HOUSE OF ASSEMBLY

Tuesday 17 November 1981

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Appropriation (No. 2),

Public Parks Act Amendment.

PETITION: CASINO

A petition signed by 18 residents of South Australia praying that the House urge the Federal Government to set up a committee to study the social effects of gambling; and reject the proposals currently before the House to legalise casino gambling in South Australia and establish a Select Committee on casino operations in this State was presented by Mr Trainer.

Petition received.

PETITIONS: I.M.V.S.

A petition signed by 10 residents of South Australia praying that the House urge the Government to re-establish the Environmental Mutagen Testing Unit at the Institute of Medical and Veterinary Science and recognise it as an integral part of the South Australian health services was presented by Mr Trainer.

A petition signed by 20 residents of South Australia praying that the House urge the Government to re-establish the Environmental Mutagen Testing Unit, to reinstate Dr J. Coulter to his previous position and instigate an inquiry into the administration of the Institute of Medical and Veterinary Science was presented by Mr Trainer.

Petitions received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos. 208, 209, 211, 218 to 220, 224, 228, and 233.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. D. O. Tonkin):

Pursuant to Statute—

I. Superannuation Act, 1974-1981—Regulations—Various.

By the Minister of Education (Hon. H. Allison):

Pursuant to Statute—

I. Further Education Act, 1975-1980—Regulations—College Councils.

By the Minister of Agriculture (Hon. W. E. Chapman):

Pursuant to Statute—

I. Citrus Organization Committee of South Australia—Report for the year ended 30 April 1981.

II. Poultry Farmer Licensing Committee—Report, 1980-81.

By the Minister of Environment and Planning (Hon. D. C. Wotton):

Pursuant to Statute—

I. South Australian Film Corporation—Report, 1980-81.

By the Minister of Health (Hon. Jennifer Adamson):

By Command—

I. Abortions Notified in South Australia, Committee Appointed to Examine and Report on—Report, 1980.

QUESTION TIME

The SPEAKER: Before calling the honourable Leader of the Opposition, I indicate that questions which would normally go the Deputy Premier and Minister of Mines and Energy will today go to the honourable Premier.

INDENTURE ACT

Mr BANNON: Will the Premier say whether the Asahi Chemical Company has told the Government that it will require firm commitments to the provision of infrastructure, even to the point of an indenture Act, before it will continue its feasibility studies on a petro-chemical development beyond the end of this year? If so, will an indenture Bill be introduced and when? It has been reported to me that the company has told the Government that it will have to pull out of South Australia if it cannot get some firm commitments from this Government.

The Hon. D. O. TONKIN: It is an interesting question coming, as it does, from the Leader of the Opposition, who has been persistently saying over the past few weeks—

Mr Millhouse: Why don't you just answer the question straight out?

The Hon. D. O. TONKIN: Why do you not just get your name recorded in *Hansard* and go back to court? It is rather interesting, coming from the Leader of the Opposition, who spent the last few weeks saying quite bluntly that indentures are not necessary for this sort of thing. I am very pleased indeed that the Leader of the Opposition has now seen the importance of indentures of all kinds, whether they be in relation to the Cooper Basin, Stony Point, Roxby Downs, or whether in relation to Asahi and a petro-chemical plant somewhere in South Australia. The situation is not exactly as the Leader of the Opposition has reported it. At present, Asahi, in conjunction with Mitsui, gave the Government a letter of intent that they were to conduct feasibility and preliminary studies some 12 months ago, have written to the Government asking whether the status of the infrastructure loan approval, which was given by Loan Council in respect of the petro-chemical works at Redcliff, was still able to be drawn upon.

I had discussions with the Prime Minister when he was in Adelaide just over a week ago. We raised the matter of the infrastructure approval given by Loan Council at that time. I have the Prime Minister's assurance that, if infrastructure borrowing is necessary for a petro-chemical plant somewhere in the northern Spencer Gulf region, that money will be available. I have already notified members of the company that infrastructure borrowing is available to the Government. It will be a matter then of going into further negotiations with them on the details of what infrastructure is required as part of their proposals. We will then consider the matter when it comes up. I repeat that it is interesting to hear such concern for an indenture Bill expressed by the Leader of the Opposition. I welcome this change in attitude on his part.

SOUTHERN BOATING FACILITIES

Mr SCHMIDT: Can the Chief Secretary give details of progress on a report on the southern boating facilities, as commissioned by this Government, being undertaken by MacDonald, Wagner and Priddle? I recently received a letter from the South Coast Boating Association, part of which is as follows:

We have negotiated with all political Parties, Noarlunga council and other interested organisations in the area. In June 1980 the State Government provided $540 000 towards the improvement of recreational boating facilities.

In October 1980 a study was funded by the State Government. This study, undertaken by MacDonald, Wagner and Priddle Pty Ltd in conjunction with Trojan, Owen and Associates Pty Ltd, was meant to be completed this year . . . The boating season is upon us and we face yet another year with no adequate safe launching and retrieving facilities on the South Coast. The Premier, Mr Tonkin, speaks of a 15 per cent annual growth rate in boating and yet the increase in facilities in the growing southern metropolitan area is still not to fruition. The need for a major boating facility was justified in 'position paper' No. 1 of the report . . . We therefore ask you to do all in your power, and to use your influence, to ensure that the completion of the feasibility study is given the utmost priority, so that the construction of this desperately needed facility can begin as early as possible.

The Hon. W. A. RODDA: I think that Mr Tupper has written to everyone but me. When one pays heed to the campaign that was led (and we do not have to look far to the source of the problem), one does not wonder, because Mr Tupper may be like a few other people. I am surprised that Mr Tupper is in that mould. In the letter to which my colleague referred it is stated that this study of MacDonald, Wagner and Priddle was meant to be completed by June 1981 and that (I do not wish to be unkind to him) for the past four years they have been campaigning to establish a safe, sheltered launching ramp on the South Coast.

This Government has been in office for only two years. This is an extremely difficult piece of sea coast, and I did look at the site that was chosen. The one thing that we would have to do (and I am sure that the previous Government had not thought about this) was issue people with motor boat sky hooks to get to the site. I was shown it from a helicopter in the first instance. Although I have done a lot of flying, I must admit I did not see a lot of the terrain until I looked at it on the ground.

This study is near fruition. I point out to the House and to the Leader that the environmental constraints in the South Coast that were met by the consultants were quite considerable. The impact on the local residents was something to which these people (and very rightly so) gave due heed. There may be a boat ramp against their door, and some of them did not like it. There has been extreme caution, and far-reaching discussion has taken place with local residents in their consultancy. Indeed, a very thorough job has been done. I refer also to the engineering side. The Opposition would not be unfamiliar with the problems that present themselves geographically in relation to the site of a boat ramp, the currents, and the dangerous waters that exist in that part of the State. All those matters have been taken care of. For Mr Tupper's benefit (and I thank the honourable member for raising this matter), I hope that by the end of the month the Government will have the consultants' report, and that we will be able to examine it and make some progress on a start with this much needed facility early in the new year.

URANIUM INDUSTRY

The Hon. J. D. WRIGHT: My question would have been asked of the Deputy Premier, but, in his absence, I address it to the Premier. Is the Premier concerned about the implications of a major article published in the *Wall Street Journal* on 3 November which says that the condition of the uranium industry reads like an obituary, and reports that thousands of uranium jobs have disappeared and dozens of mining companies are getting out of the business? *The Wall Street Journal*, the world's most influential financial journal, reports as follows:

But as fast as the fortunes of nuclear energy have fallen, the U.S. uranium and milling industry has crumbled. Thousands of people and scores of companies are trying to extract themselves from the rubble. The uranium industry itself faces the even grimmer prospect of being unable to recover, even if nuclear power in this country does come back.

The report says that there is a glut of milled uranium ore, with spot market prices of about $23.50 a pound, a six-year low (and down from more than $43 a pound two years ago), and that production costs are rising at more than double the inflation rate. It also states:

Exploration activity has sunk to a 10-year low, and some major producers are considering getting out of the business altogether. Dozens of small mining companies already have been shaken out by the evaporation of the spot market for uranium. Since early 1980, U.S. uranium output has been cut by about a third and the work force has shrunk to fewer than 14 000 from 22 000.

I hope the Premier will not rubbish the *Wall Street Journal*—

The SPEAKER: Order!

The Hon. J. D. WRIGHT:—as he rubbished the *Economist*.

The SPEAKER: Order!

The Hon. D. O. TONKIN: No, I am not concerned about the article that appeared in the *Wall Street Journal*, and I am not going to comment on it. The basis of the Deputy Leader's question is perfectly clear, and reflects the pessimism and gloom which he characteristically projects in this place and outside. I find it quite significant that he has had to travel so far afield to get that sort of opinion. I have had discussions only during the last five weeks with people who have given quite the contrary opinion.

The *Wall Street Journal* is quite correct in reporting that the current market and the current demand are not as buoyant as perhaps five years ago, but if that pleases the Deputy Leader of the Opposition, because he believes that that applies to South Australia, I can very rapidly disabuse him, because the projections being made on the uranium industry in South Australia are based on projections from the turn of this decade and the turn of this century. The point is that, by 1990, it is expected that the demand for uranium, and particularly for enriched uranium, will be climbing very rapidly indeed, until it reaches a peak, as far as can be determined, at the turn of the century.

That is an assessment that has been made by members of uranium consortia, notably Urenco-Centec, and also confirmed by those independent bodies, the people who are making commercial decisions, B.P., Western Mining and C.S.R. If one wanted to become miserable about that report it would be only because we have an established uranium industry, in which case we would indeed be concerned about it. We do not have an established uranium industry, but we will be bringing on stream production of uranium, and I trust, enriched uranium, at a time in the early 1990s when the demand is expected to go up and when we shall have very little difficulty selling our uranium.

The other point, as the honourable Deputy Leader said quite properly, is that the spot market has evaporated and the emphasis in the future will be far more on long-term marketing arrangements and agreements. As the Deputy Leader will accept, they are very important indeed. There is quite a move nowadays to get customer countries to take a small part of the equity in any company set up to exploit or enrich uranium. That would apply, for instance, in the

case of Urenco-Centec where three Governments are involved, namely, the Governments of the United Kingdom, the Netherlands and West Germany; it would possibly involve giving them some interest in a uranium enrichment process or a uranium extraction process in South Australia. It may be British Nuclear Fuels Ltd. The point remains that those agreements are long-term agreements; they will be written as such, and that will be the nature of things to come.

The commitment will be there, and it has been very carefully made. I have referred to the opinions given by experts in this field. They do not reflect any pessimism for the period when we would be looking at a uranium industry in South Australia. In 1990, and onwards, the prospects are extremely good. This, of course, has been instrumental in helping other companies in making their commercial decisions that they should support such a move.

As for fluctuating prices, I think that I have already dealt with that matter. There will, of course, be rise and fall provisions in any agreements written, but they will be long-term agreements. When he comes back from Sydney, I am sure that the Deputy Premier would be delighted to point out to the Deputy Leader any other details that I might not have covered; in fact, I will ask him if he would like to do that, as I am sure he would like to enlighten the Deputy Leader. However, the Deputy Premier has made the point to me before, and also I think in this House, that the mix of minerals that we are fortunate enough to have in South Australia—copper, uranium, gold, rare earths, and a number of other minerals—is such that it tends to even out the market, so that when there is a fall, for instance, in the price of copper one finds a corresponding increase in the price of uranium or gold. That makes a much more attractive proposition for the mining companies than if we were dealing with only one commodity.

Members interjecting:

The Hon. D. O. TONKIN: Honourable members opposite do not seem to like this assessment of their pessimism for what it is. It is unmitigated pessimism and relates to the current uranium market in today's world and not to the market of 1990 onwards when we expect that uranium will be on stream.

EGGS

Mr EVANS: Is the Minister of Agriculture aware of concern being expressed in the South Australian egg industry and, if so, will he report to the House about this industry? It has been brought to my notice that the cost of eggs to consumers in this State is one of the highest in the world, and that the over-supply is causing concern to the extent that quotas may have to be cut. If quotas are cut, the result will be that those persons who are in a position to buy quotas will offer a higher price for them, resulting in quotas being purchased and going into the hands of fewer and fewer growers.

Information I have is that up to $15 per bird is being paid for licences, which means that the industry is being capitalised, not for the bird, the plant, or the land, but for the licences. In New South Wales an inquiry into the egg industry showed that in that State, because of a licensing system similar to that in this State, the number of growers producing eggs declined from 10 000 to 700, to the point where 100 producers are supplying 75 per cent of the State's total population. Although I know of no inquiry in this State, evidence has been given to me that similar circumstances exist here. Is the Minister aware of this problem, and can he take any action about this matter?

The Hon. W. E. CHAPMAN: The honourable member has raised a number of issues surrounding the egg industry in South Australia. In recent times I have heard expressions of concern about the matters he has raised. When the Egg Industry Stabilization Act was assented to on 10 May 1974, the board within that structure had a responsibility to ensure a continuity of the supply of eggs to the South Austalian community and with that responsibility there were certain requirements in order to govern the peaks and troughs that obviously occur in an industry of that kind. There are periods in the year, especially in the spring months when backyard egg production mostly occurs, when there is obviously an over-supply and the demand for eggs falls off, while during the lean production periods the board is responsible for meeting the consumer demand.

I appreciate not only the difficulties that the board in this State has in carrying out its functions under the Egg Industry Stabilization Act but also the difficulties experienced by other boards in our neighbouring States. I am aware of an inquiry conducted in Victoria of the kind outlined by the honourable member, and the results of that inquiry are available to us. I am also aware of an inquiry conducted in New South Wales, the details of which are not yet available. Certainly it would not be the Government's intention in this State to institute an inquiry of that kind until we at least knew the outcome of the inquiry in New South Wales.

The honourable member said that hens subject to the quota system were likewise subject to a price per head. While there has been a considerable transfer of hen quotas within the industry, new licences have also been issued, and I outline the result of movements in that respect from July 1980 to June 1981. In most of the transfers of quotas there is a financial arrangement between the transferor and the transferee; in fact, 72 poultry farmers transferred their entire quotas, as a consequence of which the number of licences in South Australia as at the commencement of the period mentioned reduced from 747 to 688, after taking into account 13 new licences issued.

Details surrounding the hen quota structure, involving 1 092 500 in South Australia, are really very complex, and I would not wish to canvass this matter in any detail in the reply. Until we receive details of the New South Wales report and findings, I repeat that it is not our intention to undertake an inquiry, bearing in mind the expense involved in such an inquiry. Furthermore, in the interim period I would commend to members the report tabled in Parliament today which constitutes the activities of the board and the requirement under the Egg Industry Stabilization Act. I hope that that report is read and appreciated so that the job of the board set up to manage this function in South Australia is perhaps a little more appreciated than it is at present.

NOISE POLLUTION

Mr CRAFTER: When will the Chief Secretary, in conjunction with his colleagues the Minister of Environment and Planning and the Minister of Consumer Affairs, bring down legislation to control noise and other problems associated with places of public entertainment, in particular licensed premises? An inter-departmental working party on this subject reported to the Government almost a year ago, and since then there appears to have been no action on the report. I understand that a further working party has been established at the request of the Australian Hotels Association. Last week the *Advertiser* reported on a most unsatisfactory situation in Hackney relating to the Hackney Hotel. On 24 March 1981 I wrote a detailed letter to the

Chief Secretary about the Hackney Hotel, and I raised the subject by way of a question in the House on 22 October last year. In reply to my letter, the Chief Secretary wrote to me on 21 April this year, as follows:

I refer to the question you asked in the House of Assembly on 22 October 1980 regarding noise levels and your letter of 24 March 1981 in relation to the Hackney Hotel.

The Working Party on Noise Levels in Places of Public Entertainment has now completed its investigations and the problems existing in respect of the hotels you have mentioned were known to the Working Party and taken into account in their recommendations.

The situation in Hackney requires urgent action and I would be pleased if the Minister could say what response from the Government could be anticipated.

The Hon. W. A. RODDA: The honourable member is quite correct; he did write to me about the Hackney Hotel and he has written to me also about several other hotels, which indicates some concern in the district of Norwood. This matter relates to the portfolios of the Minister of Environment and Planning, the Minister of Consumer Affairs and mine. We have had on-going discussions about the matter and the difficulty of policing the problem areas. My colleague in another place, the Minister of Consumer Affairs, is looking at the legislative requirements needed to deal with this problem.

BALCANOONA STATION

Mr MATHWIN: Will the Minister of Environment and Planning indicate when the dedication of the former Balcanoona Station—

Members interjecting:

Mr MATHWIN: I am sorry if honourable members on the other side are falling asleep.

The SPEAKER: Order! The honourable member will come to the question.

Mr MATHWIN:—as part of the Gammon Range National Park, will occur? I would like to explain the question, especially for the benefit of my friends on the other side of the House.

The SPEAKER: Order!

Mr MATHWIN: The dedication of this area will create one of the greatest wilderness parks in Australia. It is of much interest to the community generally to know when this former station property will be dedicated.

The Hon. D. C. WOTTON: For the information of members opposite, when the member for Glenelg—

Mr Bannon: He has a keen interest in this.

The Hon. D. C. WOTTON: He has a keen interest in national parks, as has the majority of people in this State. The member for Glenelg referred to this as an addition to the Gammon Range National Park, which is quite correct. I suggested to him that it was really the old Balcanoona Station. The Opposition would be well aware of the involvement of the present Government in that piece of land.

Members interjecting:

The SPEAKER: Order! The honourable Minister has the call.

The Hon. D. C. WOTTON: The Government is anxious for the dedication to take place as soon as possible. A day had been appointed in mid-December for a special ceremony, and it was intended to invite many people with varied community interests to go to the old Balcanoona Station. Because of the close proximity to the Christmas season, however, it was decided that we should postpone the event, and we are now looking to have the dedication ceremony in February or March next year.

There has been much representation, as was the case when the present Opposition was in Government. It was unable to bring about the dedication of this land. Although the then Government started to look at the matter many years ago, it was unable to do anything about the dedication. As soon as we came to office we recognised the need to dedicate the station as soon as possible and to make arrangements to do so. These arrangements have now been completed with the Department of Lands and other departments responsible and the Balcanoona Station will be dedicated in either February or March next year.

I know that that dedication will be welcomed by the majority of South Australians, because this is one of the most significant, if not the most significant, areas of this State, and one which should be preserved for conservation and as a wilderness area. That is what the State Government will be doing in dedicating that station early next year.

BUILDING INDUSTRY

Mr HEMMINGS: Will the Premier say why the number of new dwellings completed in this State declined in 1980-81 compared with the previous financial year, a period during which there was an increase in housing completions throughout Australia? According to information released this week by the Australian Bureau of Statistics, only 7 900 new dwellings were completed in this State last financial year, compared with 8 300 in 1979-80. However, throughout Australia completions increased from 129 200 to 134 700 over the same period. Higher mortgage interest rates have been put forward as a reason for housing industry problems, but higher interest, of course, affects all States, and not just South Australia. The above average increases in Adelaide housing building costs probably have contributed to South Australia's poor result. Information released this week indicates a 9.7 per cent rise in Adelaide housing building costs to October, compared with an average of 8.4 per cent for all State capitals.

The Hon. D. O. TONKIN: First, I point out that the figures the honourable member quoted and the move he has mentioned are marginal when one compares them with the 60 per cent drop between 1976 and 1979 when the previous Government was in office. That was a remarkable drop, in fact, it has been one that we have been battling to overcome ever since. The number of buildings increased about midway through 1979. Largely, it was simply a flow-on of the long-term effect of the over-building that took place under the rather artificial circumstances of the Land Commission. I still vividly remember travelling in the very much outer suburbs, and seeing large numbers of houses built by the Land Commission out in the far distance, both north and south of Adelaide. It was very difficult indeed to let those places.

I refer honourable members to a very good article on the matter written, I think, by Grant Nihill in the *Advertiser* just before the last election. It was because of that oversupply, which has been taken up, that building approvals have been reduced. I repeat that there was a massive drop of 60 per cent in the middle of the 1970s under the previous Government. I have no doubt that measures now taken by this Government to inject an additional $20 000 000 into home loan funds through the State Bank, which will be mobilised and put into rental housing for the Housing Trust, will help overcome—

Mr Hemmings: What about increasing costs?

The Hon. D. O. TONKIN: I am glad the honourable member raised that. One of the difficulties has been the question of wage increases. They have had to be absorbed.

Mr Hamilton: What about interest rates and the policies of the Federal Government?

The Hon. D. O. TONKIN: I am answering the member for Napier, who very properly raised the matter of increased wages, a matter which has been taken into account. I am happy to say that the building industry, although still in a very difficult position in South Australia, is beginning to report some increased interest and up-turn. Just in the past few weeks reports that have been coming back are much more favourable than they have been for some considerable time.

SHEEP CARCASSES

Mr BECKER: Will the Minister of Marine say what action the Government intends to take in relation to the removal of sheep carcasses from the foreshore of our metropolitan beaches? I recently received from the Henley and Grange council a letter which I forwarded to the Minister via the Minister of Environment and Planning; I believed that he was also interested in this matter, as the Coast Protection Board comes under his control. I understand that the council has also informed the Local Government Association of South Australia of its concern in this regard. I understand that sheep carcasses on odd occasions are being washed up on our beaches.

The explanation has been given that it is a by-product of the live-sheep export trade. Seaside councils continually complain to me about having to spend ratepayers' money to remove debris washed up on our beaches, particularly the debris that comes down the Patawalonga River, the rubbish that comes down from the hills, from the foothills and the south-eastern suburbs, and also the debris that collects in the Torrens River outlet. This is having an adverse effect on the popularity of beaches at West Beach and Henley Beach. My council and my constituents are also concerned that, if sheep carcasses continually are washed up on the beaches during the summer, this would detract from the general use of the beaches and also create a health hazard.

The Hon. W. A. RODDA: I do not know that I can acknowledge responsibility for sheep carcasses being washed up on the metropolitan beaches, but I do recall that, I think in early August, a ship did have engine problems in St Vincent Gulf.

The Hon. W. E. Chapman: A very isolated case.

The Hon. W. A. RODDA: As my colleague says, it was a very isolated case. Although it was not proven that these carcasses came from that vessel, the Department of Marine and Harbors was approached on the matter. The policing of such problems is exceedingly difficult under the existing regulations. The Department of Marine and Harbors is looking at the regulations which presently apply only to debris (and dead sheep would come under that category) within a harbor; St Vincent Gulf is not a harbor. This has posed a problem.

The department is looking at the tightening up of those regulations and the possibility of widening them. By the same token, there has been discussion with shippers and masters of ships moving live sheep from the port of Adelaide and other ports around the country. Of course, if sheep are cast overboard it is required that they be gutted, and not in proximity to where it may offend the electorate of my friend the member for Hanson. As the law now stands, the responsibility cannot be sheeted home to the Department of Marine and Harbors.

SPEECH AND HEARING CENTRE

Mr HAMILTON: Will the Minister of Education say when the Speech and Hearing Centre at Woodville Primary School will be ready for occupation? Honourable members will recall that towards the end of 1980 this centre was badly damaged by fire. In December 1980, as a result of my representations, the Minister advised in writing that the centre would be repaired and available for occupation in the first term of 1981. On 25 July 1981, the welfare club of the Woodville Primary School wrote to me and stated in part (quoting from page 287 of *Hansard*):

> We are writing to you to express our concern over the Speech and Hearing Centre at Woodville Primary School. When the centre's premises were destroyed by fire last year, the school offered temporary accommodation in the building that was being developed as an expressive arts centre. We understood that this situation was to apply to the end of the 1980 school year. Work on the new buildings has been at a standstill since the beginning of this year and it now seems that the centre will not be able to transfer back to its own area until the beginning of next year.

The letter further explained the problems that the pupils and teachers are experiencing. The Minister replied as follows:

> I sought a departmental report on the replacement of that unit, partly at the request of the honourable member. That report is not yet to hand. As a matter of urgency, I shall see that I get it, and I will make it available in writing to the honourable member.

On the following day, 6 August, the Minister made a Ministerial statement in this Chamber, in which he stated:

> Yesterday in the House the member for Albert Park asked for a progress report on the replacement of the fire-damaged buildings at the Woodville Speech and Hearing Centre. I am now in a position to tell him that work will begin on the new buildings on Monday next and the work is expected to take about six to eight weeks. I will forward a more detailed report of the building specifications as soon as possible.

That eight-week period was up on 30 September 1981. That was seven weeks ago, and this work is still not completed. Finally, I received the following correspondence yesterday concerning the problems at the Speech and Hearing Centre:

> 1. Continued use of rooms with poor acoustics, lessening chance of children using hearing aids effectively and, as a consequence, learning to adequately use their residual hearing.
> 2. Certain programmes within the centre being continually curtailed because of lack of suitable areas to work on them.
> 3. Difficulty of administration where there are inadequate areas for school assistants and principal to operate from.
> 4. Continued necessary use of primary school phone which has caused some tension periodically.
> 5. Difficulty in coping with staff morale, which is quite low because we have no facilities of our own.
> 6. Curtailing of some primary school programmes because we are using their facilities.
> 7. Difficulty in maintaining harmonious relationships with the host school (primary school) even though they are aware of the difficulties we face.

Will the Minister now take prompt action to ascertain why this bungling has occurred and when this work will be completed?

The SPEAKER: Order! The honourable member did not need to make the unfortunate comment towards the end of the explanation. I also draw all members' attention to the fact that a question, once asked, does not need to be repeated.

The Hon. H. ALLISON: I can understand the honourable member's concern, particularly as he has had earlier Ministerial assurances. I was under the firm impression that the completion dates had been given to me in good faith with every intention of their being met. I shall make sure that I get an urgent report to ascertain, first, why the completion date was not met and, secondly, when it will be met.

IRRIGATION PERPETUAL LEASES

Mr LEWIS: Whereas the category of perpetual lease-owned land for pastoral agricultural purposes has a statutorial provision that enables such land to be freeholded by

the leaseholder, does the Minister of Lands consider that there is an historical anomaly in the category of irrigation perpetual leases, in that they cannot be freeholded under the law at present? If the Minister sees that as an anomaly, does he have any plans to rectify that situation?

The Hon. P. B. ARNOLD: The situation is that as was outlined by the member for Mallee. The Government intends to introduce in the very near future a Bill to rectify that situation. I have also taken the opportunity to prepare representations to the Federal Minister for Primary Industry on this very subject, because the war service land settlement schemes in irrigation areas come under the same conditions as the irrigation perpetual leases in South Australia in that, when the war service land settlement schemes were established, a provision was built into the lease for freeholding purposes; a cost was built in at that time, and the figure was written into the lease. Unlike the broad-acre properties, the irrigation war service leases did not have that provision.

Representations will be made to the Federal Government seeking agreement to adopt the same attitude as has been adopted by the South Australian Government. I expect that I will be in a position during the next week's sitting of this Parliament to introduce a Bill to amend the Irrigation Act to enable freeholding of irrigation perpetual leases to occur.

RETRENCHED EMPLOYEES

Mr MAX BROWN: Will the Premier have meaningful discussions with the management of the Santos board to establish with it top priority for the employment of retrenched employees from the firm of N.E.I. (previously Reyrolle Parsons) in Whyalla, which will be closing its operations early in 1982? The Premier would be well aware of the difficulties appertaining to N.E.I. to keep in existence, and its closure, and also of the Government's failure to bring about a practical solution to that closure. So that the Government may be given another chance to assist those people who will be losing their jobs in early 1982, I ask the Premier this question, hoping that he will take the opportunity to show in a practical way his alleged—

The SPEAKER: Order!

Mr MAX BROWN:—concern—

The SPEAKER: Order!

Mr MAX BROWN: —for the unemployment situation.

The SPEAKER: Order! The Chair will no longer tolerate constant comment after a member has been called to order. I ask members to give due consideration to Standing Orders as they relate to questions: *(a)* that a single question will be asked; and *(b)* that a simple explanation will be given relative to that question, and that such explanation will not contain comment.

The Hon. D. O. TONKIN: I shall be pleased to have discussions with Santos on this particular matter, although I must point out to the honourable member that Santos will not be employing a great number of people and that most of the employment that will be created on the Stony Point site and in its related industry will be through contractors. N.E.I. has had some difficulties. I must say that I very much appreciate the work that has been done by the Minister of Industrial Affairs, who has done everything possible in an attempt to find a solution to this problem. Unfortunately, it has not been possible to find someone prepared to take over either the premises and the work force or the business itself as it exists. However, every effort has been made to do so.

There will certainly be a demand for labour around the site and throughout the entire area because of the multiplier effect. The details of the pipeline, treatment works and, if possible, other developments at that site have been too often disclosed in the House by me for me to waste the time of the House going through them in detail again now. Suffice to say that hundreds of millions of dollars will be spent on that development. These are just the beginnings of what will literally be billions of dollars to be spent in the entire Cooper Basin and the pipeline area over the next few years.

I can only say that those people at N.E.I. who are threatened now can be pleased indeed that that demand for labour has been created, as it leaves them a great deal better off than people in other areas of the State where those alternatives are not available. I am perfectly happy to bring this matter to the attention of the Santos people. I hope that they will in turn bring it to the attention of the contractors who will be doing so much work on that site.

TEA TREE PLAZA

Dr BILLARD: Will the Minister of Transport investigate whether it is possible to provide improved facilities for cars exiting from the car parking areas of Tea Tree Plaza and, in particular, will he ascertain whether it is possible for cars to use the exit that is currently marked as a 'bus only' road? Some time ago, shortly after a new 'bus only' exit was opened from Tea Tree Plaza into a traffic-light-controlled intersection on the North-East Road, I received representations from constituents asking why cars were not allowed to use that exit, as it provided, they alleged, greatly improved facilities for cars leaving the parking area of Tea Tree Plaza.

I made representations to the Minister, and he indicated at that stage that the Highways Department would investigate the problem of cars leaving the Tea Tree Plaza area. Since that time there has been a letter to the *Advertiser*, and further representations have been made directly to me regarding this problem which relates particularly to cars travelling in the northern and eastern directions away from Tea Tree Plaza, leaving the plaza area at a point that is not controlled by traffic lights. At that point long queues of cars often build up waiting to enter the traffic stream. For that reason there has been great pressure for cars to use the bus-only road, where buses have very free and easy access into a traffic-light controlled intersection.

The Hon. M. M. WILSON: I will certainly have another look at that matter for the honourable member. As he correctly says, he did make representations to me some time ago on this matter, but the important thing is to see that if cars are allowed to use the bus-only exit they do not complicate the signalised intersection at all and slow down the traffic on the North-East road. I shall be very pleased to have a look at that matter for the honourable member and get a reply in due course.

RANDOM BREATH TESTING

Mr O'NEILL: Will the Minister of Transport give the House or obtain information regarding how many drivers have been tested by the breathalyser unit during the past four weeks by reason of procedures other than the random breath testing unit and how many breaches have been detected by those procedures? In the past four weeks some twenty-four drunk drivers have been detected by the random breath testing unit out of a total of 7 500-odd drivers tested since 15 October. That is a percentage conviction rate of .32 of 1 per cent. I do not deny that there may be a deterrent effect, but it would be interesting to know the percentage of drivers detected under the other procedures.

The Hon. M. M. WILSON: I will certainly get the honourable member those figures. As far as I am concerned, I am delighted if people are not apprehended under random breath testing, because it seems to me then that people are aware of the problems and dangers of drink driving and, because of that, it means that the deterrent effect of the legislation is working. I will certainly get the honourable member the figures concerning those apprehended for drink driving under the normal legislation. It looks very much (and I hope it remains this way) as though our road toll this year will be the lowest for over 10 years. I hope and pray that that remains the case. We are running some 50 road deaths behind last year. I do not for a minute say that that is only because of the introduction of random breath testing and the ensuing publicity, but it is a very heartening sign.

However, I would like to sound a note of warning that, because we do have what I am sure will be the lowest road toll for many years, we must be on our guard next year, because it is likely that if we are not careful the same thing will happen in South Australia as happened in Victoria, where there will be perhaps an unfortunate rise in road deaths in the following year. This happened in Victoria last year: that State had the lowest road toll for many years (10 years or so), and this year the toll of road carnage has risen again, although it is still well below that of former years.

That in itself will not be a proof that random breath testing is not working. I would like to warn the South Australian public that there has been much publicity about random breath testing and road safety, suggesting that people should not relax their guard once they have become used to the measure.

I refer to a couple of other indicators that may interest the House. My colleague, the Minister of Health, has said that preliminary information from hospitals indicates a reduction in casualty admissions and that the hospital staff put this down to the implementation of random breath testing. I might add also, on a somewhat ironic note, that we have before us legislation dealing with the tow-truck industry and, although I do not intend to canvass that, one of my officers told me recently that one member of the tow-truck industry was complaining because the number of accidents was down by about 30 per cent in his area. I can only say that, while I would hate to see people lose their jobs because of any legislation introduced by this Government, I am absolutely delighted to think that there has been a reduction in the number of accidents.

FISH DISEASE

Mr GLAZBROOK: Can the Minister of Fisheries advise whether the Department of Fisheries is investigating ways of controlling the importation of goldfish as a means of ensuring that South Australia remains free of aeromonos-almonsida or furuncalosis, and what action is being taken to ensure the co-operation of the pet trade? I am told that cases of furuncalosis (which I understand is a scale disease) were discovered in Victoria in 1973-74 and that it is believed that the original source was Japan. I further understand that, whilst the Federal Government has rejected the need to restrict completely the importation of goldfish, a view is held that there should be a national fish disease plan which should be implemented by the State Governments. I am further told that Australia imports more than 1 000 000 live fish a year, and that it is indeed a large business, which could be affected if any undue regulations were brought in.

The Hon. W. A. RODDA: This matter was discussed at some length at the most recent conference of the Australian Fishing Industries Council, although it did not relate to an animal of the name referred to by the honourable member. I will settle for the good old furuncalosis. Some people seem to believe that furuncalosis is an acceptable disease that we can have in this country, whereas others state adamantly that such a scourge should not be admitted to this country. I am sure the Minister of Health will have a vested interest in this if ever agreement gets to the stage—

Mr Trainer: She sounds like she is suffering from a case of it.

The Hon. W. A. RODDA: I did not know that the common cold was so described. The question of diseases in fish, as with animals and reptiles, is of great concern to those people responsible for ensuring that this industry is kept on an even keel. The matter referred to by the honourable member has been the subject of wide discussion amongst all the people who have responsibilities in this area. I will be pleased to get for the honourable member an updated report concerning furuncalosis.

TOURISM FIGURES

Mr SLATER: Is the Minister of Tourism aware of the latest tourist figures for South Australia issued by the Australian Bureau of Statistics? These statistics show that the room occupancy rate of hotels and motels in South Australia for the June 1980 quarter was 53.6 per cent and for the June 1981 quarter 53.5 per cent (a slight reduction) compared to the Australian average of 58.6 per cent.

The Hon. JENNIFER ADAMSON: I have not seen the figures, and I think the best thing that I can do—

The Hon. M. M. Wilson: Give it in writing.

The Hon. JENNIFER ADAMSON: —is give the honourable member a reply in writing.

WATER SUPPLY

Mr MATHWIN: Can the Minister of Water Resources state the present holdings of water in the metropolitan reservoirs after the recent rains? The Minister will be aware that it is expected to be a very hot summer this year. The heavy rain last weekend, which unfortunately upset the Christmas pageant, must have increased the holdings of water in the reservoirs.

The Hon. P. B. ARNOLD: I do have the information that the honourable member is seeking, and it is clearly set out. The average content of the metropolitan reservoirs stands at 92 per cent. Mount Bold reservoir is at 86 per cent capacity, Happy Valley 99 per cent, Clarendon Weir, 96 per cent, Millbrook 83 per cent, Kangaroo Creek reservoir 92 per cent, Hope Valley 96 per cent, Little Para 98 per cent, Barossa 93 per cent, South Para 94 per cent, and Myponga 97 per cent. This puts South Australia, and particularly the metropolitan area, in a very favourable position at the beginning of summer, with an average capacity of 92 per cent.

At 3.8 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

BUILDING ACT AMENDMENT BILL

Second reading.

The Hon. D. C. WOTTON (Minister of Environment and Planning): I move:

That this Bill be now read a second time.

This short Bill effects two significant changes to those areas of the Building Act that relate to the Building Advisory Committee. First, the Bill seeks to change the current situation whereby the Minister responsible for the administration of the Act is unable to recommend to the Governor any alterations to the regulations under the Act unless the Building Advisory Committee has first recommended the proposed alterations. The Government believes that this constraint in effect invests more power in the committee than is appropriate for an advisory body. The Bill provides for a much more satisfactory situation whereby the Minister will continue to consult with the committee over any proposed amendments to regulations, but will have the ultimate right to decide whether or not such amendments are to be submitted to the Governor.

The Bill also seeks to increase from six to a maximum of 10 the membership of the Building Advisory Committee. This will enable further appointments to be made of persons who have direct experience in the building industry, whether as building contractors or professionals involved in building design. Consideration will also be given to appointing a person who is an elected member of local government and who has experience in the building industry and a good working knowledge of the building regulations. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends the regulation-making power by providing that the Governor may make any regulations after the Minister has consulted with the Building Advisory Committee. Clause 3 provides that the Building Advisory Committee shall consist of not more than 10 members.

Mr HEMMINGS secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 5)

Adjourned debate on second reading.

(Continued from 12 November. Page 1908.)

Mr O'NEILL (Florey): The Opposition does not intend to oppose this Bill. We understand that some problems have occurred through different jurisdiction areas relating to roads and property abutting Parliament House, and that there is a good argument for ensuring that these differences are removed. Only one point has caused the Opposition concern, namely, the proposed striking out of subsection (4), which left the discretion of proceeding to prosecution against offenders in the hands of the Minister of Works.

However, I consulted with the Minister of Transport and the Minister of Works in respect of the procedures to be followed. The Opposition is satisfied that no change will take place in relation to what now happens at what might be called the front of the House on North Terrace. Members on this side, and probably Government members, may have felt concern about their electorate secretaries, or others acting on their behalf, who must come to the House on business and who do not have parking facilities in other areas available to them.

Without seeking a privileged position for members of Parliament, members are sometimes forced, by time constraints, to park at the front of the building. When this Bill becomes law, members will be able to park at the side of the building, or in the area surrounding the Constitutional Museum, I presume. However, there are occasions when it is necessary to park there for a short period. Having received those assurances from the Minister responsible for giving permission to park, the Opposition raises no objection to the passage of the Bill.

Mr MILLHOUSE (Mitcham): I feel quite strongly about this measure. When I first became a member of Parliament, every member was allowed to park outside Parliament House. We had some parking at the back of the building. I cannot think what is there now.

Mr Evans: It was the Government Printing Office.

Mr MILLHOUSE: Yes, the Government Printing Office was there, and there were a few shelters where motor cars could be parked. I have resisted the efforts of successive Governments and Ministers of Works to take away the privilege of parking outside Parliament House, and I propose to continue to resist those efforts. It is well known, and I found out by answer to a Question on Notice, that no-one has ever been prosecuted for parking outside Parliament House. It does not matter who it was: no-one at all has been prosecuted.

Mr Slater: Even your purple jeep!

Mr MILLHOUSE: Yes, even my purple jeep: the Liberal Movement purple, as the Minister of Transport would see to his embarrassment from time to time. Indeed, it is not a jeep; it is a Mini Moke. It was driven by the Premier's daughter when he was an active member of the Liberal Movement.

The SPEAKER: Order! I ask the honourable member to come back to the clauses of the Bill.

Mr MILLHOUSE: With absolute deference, that may be of some sensitiveness to you personally, Mr Speaker, as you were Leader of the Opposition at the time.

The SPEAKER: Order!

Mr MILLHOUSE: I did not want to bring it in at all; someone else brought it in for me.

Members interjecting:

Mr MILLHOUSE: Can I get on with it, Sir?

The SPEAKER: Order! The member for Mitcham may not have very long to continue the debate if he continues in the vein that he is currently following.

Mr MILLHOUSE: I am doing my best to get back to the Bill. It had always been a matter of course that members of Parliament could park outside Parliament House. It was one of the few privileges that we had in the early days of my membership of the place. I well remember that in 1966, soon after the Walsh Government came into office, when the Hon. Mr Hutchens was the Minister of Works, some well-meaning policeman who was then stationed to look after us outside the House decided that it would be a good idea if only Ministerial vehicles were to use the central part in front of the main entrance to the building. He started to shoo away private members who were parking their cars there. As soon as Cyril Hutchens heard about this (it was during a sitting of the House—during Question Time or just after), he immediately personally went out there and told the policeman that he was not to do that, but that that parking area was available to all members of Parliament, irrespective of whether they were Ministers, the Speaker, whoever they might be, and that there was to be no distinction between members parking outside the front of Parliament House.

I can see the present Deputy Leader of the Opposition looking a bit shame-faced about this, because when he was the Minister of Works it was he who said that private

members of Parliament no longer were to park there, but only the Ministerial cars were allowed to use that area. I resented that very greatly. The present Minister of Public Works, or whatever he calls himself, has carried that on. But, I have noticed that it has been honoured in the breach and not in the observance, and that I am by no means the only member who parks outside Parliament House on North Terrace, as I always have. Others do it as well. As I said, no member of the public has ever been prosecuted for parking there, nor should they be.

Now, I look at it in a rather different light. I can really see no reason at all why that area outside Parliament House should not be used by any member of the public for parking when Parliament is not sitting, certainly at weekends and on non-sitting nights. Yet, if the letter of the law is to be observed under the present arrangements, and no doubt under the new ones, that area is simply wasted and not used by anybody. Why we should arrogate to ourselves, or the Government should arrogate to itself, if it could, the right to use this parking area and keep everyone else away from it, I cannot imagine. If one comes in here on a Friday, Saturday, Saturday night, Sunday, or Sunday night, the whole of that area is left vacant as a rule, except for one or two cars. Why that should be, I do not know. Either it is safe to park there at all times (and, of course, we have changed from angle parking to parallel parking, because it was said that it was dangerous, and therefore now fewer cars fit in; that was said to be for safety reasons) or it is not safe to park there at any time. If any member in this place can tell me why members of the public should not park in front of Parliament House, at least when Parliament is not sitting, I would like to know about it.

The Hon. J. D. Wright: They do.

Mr MILLHOUSE: But they are not allowed to. They are not supposed to.

The Hon. J. D. Wright: They do.

Mr MILLHOUSE: Of course they do, and good on them. So do I. But, it was the fiat of the Deputy Leader of the Opposition, when he was a Labor Minister, one of the people's men, which ordained that nobody would park there. The present crowd, which is just as exclusive and jealous of the privileges of being Ministers and members of Parliament as are the Labor Party, probably more so, has carried it on. What possible justification is there for it? None! This Bill does not make any provision to allow people to park there at all at off sitting times. Why not? Why should we prevent the whole area from North Terrace down to the railway station on this northern side from being used by people who want to go to the Festival Theatre, to one of the bars there, or even to the railway station? Even though it may be honoured in the breach and not in the observance, it is a bad thing to have this privilege here which we reserve for ourselves and, if the Government had its way, simply for them and nobody else.

I do not mind particularly subsection (4) going out of section 85, although I suspect that it is being taken out to avoid the embarrassment of the Minister of Public Works, a politician, having to authorise prosecutions that will be unpopular. That, I guess, is the real reason why it is going out, so that the police will simply do it in the normal course of events. I can say that, if I am prosecuted, I will fight it. If I am convicted and fined, I will not pay the fine. I hope that other people will do the same thing because when we think it through—and I have just thought it through as I have been standing here talking—the real reason for this is that people will be prosecuted by the police, and not by a Minister of the Crown, who would thereby lose some political popularity by it.

I do not know whether the Labor Party people have woken up to that. They may be in the plot—I do not know about that—because they will be in office one day, either after the next election, or sooner or later. Maybe that is how they want it. I do not believe that it is a good thing to do, certainly now, if it is an anomaly that part of the area should be controlled, as the second reading explanation says, under the provisions of the Local Government Act and the rest not. But, I would prefer to see the whole of this strip of kerbside controlled in the normal way by the Adelaide City Council, and I cannot see why it should not be. Then provision could be made. Damn it all, we have a forest of signs up everywhere else in Adelaide, and there are enough out there now. There is no reason why it should not be an area where members of the public cannot park while Parliament is sitting, but at other times it is free for anybody to park there. Why should not that be the case, as with other parts of the city?

Mr O'Neill: Parking meters?

Mr MILLHOUSE: I do not say parking meters, but if the member for Florey gets about in Adelaide he will see that there are many areas where there are not parking meters which are prohibited areas during business hours, but then from 5 p.m. or 5.30 p.m. onwards anybody can park there. Why cannot it be the same outside Parliament House? Why do we have to have this privilege for ourselves, for Government drivers, and so on? I have never been able to understand why it is too much trouble for Government drivers to go around into the Festival parking area and to park there if they want to. I cannot see why they should have this privilege, really because they cannot be bothered doing anything else and they can whisper in the ears of their Ministers. I have been a Minister myself, and I know the influence a driver has; you are with him a lot of the time, and the sorts of thing he talks to you about do tend to influence you. Why should they have that privilege?

Mr Hamilton interjecting:

Mr MILLHOUSE: I did lots of things. I used to travel to town by train every day, even though I had a car. The honourable member for Albert Park ought to give me full marks for that; he is a railway worker.

An honourable member interjecting:

Mr MILLHOUSE: Of course I did not, any more than anyone else avoids being influenced by his driver. He becomes a friend and confidant. There is no doubt about that, and there is nothing wrong with that. But when it is used, as I suspect it has been used in latter years, for them to get the right to park outside Parliament House when no-one else does, I think that is a bad thing, and it should be resisted, but successive Ministers have been too weak to resist that.

The thrust of what I am saying—and I was taken a little by surprise that the debate came on so quickly, as this was No. 9 on the Notice Paper—is that, for the life of me, I cannot see why any of us alone should have this privilege of parking outside Parliament House and exclude the general public, at least when Parliament is not sitting. If any other honourable member would like to get up when I sit down and tell me why, I should be glad to hear it, but I will bet no-one does, because everyone wants this to go through. It is a nice little perk. As long as we can defy the law and park there as we like, very well, but I suspect that this will make it easier for people to be prosecuted, because it will be a prosecution in the normal way. As at present advised, I do not like this Bill, and I propose to vote against it.

The Hon. J. D. WRIGHT (Adelaide): I did not intend to speak on this Bill, because I thought it was a relatively simple one, as I understood it.

Mr Millhouse: Yes, like Parliamentary superannuation.

The Hon. J. D. WRIGHT: If you want to speak about superannuation—

The SPEAKER: Order!

The Hon. J. D. WRIGHT: I thought it was a relatively simple Bill which merely extended to the back the rights and wrongs occurring out the front at the moment; no more and no less than that. In talking to some Parliament House staff, with whom the member for Mitcham may have no contact and for whom he may have no consideration, I am informed very strongly that, day after day at the back of the area, where loading and unloading is done, it is impossible to get in; in fact, there was an accident. One person fell down the steps while shifting some material in, and hurt himself.

The obligations of the Government extend at the moment only to the front and not to the back of Parliament House where loading and unloading is done. I think it is only right and proper that staff be given consideration in these circumstances. If there is no control over that area, then control has to be given; there is no question about that. That is basically, as I understand it, what the Bill does.

I was not prompted to take part in the debate because of the contents of the Bill, because I thought our leading speaker, the shadow Minister of Transport, handled it effectively, and explained our side of the question. I am prompted to come into the debate because the allegations made by the member for Mitcham are not quite accurate.

Mr Millhouse interjecting:

The Hon. J. D. WRIGHT: They are not accurate. The honourable member said that I sat here shame-faced. I am not shame-faced about anything I did in relation to parking in this place. If the honourable member wants to walk around and ask the staff in this place who looked after them best in relation to parking, he will find it was during my short period as Minister of Public Works. I created parks at the back that they had never had. They were in all sorts of difficulties, because there was no parking available for them.

The honourable member also talked of Cyril Hutchens, a previous member of the Opposition and a Minister of the Frank Walsh Government, challenging policemen not to interfere with people when they were parking in that area. The member knows full well that there is a vast difference in the parking situation, the traffic flow, and all other conditions applying there at the moment. I changed the parking situation in front of Parliament House, not because we did not want members parking there, not to give special consideration to Ministers or anyone else, but because we wanted to help the traffic flow. We changed the angle of parking so that cars were ranking instead of parking. That produced better traffic flow and fewer accidents.

The other matter which was drawn to my attention during that very short period was that a couple of members' cars had been hit in the back, with broken lights, broken fenders and broken mudguards. It was at the request of members, at that stage, who came to me and asked whether I could do something about the parking out there, that I took action.

An honourable member interjecting:

The Hon. J. D. WRIGHT: I did not interfere with the honourable member. I let him carry on in his normal way. It did three things: it allowed traffic to flow quite competently; it avoided accidents to cars of members parking there at that stage; and it gave a full complement of parking out the back. Let us place this on record. There is probably no-one working anywhere in Australia, certainly in South Australia, who has better facilities for parking than have members in this place. There is underground parking and one comes through a tunnel, up in the lift, and does not even have to get out in the wind and the rain. So it is no good the member for Mitcham complaining about parking facilities in Parliament House, because the parking facilities for members and for staff are on record as being the best. I am very proud to have had some part in that.

The final point I want to make in relation to the allegations of the member for Mitcham is that a part of my instructions at that stage—I was Minister for only six months—was that Ministers' cars could not park there either. I walked out one day to see a fleet of white cars, and I thought that nothing could look more disgraceful. I also issued instructions at that stage that Ministers' cars were to go back to the garage, that they were merely there to pick up the Ministers, the Speaker, or whoever else was entitled to the use of a car. They were not entitled to park there. To me, it was a pick-up and drop-off place, and that is how it remains.

Mr Millhouse interjecting:

The Hon. J. D. WRIGHT: I do not know what is happening; I am not in charge of the operations of the House at the moment. As I understand it, it is a very similar provision. The Minister is shaking his head.

Members interjecting:

The Hon. J. D. WRIGHT: The Minister is nodding his head. It is no good the member for Mitcham getting up and putting up a camouflage over this situation, because he is being totally inaccurate about the past and no doubt about the future.

Mr Millhouse: Before you sit down, Jack, tell us about the—

The SPEAKER: Order! The question is that the Bill be read a second time.

Mr Millhouse: You tell us about—

The SPEAKER: Order!

The Hon. M. M. WILSON (Minister of Transport): I will not delay the House. I thank the member for Florey and the Deputy Leader for their contributions. The Deputy Leader summed it up very well and answered the member for Mitcham, for which I thank him. The Bill does nothing to change the present arrangements; all it does is bring the two parking areas together; it takes away the power of the Minister of Public Works to issue an action and it leaves the power for the Minister of Public Works to issue the authorities or permits, and there is no change in that whatever. There is no change likely to occur in the arrangements for people parking at Parliament House. I understand that the general public can park here when Parliament is not sitting: that is my understanding from the Minister of Public Works. Since this Government came into office, I do not think there has been any change in the arrangements for parking at Parliament House from those arrangements that were brought into effect by the Deputy Leader when he was Minister in this portfolio.

The SPEAKER: The question before the Chair is that the Bill be now read a second time. Those of that opinion say 'Aye', and against 'No'.

An honourable member: No.

The SPEAKER: I believe the Ayes have it.

Mr MILLHOUSE: Divide!

While the division was being held:

The SPEAKER: Order! There being only one member on the side of the Noes, the motion therefore passes in the affirmative.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Control of parking near Parliament House.'

Mr MILLHOUSE: I do not like the clause at all, certainly the second part of it, the provision that allows the Minister of Public Works to abdicate the responsibility for

initiating prosecutions. If we are to extend the area down to the Constitutional Museum (and as I said during the second reading debate, I think it should be the other way around; I think the Local Government Act should extend along the whole of the frontage of Parliament House), and obviously that is what members want, as indicated by their vote, at least if we are to prosecute people for parking in that area, the responsibility should be taken by a Minister and not by some anonymous police officer, as that is what it comes to. I move:

Page 1, lines 20 and 21—Leave out placitum *(b)*.

I have the amendment here in writing if someone will take it up to the Chair.

Mr Becker: Where is it?

Mr MILLHOUSE: Here it is.

Mr Becker: How about passing us a copy?

Mr MILLHOUSE: Don't be so absurd.

Mr Becker: With Ministerial statements and everything else—there is one law for you and one for everyone else.

The ACTING CHAIRMAN (Mr Mathwin): Order!

Mr MILLHOUSE: The member for Hanson has got Ministerial blues. He is not a Minister and he is getting pretty depressed about it, going on like that and taking it out on me.

The ACTING CHAIRMAN: Order!

Mr MILLHOUSE: I do not mind if he does. I feel sorry for him in some ways, because he was in the shadow Cabinet.

THE ACTING CHAIRMAN: Order!

Mr MILLHOUSE: He was ahead of you, Mr Acting Chairman, in the pecking order; he has more reason to be upset about it than you have.

The ACTING CHAIRMAN: Order! I ask the honourable member to come back to the amendment.

Mr MILLHOUSE: Let me come back to the amendment. I have made my views quite clear in the second reading debate. I said that undoubtedly the reason for the striking out of subsection (4) of the section was to make it easier for people to be prosecuted for parking out there on Saturdays or Sundays, whenever it may be. We are striking out the provision:

A prosecution for an offence against this section shall not be commenced except with the authority of the Minister of Works. A document purporting to give such consent and purporting to be signed by the Minister of Works shall be *prima facie* evidence of such consent.

Of course, the Minister's title is now changed to 'Minister of Public Works'. One can imagine the odium if there was a prosecution, and the prosecutor in the Adelaide Magistrates Court had to read out 'I have got a certificate from the Minister of Public Works for this prosecution to go ahead.' That is why there never has been a prosecution of anyone for parking out there since Parliament House was built. There is no doubt whatever about that.

This is just a sly little trick on the part of the Government to get rid of that possibility of odium, and to prosecute people who park there. It may be, as the member for Fisher interjected a little while ago, that the notices do not say 'No parking', but there is something written in yellow on the roadway that gives a message to anyone that they are not to park there.

Why should people not be able to park in front of Parliament House or the Constitutional Museum on a Saturday afternoon, Saturday night or Sunday when they go to Holy Trinity to church? The Minister of Transport says that they can park there now. I do not know what the proclamation states, but the signs certainly forbid parking there, as he well knows.

The Hon. M. M. Wilson: I think I said that they do park there.

Mr MILLHOUSE: No, the Minister said that there is no reason why they should not park there. There is. The little red perpendicular signs state 'No parking except by permit', or something like that. Those signs are definite and give everybody the impression that they should not park there. That is just meanness and exclusiveness on our part. If we are to start prosecuting people for parking in these areas there should be someone in Parliament (be it the Minister of Public Works, or somebody else) to stand up and take responsibility for this matter instead of shuffling it off on to the police. It is for that reason that I move my amendment.

Mr BLACKER: I listened with some interest to the amendment of the member for Mitcham and the explanation he has given for it. I can see that equally as good a case could be made the other way, because, if a Minister had to sign a docket that a prosecution should take place, that could influence a judgment on the offender.

Mr Millhouse: Don't be silly.

Mr BLACKER: It has Ministerial approval to proceed.

Mr Millhouse: I have never known it to happen, and there has been plenty—

The CHAIRMAN: Order!

Mr BLACKER: I accept that point, but I do not think we are arguing over an issue of much note. Will the Minister say whether the passing of this amendment would preclude handicapped persons, who have some rights within restricted parking areas throughout the city, from parking in that area or infringe on the rights that they have in other areas?

The Hon. M. M. WILSON: The member for Flinders is referring to the Bill, and not to the amendment, I take it?

Mr Blacker: Yes.

The Hon. M. M. WILSON: As I understand it, there will be no difference from the situation that applies now with regard to parking in front of Parliament House, other than what has been explained during this debate. I am assured by the Minister of Public Works that that is to remain the case.

Mr O'NEILL: The Opposition's clear understanding of this matter is as the Minister has just explained it. We expressed some concern about the removal of subsection (4). I have listened to what the member for Mitcham has said in this respect. I think he may have been engaging in some flight of fancy. Although he is a legal authority of some note in this State, and I would not deign to argue with him on legal matters, all I know is that the Opposition has been assured that there will be no change in current procedures which, I understand, have allowed people, without detriment to themselves to park in front of Parliament House on week-ends and when Parliament is not sitting. I imagine that it is the intention of the Government, and this is the impression that the Opposition has been given, to allow those procedures to prevail.

Mr MILLHOUSE: If I can get the attention of the Minister in charge of the Bill (who is not even the Minister of Public Works, the Minister responsible; he has shuffled it off on to the Minister of Transport), what provisions are there now at law to allow handicapped people to park outside Parliament House? My belief is that there are none.

Mr O'Neill: There is provision at the back to allow them to get in.

Mr MILLHOUSE: I hear the so-called shadow Minister saying that there is provision at the back to allow handicapped people to get into the building. I remind him that the only way (and I had to fight for six months to get it agreed to and then for another 12 months before it was implemented) handicapped persons can get into Parliament House in a wheelchair, say, is for them to cross the footpath towards the main entrance of the Constitutional Museum, go along inside the wall fronting the footpath outside the

Constitutional Museum, through the little gateway that is now on a convenient spring so that I can push it open with my bike (and I guess lots of us can do that now without any trouble), and to the door on the south-western corner of the House. It is absurd to say that handicapped people can come in from the back, because there are steps there. They have to come in from North Terrace if they are to take any advantage of the facilities provided.

However, that door is never open. I have never seen a handicapped person use it yet and I have no idea whether there is any arrangement for it to be opened for handicapped persons. Let that go. If handicapped persons are to get into this place they have to use that area I have just described. I will bet my bottom dollar that there are no provisions anywhere, in a proclamation or anywhere else, for handicapped people to park on North Terrace so that they can use that entrance. We will see what answer the Minister comes up with. He will not come up with a definite answer, because he will not know, but he will say something.

The other matter I want to ask the Minister about, if I can get his attention away from his buddy who is usually on the other side of the House and who is making common cause with him on this Bill—

The CHAIRMAN: Order! I suggest that the honourable member come to order.

Mr MILLHOUSE: It is not much good my asking a question if the Minister is not listening.

The CHAIRMAN: Order! I suggest that the honourable member should not argue with the Chair.

Mr MILLHOUSE: The second matter I ask the Minister about is whether or not it is lawful, or whether it is proposed to make it lawful, for members of the general public to park outside Parliament House and the Constitutional Museum at times when Parliament is not sitting and particularly on non-sitting nights and week-ends and, if so, will notices to that effect be erected?

The Hon. M. M. WILSON: In answer to the honourable member's first question, as I understand it he is quite correct: access for handicapped people into this Parliament is via the route he explained. I do not deny that at all; that is my understanding. Secondly, as to whether I intend to make it lawful for members of the general public to park in front of Parliament House on non-sitting nights and week-ends, it is my understanding that they do that now.

Mr Millhouse: It is not lawful.

The Hon. M. M. WILSON: The honourable member for Mitcham, who is a lawyer, says it is not lawful. I will look at the matter for him.

The CHAIRMAN: The question is that the amendment be agreed to. Those in favour say 'Aye'; against 'No'. I think the Noes have it.

Mr Millhouse: Divide!

While the division was being held:

The CHAIRMAN: Order! There being only one member on the side of the Ayes, I declare that the Noes have it.

Amendment negatived; clause passed.

Title passed.

The Hon. M. M. WILSON (Minister of Transport): I move:

That this Bill be now read a third time.

Mr MILLHOUSE (Mitcham): I oppose the Bill, and I suppose members will not be surprised to hear that I do oppose it, but it is a thoroughly bad one. It deals, of course, with a matter of quite minor importance, members may say, but we are allowing ourselves to do something that deprives members of the general public of the right to park outside Parliament House when there is no reason whatever to do so. I have no doubt that the real reason why subsection (4) of section 85 is being cut out—

The Hon. M. M. WILSON: I rise on a point of order. I submit that the honourable member is recanvassing the second reading debate and not the Bill as it comes out of the Committee.

The SPEAKER: I do not uphold the point of order. I have listened very carefully to the point the honourable member for Mitcham was making, because it was my intention to intervene at the very first sign of his transgressing. He has gone close, but has not quite got there. The honourable member for Mitcham is addressing the third reading of the Bill as to the manner in which it came from the Committee.

Mr MILLHOUSE: I am referring to the most obnoxious part of the Bill as it came out of the Committee, that is, the striking out of subsection (4) by clause 2 *(b)* of the Bill. I was absolutely and completely in order, with great respect, Mr Speaker, as you have ruled. I entirely uphold your ruling and do it with great respect and deference. What we are allowing here is a prosecution of members of the public, which has never been undertaken before, for parking outside Parliament House.

The Minister knows that there can be a prosecution for parking there at midnight, on a Sunday night, or sometime on a Sunday or any time, because I bet my bottom dollar that there is no provision at all as to time in the prohibition against parking outside Parliament House. He said as much when he said that he would look into the matter, or something. That is not good enough. In my view, if we are going to do this sort of thing, that area should be available for anyone when it is not required for members of Parliament. Until that happens, I will not be satisfied. I am not satisfied now, and therefore I intend to oppose the third reading of the Bill.

The SPEAKER: The question before the Chair is that the Bill be read a third time. Those of that opinion say 'Aye'; against 'No'.

Mr Millhouse: No.

The SPEAKER: I believe the Ayes have it.

Mr Millhouse: Divide!

While the division was being held:

The SPEAKER: Order! There being only one member on the side of the Noes, the motion therefore passes in the affirmative.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Received from the Legislative Council and read a first time.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

STATUTE REVISION (FRUIT PESTS) BILL

Returned from the Legislative Council without amendment.

PLANNING BILL

Adjourned debate on second reading.
(Continued from 11 November. Page 1852.)

The Hon. D. J. HOPGOOD (Baudin): The Opposition supports the second reading of this Bill. This is a very significant piece of legislation, and we must realise that we are in fact legislating for the 1990s. The Act that this Bill repeals was first introduced into the House of Assembly in 1966 by Don Dunstan, then Minister of Local Government. As was the case with this type of measure, it was allowed to lie on the table. It was revived in the 1967 session, and passed into law.

There are some parallels between what happened at that time and what we now have before us, because the Planning and Development Bill as introduced in 1966 was based in part on a document prepared during the time of the previous Liberal Government, and I refer to what has become known as the 1962 Town Plan. This Bill, after two years of Liberal Government, is based in large measure on a document prepared during the time of the previous Labor Government, the 1978 Report on the Control of Private Development. So, one can see that in each case the legislating Government is drawing on material prepared in part during the time of the previous Government of a different political colour. In each case, of course, the prime author of the document has been Mr Stuart Hart, a gentleman who is in the precincts of the Chamber and who more than anyone else has very much influenced the direction of town planning in this State over the past 20 years or so.

The Planning and Development Act, which this Bill seeks to replace, has, of course, been amended many times during its now fairly long life. In fact, I am given to understand that there have been 23 separate Bills to amend the Act, 165 regulations and an additional 49 amending regulations. It is probably this mass of legislative material that led the member for Mitcham several years ago to describe in this Chamber the Planning and Development Act as a 'junk heap'. That we can take as being a typical piece of Millhousian hyperbole. Nonetheless, it is certainly true that, if the Government was not to introduce a brand new Act, certainly some major consolidation was overdue.

It is interesting that this measure is being introduced by the present Government, because it has been my observation that the Liberal Party historically has been rather ambivalent about the whole matter of planning.

The Liberal Party tends to have a rather different view of the role of Government in society than has my Party. Perhaps this reflects ambivalence within the community generally about the role of Government in society. At the public presentation of the Bill which I attended some months ago, I can remember a significant question from the floor of that meeting. A gentleman got up and asked Mr John Hodgson, who was answering questions, whether we would in the new planning Bill be controlled more or less, or in a different manner. Mr Hodgson replied for the record (I wrote it down word for word) that it would be 'in a different manner'. What interested me is that there is a world of difference between the outlook of a person who asks 'Will we be controlled more or less or in a different manner by a new legislative scheme?' and the person who asks 'Will they be controlled more or less in a different manner by the new legislative scheme?'

There are those people who see private development and the activities of private developers as being potentially a menace to the environment, to the amenity and to the orderliness of our lives and who therefore look to Government as a means of controlling this menace, either actual or potential, and then there are those people who largely see Government as being the enemy, as being, if I may use a somewhat ancient phrase, the leviathan, which has to be controlled in the interests of human freedom. I largely pitch my tent with those who see the necessity for Government to be involved in controlling the activities of those who would otherwise force upon us by their activities certain sets of options that we would regard as being unacceptable. In any event, it has always seemed to me that the Party that the Minister at the table represents has taken common cause with those people who view government as somewhat of a leviathin: something that has to be controlled in the interests of human freedom. Maybe that is why more than 200 amendments were filed in 1967 when the Planning and Development Act was introduced.

Certainly the motives of the Labor Government at the time were very much suspect in the minds of the Liberal Opposition. It must also be conceded that at the time the Liberal Party had quite a different electoral base from that of the Labor Party and that there was very little chance of broadening that electoral base. We must remember that this was before the 1969 reallocation of electoral boundaries, which largely completed the process of tipping the electoral balance in favor of the urban majority of electors.

The Liberal Party's electoral base was in the country areas, as it still largely tends to be, and of course its metropolitan toe-hold was rather less than it is at present. I guess there were fewer electoral reasons for bringing in measures which, although they apply potentially to the whole of South Australia, tend more to do with urban living than rural living. In any event, at that time a good deal of Parliamentary debate and time was given, a very large number of amendments was moved, the Liberal Party had control of the Legislative Council, and it was able to force the Bill to a conference of managers.

I do not think that the Minister is going to have that sort of trouble with us as an Opposition because we see a good deal of the philosophy in this Bill as being our philosophy, as being of our making. We will not be filing anything like 200 amendments, but we will be moving amendments and we will be pressing them vigorously in both Houses.

South Australia was for many years without effective town planning legislation. I sometimes muse on the opportunities that were wasted during those years. At present the Government is legislating for a Torrens River valley linear park and wants to do all sorts of things. It is unfortunate that those many years of lack of Government control has meant that to a considerable extent the ground has been cut from under its feet. Its options are very much narrower than they would have been in, say, the 1940s if reasonable controls had existed at that time. It is a great pity that it would be quite ridiculous now to think in terms of a Sturt River linear park, but think of the impact on the amenity of people living in the nearer south-western suburbs if in fact that option was available to us. It has gone, because of the lack of planning and control in those earlier years.

Mr Trainer: It is too late for Ascot Park now.

The Hon. D. J. HOPGOOD: Indeed. Thinking again of that part of the metropolitan area, where is the hills face zone in the area of Seacombe Heights or Seaview Downs? It was already too late in 1966 to do anything about that, because approvals for subdivision had already gone in, although many were not processed until some time after. But, it was too late to preserve the hills face zone in that area, although it is part of the hills face that has quite a major visual impact on the metropolitan area. Indeed, successive Governments, Labor and Liberal, would not have agonised to the extent that they have had to do so in relation to the environmental impact of transport links to

the north-eastern suburbs if more of the Torrens valley and surrounding areas had been preserved in open space.

We must remember that planning is always with us. Where Government abdicates its responsibility, others step in. Planning, like politics and nature, abhors a vacuum. It is not always 'greedy capitalists' that are involved. I can recall an occasion on which a gentleman came to see me regarding a lady living in my electorate who, on the death of her husband, had been left a small parcel of land. It was suggested to her that she should subdivide rather than selling as broad acres. She proceeded to do that, and was taken to the cleaners. It was a bad area of land, perhaps not of Bay of Biscay soil, but something like that. It is now in the electorate of the member for Mawson. He may be aware of the Emu Downs area, to which I refer. I have seen houses there where one can see a drop of perhaps two inches or three inches because the damp course has dropped compared to where it was. Because of this very poor soil, it was not possible for the blocks of land to be sold quickly. People soon got to hear what was going on. In fact, if she had been allowed to sell as broad acres, this woman would have done rather better.

The point I make is that this involved someone who had a small parcel of land and to whom it was suggested that, if she subdivided, she would make a little more money for her declining years than otherwise would have been the case. We are not dealing here with a large company, greedy capitalists and that sort of thing. Yet that kind of action is a planning decision, of a sort. There must be effective control. How should government be involved? First, it certainly must be involved in both a negative and a positive way. Negative aspects of planning control are simply that society, through Government, should determine the overall urban configuration, the timing of subdivisional release, and the minimum standards of infrastructure that should be provided as part of this overall development philosophy.

Let us pause on those three points. Regarding the overall urban configuration, do we or do we not want metropolitan Adelaide to sprawl into the Willunga valley? The down-turn in the demographic pattern is largely answering that question, in the short term, for us. There is no immediate danger of large-scale residential development at McLaren Vale or farther south happening, because there just are not the people making demands on living space at present. But, that position could change. Is it not important that Adelaide as a whole should have some say in whether its urban structure should sprawl that far south? Therefore, is it not necessary that Government have control over those sorts of decisions? Without planning legislation, that is something which will be decided for us—for those who will see that they can make a buck out of subdividing land, although it will sometimes, in planning terms, be what we might call premature subdivision or indeed subdivision that simply should not be countenanced at all.

Mr Mathwin: But everybody is entitled to their own area of land, surely.

The Hon. D. J. HOPGOOD: I am certainly not suggesting that people should not be allowed to own land, but I suggest that we, as legislators, on behalf of the whole community, have a right to put constraints on what they should be allowed to do with that land. If the honourable member is taking issue with me on that matter, I invite him to vote against the second reading of this Bill. That is precisely what this Bill does.

The timing of subdivisional release is similarly tied up with this whole matter. I can think of areas in my electorate which were subdivided in the mid-1960s, and the general urban sprawl still has not caught up with that. But, you cannot call them country towns. No-one quarrels with, say, the McLaren Vales, the Willungas or the Mypongas as country towns. But where one has a detached portion of the urban sprawl, but isolated from it, then one has all sorts of planning and, I suggest, human problems.

Regarding minimum standards of infrastructure, no-one wants to go back to the days when all that one needed for approval for subdivision was a report from one's surveyor. It is important that water, sewerage, roads, kerbing, and many other things should be provided as the demand is there. People should not have to battle for 10, 15 or 20 years for the provision of those things either by Government or private enterprise, depending on what the facilities are. So, that is what I mean by the negative aspects of planning.

Government must control those who would otherwise plan for us, not as we want it but as they want it. But, there are also the positive aspects of planning. Government must set the example. It should acquire land and it should subdivide land for residential, commercial and industrial use. It should co-ordinate this development with transport planning. It should integrate land use planning with the timing and location of investment decisions. If one develops an area such as Noarlunga, it is important that it have its own sources of industrial employment, and one should provide, as well as is possible in a scheme of land use planning, that those investment decisions should be made when the people are there so that employment can be provided.

No-one has been able to work out a way of doing that anywhere near as satisfactorily as we would like. One will get areas where residential development will run well ahead of the provision of employment opportunities. Other largely industrial areas tend to take over from residential development. People have to commute very often from distant residential areas into those areas of industrial development. I do not want to suggest that Labor in Government had the perfect answer to that problem. Nor do I want to suggest that the Minister, in the legislative scheme that he has placed before us, has provided us with an answer, either.

But, there is machinery here which, with enlightened planning and administration, can go some part of the way towards solving that dilemma. Planning and any legislative scheme which bolsters it should look to the interests of women and children who spend most of their waking hours in residential areas, as well as the predominantly male commuters who during the working week only sleep there. It should protect pedestrians and cyclists from motor cars and, to the extent possible, recreational vehicles from commercial traffic.

Sometimes these planning decisions are more complicated than they seem. I want to take this opportunity to raise one very fundamental planning matter on which I have not yet commented publicly and which possibly the Minister has rather been expecting that I would. If that has been his expectation, I will now not disappoint him any longer. There is rural A land, which is in Government ownership, to the south of the present metropolitan area. There are two very large parcels or complexes of parcels of land, one at Seaford and one at Morphett Vale East. It has been necessary for Government to take a decision about the development of one or the other of those parcels of land, at least in the medium term. I seem to recall (and I apologise to the Minister if it was not he who said it) the Minister's talking about the possibility of this land having to be developed not before 1985.

Given the lead time that is necessary to develop an area, that is really not all that far off. If we faced the sort of development and demographic pattern that we faced in the mid-1970s, probably the Minister would have to be planning for the development of both those large areas of land in the mid-term. However, given that this development has slowed everywhere (less so in the south than in most places,

but certainly in the south compared with what was the case in the mid-1970s), it is, of course, obvious that only one of these two areas needs to be developed in the mid-term.

The Minister announced that the Morphett Vale East area would be developed. That was justified on two counts: the first was that one could almost call it a species of in-fill development. One would be hanging the new set of subdivisions on the edge of subdivisions that had been there for quite some time, whereas to go down to Seaford one would be jumping the Onkaparinga estuary and placing people farther away from the areas where they work. The second justification was that the Government was looking very closely at reopening the Morphett Vale railway line, or at least that portion of the old Willunga line through possibly to Hackham. I am not sure what the status of that is at present.

An honourable member: Good planning.

The Hon. D. J. HOPGOOD: I am going on to comment on that in a minute. I take the honourable member's point, because, of course, it was something that the Labor Party said it would do in its 1979 election policy. So, I thank the honourable member for his compliment. In any event, it was said that, given that the Government was at least seriously considering reopening that portion of the line (I do not think it quite reached the stage where it was stated that this would be done, although it was a reasonably strong commitment), this reopened line would service that new area that was to be developed.

So, we have in-fill development, and the potentiality of a commuter service based on the reopened Morphett Vale to Hackham railway line. That is all very well, and I cannot really argue with either of those two major points. However, there is another problem. If one looks at the Seaford-Moana area, one finds a series of private subdivisions which straggle down the coast and which were opened up, (certainly, an application for approval was made) before the provisions of the Planning and Development Act became law. Therefore, there has been slow, bitsy development. Infrastructure has had to be provided slowly and painfully since then, and is still being provided. The area is only now being sewered. Land values are low, and it has therefore attracted people of limited means, but, having been attracted to these areas, these people find that they are largely isolated. They are not close to shopping and employment facilities, and there is only a rudimentary public transport system.

The effect of a locational or a planning decision to develop the rural A land at Seaford on the eastern side of Commercial Road instead of the Morphett Vale East land would have been to provide in the first instance a lot more people. One might well say, 'What is the advantage of providing lots more people to an area that already has a low standard of infrastructure?' The answer is, of course, that, as those people would have been put there by the Government, the Government would have been obliged to provide the infrastructure and, in doing so, would have provided decent urban facilities, not only to the newcomers to the eastern side of Commercial Road but also to the established subdivided area on the western side of Commercial Road. The effects of the planning decision to go for Morphett Vale East will be that these people will remain, as it were, dumped outside the city walls for a long, long time to come.

I reiterate the point that the problems that those people face can be overcome only by Government action. The private subdividers have done their job. They have been and gone years ago. They are no longer interested in the area. They made their cop, but the people remain there. It would not be significantly more expensive if at all to provide the extension of the railway line south of Noarlunga Centre into that area rather than reopen the line through Morphett Vale and Hackham; therefore, the commuting problem, the distance problem, which is one of the objections to the Seaford development, is largely overcome.

So, there you have it. There was an opportunity on the one hand to make a locational decision, which makes quite good sense in planning terms. There was an opportunity, on the other hand, to make a locational decision, which made equally good sense in planning terms and which did something not only for the people who will move into that area but also for those who are already there. For good or ill, this Government has come down on the side of Morphett Vale East. I cannot guarantee that, if the Labor Party had been in office, the decision would have been any different. I hope that it might have been different and that those people who are isolated down the coast would then have been brought into an urban development that would have provided lots of the facilities which at present they lack and which they will continue to lack, I am afraid, for many years to come.

Basically, I am trying here to raise the point of how difficult many of these planning decisions are and how important it is that there be flexibility in any legislative scheme. I am still talking here of the positive aspects of planning, where Government gets in there and does things instead of simply sitting back and being the policeman.

The first real town planning legislation that we had in this State was of this sort. I refer, of course, to the Act of 1920, if I have my history correct, which set up a town planner, Mr Charles Reade, who I believe came from New Zealand. He did not stay very long. The Government did not pay him what he was worth, and he went off and found scope for his talents in a wider sphere. Mr Reade designed the Garden Suburb, and that concept was eventually modified by a Labor Government to be the thousand homes scheme. Then, in 1929, a Liberal Government repealed that legislation. To the extent that we had any sort of town planning legislation at all for many years, it was really back to the purely negative aspects of town planning. Then along came the Housing Trust, although that is another story again. It is interesting to note, of course, that the Garden Suburb was an army camp during the First World War and I guess that provided some of the inducement to do something with it after the war.

I point out that the Government from time to time does find that, for one reason or another, it has large parcels of land on its hands, and it is important that the Government puts them to good use in a planning sense. As I have already indicated, the opportunities are there in the outer suburbs, because the Government is a major owner of developmental land. It is not just a matter of being in there with private enterprise. The Government owns so much land through its agencies that it can determine the future configuration of urban development in these areas, and I hope that it will do so. I see it as critical that the Government does not abdicate its responsibility in these areas.

But what of the inner suburbs? I do not think there is any doubt that there is already a reawakening of interest, particularly in the residential redevelopment of the inner suburbs. This makes all sorts of sense provided that the customers are there. One of the problems in the past is that the customers have not been there. People left the city of Adelaide, for example, after the Second World War because they were opting for the suburbs rather than being forced out, although there has been some element of that with commercial development. We are seeing what can happen, perhaps not in an inner suburb but in an older suburb, such as Port Adelaide, with the Port Adelaide redevelopment. That was possible because the Government was a major landholder there through the Department of Marine and Harbors. I point out to the Minister and his

colleagues that they have opportunities elsewhere in the inner suburbs. It is not, of course, the Minister of Marine in most cases in the near eastern or western suburbs who is the major landholder. It may well be the Minister of Transport.

There are real opportunities for suburban redevelopment and Government initiative in same because of the landholdings that the Government has. In a debate such as this, one cannot escape comparing the contents of the measure before us with what came into the Chamber in June. To make things clear, I will talk about the June and November drafts of the Bill, rather than the old and the new, because the old will be confused with the existing Planning and Development Act.

The Hon. D. C. Wotton interjecting:

The Hon. D. J. HOPGOOD: Indeed, it is right in front of us. First (and this is the major point that I want to make in relation to the Bill), we find that some things have been dropped off, and, almost without exception, that seems to me not to have improved the content of the Bill. The point is that the Bill before us, the November document, if that description pleases the Minister more, is different from the June document in that in some places it seems to have been improved by amendment, but in other places it seems to have dropped back. Without canvassing the details of any amendments at this stage, Sir, because I know I would be out of order doing so, I draw members' attention to clause 44 in the June document. This clause, referring to interim development control, is no longer in the Bill. I think it is worth sharing the contents of that clause with the Chamber since honourable members do not have it in front of them any longer. On page 23, clause 44 states:

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

(2) Where a notice has been published under section (1) the supplementary development plan—

(a) shall come into operation on the day specified in the notice; and

(b) shall cease to operate—

(i) when superseded by a supplementary development plan that comes into operation under section 42; or

(ii) upon the expiration of twelve months from the day on which it came into operation,

whichever first occurs.

In view of that, it is therefore necessary to turn our attention to what is called clause 42 in the June document: clause 42 in the June document is now clause 41 in the Bill before us. That has been altered, too. I would submit that the combination of the two causes problems. Perhaps I should stick with the June document first. Clause 42 states, in part:

(1) An amendment to the Development Plan may be made by a supplementary development plan.

(2) A supplementary development plan may be prepared—

(a) where it relates to the area, or part of the area, of a council—by the council for the relevant area; or

(b) whether or not it relates to the area of part of the area of a council—by the Minister.

In the measure before us, clause 41 states, in part:

(1) An amendment to the Development Plan may be made by a supplementary development plan.

(2) A supplementary development plan may be prepared—

(a) where it relates to the area, or part of the area, of a council—

(i) by the council for the relevant area;

(ii) by the Minister acting at the request of the council; or

(iii) where the Minister has requested the council to prepare a supplementary development plan in relation to its area or part of its area and the council either declines to do so, or has not at the expiration of six months from the date of the request made substantial progress in the preparation of the supplementary development plan—by the Minister;

So, the Minister no longer has an unfettered right to prepare a supplementary development plan, except after six months notice to the relevant council, which can go ahead and do it itself if it wants to. I do not quarrel with that provision. I rather imagine that local government has made representations to the Minister in this respect and this is the compromise that has been hammered out.

What alarms me is the combination of the new clause 41 with the elimination of clause 44, because, without interim development control, what is going to happen during that six months, during which time, as it were, the controllers have shown their hand, shown their cards, is that developers will get in and cut the ground from right under the Minister's feet or the council's feet. Surely clause 44 was there for a good and proper reason to prevent that from happening, to hold the position while the machinery laid down in the Act was being worked through?

I submit to the Minister that, under the legislative scheme that he now places before us, we could have a situation where a problem arises, the only way out of which is a supplementary development plan, but by the time the supplementary development plan hits the deck the problem that the Minister or his department was trying to control would have become unmanageable, because developers would have got in, made applications, which have to be dealt with in terms of not the Minister's intentions but the law, the regulations at that time, and that is it; approval is given, the supplementary development plan comes down later, but it is too late; the position has radically altered.

I would suggest that either a form of verbiage must be provided for clause 41 which allows for the more expeditious processing of these sorts of problems, or else clause 44 must go back. On balance, knowing the general attitude of local government in this area, and not quarrelling with it, I would suggest that the answer is to put clause 44 back. At any rate, I will canvass that at the appropriate time.

As to other areas at which I think it is necessary that we look fairly closely, I direct the attention of members of the House to clause 6 of the Bill, which begins with this rather interesting provision:

(1) Subject to this section, this Act applies throughout the State.

(2) The Governor may, by proclamation—

(a) exclude any specified portion of the State from the application of this Act, or specified provisions of this Act; or

(b) exclude any specified form of development from the application of this Act, or specified provisions of this Act.

It then goes on to provide how that can be revoked. It has been put to me that, in the right sort of hands, that is a very useful power to have, but that, in the wrong hands, it is a very dangerous power. It seems to me that maybe what we should be doing here is to provide for a regulatory power, rather than proclamation. Again, that is something that I will canvass at a later date.

Further reference to clause 6 indicates that the Act will not apply to land within the City of Adelaide. The June document said that Part V of the Bill would not apply to land within the City of Adelaide. Maybe there is only a marginal difference between those two provisions, and I know that the City of Adelaide has put a certain degree of pressure on the Government in this matter, but I really cannot see any advantage in excluding completely the City of Adelaide from the legislative scheme. I would suggest to

the Minister that perhaps his first thoughts were best, and that the form of the Bill should be as it was in the June document.

Proceeding on through the Bill, I notice, in relation to the commission and the advisory committee, that there is no clause providing that at least one member of each of those committees should be a woman. I think that that is unfortunate. I believe that the advisory committee is sufficiently broad already in its membership that one member of it should be a nominee of the Trades and Labor Council. I believe that that is an oversight.

Turning back to the roaring forties of the Bill, if I can call them that, I mentioned earlier that not only had clause 44 been removed from the earlier document but that another clause had gone missing as well; that is, clause 47 (4) is missing from the June document. This is certainly worth reading out for the edification or otherwise of honourable members. I remind the House that we are dealing here with Part V of the Bill, 'Development Control'. Division I covers 'Development Control Generally'. Clause 47, 'Conditions under which development may be undertaken', had in it:

(4) Where—
(a) it appears from the principles of development control that a proposed development is permitted without the consent of a planning authority; but
(b) the relevant planning authority is of the opinion—
(i) that the proposed development would create serious hazards to life or property; or
(ii) that the proposed development would have a serious detrimental effect on the amenity of the locality in which it is proposed,
the relevant planning authority may, by notice in writing served personally or by post upon the proponent, prohibit the development.

I would have thought that that was almost a motherhood clause in the June document, yet we find that it is conspicuous by its absence from the Bill before us. Who can possibly object to the relevant authority prohibiting a development which, in its opinion, would create serious hazards to life or property, or would have a serious detrimental effect on the amenity of the locality in which it is proposed? I await with some eagerness the Minister's explanation on that matter.

Looking further down the page of the June document, we find that there was a clause 47 (10) which put certain mandatory conditions on local government. Clause 47 (10) *(a)* states:

the council shall not consent to the proposed development except upon the conditions determined by the commission, or upon conditions that include those conditions;

I hope that honourable members are sufficiently aware of the context of that, because I do not have the time to read through the whole clause. When we look at the document before us, what was clause 47 (10) has become clause 46 (10). We note that what has happened is that the mandatory aspect of the clause has disappeared. It states here again in clause 46 (10), within the same general context:

(a) the council shall not consent to the proposed development without having considered whether it should impose the conditions so determined;

Again, I imagine in this case that it has been pressure from local government. On this one occasion, if that has been the case, I am afraid I have to take my leave of local government, because I believe the original verbiage was better. I sometimes wonder whether the Minister does not, in fact, regard the original verbiage as being better. What has happened in this past week or so? A local government authority, the Corporation of Victor Harbor and Encounter Bay, has had its wings clipped so far as planning is concerned. I am given to understand that it is almost a parallel with the situation envisaged in the June document. The Government wants certain mandatory conditions adhered to. They were not being adhered to so, 'Whacko, you lose your development control.' Now, on the one hand, the Government has, in the last week or fortnight, proceeded in that fashion—

The Hon. D. C. Wotton: The State Planning Authority has.

The Hon. D. J. HOPGOOD: I assume that the Government is not in conflict with the State Planning Authority in this matter. If it is, let the Minister say so when he responds, and we will find that a very interesting and rather entertaining fact of life. I assume that, in fact, the Government does approve of what has happened in this case, so administratively it has done one thing; legislatively, it is now acting to deny itself the right to do that sort of thing in future. The machinery is a little different, but the principle is the same, so it would be entirely consistent with what the State Planning Authority, if we want to be pedantic about it, has done in the past week or so for us to insist that the verbiage of the June document be adhered to.

I do not have much more to say on the details of the clauses. However, before I say something about third party appeal rights (because that is a topic on its own), perhaps I might jump ahead to clause 54 (5), which talks about control of advertising, as follows:

(5) Before the expiration of three years from the commencement of this Act, no planning authorisation is required under this Act for the erection or display of an advertisement if—
(a) the erection or display of the advertisement was, immediately before the commencement of this Act, authorized under the Local Government Act, 1934-1981;

There is a paragraph *(b)*, but we need not go into that. It seems to me that three years is too long, particularly as it is from the commencement of this Act. I have no idea when this Act is to commence. We notice that in clause 2 of the Bill the usual verbiage appears:

This Act shall come into operation on a day to be fixed by proclamation.

There is nothing unusual about that, except that, as I understand it, the Minister has given a commitment that the Bill will not be proclaimed as an Act until the development plan has been prepared. That is going to be a massive task, and I imagine that the Minister is somewhat short staffed in relation to this matter. I do not in any way query the qualifications and expertise of the people who have charge of this task, but, given that they are thin on the ground, I wonder how long it will be before that development plan comes out the end of the chute and how long, therefore, before this Bill becomes an Act. Therefore, might it not well be that we are giving rather too long a time to be adding three years to the delay between the end of this week when, no doubt, this Bill will be given assent in some sort of form, and when it comes into operation? I submit that that is rather too long, not in theoretical terms but given the practical terms of what we still face before this is actually on the Statute Book of the State.

Clause 57 is one of which I give the Minister notice, because he may want to comment on this in his reply. At page 35 of the Bill it talks about the interaction between this Act and certain other Acts, as follows:

(2) Where the clearing, cutting or lopping of trees or other vegetation is prescribed as a form of development and regulated under this Act in an area or part of the State, this Act does not prevent or otherwise affect the clearing cutting or lopping of trees or other vegetation in that area or part of the State if the clearing, cutting or lopping—
(a) is required under the provisions of some other Act; or
(b) is necessary for the purpose of clearing the space to be occupied by a proposed building for the erection of which consent or approval has been granted under this Act, the repealed Act, or the Building Act, 1970-1976; or

(c) is incidental to the construction, repair or maintenance of works of the Crown, or of an instrumentality or agency of the Crown.

All of that is quite consistent with clause 7 of the Bill, where the Crown is not bound except to give notice in certain circumstances. But one is well aware of the alarm felt by local government in the hills recently in relation to a tree-lopping operation carried out by the Electricity Trust of South Australia. Without wanting at this stage to canvass, or even suggest that I intend to canvass, an amendment here, I just wonder whether the Minister is really happy with what is in clause 57 and whether as Minister of Environment and Planning he really feels that he has the power to deal with his colleagues if their instrumentalities should kick over the traces. I wonder whether clause 60 needs to be in the Bill at all, because this seems to be merely a restating of the heritage agreements scheme for which we have already legislated, but as the Minister may have something up his sleeve there I will not expand further on that.

It remains only for us to return to clause 52 of the Bill which, on the face of things, appears to be unremarkable. It does provide for third party appeals and for regulations which will spell out the ambit of the third party appeal. I understand that that is the position under the Planning and Development Act at present. The problem I have with this is that the Minister has already declared his hand in the matter. He has already spelt out publicly what the ambit of these appeals will be, and they are very narrow indeed. I would like to rehearse them to make sure that I understand them correctly, because I am in the position of having the Minister being able to correct me if I am wrong. Maybe then I need not proceed with any sort of amendment. As I understand it, the regulations will spell out that there are three circumstances in which there will be a right of third party appeal. The first is any application for consent which involves the Licensing Court or licensed premises. Be that as it may, that of course is only a very small proportion of all of the applications for consent heard by planning authorities year by year.

The second is where the body to which application has been made and against which an appeal will be lodged, if it is capable of being lodged, gives leave for the appeal to be lodged. I take it that what that means is that where there is an application in, say, the City of Noarlunga and suppose I live alongside this area, and the council gives permission for a wrecking yard or a gasometer or boiling down works to occur, and it is consent use: whereas at present I have the unfettered right of appeal to the Planning Appeal Board, now I have that right if the local government authority against which I wish to appeal gives me that right. That seems to me to be a rather too circumscribed situation.

Thirdly (this is the one on which I really require some guidance from the Minister, because it seems a rather peculiar provision), I understand that the third circumstance would be where, within the development plan, what is being applied for is not a consent use but a non-permitted use. In these circumstances, where the council gives approval, then there is a right of third party appeal; at least, that is what has been put to me will be in the regulations. Why I find that a little strange is that the real effect of that is to do away with non-permitted use altogether. What you have in your use-group table, if that is the correct technical term, in future will not be permitted, consent and non-permitted uses but, in a sense, permitted uses and two classes of consent: one where there is no right of third party appeal, except with the approval of the planning authority—the council—and the second where you do have unfettered rights of third party appeal.

One wonders why it is necessary, first of all, to go to that level of sophistication and why we cannot stay with the present tripartite system of having permitted, consent and non-permitted uses. More than that, one wonders why it is necessary to so limit the ambit of third party appeals. First, if you cannot give an approval for certain classes of things the matter of third party appeal does not arise, but it will now because you can give approval apparently to the non-permitted uses. Secondly, in relation to consent applications, why should not third parties have the same right of appeal as the applicant himself has?

We have been through this once before. I can recall (and I think I have shared this with the House before) campaigning on Beach Road in the 1970 State election and two gentlemen stopped me and said, 'There are three things we want from you if your side wins the election.' One of them was third party rights of appeal and another one was recycling of egg cartons (something we never did, and I do not suppose the present Government will do it, either). One of those gentlemen is now dead and the other does not recall ever having put that request to me, but he certainly recalls putting the matter of the third party appeal.

I do not want to suggest that I had very much to do with it being written into the Act. I was a humble back-bencher who took more interest in the Planning and Development Act than any other single Act in the House. No doubt Glen Broomhill and the people who advised him at that time (some of whom are still with the department) were the people who talked to the Town and Country Planning Association and others and finally decided on the appropriate amendment which has allowed this to happen. But why are we suddenly going backwards? Why are we suddenly deciding that the sort of arguments conceded at that time are no longer appropriate to the position which not only faces us in 1981 but also, I remind the Minister, will face us in 1991 because, as I said at the outset, we are legislating here for the 1990s? It is not every year that we have the legislative luxury of being able to bring in a new planning Bill.

I want to thank the Minister for allowing me to discuss with his officers the changes (in purely technical terms, of course, not in policy terms) that occurred between the June document and the document in front of us. Messrs Phipps, Hart and Hodgson came and saw me and were very kind in explaining exactly what changes had occurred. It was for me to determine why they had occurred. I was present at one of the public presentations, which was well attended, and Mr Hodgson was there again on that occasion with two other gentlemen (I believe their names were Simpson and Womersley), and they explained to the people there what was in the earlier Bill. Generally, I believe at that time that there was a fairly thorough process of public consultation.

I wonder in closing why the Government has spoilt it by not allowing just that little more time for public reaction now that we have a settled Bill. I am aware of the fact that you cannot go on and on with the public consultation process. Eventually you have to get down to it and say, 'That's it,' and we throw it into the Parliament and see what happens. I remind the Minister that, having brought in a Bill in June, having provided for an extensive process of public consultation, and having attempted to the best of his ability and that of his department to take on board the multitude of feedback that occurred as a result of that consultative process, when a settled Bill hits the deck we are given only a weekend to consider it.

I am not suggesting I have been caught in any way on the hop: I am largely saying what I might have said last Friday, if there had been an emergency sitting of the House to consider it after only 24 hours. However, I remind the Minister that people out in the community generally have

less access to these sorts of document than even I have as a member of the Opposition, and I certainly have much less than the Minister and his colleagues have. I picked out of my pigeon hole only at lunch-time today (it was only by chance I looked in there, because I normally look at 10 o'clock and then perhaps again at 4 p.m.) a letter from a Mr Richard G. Green, Senior Planner of the District Council of Stirling, and it includes a copy of a letter written to the Minister. The letter states:

> I enclose a copy of a letter I have sent to the Hon. David Wotton, outlining concerns with a provision in the Bill enabling political intervention in the judicial process.
>
> I request that you use all available means to dissuade the Minister from this provision (30 (2)) and to seek an amendment in the House which will provide some limits and basis for use of the power.

He then details the letter, which no doubt the Minister has received. It so happens that on this occasion I do not agree with the submission that has been placed before me. I see no significant danger in clause 30 (2). I think it is important that it should be there and I do not see that where the Minister seeks to intervene this is really the political process coming in over the top of the judicial process. In any event, any political points would very quickly be cut to ribbons by learned counsel who would be there on deck and who would be looking after the interests of the other parties to the hearing.

We see this sort of intervention occurring in industrial law and in all sorts of other places and I think, with respect to the District Council of Stirling, that it has read rather more into this clause than should be there. But there might have been something there and there might have been something that I and my colleagues had missed, and it might well have been that this lay in my pigeon-hole until 4 p.m. today and that if I had been less verbose, we might have got the Bill through by then. In any event, something could have been missed.

A gentleman telephoned me this morning to ask about the progress of the Bill and what the Opposition was going to do about it and, because at that stage I did not have Caucus approval for what I was going to say, I could give only a general outline of what I thought we would do in the Committee stage of the debate. When I told him it was probable that the Bill would pass all stages of the House this afternoon he was rather horrified. He said that, if he wanted to make some sort of input, he would have to take it up with the Legislative Councillors, because he could get a copy of the Bill only this morning. I anticipated this, and through one of his officers I did send a message to the Minister last week suggesting that, given that we would be up next week, delaying the debate until the week after would be a small concession to the consultative process and that, furthermore, we as an Opposition would give an undertaking that, if this delay were allowed, we would then facilitate the processing of the Bill so that it would be through all stages in some form before we got up for Christmas. I was certainly not giving away the Opposition's right to oppose clauses and move amendments and do all the sorts of things an Opposition is entitled to do, but I was saying that we would facilitate the business of the Parliament to allow the Minister to have his desire that this Bill should receive assent and be ready for proclamation before we adjourned for Christmas.

When the Minister rang me on Friday morning (and I was pleased that he rang me and gave me the courtesy of advance notice that the Bill would be considered this week), I again put directly to him that maybe it was in his interests and in the interests of the consultative process that an extra week's delay, given the commitment that I had already given to him, would not be unreasonable. However, the Minister said that he had his programme and he wanted to proceed with it, and felt that sufficient consultation had taken place. I point out that the consultation that did take place was not in respect of this document at all; it was in respect of the June document and I ask how people were to know during that consultative process what form of document would come out of it and should they not have the right to at least be able to make some sort of public comment as to their attitude to the final document. There has been precious little on that, not because people are in any way lacking in interest, in any way apathetic about this, but simply because they have not had the time. I think that is a pity. In conclusion, the Labor Opposition is largely in sympathy with the objectives of the Bill.

Mr Millhouse: That is the way to put it: the Labor Opposition.

The Hon. D. J. HOPGOOD: Well, we have some sort of anticipation. We will listen with a great deal of interest to the honourable member. We are largely in sympathy with the broad concepts and the philosophy of the Bill. We believe that in many ways it incorporates a train of thought and inquiry that we initiated in 1976-77, when Hugh Hudson was Minister of Planning, but we are concerned about some of the things that have happened during this consultative process and, in particular, I believe that the removal of clause 44 from the Bill undoes a lot of the good that much else in the Bill does or purports to do. For that reason, we will be supporting the Bill at the second reading, but we will be moving amendments in Committee.

Mr CRAFTER (Norwood): I wish to speak only briefly on this matter. It is, as the member for Baudin has said in the excellent speech he has made to this Bill this afternoon, an important measure that touches on the issue of the quality of life that South Australians will enjoy hopefully in the decades until the end of this century. It is for those reasons that I join with the remarks of the member for Baudin about the way in which the Government has carried out its consultative process with the community and, in particular, with interested groups in the preparation of this Bill.

It is indeed disappointing to have been given only four working days in which to consult with constituents and other persons and bodies in one's district to receive their views on the many important matters at issue in planning legislation. There is much interest from a wide variety of people in my district in this Bill and in matters that it raises. I see no reason why we need debate this Bill before Christmas. I see no reason why it, as with the previous Bill, cannot be left on the table for further public consideration and discussion. There is a condition to the bringing into force of this Bill that there will be prepared a revised development plan and that that plan, as I understand it, will not be ready immediately. I can see, therefore, no reason why this legislation should be rushed through the Parliament without proper consultation because, in fact, it will not be proclaimed for many months.

The member for Baudin has pointed out the great difficulty that the Government has with planning legislation. It is because of the Government's philosophy that it does not believe in taking the State out into the market forces of our community and involving Government in some form of central planning, and yet that is the issue that is before us in this Bill, that is, the extent to which the Government will bring about an orderly planning process in the overall community interest. Obviously, that process harms individual developers in what they consider is in their own interests and we have, I think disappointingly, a great devolution of authority in this Bill from the central authority to the local government level. Local government readily admits, in my experience, that it finds great difficulty in making decisions

which in fact are in the community interests for a community wider than that encompassed by its own council area.

We have been through this in debates in the community and in this House with respect to retail shopping developments in our community. The Minister has said publicly, and I have said in this House many times, that it was his belief that the control of retail shopping development is more properly a role of local government than of the central planning authority and of the State Government. I simply cannot agree with the Minister's statements and the philosophy of his Government in this matter and in many other important areas of planning, because I believe there is a great need for orderly and properly developed planning processes that encompass much greater areas than those of a council boundary.

In the past decade or so, the planning laws of this State have been widely accepted by the community, because there has been a good deal of public participation in the planning process. In the late 1960s we saw the courts bending over backwards to allow for parties not directly, but indirectly, affected by developments the right to have their views put in the courts. This culminated in the establishment of proper and just third party appeal rights in the planning process.

I suggest that this is proving in other areas to be a matter of concern for the community. I refer to the activities of one of the State's authorities, namely, the Highways Department, where there are no orderly and properly defined rights for the community to participate in the decision-making process in relation to the construction of highways, particularly through the inner suburban areas of this city. A great deal of frustration, confusion and, I suggest, harm has been caused to those communities because of the failure to evolve a proper appeal and participation process for persons and businesses affected by decisions taken by the Highways Department.

Further, I referred last week in this House to the need for a public participation process in the development of the Torrens River as a linear park, and also as the route for the Government's O'Bahn bus-way. Once again, great harm has been caused. Confusion reigns at present because a proper public participation process has not been evolved by the numerous authorities involved in those quite major developments. Indeed, it is at the expense of well over $100 000 000 of taxpayers money. It is indeed disappointing to see so little public participation in such a major project. In the context of those matters, it is disappointing and surprising to see the Government eroding the rights of third parties again to participate in the planning process in this State.

Those rights that residents groups and activists in the planning area would regard as hard won were established in the early 1970s. I know that it is disappointing for them to see those rights diminished in this Bill. A great number of submissions have been made, and public discussions have taken place on this measure. When introducing this Bill, the Minister said that there had been 13 public meetings to explain the previous Bill introduced into the House, on which more than 120 written submissions had been made. It is very difficult, in Opposition, to assess how the Government considered those submissions and the information obtained at those meetings without having an opportunity to talk with some of those people who are no doubt disappointed that the Government has not taken their views or advice, or to talk to some of those people whose advice the Government has accepted, and for what reasons it did so.

In introducing this Bill a few days ago, the Minister said that developers were concerned that more power was being given to local government. It is only proper to know what some of their concerns were in this respect. We need to know why those representations were made, and what was the substance or factual basis for those submissions and representations. On the other hand, the Minister said that residents groups and others were concerned at the possible limitation of third party objector appeal rights. Obviously, they were not listened to to the extent that they would have liked. One needs more time to talk to those people and to prepare a case on their behalf so that it can be put to the Parliament and again to the Minister, in the hope that he and his colleagues may change their attitude towards what I consider to be a most fundamental matter in the planning process.

The member for Baudin has outlined to the House some of the Opposition's concerns, and has foreshadowed some of the areas in which we will attempt to amend this Bill. I very much join with him in expressing similar concerns about this measure. It is very important. One would have hoped that it would be handled differently. Unfortunately, it has not been. Hopefully, we can make the best of it in the limited opportunity that we now have to ensure that it fulfils the great need that planning must fulfil and, indeed, meet the community's expectations in relation to our existing planning process.

Mr MILLHOUSE (Mitcham): I agree with the Labor members who have spoken that it is pretty tough to have brought on this debate six days after a Bill of this length and complexity was introduced. Of course, it is perfectly within Standing Orders to do it. One cannot complain technically about it, but, with a Bill like this, one expects it to lie on the table for a considerable time to allow people to react to it. The Minister will say that this has been kicked about for months, that it has been years in preparation, and that everyone has had a good chance to look at it. That can be said, but I have just spoken to a member of the legal profession who is one of the most active persons in this field. He has not seen the present Bill at all. He has seen the draft, and took part in the preparation of the Law Society's submission on it. However, he does not know whether the Government has taken account of any of the things in the Law Society submission or not, or what they are.

So, it is pretty tough. The real reason for this, I suspect, is that the Government wants to keep the House sitting for another few weeks, and this is a Bill which at least the Legislative Council can get its teeth stuck into, where there is some realism in the process of moving amendments in Committee. Whilst acknowledging that, I think it is pretty tough to try to get the whole thing through in the one day in this House. However, as so often happens, when one is dealing with something enormously big, everyone is frightened of it and no-one takes too much interest in it. That looks to be the case with this debate.

My view is, frankly, an echo of that of the legal profession. I do not practise much in this jurisdiction. I know that the present Act is a thing of shreds and patches. It is all over the place, it has been amended, and it is not entirely satisfactory. But, from what I was told this afternoon by two of my friends in this profession who are leading practitioners in this jurisdiction (and less than half a dozen do most of the work there), they are both of the view that everybody, excluding the legal profession, would do better to stick with the old Act, which is known and which has been subjected to judicial interpretation, rather than embark on a new Act with a new scheme of legislation that will have to undergo that process again.

The Hon. D. C. Wotton: Everybody excluding the legal profession?

Mr MILLHOUSE: Yes. The legal profession is very happy to have the new Act, because it will lead to a lot of litigation while it is interpreted, and that will take years. Let there be no mistake about this: the Minister is giving the legal profession, particularly those who practise in this jurisdiction, a present, which they are honest enough to say in the public interest they do not want. However, it will mean a lot more work for the profession. This is a different Bill on a different scheme from the old one. As has been explained to me, there are many subtle differences in wording, all of which may have a great deal of significance, but they will have to be thought out before we know whether or not the differences are significant.

That will take a long time and be a great expense to someone, and generally to the community. So, the feeling of both the gentlemen to whom I spoke independently this afternoon was that it would be better not to have this Bill at all, but to stick with the old one and to attempt to amend it and bring it up to date, and so on. I say that with due respect to Mr Stuart Hart, who is in the Parliamentary Counsel's box and who I know has been working on this for years. He has disappeared altogether from view on other things so far as I can see, while he has got on with this. Is it 1977, since he has been working on this? Certainly, it has been a long time. I can remember successive Ministers having announced that he was working on a Bill and that they hoped to bring it in this session—the usual sort of thing which Ministers all say and hardly ever stick to.

It would be a pity for his sake to see all the work scrapped, but we have a greater good than that to bear in mind, and that is the good of the community. I am told (and I am prepared to accept this, knowing the background and origin of the Bill) that it does make the planning process more complex. That is quite apart from my other complaint about the Bill: it does make it more complex, and harder to work. If we want to speed up the planning process, we are going the wrong way about it. That is their view, too. For those reasons, I have no alternative than to oppose the second reading. I know that will be in vain. The Labor Party is committed to accepting it, and that is that, but my view, for the reasons I have given, is that it would be better not to have this Bill at all, but to stick with the old one and try to amend that. I do not know whether this has been used already in debate, but I received this afternoon a letter from the District Council of Stirling.

An honourable member: It has been used.

Mr MILLHOUSE: It has been used? Clause 30 (2), which is referred to there and has been mentioned to me quite independently of this letter, and which is a most dictatorial thing. It means that the Minister can just do what he damn well likes if it suits him. The Minister may not understand the plain meaning of the words. Let us make sure that the letter quotes them properly. It is clause 30 (2), which provides:

> The Minister may, if in his opinion proceedings before the tribunal involve a question of public importance, intervene in those proceedings.

Well, it is his opinion, and, of course, no-one can check that. An opinion on what is a question of public importance, as the letter has said, is as wide as the world. It can mean anything, whatever Mr Hart, or whoever the relevant public servant may be, thinks it should be. So there is no problem about that.

I do not know frankly what 'intervene in those proceedings' means. If there is any doubt about what it means, it ought to be spelt out by amendment, or in some other way. I see that the District Council of Stirling suggests that the Minister should be heard in those circumstances as an intervener. Perhaps that is all that it is supposed to mean.

The Hon. D. C. Wotton interjecting:

Mr MILLHOUSE: I can only say to the Minister that that is not clear to a number of members of the legal profession who are concerned with this. He may know better, or think he does. If he gets away with it, of course, he will have known better, and he and his successors (who will be in office a hell of a lot longer time than he is) will be able to exercise very great powers.

One of my friends this afternoon referred particularly to the development plan, clauses 40 onwards, and said that in his view those procedures were almost unworkable. Be that as it may, I cannot say whether they are, but the general thrust of my view is, as I say, that of those members of the legal profession who practise in this area: we would be better to persevere with the old Act rather than bring in another one and, to use the expression used by another one, a veritable can of worms.

Mr EVANS (Fisher): I support the Bill. Over the years I have been very critical of our planning procedures and of the red tape and the humbug that people have had to go through, whether they be developers or individuals who wish to change the character of the title of their land, to create another block for a member of their family or whether, because of age, they wish to dispose of part of a property so that they can still live in the family home but gain some benefit by selling part of the property and thereby be able to continue in the family home and spend their retiring years in the community to which they have become accustomed, where their friends, clubs, church and other facilities that they enjoy in their lifestyle are readily available to them.

I suppose it is true to say that over the years I have been critical of the extremes that our society has taken in many areas in the way of advocating conservation and preservation. I have made the point previously that, if a building was constructed 200 years ago (and we would not have such a building constructed by the Anglo-Saxon race, anyway) or even 100 years ago, some people would argue that it should remain. Some planning regulation would be tempted to ensure that we tried to preserve such a building. This has been spoken of many times. There would be more or less advocating that something that someone wished to create today would be unacceptable or not worth building, let alone preserving, yet no doubt if we came back in 100 years or so the forces would be at work then saying that that house or home, building, church, or whatever it may be, that was built in the 1960s, 1970s or 1980s should be retained, because it had something to do with the era of time past.

I think that tends to show the hypocrisy of a lot of our arguments along the way. It is true to say that today we have a society that one might call a negative society—a society of objectors. We have spoken so much about our rights and preserving the environment in which we live. Previously, many years ago, where a young couple wanted to buy a block of land and build a house, everything was done within the community to try to encourage it and help them achieve the goal. Quite often, the community would rise up around them and say, 'Where can we help you?', even if it meant sometimes helping in a voluntary way with some of the work. Now, unfortunately, with a better educated society (so it is assumed, anyway), we have the opposite.

We have in the main (and I know that it is not true in all cases) a society that tends to find reason to object—that the house is not big enough; the roof is going to be the wrong colour; the walls are going to be the wrong colour; it is not far enough back from the road; it is not the natural type of material taken from the area; it is not solid stone or it is not solid brick, it is relocatable and one should not

have a relocatable in an area where there are permanent structures. If the zoning regulations are going to be changed so that one can cut off part of the home to enable another couple to live in part of it, or another family, that is objectionable to the neighbours, even though the people who happen to live there could be better tenants, better residents, and better community-minded and spirited people than those who believe that they have the divine right to retain the area exactly as they then knew it. In many cases, they created a home in the area and changed the environment to enable them to live there themselves. According to the planning laws at the time, they were able to do that. I do not object to that. My objection is this negative attitude of saying 'No' all the time.

It is true to say that I have made the point in more recent times that one fear that I have about supporting this Bill is that the vast majority of councillors who are elected are from the middle class or above. That is not a reflection on them. Indeed, I believe they should be admired for offering their services to serve a local government voluntarily. In fact, though, it is at a cost, as I do not believe that they can serve on a council without it costing something; it must cost them something, which may be only time. Quite often that is one of the things that some people in the community cannot afford. I know that it is an argument used by those who have a philosophy that local government should be paid. I do not accept that, but I know that it is one of the arguments that is used.

So, we have a community with a local council which is elected from people already living in a community, and the argument in this Bill is that we are giving them more power. I am not disagreeing with that, but simply pointing out where I see an area of concern perhaps for the future. That power is given to that group of people to make decisions in the main. Naturally, it is true that if one who happens to have a selfish approach lives in an affluent society, where oneself becomes more important than the other person's point of view, and one lives in an existing environment that one knows, one does not want to take a chance of changing the environment to any great degree, because one is fearful of the worst.

In doing this, we need to be conscious that we are putting the power in the hands of the middle class, or above, of the local community. I believe that we should indicate quite clearly that they need to be conscious that they have a real responsibility for other sections of society. It is very easy for each and every one of us to go home and think, 'Well, why should someone build next door to me on a block of land that is smaller than mine?' or 'Why should the 10-roomed home next door to me in which only two people now live, there having been perhaps 10 people living there, be changed in structure so that another family of two, three, four or more may live?' It is very easy for any of us serving local government, if we were in that position, to say 'Let's keep them out; let's opt for no change; let's make the zoning laws and planning laws such that these changes cannot take place.'

It will be more obvious to us all as we go on, with the cost of fuel, and of supplying services, whether they be public transport, water, sewerage, electricity, gas, or whatever it may be, that many of us will have to accept change, not necessarily to the detriment of the community, but there will have to be changes about which some people have fears. I believe that those changes will tend to make it easier for local government and Government to run more efficiently. I believe that it will make better use of a lot of facilities, even right down to schools, churches, community halls and recreational facilities.

If we ignore the need to ensure that planning regulations give an opportunity for the lower socio-economic and disadvantaged groups within our community to live amongst us all and have a proper mix of society, problems will be created for us in the future. I hope that that does not occur.

I can understand the Minister's making public the areas in which he hopes to change the planning regulations and conditions. In fact, having had a brand new base from which to work, a lot of negotiations are to take place. I can understand that local government, in accepting that overall the Bill was a good move giving more power to them, was giving the Government and the Minister some praise for that. Their concern about the Government's intervention in areas where it is found necessary is, I believe, unjustified. I am quite satisfied that, if my judgment is wrong, a Parliament of the future can make the decision to change it. However, I am satisfied at the moment that there is no need for any change in that area.

I believe that this Bill will definitely reduce red tape. The problem that one now has in gaining approval for certain proposals is time-consuming and, as a result, it is also costing money. If we want people to live in this State as cheaply as possible, and if we want to bring enterprises here and have them operating efficiently, we need to cut out as much red tape as possible.

I hope that in this area local government is conscious of the need to liaise with those people in the commercial sections of the community, because there is no doubt that in many cases in the past we have decided to put the commercial area out in some isolated spot and hoped that everyone could travel to that point. It is part of modern society that we will have commercial and industrial enterprises, and it is wrong to try to assess those enterprises on the basis of what was built 20, 30, or 40 years ago, whether in Brompton, Thebarton, Edwardstown, Unley, Goodwood, or wherever else. Quite often, when we talk of commercial enterprises people, tend to relate to old rusty iron buildings or to old brick buildings with roofs that have gone rusty because of lack of maintenance. That is where I believe we have gone wrong in a lot of our thinking.

I am sure that many local governments now have had their officers go overseas to see what happens in other countries. It is possible now for areas of light industry to be put in the middle of a residential area on, say, a 10-acre block or something similar, and actually to screen the establishment by mountains of earth, and to have soundproof factories, so that there is no transmission of noise or a massive build-up of traffic. There is most probably more of a build-up of traffic at local playing fields, sporting complexes and community recreation centres. I think we have gone wrong in that area.

We in this State have local and district councils that have not provided enough areas for light industry or commercial enterprises, and we will pay the penalty for that later on when the people who wish to control those resources buy the vast majority of them and then exploit the market with high rents. By that method, they will push up costs to the consumer, which is something that we in this State cannot afford to do. We must try to remain a low-cost State for our successes in the future. There is no doubt that until recently we were going haywire in the area and becoming a high-cost State, but I do not wish to go any further in that discussion.

Provision is made in the Bill for the Adelaide City Council to stay as a separate entity with its own set of rules and its own Act, the Adelaide Development Control Act, underwhich it will operate, perhaps with one or two modifications.

I trust that it will go on looking at things sensibly because there is no doubt that, in the case of two projects, it is fair to say that it has been, I think, stretching the rules a little. I refer to the car-parking at the International Hotel, where it suited it to reduce the numbers quite considerably. The

other matter was not a council decision but was a criticism from the council over the West End Brewery hoping to develop the Hindley Street area. If this State is to go ahead, when anyone has the initiative to go ahead with a project, the argument that a project is before its time, or that it will not be a viable proposition, is not a judgment for a local council to make. The whole spirit of our nation was built on people being prepared to use their initiative and take a punt. I hope that local government is conscious of that.

I do not wish to go into all the aspects of the Bill because I believe that the Minister has done that well. We have had it explained to us and, no doubt, the Opposition has one or two areas that it will seek to amend. My judgment is that we should give the Minister's Bill the chance to be operative and see what the end result is.

Mr Millhouse: I didn't think you liked the legal profession. Isn't that the case? Usually you don't, but now you want to give us a present.

Mr EVANS: I think it is true to say that, when I see people such as the honourable member for Mitcham in the legal profession and see the hypocritical way they operate, I do have doubts. However, I have been pleased to learn in recent years that he is the exception and not the rule.

Mr Millhouse: Hooray!

Mr EVANS: The exploiter still lives on. If it gives him some glee to be able to make use of the Bill in the future, then it is to his discredit, if he wants to do that. There is no doubt that his profession did very well out of the previous Acts, as he knows only too well, as did some of the other professions. I believe that this legislation will be an improvement, and will not be in any way as disadvantageous as were previous Acts under which we have operated. I support the proposition, with the reservation that we live in a negative society, a society of objectors, and a society where middle classes or above standards tend to be applied to many of our zoning and building regulations. I hope that the Government, and more especially local government, are conscious of that. I support the Bill.

Mr LYNN ARNOLD (Salisbury): I have been concerned by one statement by the previous speaker on this Bill when he stated that we do not want to be a society of objectors. That implies that people who are concerned about planning may well fall into that category only. I know that he made many other statements outlining the values of planning and the virtues of having systems that allow for opinions to be formed about planning proposals, but I think that what we see today is more a community of people who are concerned about the environment in which they live and about the amenity of their area, who are concerned to see that they have some say in how that community is developed, how it is planned and how it grows.

I think that we have only to look at other major cities in this country, and, indeed, throughout the world, to see that there are many virtues in having a planned approach to development and in having the opportunity enshrined for the community to express its opinion and its concern. That is not a negative thing; that is, indeed, a positive thing. We are building up the amenity, not trying to unnecessarily and unfairly constrain it. To use the term 'negative' rather than the term 'positive' I think gives me some cause for concern.

Adelaide has had, in many ways, many advantages in its development. It was a planned city, to start with. It had a clear statement of ideas and aims as to exactly where it should go and how its development should proceed. By virtue of historical facts and historical events, its population growth rate and rate of general development were such that those planning principles by and large were adhered to for many years and the city did not end up being an unplanned conglomerate mess, as is the case with many other cities. At the time when the industrial development of the State, and the population growth of the State, in the 1950s, 1960s and 1970s took off, we suddenly realised again how important it was that we relook at the planning principles that apply and how important they are.

I think that it was in the early 1960s that the Department of Town Planning was established at the University of Adelaide partly enshrining that principle. Also, it was the time when the 1962 development plan for Adelaide was released. In 1968, of course, we had the other planning proposals put at that time. It is very important that we know where we want Adelaide and its environs to go. Not only that, but it is important that those who make these decisions make them not in a cloistered atmosphere of limited access to public opinion but on the basis of widespread public opinion and public consultation. The concept embodied in this Bill and in the principal Act of supplementary development plans is a worthwhile concept that allows certain areas of the overall development plan to be reviewed, to be reconsidered as circumstances change, and for new planning concepts to be embodied in them. I certainly support that proposal of supplementary development plans.

I have seen a number of those plans working in the past and have gone through the various procedures. I do, however, raise some questions about the processes involved in the supplementary development plan stage. I think that that raises some questions about the adequacy of the Bill before us and the principal Act to ensure that those processes work in the best interests of the community at large. What, Sir, are the best interests in terms of planning that we are looking at? Is it the best interests of Government? Is it the best interests of local government? Is it the best interests of real estate developers, industrial developers or of business of one sort or another? Is it supposed to be the best interests only of the immediate local community affected by the development plan or is it, indeed, supposed to be the best interests of the community in aggregate, in its totality? I think it should be the last. In saying that it should be the last, I say that each one of those constituent elements that I mentioned prior to that must play an important part.

A part of my own district is presently the subject of a supplementary development plan. I want to make some comments on that and on the way in which it has been handled, indicating that perhaps there could have been improvements and that perhaps those improvements should have been enshrined in this Bill or in the principal Act. The plan I want to make some passing comments on in discussing in this Bill is the supplementary development plan titled 'Salisbury stock paddocks' that was put on public exhibition at the end of August. It was gazetted on 27 August in the *Government Gazette*. It makes a number of major alterations to the zoning proposals for that area known as stock paddocks land south of the residential development in Salisbury, and also land adjacent to what is known as the stock paddocks land.

The motivation for the supplementary development plan was the proposal for Technology Park to go ahead. In general terms, I think that the Technology Park concept is a very exciting one; it has a lot to commend it, and it will be interesting to see what developments take place in that regard. It necessitated a change in the zoning of much of that area, and I do not object to that. The supplementary development plan came forward with proposals. I will make some comments later on the way in which it was worded, but I do not object to it being a supplementary development plan, because that is quite reasonable.

However, it seemed to me that the way in which this was handled publicly did not guarantee that the community could have the fair opportunity to comment on what is contained in that document. It is a major document, and it covers a large area of land not only in my own electorate but also in the electorates of Florey and Playford. The City Engineer of the Salisbury council said that the plan was of vital interest to the people in the northern region; indeed, it is, because for many years the people in that region have taken an active interest in what might happen to the stock paddocks.

The part of my electorate where I live abuts the stock paddock land. Shortly after I moved there, a major petition was signed by residents who were concerned at what was then to be a light industrial development on one section of the land contained in this supplementary development plan. So concerned were residents that over 1 300 signatures were gathered on that petition forming what was at that time the largest petition to the Salisbury council. Many years prior to that in the early 1960s residents who had heard that there was a proposal to sell stock paddock land for industrial uses were very concerned about it, and they went to the then Premier, the late Sir Thomas Playford, indicating their concern, and he understood their concern. He indicated that in his opinion the land should remain open space. I give him full credit for having made that statement at that time. That particular concept for the use of that land was adopted by a former Premier, Mr Dunstan, as well. That is why that land remained under interim development control for so many years. Obviously there had been a great deal of community interest: first, by generating those approaches to former Government leaders; secondly, by such activities as the petition, and also by an on-going interest, which was evident by those who lived in that community, in what was going to happen to the stock paddock land. The Salisbury council, when it made some recommendations about industrial use of that land in 1979, was conscious of public feeling in that area. It knew that it was an important issue in that particular area; there was indentifiable public interest.

What happened when the supplementary development plan was released? The Act requires that a notice be placed in the *Government Gazette* and also that a notice be placed in a newspaper circulating generally throughout the State. That was done on page 57 of the *Advertiser* on 29 August 1981. The public notice was inserted way back in the paper, as one would imagine, sandwiched between a notice concerning traffic signals in Thebarton, motor cycles and another advertisment that exhorted people to give up their gold, diamonds and jewellery for top cash. It was clearly in a part of the paper that was not likely to be read by a lot of people in the community at large, let alone in my own electorate. I guarantee that its readership in my own electorate would have been very minimal because, indeed, the *Advertiser* does not achieve the same readership figures in my area as the local Messenger Press does. I am concerned that the Bill does not prescribe that in advertising supplementary development plans other forms of media should be used. Survey data does prove that the Messenger Press is more widely read in my locality than the *Advertiser*. Surely it then represents the best printed media outlet to contact people to advise them of the matter at hand.

Mr Lewis: What's the percentage penetration by Messenger?

Mr LYNN ARNOLD: I will get the figures for you at some later time, but it has been proven for some years now. It is justified by the fact that the *News Review*, the local Messenger outlet, is one of the biggest of the Messenger publications, because it does get such a good readership. I venture to say that, if it had been inserted as a notice in that, it would have been more widely read than was the case by its insertion in the *Advertiser*. What was the response to the notice in the *Advertiser?* Not very good. In fact, there was not much comment on it, and an article was printed in the *News Review* some weeks after the first notice, on 23 September, to try to stimulate some public interest on this matter. That was given front page coverage by the *News Review*.

I am sure they would have given it front page coverage earlier had a notice been inserted in that publication to stimulate public interest. Unfortunately, it did not at that time get as much response as it might have, partly because there was a press error in it, saying the closing date was 3 October, which in many people's minds left too little time for opinions to be relayed. Also, it sometimes happens that some issues are not as well read as others, and I have to confess that I missed that particular article.

I worked for my predecessor for 2½ years, and I know that, during the time I worked for him, whenever a supplementary development plan was entertained the local member automatically received a copy of that and was invited to make submissions on behalf of the electors of his area—an entirely reasonable course of action. I would have thought that the same could happen here, but it did not. I wrote to the Minister on 19 October last and stated, in part:

> I am very concerned that I have not been advised of this matter officially by your department at any stage. I know that my predecessor was always given the opportunity to comment when supplementary development plans affecting the Salisbury electorate were released. As the present member for Salisbury, and on behalf of the electors of my district, I would appreciate the same opportunity on this occasion. Accordingly, I would appreciate your forwarding to me at the earliest convenience a copy of this supplementary development plan and your permission for me to have an extension of time beyond the published closing date, for my comments to be prepared.

The response from the Minister was very prompt, and I thank the Minister for replying the following day. He forwarded a copy of the supplementary development plan and made the following comments:

> Whilst it is the normal practice for the Department of Environment and Planning to send a copy of supplementary development plans to the member for the relevant electorate, it would appear that this was overlooked in this instance. Rather than stipulate a specific date for receipt of your submission it would be appreciated if you would submit it as early as possible after the closing date.

There are a couple of problems there. First, it is only normal practice that it is sent to the local member, not a requirement of the Act, but I think it should be a requirement of the Act. Secondly, concerning the closing date, was very little extra time was available, as the next recommendations were being made only days after the closing date of 31 October, so it became a moot point. I finally had to give my comments verbally to an officer of the department at least so that I could have them noted and could follow that up with official written communication. I do not think that is good enough. As the local member for the area, I think I was entitled to be given the opportunity for a considered opinion and response to be made on behalf of my electorate. If it was not an important matter, I could easily have written back and said: 'This matter is not of particular significance. I do not have any particular comments to make.' In this issue, the fact that it justified a supplementary development plan indicates how important it was. I know from my own electorate just what the feelings were.

[Sitting suspended from 6 to 7.30 p.m.]

Mr LYNN ARNOLD: Before the dinner adjournment, I was starting to outline the deficiencies of the legislation and its requirement regarding supplementary development

plans being notified to the community so that people can make comment. I had related the episode of the supplementary development plan that is presently being dealt which partly covers an area within my electorate. To give an indication of the extent and the nature of the problem and the reason why I felt that indeed the community should have greater opportunity to comment, I want to read out the comments I made to the Minister in correspondence, which really is a written version of the comments I made to his department verbally some days prior to writing the letter. My letter of 4 November stated:

Following my earlier correspondence I now wish to advise you of my response to the recommendations of the Salisbury Stock Paddocks Supplementary Development Plan. Brevity of time precludes my giving a detailed response—

of course that highlights the problem—

However, I would be pleased to meet with the State Planning Authority to elaborate any of the points I make.

It is a pity that the Bill does not provide for that to happen as well; in consideration of the supplementary development plan mention was made about written submissions, but it did not mention verbal submissions or actual appearances. The letter continued:

The points contained in this letter have been discussed with a number of people in the local community and I particularly advise that Mr Fred Hausler of Salisbury Downs is in complete concurrence with them. The comments made in this letter treat only that portion of the supplementary development plan falling within the confines of the Salsibury electorate as it would be inappropriate for me to comment on proposals outside of my electorate.

In that context I draw attention to the fact that my colleagues, the member for Florey and the member for Playford, would have suffered precisely the same problems that I have suffered concerning the way in which this process was handled. The letter continued:

In making my comment I would advise that a strong motivating factor has been the degree of public feeling in the Salisbury West area about future development of the Stock Paddocks; indeed in 1976 residents of that area generated one of the largest petitions ever presented to the local council on a matter related to this. Because of that obvious local concern I feel I must register my dissatisfaction with the amount of public notification of this supplementary development plan that has taken place and feel that other forms of media publicity should have been considered (for example notices on television similar to those advertising broadcasting tribunal hearings).

I raise that matter for the attention of members of the House because I believe that, where significant redesign or replanning is undertaken that will have a significant impact on the community, perhaps media publicity ought to be considered. We have television advertising of certain other matters for which we are soliciting public comment; why should we not also solicit public comment by means of that most well used medium to encourage the community to give its response? The letter continued:

The broad thrust of my proposals is that a compromise between the well-known feelings of the local community in favour of open space development of the land in question and the constraints on State authorities that require some industrial development must be found. However, I am not satisfied that the supplementary development plan presents an adequate compromise. Firstly, on the question of open space, inadequate land has been allocated and I would strongly suggest that the following two areas be added as open spaces.

I then made some comments about two zones that could be added. I then went on in my letter to comment about how industrial areas could be screened from public view, and how zones along the major thoroughfares could be created to prevent an impairment of the amenity from an extensive industrial development situated in what is otherwise a residential area. I did, of course, support a number of the proposals in the supplementary development plan and I repeat that I support the concept of the Technology Park development that is being talked about. In the last paragraph of my letter I finished by saying this:

An over-riding principle for the future development of this area should be the use of environmental techniques that highlight the predominantly residential nature of all that land bounded between Little Para River, Port Wakefield Road and the railway line. Consequently screening of industrial areas should be considered an important objective, either by the creation of mounding, tree planting or special fencing. Another important concept that should be adhered to as far as possible is that which highlights the contrast of residential development surrounded by open spaces (the green belt model); that area of residential development is presently surrounded by the Parafield Aerodrome, the stock paddocks, the salt pans and, in future, by the Little Para River open space special uses zone. The supplementary development plan should seek to continue that concept, both by the provision of open space adjoining the aerodrome with the salt pans and, secondly, by height limitations on industrial facilities built in the light industrial zone.

Apart from a final concluding paragraph, that completes the letter. It reiterates the point I make, namely, that the local community has had a concept of that area for many years that it was a residential development, in a sense, surrounded by its own open space belt, in much the same way that the Adelaide square mile is surrounded by a belt of parklands. That community acknowledged that that open space was not of the same type as was the green belt around Adelaide, nor could it be, because no Government could afford to purchase land of that size merely for passive recreation purposes. It acknowledged that there would always be some use associated with that; in this case, of course, there were the salt pans, the stock paddocks and the light aircraft aerodrome. The community realised that there would have to be some use, such as that to which the land would be put.

The common consensus of the local community people was that the size of the open space would have to be reduced. They acknowledged that, and also that some industrial development would have to take place. However, the point that I really feel is most important is that they were not given the opportunity to make those points of view known. It is not adequate to say that the Act provides for gazetting of notices, or for notices to be placed in the public notices column. There should have been a more aggressive attempt to go into the community and seek the opinions of local community residents.

Why, for example, could it not have been the case that residents in the area abutting the supplementary development plan area were especially given notice in much the same way as when an application for consent use goes before local government, when nearby residents are given notice of that, and given the opportunitty to object? However, in this situation I believe that, where a supplementary development plan is concerned, perhaps the nearby residents should be individually advised of that by notice and given the opportunity not to object (let us not use the negative word), but to comment, because they may in fact be able to come up with suggestions that do not amount to objections or destructive attitudes to the proposals, but indeed constructive and positive proposals that can even take the development much further than might have been initially envisaged by those who do not actually live in that area.

I repeat the point about the electronic media; I feel that that point should be considered in cases of supplementary development plans that are of great significance, although I appreciate that not all such plans would be in that category. I also point out that it is insufficient for the Bill to refer to a newspaper circulating generally. It should spell out and make some reference to the printed news media that would most likely be read by people in that locality. I repeat the situation that in my community that newspaper would clearly be the Messenger outlet, the *News-Review*,

in which to my knowledge (I may have missed it, but I have searched through on three occasions) there was never placed a public notice about this matter.

I reiterate the points made by the shadow Minister. Certainly the concept and planning is sound; we all want to further that, and surely the principles we are after is the enhancement of an amenity of our community and the attempt to seek ways by which the whole community can participate in that and feel that they are actively involved and consulted in that process.

Mr OLSEN (Rocky River): I support the measure before the House. In doing so, unlike several previous speakers, I do not wish to canvass matters specifically in relation to electorate issues, but rather to take the over-view of the Act and its provisions across the State, because I think that some important new provisions will apply when the Bill is enacted, such that we will not have, as we had under the old Act, a complex system giving rise to different operating schemes throughout the State and throughout the different council areas.

This new Bill simplifies that situation. It means that there will be greater uniformity throughout South Australia. The Minister, in introducing the Bill on 10 June, made some pertinent comments relating to this measure to which I wish to refer. The Bill simplifies existing planning laws and integrates planning and environmental decisions, streamlines that process, and provides a more flexible method of regulating development of both rural and urban areas of South Australia. Previous speakers have referred to the fact that the planning legislation of the past has been difficult to administer because of its complex nature and a lack of understanding of the provisions of the legislation in many instances.

When one considers that the principal Act has been amended by 23 amending Acts since it came into operation only 14 years ago and that there have been 165 different sets of regulations, in addition to 49 amending regulations, one can readily understand how confusion has prevailed and how differences have thus operated throughout the State in the application of this legislation. One of the policy measures of this Government was that it wanted to reduce the inhibiting factors on the development of business enterprise in this State. That involved streamlining and making more simple those provisions that would apply not only to councils but to developers wanting to undertake programmes within a community. In other words, it was removing the red tape.

Much of this Bill achieves that objective. The changes proposed in the two Bills before the House are, I think, very important in assisting developers to remove costly delays that have emanated from a number of areas and have frustrated development projects, and, no doubt, have put extra costs on to the shoulders of developers which, inevitably, meant extra costs on the purchaser, the end user. Without exception, I would suggest, that is where costs usually end up.

I was pleased that one of the provisions that the Minister outlined when introducing the Bill on 10 June was the provision for decision making on local matters at a local level and giving councils better enforcement powers. I have been a proponent in this House of a greater participatory role in local government in decision making in matters affecting its own areas. Quite clearly, the areas that come under this Bill impinge closely on what I believe are the rights of a local council to determine what direction planning controls and development ought to take within its area. I think that, as local people, they are in a far better position to accurately assess local needs and local community wishes.

The Minister has referred on several occasions to the fact that this Bill is designed to give effect to the Government's policy of ensuring that planning and environment management requirements and procedures reflect the wishes of the community. I take 'the community' to mean equally, in that sense, the local community. The integration of those controls of private development is important. The role of local government has been strengthened, I believe, from the original legislation laid on the table on 10 June 1981. I commend the Minister and the Government for the manner in which they have gone about making these significant changes in this legislation.

In introducing the Bill and allowing it to lie on the table, the Government has given an opportunity for a wide range of interest groups to make submissions to it. I understand that there have been more than 120 submissions to the Government about aspects of the legislation as it affects specific areas of interest. In addition, the programme of public meetings that the Minister's officers have undertaken with other interested organisations and individuals in explaining the provisions of the Bill has ensured that there has been a full understanding of the direction of the Government's policy incorporated in this Bill and a better understanding of it. I think that this has been an important and commendable step forward for legislation of such a complex nature as this and for legislation that does, in fact, have a significant effect on local council areas and development within local government bodies.

I notice that in some of the submissions developers were concerned that more powers are being given to local government. I reject the developers' concern in that regard. I believe that local government will respond to the challenge and will accept in a responsible way extra responsibility offered to it through this legislation. The Local Government Association, representing member councils throughout the State, has on numerous occasions requested that in certain legislation brought before this Parliament they be incorporated as equal or senior partners in the provision of laws affecting the citizens of South Australia. I think that the measure before the House, and the subsequent amendments to the Bill laid on the table on 10 June, show a willingness on the part of the Government to go along that track to provide that opportunity to local government.

I refer to the Planning Commission, and the strong representations received from local government proposing that one of the two part-time members of the Planning Commission be selected from representatives of the Local Government Association. The Bill has been amended to provide for and accede to that request. I commend the Government and the Minister, particularly, for accepting that submission from the Local Government Association. As introduced, the Bill allows the Minister to prepare plans expressing planning policy for the whole or part of a single council area without necessarily giving council an opportunity to be so involved in the first instance. This Bill has now been amended to provide councils, that is, the local government body, with an opportunity to prepare a plan for submission. The right of the Minister to initiate such plans covering more than one council area where broad changes of policy are proposed would, in fact, remain.

There are a number of other areas in which I believe commendation ought to be given in relation to this measure, that is, replacing the 11-member planning authority by a commission of three persons, to which I have just referred, and the establishment of simple administrative procedures which local councils can use when dealing with development applications. That is particularly important for rural councils that do not have large staff numbers to be involved in complex legislation such as the previous measures that we

are hopefully about to repeal. The other area, of course, is in interim development control.

With some 80 councils currently operating under interim development control, which I think has had something like two extensions up to about 10 years and which now needs re-examining as it affects council areas, we need to develop a modern planning proposal regarding those council areas now and for the future. Certainly, a number of councils have wanted to amend the general development plans and implement more detailed planning regulations. In the past there have been very complex and cumbersome procedures which, to say the least, have confused the public.

In one of the areas under consideration, I had representations from developers concerned at the increase in the fee involving the fund to provide for open space, which has been increased from $40 to $500. Upon checking this, it seems to me that the increase is not unwarranted, in view of the fact that the original fee was set in 1966, and it would seem than an updating of that fee to current economic standards is appropriate and justifiable in this measure.

The other area to which I refer relates to third party appeals. The Bill proposes a more streamlined method for handling third party appeals, whereby a conference can be set up, albeit compulsorily in some instances, for the matter to be at least discussed in detail prior to drawn-out, delaying procedures that were operative under the previous measure. That will remove a restriction and a cost in relation to the development proposals. I mentioned earlier that one of the difficulties in this area, as in a number of areas about which this Government was particularly concerned on coming into office, was the removal of frustrating red tape procedures.

Under this Bill, many cost burdens on developers will be removed, and it allows them to proceed in a more efficient and orderly manner. It simplifies measures so that they are more readily understood not only by local councils but also by the public generally. Therefore, I believe that the Bill deserves the commendation of the House, the Minister and his officers having spent an enormous amount of time in preparing this legislation and having gone to great lengths to involve the public in debate and to seek out submissions and take into account appropriate recommendations contained in those submissions. I think that that is a very valuable and commendable legislative procedure and that we will have on the Statutes better legislation as a result of it.

Mr LANGLEY (Unley): I attended a meeting just recently in my district concerning a concept that involved the Salvation Army, and I must admit that I was very surprised at what happened on that occasion. The member for Rocky River has covered a subject that is big business to developers, and all along he was having a shilling bet each way. When you get to the stage of talking about the public understanding anybody's district, that worries me a lot because, even though Unley has a very good council that does the best it possibly can, it is impossible for every resident of the district to know what is going on, as I am sure the honourable member would know.

Third party appeals have now been narrowed down, and that worries me and my constituents. After all, they are paying their rates and have a word to say about what happens in their district. Many times people do not understand what is going on. I agree with the member for Salisbury in this matter. I do not think too many people know what is going on in their district. I do not think members opposite know, either. Just recently a news report stated that one of their members had door-knocked the area three times, but when you go out there people say they have never seen him. That is something for members opposite to think about. If one-third of the area knew what was happening concerning this legislation, I would be very pleased.

There is no doubt that this measure is being rushed through; it came before the House on Thursday, and members opposite always complained about this matter when they were in Opposition. The Minister says that the Bill has lain on the table for a few days, but I have not had an opportunity to speak to council officers about it. I am sure that they would have something to say if they had an opportunity to do so.

Whatever one may say about this matter, it is a wide-ranging Bill, which will affect people's livelihoods. Once again, the Government has shown the way to big business; there is no doubt about that. It may speak about small businesses, but this is a case where it looks after big business: as the member for Rocky River said, the developers. I think it will be a bet each way for the member for Mitcham; I think there will be a lot of litigation resulting from this Bill, and solicitors will gain a lot from it. That worries me to a certain extent.

I do not think it is a sound Bill and, although I do not intend to oppose it, I am sure that when it comes into effect many people will be coming to their local member because they just do not understand it. Further, the narrowing down of third party appeals does not please me in any way at all.

Mr Randall: As long as you get the contents right.

Mr LANGLEY: The member for Henley Beach will not have to worry about the contents of this House after the next election. He has not spoken yet, but he is entitled to do so if he desires; there is nothing to stop him. I hope he follows me in this debate. Finally, I can only repeat that lawyers stand to make a fortune out of this Bill.

Mr RANDALL (Henley Beach): I did not think I was going to follow the member for Unley so soon, but I am quite happy to do so. Having come from a local government background and seen the value of good planning, I am glad to be able to endorse what we as a Government are doing concerning planning legislation. Having had, as a councillor, to work with the restraints of the old system, one realises the problems that exist.

I understand that, within the two local councils that my district covers, there are fears because changes are coming in, and one would say in some cases they are fairly drastic changes, to use a term that may emphasise the point. I believe that the fears that local government has regarding the changes that this Bill introduces may be based on the fact that councils have seen, over the past 10 years, a form of Government in this State that, for some unknown reason, they feel will be carried on by us as a Government. They have not learnt to live with and understand what a Liberal Government is all about.

A Liberal Government is out, rightly, for small government, less intimidation, and less interference in matters of local government control. We are not a Government that wants to take over and tell councils what to do and how and when to do it. This is a Government that wants to hand powers to local government. I think that the thrust of the whole Bill is at last giving local government a chance to prove itself in this State. Again, as a strong proponent of local government, the Government needs to give local government the opportunity.

There will be critics of local government who say that councils are abusing the privileges. There will be developers who are afraid because councils are not going to do things in the way in which they want them done, but the power is in the hands of the electors in the local government area. Again, there is an indication that more and more residents

are beginning to take an interest in the local government area, and what better way to encourage them to take that interest than to give them a fair say in what their council will do? I believe that that is one attribute of the Bill. At last, councillors, representing their own small areas, will have a significant contribution to make to the planning of those areas.

The member for Unley was worried about third party appeals. I have seen the number of contentious issues raised in local councils and the number of times the party that missed out in the decision-making process has been only too keen to appeal against the decision. Then, the legal costs began to come in. To get representation, they had to employ someone to represent them, because they felt that, by having paid representation, they were getting good representation.

I believe that the introduction of the conference system is a good idea, because it will encourage the two parties in conflict, in conjunction with the council, to sit down and thrash the matter out, and I believe that more problems will be solved in the earlier stages. Fundamentally, I believe that the problem should be solved before it gets to that conference situation. One way in which I believe that can be done is that councillors should learn more about what the planning legislation is all about. We need seminars, etc., and the local council planning officers need to spend time with councillors, especially new councillors who have been elected recently. Those councillors need to learn what the system is all about. Again, I reflect on my frustration, as a new councillor, in not having had the opportunity to learn what the planning legislation was all about. I believe that local councils need to take up the challenge and train their councillors.

When they have done that, the advice given to constituents will be greatly improved. I know that some councillors and aldermen, on one Saturday every month, go through the building and planning applications in their area. They go to local residents, look at the planning programme, and see what the residents want to do. I commend those councillors for doing that, because they do it on a voluntary basis. They are not happy to do it, but they do it because they see it as a responsibility and, when they debate the matter in council, they want to debate it with the knowledge of background.

Many times potential conflicts have been resolved because councillors have taken time to discuss matters with local residents. I always made it my own personal policy that, if there was a building addition to a house and planning approval was needed, I would talk to the nearby neighbours, inform them what was going on in the area, and give people the opportunity to discuss it. Quite often, if we had sat down and looked at the plans, a lot of the potential problems were resolved. Then, when the council issued notice of consent use for that planning approval, there were no objections from residents and we did not get to the third party stage. A lot of the groundwork can be done at local level, realising the need for aldermen and councillors to carry out their responsibilities.

Mr Langley: Tell me what an alderman does.

Mr RANDALL: I am not sure whether Unley council has aldermen, but in the councils from which I came, the aldermen that I knew were responsible for the overall city, whereas, for the information of the member for Unley, a councillor looked after a small portion of the city. An alderman looked after a large portion.

Mr Blacker: Like members of Parliament in the two Houses.

Mr RANDALL: As the member for Flinders says, House of Assembly members look after little districts and Upper House members look after the whole State. Aldermen look after the whole council area. Therefore, we have a system that is useful and working, and often aldermen are senior councillors with a lot of experience. I want to put on record the positive attributes of this legislation. I think that South Australia is at last going to grapple with cluster housing. In my first speech to this House, I spent some time talking about cluster housing. Two years have elapsed, but at last we are going to grapple with that area. We need to do that in this State, and I need to in my district, because the District of Henley Beach has vacant land, but, if we carve it up in the conventional manner, the cost becomes prohibitive as far as development for housing goes, so we have to consider different methods of using available land. One is to put more houses on the acreage but we must do it in a way in which there are fewer development problems. Instead of laying them out in an orderly manner, we are going to have to grapple with changes and see loss of streets, small cul-de-sacs of properties, where community services like waste collection are going to be placed in a select area of the cluster housing development. There are many things to grapple with. We may see cluster housing developments sharing playground areas for children. If there are 12 houses built as a housing development, the 12 houses, as a contributing factor, put money towards playground equipment for the children in that area. We may need community swimming pools developed.

There is great scope if we want to grapple with the matter. I believe that councils will have the opportunity to grapple with it if they want to do so, and that will depend on the sort of elected representation they have. The other area that I think we, as a Government, are going to have to grapple with now, and should be grappling with, is the area of granny flats, the area of better utilisation of the properties already in our areas. I refer to those houses that are already built. We need to increase the accommodation of people in those houses. We need a larger number of people living in the residences that we have built and a more efficient use of the properties developed.

I believe, again, that this planning legislation will allow councils to come to terms and grapple with issues in their own areas. We are really challenging local government to pick up some challenges that, perhaps, we as a State Government have not grappled with over the past 10 to 12 years. Supplementary plans have been mentioned in the debate, and one frustrating thing for a councillor is to see that a council draws up what it thinks is good planning without consulting residents and then 10 acres sit there vacant for many years because it has independent landholders.

Sometimes, because a landholder has a key slot of land through which the main access road passes, he sits on that property and waits for a bargain price, because he knows that the council has a supplementary plan and knows the way in which the council wants to carve up the land; therefore, as the landholder, he has the key to the solution. I believe that local councils will have to grapple with the issue of the roles that supplementary plans are to play. If they are ineffective in getting land developed at a reasonable price to the potential home owner, they need to grapple with that problem. Perhaps councils will need to throw those supplementary plans out the window and start again. That can be done in conjunction with the support of local residents. I am sure that, if councillors grapple with this issue and have the support of local residents, they will do so.

The member for Rocky River also talked about reserve development. I refer to one of the prohibiting factors of encouraging local development. In my area, a number of landholders who are growing tomatoes would love to carve up their land and see housing development take place.

However, they are inhibited to some extent, because of the reserve allocations that must be put forward and because of planning commitments that may be imposed upon them by authorities that are supposed to know better than they do. Again, the Bill will give scope for negotiations and discussions; it will free the land-lock situation and, hopefully, encourage development in this State and in electorates such as that which I represent, where surplus land is sitting vacant. This resource needs to be utilised in such a way that the population obtains the benefit from it.

I want to put on record some of the concern that local councils have. The City of Woodville has written to me expressing its concern. I will detail to the House a few of those concerns. I know that the Minister will provide me with answers later. The City of Woodville is concerned about clause 7. As I read some of the submissions from local government, I noticed that there tended to be similarities therein, probably because they got together and talked about it. If we could spend a little time looking at those sorts of concerns that have been promulgated among the local councils, there might be less concern. Clause 7 concerns the local council in my area. In this respect the council is concerned because the Act does not apply to the Crown, a Minister of the Crown or a prescribed instrumentality or agency of the Crown, other than to require that notice be given to the council and to the new South Australian Planning Commission set up by the Act. This clause also provides for the Minister to refer any Government proposal which is seriously at variance with the development plan to the Governor, and the Governor may give such direction in relation to the proposed development as he thinks fit.

That comment highlights the concern of the council, which has been used to dealing with a Government with a different philosophy. It must now learn that it is dealing with a Government which has a philosophy of encouraging local government to take up its responsibilities and which wants to interpose less and less on local council decisions. I am sure that if local councils demonstrate that they are responsible and willing to do the job, the Government will interpose on those people less and less.

Another area of concern was the discretionary powers vested in the Minister. For instance, on applications that are made the Minister may intervene if he thinks that they are of State significance rather than local significance. The council is concerned, as has no doubt been detailed in this House earlier today, about what guidelines are laid down for the Minister, and about who determines what is local or State significance. These things will be determined as the Bill is worked out, as the testing process is carried out, and as decisions are made.

Again, any Government that becomes the Big Brother and wants to interpose on any local council on a number of issues must account to the people for it. I am sure that the Minister will err, if he errs at all, on the side of leniency and of little intimidation in interposing on local council decisions. I am sure that things are discussed at the local council level that are to the benefit of the State as a whole and rightly should come to the State as a whole for overall planning.

Another area of concern detailed in the submission by the Woodville council relates to clauses 9, 10 and 15. The council considers that the members of the planning commission and advisory committee who are required to have knowledge and experience in local government should be nominated by the Local Government Association. The council also is concerned about clauses 18 to 21. In this respect the council considers that the existing Planning Appeal Board has achieved a high level of expertise and credibility. The new Act does not ensure the continuance of the board as a specialist tribunal, a move that could reduce the effectiveness and high standing of the board. It is the prerogative of council to make the submissions as they see fit. There may be another side to the story; I do not doubt that.

Clause 28 is also of concern to the council. Although the idea of a conference is an excellent one and should save all parties time and money, the provision in the Act does not compel the respondent to agree to any conference. This provision should be stronger and compel all parties to be party to any conference. That is a dilemma of working in a community where there may be a philosophy that, to get somebody to do something, there must be a law to make sure that they front up. I believe that, if we get into our community and encourage people to participate therein, and take responsibility, we will have far more positive roles and decisions from members of the community.

Obviously, there comes a time when some law is needed to compel people to do things. Unfortunately, in the past, that stage has been reached far too early in the piece. I refer also to clause 31. Such a provision seems unnecessary and undesirable. Other areas in the Act provide for Ministerial (per the Governor) call in powers of all developments of major significance. To provide the opportunity for direct policy interference at the tribunal stage seems unwarranted and appears to be another safeguard step so that all levels and stages in the planning process will be accessible to the Government.

The powers in clause 32 will have to be used cautiously, as their threat may inhibit third party objections and appeals in genuine circumstances. These powers should be widened to allow council to recover costs where a party withdraws from proceedings without giving notice to the council. It is not uncommon for councils to prepare their case fully, only to be told on the day of the hearing that the appellant is not proceeding. This is a mechanical situation, and I am sure that, as this Act is empowered and as this Bill proceeds, some mechanical aspects of it will be worked out.

Regarding clauses 37 to 40, the council considers that this is an excellent change which places the onus on the offender to show the court that he has not breached the provisions of the Act, rather than council having to build up a case over a period of time, a process which is time consuming and difficult. Although the maximum penalty for a breach has increased to $10 000, it is expected that the relatively insignificant fines imposed by magistrates will continue. These cases could perhaps be more appropriately dealt with by a specialist court familiar with planning matters.

Regarding clause 41, the council states that any potential developer or person seeking planning information in the State will be referred to a voluminous document, which he must tackle in an attempt to determine what he may or may not do on a piece of land. There may be some administrative advantages in being able to deal with supplementary development plans and rezoning simultaneously, and administrative procedures being able to be amended once only, and such amendment being applicable to all councils. However, the differences in policies, standards and attitudes between council areas will still remain, and the physical binding of these plans or policies will not be of much assistance to a developer, who will still rely heavily on personal contact with the council with which he wishes to negotiate a development. Again, that is not my view but a view of the council which I represent, and I am quite happy to put it forward to this House on the council's behalf. The council's concern about section 42 is as follows:

Currently, the Minister may prepare a supplementary development plan only if, after a given period, the council has failed to do

so. This provision should be retained in the new Act. Its exclusion appears to council to be another example of the State's seeking to be able to control planning at all stages and at all levels despite the rhetoric to the contrary.

I do not wish to take issue at this stage with that comment, and merely present it for the record on behalf of Woodville council.

Regarding clause 47, the submission states that councils are currently required to consult with Government departments in repect of certain types of developments (on main roads etc.) and the submissions from those departments are taken into consideration by council before reaching any decision. Rights of appeal against a council decision are available. The changes proposed represent a potentially significant increase in State Government authority and appear to council to be unnecessary.

In regard to clauses 49, 50 and 51, the submission states that, the council is most concerned with the provisions of the Bill that allow the Governor to declare that a development is of major social, economic or environmental importance by notice in the *Gazette*. Such development may not be dealt with by the council. This clause represents perhaps the most significant shift in the balance of power between local and State Government. It is, however, consistent and a reinforcement of the shift in planning powers running through the Bill. No criteria are attached to the use of this provision, except that it relates to developments of major importance. There is no requirement to consult with councils affected.

In putting that statement on the record, although I hesitated to comment on earlier points, I must comment on that matter. Perhaps local government sees itself as the only body that runs the State. Certainly, I do not endorse that sort of comment, because I believe that this Government is strongly trying to encourage local government to run the State as well, and I am sure that the Minister, before any decision was made, would certainly want to discuss the matter with local councils and have strong input from the local council if the matter was in its area.

I have no hesitation in saying that I know that that is how the Minister wants to see the Bill work. Consultation between local government and State Government is vital. Certainly, the State Government must make a final decision for the benefit of the State, and what better body is there to inform the Minister's department and the Minister and the local council and the local councillors themselves—in effect, the local people having a good input through the system? Potentially, the power is there. If it is used wisely and correctly, Governments should make better decisions, provided that the responsibility is taken up by the local residents.

In no way can we compel local people to become involved in this sort of planning situation. Encouragement must be given. It must be made known that people can participate. They must participate in the early developmental stages and not in the later stages, as is so often the case today. Former Governments have taken decisions and then relied on the backlash from local residents, who believed that they knew better than the Government and protested before a reversal was obtained. One classic example was the development involving the West Lakes sand dunes. A former Government took decisions and then found itself backing down; then at a later stage, when the heat was off, the decisions were implemented.

Clauses 49 to 51 are also of concern to Woodville council. As has already been demonstrated in New South Wales, where a similar provision exists, various developments can take on the guise of major importance if the political circumstances are favourable. Apart from any potential misuse, it is a means of significantly eroding further the relevance of planning at a local level, especially as there is no demonstrated need for such a provision within the metropolitan area. The council is strongly opposed to this provision.

I wanted to put those comments on record because they are indicative of the sort of comments that are floating around from local councils. Such comments need to be placed on record so that perhaps in two years or five years we can go back and reassess how the Bill is working. We can see whether these fears are or were justified, or whether we have overcome them and made the Bill work.

I am sure that when this Bill comes into force as an Act, and as local councils take up the challenge (local councillors are elected by residents to represent them on councils and do their job properly) overall the community will benefit and that the power of planning decisions will be made at a lower level, at a grassroots level, so that local residents will have much say in how the community in which they live is developing. I am happy to support and endorse the Bill.

Dr BILLARD (Newland): I endorse the Bill and want to make a few general comments about its purpose. Also, I want to make a couple of more specific comments about some of the arguments that have been advanced by the Opposition, particularly in regard to third party appeals. I suppose that a planning Bill can be viewed by many people as being a fairly terse subject to discuss, and I suppose some members of the public must wonder what can be interesting in a planning Bill.

Nevertheless, planning is something that affects us all, and in many ways, whether it be in regard to how one gets approval for constructing one's house, or whether it be the way in which one reacts when one suddenly finds that a shopping centre is planned for the end of one's street, or whether it relates to the way in which one reacts when one suddenly finds that a neighbour wants to build a multi-storey monster next door and block out our sunlight, about which we do not know what to do.

Planning affects us all, and it is therefore important that planning legislation should set down correct procedures for authorities—both local and State—to consider planning matters so that the rights of all individuals in our society are preserved and protected, and so that individuals have as much freedom as possible, yet respecting the rights of others. That is the basic principle that must underlie everything when we consider a planning Bill.

Therefore, it is significant that these principles should be embodied in this Bill. This is the first major revision of planning legislation since the initial Bill was introduced in 1966. I endorse the comments of the member for Baudin, who said that we are considering tonight planning legislation that will carry us through to the 1990s. Certainly, if this Bill has the same lifespan as the previous Act, it will do that and will carry us well into the 1990s. Its purpose in replacing the old Bill is to remove a great deal of the complexity that had existed with the operation of the old Act.

I note that the member for Mitcham well and truly represented the interests of the lawyers in this State in his opposition to the Bill. I rather suspect (I hope that I do not do him an injustice) that the honourable member's comments were somewhat ingenuous when he alleged that this new Act would create a lot of work for lawyers. In fact, it was well known that the old planning Act was a goldmine for lawyers. One of the great purposes of the new Bill is to simplify the procedures so that the new Act will be less complex in its operation, more uniform throughout the State geographically, and involve less time in processing and considering applications. A Bill which does that not only

saves administration costs but also ensures that more justice is seen to be carried out in the way in which planning matters are considered and approved.

Just as bad projects may be delayed and eventually put off or die a natural death if the approval process is protracted, good projects that may be of great benefit to the community cannot come to fruition if the approval process is so long and tortuous that potential developers cannot see their way through the process. This has been the case at present with a great many possible developments. Ultimately, developers have had to pack their bags and go elsewhere because the time for approval and the doubts involved because of the time for appeals and other processes that must be gone through eventually meant that possible projects could not come to fruition. Developers could simply not hang around for that time and tie up their money for that period of time waiting for approval to come through. I think a much simplified system has great benefits in that respect. That is one of the prime purposes of the Bill. I note specifically in that respect that one of the drawbacks of the old system was that there were different operating schemes in different parts of the State. The new Act provides one scheme throughout the whole State.

Under the old scheme it depended on whether a particular council operated under interim development control or whether it had its own development controls. Depending on the scheme that was in operation, different procedures had to be followed, and different opportunities existed, for example, with third party appeals. So, it became quite a complicated process for people with a development in a specific area to work out precisely what controls were appropriate and what processes they had to follow in order to get approval.

I note that the new Bill also replaces the State Planning Authority with a Planning Commission. One of the significant differences is that the responsibility for policy passes to the Government rather than staying with the planning authority. Another of the consequences is that land that had been previously held in the name of the State Planning Authority specifically for regional recreational developments will now pass to the control of the Minister. In my own electorate one such area has been with the State Planning Authority for some time. It was land at Salisbury East purchased during the mid-1960s for the development of regional recreational facilities. The people of the northern suburbs are still waiting. At the moment, the land has a fence around it, so people cannot use it. They are still waiting for those facilities to be developed. It is only during the past two years that a committee has been set up to try to work out precisely how that land could be developed for the benefit of the region. I understand that a report has been either prepared or is about to be delivered which will make certain proposals on that land. That is one of the areas which had been under the control of the State Planning Authority and which will now pass to the Minister.

I wish to make some specific comments about the third party appeals, because the new Act will make such appeals more general in the geographical sense than they have been in the past. Previously, only those councils having their own developmental controls would allow for third party appeals. They would do so under certain specific conditions that had been set up and made known under those controls. So, the third party right was not total. Obviously, if I wanted to erect a pergola on the back of my house I would not have to get approval from my neighbours to do so. Therefore, there was not a third party right in that instance. In certain specific circumstances, third party rights did exist. That is carried through into the new Bill with a proviso that it is now generalised in a geographical sense so that, instead of being restricted to certain council areas, it is now general across the State.

The Hon. D. J. Hopgood: John Coulter didn't like that explanation any more than I like it now.

Dr BILLARD: I will comment on the remarks made by the Opposition: if they are wanting the third party appeals to be made completely general, the implication is that all applications must be advertised, otherwise people do not have the opportunity of knowing—

The Hon. D. J. Hopgood: Consent applications.

Dr BILLARD: Right—what is going on. In the tone of the remarks made by the member for Salisbury tonight, he was suggesting that such advertising should not simply be in the local paper but should be advertised on television. I could imagine how the whole system would bog down if every application for every house, for every add-on room for every house, for every pergola added on to every house, and for every backyard shed of a certain size that required approval had to be advertised and open to the system of third party appeals. Quite frankly, the mind boggles at the massive bureaucracy that would be involved. If we are going to have general third party appeals, as suggested by the Opposition, that is what would be involved. Everything must be advertised, and everything has to be given a time for objection. All objections have to be heard and considered, and to my mind the bureaucracy that would be involved in that sort of system would be enormous. Quite frankly, I do not see that it is warranted.

We are looking for a system which gives appropriate safeguards but which does not bury the whole approval process in a mass of bureaucracy. There may well be some instances where someone (and I gave the example before) may want to build a multi-storey monster next to me. It may still be a house, but I may object to it. If there are instances like that, they could well be controlled within the province of the council which could consider it and should not necessarily be left always up to third party appeals.

The Hon. R. G. Payne: What would the wording of such a provision be?

Dr BILLARD: Without going into any fine detail, most intelligent people would accept that we can provide regulations that would safeguard people's rights in those instances. We do have some regulations at the moment. In Tea Tree Gully one cannot place a shed closer than three feet to the boundary, and certain general regulations can be made that would preserve people's rights. I think that that is entirely appropriate. If we go to the extreme of allowing third party appeals on everything—

The Hon. R. G. Payne: No, only on consent applications where it does not conform.

The ACTING DEPUTY SPEAKER (Mr Olsen): Order! The member for Newland has the floor.

Dr BILLARD: It is almost certain that the whole system would bog down and become excessively bureaucratic. Quite frankly, we then get back to the deficiencies of the old system in that, if the approval process becomes too long, it is a very severe deterrent to any sort of development. I know that in some circles development can be a dirty word, but it can also be quite beneficial. It is appropriate that the approval process should be as short as reasonably possible with the safeguard that people's rights are protected. It is appropriate, in regard to some larger developments, that people have the opportunity to voice their concern but, if this is extended to every minutia of approval, the whole system is overloaded. That is the main point I wish to raise.

The Bill is appropriate because it simplifies the whole planning process, and less time will be consumed for approval in each case. It may require less staff, but I am not sure about that. Certainly, it is less complex. That must

be of benefit to all people and would ensure that we have better planning and better development. I endorse the Bill.

The Hon. D. C. WOTTON (Minister of Environment and Planning): I thank members on this side for their support of this Bill and for the valuable contribution they made to the debate. I thank members opposite for their guarded support. The debate has been interesting and a number of issues have been raised, to which I wish to refer in detail. As something of a preamble, I will first consider several matters raised by the member for Baudin as the Opposition's lead speaker early in the debate. In his opening remarks, the honourable member implied that this Bill was based solely on the work of the inquiry that was initiated under the previous Government.

The Hon. D. J. Hopgood: No, that's not right. I did not say 'solely'.

The Hon. D. C. WOTTON: If the honourable member did not say 'solely', he got pretty close to it. He referred to the inquiry initiated under the previous Government. He knows that that is only part of the story. This Government is doing what previous Governments failed to do—through this Bill, it is giving legislative force to the requirement that projects of major social, economic, or environmental importance should be assessed for their impact by the preparation of environmental impact statements. I refer particularly to the social environment, because I believe that this is a new responsibility.

The Bill gives effect to this Government's belief that environmental and planning decision-making should not be separate matters but should be integrated. Of course, it is a further extension of the policy that has been implemented in regard to the amalgamation and the true integration of the two departments of environment and planning. This approach is in keeping with enlightened approaches in achieving balanced decision-making between development and environmental protection.

I refer particularly to clause 44 of the June Bill. The member for Baudin suggested that clause 44 of that Bill should be included in the Bill before us. However, it should be recognised that clause 41 of this Bill sets out comprehensive procedures for the initiation, preparation, public exhibition, consultation and amendment of the draft supplementary development plan before it actually becomes law. However, the Opposition suggests that property owners and planning authorities should be bound by the draft supplementary development plan before it goes through this due process of exhibition. As I said earlier, that process includes exhibition, consultation, and amendment as set out in clause 41 of the Bill before us.

This would result in parties being bound by the draft plan and perhaps being disadvantaged before the said plan became the finally approved plan. It must also be recognised that the interested parties could be disadvanted by a draft plan that, in the first event, could be significantly changed as a result of the due process set out in clause 41. Where is the justice in that? Where is the justice in someone being bound by a document which may not become law and which may be significantly changed? The proper course of action is to go through the process of amending the development plan and, when the amendment becomes law, that is the time for it to be used, not before.

The member for Baudin also stated that clause 6 of the Bill provides that the Government may, by proclamation, do certain things. The Opposition believes that there should be regulations rather than a proclamation. The honourable member rather suggested that he cannot trust this Government or future Governments. All I want to say in that regard is that the Government must be in a position to make quick decisions. The Government is elected to govern. In this area, we believe that it is quite appropriate that the provision for a proclamation should remain.

I do not want to go into a lot of detail in regard to the city of Adelaide because, if members looked at the second reading explanation, they would see that I explained the exact situation in this regard. The council has assured us that it looks to us to amend the City of Adelaide Development Act in line with some of the areas of the Bill with which we are now dealing. We acknowledge that the City of Adelaide Development Act was brought down by the Labor Government and it is recognised as excellent legislation. We want to interlock the Bill we are now debating and the City of Adelaide Development Act. We believe that that is the appropriate procedure. I will not go into more detail, because that was given in the second reading explanation.

The Hon. R. G. Payne: You're separating them.

The Hon. D. C. WOTTON: We are not. When the City of Adelaide Development Act is amended at a later stage to come into line with the Bill we are now debating, the two pieces of legislation will be very much interlocked. The member for Baudin also referred to the Planning Commission and the advisory council.

The question was raised whether we should have a woman or a man or men or women, or whatever the case may be. As far as the commission is concerned, we are very keen (and I would have thought that it was quite obvious that it would be the case) to have the people with the very best expertise. So far as the commission is concerned, it may be that we finish up with three women because they have the expertise that is required, or it may be that we finish up with three men, or it may be that we finish up with both men and women. I do not believe that it is necessary that we write a provision into the Bill that one member must be a woman or that one member must be a man. I am talking about the advisory council now, because I think it was for the advisory council that it was suggested that we should have a woman member.

The Hon. D. J. Hopgood: Both.

The Hon. D. C. WOTTON: If it is both, the same argument applies: we do not believe that we should write such a provision into the legislation. We believe it is imperative that we have people who have the expertise to do the job, whether they be male or female. Also the member opposite referred to the need to have a member of the Trades and Labor Council as a representative on the advisory committee. Let me say that much debate has taken place about the size and representation that will make up the advisory committee. We are keen to have as small a group as possible providing the expertise that will be required with adequate and proper representation from interest groups. But the clause as it appears in the Bill at present is the outcome of numerous submissions and discussions, and we believe it is quite adequate.

The Government has had a number of requests made to increase the number, to increase the representation on the advisory committee; we realise that by doing that we could go on seeking more representation and putting more people on that advisory committee. It is rather interesting to note that, in connection with the draft Bills for the Planning and Development Act that we now have on the Statutes, when the first drafts came down there was a suggestion that there should be five members of the State Planning Authority; as we would appreciate, there are now 11, and that is an indication that the numbers could grow.

The member for Baudin then went on to discuss old clause 47 (4) and he went on to make reference to serious hazards to life and property and referred to motherhood statements, etc. I believe that the honourable member has misunderstood exactly what the situation is in regard to

this particular clause. It is important to point out that some 20 councils already have power in regulations. I also want to make the point that the Government has received a lot of strong objection in relation to that clause on the grounds that the council could abuse the provision, but more particularly that the owner's rights to proceed would never be certain. Much representation on that point was received during the consultation period.

In regard to old clause 47 (10) or new clause 46 (10) relating to mandatory conditions, the honourable member has indicated that the Opposition would like to see the clause relating to mandatory conditions back in the Bill. He has made reference to what has happened with the Victor Harbor council and the action that the State Planning Authority has taken in regard to that matter. I think the member for Baudin referred to it as the opportunity of the State Planning Authority or of a planning authority to clip the wings of local government if it was felt necessary. I simply make the point that we believe that councils will act responsibly. The Government is looking to local government to act responsibly and we have continued to say that through the process of bringing down this legislation. If councils do not act responsibly, or if a particular council does not act responsibly, the Government can and will take action under clause 46 (2), where, by regulation, it is possible to take the power away from the council and put it in the hands of the commission, but we would hope that that would not happen. We do believe that councils will act responsibly in these matters.

As far as clause 54 (5) in the legislation that we are debating now is concerned, the member opposite was discussing the development plan. He asked how long it would take to be prepared and to be completed. I make the point that the consolidated plan is going very well indeed. Much work is going into that plan at the present time; it is going very smoothly, and obviously it is my intention that that consolidated plan be completed as soon as possible. Mention was also made of the matter relating to the period of three years which the member for Baudin wanted to reduce to one year. All I can say (and this related particularly to the clause relating to advertising) is that the advertising industry has not complained about the three-year situation. I am of the opinion that that industry has in fact accepted that situation in regard to that period.

The honourable member also asked about when the Bill will become an Act. Of course, he would be aware that it is necessary for us to draft regulations. Also, the development plan must be completed, as I have just said, and there are necessary administrative procedures that must be finalised and established, particularly with councils, relating to various forms, etc. Of course, it will also depend on the amount of public consultation that takes place.

We then went on to clause 57 and the question was asked, 'How do you feel as the Minister of Environment and Planning in regard to the lopping of trees?' and reference was made by the member for Baudin, particularly relating to ETSA's activities in the hills face zone. Let me say again that I believe that there are excellent working regulations between Government departments at the present time. As Minister of Environment and Planning, I am delighted with the role that my department is playing, particularly in regard to the vegetation retention programme and by the work being done in many other areas. As Minister of Environment and Planning, I say that this clause does not worry me at all.

The member for Baudin has asked whether clause 60 needs to be in the Bill. He suggested that there may be a duplication in clause 60 in regard to the Heritage Act. I would suggest that clause 60 complements the heritage agreements provided under the Heritage Act; it is not, in fact, a duplication, but it complements those agreements. Also, it refers to agreements for development and redevelopment purposes, which are, of course, outside the terms of the heritage agreements. It is important that we recognise that clause 60 refers to the agreements for development and redevelopment purposes. In fact, clause 60 is there for a different purpose from that of the provisions in the Heritage Act setting up heritage agreements.

We then came to third party appeals, and a great deal has been said about them. The member for Newland, the final speaker on the Government side in this matter, made particular reference to the matter of third party appeals and clarified the situation. However, let me go into the matter in a little more detail. Third party appeal rights are currently available only in the 31 council areas which have zoning regulations. Those regulations require consent applications to be advertised. This gives rise, of course, to the third party appeal right. Under this Bill, third party appeal rights will be available throughout the State and to applicants for land division, as well. That point has not been raised; it is, in fact, an extension, and the Opposition has been talking about a breakdown in third party rights. I want to make it clear that there is an extension in this regard. I make the point again that, under this Bill, third party appeal rights will be available throughout the State and to applicants for land division, as well.

Like the present Act, the right to appeal will arise from a council's advertisement of the application. Applications which a council will be required to advertise will be prescribed by regulation. It is envisaged that the regulations will not require the advertisement of all consent applications as is presently the case. I think that we all appreciate that, if it was required, this would lead to many applications of a trivial nature, such as applications for garages, etc. (as the member for Newland mentioned), having to be advertised. This would obviously create unnecessary delays without serving any community purpose. To summarise, because I think (as I said earlier) that much has been said about this matter and there is quite a deal of misunderstanding involving third party appeals: first, under the present legislation they are being extended to all parts of the State except, of course, to the City of Adelaide Development Act; secondly, they only apply in 31 council areas now; thirdly, they are being extended to include land divisions; and fourthly, I make the point again that has been made on a number of occasions tonight, that it would be economically unacceptable to advertise every application that would be made to a council.

In all country areas, for example, every development is subject to consent. This would mean that even small additions to houses, garages, or whatever the case might be, would have to be advertised. I do not know whether that has been realised with regard to country areas in particular. We would have real problems if every application had to be advertised in country areas. One can imagine the cost and delay involved in that happening. Much has been said by the Opposition about the need for more public consultation. The member for Baudin asked how far one goes in this area of consultation. We have provided some five months for appropriate consultation. These consultations were very successful indeed. If we had delayed the debate on this final Bill for another one, two or three months, probably at the end of that time there would still be people looking for changes to that legislation. I find it quite alarming, having recognised that we first brought this Bill forward in June of this year, that even up until the past couple of days we have had people coming to us requesting amendments that could have, and should have, been handled in the very earliest part of these consultations.

The member opposite handling this Bill suggested he would have been prepared to make a bargain with us that, if we were prepared to delay this Bill for a week, he would see that it got through in some shape or form before Christmas. I appreciate that offer, but the fact is that we have been through this consultation (the Bill has come from five months of consultation, 13 public meetings, and consideration of more than 2 000 items which have resulted from that consultation) and we have looked at some 140 submissions. I have had a consultative committee working on this legislation for most of this year. I set up that committee either late last year or early this year, and it has had on it representatives from local government, the development industry, conservation, finance, building, land development, and real estate, and it has been an excellent committee. I take this opportunity to thank the people who have given up their time to assist on this committee. This will be an ongoing committee to advise me on matters relating to the setting up of regulations, and on other matters.

The member for Norwood made the point that there was no need for the Bill to be rushed through, because the development plan was going to take some time to complete. I make the point that it is not a bit of good putting departmental resources into a development plan until we know whether the legislation that we are debating at present is to go through in its present form. We did not have too many doubts about its going through, but one can never be sure, so we were not in a position to put departmental resources into something we were not 100 per cent certain about. Regulations also have to be prepared and it is impossible to prepare them until one knows what form the legislation will finally take.

The Hon. D. J. Hopgood interjecting:

The Hon. D. C. WOTTON: We have commenced, and a working paper has already gone out in relation to regulations, but the member opposite who just interjected would appreciate that it is impossible for us to finalise regulations until we know exactly how the Bill is going to come out at the other end.

The member for Salisbury spent some time discussing matters relating to supplementary development plans. He suggested that supplementary development plans should be advertised in the local paper. I do not say that that is such a bad idea. I think that the more the people know about draft supplementary development plans the better, but I suggest that that can be done through administrative means rather than having to be written into the Bill. I think that the majority of members in the House would accept that. Secondly, he said that he thought it would be appropriate for a copy of the draft supplementary development plan to be sent to all local members. It is normal practice for that to happen. Unfortunately, so far as the member for Salisbury is concerned, something went wrong there. I am pleased that he contacted me and asked for a copy, because we made that copy available to him almost immediately.

I turn now to a few points made by the member for Mitcham. When I heard him speak on this Bill, I could scarcely believe my ears. I am hopeful that the House will hear a more considered speech from that honourable member subsequently. It was most apparent that the member for Mitcham had not done his homework, because he suggested that we should stick to the present Planning and Development Act. He made a number of vague, non-specific references to subtle differences which might emerge under the new legislation. He told the House that he had been told by legal colleagues that there could be some difficulty in interpreting the new legislation. He said that he has been told that, by introducing the new Act, we will lose the benefit of a precedent in planning law. He said that he had been told that the new Act made the situation rather more complex than is the position we have at present.

I can only say that I believe that there is a general consensus in the community, involving the average person, and relating particularly to local government and environmentalists, that the present Act is no longer appropriate to community needs. It has been pointed out in the House already in the debate that the present Planning and Development Act has been amended by 23 Acts since coming into operation some 14 years ago.

The Hon. R. G. Payne: So will this one be.

The Hon. D. C. WOTTON: Let us wait and see. I will be interested in a few years time to find out how many amendments there are to the legislation that we are now debating. I am not a wagering man, but I would not mind suggesting that we will not see the same number of amendments to this legislation as appeared during the time of the Planning and Development Act. Since that Act came into operation some 14 years ago, there have been 165 separate sets of regulations, plus 49 sets of amending regulations. There are confusing differences in the powers operating throughout the State, and it is generally a complex piece of legislation. In fact, the complexity and confusion is now such that the new legislation, which sweeps aside the picture of confusion, is now urgently required. I think that is generally recognised.

For those reasons, I believe that the member for Mitcham's comments, that he has been told that we should stick to the present Act, do not hold a great deal of water. If every time Parliaments considered new legislation they became frightened because of the loss of legal precedent involved, I would suggest that Parliaments would never pass legislation. I just cannot accept the honourable member's proposition. The member for Mitcham referred to a couple of other specific points. Finally, I make reference to those. He referred to the right of the Minister to intervene in proceedings before the appeal tribunal in matters of public importance. This power simply enables the Minister to express a point of view to the tribunal when the Minister believes a question of public importance is involved. There is nothing sinister about it. We will not jump on the profession, or anyone else. The word 'intervene' is the accepted legal term used in other statutes and, in fact, some time has been spent considering the word that should be used in this regulation. The Parliamentary Counsel spent some time looking at that word 'intervene', but that word is the acceptable legal term used in other statutes. It does not empower the Minister to interfere with or stop the proceedings.

I should add that Mr Green's letter, from which the member for Mitcham quoted, was a personal letter; he was speaking as senior planner of the Stirling District Council. What the member for Mitcham omitted when quoting from that letter is particularly notable. It states:

> Dear Mr Wotton: Planning Bill No. 50. November 1981.
> It is with gratitude that I read the second version of the Planning Bill, as many local government recommendations are incorporated.

The member for Mitcham has conveniently missed that point; he did not refer to that part of the letter. The other point made by the honourable member concerns clause 40 and the establishment of the development plan. He says that he has been told that it is unworkable. I repeat that all the provision does is to enable us to consolidate a large number of varied and diverse statements of planning policy, and present them in a clear and easily understood form. I do not think anyone would grizzle about that, because I think we all agree that this provision is long overdue. Given what I have said, I hope that the member for Mitcham will reconsider his opposition to this Bill, that he will see the merits of new legislation, and that he will find that he is able to support the legislation which I believe, and the

Government believes, will clarify, streamline and speed up procedures relating to planning in this State.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. D. J. HOPGOOD: I had the distinct impression that the Minister had made a commitment in relation to the commencement of this Act. He has not repeated it in commenting on the remarks by Opposition members in the second reading debate concerning how long it might take to get out regulations and so on. Can we have an assurance from the Minister that, in fact, the Act will not come into operation until the development plan has been published?

The Hon. D. C. WOTTON: Yes, I am prepared to give that assurance.

The Hon. D. J. HOPGOOD: Does that mean that the whole Act will come into operation at the one time, or is it possible that parts of the Act will be proclaimed as appropriate?

The Hon. D. C. WOTTON: It is recognised that there is a need for some flexibility to bring some parts of the Act

Clause passed.

into operation before others, if necessary.

Clauses 3 to 5 passed.

Clause 6—'Application of Act.'

The Hon. D. J. HOPGOOD: I move:

Page 7—

Line 2—Leave out 'proclamation' and insert 'regulation'.

Lines 8 and 9—Leave out subclause (3).

I have already canvassed this matter during the second reading stage. I listened very carefully to what the Minister had to say in his summary. He made two points, the first being that the Government must be in a position to make quick decisions. I make the point to the Minister that a regulatory power is no different from a proclamation so far as rapidity is concerned. The Government may proclaim or bring down a regulation; they both occur in the same *Gazette* and from that moment they are law. The only difference is that one remains law, whatever you or I or anybody else may think about, Sir, until such time as the proclamation is varied in some way by the Government, and no-one else. The other is subject to disallowance by either House of Parliament. I have had this matter brought home to me recently.

The Minister will be aware that I still have on the Notice Paper in private members' time a Notice of Motion in relation to regulations under the Planning and Development Act. That notice of motion has been there a long time. It has not stopped the City of Noarlunga from proceeding to hear applications under that new regulation; in effect, what I have done so far has been quite irrelevent and remains irrelevent until such time as I move my motion and am able to persuade the majority of the members of the House to my point of view.

Thus, I do not think it is quite relevant to say that we are in any way doing away with the right of the Government to freedom of manoeuvre. To that extent, a proclamation and a regulation are on the same level. As for saying that a Government is elected to govern, I simply remind the Minister of things that he and his colleague said when in Opposition; his colleague in another place, the Hon. Mr DeGaris, regularly, since I have been here, has gone over practically every piece of legislation and had struck out 'proclamation' and had inserted in lieu 'regulation'.

For all I know, that member may have this matter in his sights as well, despite the fact that his colleague has introduced the measure. We are really saying that, when things are different they are not the same, which is something that has cynically been remarked about the political game for a long time. I invite the Minister's reconsideration of this matter.

The Hon. D. C. WOTTON: I do not know what my colleague in another place might have in mind. He may have very much in mind what has been suggested by the Opposition, but at this stage the Government does not support the amendment, for the reasons that have been stated.

The Committee divided on the amendment:

Ayes (19)—Messrs Abbott, L. M. F. Arnold, Bannon, Blacker, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood (teller), Keneally, Langley, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs Corcoran, McRae, and O'Neill. Noes—Mrs Adamson, Messrs Goldsworthy and Tonkin.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. D. J. HOPGOOD: I move:

Page 7, line 10—Leave out 'this Act' and insert 'Part V of this Act'.

I really cannot understand how the Minister can claim that the Government has embarked on the process of interlocking the two Acts, when he is cutting the City of Adelaide right out of this Act altogether.

The Hon. D. C. WOTTON: We oppose this amendment and I make the point again that, in discussions we have had with the City of Adelaide, that council has indicated that it would want us to amend its own legislation. We are happy to do that to enable the two pieces of legislation to interlock. It was the Labor Government that brought down the City of Adelaide Development Act. It is recognised as good legislation, and we do not want to do anything to muck it up. The council has agreed that amendments will be made in some areas to bring down similar requirements in both pieces of legislation, which will mean that the two pieces of legislation will interlock, and we have no intention of supporting this amendment.

Amendment negatived; clause passed.

Clauses 7 to 9 passed.

Clause 10—'Membership of the commission.'

The Hon. D. J. HOPGOOD: I move:

Page 9—

Lines 17 to 20—Leave out subclause (2).

After line 43 insert subclauses as follows:

(6a) The member referred to in subsection (6) *(a)* shall be chosen from a panel of three persons with practical knowledge of, and experience in, local government submitted to the Minister by the Local Government Association.

(6b) At least one member of the commission must be a woman and at least one member must be a man.

This was canvassed in my remarks in the second reading. I find what the Minister said in reply not at all convincing. He said that people with the best of expertise were needed. He even suggested there may be a possibility that the commission could finish up consisting of three women. I am not a gambling man but, if I were, I would have a few bucks on the outcome of this. Unless my amendment gets through, I cannot see why the Minister is not prepared to write into legislation some guarantee that there will be a woman on the commission.

The Hon. D. C. WOTTON: Once again, the Government does not support this amendment. We made clear that we do not believe it is necessary to write it into the legislation, and that we are looking for the very best expertise available. If it happens that the best expertise can be found in either

a man or a woman, then we will be quite satisfied. We do not support the amendment.

The Hon. D. J. HOPGOOD: The Minister will be aware that I have listed further a similar amendment in relation to the advisory committee. I will make this a test vote on that general principle.

The Committee divided on the amendment:

Ayes (18)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood (teller), Keneally, Langley, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs Corcoran, McRae, and O'Neill. Noes—Mrs Adamson, Messrs Goldsworthy and Tonkin.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clauses 11 to 13 passed.

Clause 14—'Constitution of the committee.'

The Hon. D. J. HOPGOOD: I move:

Page 11, line 29—Leave out the word 'seven' and insert 'eight'.

I wish to make an explanation. Since we have, for ill, disposed of the matter of men and women on the commission, I will not press my amendment in relation to the advisory committee. It is my desire to seek to amend the Bill to provide that one of the members of the advisory committee should be a nominee of the Trades and Labor Council. In the drafting of this amendment, I overlooked that earlier in the clause it would be necessary to change the number of people nominated, in addition to the Chairman, from seven to eight. That does not appear in what I have circulated. I am upset that the Minister will not accept my amendment. There is little point in my proceeding with the substantive motion.

The reason for my moving this amendment is that I wish to amend the Bill to provide that one of these nominated people shall be a nominee, in turn, of the Trades and Labor Council. If one looks at the proposed composition of this body, after the Chairman, who of course is also Chairman of the commission, the clause provides:

(a) two shall be persons with wide experience of local government;

(b) one shall be a person with wide experience in environmental matters;

(c) one shall be a person with wide experience of commerce and industry;

(d) one shall be a person with wide experience in rural affairs;

(e) one shall be a person with wide experience of housing or urban development; and

(f) one shall be a person with wide experience of the utilities and services that form the infrastructure of urban development.

It is theoretically possible that, under paragraph *(c)*, we could have a trade unionist, but under this Government it is highly unlikely that that sort of appointment will be made. It is recognised that, in a wide variety of areas of legislation, there is provision for a nominee of the Trades and Labor Council. After all, we are talking about what is effectively the Parliament of the organised work force of this State, people who will be affected by the planning decisions that will come out of the Act. It seems appropriate that the amendment which I am pressing on the Committee should be accepted. We are increasing the size of the advisory committee from eight members to nine members, which is not a particularly daring or bold move or one that will in any way make the committee unworkable. I urge the Government to support the amendment.

The Hon. D. C. WOTTON: I oppose the amendment. It is not just a matter of increasing the size of the committee from eight members to nine members. As I stated earlier, we have received much representation from many interest groups requesting representation on the advisory committee. It was our intention that the committee be kept as small as possible and that the required expertise be kept to as small a number of members as possible. With the consultation that has taken place, and in view of the many submissions received, much discussion has occurred about the size and representation on the committee. I do not believe that we can extend it. If we did, we would have to look at involving many other organisations and interest groups. We have no intention of doing that, and we cannot support the amendment.

The Hon. D. J. HOPGOOD: As the Minister is not prepared to write this amendment into the Bill, can we have an assurance that someone from the Trades and Labor Council will be appointed under paragraph *(c)*, to which I refered earlier?

The Hon. D. C. WOTTON: No, I cannot give that assurance.

The Committee divided on the amendment:

Ayes (18)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood (teller), Keneally, Langley, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Messrs Allison, Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs Corcoran, McRae, and O'Neill. Noes—Mrs Adamson, Messrs Goldsworthy and Tonkin.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr BLACKER: I seek information from the Minister about the administration of the advisory committee. Are advisory committee members to be paid or receive any reimbursement in any way for their efforts?

The Hon. D. C. WOTTON: No, they are not paid.

Clause passed.

Clauses 15 to 18 passed.

Clause 19—'The Judges of the tribunal.'

Mr CRAFTER: I seek information from the Minister about the Government's intention regarding judicial appointments to the tribunal. There has been built up in this jurisdiction a great deal of experience amongst those judicial officers who currently occupy positions on the Planning Appeal Board. The ability of the senior judge, at will, to revoke the nomination of the Chairman and other powers that are vested in the senior judge of the Local and District Criminal Courts, pursuant to other legislation, are broad powers. Obviously, it would not be in the interests of orderly and proper planning if the experience contained in the current holders of judicial office on the Planning Appeal Board was lost to other jurisdictions. That is open to the Govenrment, through the senior judge, if it so chose at this stage, and I would be pleased if the Minister could assure the Committee that the existing personnel at the Planning Appeal Board will continue to serve, wherever possible, in that jurisdiction.

The Hon. D. C. WOTTON: The Government recognises the need for flexibility to maximise the use of all available judges in various jurisdictions. Few people seem to be aware (and the consultation period has shown this to be the case) that already the Planning and Development Act has been amended by the Statutes Amendment (Administration, Courts and Tribunals) Act, which means that there will be no change in the legislation that we are debating in relation to the situation applying under the Planning and Development Act and the Statutes at present.

Clause passed.

Clauses 20 to 22 passed.

The Hon. D. C. WOTTON: I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Clause 23—'The secretary.'

The Hon. D. J. HOPGOOD: Subclause (1) is self explanatory. What has the Government in mind in regard to subclause (2), which provides that the office of secretary to the tribunal may be held in conjunction with any other officer in the Public Service of the State?

The Hon D. C. WOTTON: It means that the person who holds the position of secretary can be involved in other minor duties as well.

Clause passed.

Clauses 24 to 26 passed.

Clause 27—'Conference of parties to proceedings.'

The Hon. D. J. HOPGOOD: This is the conciliation clause (we might call it) of the legislation, of which this Government has made much in public comment. I seek information from the Minister because of something said by his colleague the member for Henley Beach in talking about the virtues of the scheme of third party appeals, which this legislation embodies, as opposed to what it replaces in the Planning and Development Act. As I recall it, in the second reading debate the member for Henley Beach said that there would be provison for third party objectors to be involved in the conciliation machinery, which must be a reference to clause 27, as that is where the conciliation machinery is set up. I seek guidance from the Minister. That is not my reading of the legislative scheme that we have in front of us.

The Hon. D. C. WOTTON: That is the case.

The Hon. D. J. HOPGOOD: Is it the case that third party appeals could not be involved in the conciliation machinery envisaged under this clause?

The Hon. D. C. WOTTON: They can be, yes.

Clause passed.

Clauses 28 to 39 passed.

Clause 40—'The development plan.'

The Hon. R. G. PAYNE: I move:

Page 22—

Line 5—Leave out 'the authorised development plans' and insert 'the provisions of the authorised development plans'

Line 27—Leave out 'the regulations' and insert 'the provisions of the regulations'

Line 30—Leave out 'materials' wherever it occurs and insert 'provisions' in each case.

In bringing these amendments before the committee and in asking for its support, I point out that, in view of the Minister's Christian name, I am not standing here as a Goliath in this place. I gave the amendment some thought and discussed the reason for this amendment with the Parliamentry Counsel, who did not necessarily agree with me. In reading clause 40, I believe that, in order to make the new legislation work, there has to be a development plan. This clause provides a way for that development plan to come into being in a sensible orderly way and to receive the authentication of the Government and all other steps required. The wording which presently exists in the Act and which sets out to achieve that, to my way of thinking is slightly stilted and somewhat cumbersome. It would be improved by the wording in the amendment. If we look at the clause in detail we will see that in line 5 the present reference is to 'the authorised development plans.' I am asking honourable members and the Minister to remove 'the authorised development plans' and insert 'the provisions of the authorised development plans'.

The next instance where there is a need for the insertion of the advisory words 'the provisions' is at line 27 in the same clause. In that line we can see that I am seeking to provide the words 'the provisions of' in front of the words 'the regulations'. Referring to line 30, I want to remove the word 'materials' and substitute the word 'provisions'. In looking at the whole clause, we are providing for three separate areas of the present situation to be taken into account in the preparation of the new development plan. The first area that we are considering is the existing authorised development plans presently in force under the Act which is still alive at the moment. The second situation is the regulations under the repealed Act relating to the hills face zone regulations, which are in a separate category.

I remind the Minister that on at least one occasion there was a judgment in the courts in regard to this Act that referred to the very words I seek to include, that is, the provisions of the development plan. I belive that the present wording has been left in in an attempt to cover three somewhat different things that the legislation says must be taken into account in preparing the new development plan. The word 'materials' is used twice and is cumbersome. That word conjures up images of other things such as extractive materials. It does not fit the situation with which we are faced.

We are trying to say that the authorised development plan will be compiled on the basis of the provisions of the Hills face zone regulations. I ask the Minister to consider what I have put to him and to prove what might be argued to be a matter of semantics. I point out to the Minister that the courts involved themselves in quite long dissertations in semantics.

The Hon. D. C. WOTTON: This is purely semantics as far as I am concerned. I know what the honourable member is getting at. I cannot see that the amendment will make any difference at all to what is already contained in the Bill. The Government will support the amendment.

Amendment carried.

The Hon. D. J. HOPGOOD: Subclause (3) provides:

For the purpose of compiling the development plan upon the basis of the materials referred to in subsection (2), those materials may be modified—

(a) to achieve consistency with the provisions of this Act;

(b) to remove obsolete matter or matter that is no longer required in view of the provisions of this Act; or

(c) to achieve uniformity of expression.

This involves us in a very large editing job, in some respects a scissors-and-paste job. I believe that most reasonable people outside the Parliament would see no problems in regard to paragraph *(b)* or *(c)*, but they may be a little worried about paragraph *(a)*, which states that those materials may be modified to achieve consistency with the provisions of this Act. It is not usual in Committee to require a Minister to give a very detailed explanation of these things, but I note that the officer who is largely charged with this matter is in the precincts. Can the Minister give some indication of the way in which that could arise?

The Hon. D. C. WOTTON: We are considering legal terms in the Bill that we can incorporate into the development plan. It is important that we refer to the development plan. There is concern and, I suppose, a bit of suspicion in the community about what will finally appear in the consolidated plan. I have indicated previously that we will make public this plan for a period to enable councils and interested people to observe what is in the plan before it becomes formalised. I believe that that will put to rest a lot of the fears that many people have.

Clause as amended passed.

Clause 41—'Amendments to the development plan.'

The Hon. D. J. HOPGOOD: This clause is one of the most important clauses in the Bill, because by passing clause 40 we have ensured, except as provided therein, that the current authorised development plans which now cover the whole of the State will be the source material of the

new development plan. We all know that they are public documents, available to anyone, so there is no problem in that regard. We then turn to the sure and certain eventuality that from time to time the development plan will have to be amended by the process as laid down in clause 41.

I do not seek to move an amendment at this stage to clause 41, because as I indicated before we went into Committee, I have decided instead to seek an addendum to clause 42. However, in talking about the relationship between these two clauses, the Minister invited the House to reconsider, not in a formal sense but to re-read, clause 41. In a sense he was saying that, once we read clause 41, we could see why he will oppose the reimposition of clause 44 from the June Bill. When I read clause 40 onward, I see all the more reason to canvass my amendment to clause 42. Is it not a fact that the new form of clause 41 is likely to be less expeditious in the planning process than the old form of the June Bill?

The Hon. D. C. WOTTON: No.

The Hon. D. J. HOPGOOD: Is it not a fact that in the June Bill provision was made for the Minister to bring down a supplementary development plan if he wanted to do so, but that now he can only do so if, after inviting the relevant local government authority to do so and waiting for six months, it says that it will not? Does not that therefore involve delay?

The Hon. D. C. WOTTON: Following discussions that we have had with the Local Government Association, we have agreed that we should provide the opportunity for councils to prepare a supplementary development plan first. If a council does not see the necessity to initiate a supplementary development plan, following negotiation between that council and the Government we expect that the council will prepare a supplementary development plan. If it does not, we will have to have this delay of six months. I believe that that situation is appropriate; I do not believe that there is any other way that we can get around it. However, we have enough confidence in local government to expect that that will happen.

The Hon. D. J. HOPGOOD: As a general proposition I have confidence in local government as well, but I think the Minister has now accepted my point. There could be a six-month delay because of the way in which this clause is now worded. I am not arguing about that. The Minister says that there is no way around it and that it is an unfortunate fact of life. I will shortly be canvassing a way around it. I put to the Minister this situation: there is an inner-city residential area somewhere which is falling prey to industrial development; the local council is hell bent on seeing this happen; the local people do not want it to happen. In such a situation it is not good enough to wait until the next council election; in any event only half of them come out at any election, anyway, and there still might not be the numbers to have this stopped by council initiative.

So, pressure is placed on the Minister, and he says, 'Yes, we'll introduce a supplementary development plan; that will fix it.' Under the June Bill, it would have fixed it, or under my prospective amendment to clause 42 it will fix it as well. However, the Minister has put himself in a situation where he has to go back to the council and say, 'This is what we want you to do,' and then he sits back for six months. Then at the end of six months if they have not done it he can bring in a supplementary development plan. But by that time another 17 hectares of residential land may have fallen prey to industrial development, and by that time there may be little point in introducing the supplementary development plan. It would no longer be possible to secure the residential character of the locality, and the ground has been cut from under you.

The Hon. D. C. WOTTON: There is very little more I can say other than to repeat what I have already said. The matter gets back to whether we have confidence in local government; whether we recognise the need to have a shared responsibility with local government. The point that the honourable member has just made is an interesting one: it makes a nice story, I suppose, but I still say that we in Government have confidence that local government will do the right thing. Surely, if there are complications, it is possible for two bodies to get together in an attempt to overcome the problem so that there is not a delay, but we do have the six months situation.

Clause passed.

Clause 42 passed.

New clause 42a—'Interim development control.'

The Hon. D. J. HOPGOOD: I move:

Page 26, after line 18—Insert new clause as follows:

42a. (1) Where the Governor is of the opinion that it is necessary in the interests of the orderly and proper development of an area or portion of the State that a supplementary development plan should come into operation without the delays attendant upon advertising for, receiving and considering public submissions, he may, at any time after notice that the plan is available for public inspection has been published, declare, by notice published in the *Gazette*, that the plan shall come into operation on an interim basis on a day specified in the notice.

(2) Where a notice has been published under subsection (1) the supplementary development plan—

(a) shall come into operation on the day specified in the notice; and

(b) shall cease to operate—

(i) when superseded by a supplementary development plan that comes into operation under section 42; or

(ii) upon the expiration of twelve months from the day on which it came into operation,

whichever first occurs.

This is word for word what was clause 44 in the June Bill. All I can do is reiterate what I have already said, both in the second reading debate and in the debate on clause 41. The Minister has admitted that there could be an element of delay involved in this sort of situation, and he says that he sees no way around that. One way around it is to accept this amendment, which holds the situation. What as I recall the Minister said, in canvassing the possibility that people have to fall in line with what you might call a draft supplementary development plan, which has become law under an interim development type of control and then the supplementary development plan is finally not accepted, is, 'Where is the justice in that?' I ask in turn, 'Where is the sense in proposing to bring in a supplementary development plan to fix up the problem when by showing your hand you will, in the short run, exacerbate the problem?' If I can return to the example I gave earlier, what would almost certainly happen as a result of the setting into machinery of a supplementary development plan which would have the effect of controlling that industrial development is that, for so long as it was not law, you would get an accelerated burst of applications. People will put in their applications knowing darn well that in six months they will not be able to do so, or that, if they can, those applications will not be entertained. There will no longer be, say, an eighth of the land in a particular area given over to industrial or commercial development: there will be a quarter, a third, or even more. There it is: the Minister asks, 'Where is the justice?' and I ask, 'Where is the sense?'

The Hon. D. C. WOTTON: I spent some time on this matter in the second reading debate. I made the point then that the Opposition, in putting forward this amendment, would suggest that property owners and planning authorities alike would be bound by a draft supplementary develop-

ment plan before it goes through all due process as set out in clause 41, so far as consultation and the period for exhibition and amendment, etc., were concerned. As I said earlier, this would result in parties being bound by a draft plan. There is a strong possibility that they would be disadvantaged before the plan was finally approved. As I also said before, it needs to be recognised that interested parties could be disadvantaged by a draft plan which, in the final event, could be significantly changed as a result of the due process set out in clause 41. We need to recognise that this happens, that the exhibition period is not a rubber stamp process and is not just something that is good public relations. I hope that the member for Baudin will realise that many amendments to be made to draft supplementary development plans are taken into account by councils. That is an important part of the programme.

The Hon. D. J. HOPGOOD: I want to take a little time on this matter because it is the most important of the amendments I have on file. In the example I gave earlier, what would be the effect of, through an interim development type of control, the draft development supplementary plan coming immediately into operation? The effect would be that some householders who might otherwise have sold out to industry would not be able to do so. That is all. They will not in turn be tossed out of their homes or anything like that. They simply will not be able to sell but will be able to continue to live there as they have in the past. The advantage to those people who want to do so is that they can continue to live in a pleasant residential area, rather than in one that is subject to the incursions of industry.

I invite the Minister to weigh the pros and cons of this matter. I do not suggest that anyone is coming up with an ideal solution to the situation. On the one hand, we have some people who perhaps will lose some freedom in the short term to do something that they might otherwise have done. On the other hand, we will have the vast majority of people, I suggest, in that area having the amenity of that area preserved in the way that the Government wants it to be preserved, as shown by the draft supplementary development plan. Unless the Minister accepts my amendment, there is no way in which it can be preserved in the short run. In the long run that is all right, but then the situation has altered.

I invite the Minister to comment on the fact that the Government has buckled under to certain developmental interests, particularly those interested in schemes of development, who have come along and put on a turn. I invite the Minister to consider the counter arguments of people concerned in progress associations, residential associations, or whatever else one likes to call them. Those people who would very much like to see government, at whatever level, have the power not to have the ground cut from under its feet while a slightly more cumbersome process than was originally intended is being gone through.

The Hon. D. C. WOTTON: The member has referred to weighing up the pros and cons. I can assure him and Opposition members that the Government has weighed up the pros and cons and have made quite clear that we are not supporting this amendment.

The Hon. D. J. HOPGOOD: I rather feel that I am swimming through treacle. Is the Minister prepared to suggest why clause 44 was in the June Bill?

The Hon. D. C. WOTTON: A number of clauses that were in the June Bill are not there now; some of the clauses in this Bill were not in the June Bill. This is all an important part of consultation, and there was much discussion on that clause. I repeat that we have looked at both sides of the argument and we obviously feel just as strongly about this matter as does the Opposition. The Government will not support the amendment.

The Hon. D. J. HOPGOOD: I give the Minister one last opportunity to answer the question that I have just asked.

The Hon. D. C. WOTTON: I am of the opinion that that question has been answered.

The Committee divided on the new clause:

Ayes (18)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood (teller), Keneally, Langley, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs Corcoran, McRae, and O'Neill. Noes—Mrs Adamson and Messrs Goldsworthy and Tonkin.

Majority of 3 for the Noes.

New clause thus negatived.

Clauses 43 to 45 passed.

Clause 46—'Conditions under which development may be undertaken.'

The Hon. D. J. HOPGOOD: I move:

Page 27—
Line 38—Leave out 'subsection (4)' and insert 'subsections (4) and (4a)'.
After line 42 insert subclause as follows:
(4a) Where—
(a) a proposed development is permitted absolutely or conditionally by the principles of development control without the consent of a planning authority; but
(b) the relevant planning authority is of the opinion—
(i) that the proposed development would create serious hazards to life or property; or
(ii) that the proposed development would have a serious detrimental effect on the amenity of the locality in which it is proposed,
the relevant planning authority may, by notice in writing served personally or by post upon the proponent, prohibit the development.

I canvassed this matter in my second reading speech. I believe that the intention of the Government in writing it into the June Bill was a worthy one. I see no reason why it should not be in the present legislation, and I assure the Minister that I have not misunderstood the intent of the clause. It is crystal clear to me, and that is why I think it should stay in.

The Hon. D. C. WOTTON: We oppose the amendment. I do not want to go through all the reasons again, either, other than to say that we have received a lot of strong objection to this particular clause during the consultation period. I have mentioned previously that two grounds were particularly mentioned. First, it was suggested that councils could abuse the provision, and the second ground was that that owners' rights to proceed would never be certain. I can only repeat that we have had strong representation on this matter.

The Hon. D. J. HOPGOOD: I point out that the whole of the Minister's opposition to my recent amendments has been based on his absolute confidence in local government. Now he is suggesting that local government could abuse this particular power. I suggest that this a very wise power to be given to local government, and I imagine that local Government would be keen to exercise it in those extreme cases where it needs to be exercised. It is understood that those cases would be extreme cases.

Mr CRAFTER: I am most concerned about this matter. Will the Minister say from whom he received such strong representations that caused the Government to amend clause 47 (4) of the previous Bill in this way and to deal with development in such a way that it may constitute a hazard to life or property or that would have a serious detrimental effect on the amenity of the surrounding area? This to me raises some very fundamental questions. I would be pleased to know who suggested that the Government act in the way in which it is now acting and what arguments the Government received to the contrary.

The Hon. D. C. WOTTON: It is not my intention to indicate which people made representations on these matters.

Mr CRAFTER: I have received representations from concerned residents in a number of different council areas in my electorate, as I imagine other members have, with respect to the handling of uranium or other hazardous products in any way in a built-up metropolitan area. Constituents have suggested to me that the Government strongly opposes the intervention of local government in handling the control of these land uses in the way in which many councils are doing so, namely, by declaring their councils nuclear-free zones. It has been suggested to me that, if a council brings down absolute prohibitions in dealing in such toxic substances, the Government will intervene and take the councils to court on this matter.

I do not have information to tell my constituents to the contrary. I take this opportunity as I believe that this is an issue where the Minister should explain the Government's attitude towards the ability of local government to declare their areas nuclear-free zones. Many councils are concerned not solely with the nuclear fuel cycle but with other toxic uses as well. It would seem, because of the Government's actions in this Bill, that comment is due about a matter of such importance as this. I shall be pleased if the Minister clarifies this matter for me and the House.

The Hon. D. C. WOTTON: I do not believe that the matter that the honourable member has raised relates to this clause.

Mr CRAFTER: I should have thought that a development which constituted a hazard to life or property or which would have a serious detrimental effect on the amenity of the surrounding area would indeed have fallen into the declaration of an area as a nuclear-free zone. In fact, the dealing with toxic substances is right on point. We have here the Government taking a major decision contrary to a stand that it took in the previous Bill, in dealing with such substances and the planning laws that would apply in this State with respect to such uses.

In my own district the Premier's Department has an application before the Kensington and Norwood council for building a nuclear fall-out shelter. It contains safeguards against fall-out and contamination of clothing, and how that will be dealt with. It is very elaborate and is no doubt a costly application to build such a facility. There must be some danger to the local community and metropolitan area if the Government decides that there is a need to provide such a safeguard in Adelaide urban area. The Minister is saying that this is not a relevant matter in regard to this clause, but I would have thought that it was right to a point.

The Hon. D. C. WOTTON: The point that I am making is that it would not be a permitted use but a consent use.

Amendment negatived; clause passed.

Clauses 47 to 51 passed.

Clause 52—'Third party appeals.'

The Hon. D. J. HOPGOOD: My amendment to this clause has been circulated separately. I move:

Page 31, lines 8 to 17—Leave out subclause (1) and insert subclauses as follows:

(1) Notice of an application for a planning authorisation must be given in accordance with the regulations.

(1a) Where notice of an application has been given under subsection (1), any person who desires to do so may subject to and in accordance with the regulations, make representations to the relevant planning authority in relation to the granting or refusal of the application.

First, I must correct the record at one point in relation to an interjection that I made during the Minister's comments. The point was originally picked up by the member for Newland and then reiterated by the Minister. The argument goes along these lines: That while it may be true that the Government's intentions under this legislation are to narrow the ambit of the third party appeal, nonetheless, because it will now apply throughout the State, we come out ahead in the wash. I suggested that at the public meeting which the Minister and I addressed, and a certain person was not impressed with the answer given from the stage. In fact, I picked the wrong person; as I recall it was Dr John Sibley who had a look of absolute amazement on his face when he had that answer given to him. I remind the Minister that the 31 local government authorities (in whose areas the matter of third party appeals is something which is alive and well under the Planning and Development Act) for the most part make up the populous areas of the State, and those areas of the State where most of the development applications apply, and where the matter of third party appeals is likely to be a fairly lively issue.

I am not saying that from time to time it might not arise in the rural and more remote areas that are incorporated in the State but, nonetheless, the broad mass of the applications for third party appeal will come from those 31 councils areas anyway. In any event, if one accepts the general concept of the third party appeal, one would see the advantage of being able to extend the present regime to the whole of the State rather than wanting to lose in part on the merry-go-round while we are gaining on the swings.

The Hon. D. C. WOTTON: I do not know about the merry-go-rounds or the swings. I have explained the situation exactly. I made it as clear as I could in regard to the Government's attitude in regard to third party appeals. I take the point that the honourable member makes in regard to the 31 councils. I also ask him to understand the situation that would apply in regard to council areas where every development is subject to consent; this would mean that any small addition would have to be advertised, and he would be aware of the cost and delay involved in that. I also make the point again that has been overlooked by members opposite that third party appeals are being extended to include land division.

The Hon. D. J. HOPGOOD: The Government has not really seen fit to alter in any substantive way the situation in which an applicant under the Act has rights of appeal to what is now to be called the tribunal. Why does it differentiate between the applicant on the one hand and a third party appellant (or someone who desires to be a third party appellant) on the other hand? That really was the philosophy which underlay the thinking of the two gentlemen who approached me on Beach Road in the 1970 election campaign, behind the philosophy of the Town and Country Planning Association, which was pushing the matter at the time, and behind the philosophy of the Hon. Glen Broomhill, who, as Minister of Environment, first introduced the opportunity into the Planning and Development Act for third party appeals. Why differentiate in this way

between an aggrieved applicant on the one hand and an aggrieved third party on the other hand?

The Hon. D. C. WOTTON: If a development is in accordance with the development plan (and this is the point I need to make again), why should it go to a third party appeal?

The Hon. D. J. HOPGOOD: That raises the matter I canvassed in the second reading debate. I would like some indication from the Minister in relation to this matter. Is he able to confirm that what I said in the second reading debate is in fact the case—namely, that when the regulations are brought down, which will determine who does have third party rights of appeal under this new Bill, we will have the following situation: first, where it is to do with an application for licensed premises there is no problem (full third party rights of appeal would apply); secondly, where there is a consent application, and the local government authority (which is the planning authority for the purposes of the application) gives right to appeal to a third party, then the appeal can occur; and, thirdly, that there will be unfettered rights in relation to those land uses which are not permitted under the development plan.

As I understand it, they are to be the three circumstances in which a development application is subject to third party rights of appeal. Can we have some indication from the Minister as to whether that is the case, whether I have been misled, or whether I have misinterpreted the situation?

The Hon. D. C. WOTTON: I think the honourable member would recognise, because it has been said a number of times today, that it depends on the regulations. If the honourable member believes that I am in a position now to commit myself in regard to the regulations, that is certainly not the case.

The Hon. D. J. HOPGOOD: I cannot give chapter and verse but I must have got that information from somewhere. I attended a public meeting and, although I have not got my notes of that meeting, I can only assume that that information was made available to that public meeting in the State theatrette as a result of questions asked. That goes back to July. That information was being made available to the general public at that time. I am asking that similar information, if it is correct, be made available to members of the Parliament of South Australia or at least to those members participating in this Committee.

The Hon. D. C. WOTTON: The honourable member would recognise that a working paper has been distributed in regard to regulations. I am not in a position to commit myself as far as those regulations are concerned, because we have to go through a considerable process before they are finalised.

The Hon. D. J. HOPGOOD: I know that the Minister has been around long enough to know that he should beware of Greeks bearing gifts, but I point out that, if he could give certain assurances to people in the wider community in relation to this matter, a lot of the pressure that has been on him may go. If one reads this clause, one sees that there appears, on the surface, to be no problem; it would appear that the rights of the third party appeal are as secure in this Bill as in the Act that the Bill seeks to replace. Yet everyone—the Local Government Association, people involved in the Town and Country Planning Association and people generally in the community—have been jumping up and down.

What is the source of the problem? If a ghost needs to be exorcised, the Minister is being given an opportunity in this Committee to so exorcise it. Perhaps there is no problem: perhaps when the regulations come down, we will read that the rights of third party appeal are as in the Planning and Development Act. As the Minister has said, the only difference is that it has been extended from 31 big councils to other councils and land subdivision is also involved. That is not the general understanding of people outside, because they have been told that, despite the geographic extension of the rights of third party appeal, there is to be a legal confinement. Therefore, can the Minister indicate what the fuss is really all about, unless there has been some fairly clear indication from the Minister or his department that, in fact, there is to be a narrowing of the legal ambit of third party appeals, even though there is to be a geographical extension?

The Hon. D. C. WOTTON: All I can say is that the honourable member and the members of the public who, according to the member, are so concerned about this matter will have to be patient a little longer.

The Hon. D. J. HOPGOOD: The price we pay for that answer is that I will have to proceed with my amendment, because I have not been given an assurance. I move:

Page 31—lines 8 to 17—Leave out subclause (1) and insert subclauses as follows:

(1) Notice of an application for a planning authorisation must be given in accordance with the regulations.

(1a) Where notice of an application has been given under subsection (1), any person who desires to do so may, subject to and in accordance with the regulations, make representations to the relevant planning authority in relation to the granting or refusal of the application.

I remind the Minister that it is not so very long since he was sitting on this side of the Chamber, and it may well happen again. Once this Bill is passed, the Parliament will largely lose its rights of scrutiny in this matter. If the Minister is to prescribe the conditions under which people will have third party rights of appeal, of course we have certain rights of disallowance, but we have no rights of initiation. If my suspicions are correct, the only way in which I can overcome that is to do something here and now. I cannot wait and trust the Minister to come down with a reasonable regulatory scheme later, because, if he does not produce what I regard as a reasonable regulatory scheme, I will have shot my bolt. I will be history in regard to this clause.

Can the Minister, who spent so much time in Opposition and who should understand the way in which Oppositions approach these things, see the force of my point? I am afraid I am dealing a lot in colloquialisms tonight, but we are being asked to buy a pig in a poke. We are asked to approve a regulatory power and we do not know what the Minister will do in those regulations. We know that there is a widespread concern in the community, apparently based on what officers have said publicly, if not on what the Minister has said, that there will be a considerable narrowing of the legal opportunity for third party appeals to be applied for.

The Hon. D. C. WOTTON: I appreciate the honourable member's colourful language. I repeat that I will not commit myself. I have said publicly that once the regulations have been drafted they will be open for consultation and they will be made public, so people will have the opportunity to look at the regulations before they are finalised. I am afraid that the honourable member will just have to wait until then.

Mr CRAFTER: I am most concerned about this matter, on which I spoke during the second reading debate. I would be pleased if the Minister could expand a little on the report that he made in introducing this legislation, when he said that residents groups and others were concerned at the possible limitation of third party objector appeal rights. The member for Baudin has echoed in this place that concern which has been expressed throughout the community concerning the possible limitation of third party objector appeal rights. Obviously, the Minister is unable to explain to the Committee that that will not occur, and I would be glad to

know why the representations that the Minister received from the resident groups and others with that concern were not persuasive.

The Hon. D. C. WOTTON: When I referred to that fact in the second reading explanation I meant that the wording of this legislation has meant many things to many people. I went on to say that certain parts of the legislation were seen by developers as giving far too much power to local government. Local government in some instances was of the opinion that the Government was not giving it enough power. Certain sections of the community believe that, even with what we are presenting at present, we are going too far in relation to third party appeals. Others believe that we are not going far enough. However, the Government believes that the action being taken with regard to third parties is appropriate.

Mr CRAFTER: I am a little confused as to how third parties arrrive at the conference stage of an objection to the tribunal if, in fact, this clause that we are currently debating confines severely who may be a third party to an appeal, presumably before the tribunal. Whilst the Minister explained earlier that there is an ability for third parties to appear at conciliation conferences before a formal hearing of the tribunal, it seems that that is very much related to who, in fact, is a *bona fide* third party. The Minister referred in glowing terms to the extension of the an appellant's ability to gain access to the conciliation proceedings (and I am not quite sure how practical that is, either, if in fact, scores of third parties want to join in a conciliation conference), but it would seem that that ability is very much limited by the eventuality of the regulations which are subject to this clause.

The Hon. D. C. WOTTON: Any person who appeals must attend a conference.

Mr Crafter: Some of them may not have the right—

The Hon. D. C. WOTTON: If there is a third party appeal, they must attend a conference.

The Hon. D. J. HOPGOOD: I said a little while ago that I did not have my notes with me concerning the public meeting. In fact, I attended two public meetings, one as a member of the general public when the officers to whom I referred in the second reading debate gave their explanations and answered questions, and the other, of course, was when the Minister and I did our bit in that same auditorium later before a great crowd of people who were very interested in what this Bill might eventually provide.

I have now found my notes on this matter, and the position is clearly spelt out in the notes that I took at that time. It may have been as a result of an answer to a question, but I rather imagine it was the result of remarks of Bob Fowler, Lecturer in Environmental Law at Adelaide University, who was a speaker at the time. If my notes are correct, he, or someone, invited us to look at part seven of the kit. For the benefit of honourable members who are perhaps less involved in this process than some of us have been, a kit was distributed as part of the consultative process to give people some idea of the way in which some of these regulations might operate, because what people were saying was that so much of the Bill depends on regulatory mechanism that we really needed to have some idea of what some of those regulations will say. Therefore, there was produced what was called 'the kit'. The speaker, in conveying to those present the substance of what I conveyed to this Committee just a short time ago about the way in which the regulations will spell out rights of third party appeals, was basing his comments on that kit.

If the Minister was a little bemused as to the source of my information a while ago (and he might have thought I dreamt it or made it up on the spot to make things less comfortable for him), I am now in a position to say that that statement was made at a public meeting at which both the Minister and I were present, along with certain officers who are in the precincts of the Chamber this evening, and was based on a document issued by the Minister's department.

Again, I turn back to my basic concern here. Maybe I should not be proceeding with this amendment, except that I have this evidence in front of me from, ultimately, the Minister's department that this is what is to happen to third party appeals. It must be exactly the same thing that has led to a great deal of comment and pressure from the Local Government Association, individual local government authorities, and people generally in the community. Can the Minister therefore comment on that kit? Was that merely meant to be flying a few kites, or can we say that what is in the kit fairly accurately reflects what will eventually be in the regulations?

The Hon. D. C. WOTTON: I think that we need to clarify a couple of things. Two documents were being distributed concerning this matter, a kit that referred particularly to legislation that was introduced in June, and a discussion paper that related to third party appeals and related regulations. I am pretty sure that what the honourable member is referring to when talking about third party appeals is the discussion paper and not the kit. I repeat that I am not prepared to commit myself. I do not believe that I should commit myself, because we have to have consultations with the various parties involved in this matter before finalising those regulations.

My present thinking is in accord with the discussion paper. In dealing with third party matters, we suggest that there should be the third party position if, in fact, the applications are seen to be outside of the development plan. That was spelt out in the discussion paper. I repeat that, because we have to have consultation with various groups, and because I am not 100 per cent satisfied in my own mind at this stage with regard to the regulations, I am certainly not prepared to commit myself as to exactly what will happen when those regulations are brought down.

The Hon. D. J. HOPGOOD: I am a little apologetic about having taken so much of the Committee's time on this point but, apart from clause 44 in the June draft, I suggest this is the most important principle that we have to consider. In many ways it has drawn more comment from outside than the old clause 44 did. My notes taken that night at that particular public meeting state:

Public involvement procedures. Clause 54 (6). Right of appeal confined to persons....etc., etc. in what circles will public be able to make representations? Answer lies in the regulations....Look at the kit, part seven.
Draft 7 (1), hotel or licensed premises. Any prohibited development, substantial departure from development plan. 7 (1) (a), any development which in the opinion of the council would conflict in any material way with the general development plan.

The Hon. D. C. Wotton: That is a discussion paper, not the kit.

The Hon. D. J. HOPGOOD: Okay—but, nonetheless—

The Hon. D. C. Wotton: It is a discussion paper. I've said that my present thinking is in line with that.

The Hon. D. J. HOPGOOD: The Minister has just said that that is his present inclination. The notes continue:

Rights of the appeal depend on the discretion of the council. Commission decisions not subject to third party appeal. Mining will not be subject to third party appeal. In effect, the only applications which will be subject to third party appeal would be those likely to be refused, anyway. No real public scrutiny of the non-controversial proposals.

I rest my case.

The Committee divided on the amendment:

Ayes (17)—Messrs Abbott, L. M. F. Arnold, Bannon M. J. Brown, Crafter, Duncan, Hamilton, Hemmings,

Hopgood (teller), Keneally, Langley, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs Corcoran, McRae, and O'Neill. Noes—Mrs Adamson, Messrs Goldsworthy and Tonkin.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clause 53 passed.

Clause 54—'Advertisements.'

The Hon. D. C. WOTTON: I move:

Page 32, line 28—After 'land' insert 'situated on the land advertised for sale.'

This is a very minor matter, but it is felt that the exemption for advertisements for the sale of land is too wide and should be restricted to advertisements on land to be sold.

Amendment carried.

The Hon. D. J. HOPGOOD: I move:

Page 33, line 5—Leave out 'three years' and insert 'one year'.

I move the amendment for the reasons I canvassed in my second reading speech. I note with a little amusement the Minister's statement in his summary that the advertising community had not complained about clause 54. I am not surprised, because the clause is fairly generous to it. It is rather more generous than I would want to see and that is why I suggest that one year should be provided, particularly, as I have said, as we do not know at this stage when the Act will come into force. It may be some time.

The Hon. D. C. WOTTON: It is our intention that the Act should come into force as quickly as possible. We have no intention of delaying the legislation at all. We think that three years is an appropriate time and we do not support the amendment.

Amendment negatived; clause as amended passed.

Clauses 55 and 56 passed.

Clause 57—'Interaction between this Act and certain other Acts.'

Mr CRAFTER: I raise the question of the lopping of trees, in particular by instrumentalities and authorities, principally the Highways Department and the Electricity Trust. I ask what representations the Minister received on this matter in the preparation of the Bill and why some further procedure is not encompassed in this clause that would allow for a greater degree of public participation in some of these decisions that are taken.

There have been some recent instances of considerable dismay in the community about how authorities can, it would appear, proceed without restriction to carry out what can only be described as some degree of destruction to trees in order to provide what is, on a very subjective view, a safe distance from power lines or from traffic passing along roadways. It would seem that some of that criticism levelled against those authorities is justified and that a way to overcome this problem would be to have embodied in this clause a procedure to provide some checks and balances against abuses of power by authorities.

The Hon. D. C. WOTTON: I appreciate the points made by the member for Norwood. A fair bit of thought was given to this subject, because I know that there is a certain amount of sensitivity in regard to actions that were taken, and the member for Baudin referred earlier to problems experienced with ETSA in the hills face zone. After a great deal of discussion and negotiations with this and other Government departments, it was felt that it was not necessary to go any further. If at any time it can be proved that we are having problems with other departments or authorities, we might have to take action, but at this stage we are prepared to leave it as it is.

Clause passed.

Clauses 58 to 63 passed.

Clause 64—'Reservation of land for future acquisition.'

The Hon. D. C. WOTTON: I move:

Page 40, lines 29 and 31—Leave out 'proclamation' and insert 'regulation'.

Page 41, lines 19 to 23—Leave out subclauses (8) and (9) and insert subclause as follows:

(8) If land reserved for future acquisition under this section ceases to be so reserved, the Registrar-General shall, on the application of the Minister or the owner of the land, make such notations on any relevant certificate of title as may be necessary to reflect the fact that the land has ceased to be so reserved.

Amendments carried; clause as amended passed.

Remaining clauses (65 to 73) and title passed.

The Hon. D. C. WOTTON (Minister of Environment and Planning): I move:

That this Bill be now read a third time.

The Hon. D. J. HOPGOOD (Baudin): The Bill, as it comes out of Committee, is not satisfactory as far as I am concerned. Therefore, the matter arises as to whether the Opposition should oppose the Bill at the third reading, or hope that wiser counsels may prevail in another place. On balance, I believe that there is sufficient good in the Bill and that the Opposition should not seek to further delay its passage. I would certainly hope that, particularly in relation to clause 42, which I was unsuccessful in amending in Committee, in another place the people may be prepared to re-examine it. I seriously put to the Government that this is basically good legislation, but that there is a major flaw in the scheme. I would not be at all surprised if we are not back here before long with some sort of amending Bill which may not do exactly what I sought to do in Committee this evening but which will have much the same sort of object.

The Hon. D. C. WOTTON (Minister of Environment and Planning): Briefly, I would like to commend those who have been involved in the preparation of this legislation. I make special reference to and pass on my thanks particularly to Mr Stuart Hart, who has been involved in the preparation of this legislation for a number of years, as was mentioned earlier in the debate. I have also appreciated the assistance of other officers of the department, particularly the Director-General and the people who, on a voluntary basis, have been prepared to assist through the consultation period. As the Bill comes out of Committee, it is a vast improvement in regard to planning in this State and will, as has been pointed out, speed up and simplify planning procedures in South Australia.

Bill read a third time and passed.

REAL PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1853.)

The Hon. D. J. HOPGOOD (Baudin): We have spent a long time on the Planning Bill this evening, and members may be relieved to know that what I have to say in relation to this Bill is that it is consequential on the Bill just carried, and I support it.

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

VALUATION OF LAND ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 September. Page 1178.)

The Hon. D. J. HOPGOOD (Baudin): It is good to get most of one's legislative work over in one day. The Opposition supports the second reading of this Bill, although in Committee I intend to ask the Minister a question in relation to clause 4. Valuation is an important principle, and forms the basis of a good deal of the charges or taxes which are levied by government at whatever level; for the most part we are talking here about State or local government.

There has always been a cat and mouse game played between State and local government in regard to these matters. When there is a general revaluation of properties I have noticed a tendency on the part of local government to represent the increased rates that they are able to receive under that revaluation as being a result of the revaluation. In turn, spokesmen from the relevant Government body will turn around and say that all the local government authority had to do was reduce the rate in the dollar based on this valuation and it would be back where it started: it would still have the revenue that it had in the previous year, and so the debate continues.

My attitude has always been that it is the rate in the dollar which determines what one eventually pays. It is your valuation that determines whether you pay more or less than your neighbours pay. The valuation determines the relativity; the rate in the dollar eventually determines the absolute amount that you pay. Given that local government these days uses the State valuations for its purposes, and given that State instrumentalities (particularly the Minister's department) also use this valuation, it is a very important principle.

This Bill seeks to do something very simple and straightforward. The final clause amends section 24 of the principal Act to enable the landowner to object to a valuation at any time. That has to be some sort of an advantage as far as the landowner is concerned. However, clause 4 provides that, seeing the landowner can object to a valuation at any time, it is no longer necessary to have section 23 in the Act which requires the Valuer-General to give notice of each valuation. In turn, this will save the Government money and everybody will be happy. However, I submit that not everybody will be happy because, although I concede that a lot of people throw away the valuation notice or stick it in a drawer and forget where it is (typically, people come to me about these matters, and when I ask them what is the value on their property they say they don't know). What will be the situation for people who do like to keep themselves informed in these matters?

The first time that they will be made aware of the fact that a revaluation has occurred on their property will be either on the receipt of a rates notice from local government or, more likely (since they come more often) when they receive a rates notice from the E & WS Department. They are then in a position, having picked up that they have been revalued, to put in an appeal, but in the meantime they have to pay on the higher rating and get reimbursement from the relevant authority should they win their case. However, they rarely do win but that is another story altogether. We have to assume that occasionally they do win; otherwise it makes a nonsense of having the legislation in the first place. For the most part, the valuations are set marginally below market value. No doubt the member for Hanson is hanging on to my every word and has said to people who have come in to argue about revaluation, 'Would you expect to get that much if you put the property on the market?' Invariably they say, 'I would like to get a lot more, thanks very much.' The chances are that they will get marginally more, anyhow. That is the reason why these appeals are rarely successful.

It concerns me that the first time people will have drawn to their attention the fact that they have been revalued, either in a general cyclical revaluation or because they may have added an extra room to their property, is when they receive a rates notice. It is too late to do anything more than put in an appeal, pay at the higher rate (if in fact that applies) and then hope to get reimbursement if they win their case. That seems to be the only unsatisfactory nature of the scheme envisaged here. Perhaps the Minister can—

Dr Billard interjecting:

The Hon. D. J. HOPGOOD: It is not what happens now. One can put in an appeal immediately on receipt of a valuation notice.

Dr Billard: But no-one knows the significance of that.

The Hon. D. J. HOPGOOD: If no-one knows the significance, what are we doing here? Why was the legislation introduced in the first place? As I was about to say, perhaps the Minister will be able to reassure me when he replies; otherwise, the Committee should consider striking out clause 4.

The Hon. P. B. ARNOLD (Minister of Lands): The member for Baudin is concerned that ratepayers would receive their first insight into the new valuation when they receive a water rate or a council rate notice that will indicate the new valuation. This is not the case. It is intended that after each area has been revalued significant publicity will be given by way of advertisements in the relevant newspapers to the fact that the area has been revalued. Not only will notification be given in the press but also it is intended that copies of the valuation listings will be provided in council offices, E. & W.S. Department offices, Department of Lands offices, and in the electorate offices of members of Parliament. Those listings will be readily available, and anyone who wants to obtain an immediate valuation of his property will be able to do so with very little difficulty.

The reality of life (as referred to by the member for Newland) is that the vast majority of people raise objection, if they are to object to a recent valuation, when they receive a rate notice from the E. & W.S. Department or a council rate notice. That has been the experience of the Valuer-General's office. Very few objections are lodged as a result of the valuation notice going out from the Valuer-General's office. Because this is the case, the need for notices to go out is reduced quite significantly.

The Bill provides that the Valuer-General can consider an objection at any time, and that eliminates the problem that exists at present, where a statutory period of 60 days applies. It has been the practice of the Valuer-General to consider objections at any time beyond that 60-day period, but there is no provision for Supreme Court appeals to be heard after that period. If an individual is not satisfied with a valuation and if the 60-day period has expired, his only recourse is to the Valuer-General. If such a person is not satisfied with the further consideration by the Valuer-General, it is too late for him to appeal to the Supreme Court. This Bill will enable a person to appeal at any time to the Valuer-General or finally to the Supreme Court. It gives a person a far greater opportunity to object than applies at present. While the equalisation factor is being used, there will be a phasing-in period of the annual valuation across the State.

During that five-year period between valuations, in which the equalisation factor is being used, a person will have the opportunity to object at any time. So, even if a person has

missed out on the first or second year after the valuation, he will still be able at any time in the future to take up the matter with the Valuer-General or the Supreme Court as a final recourse.

The Government is conscious of the points raised by the member for Baudin, but the experience of the Valuer-General's Department over many years has clearly indicated to the deparment and to the Government that the problems or concerns to which the honourable member has referred will not be forthcoming in reality. I believe that any concerns that have been mentioned will not in fact materialise or cause concerns of any magnitude to the people at large in this State.

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

ADJOURNMENT

At 11.28 p.m. the House adjourned until Wednesday 18 November at 2 p.m.