain things and the validity of someone's doing something under that consent) is a matter for the court to determine and is *sub judice.*

Mr. EVANS: I take the point of order that the Premier has used the word "misuse" in relation to section 41: he said that the Port Adelaide council had misused section 41. Surely it is all right for members to argue that it was not a misuse and that the council was acting within its powers in this field.

The SPEAKER: I cannot uphold that point of order, because the honourable member for Fisher is asking me to rule that the validity of a decision by a certain organization is open to debate, and I have said consistently that that matter—

Mr. McAnaney: Why was the Premier allowed to say it?

The SPEAKER: If the honourable member for Davenport wants to reflect on the activities of the Chair—

Mr. DEAN BROWN: On a point of order—

The SPEAKER: I am sorry. If the honourable member for Davenport wants consistently, out of his place, to challenge the authority—

Mr. DEAN BROWN: Mr. Speaker—

The SPEAKER: I apologize for referring to the honourable member for Davenport. If the honourable member for Heysen wants consistently to challenge, from a seat other than his own, the authority of the Chair, he must suffer the consequences.

Dr. EASTICK: I ask a question of you, Mr. Speaker. Could you accept, or could you invite—

The SPEAKER: Order! At this stage of the debate, the Leader may take a point of order but the matter is not subject to question.

Dr. EASTICK: I am having difficulty determining the difference between a question from the Minister of Education and a point of order taken by me.

The SPEAKER: Order!

Dr. EASTICK: On that basis—

The SPEAKER: Order! This is a debate in which the Leader of the Opposition is subject to the Standing Orders governing debates. The Leader has spoken in this debate and the only right he has to speak again is on a point of order.

Dr. EASTICK: On a point of order, Mr. Speaker, was it a fact that the writ regarding the action we are discussing was taken out on April 6, 1973, and was it in fact on June 27 when the Premier read a letter to the member for Semaphore?

The SPEAKER: I cannot uphold the point of order. I am not a legal man; if the Leader of the Opposition wants legal advice, the taking out of a writ is not *sub judice.* That is only when a matter is listed before the court for the court's determination. If the honourable member for Mitcham speaks, he closes the debate.

Mr. MILLHOUSE (Mitcham): I deliberately waited, both now and five minutes or so ago, before the rather unusual set of procedures we have seen, to see whether any other honourable member on the Government side would rise to speak, and particularly whether your Deputy, the member for Mount Gambier, was prepared to defend his ruling.

The SPEAKER: Order! I will persistently and consistently rule that the subject matter before the House is a motion moved by the honourable member himself, disagreeing to the Speaker's ruling. That is the subject under discussion.

Mr. MILLHOUSE: I was merely explaining why I hesitated to speak and thus close the debate; I did not want to rob any other member of a chance to speak. I think I have made that point, because no other member cared to speak, and I shall deal, if I may (and I hope respectfully, in your case, because of your office), with what you have had to say in reply to the debate. Then I shall say something about the Minister of Education, the only spokesman on the Government side who has intervened.

When you were replying to me a few minutes ago, I was reminded of the saying which I think comes from the Bible, although I cannot give an exact quotation, that the letter killeth but the spirit giveth life. If you, Sir, based a ruling on such a narrow technicality as this on a previous occasion, I do not know of it, and if you want to kill debate in this place this is the sort of ruling you will be giving, because you will entirely rob this place of any right to meaningful debate. Even the Minister of Education tried to crawfish out of what he had said earlier by suggesting, on a point of order that you would not accept, that the debate could proceed along certain lines. That would have been better than nothing, but you would not even take that from the senior Minister in the place as a way out of the dilemma. It shows the situation we have all reached when the Minister rises at the end of a debate such as this and tries to temper what he had said earlier; nothing shows more eloquently the force of this motion than that action, unprecedented in this House in my experience, taken by the Minister of Education.

Let me come now to what you said. You said that no matter is *sub judice* until it is actually listed and that the issue of the writ, which took place I believe some time in April and which has been referred to, does not constitute a matter listed for hearing. You are right in that, but, so far as I can understand the situation, this action has never been listed for hearing in open court. All the hearings so far have been in chambers before the Master or it may be (and here I do not know the facts well enough to be absolutely certain) before a single judge. There has not yet been a hearing in open court, and, so far as I know, the matter has not yet been listed for hearing in open court. I do not know how you answer that one, but that, I understand, is the situation.

It is rather strange that in June the Premier, when he was speaking and giving a reply to the member for Semaphore, actually used the words *sub judice.* However, he was allowed to go on then. If that is all you are basing your ruling on, whether the matter has been listed in court (in itself a technicality), I suggest that the Minister of Education, as Leader of the House, should adjourn this debate so that we can find out whether it has been listed. If I am right in believing that all the hearings have been in chambers we should go on, after we have that information, with a full and proper debate, which is the reason for this motion of protest against your ruling.

I cannot see, for the life of me, how you can say that we may discuss the Bill but not the reasons for its introduction, because that is what your answer amounts to: we can discuss the contents of the Bill but we cannot discuss the reasons for its introduction even though the Premier, in the first two sentences of his explanation, was allowed to do so. That was after the Bill was before you, it had been laid on the table and read a first time, and you knew the contents of the Bill when you let him say this:

> It arises from the disturbing events that have surrounded the proposed establishment of a regional shopping centre at Queenstown by Myer Shopping Centres Proprietary Limited.

I have quoted that. Let me go on:

> The attempted misuse by the Port Adelaide council of its powers under section 41 of the principal Act (which provides for interim development control) cannot be countenanced by the Government, or by this Parliament, which enacted the provision and laid down the guidelines for the exercise of the powers that it confers.

He goes on in that vein, but you did not stop him—not one word about it! What is the subject matter of the Bill? It is the amendment of section 41 of the principal Act, and nothing else. If you want to be technical and, in the process, destroy the rights of members on this side, this is a very good ruling to begin with.

Let me get on to some of the things the Minister of Education said. He struck me, when he was speaking, as uncomfortable, as he had appeared since I first gave notice that I would dissent from your ruling. I have never heard him more uncomfortable or on weaker ground than he was on today. Not one other member of the Government spoke in support of him, not even the Attorney-General, who has been here for the whole time. The only point the Minister of Education could make was that there was in the Bill no mention of the word "Queenstown". Does he think every member of Parliament is a nitwit? Does he think any of us believe this Bill has anything else as its objective? How utterly absurd! Will he ask the Leader of *Hansard* to get the heading changed from last week when "Queenstown" was put in? He said that is not in the Bill. It is certainly in *Hansard,* even if it is not in the Bill. The whole Bill is concerned with this one matter. Let the Minister not put up such a stupidly specious point.

The Hon. Hugh Hudson: You thunder more when your argument gets a little weaker.

Mr. Becker: Listen to who's talking.

Mr. Mathwin: That was shocking.

The Hon. Hugh Hudson: You cannot see the dissension—

Mr. MILLHOUSE: The Minister of Education is allowed to interject because he knows that, having the numbers, he will win this division.

The Hon. Hugh Hudson: You know!

Mr. MILLHOUSE: That is the only part of this debate he will win—the division, when it takes place. Let me say just a few more words about the Minister. Let me point out to him that this motion arises from a ruling given by you, Mr. Speaker, on the speech of the Leader of the Opposition—not on the contents of the Bill, but on the speech of the Leader when he was canvassing the reasons for its introduction, reasons that had been given by the Premier last week. What is good enough for the Premier apparently is not good enough for the Leader of the Opposition. We are not, even as a technicality, looking at the contents of the Bill itself to find that one word "Queenstown" in it.

I wish now to refer to the *sub judice* rule, because I do not believe it is relevant in this instance. The Minister of Education raised this, and the *sub judice* exists because it would be undesirable that a debate in Parliament should affect the decision of a court. Therefore, when a case is to go before a court or is before a court, opinions on matters before the court should not be canvassed in this place in case such action affects the decision of the court. No doubt this goes back to the time when most trials were jury trials and when jurymen could be influenced by what they heard outside; indeed, it is far harder to influence a judge, as many of us who practise in the courts well know.

That is the reason for this rule, yet this whole Bill is meant to affect what is going on in the courts, and that is why the Minister's reliance on the *sub judice* rule is absolute nonsense. The Minister was on the wrong side of this question. Obviously, he knew that he was on the wrong side of it. In my opinion not only is this Bill utterly unjust, Mr. Speaker, but if your ruling is upheld, we are to be prevented even from protesting against its injustice. I hope, despite what I believe will happen, that your ruling will not be upheld.

The SPEAKER: The motion is "That the Speaker's ruling be disagreed to".

The House divided on the motion:

Ayes (19)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, Russack, Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill, Max Brown, and Burdon, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hudson (teller), Jennings, Keneally, King, Langley, McKee, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Goldsworthy and Rodda. Noes—Messrs. Dunstan and Hopgood.

Majority of 4 for the Noes.

Motion thus negatived.

[Sitting suspended from 6.2 *to* 7.30 *p.m.]*

The SPEAKER: The honourable Leader of the Opposition.

Mr. HALL: Mr. Speaker, I rise on a point of order, and ask that, because of the vote that has been taken, which in effect confirms your view that certain remarks may not be addressed to this Bill concerning the action of the court, you now extend your ruling to the whole of the Bill and declare it wholly *sub judice* and unable to be discussed in this House. I ask you to rule in that way.

The SPEAKER: Order! I cannot uphold the point of order raised by the member for Goyder, because twice already I have ruled that the Bill is now subject to debate in the House.

Mr. HALL: I disagree to your ruling, Mr. Speaker. I disagree because I believe—

The Hon. G. T. Virgo: You are being childish.

Mr. HALL: —your ruling is partisan and inaccurate, as the Bill has been introduced for the express purpose of overruling any favourable decision that may be made by the court in favour of Myers, as outlined in the Premier's previous statement in the House and in his second reading explanation of the Bill. If you were consistent with your previous ruling, you would support my point of order. You made what I believe were remarks—

The SPEAKER: Order! If the honourable member disagrees to the Speaker's ruling, he must bring up his disagreement in writing.

Mr. HALL: Yes, Sir.

The SPEAKER: At this stage I cannot and will not accept the motion as submitted, because it is a reflection on the Chair. As handed to me in writing, the motion begins, "I disagree to your ruling because it is partisan and inaccurate." The ruling I gave has been upheld by the House, and the first part of this motion that I have read out is not acceptable because it is a reflection on the House.

Mr. HALL: On a point of order—

The SPEAKER: Order! The honourable Minister of Education.

The Hon. HUGH HUDSON: In addition, Mr. Speaker, I draw your attention to Standing Order 164, which provides:

If any objection is taken to the ruling or decision of the Speaker, such objection must be taken at once and not otherwise;

The ruling on whether the Bill could be debated or not was given this afternoon soon after four o'clock, and, if any objection were to be taken and a motion of dissent moved, it should have been moved at that time. Standing Order 164 would preclude a motion of dissent from the Speaker's ruling being moved now, because it provides that if objection is taken to the ruling or decision of the Speaker the objection must be taken at once and not otherwise, and your ruling, Mr. Speaker, was originally given soon after four o'clock this afternoon.

Mr. HALL: I rise on a point of order, Mr. Speaker.

The SPEAKER: Order! The Minister of Education has raised the point of order in accordance with Standing Order 164, and I uphold the point of order.

Mr. HALL: I rise on a point of order, Mr. Speaker. The point of order taken by the Minister refers to another ruling. About one and a half or two minutes ago you gave a ruling whilst standing in your place. I have disagreed to the ruling you have given, and that is the one I objected to. It will be recorded in *Hansard* as a ruling, because you said you ruled on it, and that, therefore, precludes any objection the Minister of Education has made.

The SPEAKER: Order! I again reiterate that I uphold the point of order regarding Standing Order 164, because the point of order as to whether the Bill is subject to debate in this House was raised some considerable time ago by the honourable member for Eyre. I gave a ruling at that time that the Bill was in the hands of the House and could be the subject matter of a debate, and I uphold the point of order in accordance with Standing Order 164.

Mr. HALL: Mr. Speaker, I disagree to your ruling.

The SPEAKER: Will the honourable member for Goyder bring up his disagreement in writing?

Mr. HALL: Yes, I will bring it up in writing when I have written it.

The Hon. HUGH HUDSON: I move an extension of time for the member for Goyder to bring up his reasons!

The SPEAKER: Order! I cannot accept the disagreement motion from the honourable member for Goyder, because a point of order was raised on Standing Order 164, and I quoted that Standing Order 164 shall prevail. I did not give a Speaker's ruling. I quoted that Standing Order 164 shall prevail; therefore, there is no disagreement to that. The honourable Leader of the Opposition.

Dr. EASTICK: Mr. Speaker, I recapitulate briefly some of the points I have made.

Mr. Hall: The arrogance of numbers.

The SPEAKER: Order! If the honourable member for Goyder wants to reflect on the Chair and this House, he will suffer the consequences. The honourable Leader of the Opposition.

Dr. EASTICK: I pointed out some hours ago that the Premier had scraped the bottom of the barrel in introducing this measure. I reiterate that point, and the most recent events have clearly indicated that the Government has something to hide. The Bill is supposed to involve one business venture only, that venture having been clearly spelt out by the Premier in his second reading explanation. However, we have not been able to canvass that matter to the extent that we would have liked. It is now possible that we may be able to debate the matter further than we have done, because it has been suggested that the case has not actually been listed, in which event it could be debated in its entirety. Earlier in this debate, I sought leave to continue my remarks so that the Premier, who introduced the Bill, could be present to reply to the second reading debate. Although the Deputy Premier has given an assurance that, until the Premier returns, the Bill will be taken no further than the Committee stage, I believe that this other area of contention must be determined before we go any further with the debate. Until we have a clear indication whether the case is listed, I seek leave to continue my remarks.

The SPEAKER: Order! The honourable Leader of the Opposition seeks leave to continue his remarks.

The Hon. I. D. Corcoran: No, it's refused.

The SPEAKER: Leave is not granted.

Dr. EASTICK: Thank you; we know clearly where we are going now. Having regard to the suggestion that the matter has not been listed, I believe it is pertinent for me to comment about the situation of consents with regard to this Bill. The Premier has clearly highlighted this factor. The situation arises with regard to action taken by a council and by a business organization. The date of the action has been clearly stated by the Premier, having been adverted to in a letter he read to the House on June 27, 1973, that was sent on June 22 to the company. Since September, 1970, the business organization has clearly been acting responsibly. A series of statements and authorities given to that body since September 17, 1970, clearly gave it the opportunity to proceed with certain events that have come to be referred to as the Queenstown project. It has been well documented in certain places that approval was given in principle on September 17, 1970, for the project to construct a shopping centre on the Queenstown site to proceed. That has already been admitted. This is completely against the contention made by the Premier that no consents have been granted.

In addition, the same council has accepted from the company moneys for the purpose of procuring a building permit, which is another form of consent that allows certain actions to proceed. In this case, the sum of money transferred from the company to the Port Adelaide council was $6 844.50, which is a building fee charged under the building legislation administered by the council with regard to building procedures for this project. As I have said,

that is another form of consent. We can also point to several measures undertaken that have permitted the closure of roads in the area. Indeed, structures on properties have been demolished since the properties were purchased and subsequent to September 17. 1970. Not only have they been demolished but approval has also been given by various authorities, including the Minister of Lands, as the closure of roads involves him. With the payment of money by the company to the proper authority, a consent has been given to use areas, which had been gazetted as roads and used in every sense as roads but which have now been closed, for the purpose of building a drive-in shopping complex.

Another consent is clearly that which has given permission for works to proceed on site, and piling and various other work associated with the preliminary phase of building the complex has been permitted to proceed legally within the terms of the legislation as it exists and as it existed at the time this work commenced. Early in my remarks, I said that the Premier had brought forward this measure as an action of spite, and I still believe that to be the case. However. I warn members opposite (as I have done already in the absence of the Minister of Education, who is now present) that the provisions of the Bill clearly go well beyond that one aspect.

The Hon. Hugh Hudson: You didn't expect me to sit right through your speech, did you?

Dr. EASTICK: The only action that can be taken with regard to the Bill that is meaningful and in the best interests of the community is to oppose it totally. That will certainly be my attitude, and I look forward to the same attitude being expressed by members opposite when—

The Hon. Hugh Hudson: That's completely and utterly irresponsible. You show a sense of irresponsibility that passes all understanding. You wouldn't care what the zoning regulations were. You'd just let it go on.

Dr. EASTICK: I think I should seek leave to continue my remarks after the Minister of Education has finished.

The Hon. Hugh Hudson: Try it!

The SPEAKER: Order! With all due respect to the honourable Leader, I point out that he cannot jokingly ask the Chair for leave to continue, unless I take what he has said as a request.

The Hon. Hugh Hudson: No.

The SPEAKER: In any case, I rule the Leader out of order, as Standing Orders provide that leave to continue cannot be sought unless 15 minutes has elapsed from the making of a previous similar request.

Dr. EASTICK: Thank you, Sir. The intrusion by the Minister of Education into my speech and the time he took to do so made me think that 15 minutes had elapsed. I point out clearly that only one responsible action can be taken by members of this House. That action will certainly be taken by members of the Opposition, and I look forward to the same sort of support from Government members because, if they stop for five minutes to think about the effect it will have on the projects that have already been completed in their districts and of the continuing problems that will occur in the State Planning Authority, the Lands Titles Office and other Government instrumentalities, they will reassess the whole position. Indeed, they will realize that the system will bog down even more than it is bogged down at present. I oppose the Bill.

Mr. COUMBE (Torrens): This is a shocking piece of legislation, which is utterly wrong in principle and thoroughly bad in concept.

The Hon. J. D. Corcoran: They've done it in three other States.

Mr. COUMBE: The amendments contained in the Bill will, following those made to the Act last year, affect not just the metropolitan area but the whole State. Certainly, it will affect not just the Queenstown area, an aspect on which the Premier waxed so violently in his second reading explanation. The Bill is certainly not remedial: it is completely discriminatory, introducing as it does a new principle of retrospective legislation, which I violently oppose, believing it to be completely bad.

The Hon. J. D. Corcoran: Why?

Mr. COUMBE: It is against a fundamental principle of legislation, and I will certainly oppose it. I refer now to a matter on which the Premier dilated at some length, saying (and I am paraphrasing what he said; it is in *Hansard* for everyone to see) that, if the court decision were adverse to the Government, he would introduce amending legislation to overcome the matter. That is a direct threat to those who operate under this and other laws in this State. It certainly places applicants and, indeed, the courts in an impossible position. In fact, it reflects on the courts. Surely this Government is concerned to uphold respect for the courts. Otherwise, it is not a responsible Government and it should certainly not be sitting on the Government benches.

The Bill seeks to pre-empt all the rights of applicants to the courts by saying that, no matter what the courts decide, they still cannot enforce the decision of a court because the Government will alter that decision. That is the effect of what the Premier said, and it is in *Hansard* for members to check. In other words, applicants cannot win either way.

Dr. Tonkin: Why don't we just abolish the courts? That's what they want, isn't it?

Mr. COUMBE: This legislation will place the courts in an impossible position, and it certainly reflects on them, but what about applicants? I have read most of members' comments in *Hansard* and the report, which has been tabled in this House, of the special committee set up to consider the matters of the Port Adelaide plaza, the Queenstown project and the West Lakes project. Is the Premier seriously suggesting that the Queenstown project, to which this Bill relates, is the only one that has caused him to introduce the Bill? It would appear so. Is the Premier really suggesting that this instance of interim control under section 41 is the only variation that has occurred? One must assume that this is so, as all the Premier's second reading explanation was based on the Queenstown project and nothing else.

The Hon. J. D. Corcoran: You give us a couple of examples.

Mr. COUMBE: The Leader of the Opposition earlier this afternoon referred to several variations that had occurred. Why were these not mentioned? Why was just one singled out? I wonder whether some bias exists.

The Hon. J. D. Corcoran: You can't tell us one example.

Mr. COUMBE: What is the future position regarding the Planning and Development Act, and especially section 41 of that Act, which relates to interim control? Of course, all members realize that interim control is necessary. Under existing legislation councils can proceed in this matter, but what is their safeguard for the future? They must be asking themselves what their future position is.

Mr. Dean Brown: They haven't got a safeguard.

Mr. COUMBE: What will be their future position when a Government like this can at will introduce retrospective

legislation and change matters overnight, because that is exactly what this Bill is doing?

The Hon. J. D. Corcoran: You reckon that Myers—

Mr. COUMBE: I am talking not about Myers but about the Bill. Is the Myer organization mentioned in the Bill? The Minister of Education went to great pains to point out what was the wording of the Bill and to say that it did not extend any further. Myers is not mentioned in the Bill. In effect, this Bill changes matters overnight. What confidence will councils have in future in South Australia's laws and, indeed, in the present Government?

Dr. Tonkin: None whatever.

The Hon. Hugh Hudson: Plenty.

Mr. COUMBE; One case cited by the Premier could affect numerous others. Of that there is no doubt.

The Hon. J. D. Corcoran: Such as?

Mr. COUMBE: We as Parliamentarians must ask ourselves in all conscience why the Government wants to alter the law in this way. Is it being done in a fit of pique? Is it that the Government wants its own way at all costs? The Premier has told us in no uncertain terms why the Government wants to alter the legislation. He told us why he wants to introduce retrospectivity into South Australia's laws. It appears to be for one case alone. Although it has been quoted before, I must refer again to the Premier's second reading explanation. After moving that the Bill be read a second time, he said:

It arises from the disturbing events that have surrounded the proposed establishment of a regional shopping centre at Queenstown by Myer Shopping Centres Proprietary Limited.

That is the reason for bringing it in. The Premier continued:

The attempted misuse by the Port Adelaide council of its powers under section 4.1 of the principal Act . . .

That is the reason for introducing retrospective legislation. There is no ambiguity about that statement. The Premier went on to say that the whole matter was subject to litigation before the court. Despite that, he went on to dilate at great length on all the details of the Queenstown dispute, the Port Adelaide council's connection with it, and what this Bill proposed to do. It took up a whole column of the *Hansard* pull. Although subject to litigation (and we have had a ruling on that this afternoon and this evening) the Premier went into great detail. That was the reason given by the Premier for this thoroughly bad piece of legislation. In legislation, if the Government wants to introduce an amendment that is not retrospective, that is another matter; but this amendment is completely retrospective. It is on that basis that the Opposition completely opposes this type of legislation. I take no side in the parties to the dispute in the Queenstown affair. What is the honourable member suggesting?

Mr. Payne: The interjection came from over there. At the moment I am busily engaged.

Mr. COUMBE: I take no side in the dispute.

Mr. Jennings: Ha, ha!

Mr. COUMBE: The member for Ross Smith is ha-ha-ing as usual; what is the honourable member's interest?

Mr. Jennings: I am just amused at what you are saying.

Mr. COUMBE: What can I infer from that?

Mr. Payne: I think he means you are on a sticky wicket.

The SPEAKER: Order!

Mr. COUMBE: The Premier related these details at some length. I have studied the matter and know the background of the dispute. I take no side in it but I object to the type of legislation before the House. What all members of this House, irrespective of Party or on which side of the House they sit, and you, Mr. Speaker, should be concerned with is the type of legislation that comes before this House. It is this type of retrospectivity to which I take great exception. The Premier went into detail in explaining why he wanted this to come about. In fact, he almost waxed hysterical at one stage when he was giving his second reading explanation to the House last Wednesday.

Mr. Harrison: He was very informative.

Mr. COUMBE: He was so informative that he left his script and went on ad-libbing for some time. The stand taken by the Opposition and me is firmly against this type of retrospective legislation, because it is thoroughly bad in principle, precept and practice and should be opposed at all times. I shall certainly oppose it in future. The Premier said that the Queenstown dispute had created much public interest and concern, not only to members of this House but to the people of Port Adelaide and the surrounding areas. The constituents of some honourable members opposite are vitally concerned about this project. Although I shall not debate the merits of the case, because I am sure I would be ruled out of order, it is of topical interest. However, this is not the way to go about it.

What is happening in effect is that the Port Adelaide council is being told whatever it did in the past would be null and void in the future. But the Government goes further than that and says that any council or any applicant, no matter where it is in this State, if it is in a proclaimed area under the Act will be affected from the time of the introduction of the legislation. That should bring up members with a jolt and not cause them to laugh lightly at any opposition expressed to this type of legislation. As I say, I have studied the whole background of this matter and know the existing problems, and many people in the community have expressed clear views on this whole project. Whether or not it goes ahead is not a matter I want to debate or take issue on now, but I shall vote against this legislation because it is retrospective; it is bad in principle and in practice, and the law should remain as it is.

Mr. MILLHOUSE (Mitcham): I do not think there is any need in this debate, especially after the one we had this afternoon on another matter, to make a really long speech in condemning this Bill. It is (and I say it straight out) one of the worst, if not the worst, that has been introduced into this place since I became a member in 1955. It is unfair and unjust. (I suppose they are the same thing, but "unjust" is rather stronger than "unfair".) I base that assertion on two arguments. First, I believe that what the Leader of the Opposition has said this afternoon is right, that although this Bill is obviously calculated to defeat whatever may be the rights of one individual (a corporation, Myers) it may well, and probably does, affect many others in the community in addition to Myers. There was some silly by-play by the Minister of Education and one of his colleagues a few moments ago when they challenged the member for Torrens to name any other case. That is a rather stupid way to proceed, as the Minister should know, because no-one can know at this moment what other rights are being affected by this Bill.

It may be that in some other case an authorized development plan is in force in relation to land and that the authority or a council has made a determination. If that has been done (it must have been done in many cases), will some right of appeal be given by this section against decisions that have been made because they do not appear to have been made in accordance with this provision? I ask the Minister of Education, if he intends to intrude into the debate further (he has been making a few notes), to answer that one: what is the position with regard to

decisions that have already been made? Does this section affect other decisions already made, or not? Obviously, in my book this section may so affect other cases. However, I do not intend to deal with that. I want to deal specifically with the question of the retrospective effect of this provision.

One of the principles of Parliamentary democracy is that any change in legislation should take effect only from the time when Parliament makes the change, and that is from the time when the legislation, having been passed by a majority of members of both Houses, is assented to by His Excellency the Governor. If it is brought into effect by proclamation (as much of our legislation is), it comes into effect some time after that, when the proclamation is made. At the very earliest (and I. put this qualification because this is often done in the Commonwealth Parliament in budgetary matters) it comes into effect from the date of the Government's announcement of the intention to make an alteration.

That is the rule that we like to believe is the rule of fairness that we, as members of a Parliament, observe. I consider it fundamentally unfair to change the rules of the game under which people have ordered their affairs, but that is precisely what is being done here. The Myer company considers that it has certain rights under the Act, and obviously the Government considers that the company has them. Otherwise the Government would not have gone to this trouble, and the Government is trying to change those rights before the court can make a decision. I am pleased that the Attorney-General has come back to the Chamber. He may even care to enter the debate and justify what the Government, of which he is a member, is doing.

The Hon. L. J. King: You complain if I say anything.

Mr. MILLHOUSE: The Attorney and I are graduates of the same university. We were at law school at the same time, and were lectured on constitutional law, if not at the same time, by the same people.

Dr. Tonkin: Where did he go wrong?

Mr. MILLHOUSE: I think that is rather irrelevant. I wish the member for Bragg would let me develop this point in my own way. We were brought up on the same material in constitutional law, and I remember perfectly well, as I have no doubt the Attorney remembers (indeed, the same goes for the Premier, who was only about a year or so ahead of us in law school), the lectures on the rule of law as expounded by Professor Dicey. One element in the rule of law is that legislation should not be retrospective.

Let me remind the Attorney and other honourable members of what Dicey has written. The Premier is not here, but the member for Playford and the member for Elizabeth are lawyers, and I should like to hear them on the matter, too. I shall quote from the fifth edition of Dicey's book, at page 202, the section dealing with the summary of the meanings of the rule of law. I will give only the first part of the summary, because it is the relevant one. Dicey states:

> That rule of law, then, which forms a fundamental principle of the constitution, has three meanings, or may be regarded from three different points of view. It means, in the first place,—

I am pleased the Minister of Education is listening to this—

> the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness, of prerogative, or even of wide discretionary authority on the part of the Government. Englishmen are ruled by the law, and by the law alone; a man may with us be punished for a breach of law, but he can be punished for nothing else.

What the Government intends to do here is arbitrary in the extreme. It intends to change the law to the detriment of Myers and to punish Myers for doing what that organization is entitled to do under the law as it stands at present. I do not know how much is at stake, but I understand that the cost of the land alone that Myers has bought (and this was in the admirable report by Bruce Guerin at the end of August, when he related the whole sorry tale of the Queenstown dispute) is about $2 000 000. So we are not talking only of airy principles here: we are dealing with a large sum. It is not our money but the money of, in this case, the Myer corporation.

Mr. Gunn: And its many shareholders.

Mr. MILLHOUSE: As the member for Eyre says, that organization has many shareholders, and we are affecting their rights to their property, by what we are doing this evening. Let us look at the Premier's explanation dealing with this matter.

Mr. Gunn: Be careful what you say!

Mr. MILLHOUSE: I presume that I am entitled to refer to the explanation, even if the Premier does canvass some of the points of litigation that we are forbidden to mention. He deals in this explanation with what he is pleased to call the intention of Parliament when section 41 of the Act was enacted in the mid-1960's, during the period of office of the previous Labor Government. He states:

> The matter is, however, of such gravity and of such overall importance to the proper planning and development of the greater metropolitan area that it is vitally necessary for Parliament to state again, so that there can be no doubt or dispute, the intendment of the provision conferring interim control. That provision was designed to confer temporary powers that would not be used to introduce radical departures from existing plans of development. That requirement can be reasonably interpreted only as a direction that the authority will give proper weight to that plan.

He goes on in the same vein. One of the principles of statutory interpretation is that a court looks at the Act itself to find the intention of Parliament. A court is completely prohibited from reading the debate in Parliament, from looking at the Bill as introduced if it was amended, and so on. All that a court looks at to find the intention of Parliament is the Bill as finally passed by both Houses and signed by the Governor. Why should not the court do that in this case? Of course, what the Premier was saying in his explanation would have been far more appropriately said before a court on the matter of an interpretation of the section, and, damn it all, he was the one who introduced the damned thing in the first place! He said so the other day. Did he not know what he meant at the time, or was he or the Parliamentary Counsel so careless that they did not put into this provision—

The SPEAKER: Order! The Premier introduced the Bill, and he must take full responsibility.

Mr. MILLHOUSE: All right. I do not mind whether he does or not.

The SPEAKER: Order! The honourable member for Mitcham surely must know that no reference can be made to persons not under the control of this House of Assembly.

Mr. Harrison: It's not the first time that this has happened.

Mr. MILLHOUSE: I do not know why the honourable member is making a mountain out of a molehill by that interjection.

The SPEAKER: Order! The honourable member for Mitcham will abide by the ruling I have given.

Mr. MILLHOUSE: Of course I will. What I have said and will say again is that the Premier, when he was Attorney-General, introduced this legislation. Was he so careless that he did not realize what the effect of the clause would be? Is he now saying, "I made a mistake, because that obviously is not the proper intention at all. I have not conveyed my intention in terms of the section and, therefore, we will alter it. It is just bad luck that it happens to prejudice the rights of litigants, but we cannot help that. It is vitally important that this matter should be put right". Apart from anything else, this Bill is an admission by the Premier that he and the Government of which he was then a member made a mistake in 1966 in the measure introduced into the House.

Section 41 of the principal Act is under the heading "Part V—Interim Development Control", the words "within the metropolitan planning area" having been cut out at some time. According to my fully amended copy those words were cut out in 1972. There is no doubt as to the Part of the Act in which the section falls. Then subsection (7), the subsection of section 41 we are invited to amend, begins in this way:

Before granting or refusing its consent to any matter referred to in subsection (5) of this section, the Authority or council—

in this case it is the council—

shall have regard to—

and presumably that phrase was used deliberately in 1966, but it is a very inexact phrase; it does not impose any obligation on the authority or the council to abide by these things, but they must consider them—

(a) the provisions of any authorized development plan—

as now amended—

(b) the health, safety and convenience of the community;

(c) the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the land is situated; and—

and (d) was altered in 1972—

(d) any factors—

(i) tending to promote or detract from the amenity of the locality in which the land is situated . . . ; or

(ii) tending to increase or reduce pollution . . .

Those are the things the council shall have regard to; presumably that is the matter on. which the court must decide. What we are being invited to do about this Bill is to insert into the Act an interpretation of that subsection which the Government wants to have accepted by the court but which it feels is unlikely to be accepted by the court, because we have here in this Bill:

(7a) For the purpose of resolving any doubt as to the effect of subsection (7) of this section (in cases arising either before or after the commencement of the Planning and Development Act Amendment Act (No. 2), 1973) it is hereby declared that where there is an authorized development plan in force in relation to land that is subject to this section, this section requires, and always has required—

and that is the vice of the thing; that is where retrospectivity begins—

the Authority or a council in determining whether to grant or refuse its consent under this section to make a decision that is not at substantial variance with the provisions of the authorized development plan as in force when the decision is made.

The drafting of this provision creates as many problems as it is intended to solve, because what the term "at substantial variance" may mean is anyone's guess; it is hardly more precise than "shall have regard to" in the original section.

I cannot say very much more about it. That the Government should introduce the Bill and that it will undoubtedly get it through this House is a tribute only to its numbers and to the arrogance with which it is now acting, secure (as it believes) in its political control in South Australia in the foreseeable future. I give this warning to honourable members opposite, who are not at all concerned by this debate or the principles of it: it is this sort of Bill which weakens the control and the influence of a Government or of a political Party. If they go on in this arrogant way, riding roughshod—

Mr. Payne: Roughshod over Myers, do you reckon?

Mr. MILLHOUSE: The member for Mitchell says, "riding roughshod over Myers". Why should Myers not be treated the same as anyone else?

Mr. Payne: No-one is suggesting they are not.

Mr. MILLHOUSE: The member for Mitchell was suggesting that Myers, because that happens to be a big corporation, can be treated in some different way.

Mr. Hall: That is right.

Mr. MILLHOUSE: I know that is typical of Labor Party thinking, but it is absolutely and utterly wrong that there should be, in the view of the member for Mitchell, one law for the poor and one for the rich. That is just what he is saying. He is putting Myers in a different category from anyone else, saying that because it happens to be Myers it does not matter. I believe that is rubbish.

Mr. Payne: You took an entirely wrong view, as usual. I said it would be rather difficult to ride roughshod over Myers.

Mr. MILLHOUSE: The member for Mitchell did not say that and he is trying now to alter his interjection. I hope he does not succeed, because the importance of it was that the Government could afford to treat Myers in a different way from the way in which it could afford to treat other people. I do not believe that is so, but certainly it is what the Government is doing.

Mr. Payne: That is rubbish also.

Mr. MILLHOUSE: It is not; it is true. The Government, by this action, is doing what it has been doing consistently for the past 18 months or two years—

Mr. Harrison: Poppycock.

Mr. MILLHOUSE: You have not heard what I am going to say yet. The honourable member interjects before I have even got the words out of my month. Over the past two years or more this Government has consistently favoured West Lakes as against Myers, at every turn. This is simply the lid being put on that—and it will put the lid on it. Having looked at the Bill, I consider that, if it goes through, it will effectively prevent Myers from succeeding in the courts and going ahead with the Queenstown project. To this extent the Bill is an effective one. What else it does, we do not know.

My protest (and I make it as calmly and as rationally as I can) is at the fundamental unfairness of making this Bill retrospective and thus affecting the rights of people, which rights already have accrued and which those people are entitled to believe will be honoured by the courts and by the Government, and by the whole community. I intend to vote against this Bill, but I believe it will be carried on the second reading by the numbers; it certainly will not be by weight of argument. If it is carried we should at least make an attempt to cut out the retrospective aspect of the Bill. I acknowledge that, if we do that, the Government's intention in introducing the Bill will be defeated; it is only the retrospectivity that it is interested in. However, we should at least make every attempt. As it stands, I oppose the Bill as strongly as I have ever opposed any measure introduced into this Chamber.

The Hon. HUGH HUDSON (Minister of Education): I rise in this debate partly as a consequence of my amazement at some of the arguments of some members of the Opposition. It seems to me that a fundamental principle is at stake here in the development of a modern community, and that that principle is the extent to which any individual or group within the community should be or should not be subject to some overall planning process. Obviously, we cannot have a situation where in every council district throughout the metropolitan area there is a fully modern and up-to-date shopping centre, because we would end up with bedlam. I do not believe that any member of this House or any thinking member of the community who is capable of divorcing himself from particular interests would disagree with the proposition that some community consideration must be given to the way in which our overall development as a community should be planned, or that there was or could conceivably be a community interest which overrode any particular interest which might be located in one council district. I do not think anyone would argue today that the boundaries of a council district were God given or had some basic rationale to them and that therefore what went on in a council district could be planned without any reference to what was happening elsewhere in the community.

Mr. Harrison: I don't think members opposite thought about this.

The Hon. HUGH HUDSON: True, and with so much that we do today being interdependent on the actions of others in the community, it is simply not possible to say that individuals or groups within the community have complete rights to proceed without any let or hindrance from anyone else's activities in the community and whose rights may be adversely affected. Such people should not be able to proceed without paying any attention whatsoever to the consequences of their actions on others within the community.

Mr. Mathwin: You'll make them—

The Hon. HUGH HUDSON: I am saying only that if one is considering an application to build a certain style of house in a certain street, that application may affect others within the street, but there will be other developments within the council area which will have ramifications beyond that council area and, when those ramifications become significant enough, that is when the community interest as a whole must be considered. I know that the member for Glenelg is an alderman on the Brighton council and tends to be parochial regarding such matters, but even he would recognize that there are matters on which there is an overriding community interest to be considered.

All that this Government has done has been to say that, if a development such as the Queenstown project is to proceed, it should proceed as a supplementary plan to the Metropolitan Adelaide Development Plan under ordinary planning procedures. The consequences of this project are sufficiently widespread to require that to take place, because its consequences go beyond the confines of the Port Adelaide council area. The member for Bragg nods his head in the reverse direction as a consequence of my saying that. True, we do make allowances for the honourable member at the present time, because we understand he is under some strain because of certain competition that exists. We realize that he feels he must put up a good performance on this Bill, but if the honourable member is willing to rise and say—

Dr. Tonkin: I'm just waiting for you to sit down.

The Hon. HUGH HUDSON: If the member for Bragg is willing to say in this House that in a community such as Adelaide a local council should be able to determine whether or not a specific large-scale shopping centre project should proceed without consideration, or without having any community consideration of what would result as a consequence beyond that council area, let him say that if he wishes to do so.

Mr. Mathwin: You want the State to do that.

The Hon. HUGH HUDSON: The State is acting for the community as a whole, and there are certain such matters in the community, whether the member for Glenelg likes it or not. However, although the Myer emporium has provided certain funds, for certain interests, there is an overriding community interest that must be considered.

Mr. Mathwin: It supported you in a past election.

The Hon. HUGH HUDSON: It may have elsewhere, but it is well known that the Myer emporium went the other way—

Members interjecting:

The SPEAKER: Order! I have read the Bill and it has nothing to do with the State elections.

The Hon. HUGH HUDSON: I apologize for the member for Glenelg for having provoked me regarding the sources of funds of the Liberal Movement before the last State election. I believe this has relevance to this debate and also some relevance to the Liberal and Country League. My point is that there is an overriding community interest regarding this kind of development. Someone has a responsibility to act in regard to that overriding community interest. It does not matter who is involved in relation to it; indeed, if the consequences of an action are sufficiently widespread, some attention has to be paid by the community as a whole. I know members opposite belong to a Party where greed in searching out their own selfish interests is the fundamental guiding line. It is not free enterprise: it is private enterprise, and if the Myer Emporium or anyone else wants to act in contravention of any zoning regulations or anything else that is done within the community in the name of private enterprise, apparently that is all right.

Mr. Millhouse: Why didn't you put this point in 1966, when the Bill was first introduced?

The Hon. HUGH HUDSON: Had I been aware of the possible consequences in 1966, I would have. Whether it was 1966 or 1976, if the Port Adelaide council had submitted zoning regulations, which had not yet been approved and under which interim development control was to be granted, and had zoned an area R2, I would have thought that would have affected any approach. I know that there have been other councils who have had minor variations from their zoning regulations before they were granted interim development control. True, there was much discussion regarding the Brighton council, because zoning regulations had been put in, and, prior to interim development control being granted, many variations took place. However, they were relatively minor variations, but in regard to this Bill we are dealing with substantial variations which will cut across boundaries. The member for Mitcham asked me what I was doing in 1966. I ask him and the member for Torrens what they were doing in 1962 when an amendment to the Sewerage Act was passed.

Mr. DEAN BROWN: I rise on a point of order, Mr. Speaker. With which Bill are we dealing? Are we not referring to the Bill concerning Queenstown? I see no

relationship between the Sewerage Act to which the Minister refers and the Bill now before us.

The SPEAKER: I am awaiting the link-up of the remarks of the Minister before I declare them irrelevant to the Bill. Until I hear what the Minister has to say I am not able to say whether his remarks are relevant or not.

The Hon. HUGH HUDSON: I plan to link them with the Bill.

Mr. Coumbe: Can you make a connection?

The Hon. HUGH HUDSON: Yes, and it will be a better type than the member for Torrens had. Under section 3 (2) of that Act the following words were agreed to by Parliament:

The amendment effected by subsection (1) of this section shall be deemed to have come into operation at the time of the passing of the Sewerage Act Amendment Act, 1946—

that is, 16 years before—

and any notice to treat given, or purporting to have been given, under the principal Act, since the time of the said passing shall be deemed to be and to have been valid and effectual for all purposes whatsoever as if subsection (4) of section 5 of the principal Act as enacted by subsection (1) of this section had been in force when any such notice to treat was given.

Those words are shown on page 164 of the South Australian Statutes for 1962. I checked on the debates, because I knew that the member for Mitcham, even when Sir Thomas Playford was Premier, was a great defender of basic rights. It was not the Myer Emporium involved at that time, but the honourable member was the great defender of individual liberty. Having checked on the debates in relation to this Bill, I could not find any statement by the member for Mitcham (not a word), nor from the member for Torrens. Is that not strange? Also, I am interested in an incident that took place in 1971 concerning an Act of the Commonwealth Parliament, and no doubt the member for Mitcham was well aware of it. This legislation had been introduced into the Commonwealth Parliament as a result of a High Court decision calling into question the rights of masters of State Supreme Courts to give awards in maintenance cases. As the member for Mitcham would be well aware, that decision called into question a whole series of maintenance orders and affected the rights of many individuals. Yet, the Commonwealth Parliament, under the Prime Ministership of a member of the Liberal Party, put through legislation (the Matrimonial Causes Act Amendment Act, 1971) that ensured that it was to be deemed that masters of the State Supreme Courts always had the right to make maintenance orders.

Having said that and given examples of previous forms of retrospective legislation in order to indicate that there are circumstances in which retrospective legislation is justified and that members associated or directly involved with the main Party that comprises the Opposition have previously voted for such legislation, I recognize that it is only in serious circumstances that one should be willing to contemplate introducing retrospective legislation. Let us consider the present circumstances. I believe that the choice facing the Government was whether or not we should pass legislation after the parties to a dispute had gone to all the costs of the law, or, having given prior notice that this should be done, we should proceed immediately and thus avoid these costs.

Mr. Millhouse: The Minister would not tell me that three weeks ago when I asked him.

The Hon. HUGH HUDSON: I say now that a relevant consideration about the timing of this legislation is that it seems to me and to anyone who thinks about it in a sane and sensible way that it will be more unfair to wait until the court case has been held (whoever wins the case)—

Dr. Tonkin: It is a fundamental democratic principle.

The Hon. HUGH HUDSON: The honourable member says that, but if a law is not correct and action is going to be undertaken—

Mr. Millhouse: Like a dictator!

The Hon. HUGH HUDSON: I know that the member for Bragg would support his colleagues in his profession no matter what, but I did not know that he would be willing to support lawyers to earn fees in a matter of this kind, no matter what!

Mr. Millhouse: Don't be so stupid: can't you do better than that?

The Hon. HUGH HUDSON: The member for Mitcham knows of previous examples when he could have opposed retrospectivity but he did not, and did not say a word. However, apart from that fact, if the Government intended that a particular approach should be made, which would be fairer—to change the law after the court case had been fought and won or lost, or beforehand?

Mr. Millhouse: The answer is "Neither".

The Hon. HUGH HUDSON: The member for Mitcham says "Neither", but he does not care about the community interest. All he cares about is the Myer emporium no matter what, and that is his basic attitude. The honourable member does not care what zoning regulations applied or whether the area was residential or not: if the Myer emporium razed everything to the ground and bought the property, what it did must be agreed to!

Members interjecting:

Mr. Millhouse: You have no argument at all.

The Hon. HUGH HUDSON: The argument relates to community interest, but the honourable member is obsessed with private property rights no matter what; not the private property rights of an individual but the private property rights of a corporation.

Mr. Millhouse: Don't be so childish.

The Hon. HUGH HUDSON: The area was zoned R2: does that mean residential or not? Does the Myer emporium have the right to wipe out an R2 zone, a right that other people do not have? Does the member for Mitcham support that attitude? Does the honourable member say that, in all circumstances, the community interest can never override a decision of a council? What does the honourable member say? I have heard him, but find it difficult to understand him.

Mr. Hall: Because you are not capable of understanding.

The Hon. HUGH HUDSON: I can understand the member for Goyder any day of the week.

The Hon. L. J. King: You understand him too well.

The Hon. HUGH HUDSON: Yes, and so can his former colleagues. I put it to honourable members, which would be fairer? If a community interest was held to be important, and presumably it is to be a community interest here, although one may make different judgments as to what it is—

Mr. Millhouse: That's right.

The Hon. HUGH HUDSON: —and to which way the community interest lies—

Mr. Millhouse: You are going to impose your judgment, come hell or high water.

The Hon. HUGH HUDSON: We do not have a majority in both Houses of Parliament and we are not able to say that something will become law, come hell or high water. The member for Mitcham has been associated with a Party that could say that in previous years, but we have not been able to say it. We hold a view as to which way

the community interest lies: that view happens to be honestly held and adhered to by Government members. Opposition members may believe or disbelieve that statement.

Mr. Mathwin: I think that if—

The Hon. HUGH HUDSON: If the honourable member would listen, he may be able to get rid of the parochial interest that governs his attitude. Opposition members should be able to appreciate that the interest of the community can, in some circumstances, override a decision of a council, particularly when it can be argued whether or not the council had made a valid decision. With all those views, would it be right to allow the parties to a dispute, including the Port Adelaide council and Myers, to go to all the expense of the law (and the legal costs involved will be many thousands of dollars, if they go ahead) and reach a decision, and then try to upset that decision? Having given notice that this was the Government view and having recognized that the Government has a right to act on behalf of the community where it considers there is a community interest, we say would it not be preferable, having taken that view, to proceed on it and try to ensure that the legislative intention is given proper effect?

Mr. Millhouse: How can you presume to say what the legislative intention is?

The Hon. HUGH HUDSON: I am saying what our interpretation of the legislative intention is.

Mr. Millhouse: Why don't you go to court and say that?

The Hon. HUGH HUDSON: Apparently the honourable member seems to hold that there is something sacrosanct, no matter what, about a decision of a council and about a decision of a court of Jaw even though, on the face of it—

Mr. Millhouse: Do you deny that last one?

The Hon. HUGH HUDSON: I listened to the honourable member. I have tried to answer his interjections, but I should appreciate his listening to me now. I know it is necessary for the honourable member to support Myers, no matter what.

Mr. Millhouse: You come back to that all the time instead of answering the interjection.

The Hon. HUGH HUDSON: I did not hear the interjection. Do honourable members place any credence on the fact that in this case we are discussing zoning regulations that have been submitted for approval, with interim development control being granted? Those zoning regulations provided that the area should be residential (R2), and they have been open to local objection. They were forwarded by the Port Adelaide council, through the Minister of Environment and Conservation, to the Government for approval by the Governor in Executive Council. Is there any significance in the fact that just before certain people thought approval would be given to those zoning regulations something which purported to be a consent to the Queenstown project was put through the Port Adelaide council?

Mr. Millhouse: I think that the less you say about the events of that day the better, because the Government didn't come out of it too well.

The Hon. HUGH HUDSON: I consider that the Government came out of it very well indeed. The honourable member may not know it, but I happened to be one of the two Ministers on the spot—

Members interjecting:

The Hon. HUGH HUDSON: —and available so that a special Executive Council meeting could be held to approve the zoning regulation of the Port Adelaide council.

Mr. Millhouse: Why did you have to do that?

The Hon. HUGH HUDSON: Because it was necessary to have those regulations. We come back all the time to the fact that somehow the decision of the Port Adelaide council, in giving permission for a shopping centre to go ahead contrary to its own zoning regulations, ought to be given priority over the proposed zoning regulations and the overall community consideration. The Government was not saying that the project should not go ahead; it was saying that, if it were to go ahead, the project should be submitted as a supplementary development plan subject to normal planning procedures.

There is nothing wrong with what we have done. What is wrong is the way in which Opposition members are willing to support the exercise of parochial, selfish and greedy interests in the community as against the creation of circumstances where the overall community interests will prevail or where they can be properly considered. Opposition members will not tell me that in the kind of legal and technical processes that go on in a court of law on a matter the appropriate community consideration will necessarily be brought into account. All the Government is saying is that for the West Lakes or Port Adelaide projects to go ahead there should be supplementary development plans to the metropolitan development plan subject to objections in the normal way, with approval by the State Planning Authority, and subject to appeal by the Planning Appeal Board. Since I have been a member, I have often been appalled by the Opposition. I have been appalled by the Liberal Movement, and even more appalled on other occasions by the Liberal and Country League, but I have never been more appalled than I have been today.

Mr. Millhouse: Don't be silly.

The Hon. HUGH HUDSON: I am serious. I have never been more appalled by members opposite, who have shown their willingness to pay complete attention to private interests as against the community interest. They have used talk about the so-called rule of law as a cover-up for their operation.

Mr. Hall: You don't like the rule of law.

The Hon. HUGH HUDSON: There is a rule of law in this Parliament that I know the honourable member does not like. As a consequence of that rule, he has moved from where he used to sit in this Chamber on the Treasury benches to his present position. The rule of law established in this Parliament by the democratically elected representatives of the people takes precedence over the law as stated in the courts of this country.

Mr. Millhouse: You know this is contrary to the theory of Dicey.

The Hon. HUGH HUDSON: There is something in Dicey that excludes the exercise of arbitrary power.

The Hon. L. J. King: He didn't read it all; I doubt that he read it all, even at the university.

The Hon. HUGH HUDSON: Has there ever been an instance where a private corporation has exercised arbitrary power? Do the decisions of private corporations ever have an impact on the ordinary lives of the people of our community? Do corporations affect the working lives of people who work for them? Do they affect the lives of people who live in the community generally? The answer is that they do and that they can exercise power arbitrarily. Was the exercise of power by Myers on this occasion arbitrary or was it not?

Mr. Hall: No.

The Hon. HUGH HUDSON: The honourable member is a prejudiced witness because he and I know, and everyone else knows, that he has a certain indebtedness.

On this occasion, Myers acted without regard to the community as a whole and without regard to the Port Adelaide council's zoning regulations.

Mr. Millhouse: How can you say that? Whom do you think you are?

The Hon. HUGH HUDSON: I am answerable to this community. I can be thrown out of this Parliament and out of my job by the votes of the people of South Australia, which is more than can be said in relation to the directors of Myers. When it comes to the interests of the people of South Australia, while I am a member of this Parliament I claim to speak for them, which is more than can be claimed by the directors of Myers, and I make that claim even if members of the L.M. and L.C.L. do not, and even if they prefer to speak for the directors of the Myer emporium over and above the interests of the people of the State. Persons who are not answerable to the people of this State have taken certain decisions without considering anyone else or the regulations of the Port Adelaide council, or, indeed, without attempting in any way to consider the overall community interests of the State. I know that Opposition members are no doubt voting for floods of money to go into their Party campaign coffers as a result of their attitude on this matter. That is the only reason they are taking the attitude they are taking.

Members interjecting:

The SPEAKER: Order!

The Hon. HUGH HUDSON: I am amazed at the kinds of attitude that have been adopted in this debate. Be that as it may, I consider that the Government has acted in the interests of the community as a whole. The Government is democratically elected by the people of the State, whereas the directors of the Myer Emporium are not and, while the Government is democratically elected, it has an obligation to express a community view. Opposition members are also obliged to express a community view, and I found it appalling to listen to the ignorant caterwauling of certain Opposition members this afternoon and this evening on this matter. They obviously think that the interests of a private business firm should in some instances override the interests of the community generally.

Mr. Millhouse: Whose rights are you going to change next? Who is your next victim?

The Hon. HUGH HUDSON: The legislation refers to an authorized development plan.

Mr. Millhouse: You aren't going to answer that, either.

The Hon. HUGH HUDSON: I am, but the member for Mitcham is so imbued with fervour on this issue that he will not listen to what anyone else says. The legislation makes it clear that we are referring only to substantial variations—

Mr. Millhouse: What does that mean?

The Hon. HUGH HUDSON: —from an authorized development plan. The word "substantial" is subject to court interpretation. However, if one is concerned about the meaning of the word "substantial", one has merely to submit a supplementary development plan and gain the approval of the State Planning Authority or, if one cannot gain that approval, appeal to the Planning Appeal Board. This legislation in no way closes the door to further development. It does not close the door to the Queenstown project: the door is still open for the Myer Emporium.

Mr. Millhouse: Whom are you kidding?

The Hon. HUGH HUDSON: I am not kidding the member for Mitcham, as he is absolutely beyond conviction on this matter. Why will not the Myer emporium submit a supplementary development plan? The members for Mitcham and Goyder have access to these matters, so surely they can answer these questions.

Mr. Millhouse: Why can't you leave Myers' rights to be determined by the court?

The Hon. HUGH HUDSON: Because community rights are also involved. We can be kicked out of office, but the directors of Myers cannot, not even by a democratic vote of the people of South Australia or, indeed, by a democratic vote of the people of Victoria.

Mr. Millhouse: And you assume that the courts will give a wrong decision.

The Hon. HUGH HUDSON: I am not assuming that. I think it is highly likely that a court action on this matter would be lost, but I must not canvass that matter. However, whether it would be lost or won, if the Government intended to legislate subsequent to that court decision in order to validate any law, it should have the guts to legislate beforehand. And that is exactly what this Government has done. I am glad that one or two Opposition members have not indulged in the disgraceful exhibition that has occurred tonight. The disgraceful support of the rights of private enterprise, no matter what the community rights may be—

Dr. Tonkin: Come on!

The Hon. HUGH HUDSON: The member for Bragg is one of the most guilty members in this respect. He thinks, "Be damned with the community; up with private enterprise no matter what." No matter how private enterprise has in this respect ridden roughshod over community interests, the member for Bragg will support private industry. However, one or two Opposition members have not indulged in this afternoon's and this evening's disgraceful exhibition, and I stress to those members that they have a duty not just to private interests but to the community generally, no matter what their Party or its supporters say. They have a duty that goes beyond the Port Adelaide council to the community generally, and to the future generations of Adelaide and of this State, who have an interest in orderly development. I have heard Opposition members, even the member for Glenelg, say, "If only we had the sense years ago and prevented the development adjacent to the beaches we might have had our beaches with us today."

Mr. Mathwin: You live on the beach and you should know.

The Hon. HUGH HUDSON: The member for Glenelg has been willing in hindsight to agree to proper planning procedures, but he is never willing to do so in foresight. His mind never goes that far. However, whether the member for Glenelg or any other member likes it or not, the Government owes a duty to the people of Adelaide and of this State to see that some kind of orderly planning procedures are adopted.

Mr. Becker: You wouldn't know.

The Hon. HUGH HUDSON: The member is entitled to his view; I have mine. This legislation does not prevent the Myer emporium from doing anything. It merely provides that, if one wants to make a substantial variation to the Metropolitan Development Plan, one must do it by a supplementary development plan. One must go through the procedure that permits objections to be made, and appeal to the Planning Appeal Board. Apparently, Opposition members do not want the Myer emporium to be subject to those procedures.

Mr. HALL (Goyder): We have seen tonight a demonstration of arrogant Labor ideology which is committed against any firm of any size. It is the type of arrogance which is driving Labor out of office in the Commonwealth sphere and which will drive it out of office

in this State. The Minister has been free in his comments, which have revealed that his attitude on this matter is conditioned because the firm that wants to build at Queenstown is the giant commercial firm of Myers. Throughout his speech one can see an antagonism not towards the West Lakes scheme but towards the Myer emporium. West Lakes was not in the Metropolitan Development Plan either. However, I will have something to say about that matter shortly. I should like the Minister—

Mr. Millhouse: To have the courtesy to stay in the Chamber.

Mr. HALL: We would be better without the Minister. Is it not wonderful that the Minister should reduce his argument to something about a contribution to Party funds? He brings the debate down to the level where we can ask, "How much money did the Premier's law firm get out of representing the West Lakes Development Corporation?"

The Hon. L. J. King: You're scraping the bottom of the barrel now.

Mr. HALL: Exactly where the Minister of Education started, and the Attorney-General does not like that level, so why did he allow his colleagues to insult members on this side of the Chamber by speaking of a contribution to Party funds?

The SPEAKER: Order! I called the Minister to order on that.

Mr. HALL: I challenge anyone in the Government to get up and say that Myers is making it a condition. If members opposite say that is so, I challenge them to refute the allegation about the Premier's own law firm. It is all right when it applies to one side but when it applies to the other side it is not very good. The Minister's antagonism throughout his speech to the huge commercial firm of Myers has set the tone for his part in the debate—to keep the giant Myers out of Queenstown on behalf of the community. What community? Is it the Port Adelaide community? Is it the community that would be served by a replica of the Tea Tree Plaza? The people of Port Adelaide have shown overwhelmingly in the recent local Government elections that they want this type of shopping centre. Is the assumption that everyone who supports this venture is greedy? Think of all the many hundreds of people who either would be employed at this complex at Queenstown or would enjoy shopping there. Think also of the fact that it will give a lift to what has become a run-down area.

The Hon. Hugh Hudson: What's the matter—

Mr. HALL: The Minister knows that that is the run-around that has been given to Myers in that respect. He also knows that the Premier is committed to preventing Myers from building there at all costs and at all times. He is well known for holding that view. Let us spread out a little from the welfare of Myers, which can take care of itself wherever it goes. The Government has taken sides in an economic battle between the West Lakes shopping centre (with John Martins, David Jones and other associated businesses) and Myers. Does he say that one group can look after itself better than the others? Is there some method of determining which concerns shall share the business? The Premier is not against all developers in the area; he will tolerate the Port Adelaide Plaza, but not Queenstown. It is obvious that he is taking sides in an economic battle where he should not take sides. He has no reason to choose between the retail giants of South Australia. What he has done is to offend a whole community and, when the Minister of Education talks of benefiting the community, which community does he mean? Is he benefiting the people of Tea Tree Gully, who have their Tea Tree Plaza? Is it the community to the east or the south of the city, or what area is he talking of benefiting?

All he is doing is preventing a huge construction from being erected in a regional part of Adelaide where the local people want it. That is the substance of it. It is not complicated. The Premier says, "I want West Lakes to be successful and I want no competition from Queenstown." Yet the Minister says he takes his decision from the high level of community protection. Many of the Government moves on community protection and development need looking at. I remember clearly that, when we formed a Government in 1968, we came into possession of the detail of how the West Lakes project was got off the ground: major overriding policy and planning decisions had been made about West Lakes in 24 hours, under political direction by the Premier, the same Premier as we have today. The records show that within 24 hours decisions were taken to provide water, roads, and so on, in a general planning area. It was the greatest travesty of planning this State had ever seen. We shall never see such a disgraceful method of planning in the future, and we had never seen it before.

However, a member of this Government, who was a member of that Government, gets up and says he knows better. I will have him know it took many hours of replanning and renegotiating the West Lakes project to set into that plan the proper concern for community interest that the Minister talks about, because it was not there in the first concept. This is a Government that talks about community interest and says that the courts are not good enough to solve the problem. There has been dissension between the Government and Myers. The fact is that the Government is not willing, because of its vendetta against the huge commercial firms and the economic side it has taken, to let the courts settle the issue, so it will intervene. Indeed, the Minister makes the lowest of low charges in this House about the motives of the Opposition, because he has nothing else to say in answer to the commendable speech made by the member for Mitcham, which revealed in all its detail the trickery that the Government now resorts to in pre-empting the powers of the court.

There is little more to say, except that the Government has side-tracked this issue on to the question of Myers, and by attacking this large commercial firm it hoped to place the responsibility for this legislation on standing up for some mythical community against a marauding commercial firm when it said to all the people who voted in such a dramatic change of representation at the local government elections early this year in Port Adelaide, "You cannot have what you want and we shall not give it to you at any price, because we do not like Myers." The Minister of Education and the member for Mitchell make it plain that they do not like Myers, and they will never say that they do. They like John Martins, David Jones and West Lakes but they do not like Myers. So this huge concern, which has proved successful in South Australia, will not go ahead at Queenstown. All I can say is that I shall be happy if the court proceeds to decide this matter, although I do not presume to know how the court will find. I only presume on the basis that it is likely to find in favour of Myers, and that is why the Government has stepped in. It is frightened that Myers will win the court action. The principle (and this applies to all citizens in this State) that any law at this moment may protect their rights in

this community may not protect them if they try to litigate under it. They may find they are greatly wronged in this community. They can engage counsel and get redress, but they may find that the Government does not approve of their actions and that it will introduce a Bill to remove their protection under the law. That is the most frightening aspect of all these moves today. Retrospective decisions taken may mean nothing if this Government proceeds in this fashion. If that is to be the case, there need no longer be any rule by established law as we know it. On that basis, I support the member for Mitcham and oppose the Bill.

Dr. TONKIN (Bragg): Apparently, the Minister of Education is so exhausted that he has had to leave the Chamber, and I am surprised at that. I thought that he was showing such a keen interest in the Bill and defending it to such an extent that at least he would be here to see it through. Despite all his efforts to cloud the issue, only one issue comes out clearly and strongly, and that is whether the law as it stands is to be obeyed, respected, and subject to the interpretation of the courts in the usual way, or whether it is to be used and twisted to suit the Premier's whims or the personal vendettas of members of the Labor Party, because we have that twisting here this evening. There is no excuse for this shocking performance, which is an attack on our whole Parliamentary system of democracy.

Mr. Duncan: What about your performance?

Dr. TONKIN: I am amazed that the member for Elizabeth, who is a lawyer (albeit a very young one, I understand) and who presumably has been brought up with some respect for the law, should dare to open his mouth to support the Government in this matter. As I am disgusted at the entire Bill, I cannot, in conscience, support it. Its immediate effects will be on the specific project and on a happening in another sphere on which we cannot comment.

Its subsequent effects will be on other projects for which planning approval already has been given, but the fundamental and underlying effects in the long term will be on the present system of democratic Parliamentary Government, because if, by retrospective legislation (which this is), we can change anything that we do not like, what are we wasting our time here for? This Bill makes a complete and fundamental change in our system of Government. When I first heard that planning and development legislation was to be introduced, I thought that it might be a redrafting of the present Act, but this was too much to hope for. I think every member agrees that the Act needs to be redrafted, and it is not my place to refer to the complaints by the Chief Justice about the matter. They have been dealt with in this House on another occasion. The fact that there is a need to introduce this Bill shows that there is a need to redraft the principal Act, and I hope that will be done soon.

This small Bill (it occupies only one page and seven lines) does not seem important until one realizes, with concern, that it is being introduced as a result of a personal vendetta. One remembers the suggestions made by the Premier in this House (they are on record quite clearly) that he would introduce retrospective legislation if a certain party won litigation. I do not think members are correct in restricting this debate to Myers. Other people can apply in respect of other developments, even community developments. A threat was made in this House that, if certain parties were successful in litigation, retrospective legislation would be introduced. The Government, without waiting for that determination to be made, has introduced the retrospective legislation.

I do not oppose retrospective legislation when due notice has been given of a course of action that will be followed from a specific date and legislation is then introduced to give effect to this promise, retrospective from a given date, as notified. The Minister of Education tried to suggest that this Bill merely clarified an existing principle that was not specifically or properly set down in the original Act. I do not agree with that: it is just not on. The Minister of Education and, I suspect, his colleagues are so myopic about this whole business that they cannot see what it is all about. They have been hoodwinked and the Premier has them exactly where he wants them. There can be no other explanation.

It is all very well for the member for Mitchell to squirm in his seat. He is embarrassed, and I do not blame him. Obviously, that is why so few Government members are sitting in their benches to support their absent Premier. The Premier has made serious allegations against the Port Adelaide council. I will not canvass those remarks, because I do not consider them important. However, retrospective legislation is important, and that is the matter at issue here. I do not care for the tone of the Premier's second reading explanation. I am not surprised that he has arranged for the Bill to be debated while he is in another State.

Mr. Payne: That's another typical smear from you.

Dr. TONKIN: I was not impressed by the Premier's explanation of the Bill, because if there was any smearing tactic it was used then. It was a petty and vindictive performance, and the Premier obviously relished every word that he spoke. It was a spiteful performance, and inevitably the Premier's motives come to mind. They must be considered and one must have doubts about them. There is no question but that this legislation is intended to be retrospective and all-embracing. I think the relevant provision is in new subsection (7a) of section 41. It provides:

> For the purpose of resolving any doubt as to the effect of subsection (7) of this section (in cases arising either before or after the commencement of the Planning and Development Act Amendment Act (No. 2), 1973)—

the words "before or after" are important; there is no doubt that the provision is retrospective—

> it is hereby declared that where there is an authorized development plan in force in relation to land that is subject to this section, this section requires, and always has required, the authority or a council in determining whether to grant or refuse its consent under this section to make a decision that is not at substantial variance with the provisions of the authorized development plan as in force when the decision is made.

Since when has the section "always" required something? It will require "always" from the time this Bill is proclaimed, if it is proclaimed (and I sincerely hope it will not be) but not before. This is retrospectivity. What right has this Parliament to pass legislation to say what a former Parliament meant?

Mr. Duncan: Every right.

Dr. TONKIN: It has no right whatever. When the member for Elizabeth has been here longer and perhaps if he looks at his constitutional law again, he may realize that that is the case. We are asked to approve a provision that applies an interpretation to an Act passed by a previous Parliament. The Premier's explanation also states:

> It was never intended by this Parliament that interim development control be other than a measure to maintain the principles of the existing plan until such time as this plan had either been enforced by land use regulations or altered by a supplementary development plan.

This Parliament had nothing whatever to do with the passing of the original Bill, and what right have we to say what that Parliament meant? We have no right whatever. There is a correct procedure, a correct way of going about these

things. We have heard the Minister of Education tonight saying that he thinks the law is not correct. If we do not think the law is correct in this Parliament, we introduce an amendment to the wording of the section or, if we do not like the section, we introduce a new section, replacing the old one. But this Bill is a fiddle, a palpable fiddle, a complete and absolute fix for a specific reason. It is a fix for a specific person, and I suggest it is being introduced to satisfy the Premier's personal feelings towards a certain project, and for no other reason. He is venting his feelings by playing with words, and we all know how well the Premier can play with words. The Minister of Education tried it this afternoon, but he is not in the same class; he just did not make the grade.

Mr. Duncan: Neither did you tonight, in talking about this Parliament—

Dr. TONKIN: We cannot discuss—

Mr. Duncan: —which, of course, when the Premier used the words, referred to the Parliament of South Australia.

Dr. TONKIN: Perhaps the member for Elizabeth will introduce an amendment into the Parliament after this one to tell us what we really meant by what was said in the Premier's second reading explanation in this Parliament. How stupid can one get, Mr. Speaker? No-one has any doubt why this Bill has been introduced. It is playing with words, and it represents an attack on our system of Parliamentary democracy. I am disgusted. I said the Minister of Education was myopic, and I am sure he is. I am sure all members opposite are shortsighted, too, because they see only the short term. With short sight, near vision is clearly in focus, but the long prospect, the distant view, is all blurred, out of focus and out of proportion. That is exactly how they are walking around.

Mr. Evans: Give them a good pair of glasses.

Dr. TONKIN: I for one wish that just by giving them glasses we could clear up their ideas. Unfortunately, it is not on. Tonight, the Minister of Education descended to personalities and, frankly, that is something he does not often do. However, one could only say that he must have been rather hard up for material and hard-pressed. He made personal attacks and reflections on individual members and on the Opposition, as such. He accused this Opposition of being subject to graft and corruption, of searching out a selfish interest.

The SPEAKER: Order! I called the Minister to order on that issue, I called the member for Goyder to order, and I am now calling the member for Bragg to order on the same issue.

Dr. TONKIN: May I ask which issue that is?

The SPEAKER: The matter of bringing graft and corruption and similar comments into the debate. Those words are neither in the Bill nor in the second reading explanation.

Dr. TONKIN: Thank you, Mr. Speaker. I thoroughly agree, and that is the very point I am making. It should never have been brought into this debate, and I am appalled that it has been. The Minister said that community interests may sometimes override local government decisions. I agree up to a point, but there is a fundamental point beyond which we cannot go, and that is when the long-term community interest is at stake. Once again, the long-term issues are of fundamental importance in this Bill; the immediate effects will be on a specific project. I do not really think the Minister of Education could have been so naive as to believe that the Government was doing the right thing by introducing legislation before the case had been decided so that it would be saving costs.

Mr. Mathwin: He was there to take the pressure off the Government.

Dr. TONKIN: He did not do it very well. The subsequent effects will be on other projects for which planning approval has been given, but I return to the fundamental principle of democracy—respect for the law. I do not care whether it is Joe Blow in the street or the Premier of this State. When the law is the law it must be respected. Here we see the ultimate disrespect for the law from a practitioner of the law, from a Queen's Counsel, from the Leader of a Government that should be upholding the law. This is a disgusting performance and I cannot in any circumstances support the Bill.

Mr. MATHWIN (Glenelg): I oppose the Bill; I believe it was born in spite, an unwanted offspring of an unwanting parent. I was in this House when the Bill was introduced, and it seemed to me there was clear pressure from the powers of West Lakes to initiate this type of legislation. If passed, these amendments will be a form of shock treatment, resulting from the lust for power of a Government which has the power of numbers in this House. In his second reading explanation, the Premier said:

> On February 15, 1972, the State Planning Authority approved these regulations, which showed the Queenstown area as a residential zone R2 (zoning that was in accord with the 1962 Metropolitan Development Plan).

It appears that the Premier wants us to carry on with the Metropolitan Development Plan of 1962. However, I refer members to the plan suggested by the Government and to the legend indicating the significance of the colours on the map. The only shopping area shown on the map is in the city of Adelaide, with strip shopping on some of the main roads—parts of Port Road, Brighton Road, and Jetty Road. There is no reference to areas in Tea Tree Gully or Marion; none of those areas is marked in blue.

According to the Premier's explanation, the 1962 plan is the one which we must go by. I ask all members, including the member for Elizabeth (who is here and who, I am sure, is always willing to learn), to look at this plan and to see whether it refers to the Elizabeth shopping centre. Tea Tree Gully is not marked as a shopping centre, nor is Marion. In all the western section, the only shopping areas are a small one in Jetty Road, Glenelg, one on Anzac Highway, and another in the centre of Brighton. Is this what the Minister sitting opposite wants us to adopt? Is this the bible quoted by the Premier? This is the 1962 Metropolitan Development Plan. If that is so, we are in trouble. General business areas and district business areas are coloured blue on the map and, if the Minister has not already looked at it, I should like him to do so at the earliest opportunity. It is important that he should see what his Premier is suggesting.

The Tea Tree Gully council was one of the first to get zoning regulations through Parliament. On the map we see a special area marked "district business". That is what is permitted as an area in which a shopping centre can be built. In the zoning regulations for the city of Marion is included an area for D.S., which is district shopping. The council on consent use may approve residential flats and dwellings, boarding houses, a primary school and the like, but semi-detached dwellinghouses or a hospital are not allowed, so that this council is faced with a problem, because I understand the new Flinders Hospital is in that council's district.

Mr. Duncan: They will put in a supplementary development plan.

Mr. MATHWIN: Perhaps, but I am sure the Town Clerk would welcome any advice from the honourable member. Consent use applies to groups 7, 8, 9, 10, 11, 12, 18 and 19 in the Marion area and they are therefore open and suspect on this matter. The city of West Torrens has a K Mart situated on Anzac Highway in an area zoned R3, which has a wide application. It is Residential 3, but shopping is allowed with consent use. The Minister of Education referred specifically to the Queenstown area and said that it was zoned as R2 (Residential 2). The Minister did not ascertain what R2 means: the planning and zoning regulations under the Planning and Development Act passed by Executive Council at Adelaide on June 9, 1972, applying to the Port Adelaide council defines the Queenstown area as R2. By consent use included in this area can be residential flat buildings, multiple dwellings, boarding houses, educational establishments, hospital and welfare institutions, a shop and dwellinghouse, and also hotels, motels, residential clubs, non-residential clubs, private hotels, petrol filling stations, electricity substations, pumping stations, a service reservoir, telephone exchange, a temporary sewage treatment plant, and a golf course. All this, but the Premier said that there could not be a Myer shopping centre in this area, because the district had been zoned R2. The Minister of Education did not know what he was talking about, because I have referred to the details of consent use for the Port Adelaide council in an R2 zoned area.

The Hon. G. R. Broomhill: What is your point?

Mr. MATHWIN: Shopping areas are allowed in R2 areas by the Port Adelaide council zoning regulations, although the senior Minister here this evening (and not the next to junior Minister) said that this would not be allowed in an R2 area. In his second reading explanation the Premier said:

> However, in this case the council in question gave its consent to a proposal that departs dramatically both from the existing plan and, indeed, from a proposed plan that the council itself had approved only a short time previously.

He continued:

> . . . a substantial breach of faith with the people of Port Adelaide, who, of course, had every reason to expect that the council would follow those planning proposals that it had itself proposed only a short time previously.

In a recent council election the people of Port Adelaide left no doubt as to which representatives they elected to the council: those who supported the Queenstown shopping centre were elected or re-elected with a great majority. This evening the Minister of Education tried to have us believe that councils were jealously guarding their boundaries, and it seems that he will be satisfied only with the complete socialization of Australia in which we would have regions throughout the area. That is what the Minister was leading up to. Although he tried hard to convince this Parliament, he had a difficult job to protect the Premier in the Premiers' absence. Last week the Premier introduced this Bill knowing that he would not be present to defend it but, at the same time, knowing all the facts of this sordid affair. The Premier left the Minister of Education holding the baby but, unfortunately, that Minister did not know what he was talking about. He did not know that regulations had been passed, although he could have ascertained that fact by visiting the Parliamentary Library. He did not know what an R2 zone was, but he still tried to make something of it. He proved to Opposition members that he knows nothing about local government or about planning and development.

I hope that there is not to be a reshuffle of Ministers in this Parliament, as there has been in the Commonwealth Parliament, and that the Minister of Education will become the Minister for Local Government. If that happened, we would be worse off than we are today. Although the Minister of Education may be an authority on economics, he is far from being an authority on local government and on what the people of this State want. I believe that the Government knows that Myers will win the case when it is heard in court, and the Government will make sure that it will bulldoze this Bill through because it has the numbers. However, on principle, the Government has not won this at all, and I believe it is doing a most cagey thing. The Minister has said that we are faced with double standards, and I believe that the Government is hypocritical in this regard.

I refer to the introduction of planning regulations. The Minister referred to the Brighton council, and I couple his remarks and apply them to the Mitcham council as well. When these local councils zoned certain areas R2 (multi-storey dwellings with consent use) these councils, and perhaps others of which I do not know, were forced through blackmail to rezone those areas for commercial use, because of the existence of a nearby railway yard. Unless the councils implemented such rezoning, they were told their zoning regulations would not be passed by Parliament—indeed, another aspect of the double standards of this Government.

I refer to West Lakes. What a monument this is to the Minister of Environment and Conservation. This development is near his district and the building of houses on the seafront at West Lakes is surely something not to be proud of. When the Woodville council zoned this seafront area R1 or R2 the Government forced it to rezone the area to allow some two-storey units to be built on the sea-front. I agree with the Minister of Education who said today that it was people's greed which forced construction on the sea front, yet the Minister's Government, as the Government of the day, encouraged that greed in forcing the changing of the regulations to allow for the building of units on the sea-front. Are these the double standards we are expected to support?

The Minister of Education had a big job in front of him today in having to convince us of the sincerity of his argument. He pushed hard and received no assistance at all from any other member of the front bench, and the Minister was left to keep up the end of the Government in this matter. The Minister proved he did not know much about the subject on which he was speaking, because the zoning regulations to which he referred had already been passed. This is just another instance where the Government will ride roughshod over all: it will ride roughshod over anyone who gets in its way. This legislation has been referred to by the member for Bragg, the member for Torrens and the member for Mitcham. The member for Mitcham referred to the retrospective provisions. This is not good legislation and I refer to new subsection (7a) in clause 3. Such legislation is not good legislation, and I oppose the Bill on the grounds that it is bad and ill-conceived legislation, bom out of wedlock and, as I said earlier, an unwanted offspring of the unwanted parentage of this Government.

Mr. DEAN BROWN (Davenport): We have heard much today on this Bill, and all speakers except the Minister of Education have dealt with the one important issue: that is, that we have before us legislation that is retrospective in nature. The Government has seen that there are holes in the current legislation, that there are holes in the law. The Government sees a large retail company legally being allowed to proceed no matter what the Government

does, and the Government has now stooped to the lowest possible action it can take in introducing this retrospective type of legislation. There is this one matter only dealt with by the Bill, which is not as the Minister of Education purported, a series of sidings with either West Lakes or Myers, because in looking at this one important issue and the principles of democracy and our legal proceedings it can be appreciated fully that such retrospective legislation should not be introduced by any Government.

If the Government believes injustices have been done, if it feels that Myers has used underhand tactics, the Government should accept the challenge thrown out by many people to hold a Royal Commission or a public hearing into the circumstances surrounding the shopping centre. The Government has rejected that challenge; the Premier has consistently pushed that aside and has decided instead that he will implement his own dictatorial techniques.

What will happen in other areas of law if the Government also decides that it does not like those areas, or if it believes the courts might place the wrong emphasis on the laws before them? What will happen to the whole legal procedure in our country? This situation threatens almost any action that any company or individual may wish to take.

I refer specifically now to the arguments advanced by the Minister of Education and the Premier and the weak cases they put forward, indicating that they were against the actions of Myers in this specific case and that they would adopt any procedure whatever, no matter how undemocratic, to stop Myers from proceeding. That belief shone through clearly in the remarks of the Minister of Education. He says it is important in a modern urban area that there should be planned development of the region. The Minister realizes that the L.C.L., the L.M. and the Country Party would support that proposition, but in his whole speech he suggested that we were opposed to such planned development. However, the *Hansard* reports of other debates show clearly that we are not against such planned development. We are trying to uphold the principles of our democracy and legal proceedings. If there are loopholes in the law, I agree that they should be plugged, but this should certainly not be done in retrospect. They should be plugged so that people who break the laws in future can be penalized. However, to plug laws in retrospect throws every action of industry and individuals in the State into a complete realm of uncertainty.

It was typical of the sort of tactics used by the Minister to accuse the Opposition of supporting the establishment of a large-scale shopping centre, without community approval. As the Minister should realize, we do not suggest that at all. Having no grounds to support his argument this evening, the Minister decided to drag in every red herring he could find and to lower the level of the debate to the gutter in the hope that he would sidetrack people who read *Hansard* and members who followed him in the debate. No Opposition speaker could sink so low, even if he tried. The issue we have put forward has been clear. We are against this legislation, as it is retrospective. We are against the dictatorial action of the Government in this case. The Minister said that, as the law was not correct, it should be changed, but he was referring to changing it in retrospect. Obviously, the Minister has no regard whatever for the law. He is, in effect, advocating that people should ignore laws if they do not like them.

The Hon. Hugh Hudson: That's not true.

Mr. DEAN BROWN: In this case, to suit itself the Government is willing to alter the laws in retrospect.

Mr. Harrison: You wouldn't know where Queenstown is.

Mr. DEAN BROWN: The Minister scoffed at the member for Mitcham, implying that the honourable member regarded the law as sacrosanct in our community. I am pleased that the honourable member so regards the law. To do otherwise would suggest that the whole basis of having a democratic society with a Parliament to make the laws was superfluous. During the last 15 to 20 minutes of his speech of 45 minutes, the Minister lowered the debate to the gutter. He accused members of the Opposition of opposing the Bill because we were receiving money from Myers. Although I do not have access to the sources of donors to the L.C.L., I suspect that Myer Shopping Centres Proprietary Limited is not a contributor to L.C.L. funds.

The Hon. Hugh Hudson: What about the Myer emporium?

Mr. DEAN BROWN: We can therefore honestly say that we oppose this legislation for no purpose other than the injustice it would cause and the effect it would have on the democratic rights of South Australians. In his second reading explanation, the Premier accused the Port Adelaide council of taking action that was a breach of faith with the people of South Australia. By introducing this Bill, the Premier has taken action that is a breach of faith with democracy in South Australia, with the legal processes of our society, and with the people of this State.

A report in the *Advertiser* of June 29, 1973, states that the Premier accused the Myer organization the previous evening of bargain-basement politics over the Queenstown shopping dispute. I now accuse the present Labor Government of gutter-garbage politics in overriding the legal processes of our State. As I have said, certain accusations have been made about why the Opposition opposes this legislation. Unfortunately, some people have lowered the whole Queenstown dispute into the gutter. In a newspaper article on June 29, 1973, certain accusations were made in relation to the Premier's legal firm and the representation with regard to West Lakes. I certainly would not support the lowering of the debate into areas such as this, as the Minister has lowered it this evening. The one issue raised by the Opposition is that we cannot support in any way legislation that is retrospective. To do that would be to defeat the legal processes of the country and the democratic rights of all South Australians.

Mr. BECKER (Hanson): I oppose the Bill because I find it extremely strange that at this time we should have to amend the existing legislation. In his second reading explanation, the Premier said that, as the mover of the original legislation, he did not propose to Parliament that use of the consent in section 41 should tear up the existing plan. When introducing the original legislation on February 3, 1966, the Premier said (page 3790 of *Hansard):*

All the submissions have been carefully considered, and I wish to express my appreciation for the work and time involved in their preparation.

At that stage the Premier was satisfied that every loophole had been covered and that all the provisions in the legislation were satisfactory. If we have regard to progress and the future development of the metropolitan area, we find that the present legislation prevents at least one organization from doing what we would expect, and providing future expansion and development in the metropolitan area. The timing of the introduction of this Bill is against all Parliamentary and democratic procedures.

I remind the Government of what happened when a council in my district presented its zoning regulations to the Minister. We have this evening heard so much from the Minister of Education regarding community interests. No doubt the Minister would be aware that the Education Department disposed of 31 acres (12.54 ha) of land at Novar Gardens because that land was surplus to its requirements. But who purchased that land? The South Australian Housing Trust purchased it. One end was to be used for residential development. However, the Premier had other ideas regarding it. As a result, when the West Torrens council regulations were submitted to the responsible Minister, the Premier stepped in and said it should be zoned not R1 but R3. Then, the nitty gritty of the debate between the Premier and the council took place, the latter being told that, if it did not agree to certain zoning regulations, all its zoning regulations concerning the higgledy-piggledy development that had occurred in certain parts of the area would be thrown out the window. Despite our hearing from the Minister of Education about the community interests, he disposed of Education Department land to build houses and substituted a type of housing project that was nothing but political. The Government thought that it could build a few Housing Trust houses and flats and therefore win my seat from me. However, it will need to keep trying, because the people of South Australia who are being forced to live in Housing Trust flats on the border of the airport will not be convinced, as indeed I will not be convinced, that this is the ideal environment in which to house them. I will not refer either to all the smoke and filth in this area that emanates from the West Torrens rubbish dump. However, the area to which I have referred was zoned not R1 but R3.

Mr. Gunn: You are not suggesting that the Premier held a gun to their head, are you?

Mr. BECKER: He did more than that: he forced the council to alter the regulations.

Mr. Mathwin: Blackmail!

Mr. BECKER: It was absolute blackmail. Clause 3 amends section 41 of the Act for the purpose of resolving any doubt as to the effect of section 41 (7) in cases arising either before or after the commencement of the Planning and Development Act Amendment Act (No. 2), 1973. Why should we have to agree to this Bill when the principal Act was supposed to do the job we were told it would do? If this does not mean retrospectivity in legislation, I do not know what it means. One thing is certain, however: the Bill will cover up some of the sins of the Government in the past couple of years. It is a disgrace to think that members must consider legislation of this type. It is nothing short of dictatorial, and it is typical of the type of legislation that has been introduced into Parliament in the past few weeks by this Government. It merely telegraphs the type of legislation that the Commonwealth Government is preparing for the people of this State and nation. This is what we call a community interest Government. Such a Government will not only drive out private enterprise but it will also remove from the people any initiative to consider the future development and progress of the community.

I am not arguing the rights or wrongs of what happens at Queenstown, because that does not concern me directly. What concerns me, however, is the principle of having to introduce amending legislation to tidy up legislation passed by former Governments. All we have done in the last few months has been to close loopholes that have unfortunately been created in other legislation. This work should have been done by the Government when it introduced the principal legislation. However, it has been determined to force legislation through quickly at all costs, at the expense of private enterprise. My colleagues and I support private enterprise. Indeed, I am proud that I have been trained through the private enterprise system.

Mr. Duncan: Trained, not educated.

Mr. BECKER: I have been educated through that system, too. I should like to explain to the member for Elizabeth the difference between net and gross earnings, as I understood he experienced some difficulty in this respect in court recently. No wonder he did not see fit to participate in this debate. I object to this measure because of the principle of the matter. Members know that the Government has been at fault on many occasions in standing over councils. The Government stands charged with blackmail, because the West Torrens council was forced to change its zoning regulations for nothing but political purposes.

Mr. EVANS (Fisher): I, too, oppose the Bill. There is no doubt that the word "spiteful" used earlier can be related to the Premier's action in introducing this Bill. There is no doubt also that he sought the assistance of his Cabinet colleagues and then of the Government as a whole to carry out this spiteful action. The general intention (that is, to take action against the Myer organization) has been described ably by members who have already spoken tonight. The principle of who shall build the complex at Queenstown does not really matter: the point is that it involves Myers. The Premier said from the outset that, if Myers looked like winning a court case over this establishment, he would make sure that legislation was introduced to stop the operation. I have always had doubts about supporting any form of retrospective legislation. I do not believe democracy (if we can call it democracy) can be trusted if Governments take such action.

It is important that the people have faith in the Government and in Parliament, and they must have faith in Parliamentarians individually. Can anyone really have faith in Parliament or in its members if we pass retrospective legislation just to have a go at some individual or organization in our society? Whether it is morally right or wrong that Myers set out to develop the project at Queenstown, we must accept that legally it appears the company was right. The Premier argued in the second reading explanation that this action was a misuse by the Port Adelaide council of its powers under section 41 of the Act. Who is the Premier to decide whether it was a misuse of power? This aspect bugs me more than anything else: that while a court is examining the matter the Premier says a power has been misused. In other words, the Premier of the State puts himself above the courts: that is exactly what he is doing.

Dr. Eastick: It's a dictatorship.

Mr. EVANS: My Leader describes it as a dictatorship, but I do not believe that that would be a fair definition, because in a dictatorship only one man is involved. However, in this case that man has the support of the rest of his Parliamentary colleagues, who are setting out to oppress an organization which has, it appears, been within the law.

The Hon. Hugh Hudson: You would not comment on that, would you? You would be out of order if you did.

Mr. EVANS: The Premier argued that the council had misused its powers and was wrong in its action. He gave that decision before the court has given its decision.

I am arguing that the Premier may be wrong and the court may well prove him to be wrong, according to the laws of this country. I am willing to take up that point with the Minister because of the Premier's comment on the matter.

The Minister of Education, who interjected as he frequently does, made the point that the Government was doing it in the interests of the community, because it wanted good planning and good zoning. Does the Minister realize that the Minister of Works has set out to develop in the middle of a residential area of Stirling, where there is interim control by the council, a sewage treatment plant? Yet the Minister of Education states this evening that he has an interest, as a member of the Government, in the community at large. I ask him to put a sewage treatment plant in the middle of the residential area of Brighton and see the reaction of his constituents if that took place with interim control. He would not do that so he has double standards—and he knows it. We know that he has some difficulty in justifying his argument, but one Government member had to stand up and try to justify this drastic action the Government is attempting to take, and it fell on the shoulders of the Minister of Education. Most of his colleagues were not present to support him; no doubt he had a difficult task, and they thought it best to keep out of the way.

Some people argue that it is because of the interest that the Government has in West Lakes that the Myer shopping complex must be stopped at Queenstown. I can only say that that could be the case, because I do not know, nor do I believe that anyone really knows, the true facts; but that must be taken into consideration when one is making an overall assessment of the project. How many members of the Government team would accept retrospective legislation in another field—for instance, the field of outlawing a union or union action retrospectively? What reaction would we get from the Government if that attempt was made by a Government when members opposite were in Opposition, or if it was initiated by a private member of the Opposition and the present Government was in power? What sort of outcry would we hear about the rights of individuals, about democracy, and about the courts and the respect we should have for them? It is interesting to think in that direction, because we know what the reaction would be.

The Minister referred to certain moneys that had been offered. I will not refer to that except to say that the Minister should well know that one member of the Myer organization who the Minister admitted contributed to his Party considerably was one of the 14 signatories to a document, and they will all get payment in the end. Several of them already have, and the pay-out will go to each of the 14 signatories for services rendered to win a Commonwealth election. The Minister of Education said that the Government was doing this to save legal costs to the Myer organization and others that might be involved by the Port Adelaide council. He said that with tongue in cheek, because that was about the only thing he could hang his hat on. He knows that the sort of money involved in legal costs is trivial in relation to the overall complex, considering the sum that has been spent on acquiring property, on demolition and on clearing the site and leaving it in a reasonable state ready for construction work to begin. He knows that and that the legal costs involved in this sort of project mean virtually nothing.

The other thing is the point made by my Leader, that this Bill was brought in to attack the Myer proposition at Queenstown. It leaves the way open to attack any proposal to develop made since 1962. It is wide open. Some people may argue, "The Government would not take action against anyone else", but how can we trust it? If it will do this against one concern, it will do it against another if that concern happens to tread on its toes or offend against its wishes. That is the real reason why this Bill has been introduced. There have been recent cases of councils submitting zoning regulations for approval, first by the Joint Committee on Subordinate Legislation and then by Parliament itself, and it has often proved to be the case, as mentioned by the member for Glenelg (and other cases are available if members want them) of the Government holding the gun at the head of a council and saying, "We do not want that; do it our way or not at all." The Government has not been prepared to say, "We do not quite agree with the zoning regulations. Put them before Parliament and we will debate them there." In many cases councils have been subjected to strong pressure from a Government department through the Minister.

The Hon. Hugh Hudson: Did this ever happen before?

Mr. EVANS: The zoning regulations they introduce these days are the most complex that have ever been introduced. We have never had this type of zoning regulation before. The Minister knows full well that today they are not as they were in the past. Very little is left for the council or for the State Planning Authority, as the Minister knows full well. Interim control, to a degree, gives some discretion to the council. We give a council the opportunity to handle a matter in the best interests of its community. The Port Adelaide council did that. I do not know the Port Adelaide area very well—that is for the Port Adelaide council: it knows its area, and in the main the people in it supported its action. They are the ratepayers of the area; they foot the bill. Why should they be denied the right of having what they want there when it is lawful? The Premier suggested it was a misuse of power, but no-one has proved it was unlawful.

We are asked to support a Bill that will put it beyond doubt (in the words of the Premier) that it was unlawful: in other words, we are going to write a provision into the Act to make sure it is unlawful. Why? Because the Premier believes it was lawful, and for no other reason. The Premier would not have introduced this Bill if he had thought the action was unlawful. When he uses the word "misuse", he is talking with tongue in cheek, because he knows the action taken was lawful, and he has set out to make it unlawful by retrospective legislation. That is the whole truth of the matter.

I could not support this type of legislation, which was introduced for spiteful reasons, like a schoolboy who has been defeated and says, "No; I will not take defeat. I have the power to make my own rules. I will make the rules and stop you from continuing. You will not be allowed to play the game." That is what is happening. It is a schoolboy approach by a spiteful man who was defeated. He should have stepped aside and said, "I have lost this one. I will make sure it does not happen again." That would have been a manly and acceptable approach.

Mr. GUNN (Eyre): I oppose the Bill and wholeheartedly support my colleagues. This afternoon and this evening we have witnessed one of the most disgraceful and shameful actions of any so-called democratically-elected Government and a Government that claims to believe in democracy. I think the basis of democratic Government is for the people, when they think an action is wrong, to have the

right to challenge the validity of the action in the courts. We have seen the actions of a spiteful man. Obviously, he could not achieve his aims and he has decided to usurp the powers of the courts. The first paragraph of the Premier's explanation states:

It arises from the disturbing events that have surrounded the proposed establishment of a regional shopping centre at Queenstown by Myer Shopping Centres Proprietary Limited.

I do not know what the member for Unley thinks is so funny about my remarks, because the actions of this Government, certainly the arrogant and high-handed attitude displayed this evening, certainly are disturbing. The only person who has tried to defend the actions of the Government is the Minister of Education. It is interesting that only a few members of the Australian Labor Party, which temporarily occupies the Treasury benches, are in the Chamber. Only one of them has tried to defend the arrogant and insincere action of the Premier. Others have made a few foolish interjections, and the member for Albert Park has made some illogical interjections. Others have been silent.

Obviously, members opposite are ashamed, as they ought to be, at this Government's attitude. This is the type of action that one would expect from those who have the powers of the colonels in Greece or the former Allende Government in Chile, but it is not the type of action one would expect from a so-called democratically-elected Government. This evening the Minister of Education has spoken about the community interest. What is more in the interests of the community than to have the right to challenge, in the courts, any law that this Parliament makes? The Attorney-General is one of Her Majesty's Counsel, as is the Premier, although he recommended himself, but we will leave that aside.

Mr. Langley: That's wrong. He was recommended by the Walsh Government.

Mr. GUNN: The Premier had the gall to introduce this legislation deliberately to deny an organization the opportunity to exercise its democratic right. That is what members on this side are opposing. The Minister of Education tried to sidestep completely the basic issue that the Opposition opposes. He tried to bring the argument back to the particular issue of the Queenstown shopping centre. The basic area of disagreement that members on this side have been putting is the usurping of the rights of people of this State by an arrogant Government. The Premier and his colleagues have tried, by their high-handed attitude, to divorce themselves completely from the fundamental issues at stake and have tried to reduce this debate to an argument about the rights of Myers and the Queenstown shopping centre.

Mr. Harrison: The Queenstown plaza.

Mr. GUNN: Surely the honourable member will not argue about one word. The only contribution that the honourable member has made has been to talk about 120-odd houses that were knocked down. Obviously, the people had the right to sell. They were not forced to sell, because Myers had no powers of acquisition, and obviously the people received a fair price.

Mr. Harrison: What were they going to put in their place? Flats?

Mr. GUNN: The honourable member's argument becomes more illogical the longer he goes on. I do not think he knows what is in the Bill and I doubt that he has read it. It would be beyond his ability to understand it.

The DEPUTY SPEAKER: Order! I ask the honourable member for Eyre to discuss the Bill.

Mr. GUNN: We have seen some amazing happenings in this House this evening, and I hope that I will not be prevented from discussing the fundamental issue, which is the democratic right of citizens to challenge the action of an arrogant Government, one of the most despicable and disgraceful actions ever taken in this Parliament. Obviously, the people of Port Adelaide want a shopping centre at Queenstown. It is obvious from the recent council elections that the people who favoured this were elected with a large majority.

The Minister of Education has argued that the Port Adelaide council had no right to make decisions that would affect the whole community or the area around Port Adelaide. How many council areas near that area have lodged an objection? No Government member has told us that. Does the member for Unley know? He has had much to say this evening by interjection but he has not told us that. It is obvious from the fact that there are no objections that the people want this project, which I understand will cost about $6 000 000.

Mr. Langley: They were definitely bought.

Mr. GUNN: That is a most serious allegation to make against any person in the community, particularly when it is made under privilege, and I challenge the member for Unley to repeat the statement outside the House and prove it, if his convictions are so strong. The Minister of Education has made serious and grave allegations about members on this side being under the financial influence of Myers. He spoke about the influence of the directors, who are charged with the responsibility of getting the best return for the capital invested by shareholders. There is nothing wrong with that. They have complied with the law that the Attorney-General, one of Her Majesty's Counsel, laid down in the Bill that he introduced dealing with how companies should operate. The directors must answer to the shareholders. The shareholders have not taken action against the directors, who are discharging their responsibility.

Mr. Langley: Do you believe in compulsory franchise for council elections?

Mr. GUNN: I do not intend to be sidetracked by the member for Unley, but we know the sort of democracy for which he stands. The member for Adelaide also has shown that. He is a compulsionist and believes in telling people. It is the same attitude as has been adopted by the Premier. We know the type of democracy that the Labor Party preaches. When the Premier introduced this Bill, he showed his true colours. One has only to read his explanation to see that. It was full of spite and hate and was given by a man who could not get his own way and was frightened of the decision the court might make. To bring in retrospective legislation is a shameful attitude.

Mr. Langley: For the first time ever?

Mr. GUNN: That argument, despite defence by the member for Unley, does not justify this legislation. I do not believe in retrospective legislation and that interjection in no way enhances the argument the Premier has advanced for introducing it. Not only will it affect the operation of the Queenstown centre, but it could affect many others already in existence. What sort of situation would the Government have on its hands then? I will never be a party to arbitrary decisions of this kind. As long as I am a member of this House I will rise on every occasion to express my strong opposition to arrogance and inconsistency, and to an attitude leading to a dictatorship. What we are seeing here is the first step toward a dictatorship.

I have already said it is the aim of the Labor Party to destroy all opposition with its arrogant attitude, and this is another example. I look to the future with confidence. The member for Unley and some of his colleagues will be outside looking in before very long. The people of South Australia and of Australia believe in democracy and in a fair go for all. It is one of the fundamentals of the Australian way of life. In my interpretation this Bill does not give a fair go. As a reasonable person, I cannot support this, but I would not be surprised at anything the member for Unley and his colleagues might do.

The Minister of Education tonight was at his worst. Since I have been a member of this House I have never seen him in a worse performance. Before I came to this place I read his contributions with some interest, and one had to admire the way in which he put his arguments. He challenged members on this side tonight to put aside their Party loyalties and support the Government. What a hypocrite! Here is a man, sitting on the front bench, having signed a pledge to be bound by the decision of his Party. Once the Premier decided to bring in this legislation every member sitting behind him was bound. I am proud to belong to a Party which allows its members to vote according to their consciences. We have a conscience and we are displaying tonight the conscience of the people of South Australia. This Bill is one of many nails in the coffin of the A.L.P. I oppose the measure.

Mr. McANANEY (Heysen): First of all, I shall reply to the Minister of Education. In the years I have been in this House I have respected him as having one of the most brilliant brains in this place, but his disgusting performance tonight in accusing people of doing certain things merely demonstrates to me that this is the way his mind must work, in an evil, underhanded sort of way; the sort of thing he would do himself he attributes to other people. His twisted mind, his split personality, does not go down too well. I think in his first speech in this House he abused everyone he disagreed with.

The Minister referred to retrospective legislation and I think the points he advanced broke down his argument altogether. We have heard of retrospective legislation in divorce proceedings, where the Master of the court had been doing certain things that were considered illegal, and where it had been necessary to make valid those things by amending the law. Had this not been done retrospectively many people would have been harmed, and many problems caused. In those circumstances, retrospective legislation is necessary, but in a case such as the one mentioned in the Bill it is an entirely different matter.

I congratulate the member for Glenelg on possibly one of the most constructive speeches tonight. He referred to the zoning regulations and said that, by consent, it was now possible to erect shops. I had not had a great deal to do with the Planning and Development Act until recent developments in Mount Barker, and I am rather amazed to see how it proceeds. Someone outside the area has drawn up plans and some of the people who have taken part in drawing up those plans said at a public meeting that they were not aware of any industry in Mount Baker, although at least 1 000 people work in industry in the area. How much notice will the State Planning Authority take of the wishes of the people of Mount Barker? If no notice is to be taken of their views then, to me, the planning authority would be an evil in the community. Its duty is to protect community interests, but no respect has been shown to people who must live under the control of the authority. I have yet to learn how effective it will be.

I should say that, if the Liberal and Country League had any leanings toward any corporation, it would be one of the other large retail stores from which members filled, I think, the highest positions in the L.C.L. It is rubbish to speak of members having leanings towards other retail stores; in my opinion that is complete hogwash.

Mr. Mathwin: Most of it is miles off, grasping at straws.

Mr. McANANEY: I congratulate the member for Glenelg on his speech and on his helpful interjection. To me a principle is involved here. An organization was allowed to spend a great deal of money with, as I understand it. the blessing of the Premier at one stage. Suddenly, for some reason or other, he has shied off and now he is doing his best to see that the corporation does not carry out its plans, even though local residents are in favour of the project. I oppose this Bill on principle. I know the area well. It is a centre of communication and would be an ideal spot for a shopping centre, rather than an area close to the sea or to a river. Without any dishonest motives, I oppose this legislation. I trust that, when I see the final working of the Planning and Development Act in Mount Barker, it will not be as bad as I understand has occurred in other places. I shall be sorry for the people of Mount Barker if it is and if their views are ignored.

The House divided on the second reading:

Ayes (23)—Messrs. Broomhill, Max Brown, and Burdon, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hudson (teller), Jennings, Keneally, King, Langley, McKee, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (19)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, Russack, Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Hopgood. Noes—Messrs. Goldsworthy and Rodda.

Majority of 4 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 10.57 p.m. the House adjourned until Wednesday, October 10, at 2 p.m.