HOUSE OF ASSEMBLY

Wednesday 28 August 1985

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PETITION: TEACHER POLICY ON HOMOSEXUALITY

A petition signed by 28 residents of South Australia praying that the House oppose the South Australian Institute of Teachers policy on teaching homosexuality within State schools was presented by Mrs Appleby.

Petition received.

PETITIONS: CRAIGBURN FARM

Petitions signed by 3 165 residents of South Australia praying that the House urge the Government to purchase Craigburn Farm land, north of Sturt River, and retain it as open space were presented by the Hon. D.C. Brown and Mr S.G. Evans.

Petitions received.

PETITION: PRESCHOOL EDUCATION

A petition signed by 344 residents of South Australia praying that the House urge the State Government to request the Federal Government not to reduce expenditure on preschool education was presented by the Hon. Michael Wilson.

Petition received.

QUESTION

The SPEAKER: I direct that the following written answer to a question, as detailed in the schedule that I now table, be distributed and printed in *Hansard.*

PROCLAMATION DAY HOLIDAY

In reply to **Mr BECKER** (14 August).

The Hon. J.C. BANNON: Based on advice from the Industrial Relations Advisory Council (IRAC), it is not the Government's intention to declare 31 December 1985 a public holiday to coincide with the Jubilee 150 opening celebrations.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Education (Hon. Lynn Arnold)—

By Command—

Institute for the Study of Learning Difficulties—Report, 1984-85.

MINISTERIAL STATEMENT: EDUCATION AND TECHNOLOGY TASK FORCE

The Hon. LYNN ARNOLD (Minister for Technology): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: Projections show that, by the year 1990, 90 per cent of all new jobs will be in the information sector using computers and related technology. That is just one example illustrating the enormous changes facing the education system, and it is therefore with much pleasure that I table the Interim Report of the Education and Technology Task Force, which has seriously addressed the issues of technology. The Education and Technology Task Force was established by the Labor Government in March 1984 because we felt the need to review the role of the education system in helping to create a more innovative, technologically competent society. Our Government was aware that the most successful communities in the technology field were those which had invested heavily in their educational system and had shown a willingness to try new ideas in their education.

I welcome the attention given in the report to increasing opportunities for disadvantaged groups, including girls and women. Among the report's recommendations is a proposal for the establishment of a women's technology centre. It calls for the recruitment of more teachers with technology related qualifications and recommends that a target be set for the recruitment of women. The report endorses initiatives already taken by the State Government. They include the Secondary Schools Technology Grant, and the appointment of a person to help parents with the purchase and use of computers.

These initiatives, according to the report, should be extended by the establishment of a Technology Education Innovations Fund. Above all, the task force had identified two main ways in which the education system could assist the State in managing its technology influenced future. These are, first, to encourage innovation and, secondly, to provide teachers and students with first hand experience of technology.

Other recommendations call for the following: an investigation into the basic skills required by students in the future; two complementary pilot programs to upgrade the quality and relevance of applied maths teaching; more emphasis on teacher in-service training; establishment of a mobile information technology workshop to serve isolated areas; and the Education Department, TAFE, and SSABSA and tertiary institutions to ensure specific vocational courses include study of the effects of technological change. The Government's release of these recommendations does not, of course, signal their automatic adoption. They address very relevant issues in our society, however, and will be very carefully considered. An announcement will be made subsequent to the 1985-86 budget.

QUESTION TIME

THIRD PARTY INSURANCE PREMIUMS

Mr OLSEN: Will the Minister of Transport confirm that the State Government Insurance Commission has received actuarial advice that it should increase premiums for compulsory third party motor vehicle insurance by 60 per cent to maintain funding of the scheme? I have been informed that there has been a massive escalation in the liabilities of the fund during the past year. They have gone up from $5 million to $40 million. The commission has now received actuarial advice that, to restore funding to the scheme, premiums would have to be increased by 60 per cent.

In February, premiums were increased by 15 per cent, partly because the Government deliberately delayed the implementation of a recommendation of the Third Party Premiums Committee. That increase took the annual premium for a private car in the metropolitan area to $168.

Implementation of the actuary's advice would mean a $100 a year rise in premiums.

The Hon. G.F. KENEALLY: No, I am not aware of any such advice having been given to the Government; it certainly has not been given to me. The advice I received from within the insurance industry was that Professor Sackville's investigation into the third party insurance system in New South Wales recommended that, if they were to follow the Victorian system that members opposite seem committed to, they would have the same sort of escalation that Victoria is facing, which is 82 per cent under the no fault scheme obviously recommended by members opposite. I have not received any figures, and I do not think that my department has received any figures relating to possible escalation in premiums in South Australia. I am aware that this matter is certainly under consideration with SGIC and the Third Party Premiums Committee. The direct response to the honourable member's question is that I have received no such advice.

TOW TRUCK OWNERS ASSOCIATION

Mr MAYES: Will the Minister of Transport advise what undertakings he gave to the executive of the Tow Truck Operators and Owners Association of South Australia when he met with them in this building late yesterday? I understand that at a meeting on the steps of Parliament House this morning, Mr Morrison, one of the executives of the association and a person involved in yesterday's meeting with the Minister, stated that the Minister had gone back on his undertakings given to the association yesterday.

The Hon. G.F. KENEALLY: I thank the honourable member for his question, because it ought to be put clearly on the record what took place at the meeting I had with the Tow Truck Operators and Owners Association last night and the comments made about that meeting by Mr Graham Morrison, the President of that association. We had a meeting with the executive at 5 p.m. yesterday. Mr Morrison and Mr Greg Walker, the Secretary of the association, attended. They arranged with me to discuss 10 matters ancillary to the roster system established by legislation introduced by the Opposition when in government in 1981. The 10 matters dealt with the wearing of tow truck certificates, which was also in the legislation as the member for Torrens would well know.

When we discussed this matter last night, they said that Mr Brown, the member for Davenport, was appalled by the legislation and he advised that when the legislation was brought into the House it must have been brought in through the back door, as he did not know about it. He was not aware of the select committee or the regulations that came before this House, despite their being the subject of considerable discussion.

Members interjecting:

The Hon. G.F. KENEALLY: I am repeating the advice given to me by the tow truck operators that they were told by the shadow Minister that he was unaware of that piece of legislation going through the House and that it must have been introduced through the back door. One wonders about the member for Davenport.

We discussed 10 items of concern. I have considerable sympathy with a number of those items; others I am prepared to investigate; and one point we may have some difference of opinion on. That was the basis on which we left the meeting last night. I then asked Mr Morrison whether he wanted to raise with me the issue of the roster because I understood that that was the basis of our discussion. He said that he did not want to raise the issue of the roster with me as they were going to have an annual general meeting on Saturday evening at which it would be discussed and, if there was any point in coming back to me, they would do so.

They also advised me that they would be taking the 10 points discussed to the annual general meeting on Saturday evening and that as a consequence of that meeting they would produce a log of claims including those 10 items. When we left each other last night everything seemed to be in order, so one can imagine the surprise with which I heard Mr Morrison's statements this morning saying that I had changed my view on the roster system. The roster system was not even discussed! It was not discussed prior to the meeting or at the meeting, nor has it been discussed subsequent to the meeting.

One wonders about the statements of Mr Morrison, although we understand that he has entered the political arena and that might account for his statement. It certainly accounted for his statement of interesting reading that we had on the steps at 10.30 this morning. Although the shadow Minister would not speak before me because he felt that if he did I would have the opportunity to reply, in granting points for the honourable member's performance, I would give him 11 out of 10 for political demagoguery, one out of 10 for content, and none out of 10 for commitment. What the honourable member failed to tell the meeting (and I tried to say it, but my opportunity to express myself was inhibited somewhat by a lot of noise and I was not quite able to get the message through—

An honourable member interjecting:

The Hon. G.F. KENEALLY: Yes, it did stop me. I was not quite able to get the message through, but I did have the opportunity to listen to my colleague opposite, the member for Davenport, as well as a certain aspiring politician, a member of the Australian Democrats. I felt that, while the noise was considerable, the content of what those people had to say was negligible. I understand that the member for Davenport has already given a commitment to the green plate taxi drivers in South Australia that he would not move to disallow the regulations covering the single plate.

I am also very much aware that the honourable member is clearly on the record as saying that the Liberal Party supports a single plate system in South Australia and that in no way could it be regarded as supporting the white plate taxi drivers. The honourable member did not say that today, as he did not acknowledge to the tow truck industry that it was his legislation that was snuck through the back door, although he was not aware of it, even though he was a senior Minister of the Government that introduced that legislation. It is a pity that the member for Torrens does not talk to his colleague.

The honourable member said that in government he would be prepared to consult: he made a commitment in that regard. But not one word did he say about the matter that the concerned people in the taxi industry had brought to my attention. When I pointed out to the taxi industry that we were really talking not about whether or not there should be a two plate or a one plate system but about the timing of the introduction of the single plate system, it did not get through. There have been five inquiries since 1980, and each inquiry has come down in favour of a one plate system. A select committee, of which two prominent members of the Opposition and one Australian Democrat were members, recommended a single plate system. The only area in which I as Minister differ from the recommendations of the select committee is in relation to the timing of the introduction of the single plate system.

An honourable member: That is important.

The Hon. G.F. KENEALLY: It is important. The select committee recommended that the Taxi Cab Board be restructured and that other matters ancillary to that be put in

place before the single plate system is introduced. I looked at that very closely, because I understand and I am sympathetic to the change in the operating activities of single plate and white plate taxi drivers who are not attached to the radio cab system. I understood that, and I looked at it very closely.

However, we must be able to take out of the taxicab industry the element that causes most of the trouble, and that is certainly the dual plate system as against the single plate system. When we restructure the Taxi Cab Board we must ensure that people who represent the taxicab industry are members of that board. At present, because the taxicab industry is disparate and disunited, it cannot speak with a cohesive voice, and it will never be able to speak with a cohesive voice until there is a single plate system so that all the people in the taxi industry become united. When we achieve that, we can have representatives of the taxi-cab industry on the board.

We must not allow this cancer to fester, especially with the coming Grand Prix, the Jubilee 150 and the Festival of Arts: there must be a united taxi service in South Australia to provide the best possible facilities to the consumer. Of course, that is a consideration. Subsequent to the meeting this morning the Hon. Lance Milne had a chance to discuss a matter with me, and I told him that I would be prepared, should I be asked a question, to acknowledge what he had put to me. He suggested that between now and the restructuring of the taxicab board, in order that the taxicab industry can acknowledge the Government's good faith, we should appoint to the board, with observer status and non-voting powers, two owner/drivers in that industry.

I will investigate that matter, although I am not sure of the legal aspects or what changes, if any, need to be made to the Act. I am somewhat sympathetic and will look at that matter to ensure that owner/drivers are represented on the board. I acknowledge that that is a matter of great concern to them at the moment. Whilst I acknowledge, too, that the noise, language and rhetoric directed at me this morning were nowhere near as bad as that which comes from the Opposition benches, nevertheless I think the matter will resolve itself in due course.

The SPEAKER: Before calling on the Deputy Leader of the Opposition I have one short observation to make. If reports given to me are accurate, I understand that the Minister was jostled. Let it be made clear to all persons seeking demonstrations in the future—and we have had a very proud record in this State of an open democracy where people can state their views—that if these incidents are to continue then leave to hold demonstrations will be withdrawn. What is more, if the offenders can be identified I shall have no hesitation in asking the police to take action against the people involved.

LYELL McEWIN HOSPITAL

The Hon. E.R. GOLDSWORTHY: Does the Premier concur with the Minister—

Members interjecting:

The SPEAKER: Order! The Deputy Leader has the floor, yet honourable members on his own side of the House are making it impossible for him to be heard.

The Hon. E.R. GOLDSWORTHY: Does the Premier concur with the view of the Minister of Health that the Lyell McEwin Hospital is 'perhaps one of the unsung success stories of the health industry'? During the Estimates Committees last year the member for Mawson asked the Minister of Health about additional budget allocations for the Lyell McEwin Hospital. In revealing that the hospital had received budget supplements totalling $900 000 in 1983-84, the Minister said on 26 September 1984:

> The Lyell McEwin Hospital is perhaps one of the unsung success stories of the health industry during the past 22 months.

However, reports which the Premier and the Minister were forced to table yesterday show that during the period referred to by the Minister—those 22 months since the 1982 election—far from being a success story the hospital had been involved in financial falsification and manipulation. The reports tabled yesterday deal with the mismanagement of funds totalling more than $600 000, the most serious incidents having occurred in 1983.

It is also now clear that this mismanagement was one of the major reasons for the additional budget allocations to which the Minister was referring before the Estimates Committees. In these circumstances, I ask the Premier whether he is prepared to endorse the Minister's assessment of the Lyell McEwin Hospital or whether he agrees that this was an attempt by the Minister to cover up the problems at the hospital.

The Hon. J.C. BANNON: At last the Opposition has fulfilled the pledge it has been making daily in the press and has actually asked a question about this matter. I welcome it: I am very pleased indeed. We were told, 'Olsen pledges attack over hospital row'. We got a fantastic attack on the hospital row yesterday, including a contribution from the rogue elephant over there, the member for Hanson, about the Enduro motorcycle event—an earthshaking, world shattering matter of public moment which went right down the line there. That was yesterday's big attack!

After that scintillating attack, I read with some trepidation the statement that 'Liberals will press on hospital', and that apparently the Government would be pressed on this in Parliament later today—much later, it appears, and certainly later than the Leader of the Opposition's question. Finally, the Deputy Leader managed to get to his feet and cobble together a question on this issue. As I have said, I welcome the question. In responding, I must also congratulate the Opposition, because I think it does represent on its part a keen appreciation of the public interest.

I noted the editorial in today's *News* which made the point that it is surely in the interests of all of us—'we are all on the same side' I think was the term used—to expose public waste, mismanagement and inefficiency, because it is only by so exposing such issues that one can then deal with them, and deal with them directly. I completely agree with the *News* on that matter. However, where I part company with that sentiment is that, in this case, we believe—and in fact have demonstrated—that that is exactly what we did. When I say that I admire the Opposition's approach in this case, admittedly having taken up the matter belatedly, in pursuing the matter members of the Opposition know full well that by doing so they are very much embarrassing a Minister in the former Administration, namely, the former Minister of Health.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I would not have been so generous in my praise had this matter been pursued only by the member for Hanson. As I have said, he is rather like a rogue elephant. I know that he is concerned about public expenditure, waste and inefficiency, and he puts on notice daily, about 500 questions which are then printed, and a good many public servants are used in compiling the material to answer those questions—all in the interests of waste and inefficiency.

I could understand the member for Hanson's asking a question about this matter, because he has his sights set on the shadow Ministry, and I guess that the hapless shadow Minister of Tourism is as good a target as any, although

these days we find that there are shadow Ministers who are not actually in the shadow Ministry: they sit on the backbench by the pillar in the corner and apparently have charge of important areas of Opposition responsibility. Be that as it may, had the questioning been confined to the member for Hanson, I do not think I would have been so generous, although I would have wondered a little about his motives, without putting too much on it. Opposition members got their own back by handing him a ludicrous Dorothy Dixer to ask yesterday during Question Time, but nonetheless he is still here.

However, the matter has been picked up by the Leader of the Opposition, his Deputy, and by other members who sat in the same Cabinet as the former Minister of Health while these events were taking place. For them to say, 'Listen, Jenny, we've got to sacrifice you in the public interest—in the interests of efficiency,' I think is something that should not go unnoticed, and I congratulate the Opposition for it.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order, and I give the usual admonition to the House. The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker. To conclude my answer to the question, I point out that all the documents that were placed before the House completely refute the allegations implied in the question asked by the Deputy Leader of the Opposition. Because of the mess caused by the *laissez-faire* policy of the previous Administration, the current Minister of Health appointed a new administrator, called in the Auditor-General to look at the accounts, and was responsible for amending the Health Commission Act to ensure that hospitals had to report to and be accountable through the Health Commission.

The attitude of the previous Minister was, 'I don't want to deal with the details of hospital administration; that can be done somewhere else. I'll check on the air conditioning in my office' (and on such other important things with which the Minister concerned herself). Had the matters to which I refer not been addressed by the current Minister of Health, probably none of these issues would have come to light. The Minister of Health should be congratulated for the prompt, able and effective way in which he has moved on these matters.

Far from a cover up, the whole matter has been laid out. When questions were asked about this matter, full information was given, as it should have been, and as will always be the case under my Administration. The previous Administration's policy, which indicated to the Hospitals Board that it could do what it liked, spend public money, and not really have to report or be accountable, is the reason that these things have occurred. Obviously, everything is not perfect yet, and improvements in accountability and efficiency can be made. However, the action taken by the Minister to require an annual report to be tabled and to include audited accounts, and so on—

The Hon. Jennifer Adamson: I did require that.

The Hon. J.C. BANNON: Well, that is an interesting revelation. If it was the former Minister's requirement, why did she not require that the demand be fulfilled in that case and look at the information so displayed?

The SPEAKER: Order! I ask the honourable Premier to refer to members by their district.

The Hon. J.C. BANNON: Well, the member for Coles. I notice that the member for Coles did not ask the question. I thank the Leader for it and I congratulate him and his colleagues on being prepared to take that bold step, even at the sacrifice of one of their number.

SOUTHERN DISTRICT SURVEY

Ms LENEHAN: Will the Deputy Premier ask the Minister of Labour to initiate an investigation into the way in which funds channelled through the Local Government Regional Community Development Program, and closely related to a CEP survey project grant, were allocated to Grant Chapman and Company to give us a survey into business investment for the Southern Region of Councils? I ask this question in response to an article appearing in the *News* of 26 August in which it is alleged that there is a conflict of interest in the appointment of Mr Chapman because he is a political candidate within the Southern Region of Councils area. The press report states:

> The survey will examine the needs of industry in the southern region and methods of promoting further investment in the area. It is being undertaken at a cost of $41 000—$17 220 through the CEP, a further $19 000 from a regional community development fund, a contribution from the Southern Region of Councils.

Since this article appeared, people in the southern area have contacted my office expressing concern that this conflict of interest should prejudice the success of the survey.

Members interjecting:

The SPEAKER: Order! I ask the House to come to order. The honourable member is now debating the question. The honourable member for Mawson.

Ms LENEHAN: I ask this question because my district takes in four of the five councils in the southern region of Adelaide. Will the Minister have this matter examined?

Mr OSWALD: On a point of order, Mr Speaker, is this question admissible? It deals with a matter over which the Minister has no jurisdiction. The money referred to will come out of budgets other than the budget of the Minister and I do not believe that he will be able to answer the question. It is therefore inadmissible.

The SPEAKER: There are two difficulties about the question. First, it is totally inadmissible to ask the Minister whether a newspaper report is accurate. Either the Minister has the information or he has not: he cannot verify or disqualify what a newspaper says. To that extent the point of order is upheld. Secondly, the Minister obviously can only be asked a question about a portfolio for which he is responsible. So, before the Minister replies, he will need to indicate whether under one of his portfolios he is responsible for the funding, which I understand is the basis for the question.

The Hon. D.J. HOPGOOD: I am being asked this question as the representative of the Minister of Labour in another place and, to the extent that CEP funding is involved, that is a joint Commonwealth-State program in which State officers are involved. I do not know, Mr Speaker, whether you want to comment further or whether I should proceed with the answer.

The SPEAKER: The question is admissible, but without reference to verification or otherwise of the newspaper report.

The Hon. D.J. HOPGOOD: I am not prepared to interfere in Mr Grant Chapman's right to earn a living. The superannuation pay-out from Federal Parliament will not last forever and everybody has the right to be able to earn a living in a proper way. Mr Chapman—

Members interjecting:

The SPEAKER: Order! I ask the Deputy Leader to come to order.

The Hon. D.J. HOPGOOD: Ignoring the Deputy, despite that, I notice that this is an initiative which is imaginative and which has the potential to play an important role in the further development of employment in the south, so the question arises as to whether such a survey undertaken by the company of a political candidate for part of the area

will carry the proper credibility amongst those people with whom it requires credibility.

This is a matter that was commented upon by Mr Gordon Bilney MHR in the Federal Parliament. This is how the matter was first brought to my attention. Mr Bilney was speaking in the House of Representatives on 21 August, and he said:

As I say, I am very concerned that this appointment will prejudice the success of this project. I would be far more supportive of this appointment if Mr Chapman were a local resident. However, he is not. He is a resident of an area a long way from the area in question. I would be much more happy if he had more experience in this field, but I am not aware that he has.

As the honourable member has indicated, this is a program which is being funded by an RCDP grant of approximately $19 000, a CEP grant of $17 220, and a further contribution from the Southern Region of Councils of approximately $5 000 to $6 000, so the councils and the Federal Government have seen the wisdom of putting resources into such a program.

Mr Bilney might well have quoted something further in relation to the rather odd aspects of this whole question, because of course, when the CEP program was first launched approximately five years ago, the same Mr Chapman, then in a different field as a member of the House of Representatives, had a rather different sort of approach to CEP programs. At that time he said:

The proposals (for CEP) put forward by the Australian Labor Party for Government job creation give full vent to its socialist intentions, supposedly to solve the problem of unemployment by more Government intervention and increased Government spending.

With the resources that are available to me and my colleague in another place, I am quite happy to undertake some investigation into the background of this matter. I do not imagine that any Act of the Federal Parliament has been breached by this appointment, but I think, in terms of the sort of people who expected much from such a survey, the appointment appears on the surface at least to be injudicious and unfortunate.

DRUG SQUAD RAID

The Hon. JENNIFER ADAMSON: My question—

Members interjecting:

The SPEAKER: Order! I warn the Deputy leader.

The Hon. JENNIFER ADAMSON: Is the Minister of Emergency Services aware of a raid by the drug squad at the headquarters of the South Australian Metropolitan Fire Service early this year which resulted in the confiscation of several bags of marihjuana from the vehicle of a station officer and the subsequent raid and confiscation of further amounts of marihjuana from the officer's home, and can the Minister advise the House whether any disciplinary action has been taken against the officer and, if not, why not?

It is common knowledge within the Fire Service that a station officer has been charged with possession of illicit drugs. It is also common knowledge that the officer in question has close links within the Labor Party and the union movement. The implications of the officer remaining in this position are extremely serious.

Station officers are responsible for decisions as to how a fire should be tackled, for the assessment of manpower required and for the deployment of crews. These responsibilities determine the safety of crews, the safety of the public and the capacity of the service to save property from fire damage.

I have been informed that there is widespread concern among officers in the fire service and genuine fears that the lives of colleagues and the public could be placed at risk if the officer concerned is permitted to continue in his present position. Under the code of conduct of the second schedule of the South Australian Metropolitan Fire Service Act, an officer 'must not consume alcohol or use a drug (other than alcohol or a drug prescribed by a medical practitioner) in the course of performing his duty under the Act'. The Chief Fire Officer has the power under the Act to complain to the disciplinary committee, which has the right to reprimand, reduce in rank, suspend or dismiss an officer who has been guilty of misconduct or has been convicted of an offence punishable by imprisonment.

As it appears that no action has been taken at fire service level, it is imperative that the Parliament and the public be advised as to the reasons why the officer in question has now been placed in charge of a metropolitan fire station.

The Hon. D.J. HOPGOOD: I will get a considered reply for the honourable member in short order.

SEMAPHORE PARK PRIMARY SCHOOL CROSSING

Mr HAMILTON: Will the Minister of Transport investigate the Road Traffic Board's rejection of an application by the Semaphore Park Primary School for a pedestrian crossing for students using Fairford Terrace, Semaphore Park? Despite representations on this issue in the past and subsequent rejections of the school's applications over a period of 10 years to obtain the facility without success. I have received correspondence dated 9 August 1985 signed by about 16 parents. The letter states:

We, the members of the Semaphore Park Primary School, have recently been advised by the Road Traffic Board that they do not consider it necessary for a manned school crossing to be installed on Fairford Terrace, Semaphore Park. The reason given for this decision was that the data collected by the board, re the number of school children crossing the above road, was not in accordance with guidelines set down by the board. We find the data collected by the board incongruous with statistics collected by our year 7 students, under supervision, 12 months previously, and with those statistics collected by Woodville council representatives, which indicated the need for a school crossing. The data collected also came within the guidelines set by the Road Traffic Board.

We would also like to bring to your attention the matter of children's safety. Fairford Terrace is a major throughfare connecting two major roads, a shopping complex, and a large housing area. There is heavy vehicular traffic both mornings and afternoons. It is a straight, continuous road which allows for traffic to build up considerable speed in defiance of normal speed restrictions. Children crossing this road are at risk, and it has been brought to our attention that, on more than one occasion, a child has just escaped being involved in a collision with a motor vehicle.

There are a combination of complex skills required to cross a busy road: young school age children do not always have all these skills, therefore are at risk when in this situation, and parents are not always able to collect children from schools. Therefore, we believe that it is the community's responsibility to provide a safe crossing area for all school children where a road with the amount of traffic such as that on Fairford Terrace is involved. We demand that the Road Traffic Board revokes its decision not to grant permission for the construction of a school crossing on Fairford Terrace, near Dorsett Street, so that a safe crossing area may be provided for the children attending our school.

As I said, that letter was signed by 16 parents. There is also an attached letter in much the same vein from Nina Walsh, the Chairperson of the Semaphore Park Primary School Council. Will the Minister intervene in this matter?

The Hon. G.F. KENEALLY: I can certainly assure the honourable member that I will take up this matter with the Road Traffic Board. Frankly, I am surprised that the honourable member has been making representations about this problem for 10 years. Since I have been Minister of Transport, I have become aware of the amount of correspondence—

Mr Hamilton: The school has been involved for 10 years.

The Hon. G.F. KENEALLY: Yes. I am surprised at the amount of correspondence that has crossed my table from the member for Albert Park and the number of successes that he has achieved, such as the school crossing near the Catholic school on Clark Terrace, Albert Park. I am surprised that the honourable member has not been able to win this one! I point out to all honourable members that I am a local member who has had cause to make representations to the Road Traffic Board in relation to signals near schools. I made representations to the two previous Ministers of Transport. I am well aware that local members make representations, and I assure the House that the Road Traffic Board is not cavalier in the decisions it takes. Although quite often we might not agree with those decisions, they are made according to what I believe to be appropriate criteria. However, as I said, we do not always necessarily agree, and there is always a good reason why a certain decision is reviewed.

I am quite happy to go back to the Road Traffic Board as a result of the honourable member's question and ask it to reappraise the need for this crossing because the honourable member feels that the situation is dangerous for the schoolchildren and the parents who take their children to that school. We will see whether on this occasion the Road Traffic Board finds that there are good safety reasons to approve a school crossing.

PAYMENT OF BILLS

The Hon. D.C. BROWN: Will the Premier say why the Government has broken the undertaking given by the Premier on 21 March that all Government departments would pay their bills within 30 days as a means of assisting small businesses? Does the Public Service normally take no notice of what the Premier promises?

On 21 March 1985 the Premier promised that all Government departments would be asked to pay their bills within 30 days in a move to boost small business cash flow. The promise was made while the Premier was opening the Small Business Centre and it was reported the next day in the *Advertiser* under the large headlines 'Pay promptly, departments told'. I have been contacted by a small business person who has complained about long delays in the payment of bills by Government departments.

The Hon. Jennifer Adamson: You and your colleagues have received complaints.

The Hon. D.C. BROWN: Apparently, my colleagues have received several complaints: it sounds as though there has been a large number of similar complaints. The Government has failed to pay accounts due to this small business, with one account being outstanding since April—that account was five months overdue. When I asked the small business person whether I could cite the name of the business and the department involved, that person said 'No'. The reason for the refusal—

Members interjecting:

The Hon. D.C. BROWN: I ask members opposite to listen. The refusal was because, when this person had complained on a previous occasion within the past 12 months about slow payment of an account of about $10 000 by a particular department, that department stopped all transactions with the small business involved.

The Hon. J.C. BANNON: I assure the honourable member that I have not broken the promise. If the member for Davenport supplies me with the details of the case in confidence, I will be happy to take up the matter with the utmost vigour. If the facts are as the honourable member has put them before the House, it is not tolerable, it certainly does not conform with the directive that I issued, and the matter will be pursued. As to the question of intimidation, again if I detect that there is some kind of intimidation or discrimination on that basis it shall be dealt with. If people are concerned that coming to me might in some way put them at risk, although I can give them absolute assurance that will not be so, I suggest—

The Hon. Jennifer Adamson interjecting:

The SPEAKER: Order! I warn the member for Coles.

The Hon. J.C. BANNON: —that they take their case to the Ombudsman, who would of course be aware of the directives I have issued. I invite the honourable member to check with his respondent to see whether the respondent is prepared to give me the details, and I will attend to the matter.

LeFEVRE PENINSULA ROADS

Mr PETERSON: Can the Minister of Transport say whether a survey of heavy road transport routes servicing the site that will be used for the submarine construction program on LeFevre Peninsula been carried out to assess any changes that may be necessary to corners and intersections to allow road transport of submarine component parts when we are successful with our bid for their construction?

Previous experience on the peninsula has proven that conditions are very difficult for heavy road transport. In fact, in the case of Steel Mains it was one of the contributing factors in their being forced to close down. Restrictions and problems on corners and roads caused the company to miss out on many contracts because of the extra cost of moving components. I am sure that the project team set up for the submarine project would have the information necessary to assess what is required. I know that people involved in the project believe it is necessary now to assess just what will be required and to deal with the matter, and not leave it too late, as is so often the case.

The Hon. G.F. KENEALLY: I know that the honourable member will be surprised if I tell him that I do not have all the details at my fingertips now and that I will get him a report. I am very much aware of the interest he has shown in the submarine project and in development of the road system within his electorate.

MOBILONG PRISON

The Hon. D.C. WOTTON: Will the Minister of Housing and Construction explain why the cost of the proposed new medium security prison at Mobilong has escalated by 75 per cent in the past 18 months? When the former Minister of Correctional Services announced this project on 11 January 1984 he said that the cost would be $12 million. However, when the present Minister reannounced it last month he put the cost at $21 million—a 75 per cent escalation in construction costs.

I understand that this is due, at least in part, to extra facilities to be provided for the prisoners, including a jogging track, swimming pool, tennis courts, squash courts and a recreational building to cost more than $800 000. None of those facilities was foreshadowed when the Minister reannounced this project on 23 July, yet I understand that they are now included in detail designs for the project, making it more like a motel than a prison, I suggest. I also understand that the recurrent interest bill for the project over the next 10 years will be $30 million and that the running costs will be another $30 million, meaning that its total cost to the State will amount to $81 million over the next decade.

The Hon. T.H. HEMMINGS: Sometimes I am a little bemused by the way in which the member for Murray asks his questions. Last week one minute he was wearing his environmental cap and suddenly, halfway through the question, he realised that he was also wearing his shadow correctional services cap. He has had to sit down and concoct the right answer. He realised that he made a fool of himself and is making a fool of himself in this case. He is not comparing like with like.

He is comparing an estimate he was given 18 months ago when we were talking about 80 cells in the Mobilong medium security prison, and the announcement by my colleague in another place dealing with a medium security prison at Mobilong which would have 160 cells.

As soon as he stands up he shows this House his abysmal ignorance of the portfolio he is supposed to be taking care of on behalf of the Opposition. I suggest to the member for Murray, so that he does not make himself look a fool—and I feel for people on the other side when they stand up, ask questions and make themselves look fools—that he consults with members of his own Party who are on the Public Works Standing Committee and who were at Mobilong when Mr John Dawes, from Correctional Services, outlined to that committee and to the public exactly what the new concept is all about. That is my advice to the member for Murray. I feel for him: he has made himself look a fool time and time again. He should take my advice, talk to his colleagues on the Public Works Standing Committee, and he will not be in the situation he is in now.

SHOW BAGS

Mr GREGORY: I ask the Minister of Community Welfare, representing the Minister of Consumer Affairs, whether officers of the Department of Public and Consumer Affairs have carried out an inspection of show bags intended for sale at this year's Royal Show. I am sure that many parents and children will be interested in the Minister's comments.

The Hon. G.J. CRAFTER: I can advise the House that officers of the Department of Public and Consumer Affairs have inspected 93 show bags intended for sale at this year's Royal Adelaide Show. The bags were assessed as to their value for money and were also checked to see that they did not include any toys considered dangerous in the hands of small children.

The department found that seven show bags represented poor value, and the Royal Agricultural and Horticultural Society has taken this up with the relevant exhibitors. As a result four of these bags have already been reduced in price and negotiations are proceeding regarding price reductions on other bags.

Some show bag vendors supplied an itemised list of all contents with a retail price for each item, in an attempt to establish the total value of the bag. In 10 of these cases some of the individual prices were considered to have been grossly overstated, although the show bags in question were still considered to be of reasonable value for the price to be charged. It has now been agreed that these itemised price lists should not be displayed to the public, as they can be very misleading.

The department found three toys which where considered sufficiently dangerous to warrant their withdrawal or modification, and a further 10 toys that required additional warnings to be attached, concerning their use by small children. Before the show opens on Friday, the department will also be inspecting prizes offered by sideshow operators for any dangerous toys. I should like to commend the show society on the assistance that it has provided to the department in carrying out this task.

CHILD ABUSE

Mr BAKER: Will the Minister of Community Welfare investigate procedures being adopted by the Department for Community Welfare in relation to the removal of children from foster care homes? I have had drawn to my attention a case involving three girls aged five, four and two years. These children were placed with a foster family, following a history of violence and abandonment within their own family. Their brothers, aged eight, nine and 12 remained with their parents. The Department for Community Welfare organised this fostering arrangement until such time as the children's family situation had sufficiently stablised to enable their return home.

After five months in the care of devoted foster parents, a social worker with one week's experience in the regional office ordered that the children begin daily access with their parents. This was despite concerns raised by the foster mother that the four-year-old had been sexually abused by her 12-year-old brother in the past.

Further, the foster parent reported to the department that the children's behaviour regressed after 'home' visits, that they were suffering from nightmares and displaying aggressive behaviour. When it was suggested by the foster mother that daily access be discontinued because of the detrimental effect that it was having on the children, the social worker removed the children from her care.

As a result of the foster mother's complaint the Children's Protection Board regarding sexual abuse the case was proven in the first week of July, and the girls were taken into emergency care and not returned to their family, or to the previous foster care. However, after two weeks a new foster home was found, the daily access was continued, and a further episode of sexual assault against the four-year-old girl occurred.

The foster mother of five months held lengthy interviews with the Assistant Director of the department, the Children's Interest Bureau and the Ombudsman. It appears that the latter two bodies were in full support of her assertion that the children's best interests could be served only in a stable foster parent situation, where access (if any) to the family was fully supervised to prevent repetition of abuse on the four-year-old girl. The Minister's department disagreed. I understand that since then there has been a loss of speech capacity in the younger girl because of the situation and that at least 13 social workers have been involved in the case. Will the Minister investigate this case as a matter of urgency?

The SPEAKER: Before calling on the honourable Minister, I may be right or wrong but from part of the analysis given by the honourable member I seem to recall that one of those issues is before the law courts. Can the honourable member assure me that it is not?

Mr BAKER: No. It is a different case.

The Hon. G.J. CRAFTER: I am advised that this matter is before the court on Friday, and I believe that the honourable member is well aware of that.

An honourable member: It's a different case.

The Hon. G.J. CRAFTER: Although I acknowledge that it is a different case, as I understand it the case is coming before the courts. However, I may not have the right case although, on the facts referred to by the honourable member, I believe it is currently before the court and the decision taken to remove these children has been as a result of a court decision. So, there has been a judicial review.

I am also having this case referred to the Ombudsman for a full review, if it is the case referred to by the honourable member, because it raises important issues which, as the honourable member has said, are complex issues. A number of agencies and certainly a number of social workers

have been involved in caring for these children in a most unsatisfactory home environment. Obviously, there is always a compulsion to try to maintain the family as a unit where that is possible. Children are not removed from a family without an appropriate court order and, where there is the possibility of reuniting children, especially young children, with their natural parents, that is the desirable course. There is a conflict between the interests of the children and the interests of the family that has to be resolved professionally, with the court always being the final arbiter in these matters.

If it is the case to which the honourable member refers, the foster parents contacted me last week. They were most concerned that they had been approached by a person who said that he or she was calling on behalf of the Liberal Party and that it was intended to raise the matter in Parliament. Grounds were being sought on which to make allegations against the Department for Community Welfare. I view that with utter distaste.

If people have concerns about matters, especially when such matters are before the courts, they should always feel free either to come to me as Minister or the department or to go to the Ombudsman, who is the independent administrative review body, with all the necessary investigative powers, to discuss these matters. With the Director-General of the department, I have met the foster parents and discussed with them their concerns in this matter. They are indeed very caring and generous people who have made an effort to care for these disturbed children. This is not an easy area of Government activity for my officers, and the attitude displayed by the Opposition in trying to make cheap political capital out of these terrible family situations can only be deplored.

SCHOOL TRANSPORT

Mr KLUNDER: What action does the Minister of Education intend to take regarding the recommendation made by the School Transport Review Committee that the proportion of school bus services operated by the department be decreased from 60 per cent to 50 per cent? This situation needs clarification from two aspects. First, school buses operate in my district (and I am sure that they operate in many other districts), and I am keen to see this matter settled as soon as possible and before the usual rumours start unsettling my constituents who are pleased indeed to have bus services and do not want to see them jeopardised. Secondly, there will inevitably be cries of privatisation which need to be exposed for the nonsense they are.

The Hon. LYNN ARNOLD: I thank the honourable member for his question. I had expected that earlier in Question Time I would receive a question on this matter from the Opposition. Opposition members seemed to take relish yesterday in flourishing the report but, when it came to putting substance to their leering and jeering, they did not choose to take it up. Perhaps this was because they had done a bit of questioning about this matter and realised that there was good reason why this recommendation should not be proceeded with. The report referred to is an excellent report on school transport and has lived up to the expectations of those who sought the first major review of this subject in nearly 30 years. In many respects, the recommendations deserve to be endorsed or acted on but, as with any report, not all recommendations address the problem. This report, interestingly enough, does not address the problem in all respects.

In my ministerial statement yesterday, I said that I had referred the matter to the Education Department for its considered comment before taking action. I believed that it was important that the transport section and the senior executive of the department had a chance to comment on the recommendations. They have endorsed many of the recommendations and said that I should take them further. Regarding this recommendation, they state:

> The financial analysis in this report—

that is, the department's report to me—

> questions the base from which the review committee made its recommendations and its financial analysis. Savings mentioned in the report of $1.5 million are questionable; the saving is more in the order of $300 000. Furthermore, the saving does not take into account the fact that contractors tend to take more profitable services and that, therefore, this figure of $300 000 may be overstated.

They go on to say that the recommendation should not be endorsed. Indeed, in their financial analysis they go into great detail on that point, stating:

> It would appear that contractors are willing to tender for easy services but not for the hard services, e.g., over dirt roads, short runs, hilly terrain, etc. The comparisons of average per kilometre costs as presented above are therefore biased in this regard. We are comparing the cost for departmental services over harder routes on average with the cost for contract services over easier roads on average. The only true comparison would be between the costs of services running parallel, departmental and contract, on the same route, and with the same carrying capacity.

Of course, that analysis was not done in the report submitted by the transport review committee, so the figures are not comparable. The department believes that a more appropriate figure would at most be $300 000. The other two points made in the report are quite valid. The report states that there is considerable excursion benefit pertaining to schools that have access to departmental buses which they do not get by the use of contract buses. In many circumstances, it is quite reasonable that that excursion service should be available, because no other alternatives are readily available for the school, and there may be isolated circumstances in which they need access to buses for excursions. That point is important.

The other point on which they touch briefly relates to the industrial aspect. They acknowledge that there may be times when industrial awards are not being adhered to by contractors. Although they point out that that is illegal, the facts are that it is more likely to happen—if it is likely to happen—only in the contract situation, not in the departmentally employed situation. Therefore, I do not intend to take up the recommendation of the report that the level of contracts be increased from 40 per cent to 50 per cent. The present situation, with some routes being with contract and some being maintained in the department, is entirely appropriate and adequate.

I believe that the report cannot be taken in any way as recommending privatisation. At most, it recommends an extension of 10 per cent. However, on considered advice that I have received, I do not believe that this is a recommendation that I can accept. I say that against the backdrop that the bulk of these recommendations in the report have been very well argued and need to be acted upon. As I said, I have acted on some of them and I mentioned one important one yesterday.

PERSONAL EXPLANATION: RALLY INCIDENT

The Hon. D.C. BROWN (Davenport): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.C. BROWN: Mr Speaker, in view of your statement earlier this afternoon concerning physical jostling of members of Parliament on the steps of Parliament House during rallies, I wish to make a personal explanation relating to an incident in which I was involved. During the rally this morning and immediately after the speeches, Mr Phil

Tyler, who is on the staff of the Minister of Transport and who also is the ALP candidate for Fisher—

Members interjecting:

The SPEAKER: Order! The honourable member for Davenport.

The Hon. D.C. BROWN: As I was saying, Mr Phil Tyler, who is on the Minister of Transport's staff and is the ALP candidate for Fisher—and who has apparently just left the gallery—grabbed me two or three times and pulled me heavily from behind whilst I was talking to a group of taxi drivers. I was forced the first time to turn around to him, and I was abused.

Shortly afterwards I was again grabbed and, when I turned around on that occasion, Mr Tyler let fly with a personal verbal attack on me, using the most offensive language. Embarrassed, I simply indicated that his behaviour was unbecoming of a member of a Minister's staff and that I would deal with the matter in Parliament this afternoon. Mr Tyler replied, 'Go ahead and do so.'

Members interjecting:

The SPEAKER: Order! The honourable member for Glenelg had better watch his position.

The Hon. D.C. BROWN: Mr Speaker, as I am able to identify the person who jostled me, acting in a very offensive manner, and as you made a request of members earlier this afternoon, I ask that you investigate this matter.

Members interjecting:

The SPEAKER: Order! I ask the House to come to order and I ask the Deputy Leader to refrain from interjecting. The answer to the honourable member's question is, 'Yes'.

PERSONAL EXPLANATION: LYELL McEWIN HOSPITAL

The Hon. JENNIFER ADAMSON (Coles): I seek leave to make a personal explanation.

Leave granted.

The Hon. JENNIFER ADAMSON: During Question Time today, in response to a question from the Deputy Leader, the Premier made allegations that, as Minister of Health, I could be held responsible for inadequacies and deficiencies in the financial management of the Lyell McEwin Hospital. The evidence that has been presented to this House indicates that there is no way that I or the Health Commission could have known of the financial mismanagement at the Lyell McEwin Hospital, simply because the report of the auditor was not tabled until seven months after we left government. I wish to place on the record the fact that at no time whilst I was Minister was I ever advised of any deficiencies in the financial management of the Lyell McEwin Hospital and there is no evidence, documentary or otherwise, which the Government can produce to indicate that that is the case.

LEAVE OF ABSENCE: Hon. R.G. PAYNE

Mr TRAINER (Ascot Park): I move:

That two weeks leave of absence be granted to the honourable member for Mitchell (Hon. R.G. Payne) on account of ill health.

Motion carried.

LEAVE OF ABSENCE: Hon. J.D. WRIGHT

Mr TRAINER (Ascot Park): I move:

That two weeks leave of absence be granted to the honourable member for Adelaide (Hon. J.D. Wright) on account of ill health.

Motion carried.

MINDA INCORPORATED

Mr S.G. EVANS (Fisher): I move:

That this House—

(a) recognises and applauds the major role Minda Incorporated carries out in caring for mentally disabled people and the resultant saving of taxpayers' money;

(b) should do all in its power to see that no Government action will result in decreasing the value of any assets held for the benefit of the mentally disabled by Minda;

(c) recognises the great assistance Minda has given to the Golden Spur Pony Club, Riding for the Disabled and other community groups, by the use of land and facilities;

(d) recognises the public demand for the Minda Craigburn Farm at Coromandel Valley to remain open space and, if Minda indicates it no longer requires all or part of that property, calls on the Government to acquire it; and

(e) calls upon the Government to negotiate with Mitcham Council, local sporting groups and the Minda Board to identify Craigburn land which will be required for sport and recreation in the future and to set funds aside ready to purchase such land.

In so moving, I ask the House to note that petitions containing 3 500 signatures were presented today and I believe that that in itself indicates to Parliament the concern by a large number of people regarding the preservation, as open space, of that area of Craigburn which is on the north side of Sturt Creek, an area comprising a total of some 320 hectares. It is a large piece of land important to the community and the whole State.

I am conscious that the Blackwood-Belair and District Community Association and the Coromandel Valley Community Association have been working for a long while with other groups in the hills to have this land preserved as open space. In fact, groups were working for its preservation before the formation of those two community associations, and their work has added weight to the demand for the area to be retained as open space.

It is necessary that I document views which have been expressed by those associations. The Coromandel Valley Community Association's position is quite straightforward; it requests that, if Craigburn finds that it no longer requires the land or any part of it for the purpose for which it is being used now, it should remain open space. If that occurred, the Government should in some way take control of the land by acquisition.

The most recent newsletter from the Blackwood-Belair and District Community Association (and this is a circular to the community and its members) stated:

Most of you will be aware that this association is circulating petitions to keep Craigburn farm as open space green belt. Many of you may be unaware of its history. Craigburn was a farm of 535 ha bought by Minda in 1923 by the sale of some of the land bequeathed to it at Brighton. The land is traversed by the Sturt River. The northern area 350 ha—

I am sure that it is 320 hectares and not 350, but I will accept that the association could be correct—

is all that remains of the farm and, as can be seen in the map about 60 per cent is zoned rural A and 40 per cent special uses. The southern area (in Happy Valley council) has been sold for housing.

I must add that part of that area was set aside as a conservation area and is north-west of the area that has been subdivided, but it is still in the Happy Valley council area. The circular continues:

The 1962 Development Plan for Adelaide showed the whole of Craigburn Farm as special uses, as befitted its institutional use. It was envisaged as part of an open space green belt to act as a southern buffer zone, separating metropolitan Adelaide on the

plains from the suburbs developing to the south—an example of good city planning. In 1971-72 Mitcham council despite many objections and a petition of 6 000 signatures zoned the land as per the map, contrary to 1962 plan. The then Chairman of Minda, Justice Bright, said that Minda had no intention of subdividing any of Craigburn (rural A is understood to be pending residential) unless Government support fell. Government funding has risen over the years. Indeed, of the $10 million (approximately) annual operating budget of Minda, $9.47 million comes directly from State and Federal funds including pensions—

a diagram is given explaining that—

Despite the assurances given in 1972, Minda in 1978 was given permission to subdivide the Happy Valley area of Craigburn, providing the heavily wooded Craigburn scrub was given to the Sturt Gorge Park (finalised in 1981) and all land north of the Sturt River be rezoned to special uses, in order to retain the existing open space character of the land. When in May 1983, Mitcham council was to hold a public hearing on the question of zoning Craigburn to special uses, Minda slapped a Supreme Court writ on council to prevent public debate of the issue. Early in 1984, Minda presented council with subdivision plans for 1 299 blocks on all the rural A land—

and there is a map of that that does not need to be included in *Hansard*—

The Minister intervened and set up a working party with reps from Minda, State and local government. In August 1984, the Minister announced the second generation parklands, and Craigburn is included in the study area. Since this time this association has been busy informing politicians that Craigburn Farm is a very important open space asset that will be needed as a recreation park to take the pressure off Belair Park. If Minda requires more money, then this has to be achieved without selling the farm. So—what can you do?

Then it stated 'Sign our petition'. Approximately 3 500 people have signed that petition. I wish to pick up a couple of points in that pamphlet. I do not accept that comment in one area as being a fair comment in relation to Minda's operation because I believe some people could misinterpret it and say that the Minda Board is a group of people who are well funded by the Commonwealth and State Governments and that we should consider people's pensions as a payment from Government to the operation of Minda. That is not quite fair because pensioners are entitled to use their pension to obtain shelter, food and care if they are disabled. If they happen to pay that money into Minda, because that group gives a lot of voluntary help, care and attention to those mentally disabled people, I do not class that as a Commonwealth payment to Minda. I class it as a part payment in many cases by the mentally disabled towards their care, attention and housing by the Minda Board.

The other point I make is that it was suggested in that pamphlet that Government funding has risen over the years. That is 100 per cent accurate, but I am told that the funding has not risen in comparison with the cost of providing the services. In other words, an inflationary trend has emerged and, if Government had not given more to Minda, at least in line with inflationary trends that prevail and the services they offer (which can be greater than the normal cost that may apply in everyday living for other individuals), Minda would be falling behind the eight ball and be unable to supply the service that these mentally disabled people receive. No doubt exists in my mind that, if Minda was not there with all its voluntary help, a voluntary board, a lot of voluntary back-up along with its dedicated paid personnel, the cost to the State of looking after those mentally disabled people would be much greater. In the first part of my resolution I am praising the Minda people for what they do for the mentally disabled, as such praise is justified in every sense of the word.

I attended a public meeting with the object that, if resolutions were to be passed, they needed to be substantial. For that reason I prepared what I thought would have been a group of resolutions that would put reasonably fairly the position of the Craigburn land and the present situation, forgetting about what has happened with previous subdivisions. That has happened—both Governments condoned it and allowed it to continue. There is no political slant, as both parties were prepared to let it happen. I suppose that in the long term some gained benefit, as did the people who live there. These matters should be considered as resolutions of the meeting:

1. That the meeting recognises that the 320 hectares of Craigburn land on the northern side is made up of 128 hectares zoned special use, that is the uses already taking place on the property, and 192 hectares of rural A land for which Minda Inc. lodged a proposed plan for subdivision.
2. This meeting strongly supports the retention of Craigburn as open space with those areas not required by Minda being made available for public use.
3. That the State should acquire the land not required by Minda at its market value at the time of acquisition.
4. The moneys for the land to be paid in full at the time of acquisition giving Minda Board the opportunity to invest the moneys for facilities and programs that not only provide opportunities for the disabled but also a hedge against inflation.
5. This meeting calls upon all political Parties and politicians to give a commitment they will support any move by the next Government to acquire that part of the property not required by Minda to serve the mentally disabled.
6. No further public use or facilities to be developed on the land to be acquired until a feasibility study has been conducted into the likely effect its public use will have on the quality of life of people living in the near vicinity.
7. That the board members of Minda be congratulated for their massive voluntary effort given over the decades in protecting the welfare and assets of the mentally disabled at Craigburn.
8. That Minda also be congratulated on providing through the wonderfully dedicated and caring staff and voluntary helpers, effective programs for the mentally disabled.
9. This meeting does not support Government action re Craigburn land which could be detrimental to the cause of the mentally disabled.
10. We recognise that most of the pension received by the mentally disabled Minda people is already used to help provide for these very necessary services and facilities.
11. We also recognise that two-thirds of the overall cost of providing Minda services is met by State and Federal Governments.
12. Any deterioration in Minda's own available resources would merely place a bigger burden upon the mentally disabled and State and Federal Governments.

There has been much public comment about Minda's position and I wish to quote some of the responses given at the public meeting. These included the following:

The rural A zoning means there is an expectation that this portion of the site may be developed for residential purposes. While Minda has consistently stated that it has no intention to develop this land for residential purposes in the forseeable future, it cannot responsibly allow the asset value of the site to be devalued through the rezoning of the area in a manner that would preclude the residential development expectation.

That is where one of the conflicts between the views of the community and the Minda Board lies. I have no doubt that the community interpreted the comments of Mr Justice Bright when he was President of Minda Incorporated, the comments attributed to him by the then Minister, the Hon. Mr Broomhill, to mean that Minda did not intend to subdivide any of the land to the north of the river. I make that point strongly. That is what the community believed: that is the way in which the situation was interpreted from press releases and contacts with Government departments. It was a community expectation that that would be the case.

Pressure was applied on the council to change the zoning from rural A to special use. As soon as that occurred, the Minda Board felt obliged to protect what it believed was an asset, that is, the developmental prospects of the land zoned rural A. If the land was zoned special use, automatically it could never be considered for subdivision, thus it could not be considered as an asset in that it had subdivision potential.

The Minda Board stated quite categorically that it took that action to protect its asset. It was said, 'If you are doing that only for protection, why did you prepare a plan? Why

did you go to the expense of engaging consultants to prepare a plan on which 1 299 blocks were signified?' The Minda Board replied that that had to be done to set in train a method of proving that it had a legal right to subdivide the land if it so wished and to prove its potential, thus counteracting the council's attempt to rezone as a result of community requests.

Consequently, the Minda Board issued a Supreme Court writ stopping the council from going further with the rezoning. In the eyes of the board, that was a method of protecting the assets of the mentally disabled. I believe that that is what the board has been trying to do at all times. It is easy for me and for other people to see the board as being made up of a group of greedy people who are trying to preserve something for their own egos—but that is not the case. Those people were trying to carry out a community service. If we believe and if the Parliament on behalf of the people believes that that community service is important (and that is what I believe), the Parliament should back any Government that sets out to buy the land from the Minda Board at its valuation if the Minda Board does not want it. Further, we should not try to devalue the land by a back-door method.

If we argue that the Government should take over the operations of Minda and that it should be a community project, that is a different matter. At least we would know that a Government body must take the responsibility of attempting to provide to the mentally disabled a service that is equal in quality to that provided by Minda at present. There is an area of conflict, but there is no doubt in my mind that the press reports of the time indicated clearly to the community that the Minda Board did not intend to subdivide the land. The Minda Board stated:

At the time that these zoning regulations were being formulated, there was considerable controversy about the appropriate zoning for the site. The council and the State Planning Authority, having regard to all the viewpoints expressed at that time, decided the land should be zoned a combination of rural A and special uses (that is, as per the current zoning regulations).

As part of this decision, the then President of Minda Incorporated (Justice Bright) in a joint statement with the then Minister of Planning (Broomhill), indicated that Minda had no intention of seeking to develop the Craigburn Farm for residential purposes, Justice Bright did however indicate that in the unlikely event that Government funding for Minda Incorporated fell below a workable level then Minda Incorporated may contemplate the development of the Craigburn Farm for residential purposes and, in this unlikely event, then about 40 per cent of the Craigburn Farm would be transferred to the Government as open space.

One can see the difference between the community's interpretation and Mr Justice Bright's interpretation. Mr Justice Bright referred to what would happen if the funding dropped below a workable level. If Mr Justice Bright could talk to us now, he would not talk about a decrease in terms of dollars but a decrease in purchasing power of the dollars available to provide the service. However, the community is talking about an increase in actual dollar terms, taking into account the inflationary trend but not taking into account the purchasing power of money.

That is where the conflict lies, and it is understandable, because sometimes it is easy to interpret the English language in the way one would like to suit one's argument. There was a section 61 declaration of open space on the land, which gave Minda a taxation benefit, as in regard to other properties where people who own the title of land can, under section 61, have an area declared to be open space. The report of the board states:

In March 1981 the Minister of Planning advised that as a matter of fact and degree, the section 61 declaration may affect the existing use rights within the rural A zone. This effectively meant that the permitted use rights for welfare institutional uses may be overridden by the private open space classification. For this reason, Minda withdrew the section 61 declaration pending a mutually satisfactory resolution of the issue with the Minister and council.

Negotiations concerning an alternative to the section 61 declaration—July 1981. From July 1981 to the early part of 1982 discussions were held with officers of the Department of Environment and Planning and council with a view to negotiating a mutually satisfactory solution to the section 61 rezoning issue. In July 1981 council, for the purposes of incorporating a number of amendments to its planning regulations (zoning), decided to rescind all of the existing regulations and place these regulations on public exhibition (irrespective of the fact that the zoning of the majority of land remained unchanged). This unusual action by council gave members of the public a right to object to the existing zoning of any parcel of land. To avoid this irregular and somewhat unreasonable approach, it had been the policy of the Department of Environment and Planning to only place on public exhibition specific zoning changes.

In June 1982 council resolved to rezone the entire Craigburn Farm for special uses. This decision by council was taken in view of six objections received to the planning regulations which were placed on exhibition in July 1981. The action was taken despite advice from the State Planning Authority that it did not support the proposed action by council. At a meeting with council in July 1982, Minda requested that council cease to proceed with the rezoning proposal and immediately enter into a pre-agreed program of action aimed at resolving the best long-term zoning for the Craigburn Farm in consultation with the Department of Environment and Planning.

This request was not ageed to by council and therefore Minda lodged a formal objection to the rezoning proposal. At a meeting with council representatives in July 1982, it was admitted that the only reason for proceeding to rezone the land special use was the objections that were received. Minda believed that it would have been reasonable for council to have discussed these objections with it prior to deciding to proceed with the rezoning.

That states Minda's position to the point of issuing the legal challenge and the Government's setting up of a committee to investigate and report back on the best way of handling the Craigburn situation. That committee has not reported, to my knowledge, to the point at which the public can have an input. A public meeting took place as a result of information that the report may not be too far away.

That meeting gave strength to the cause of the open space concept. Much more needs to be said but, because we need to discuss other matters, because the petition has just been presented and we are waiting for the report from the community as to the petition and the results of comments made about the report, I will not say very much more today except that my position is quite clear. The property must remain as open space of some sort, as indicated in my motion.

I also believe strongly that Minda has done an excellent job and will continue in that way if Parliament indicates that it appreciates the work of the Minda board, volunteers, paid workers, and other workers, many of whom are professional staff. I also support the concept that Minda should not be asked to sell any of the property unless it wants to except as a result of a special request, for instance, for certain sporting facilities from the community for playing fields for particular sports.

I include in that description, in particular, passive recreation, for which there is a shortage of facilities in the community not only in the Mitcham Hills but on the plains. People need to get away from it all, but if one opens up an area too much too many people may do that, creating overuse, although that is a long way down the track.

We also need to look at equestrian needs. We ignore in most of our planning throughout the city those who ride horses and who are involved in associated events as their recreation. We have recently noticed comments from people in the inner metropolitan area about the pressure of local government requests to move horses because they annoy neighbours or are a traffic hazard. Craigburn gives an opportunity for us to cater for many needs of recreational riders.

We tend to forget the horse riding community when it comes to footpaths and cycle tracks: the law does not allow

those people to use them. As a pedestrian, I would prefer to see a horse on a footpath, so long as it is not ridden recklessly, rather than a cyclist. In other parts of the world we see mopeds (motorised cycles up to 50 cc) being used in conjunction with footpaths and cycle tracks.

We need to change the law so that those who want to ride horses for recreation can do so in a quiet way on our footpaths and cycle tracks in the Mitcham Hills area. Such activity may not be appropriate in King William Street, or Rundle Mall, but in the hills it is sensible. We need to look at recreational riding facilities immediately, regardless of the long-term use of the overall property.

Craigburn has shown an interest in and a desire to help such people. It has helped the Golden Spur Pony Club and has assisted with riding events held by different pony clubs. In particular, it has assisted the disabled by providing riding facilities. We need to negotiate with the Mitcham council, as the motion suggests.

I would be amazed if the Minda Board wanted to leave the centre strip of the farm, because it will need that for a long time. In that area is the nursery and the therapeutic centre which provides rehabilitation in a huge shed for those wanting to work. The board had all the trouble in the world getting council to approve that shed, but anyone wanting to see it would need a helicopter. I do not know why Minda should have to go through all these hassles to prove a point when no-one can see it.

Other facilities include the riding school, the camp site for mentally disabled and other groups to hire, accommodation in the main building, the piggery, poultry and egg laying section, all of which Minda will need for a long while. I support that area's remaining as open space at all costs and call upon everyone in Parliament to think about the matter between now and when I speak again.

I ask honourable members to support the concept of the petition and make sure that we all work with Minda to realise its ambition. I ask the Minister to quickly answer my question on notice relating to any approach by Minda about selling the farm or any part of it. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SELECT COMMITTEE OF INQUIRY INTO STEAMTOWN PETERBOROUGH RAILWAY PRESERVATION SOCIETY INCORPORATED

The Hon. J.W. SLATER (Minister of Water Resources): I move:

That the Select Committee of Inquiry into Steamtown Peterborough Railway Preservation Society Incorporated have leave to sit during the sittings of the House today.

Motion carried.

HILLS FACE ZONE FIRE PROTECTION

Mr S.G. EVANS (Fisher): I move:

That, in the opinion of this House, the Government should take immediate action to—

(a) have the large amounts of highly flammable dead vegetation, olive trees and noxious weeds removed from the Government owned sections of the hills face zone;

(b) assist and encourage more hills local community fire action committees to be set up; and

(c) provide adequate fire tracks in the hills face zone.

I suppose that my knowledge of the Hills and the hills face zone goes back at least as far as that of any member in the House. It was first suggested that the hills face zone should not be developed, but then community activities eventually did destroy the prospect of people keeping stock in the hills face zone. I originally maintained that eventually the hills face zone would present a problem to the community. In this House in about 1975 or 1976 I said that, if we were not sufficiently conscious of the inherent problems, pressures would be brought to bear before the turn of the century in relation to some sections of it being built on. One or two people said to me that I was stupid and that I would be crucified for making those comments.

However, at that time I explained that I was simply saying that we should be aware of possible problems that could arise. In relation to the hills face zone, it is not simply that area of hills which can be seen from the Adelaide Plains. Many people do not realise that it encompasses a larger area. For example, the second barrier above Coromandel Valley is part of the hills face zone. The hills face zone does not finish at the top of the hills nearest to the Adelaide plains. The area extends right through to the top of the Mount, with each hill and the hill beyond that being part of the hills face zone. There are many parts of the area that cannot be seen from the city, and yet they are still deemed to be part of the hills face zone.

I appeared before the Planning Appeal Board on behalf of a constituent in relation to the matter of a house, which had been built in a valley. The only chance one would have of seeing the house would be by helicopter; however, the area in which it was built is classed hills face zone, even though it is part of a basin in between the ranges.

Those people who are unaware of the extent of the hills face zone should start to take some cognisance of this matter and of the dangers that exist. A fire which begins at Torrens Park or Brownhill Creek, for example, at 10 or 11 o'clock on a day when there is a strong northerly wind, as was the case on the two Ash Wednesdays and on the day of the 1939 fire that I experienced as a boy, if unchecked, will be in Strathalbyn before anything can be done to adequately contain it.

That is no reflection on the CFS, or the Metropolitan Fire Service or emergency services agencies. In those extreme circumstances there would be no way that we could find adequate resources in the way of manpower, water or fire units to fight such a fire. Therefore, we must reduce the opportunity for a fire to get away to a good start. It must not be maintained that this cannot be done due to lack of money, because the amount of money involved would be much less than that needed to compensate fire victims, whether that money comes from insurance companies, the Government or public subscription.

Within the community there are human resources that are not being used. Unemployed people could be used to help clean up the area. Some might say that this would involve tough yakka, as it would involve clearing olive trees, blackberries, noxious weeds, etc. However, the people prepared to work would be paid. If it were maintained that there was insufficient money to pay people to remove this serious fire danger risk from the hills face zone, perhaps we could use low security prisoners. Would the unions object to some low security prisoners doing this type of work? Would prisoners stuck in a prison somewhere looking at one another, and doing only a few odd jobs and perhaps being a bit bored with life, take up the challenge of going out into the open and doing such work?

Would people on neighbouring properties consider that the prisoners doing this work were criminals of an objectionable nature, when in fact they would be low security prisoners who perhaps were sent to prison for a crime of little community concern and who perhaps were unlikely to ever commit another crime? Should we be using such people, under proper supervision, or would the community or the trade unions object to that? I do not know the answer to that. However, I have placed on notice a question to the

Premier asking whether he will consult with his Ministers to ascertain whether that is possible. Many people in prison may be happy to do that sort of work, enabling them to get away from a prison environment for a few hours a day. This might not necessarily be possible, but it is something that should be considered.

In times when people were able to own grazing land in the hills face zone they did not have a lot of trouble with neighbours, with guns, dogs, people leaving gates open, or motor cyclists, and so on. The motion before the House refers to Government land, but I want to refer briefly to privately owned land. What chance would anyone have of keeping sheep on such land? I know that goats, for example, would be frowned upon because of their destructive nature in relation to vegetation. At the moment people have little opportunity to keep sheep or cattle in hills face zone areas because of stray dogs roaming the hills face zone, inevitably as a result of irresponsible dog owners.

There is little chance to keep stock, except perhaps in the more northerly areas. My colleague the member for Todd has won an argument to have some of that area used for sheep grazing. I do not know the answer. However, it has taken 15 years for the olive trees in the hills areas to create something of a jungle. If they are not tackled soon they will create such a fire menace as to place at risk not only the lives of adjacent property owners, their properties, assets and personal effects, but also the lives of CFS volunteers, paid personnel (who are few in number), and those of people who work in conjunction with the CFS. There is no doubt at all that in relation to any obvious disease putting as many people's lives at risk, money would be found to effect a cure.

Therefore, we must get rid of these dangers in relation to Government and local government owned land. We must provide some form of control or direction to private landholders to do something about their land. However, we cannot expect private landholders to do something while the Government does nothing. That would be unfair, and the Government must set an example first. In the case of noxious weeds, olive trees, and so on, birds and winds transmit the seeds from one property to another. This must be a joint effort, with the Government giving an indication that it is prepared to do something about the matter.

I know that most people think that, as it is raining now it does not matter, and that when the summer months arrive they will be in the city working. On really hot and windy days they may ring up and ask whether there is any smoke and ask about what is going on, or in some cases people may not go to work at all. In the future that will be the case, more so than ever before. That will occur, and inherent in that is a loss of money. It will reach the point where conditions will not need to be so bad as they used to be before people stop home because the concern will be greater.

If we had a disease we would be concerned about it. If we had some form of wild animal with potential to do the same to the human race that lives in the hills, we would be hunting it. Every endeavour would be made. We would even use the army to hunt it and make sure that it was destroyed. However, because this is a sleeping thing, not moving and not seen by most, we do not show the same concern. A person may be driving past and admire the attractive olive tree or the blackberry with its autumn tints. Such growth is not seen as a danger, and we become apathetic and not concerned as individuals. However, as parliamentarians we must become conscious of the dangers that exist and lie in wait to explode and attack the community.

I do not blame this Government any more than I blame any Government in the past in respect of this problem. However, when the hills face zone was created, people such as I said that, if the area was not properly cared for, it would result in damaging circumstances not only for the people nearby but also for those out in the country. It is not a matter of if it happens: it is a matter of when it happens. Indeed, it has happened. It may not start as people believe that it has started in the past. It can start with someone falling off a motor cycle. If the unfortunate accident that occurred in Belair this week happened on the hottest summer day and the car went over the hill with a hot motor and hot exhaust (and, unfortunately, someone died in that accident) on a hot day with a north wind blowing, that would be the beginning and, by the time the fire units got there in those conditions, tragedy would result. That could happen unless the fuel load were cut down. That is what I am pleading for. If we do not learn by our mistakes, we have a problem.

An honourable member interjecting:

Mr S.G. EVANS: I should be happy to talk this over with the honourable member if he thinks that it does not matter. I want my words recorded to show that it does matter. There is also concern in respect of having enough money to set up committees so that local communities can clear their streets and reserves. That has been done successfully in Belair. It was hard work. Some of the people found it more difficult than they thought it would be, but they accepted the challenge and kept at it.

There is a great opportunity for the Government to say that funds will be granted for local groups to be encouraged, similarly to the neighbourhood houses, by ensuring that some benefit is enjoyed by a community, the members of which risk their own lives and the lives of their families. The Government should be prepared to put in money for committees to help get rid of some of the fuel load in the area. I suppose that, in common with some other issues that have been raised, it will be forgotten. As certain people are to give me further information that I would like to use later in this debate, and knowing that other members wish to move motions today, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MULTICULTURAL EDUCATION

Mr M.J. EVANS (Elizabeth): I move:

That this House believes that all children in South Australia are entitled to the benefit of an education which takes into account the multicultural basis of the community within the framework of a single mainstream system and, accordingly, the House opposes the establishment of a separate Urban Aboriginal School at Elizabeth.

Although it is with some regret that I move a motion of this kind, I place on record my appreciation of the cooperation that I have enjoyed from the Minister of Education, who has helped me gather information on this matter. Over the past several months since the proposal referred to in my motion was first mooted, I have discussed the matter with the Minister on several occasions and have led a deputation from the local council to him. I have also written to him seeking information.

Today, the Minister provided me with a substantial response to my questions and I will take that information into account in discussing this matter with my constituents and in forming my views on it. However, as yet I have not had the opportunity to appreciate all the matters that have been raised by the Minister in his response to me but I thank him for his cooperation.

Before us, we have a proposal for separate education based on race, and I find that a difficult concept with which to come to grips in the educational sense. The Minister and

I share with all other members the objective of seeking to bring about a higher standard of education for all children in the community, especially for those who are disadvantaged in some way under the present system. However, the Minister and I have a difference of opinion in regard to philosophy and the way in which that objective should be achieved. The House should see the discussion of this motion in that context.

I believe that the proposals for multicultural education that have been widely canvassed in this State provide a much better option for providing education facilities not only for Aboriginal children but for other disadvantaged children, including migrant children, to achieve greater educational success. It would be of substantial benefit for European children, who are already well versed in the ways of our system.

The education system I am proposing in place of the alternative which the Minister has put before us is modelled extensively on the New South Wales system. During the parliamentary break I had the opportunity of having lengthy discussions with the Director of Aboriginal Education in New South Wales and also with the Director of Maori Education in New Zealand. Both examples are relevant to the system of Aboriginal education that might be adopted in South Australia.

I recognise that New Zealand has slightly different problems and a slighty different environment from those in this country, but the situation in New South Wales is one from which we can certainly draw parallels. The experience of that State is of some value in this context. In both those jurisdictions the idea of separate education based on race has been firmly rejected by the education authority specialising in Aboriginal education and in Maori education. The gentlemen to whom I spoke, and who were well placed to make these judgments, believe that the concept of separate education has been firmly discredited. Indeed, they are moving strongly and quickly away from that concept, not merely to intergrate Aboriginal and other minority students into mainstream education as if they were European students. That concept obviously would not work and it is not supported by me, or by anyone else in this debate I would imagine. However, in New South Wales and in New Zealand the curriculum and the education system are designed to meet the needs of those students in a way in which the present South Australian system does not and in a way I believe would be much more effective than the concept of a separate education system. It is that course which I propose as an alternative to a separate education system.

Certainly, in South Australian schools we need to recognise the special needs of Aboriginal children and other ethnic groups in our society. The South Australian community is based on a diverse cultural mix which must be recognised as part of the educational system.

I have recently had the opportunity of visiting the Aboriginal preschool establishment at Alberton which I believe is performing a very effective service, and I would commend that establishment to all members. I spent a most enlightening morning there, and I believe that the staff and the parents are working together very well to improve the educational lot of the Aboriginal students in that area.

It is very interesting to note the model on which that system is based. The children attend there for preschool education and in some cases grades 1 and 2 are also taught. However, after grade 3 the students are in effect required to attend the Alberton Primary School in the mainstream education system of South Australia, so they are given a grounding, a basis if you like, to introduce them into the mainstream system, but the Alberton Primary School—

The Hon. Michael Wilson: There are one or two white children there, too.

Mr M.J. EVANS: Indeed, the member for Torrens is quite correct in making that observation. Primarily, it is for Aboriginal children, but it is not a single race or culture school. The children are then transferred to the Alberton Primary School, and in fact the teacher on the staff of the preschool centre is on the staff of the Alberton Primary School. For educational and professional guidance and jurisdiction she is under the direction of the Principal of the Alberton Primary School and is part of the mainstream education system of this State.

The children are encouraged to attend Alberton where the teachers are particularly well trained and placed to care for the special needs of those children. They are aware of the needs and look after them in the context of the mainstream system. The children are incorporated into the system and I believe that they are doing particularly well because of it. So, I strongly support the concept of the Alberton model and would like to see that expanded to other places where it could be advantageous, but that is quite different from the concept being proposed at Elizabeth, which will go all the way through to secondary school and, as I understand it, matriculation level, with a separate school. That is where I part philosophical company with the Minister on the desirability of that proposal.

I would now like to canvass one or two reasons for my concern about that matter. First (this is certainly not the most important, but it is one of the reasons), there is a diversion of funds from the existing education system which very desperately needs those funds. I understand that the capital cost is of the order of $1 million, but we have yet to see any detail or detailed plans for the school. No detailed costings have as yet been made available to me.

The recurrent cost of the school which, after all, is going to be the thing that we have to bear year in year out, will be borne by the State education system. Accordingly, I am very concerned that that will draw funds from existing schools in the Elizabeth and adjoining areas because, of course, education funding is regionalised and the schools in that area are already desperately short of funds to provide money for projects for disadvantaged children in general in the Elizabeth area.

There are a number of disadvantaged groups within the Elizabeth area being catered for at the present time and I would not like to see the funds withdrawn on that basis. Some of the schools in the Elizabeth area have established special programs to assist Aboriginal children, and I refer to the Elizabeth Grove Primary School. I am advised by one of the teachers there that there is now some doubt about the funding for the special program for Aboriginal children, because there is a drain on funds caused by this separate school.

Of course, Elizabeth has a surplus capacity for students, with one exception: only one school in Elizabeth (Fremont High School) runs a special music program and is therefore in demand by students right around the State. Every other school in Elizabeth has substantial surplus capacity. The Minister is constantly raiding the Elizabeth area and taking buildings away from it to areas of higher demand. While that may be reasonable, it raises a question as to the need for $1 million worth of additional capital assets in an area where we already have a substantial oversupply of school buildings.

In stark terms, the Elizabeth High School, of which I am an ex-student, at the time I attended it had over 2 000 students. There are now fewer than 700 students. It is proposed to build $1 million worth of additional capital assets at that school, but it could clearly accommodate up to 1 400 additional students with no extra funding.

Even if we accept the concept of a separate Aboriginal school, I question the desirability of Elizabeth being the

location for it. I do not do so in parochial terms; I do so in terms of the Aboriginal students who will have to attend that school. From the latest census and statistics figures, there are some 250 Aboriginal people living in the Elizabeth and Munno Para area; 360 in Salisbury, and 560 in Enfield. If one is looking for the most appropriate and strategic place to locate a school of this kind, one should clearly locate it where the people are in the greatest numbers and where easy access to it can be obtained. To place it in the area with the lowest number of Aboriginal people seems to make very little sense. It is part of the proposal that students will have to be bussed by public transport or special school bus system in order to attend the school, because there is insufficient transport in the Elizabeth area to make it a viable proposition.

Quite clearly, Elizabeth was selected as the first location and, for reasons of rigidity, bureaucracy or whatever, the Government has been inflexible and will not admit the error of its ways in regard to this location. In that context the location is quite inappropriate and I oppose the idea that children should be bussed to this sort of school. If it is to be established at all, it should be located in the most convenient place where children have ready access to it by convenient public transport (which is not the case in Elizabeth when they are coming from Enfield or Gawler) or, alternatively, it should be placed in an area where there are sufficient children to make it a viable proposition, without the need to transport children from great distances.

I also question the relative priority of spending $1 million-plus in capital funds on new assets in Elizabeth when any member who has travelled to the Far North of South Australia to see the conditions under which Aboriginal children are taught would be appalled. That $1 million could be spent on redundant capital assets at Elizabeth when we have the appalling conditions under which students are taught in the Far North simply amazes me. That is a complete abrogation of responsibility in this State. Funds should be directed where they are most needed. The Aboriginal people of this State would be much better served by the expenditure of that money in the areas of greatest need rather than by the duplication of existing capital assets at Elizabeth where they are simply not required.

I also question the end result. It seems to me that, if the stated purpose of this proposal is to ensure that Aboriginal children are better able to enter the mainstream of the community, to succeed in employment and in higher education, then they must succeed in the matriculation examination or the equivalent thereof. I am very concerned that the proposal which we have before us will not produce that result but, rather, will produce the reverse. The basis of the school is to have a curriculum, standards and rules which are quite at variance with the mainstream education system. I am concerned that, if the children are left in that environment for too long (as will happen at this school as opposed to the Alberton situation), the children will be disadvantaged in terms of their subsequent entry into the mainstream education, employment and higher education systems.

I am also very concerned about the way in which this proposal has been forced on the local community. Whilst one must give priority and consideration to the needs of Aboriginal children's welfare and education, one must also consider the needs of the local community in which the project is to be established. When this proposal first came forward, the Minister of Education said that he would not force it on the local community and that he would attempt to locate such a project in a community where it would be welcomed.

The matter was brought before the Elizabeth community. It was put to the Elizabeth council and the Elizabeth High School Council, and in both cases it was rejected. Before that took place the Minister gave an undertaking that, if the proposal was rejected by the local community, he would find an alternative site satisfactory to the local community. However, after rejection by the local community, the Minister said that he was no longer concerned about the need to obtain community acceptance; that he would in fact take the minority viewpoint, which was in favour of it; and that that was adequate for his purposes.

I am very concerned about that because the Minister's undertaking on this basis was not only to me personally, but to others in the field and it is most unfortunate that he has chosen to force it on the local community, which is clearly concerned about the proposal. One of the reasons for concern is the inadequate consultation that took place in the planning stages of the proposal—the inadequate briefing of local councillors and local residents, along with the confusion generally surrounding the planning of the proposal. If the Minister has had the proposal rejected by the local community, part of the blame must lie with his officers who both confused and, to some degree, misled the local community about what was to take place. I am particularly concerned that the Minister should insist on proceeding with the proposal after it has been rejected by the Elizabeth High School Council and the Elizabeth council itself.

In conclusion, I reiterate my view that multicultural education is something from which all children in this State will benefit, not only those who represent minority cultures, but also those who represent the majority in the State. Clearly, they also will have a lot to learn in respect of the cultural diversity of the State. To create a separate education system denies them access to other cultures available in this State and denies those in the Aboriginal culture access to the obverse side of the coin. That is an unfortunate proposal—it is quite discredited interstate and overseas and we must learn from that experience. It is certainly not unanimously accepted in the Aboriginal community itself.

I do not believe that it will assist Aboriginal children to take their place in mainstream employment and higher education systems of this State in a way that I would like to see them do. I believe the New South Wales model is one that we should be following rather than embarking on what I believe is a dangerous social experiment at the higher primary and secondary school levels. I do not doubt the efficacy of the Alberton model and I am sure that that is widely recognised. However, I have grave concerns about the way in which we are embarking on a higher primary school and secondary school program of education based on race. I do not believe that it is in the best interests of either Aboriginal children or the community as a whole. On that basis I commend the motion to the House.

Ms LENEHAN (Mawson): I rise to oppose the motion and, in so doing, draw the attention of the House to the wording of the motion. With the greatest respect to the member for Elizabeth, I point out that it seems, upon reading the motion (and we should address our remarks to the motion itself), that it is saying that one has to either support the mainstreaming system or to be totally opposed to it. I do not agree with that viewpoint. I do not believe that there is a single answer in education and that we can say that mainstreaming is the correct way to go or we can talk about separate schooling for particular needs groups.

It may well be that people have specific disabilities or specific religious beliefs; it may well be that people have a language problem—a specific language of their own—and we are then talking of language skills. It is oversimplifying the whole issue to say that, because we believe people are entitled to get the benefit of an education, which takes into account the multicultural basis of the community, and to

go on and say that this virtually has to take place within a framework of a single mainstream system, therefore the House should oppose the establishment of a separate urban Aboriginal school at Elizabeth.

With the greatest of respect to the arguments put up by the member for Elizabeth, I cannot agree with that relatively simplistic analysis in educational terms. I take one of the last points made by the member for Elizabeth, namely, the whole question of multiculturalism. Surely there are two elements in multiculturalism: one as it maintains and develops cultural and linguistic diversity and the other is the social and cultural interaction and sharing amongst members of the various cultural communities. Without the first element, the second is not possible. If people have not developed a sense of their own cultural and linguistic diversity and uniqueness, how can they possibly share that with other groups and cultures in our community? This is what is fundamentally the principle of the development of the school at Elizabeth.

I make a second point before addressing some of the points raised by the member for Elizabeth. I speak now as a former teacher and someone who has had the privilege of teaching, albeit a small number, Aboriginal students. When I refer to the teaching of Aboriginal students I am referring to the secondary level, so I know what I am talking about on this issue. First, we must look at the whole question of where the idea emerged. Was it some philosophical idea imposed on the Aboriginal communities of the northern suburbs? Was it an idea that came from people in the Education Department? It is my understanding that the idea came from the Aboriginal people of the area themselves; therefore, the arguments about separate education based on race really do not hold water. If we talk about that in terms of an apartheid model, we are talking about something inflicted on a race of people by a government or bureaucracy—we are not talking about choice.

Never at any stage of this proposal has it been suggested that Aboriginal children in the northern suburbs would be forced to attend this school. Never has it been suggested that all children should attend or that there would be any kind of coercion or pressure on them to attend. The school will be open to children of other ethnic and cultural backgrounds if they so desire to attend. There is no exclusivity or saying that there is some sort of compulsion for Aboriginal children to attend this school. Therefore, I believe that the arguments which relate to this whole question of a separate school on the basis of race do not hold water.

However, the reason I have risen in my place to be involved in this debate is that I believe very strongly in the argument that we must develop self-esteem and a feeling of success in every student in this State. I believe strongly in that philosophy. One must have an understanding of where one has come from, an understanding of one's own cultural background, a feeling of pride in that cultural background, having a high self-esteem and believing that one can succeed in whatever one undertakes, be it, as the member for Elizabeth says, in matriculation exams, an apprenticeship or some other form of training. Without that fundamental foundation, everything else is meaningless. This is something that the school will achieve and is aiming to achieve.

I pick up the point about the Alberton model. It would seem, in reading from the literature being discussed on this issue, that indeed what is being proposed at Elizabeth is a similar model to the Alberton model. After the end of grade 2 the students are moved into the local primary school. However, I have a copy of a letter written to the member for Elizabeth in which the Minister categorically states:

> The close association with the Elizabeth High School, whose staff strongly support the proposal, will in the future allow guided integration for secondary age students into the high school classes with adequate and pastoral and tutorial support.

Surely that is giving the Aboriginal people in the northern suburbs flexibility to choose what is best for their students. It seems that, if we can develop through this separate Aboriginal school, a belief in their own cultural heritage and values and a belief in their self-esteem and worth, those students will be better able to move, as the member for Elizabeth points out, into a mainstream situation.

We should not say that they cannot have that opportunity. It may take some students longer than others to get to a certain level. It is arbitrary to say, 'At the end of year 2 all students will be able to move into a mainstream situation.' Anyone who knows and who has spoken to Aboriginal people about this matter would agree that they are no different from anyone else in terms of their development and, in fact, some students develop much more quickly in a range of things than others do. Therefore, it seems to me to be logical to make the system as flexible as possible.

I do not accept the argument that it is fine at Alberton because the school only goes up to year 3 but, using the same principle and the same argument, it is not all right in the Elizabeth area where students have the opportunity to go to the end of primary schooling and possibly further if that is what they require. I do not disagree with the argument that students in a school benefit from a range of multiculturism, and I come back to my original point—we are not talking about whether there should be mainstreaming or segregated development. That is not what this whole proposal is about at all. We must consider the fundamental needs of Aboriginal children and not necessarily the needs of other students who live in the area, because they will have the opportunity to mix with Aboriginal children through sport and other recreational activities some time during their education.

As I said, not all Aboriginal children and their parents may choose that the children should attend the proposed school. The proposal involves providing choice and diversity for the student population in that area. I would like to address several other points raised by the honourable member, such as building facilities and the number of Aborigines in the area, but I am aware that members would like to debate other matters so I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TRANSPORT SYSTEM

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

> That this House deplores the transport policies and performance of the Government and in particular its failure to plan for the long term transport needs of Adelaide residents and its waste of public funds and condemns both the present and previous Ministers of Transport for their lack of ministerial control during the past 2½ years.

In moving this motion it is appropriate for me, as we approach the next election, to look back over the record of the Bannon Government on transport issues. We all saw today the demonstration on the steps of Parliament House and the hostility directed towards the Government by a couple of industries. I will refer to that matter later. It is appropriate to put before the House some of the areas in which this Government has made the wrong decision or has failed to act, and I will lay before the House 23 major bungles of the Bannon Government in the transport area.

Of course, the prime responsibility must lie with the former Minister of Transport (Mr Roy Abbott) and the present Minister of Transport (Mr Gavin Keneally), although the broad responsibility must lie with the Premier, the Deputy Premier, the Minister of Water Resources who sits

opposite me now and who is in charge of the House, the other Cabinet Ministers and, of course, all members of the Labor Party. They are the people who will have to bear the responsibility for these 23 major bungles in the transport area. They are the people who will feel the backlash at the next election from the residents because of these 23 major bungles.

I will be quite frank and lay before the House the principal areas, although I must stress that this is not an all inclusive list. I could double or treble the list if I picked up every major area in which a bungle has been made. However, time would not permit that, so I will highlight the major 23 bungles. You, Sir, have disagreed with the Government on issues that affect your district and you have spoken out at times. You have had to do a juggling act and I am not sure that your credibility in your district is completely sound because you have spoken out on those bungles. However, the matters raised by you, Sir, are not even included in the list of 23 major bungles.

The most important one is that the north-south transport corridor was scrapped without consultation and without a proposal for alternative plans to cope with traffic congestion, particularly in the southern suburbs. We all know the problems that exist in the southern suburbs of Adelaide. People are often delayed for half an hour at the traffic lights at the bottom of Flagstaff Hill Road. Traffic is lined up for 1.5 kilometres to 1.7 kilometres every morning, and a bankup for 3 kilometres at the bottom of Flagstaff Hill Road has been known to occur with delays of three-quarters of an hour.

Mr Hamilton interjecting:

The Hon. D.C. BROWN: I drew this matter to the attention of the media and I believe that there was publicity in the newspapers. In addition a person wrote a letter to the editor about this issue. We all know that, despite the promise made at the last election by the Premier that there would be consultation before a decision was made on the north-south transport corridor, that did not take place. In fact, the promise that was made before the last election was couched in such a way as to imply that the Bannon Government would build the north-south corridor and that there would certainly be consultation in regard to that project. However, as it turned out, there was no consultation and the project was scrapped within a few months of this Government's taking office.

The second major bungle was that land that was purchased over a 20 year period for the north-south corridor was sold, against the advice of almost everyone who was involved and certainly against the advice of traffic engineers. Furthermore, only a fraction of the funds from the sale of that land were returned to road works. I raised this matter in the House on a previous occasion. I believe it was immoral for the Bannon Government to sell that land. The editorials of the *Advertiser* and the *News* agreed with that view: the editorials of the two major newspapers entirely agreed that it was inappropriate to sell that land. The RAA strongly opposed the sale of the land. But what happened? The Government went ahead and sold the land. Further, it directed most of the money elsewhere. Only a little of those funds went back into the Highways Fund for road purposes.

The third bungle is that an extra 1c a litre fuel tax was imposed to collect a further $15 million a year from motorists, but for the first time in the history of this State that money was directed into general revenue rather than into road works. That occurred in the 1983 Bannon budget, the first full budget introduced by the Bannon Government. At the time, that action received a great deal of criticism and, despite constant pleas from the community and various bodies, including the RAA, this Government has failed to budge in that regard. So the State's road program has been cheated of $15 million a year.

I stress that that is not all: other funds have been taken out of the Highways Fund and redirected into road safety programs conducted by the Police Department and other bodies. I suppose that in reality the Highways Fund has been cheated of about $18 million a year in each year since 1983. Based on what this Government is doing, that cheating of the motorists will continue. I stress the policy of the Liberal Party—that that $15 million a year would be directed back into the Highways Fund and used for road works. Of course, that would become the prime source of funds to build the north-south transport corridor.

The Government Whip has made some rather sick remarks out in the electorate to his local paper about the decision by the Liberal Party to build the north-south transport corridor. It is interesting to note that his remarks have not appeared in the southern newspapers, down around the marginal electorates of Fisher or Mawson or in areas similarly affected by the abolition of the north-south corridor. I challenge honourable members opposite to widely distribute in the southern metropolitan area those comments made by the member for Ascot Park in his apparently safe seat of Walsh. However, we have this almost highway theft by the Bannon Government of $15 million a year which is going into general revenue rather than into roadworks.

Then there is bungle No. 4. Public transport fares have jumped by a massive 58 per cent in a two year period, when we all know that the consumer price index has increased during that period by about 13 per cent. We have had a real increase in public transport fares of about 43 to 45 per cent as an average. Yet, one of the promises made before the last election by none other than the Premier, as then Leader of the Opposition was, 'We will not use public transport fare increases as a means of raising general revenue; we will not use public transport fare increases which are well above the inflation rate.' What have members opposite done? They have shown that they have no regard for truth or for promises made. They have pushed those aside. I warn the South Australian public: beware of promises made by the Premier and his crew today, because they will prove to be as hollow and empty as were the promises made by him three years ago at the last election.

The fifth major bungle by this Government and by the Ministers was that the operating deficit of the State Transport Authority has increased by $20 million over the last three years with taxpayers now having to pay a massive $104 million a year to cover the operating costs of the State Transport Authority—$104 million a year and a blowout or escalation in the operating costs of the STA of $20 million a year. Imagine what this State could do with that sort of money if there had been some tight constraint placed upon the State Transport Authority. We could have done without the financial institutions duty, because the money collected from that is almost equivalent to the sort of blowout that has occurred in the operating costs of the State Transport Authority. It has occurred because this Government, particularly the two Ministers of Transport involved, have failed to exercise any ministerial authority or control over the State Transport Authority.

The sixth bungle is that the completion of the O-Bahn busway to Tea Tree Gully has been delayed by two years by the Government's failing to spend $5.1 million of actual moneys provided by this Parliament over a two year period. The O-Bahn busway will now not be completed until 1988, yet it was originally due to be completed as part of our Jubilee celebrations next year (1986).

The Government can hardly argue that it has not had the money to complete the O-Bahn busway on time when it has underspent the moneys allocated to it by this Parliament

by $5.1 million in that two year period. As a result the residents of the north-east suburbs are suffering already from long tiring journeys to and from work because the North-East and Lower North East Roads are having to cope with the extra bus load at present. We also know that residents of the north-east suburbs are having to suffer longer and more tiring journeys on public transport than would have been the case if the O-Bahn busway had been finished on time.

I hope that they understand the issues clearly, because when the first section of the O-Bahn busway is eventually opened later this year I suspect that the Premier will make a great deal of political play out of the fact that the first stage of the busway to Darley Road has now been completed and will be operating in 1986. I again remind this House, and particularly the residents of the north-east, that the whole of the O-Bahn busway was due to be operating in 1986. They are getting half a busway under the Bannon Government, despite a promise by this Government that, although it was opposed to the busway, it would not delay implementation of a completed public transport service to the north-east suburbs—yet another major promise breached by the Bannon Government in such a blatant manner.

The seventh major bungle concerns the bureaucratic regulations that have been imposed on the tow truck industry without proper consultation. As a result, towing costs have increased and considerable delays are occurring at accident sites. We have seen the results of that outside on the steps of Parliament House today, where the towing industry turned up in force and once more objected to the sort of bureaucratic controls imposed on it by the Bannon Government.

I find it ironic, because this subject was also raised during Question Time today, that last night after two years of protest, objections and public criticism and of not being listened to, suddenly on the day before the rally on the steps of Parliament House the Minister of Transport has asked them to come in and sit down with him to see if they could resolve their differences. How much credit or credence would one place on that? Absolutely none!

We all know that the new Minister of Transport is already developing the characteristics of saying, 'I am sympathetic to your cause,' and I am sure that he will be sympathetic to any cause between now and the election. However, his intention of course is to do nothing for them. He is hoping that all the protests and objections, the bungles and the other wrong decisions that he and his colleagues have made will be removed between now and the election. He is also hoping that people will hold off in the false belief that he will fix it.

A number of people have already expressed concern that he has given them one impression when they appeared before him in his office, yet he turns around and does just the opposite. It appears that he is a man sympathetic to all causes, whether or not he will do anything to solve the problem or to agree with what the people are asking for.

Mr Trainer: What is your policy?

The Hon. D.C. BROWN: Our policy is already widely known. I will not take time in this debate: I will tell the honourable member, if he would like to see me later, what our policy is.

The eighth major bungle is that the Government failed to initiate a review of random breath tests and delayed implementing recommendations such as the zero blood alcohol level for L and P plate drivers. Incidentally, many recommendations of the select committee report of Parliament have still not been adopted. I stress that Minister Abbott for 12 months promised a review of random breath tests. He said that the terms of reference were almost completed at the beginning of the year. He was about to announce who would carry out that review.

We got to the Estimates Committee in September 1983, and he actually read out to the committee what the terms of reference would be. By November there was still no review committee set up—some nine months later he had not picked the persons to carry out the review. So, it was up to the Liberal Party Opposition, who have been *de facto* Ministers of Transport in the past three years because we have had to be, to set up a select committee of the Legislative Council to ensure that there was a review of random breath tests.

As a result of that, finally we got some action out of this Government. It should have been taken at least 12 or 18 months ago but only in the last few months has it finally been taken. I stress again to the House that there are still a number of recommendations of the select committee on random breath tests that have not been picked up by this Government. One wonders to what extent it has a genuine commitment to try to stamp out drink driving in this State when it has not taken up those recommendations.

The ninth major bungle of the Government is that the Minister made a political decision to implement immediately a one-plate system for the taxi industry, and so manipulated the recommendations of the select committee which reviewed the operations of the taxi industry. That select committee came up with some 30 recommendations as to what should happen to the taxi industry, one of which was that there should be a one-plate system. Another recommendation was that that should operate from 1 April 1986. However, the Minister rejected that recommendation, together with the other recommendations which were pushed aside completely. With less than a fortnight's notice, the Minister then implemented the policy of a one-plate system, to operate from next Sunday.

Earlier today we again saw what small business people, individuals and families think of such matters. They demonstrated on the steps of Parliament House and vented their feelings to the Minister in no uncertain terms. I can understand their reasons for doing that, and I would do the same in relation to a Minister, in such a cold-blooded and manipulative way, deciding to disregard the recommendations from a parliamentary select committee, to abuse parliamentary procedure, and to implement a one-plate system for taxis immediately.

The tenth bungle was the decision to auction historic numberplates, which has disadvantaged many individuals and has damaged the heritage of our motor industry. I have constantly raised this point and have asked the Government to review its policy. However, it is like talking to a brick wall. Again, this is one of those problems that has an effect on individuals. There are people who have held certain numberplates in the family ever since that numberplate was first issued. I have written to the Minister about one such case. Yet, regardless of such considerations, the Government has maintained that despite its significance to a family it intends to auction the numberplate.

In other instances, a numberplate has been attached to a vehicle that has been restored, with the owners wanting to keep that numberplate attached to the vehicle. Such requests have been rejected. There was a public meeting of about 200 people who asked that a deputation be met by the Minister to discuss this matter. The Minister refused to see that deputation, saying that he could handle this matter and that he would provide a revised policy. He did so, but it was what members of the industry described as being a half-cocked policy at that. Some 90 per cent of the people who wanted a change implemented were not benefited under the new policy. That matter is still under review, although on checking with the Minister last night I found that he still cannot give me a definitive answer as to what the policy will be.

Bungle No. 11 relates to delays of over two years in upgrading the Flagstaff Hill road, causing massive congestion in the Darlington area. I am fascinated to see that a member opposite who lives in that area has just left the Chamber—perhaps to save embarrassment. She knows the sort of delays that have occurred in the area. One has only to ask the people living in the Flagstaff Hill, Happy Valley or Aberfoyle Park areas.

Mrs Appleby: Have you been to have a look at the work that is being done?

The Hon. D.C. BROWN: As I have been pushing and pushing this matter now for something like 12 months, I understand that the Highways Department has suddenly rushed through the bridge widening work—just before an election. I took a television crew and photographers down there to highlight the problems, and eventually after 12 months the Government has been prodded into action. This is why I have said throughout that it is as though the Liberal Opposition has been the *de facto* Minister of Transport for the past 2½ years.

Mrs Appleby: You have no idea; you have just jumped on to everything that other people have been doing.

The Hon. D.C. BROWN: Why did not the Government do something two years ago, rather than just before an election, almost three years after it had promised to do something down there? The promise made prior to the last election was that as a matter of urgency a Labor Government would upgrade and double the bridge down there. It involves about a three-month job; it is a trivial job in terms of the overall Highways Department budget. The Government has been so incompetent in getting its act together that it could not even widen the bridge on Flagstaff Hill Road and upgrade the traffic lights.

I now come to the twelfth major bungle of the Government and the Ministers of Transport: the delay in constructing Reservoir Drive at Happy Valley, and the Government's refusal for many months to realign the route for that road, causing unnecessary anxiety to the residents in nearby houses. I was present when those residents met with the Minister for Environment and Planning. He told that deputation that, for the final time, he was turning them down.

Mrs Appleby interjecting:

The Hon. D.C. BROWN: Yes, the Minister said that; they told me so. The member for Boothby and I met with the residents and we took up their case, and by some sheer coincidence something like a month later the Government had suddenly reversed its policy.

The same thing is occurring in the north-eastern suburbs in relation to the Clearview Estate area, where the Salisbury to Modbury connector road is to be built very close to the houses in Crestview Estate. This is causing continuing anxiety to the residents in that area. They have persistently put their case to the Minister and to the local members (the members for Newland and Florey—and part of this area will be incorporated into the new electorate of Briggs, which will come into existence after the next election). Despite repeated requests for action to be taken in relation to this matter, the Government has failed to take action and give assurances that the road will be realigned. I have given undertakings on behalf of the Liberal Opposition, but the Government has done nothing. It appears that under the present Government a road can be constructed without any consideration of environmental impact. This is the case even though it may be a new road, in which case other options are available for the siting of it, which would reduce noise levels and its effect on surrounding residents.

The thirteenth major bungle is that the Government has abandoned the Hallett Cove to Willunga disused railway transport corridor proposal. This has eliminated a potential transport option to one of Adelaide's most rapidly developing urban areas. I am still amazed that the Government wiped that potential transport corridor off the planning maps, even though it has announced that 12 000 additional houses will be built in that area. However, the Government has provided no other option in relation to the provision of a public transport system for people living in the area.

This is an issue that is developing in the area. There is increasing resentment at the way in which that transport corridor was simply rubbed off the map, with the land to be used, I presume, for some other purpose. Options such as that transport corridor are very rarely available. This is similar to the decision made back in the 1950s to rip up all the tram tracks in Adelaide. I wonder whether we would do that today? Yet the Governemnt has made that sort of decision in relation to the disused railway corridor, when in fact, it should have reversed that decision and held that land for future potential transport needs.

I refer now to the fourteenth bungle, whereby the Government has offered only token resistance to the Federal Government's decision to scrap the Alice Springs to Darwin railway line. We all know that prior to the 1983 Federal Government election the Federal Labor Party promised to proceed with that project. However, it went within weeks of the election of Robert Hawke as Prime Minister.

This Government hardly raised a bleep in opposition to it. The Premier pulled out of negotiations with the Prime Minister and sent the Deputy Premier in his place. He failed, and we all know that he failed. As a result, no State is more adversely affected by that decision than South Australia. It was to be the great chance for South Australia to be the central core in the Australian rail network with the potential to use railway containers from here to Darwin and then ship our goods into South-East Asia. The Bannon Government must stand condemned, with the Federal Labor Government, for the scrapping of that line, if for no other reason than that it has failed to stand up effectively for the rights of this State. Yet this Government has the hide to come out with the slogan 'We want South Australia to win.' It certainly will not win under the Bannon Government.

My fifteenth point is that the Bannon Government has been ineffective in stopping the closure of key country passenger services operated by Australian National, the most classic example being the closure of the Adelaide to Victor Harbor railway line. The Government has said that it will protest and take the matter to arbitration but we all know that the Government will lose that arbitration hearing and I have advised it what to do to get at least something out of it.

The sixteenth point is that too little was done too late in approaches to the Federal Government to get the neccessary funds to urgently extend the Adelaide International Airport terminal. We had the classic spectacle of the Minister of Transport refusing to join with the Opposition in signing a telegram to the Federal Minister a week before the presentation of the federal budget, trying to secure funds for South Australia. As a result, the budget provided no money for the project and our international air terminal will be found wanting for the Grand Prix this year, the Grand Prix next year, the three day equestrian event next year, our jubilee celebrations, and everything else. We needed only $3 million to pay for the extension of the passenger facilities at that terminal. I first wrote to the federal Minister in February this year asking for those funds. I have asked the Minister of Transport to table in this House the correspondence that he has had with the federal Minister, asking for these funds, but he failed to do even that. I have serious doubts whether any letter was sent from the State Government to the Federal Government asking for those funds.

As my seventeenth point, the Minister was excessively bureaucratic in stopping pizza delivery cars from exhibiting roof lights. He thought that they might be confused with an ambulance or a 10-tonne fire truck. However, because of pressure from the Opposition, that decision was finally reversed and, again, the *de facto* transport Minister in this State, a Liberal member, was successful in achieving common sense.

The eighteenth point is the serious rundown of road safety programs, especially the reduction in training school students and the number of safety instructors. I have highlighted this matter previously in the House. The serious reduction at the Memorial Oval Primary School in Whyalla is a case in point. This relates to your district, Mr Deputy Speaker. I know the criticism that has been voiced locally at the decision of your Government and how, despite your efforts, you have been so ineffective in getting that policy reversed by the Government.

Point 19 concerns the fact that some of the Government proposals for road safety have been ill considered, including the proposal to reduce the speed limit on the open road. The community is still uncertain what the Government will do. That was a promise made at the time of the presentation of the budget last year. We have had three statements from this Government on what it will do in this matter, and we still do not know what will occur. However, we do know that so far nothing has occurred.

My twentieth point is that the State Government has failed in its negotiations with the Federal Government on the allocation of road funds for the next five years. As a result, South Australia will receive much less than its fair share and funds have been reduced by 10 per cent in real terms this year and for the next four or five years after that. In other words, despite the deplorable state of our roads, road funding from the Federal Labor Government has been cut by 10 per cent in real terms and the Bannon Government has done nothing about it.

The twenty-first point is the fact that third party premiums for motor vehicles have leapt considerably during the past two years, with a 15 per cent increase in 1984 alone. Further massive increases are forecast, despite unfair burdens already imposed on such groups as motor cyclists and taxis. We heard the Leader of the Opposition today ask whether acturial advice had been given to the Government that premiums would need to be increased by 60 per cent to keep the fund properly funded.

Point 22 concerns the repeated lightning stoppages by State Transport Authority employees. These have stranded bus and train passengers on Adelaide streets in cold, wet conditions. There have now been seven or eight of these lightning stoppages. I have repeatedly asked the Minister to take action, but such action has not been forthcoming.

My final point concerns the effect of the administration of weight, length and height restrictions on heavy trucks and the slow inspection of defected vehicles, which have caused enormous delays and additional costs for the trucking industry at a time when competition is fierce. I have mentioned 23 of the more important bungles that came to my mind quickly when preparing for this debate. Increased traffic congestion, higher costs of travel and unneccessary Government interference are happening in this State as a result of mismanagement of transport needs and a lack of planning by this Government.

The past three years has been like a bad dream as fuel taxes have increased, bus and train fares have risen sharply, major road construction works have been scrapped or delayed, lightning strikes have stopped public transport, and the Government has fiddled with our transport problems. This is what occurs to a transport system of a large city when political decisions replace rational judgment and long-term planning.

It will take many years to catch up on the lost opportunities of the past few years. It is one thing for the State Government not to have long-term plans, but when it starts tearing up those plans and not replacing them, then the damage starts to hurt. Recent decisions to sell land in the north-south transport corridor, to abandon the disused Hallett Cove to Willunga railway line, to defer the completion of the O-Bahn busway for two years, and delays in major roadworks will restrict Adelaide's transport network for many years.

While all this has occurred the public has had to pay through the nose. The one cent a litre extra tax on fuel, the 58 per cent increase in bus and train fares in two years, a $20 million increase in the operating deficit of the STA, and large increases in third party insurance premiums for motor vehicles have hurt people.

I do not intend to turn this speech into a personal attack on the Ministers concerned, because that would not achieve anything. Rather, I wish to highlight the sorts of mistakes made by them to ensure that such mistakes are not repeated in the future. The three major mistakes are as follows: failure to plan for long-term transport needs; lack of ministerial control and direction; and lack of concern for the effects on people of changes in Government policy. Often the Ministers have been just too timid to act. This has occurred in relation to road safety, the review of the random breath test, the extensions to the Adelaide International Airport, and the lightning stoppages by STA trains and buses.

The Ministers have allowed the Federal Government to walk all over them. Classic examples have included the scrapping of the Alice Springs to Darwin railway line, the closure of country rail services by Australian National, and the 10 per cent reduction in road construction funds.

At other times the Minister of Transport has ignored the interests of people. People in the taxi industry and the tow truck industry, the residents of Happy Valley and Para Hills (because of road proposals), and the owners of historic number plates and pizza vehicles have all suffered as a result of insensitive decisions made without proper consultation. Transport has become a key political issue because of the inept manner in which it has been handled in the past three years. Consequently, the Labor Party will experience a backlash at the next State election.

It is for these reasons that I move this motion. Unfortunately, because of the inept handling of transport by the two Ministers responsible in the Bannon Government, Adelaide will suffer for a long time. I urge all members to support the motion because it is in the long-term interest of Adelaide's transport needs.

Mr S.G. EVANS secured the adjournment of the debate.

COUNTRY FIRES ACT AMENDMENT BILL

Mr GUNN (Eyre) obtained leave and introduced a Bill for an Act to amend the Country Fires Act 1976. Read a first time.

Mr GUNN: I move:

That this Bill be now read a second time.

The purpose of this Bill is to overcome a serious anomaly in the Act, that is, that the Country Fire Services Board currently has the power to direct landholders to take appropriate action to prevent bushfires. It can request that certain areas be grazed, adequate firebreaks be constructed and flammable material be removed. That provision does not apply to national parks or other areas of land held by the

Government, such as woods and forests or other recreation reserves.

In recent years we have had the experience of the Mt Remarkable fire, and the fire in the Wirrabara area, where adequate action had not been taken. Under another Bill I will overcome some of the problems, but the purpose of this Bill is to give that authority to the Country Fire Services Board and to councils in country areas. There is an appeal mechanism in my Bill to overcome any problems.

Clause 1 is formal. Clause 2 amends section 51 of the principal Act. After amendment, subsection (1) will allow the Country Fire Services Board to require the clearing of forest reserves and reserves under the National Parks and Wildlife Act 1972. New subsection (2) enables councils to take similar action. New subsection (3) provides for an appeal from such requirements made by the board or council. A minister required to clear a reserve may appeal to the Governor (which means the Governor in Executive Council) and any other person may appeal to the Minister administering the Country Fires Act 1976. The other amendments made by this clause are consequential.

Clause 3 repeals subsections (6) and (9) of section 52. The effect of the repeal is to remove the precedence of officers in charge of a Government reserve over other fire control officers when a fire occurs on the reserve. I commend the Bill to the House.

The Hon. TED CHAPMAN secured the adjournment of the debate.

FORESTRY ACT PROCLAMATION

Mr S.G. EVANS (Fisher): I move:

That the proclamation under the Forestry Act 1950 made on 16 May 1985 relating to the resumption of the forest reserve in section 665, Hundred of Adelaide, County of Adelaide, be disallowed.

This is an important matter and I take the opportunity of moving it, but at the same time I seek leave to continue my remarks later.

Leave granted; debate adjourned.

EVIDENCE ACT AMENDMENT BILL (No. 4)

The Hon. H. ALLISON (Mount Gambier): I move:

That the Evidence Act Amendment Bill (No. 4) be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

The Hon. H. ALLISON: The Evidence Act Amendment Bill involving the principle of the abolition of the unsworn statement has been around since 1974 when the Mitchell Committee first reported on it. In 1979 it became a solid plank of the Liberal Party's policy. Several times we have attempted to have this legislation enacted, only to see it repeatedly rejected by the Labor Party.

Ironically and significantly, the present Attorney-General now intimates that he, too, intends to introduce legislation to amend the Evidence Act in line with requests from women's organisations. With his track record of resistance to abolition of the right of an accused person to make an unsworn statement from the dock, we remain unconvinced that he will go far enough. We have taken steps to have our own measure restored to the Notice Paper as a lapsed Bill pursuant to section 57 of the Constitution Act 1934.

By making an unsworn statement the accused is not then required to give evidence on oath. We believe that this can be a most unfair situation, as for example in cases of alleged rape where the victim may be interrogated and cross-examined while the alleged offender can completely evade cross-examination.

The Mitchell Committee recommended that the unsworn statement be abolished and that certain protections be included for an accused person (in relation to prior convictions, for example). The unsworn statement has already been abolished in New Zealand; in 1966 in Queensland; in Western Australia and the Northern Territory and abolition has been recommended in the United Kingdom by such reputable authorities as the Law Commission and the Criminal Law Reform Committee. The Mitchell Committee Report in 1974 stated:

> We recommend that the right to make an unsworn statement should be abolished, but that section 18(6)(b) of the Evidence Act 1929—1974 should be amended to excise the words 'or the nature or conduct of the defence is such as to involve imputations as to the character of the prosecutor or witness for the prosecution.'
>
> If that amendment were made, an accused could be cross-examined as to his previous convictions or as to his character only if the proof of the commission of another offence was admissible to show him guilty of the offence with which he was now charged or if he had attempted by examination or cross-examination of other witnesses or by his own evidence to establish his good character or if he had given evidence against any other persons charged with the same offence.

Our amending Bill deals with that matter to give adequate protection to the accused who resolves to give evidence on oath, and that then opens him or her to cross-examination. If the House accepts this Bill the accused would be protected by Statute and by the judge who was charged with the responsibility of ensuring a fair hearing.

Government speakers to this Bill in another place previously expressed the belief that earlier Government amendments had been adequate, and the Hon. Barbara Wiese supported that theory. That view is no longer supported by the present Attorney-General, who intends, he says, to further reform the legislation after he has been subjected to great public and parliamentary pressure, not the least of which has been from significant women's groups in the community. This Bill may encourage more rape victims to come forward and report the crime, and I ask the House to support the measure.

The Hon. J.W. SLATER secured the adjournment of the debate.

PRIVATISATION

Mr GROOM (Hartley): I move:

That this House condemns the Liberal Party's policy of 'privatisation' as being contrary to the best interests of South Australians in that the implementation of such a policy would lead to very significant increases in the cost of goods and services and the loss of public ownership of utilities essential to economic stability and well-being.

This motion really is the Achilles heel of the Liberal Party. No person currently employed by any public utilities—Telecom, Qantas, TAA, public transport, public buildings, postal services, E&WS, local councils, woods and forests, ETSA, or State banking—would have a secure job if the Liberal Party were ever given the opportunity of implementing its privatisation policy.

Mr Lewis: Keep your remarks relevant to the State.

Mr GROOM: I will come back to the State. I am glad the honourable member has interjected because his Leader and his Party are going to sell off the State Bank and SGIC.

Mr Mathwin interjecting:

Mr GROOM: I know that the member for Glenelg does not like listening to this material. He knows darn well that it is his Party's Achilles heel.

Mr Lewis interjecting:

Mr GROOM: I will quote for the honourable member's benefit what was said in the *Australian* of Friday 9 August 1985 by his Party's Leader in South Australia, as follows:

> State institutions such as the State Bank and the State Government Insurance Commission are exempt at this stage. The day that they do not trade on a commercial basis the same as anyone else out there in the market place is the day they are to be privatised.

Of course, they do not trade on the same basis as anyone else as they are State instrumentalities. Under a Liberal Government these institutions are doomed. However, I will come back to them. Even the federal member for Boothby, Mr Hall, is not going to support the sale of Qantas or the Commonwealth Bank. Even Mr Valder is not a supporter of privatisation, which he says is trimming at the edges. Members ought to consider Mr Howard's comments on privatisation. Members opposite are totally divided on this issue, as evidenced by the statements of the federal member for Boothby, the federal President, and the former Treasurer, Mr Howard. At the federal level the policy on privatisation is such that they have taken a policy from England and sought to implement it here in Australia. It is not a home-grown policy. It does not have grass roots support, and it is not applicable to Australian conditions.

Mr Lewis: Yes, it is. What about Amdel and the Housing Trust?

The DEPUTY SPEAKER: Order! The member for Mallee is flouting my generosity and good character by continually interjecting on the member for Hartley. I ask him not to go too far in that respect.

Mr GROOM: This is very painful for members opposite to have to listen to, as it exposes their Achilles heel—a policy that will undoubtedly keep them out of Government once again, and deservedly so. The test that the Leader of the Opposition puts in relation to public utilities is such that it will be done on a case by case basis, following the principle, will the taxpayer and consumer benefit? I challenge the Leader of the Opposition, as I have done previously, although I know that he will not respond. I challenge him to tell us how the taxpayer and consumer will benefit from the sale of the State Bank.

The State Bank announced recently a record profit of $35 million, and it now has assets of something like $4 billion. SGIC, in conjunction with the State Bank, has been responsible for the housing boom in South Australia. The State Bank and SGIC have contributed enormously to our economic well-being. Let the Leader of the Opposition get to his feet and tell the public of South Australia how the taxpayer and consumer will benefit from the sale of such instrumentalities as the State Bank and SGIC. We will not get such a statement from him, as there is no benefit whatsoever. Privatisation is nothing more than a device to sell off profitable public ventures to the business community. In Australia we all know that the business community generally supports the Labor Party both at federal and State levels.

Members interjecting:

Mr GROOM: Members opposite can laugh. Let them explain the hand-outs they are giving in order to regain support? They are offering for sale instrumentalities such as Qantas, which made a profit of $147.9 million for the 1984-85 financial year—$62.7 million in pure operating profit because it did sell off old stock totalling $80 million. Its profit was still up on the previous year, when it made $58.3 million. Why are members opposite offering Qantas (and it is in their list) to the private sector?

Mr Lewis interjecting:

Mr GROOM: It is in newspaper reports. It has been announced as one of the instrumentalities that will be privatised. What about Telecom? In 1983-84 Telecom made a profit of $309 million. It has paid $597 million to the Government in interest payments and has a capital budget approaching $2 000 million. Why do members opposite want to sell of Telecom? How many people will be put out of work? Even Mr Howard, in a recent television debate, conceded that there is a subsidy for country services in the order of $500 million for telephone connections, operation and maintenance.

In remote areas the true cost of a telephone installation is about $20 000 to $25 000, yet country people pay only $1 350 for a telephone installation, involving all the attendant expenses. The former federal Liberal Treasurer said on television that, if Telecom was privatised, this $500 million subsidy would have to be a direct charge on the budget, so instead of reducing budget deficits by privatisation it would actually increase the deficits because country consumers benefit as a consequence of metropolitan consumers subsidising them. We must look after the country people, and I am pleased to say that this Government is mindful of the need to do so. This is a prime example.

I bet that the National Party does not support the selling of Telecom, and I bet that the member for Flinders would not support it, because he knows that his country voters would be in uproar if he did. Why would anyone try to sell Telecom? The Liberals would do that because they are seeking to win back the support of the business community by saying, 'You can have this profitable public enterprise'. That is all it is about in Australia: it has nothing to do with the problems experienced in Britain, which are historical and which no political Party in Britain can solve. What happened when British Telecom was privatised? Maggie Thatcher undervalued its assets by £1.3 billion and, of course, the speculators were lined up to buy shares in British Telecom. In one day the shares had doubled in value.

Mr Mathwin interjecting:

Mr GROOM: What the honourable member opposite says about the workers is not the case.

Mr Mathwin interjecting:

Mr GROOM: The honourable member should hear me out. He can enter the debate subsequently if he wants to. In Britain the employees were offered preferential shares, and I am told that about 92 per cent were taken up initially. However, there were only small parcels of shares. In general, the employees are selling their shares and they have made a profit. One cannot know the true position until the share register is filed at the end of a full financial year of trading. Ownership of British Telecom is now falling into the hands of a relatively few people. Because of the experience regarding the sale of other instrumentalities in Britain, such as Jaguar (where the number of shareholders fell from 125 000 to 50 000 within a few months), shareholders in Telecom were told, 'Hang on to your shares, and of the 49 per cent Government shareholding remaining, if you hold on for three years we will give you a one to ten bonus issue'. So someone will make enormous profits. However, the employees took up only small holdings—that was all that was offered.

I would like to know how many blue collar workers were offered shares. That is what happened in Britain, but I will not dwell on the situation there; I will refer to Australia, because it is in Australia that we have to face the Liberal Party's policy of privatisation. The Leader of the Opposition publicly uses words and says, 'We will follow the principle of whether the taxpayer and the consumer will benefit'. I have challenged the Leader half a dozen times to tell us how the taxpayer and the consumer will benefit from the sale of SGIC, Telecom, TAA, the State Bank or Qantas. TAA has experienced only one loss in 31 years, and Telecom is a highly profitable organisation.

The Liberal Party will earmark the State Woods and Forests Department for privatisation. After Ash Wednesday, as country members opposite will know, it was only the skills of people in the Woods and Forests Department that resulted in the salvaging of one quarter of the State's forests that were destroyed by fire: 200 trucks each day immediately commenced to ferry logs to Lake Bonney for storage. That department is currently involved in replanting 20 million trees, and that project is to extend over the next eight years. What do members opposite want to do? They want to sell the department, to privatise it and to lose a valuable public resource.

Mr Lewis interjecting:

Mr GROOM: The member for Mallee must live in a dream world. I have already outlined what has happened in Britain. In fact, it might interest the honourable member to know (he has probably forgotten) that during his Party's term of office it indulged in privatisation. The Liberal Government started to direct councils to use private contractors, and so on. It started to sell off instrumentalities.

Mr Lewis interjecting:

Mr GROOM: The Liberal Government did that, and what happened? What was the consequence of its privatisation scheme from 1979 to 1982? The September 1981 budget was described under the headline '1 600 jobs to go'. That was a consequence of the type of management that members opposite imposed on this State. That is what will return because, make no mistake, the business community is not after the losses or the losers. It does not want to pick up the $70 million deficit of the State Transport Authority.

If one considers the services that actually lose money, one sees that there are only three alternatives. First, to reduce expenditure one must cut services. Secondly, if one does not do that, one must put people off—put them out of work. Thirdly, if one does not want to do that, one must raise fares and the cost of goods and services. If the State Transport Authority is privatised, make no mistake, if employees are not put out of work, if services are not cut, one can save money only by cutting services, for instance country services. The member for Flinders and the member for Mallee would soon be on their feet if country services were cut to reduce the deficit of the STA. We could trim back the deficit of the STA, but it would mean cutting services. Those members would be jumping around if that happened.

What is the other alternative? It is to put people off, as members opposite would do, as they did in 1981 when 1 600 jobs were sacrificed. The front page of the *News* in September 1981 carried that headline. I know that members opposite want to forget about it, but that is the alternative. The other alternative is to increase fares. Make no mistake—if we privatise the STA, the average bus fare would increase from about 75c to $2.30. Despite the protestations of members opposite, the fact is that privatisation costs jobs: it can have no other consequence. That has occurred in Britain.

The *Society at Work* of 21 June 1984 stated that a questionnaire was prepared to ascertain the results of privatisation in Britain. Replies regarding acceleration of job losses were as follows: Associated British Ports said, 'Yes, there were job losses as a result of privatisation'; Amersham International said that there were more jobs; British Aerospace said 'Yes', they had an acceleration in job losses because they were trimming back on their work force; British Oil said that there were more jobs; Cable and Wire said 'Yes', there was an acceleration in job losses; and National Freight answered 'No'. Overall, even the fact that three of those major organisations in June 1984, that is, Associated British Ports—

An honourable member interjecting:

Mr GROOM: I am being fair. Some companies said that there were more jobs, but members opposite pretend that no jobs will be lost. They do not tell the truth, because they know that jobs will be lost. What can we do to reduce a deficit the size of that of the STA? Of course people will be put off. What about local councils? A circular from the former Minister of Local Government, Mr Murray Hill, to all councils in South Australia as well as district clerks stated:

> It is the firm policy of the Government that in its own operations it should employ the private sector as far as possible. As a development from this policy not only do I urge councils to avoid becoming involved in private works that are outside their specific powers but also themselves consider using private contractors for council work.
>
> In order to be consistent in the application of its own policy, the Government has decided that its own departments and agencies should no longer employ local councils to carry out work on their behalf.

What does that mean: the work is not coming through to local councils.

Mr Baker interjecting:

Mr GROOM: What the honourable member opposite loses sight of is that a person working in local government might have a wife and children to support, a mortgage and a home to look after but he might lose his job. What occurred under the Liberal Government? The work did not go to the employees working for councils; they lost their jobs. It went to big companies which perhaps brought in people from outside the State. People were put off. That is why the *News* reported on its front page in September 1981 that 1 600 jobs would go under the 1981 budget. That is the truth of the matter.

Members opposite had no regard for the individual working for local councils who, as a consequence of the policies imposed by the Liberal Government between 1979 and 1982, had to go home on a Friday and tell his wife that he had been retrenched and had no job. There were 1 600 people in September 1981 who faced that predicament. That is the truth of the matter. The *Society At Work* reported in June 1984, with regard to British Rail hotels, which were privatised:

> Unions were most critical of two groups—the Virani brothers and the Barklay brothers—in the Virani hotels. According to the unions, workers have been sacked and replaced by others under worse conditions. They have had no pay rises for two years and have been denied sick pay. The new owner told the unions that the hotel staff were overpaid by 20 per cent. Both Virani and Barklay are ignoring the closed shop agreements, refusing to meet union officials or answer their letters.

Mr Baker: Closed shop is the best.

Mr GROOM: If the honourable member wants to debate closed shop agreements, I will do that on another occasion. However, he should not try to digress from the fact that this privatisation policy is nothing more than the Achilles heel of the Liberal Party. It means the sale of profitable public enterprises and utilities that have served this country well. It will affect areas such as Telecom, Qantas, TAA, public transport, public buildings, the postal service, the E&WS Department, local councils and the Woods and Forests Department and, make no mistake, they will be after ETSA. The Leader of the Opposition got into trouble on that one, because he put energy on his list. He said, 'We will privatise the energy sector', but he had to pull back, because that meant getting rid of ETSA. Make no mistake, the Opposition will be after ETSA.

If honourable members opposite had no intention of privatising the State Bank and SGIC, why did they not say so? Why did the Leader of the Opposition not say that they would not privatise the State Bank and SGIC? He left it open. He said, 'They are exempt at this stage'. However, the day they do not trade on a commercial basis in the

same way as anyone else out there in the marketplace, that is the day they will be privatised.

Make no mistake; of course those organisations do not trade on a commercial basis in the same way as ordinary private institutions. They are public utilities, and public utilities do run services at a loss. That is why TAA and Ansett have different profit levels—TAA will run unprofitable services, as will the State Transport Authority.

The State Bank and SGIC will open branches in areas in which a private organisation may not open an agency. They have large resources that have gone into housing in this State. If one privatises these organisations they will not worry about what the South Australian Government wants to do with their vast holdings. They will be invested outside the State and overseas.

When dealing with Telecom, Mr Howard said on television, when he had to make the concession that if Telecom was privatised the country consumers would lose that $500 million subsidy, that will be a direct charge on the budget, so, instead of this rubbish about reducing budget deficits, it has the effect of increasing budget deficits.

What was his answer to that? He said, 'Well, if it is a direct charge on the budget, then of course these organisations that are privatised will have their profits taxed'. Anyone who knows a little about the way in which companies organise their affairs will recognise that they pay no tax or reduced taxation. If the member for Mallee is thinking along these lines—

Mr Lewis: I am.

Mr GROOM: —he should not think that there will be large profits that can be taxed. Those companies become involved in intercompany pricing and there will be no profits made in South Australia. They will all be made overseas in tax havens. That is the fact of the matter.

Mr Lewis interjecting:

Mr GROOM: I know that the member for Mallee gets very agitated about privatisation. I have described it as the Opposition's Achilles heel, and members opposite well know that.

Mr Mathwin interjecting:

Mr GROOM: I do not care whether it is frontbench material, backbench material, or what. The fact is that I intend to tell the people of South Australia, to the best of my ability, that the Liberal Party's privatisation policy is nothing more than a device to sell off profitable public enterprises to the detriment of South Australians.

I know that my colleague, the member for Mawson, wants to make a positive contribution in relation to privatisation. The Liberal Party is only after the winners: it is not after the losers. Members opposite want to sell off only the profitable enterprises.

Mr Lewis interjecting:

Mr GROOM: If they are going to do that, they should tell the public of South Australia their specific program for the State Transport Authority, the Central Linen Service, the Woods and Forests Department, the State Bank and SGIC. They should not hide behind words. They should tell us how the taxpayer and the consumer will benefit from the sale of instrumentalities in South Australia. They should tell us what will happen to people's jobs: be honest about it. They have only three alternatives. They either reduce services—

Mr Lewis interjecting:

Mr GROOM: Will the member for Mallee tell us which country services will be cut if the State Transport Authority is privatised? Will the member for Mitcham tell us how many people will be put off in his electorate and what services will be cut? They should tell us how they will reduce the deficit. Alternatively, they must raise fares and prices. The cost of all those public utilities, which are cross-subsidised in a variety of ways for the public benefit, will simply rise. I conclude my remarks and, although there is much more I could say, I will enable the member for Mawson to speak on the matter.

Ms LENEHAN (Mawson): I have much pleasure in seconding this motion.

Mr Becker interjecting:

Ms LENEHAN: I find the remarks of the member for Hanson quite offensive. I have not even had a chance to make my first point. It might be important to take this debate back a couple of stages in terms of looking at what is the definition of privatisation and also to put into some historical perspective what has gone on in Australia in respect to this whole question. Privatisation is defined by the *Oxford English Dictionary* (1982 supplement) as:

> The policy or process of making private as opposed to public.

The *Webster's Third International Dictionary* (1961) sees privatising as:

> Altering the status of a business or industry from private to public control or ownership.

It sees privatisation as:

> Restoration to private ownership or control.

Roger Wettenhall, in an article *'Privatisation: A shifting frontier between private and public sectors'* in the *Current Affairs Bulletin* of November 1983, also discusses the term 'semi-privatisation', which he defines as:

> Governments letting their work out on contract to private firms.

He cites the field of defence procurement as an example of this semi-privatisation. I defined that term because I noted that, given certain interjections last week some members of the Opposition had absolutely no idea what the term privatisation meant. Before the member for Mallee goes off the planet, I did not say all members.

It occurred to me that, to get this debate onto some rational footing, we should start with some sort of definition of privatisation so that people can understand what the term means. I now want to look back at the whole historical background, and to give some examples of what privatisation is. For example, I refer to one early, and what could be described as horrendous, example of efforts to achieve privatisation in the Australian context, which I believe is relevant to this debate. I refer to the case of the first Commonwealth Shipping Line. It was established in 1916 by Prime Minister Hughes, initially to transport Australian wheat surplus to the European war zone. In the early 1920s it was operating more than 50 vessels, including five passenger liners carrying passengers between Britain and Australia.

Mr Baker interjecting:

Ms LENEHAN: If the member for Mitcham will allow me to continue, I point out that the Melbourne *Age* of 2 July 1921 claimed it to be one of the largest shipping lines in the world. However, its competitive efforts were not appreciated by the Inchcape Conference of private shippers, who had considerable influence with the Bruce-Page Government. In the late 1920s that government refused its several requests for financial assistance, sued it in court (successfully) to prevent its contracting for non-shipping work to keep its dockyard active, and then, without consulting it, sold the last seven ships vested in it to the Inchcape combine.

These ships had cost £7.5 million to build a few years before, but the selling price was £1.9 million. Of that amount, the government finally netted about £800 000, after the Inchcape representative who handled the business very conveniently went bankrupt. I ask honourable members: is that some sort of record of which we can be proud in respect of privatisation?

Other less spectacular acts of privatisation occurred in several Australian States in the period between the war years. For example, the Homebush Brickworks in New South Wales was successful, by all commercial tests, and yet was sold to the very combine that it was intended to combat. A royal commission inquiry in 1937 into the circumstances of the transactions involved refused to take into account the conspicuous contributions of some of the purchasers to United Australia Party funds. Well, I merely pose the question: is this perhaps not history repeating itself?

Australia witnessed another fairly concerted effort to privatise—even if that word was not then used—under the governments of Liberal Prime Minister R.G. Menzies. After winning office at the end of 1949, and in keeping with his declared pro-private enterprise philosophy, Menzies sold the Commonwealth's shareholding in the Commonwealth Oil Refineries.

Mr Baker interjecting:

Ms LENEHAN: The member for Mitcham does not like this, because it is the truth: I am referring not to overseas examples but to Australian history, and the honourable member does not like it. I am sorry about that, but that is bad luck. The Commonwealth's shareholding in Amalgamated Wireless ventures was also sold off, and the Commonwealth disposed of its whaling and flax production enterprises and its share of the Tasmanian aluminium industry. It also forced the Joint Coal Board to abandon its actual coal mining as distinct from regulatory operations. I am sorry that my colleague the member for Hartley is not here to hear my remarks, but in relation to history repeating itself, the Commonwealth then actually explored the possibility of selling the Commonwealth Serum Laboratories, the new National Shipping Line and Trans-Australia Airlines.

It is interesting that explanations have sought to relate these actions both to a *laissez-faire* theory of economics (and I am sure that the member for Mitcham, who considers himself an expert in these areas, knows what I am talking about) and to the seeming inconsistency that our public enterprise network has mostly been created and maintained by non-Labor governments. It is an interesting piece of history that in fact non-Labor governments have been responsible for creating and maintaining most of the enterprises to which I have referred.

The most recent effort to solve this riddle was undertaken by Dr Marian Simms, who illustrated the categories of non-Labor involvement. I want to outline just two of those categories. In the case of airlines and post-Second World War shipping, either no suitable purchaser appeared or public opinion (and thank goodness for public opinion, because it is public opinion that will win the day in this debate here in the 1980s, as it did then) demonstrated its liking for the public operators, especially TAA, so that solutions were devised that simply prevented unrestrained competition between public and private operators.

Also, non-Labor interests continue to favour 'natural monopolies': for example, the Snowy Mountains Scheme and the Overseas Telecommunications Commission, which private enterprise would have been unable to provide. That is a significant point.

Today I am addressing my remarks to the historical and philosophical aspects of the debate, and I shall seek leave to continue my remarks later. On a later occasion I shall refer to the specific Australian case as presented in the 1980s. I now want to briefly highlight one philosophical and fundamental difference in relation to this matter. In relation to a privatisation scheme, the public enterprise involved must be profitable to be attractive to private enterprise. If it is sold off to provide tax relief (which is what the Opposition is saying), short term tax relief—in other words, the quick buck, the quick vote, and money in the pocket—it is most likely that the rich will benefit far more than the taxpayers of South Australia.

The reason for this (and I will give the reason, because I do not make unreasonable claims) is because the wealthy have the money to buy a profitable business, thus adding to their wealth, and they also gain most from tax relief. On that note, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 22 August. Page 499.)

The Hon. D.C. BROWN (Davenport): The Opposition supports the proposed amendments contained in the Bill. They are very simple and are basically twofold: first, they allow State Emergency Service vehicles and St John's vehicles other than ambulances to use a siren when travelling to an emergency.

About 18 months to two years ago, when a similar amendment was proposed to clarify the situation in relation to the use of sirens on certain vehicles, I suggested that we should look at the use of sirens on State Emergency Service vehicles. I contacted the State Emergency Service and pointed out that it was excluded. The State Emergency Service then indicated that it would like to be included in the legislation. I think an amendment was proposed at the time, but the Government opposed it and said that it would discuss the matter further. I am delighted to see that those discussions have now taken place and that my original suggestion is to be taken up. In that regard I congratulate the Government, particularly the former Minister of Transport, who has obviously pursued the undertaking that he gave that night in Parliament.

The second provision deals with the ability to exhibit stop signs for roadworks and for pedestrian or school crossings. It changes and simplifies greatly the red tape that is necessary. At the present time the approval of the Road Traffic Board must be obtained. Under this provision approval can be given by local councils, the Road Traffic Board, Highways Department authorities, the police or any other authority. That is appropriate, because during roadworks it may be necessary at any time for motorists to suddenly stop their vehicles because of the nature of those roadworks. The Opposition supports the Bill, particularly as it makes for a simplified procedure and, if you like, a very minute piece of deregulation.

Members interjecting:

The Hon. D.C. BROWN: It is not privatisation yet. I will not be sidetracked on the privatisation of government and school buses and whether that is appropriate. I just heard the ABC news announcement that they are not going ahead.

The SPEAKER: Order! The honourable member will speak to the Bill and not privatisation.

The Hon. D.C. BROWN: It was the interjection and—

The SPEAKER: Interjections are out of order.

The Hon. D.C. BROWN: —being a subject that the State should look at, I could not help but respond. We support the Bill and hope that it has a speedy passage through the House.

The Hon. G.F. KENEALLY (Minister of Transport): I thank the member for Davenport and the Opposition for their support.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

New clause 3a—'Speed zones.'

Mr S.G. EVANS: I move:

Page 1, after clause 3—Insert new clause as follows:

3a. Section 32 of the principal Act is amended by striking out from subsection (2) the word 'The' and substituting the passage 'Subject to section 32a, the'.

Within the Hills area and elsewhere there have been many complaints by the community and by local government that they have been unable to convince the Road Traffic Board that in some circumstances 60 km/h is far too fast for vehicles travelling through urban streets. For example, the Stirling council asked the Road Traffic Board to use its power to lower the speed limit, but it refused. Anybody in their right mind would know that it is unsafe to drive a vehicle at a speed of 60 km/h along parts of the main street of Stirling.

Those who make the decisions at the moment might say that, if it is unsafe, drivers should be charged for driving in an unsafe manner. However, that is very difficult to argue if the speed limit for the zone in question is 60 km/h. Likewise, the Happy Valley city council has raised this subject many times with the Government and the Road Traffic Board to no avail. I originally intended to attempt to give local councils the authority to set speed zones in their own areas without any consultation with anybody else at all. Of course, the objection to that is that some local councillors might be tempted to go overboard and set all sorts of speed restrictions in an area. I am talking only about speeds below 60 km/h, not above that. That was unacceptable. I am grateful that I was advised to tackle the provision in this way. I will read my explanation and then speak to the amendment.

This is a proposal for an amendment to the Road Traffic Act Amendment Bill (No. 4) 1985 to insert a new section after section 32 of the principal Act (the Road Traffic Act, 1961) to make provision for councils, by resolution, to request the Road Traffic Board to fix speed limits for zones situated within a municipality, town or township within a council area.

Notice of such a resolution is required to be submitted to both Houses of Parliament for approval within 14 days of the date of such resolution (except when Parliament is not in session and then the period for submission is 14 days from the commencement of the next session of Parliament).

If both Houses approve the resolution, then the Road traffic Board must comply with its terms and proceed to fix a speed limit for the relevant zone (in accordance with the resolution) pursuant to its powers under section 32 (2) of the principal Act.

It is quite clear that I am not trying to have councils given a lot of power. The power rests with the Parliament. I am saying that, if a council resolves that it has a dangerous situation existing in its area and it believes that something should be done to reduce the speed limit below 60 km/h, it should be able to pass a resolution, which would come before both Houses of the Parliament. I emphasise that it would come before both Houses, because that would be an unusual procedure. Both Houses would have to agree with the resolution which would then go to the Road Traffic Board, which would be required to fix the speed for that zone. Such a practice would be an unusual one when the Road Traffic Board already exists. However, both Parties have said that they want local government to shoulder more responsibility, realising that there are more qualified officers working in local government than ever before who have more local knowledge of situations in their areas than has any other group of elected representatives in the State.

It is obvious that local government members know the local scene and the dangers that exist in their area. They also receive complaints from the local ratepayers. I can give an example where a lady from Stirling has to walk an extra kilometre to cross a road safely because she cannot take the risk of crossing at a point where the traffic flow is heavy and travelling at 60 km/h. There are two nasty crests in Stirling that cannot be eliminated easily.

Happy Valley council has for years wanted this change to take place. Speeding is a concern to the Mylor community. I know that people should slow down when passing schools, but some do not. Therefore, if the overall speed limit was reduced for a short distance through that township, much more could be achieved. It is easy for members of Parliament to say that local government does not know what it is doing and that the Road Traffic Board has all the answers. However, local government is responsible to its local community, so I am asking the Minister to accept my proposition in 3 (b) followed by 3 (c) as a sensible one that is strongly supported in my district. I ask the Committee to support my amendment.

The Hon. G.F. KENEALLY: I advise the honourable member from the outset that the Government will not support this amendment. I am well aware of the importance of local government and of its increasing responsibilities. I am also very much aware of its capacity to meet those increasing responsibilities, particularly if given the resources to do so. I am certainly on side with local government, but am not sure that, overall, local government would wish to have this power. The honourable member is not the only member who has received such submissions. The Chairman and I, both members for, and residents of, Spencer Gulf cities, know that the Spencer Gulf Cities Association at its most recent meeting applied to the Department of Transport seeking this very power for local government authorities. I was the Minister of Local Government at the time, but was able to write back as Minister of Transport saying that I did not support such a proposition.

There are a number of reasons. The main reason that I would argue that this amendment should not be supported is that we need uniformity throughout the State regarding road speeds in relation to road conditions. One of the problems we have is that motorists tend to make judgments about road surfaces and tend to drive accordingly. That is no excuse for people exceeding speed limits clearly stated and shown. Of course, they are in breach of the law, but there must be police present to ensure that that breach is seen.

We need to have uniformity throughout the State on speed limits, because motorists are entitled to that. If we have a whole number of local government authorities—125 or so throughout South Australia—able to petition the Road Traffic Board and Parliament seeking certain speed limits to be applied in their area, one of two situations would result. First, they could all be approved and we will have a multiplicity of speed limits for similar road conditions throughout the State, as it is quite obvious that people in various councils would see the speed limits differently. Secondly, we would have the Parliament choked up with requests from local government for speed limits to be applied in their areas.

As Minister, I have access to some expert advice when I need to look at road speeds. I also have the advice of the Road Traffic Board, but as a member of Parliament I would not have access to that expert advice and members of Parliament would be called upon under this amendment to make decisions about road speeds that should apply throughout the State. I do not know whether members of Parliament want the authority to determine that, in a certain street in Stirling, Whyalla or Port Augusta, a certain speed limit should apply. In a sense we would be taking the recommendations of local government. If we did not feel that those recommendations were appropriate we would

then have to take the trouble, as members of Parliament, to view the local scene and make an independent judgment as to what we think the road speed should be.

Frankly, as a private member I do not feel competent to make such a judgment, but as Minister I feel competent to make that judgment as I have access to professional advice. So, whilst I am prepared to say that the Government is not going to accept this amendment, on the other hand, as it has come in in the way it has (and the member for Fisher advised me of the amendment and I thank him for that) at such short notice, I give the honourable member an undertaking that I will look at the issue and will talk with my department, the Highways Department and the Road Traffic Board on this matter.

I really do not want to hold out to the honourable member the expectation that my discussions will result in a change of mind by the Government, but at least this proposition warrants that consideration. They are only two of many reasons. First, there ought to be uniformity of speed limit throughout the State so that motorists using our roads are not confused by different speed limits on the same type of roads with the same conditions applying throughout the State. Secondly, I do not believe that private members of Parliament should be given the authority to make decisions on speed limits as that is, frankly, an area in which expertise is required as road safety is so much involved. As private members, we would need either to take on faith the recommendation of the local council or the local member or, alternatively, we would be required to look at the local area to determine whether or not we should support the local government application.

There are problems with the amendment but, having said that and having indicated that the Government will vote against it, I give the honourable member the undertaking that I will take up the matter with the department and the appropriate authorities after this Bill has had the opportunity to move through Parliament.

Mr S.G. EVANS: Of course, I am disappointed with the Minister's response, although he informed me earlier what was likely to be the response. I appreciate that the Minister will further investigate the situation with those who advise him. However, his decision will not please those who seek change. I deliberately introduced, on advice, a proposal that did not give the power to local government; it gives local government the opportunity to pass a resolution asking Parliament to consider the position; it obliges Parliament to consider it. The power is with Parliament.

In regard to technical advice, I hope that the Minister is not saying that parliamentarians do not have to make decisions on more technical matters than this. This would be a minor area of technicality in the decisions that we have to make and there is not much strength in that argument. Surely as members of Parliament we often have to go off after others seeking advice. I have taken up the cause because I was requested to do so by local government, which has much technical advice available to it and which has been consulting with the Road Traffic Board. There is no doubt, as they advised me, that they had been trying for a long time to achieve this. Local government had technical advice available to it.

I cannot accept the argument that 60 km/h is the uniform speed at which cars should travel through towns. The designs of roads and site distances vary from town to town. Stirling has two humps in the main street and no pedestrian crossings, and people can drive over the top of one hump and find within 20 or 30 metres a group of pedestrians crossing the road, so that 60 km/h is a short distance in which to stop.

The people of Mylor asked the question, and there was much in the press about that. They were knocked back. One can travel through many towns where road conditions are not identical, nor are road widths, the position of parked cars, or the type of topography. We are kidding ourselves if we think that the safe speed through all towns is 60 km/h—it is not. The ironic part is that we have a speed limit of 25 km/h applying at children's crossings near schools.

Mr Becker: We fought for that.

Mr S.G. EVANS: True, we had to fight to bring that back. A child can cross a road more safely than a person aged 85 or 90 years. The judgment, eyesight and ability of a person to see at that age is restricted, especially in judging speeds. We are playing around with a dangerous situation for many people and, if we have a look at how many aged people are knocked down by motor vehicles in comparison with the number of children knocked down by motor vehicles, the situation becomes clear.

I have not bothered to extract the figures, because I thought what I was doing was logical. I thought there would be no problems. If we want those figures, we can soon track them down. Certainly, there are many more aged people knocked down on the road at a speed limit of 60 km/h than there are children knocked down. True, some children are knocked down near school crossings but generally they are knocked off cycles well away from school crossings. I have not sought to give power to local government and I do not want the Minister to be misled. I am not giving local government any power at all, other than being able to pass a motion asking Parliament to consider that resolution and, if it believes it is satisfactory, to pass it. There are two Houses of Parliament to consider it: 47 members here and 22 in another place and they have to make the decision. If between them they cannot get the technical advice needed to make the decision then we are lacking in making decisions on technical matters, because we often handle more dramatic issues than that.

I suggest to the Minister that you cannot necessarily have both uniformity and safety. If uniformity is required for the convenience of the motorist, let us have it and make it 70 or 80 km/h if you like; but, if it is to be uniformity for safety reasons, in some cases 40 or 60 km/h will be necessary, for example, travelling through Stirling or Mylor. I make the plea to the Minister to rethink the situation even now. He can say, 'I accept it under these conditions, but I have doubts', and when the measure gets to the other place he can decide its fate there through his colleagues.

I urge the Minister to follow this course, as I believe it is an important amendment. It is desired by local government in my area; indeed, I am arguing it here because my council has asked for it, as I am sure would apply in the Minister's area and in others. As the demand for this provision is much wider than I thought it was, let us use the power of the Parliament to accept local government's recommendation. If Parliament does not like the provision at any time in future, it can deal with it accordingly.

The Hon. D.C. BROWN: The Minister has indicated across the Chamber already this evening that he will look at this matter and the mechanism proposed in the member for Fisher's amendment. I thank the Minister for what I think is a very reasonable sort of offer to make. I would ask the Minister to look at a number of technical points and also some legal points in relation to this matter. The member for Fisher has put forward a proposal, and I would be the first to agree that in certain circumstances driving in the metropolitan area at 60 km/h (the maximum legal limit) is unsafe and a danger to other people.

Although there is a maximum speed limit of 60 km/h, that does not mean that in fact everyone has a right to drive at that speed. My understanding is that the maximum speed limit is 60 km/h or in fact less if the person concerned has to drive at a lower speed for safety reasons. There are

restrictions under the Road Traffic Act which could imply that it might not be safe to exceed 20 or 30 km/h, even though there is no actual sign saying so. I would ask the Minister to look at that aspect, because I think that 60 km/h is only, if you like, a theoretical maximum and that, depending on the conditions of the road, the number of pedestrians, the traffic and everything else, other restrictions under other sections of the Act imply a maximum speed limit less than that. To a certain extent, it is personal judgment and common sense that then applies that maximum speed limit within the constraints imposed by the Act.

I also ask the Minister to look at the legal aspect of a local government body setting a speed limit for an arterial road which comes under the Highways Act. I suspect that there is a conflict between this particular amendment and the Highways Act. Certainly, I think it would be an intolerable situation to have a local government body able to set the speed limit for a road over which it has no jurisdiction. In fact, I think it is not legally possible and that it needs more than an amendment to the Road Traffic Act to achieve that. I think it certainly needs an amendment to the Highways Act and possibly other amendments as well.

If the Minister decides that there are certain circumstances under which it might be appropriate to set a different speed limit, could he report on other possible mechanisms whereby that may be achieved? In fact, could it be, for instance, on a request from a council to the Road Traffic Board that the ultimate and only decision lies with the Road Traffic Board and with Executive Council? That is the normal procedure, as I understand it, which applies particularly under the Highways Act and to a road under the jurisdiction of the Commissioner of Highways.

Of course, that power is granted to the Road Traffic Board by the Highways Act and the Road Traffic Act. I also ask whether the Minister could look at the logistics of actually having different signs in, say, the main street of a town. I think that the member for Fisher raised the issue of Aldgate. What would be the potential cost? This will be on main arterial roads running through centres of towns and would involve costs to be picked up by the Highways Department.

What would be the cost of putting appropriate speed signs on all roads leading into the centre of Stirling and Aldgate, if special signs needed to be erected? Perhaps the Minister could indicate the average sort of town, as mentioned by the honourable member, and the cost for that town—whether it relates to a residential area or a shopping centre.

I also ask the Minister to look at the implications for uniformity of road laws throughout Australia. I have been very critical that there is still not uniformity in Australia between the States, although a great deal of headway has been made in the past 10 years in achieving in that objective. It is part of Liberal Party policy, and I think part of Labor Party policy too, that there be a uniform policy. I know that at various stages most members of this House have asked for that uniformity to be achieved. What are its implications in terms of our national road laws? Would this measure be against achieving that uniformity?

Has the matter been discussed? I am not privy to what sorts of discussions have gone on between public servants or Ministers who discuss such matters. That is why I ask the Minister to report back to this place at some stage on whether or not that will be against the interests of national uniformity. It is extremely important that we do not take a backward step in terms of achieving a national and to a certain extent even an international uniformity on many of these matters. I ask the Minister to look at this suggestion. I appreciate and accept his point that he will carry out a detailed investigation and report back to Parliament at the appropriate time.

Mr S.G. EVANS: Before the Minister answers the question, I wish to take up some of the points made by the member for Davenport. As he said, they are important. He asked why we should not leave it up to local government to apply to the Road Traffic Board, which is the appropriate authority. However, local government has done that and failed. It is obvious that it is not working to the satisfaction of local government or the community.

Secondly, what about arterial roads or highways which might conflict with the Highways Department? I pointed out earlier that Parliament will make the final decision. If local government applies to Parliament (through a resolution) to introduce an illegal speed zone under another part of the Act, surely it prevents a local council imposing a slow limit on national highways. Surely, too, Parliament will not agree to an illegal measure. If it did, I would be disappointed in it. That argument does not hold water.

The other point related to slower speeds. If one is travelling at a speed greater than a safe speed, but still within the speed zone for an area, we can see by looking at records of accidents and deaths that they happen in dangerous areas when not many people are about at the time, such as at night. Motorists think that they can travel through an area at 60 km, only to find one poor innocent, perhaps aged, pedestrian is trying to cross over a poorly lit street and that person is killed or badly injured. If we agree that it is unsafe to drive in some areas at 60 km and that the motorist should slow down because he is new to the area, should we not indicate by a sign what is a safe speed?

Someone will say, 'What about an advisory sign?' Everyone knows how much they mean—very little. Picking up the point made by my colleague the member for Davenport, we are admitting that it is unsafe in some places to drive at 60 km/h and that the police officer has to judge whether or not the driver is driving at a safe speed. There is no clear opportunity for a police officer to be able to say, if they are using radar, that a driver is going over a certain speed limit and that it is unsafe because Parliament has declared that it as such on the advice of the local council. I do not believe that that has a lot going for it, either.

We then come to the cost of signs. I hope that we do not go on with that argument because I have asked Ministers for six years to erect protective barriers down the middle of the carriageways of the South-Eastern Freeway and, although it has cost lives because those barriers are not there, every time the answer is that it is too costly and is environmentally unacceptable. So, let us not say that signs are too expensive and life or putting people in wheelchairs is cheap. If both Houses believe that signs are necessary and that the speed limit needs to be reduced below 60 km/h, I believe that those signs are a minute part of the decision and that we should meet that cost to protect people's lives. I ask that the Minister again think about the arguments put by my colleague, because those arguments should be considered. However, he should also think about the answers, because the argument that I am putting supports the amendment that I could move later.

The Hon. G.F. KENEALLY: I once again point out to the Committee that the Government does not support this amendment. Although I have given an undertaking to the honourable member that I will have the department and the appropriate authorities look at the proposition I do not hold out any expectation to the Committee that the result of the inquiry will be support for such a proposition. Nevertheless, I owe it to the honourable member to look at his amendment. In doing that I will certainly look at the points that have been raised by the member for Davenport because I think that that commitment is also appropriate.

I take up one or two matters that have been raised. Uniformity requires further attention. The member for Fisher

should be aware that there is no similar legislation to that which he suggests anywhere in Australia. Therefore, the point raised by the member for Davenport is valid. What would such an amendment do to the desire of members of Parliament throughout Aust to achieve uniformity in traffic speeds, because uniformity encourages safety in road usage?

For the honourable member to say that uniformity does not assist in road safety puts him in almost a minority of one. The rest of Australia—and I suspect the rest of the world, but that is something beyond my ken to say—believes that such a power vested in an authority other than the Road Traffic Board, or a similar authority in other States, does not provide the safety on our roads that we all as responsible citizens demand. I acknowledge that the member for Fisher is one of those responsible citizens.

For that reason, I am not prepared to accept the amendment, because I believe that uniformity is important. It would have very wide implications throughout Australia if any Legislature was to introduce a measure such as this. That point has been well made by the member for Davenport. The other point I reply to is that, when I said that it was difficult for members of Parliament to make decisions about speed limits in individual towns, I was not saying it was difficult for members of Parliament to accept professional or expert advice.

In that regard one would have to view the road in question; otherwise one could not fulfil one's responsibilities adequately. However, the only way to do that would be to have a video film provided or to view the road on site. That would be the case in relation to roads about which members of Parliament had to make decisions in relation to speed limits. The difficulty that is inherent in making technical decisions involves whether or not one is prepared to rely on expert advice, but I believe that where one is unsure about advice that is provided one would be required to view the road in question. I am not saying that I have a major objection to this. I have already referred to my major objections. Nonetheless, it is certainly an objection.

I refer again to the points that I raised earlier. Because many local governments would see this as being an opportunity once again to apply to Parliament for the setting of certain speed limits, I think that the Parliament would be flooded with many applications with which we would have to deal, and I am not sure that the Parliament is necessarily the appropriate place in which to do that.

Finally, although the honourable member may well be aware of this, I refer to the procedures that apply. A local government authority applies to the Road Traffic Board for permission to set a speed limit in relation to a road, pedestrian crossing, school crossing or whatever. If the Road Traffic Board refuses an application, the council can reapply to the Road Traffic Board.

On the second occasion the board must provide details of all the reasons for its rejection of the application. In those circumstances, if the council again reapplies to the Road Traffic Board, the board must provide the Minister with details of why an application was rejected. At that stage the Minister must decide whether or not to approve the application from local government. Therefore, the final word is not necessarily with the Road Traffic Board: a matter ultimately comes to the Minister, who in the final analysis is responsible to Parliament for decisions that are made.

I know that within the Parliament there is not always ready access in relation to disagreeing with a decision made by a Minister, but it can be done within the forum of Parliament. However, I must repeat that the Government does not support the amendment. I do not want the Committee to be left with an expectation that the Government will accept it. At this stage, a study will be initiated within the Department of Transport.

Mr BECKER: I welcome the study, but the Minister must furnish a report within a certain time limit. It is all very well for Ministers to promise that they will look into a matter, as long as something is achieved. I agree in principle with what the member for Fisher has recommended. One of the most difficult problems to contend with is road safety on suburban streets. I am referring not to main arterial roads, in this case in my area, but to smaller roads under a local government authority, in relation to which many methods and systems have been tried in an attempt to slow down the traffic using them.

Much would be achieved if we could reduce the general speed limit to 40 km/h, but a major object is to try to deter speeding motorists from using narrow suburban streets. The Minister, the Road Traffic Board and the police would be well aware that, when traffic lights are installed at an intersection, motorists will by-pass those traffic lights and use the side streets within, say, a 400 metre or 500 metre radius. This causes tremendous problems and difficulties for residents living on these streets.

In relation to speed limits, I cite the example of Burbridge Road. Travelling west to West Beach, the speed limit on Burbridge Road is 60 km/h. After the turn-off to the entrance of Adelaide Airport the speed limit then becomes 80 km/h. Then, after turning onto Tapleys Hill Road, the speed limit is still 80 km/h, although one knows that when travelling at 80 km/h nine times out of 10 someone could get run over.

One then turns off Tapleys Hill Road into Lady Gowrie Drive at the back of the Glenelg Golf Course, coming to a bend in the road, and the speed limit is 55 km/h. Who says that various speed limits cannot be applied to roads? This is all within five or six kilometres. It can be done. It is done on main roads now. One is advising the public what the speed limit is. When one drives down Burbridge Road and goes over the Tapleys Hill Road intersection towards West Beach, still travelling at 80 km/h, coming to the shopping centre, one suddenly reduces to 60 km/h.

Yet there have been a few accidents down there. The Road Traffic Board and the various authorities will not agree to a pedestrian crossing or any type of crossing to protect not only the pedestrians but also the students who have to use that road in peak traffic. The big problem is that the students attending our schools have to cross roads in peak traffic times, yet the Road Traffic Board and the respective authorities set standards regarding the number of persons crossing the roads and the number of vehicles passing at the same location over a given period—standards that are very difficult to meet. No-one seems to care whether it is one or 10 persons: no-one puts a value on the life of that individual. One cannot put a value on human life, but at least we should give some consideration to protecting those who have to cross certain points at certain times of the day.

It is very difficult, indeed, to convince the Road Traffic Board that a pedestrian crossing is needed here or a speed zone there, as the Minister would know. Recently, the West Torrens council closed Saratoga Drive at the request of the residents. Local government can close roads. There was a terrible scream, not from the people who lived in Novar Gardens in the vicinity of Saratoga Drive, but from residents well away from that area who petitioned through various members of Parliament, petitioned the council and got involved in local government elections. The road was reopened. The Government of the day and everyone was warned that if this small suburban road was reopened there would be problems.

Within weeks a little child was run over. That was a tragedy that no-one should ever have been party to or accepted. People outside the area applied pressure to have that road reopened and, unfortunately, there was an accident involving a young child, who suffered brain damage. It would not have cost anything to leave that road closed. All that it meant was that a few impatient motorists had to detour a few hundred metres.

So, what the member for Fisher is trying to achieve in principle is correct: he is trying to protect the citizens of this community, to bring some sanity into our road laws, and to bring in some authority to protect the residential environment from speeding motorists and louts. As the Minister ought to know, since the introduction of random breath testing numbers of motorists whip down the side streets to avoid the random breath testing units, which operate only on dual roads. All these issues are extremely important to local residents.

Last Sunday, at 1.45 p.m., at Glenelg North we suffered a terrible storm—one of those freak storms that occur occasionally. Three houses in my street lost tiles. Con Polites' house at the end of the street lost a roof, which blew across the road into the Patawalonga. How there was not an accident, I do not know. The Enfield Emergency Service was called to put up tarpaulins and demolish part of this property. The road was closed within an hour. By the time I went to inquire why the road was closed, there had been three near misses. The officer in charge was fed up with motorists speeding along the Patawalonga frontage. He said that it appeared that they were aiming at his volunteers because they were wearing red jackets. The flashing lights of the emergency vehicles did not give enough warning, so the police closed the road.

That is the type of situation that occurs in the suburbs and down my way: one property on the Patawalonga frontage has been damaged nine times because cars come whipping up a slight rise, bounce over it and lose control. In every case it has involved speed, and in some instances alcohol as well. We can set varying speed limits. There are varying speed limits in the metropolitan area now.

I appeal to the Minister. I do not want to reflect on the Road Traffic Board, but it is pretty difficult to convince them that protection should be given to residents in suburban streets. I ask the Minister to think very carefully: if he is to undertake a study, he should set a time limit of, say, 60 days and bring those results back to the Parliament. I believe, as does the member for Fisher, that ultimately, the Parliament should have the right to represent the local people and demand protection for them in their residential environment.

Mr S.G. EVANS: I appreciate the Minister's concern: he said that he will look at this matter. I am not very excited about the statement made by the Minister that, if we do pass this clause, a lot of councils might make many submissions to Parliament because they want speed zones below 60 km/h set in their respective areas. Surely if we the fear that there will be too many applications which will clutter up Parliament, we must know that there is a real need; there has to be. I thought that the Parliament was supposed to respond to community requirements, especially in regard to safety. I know that lawyers want their taxes reduced, but safety is a different field. If that happened (and I place great emphasis on the word 'if'), surely that is a clear indication to Parliament that it should pass legislation that puts this matter in the hands of someone else and to direct the Road Traffic Board that speed limits lower than 60 km/h should be applied.

If we receive many submissions from the councils, Parliament will have a clear indication that there is a need and that it should do something about the law in a more direct way and, if you like, pass the responsibility to the Road Traffic Board to reduce the speed limits, because there is community concern.

I am not very pleased about the uniformity aspect, because I remember fighting, through two Parliaments, for an Ombudsman. Everyone said, 'You do not need one. No other State has one; the Commonwealth does not have one and you do not need one.' The Premier at that time said that he would not have a bar of it and that he did not want a super inquisitor to intimidate public servants. After that legislation was passed, the Commonwealth and every State in Australia eventually passed legislation relating to an Ombudsman and it was then uniform.

In the case of aged care in nursing homes, our standards are so high that the Commonwealth will not give us enough money to maintain them. It is said that our standards in health care are too high. I am talking about a similar field: it is people's lives and their health that is at stake. Are we not prepared to set a higher standard than the rest of Australia and hope that the other States will follow us? All I am asking is that we take the gamble. I refer to young people, aged people and the young mother with a child in a pram and another child in her arms attempting to cross a street. It is very difficult for those people to cross two lanes, let alone in some places in the city, four lanes where there is a 60 km/h speed limit.

Basically, all of our laws relating to speed are geared for the benefit of the motorist and not the pedestrian. The motorist virtually has absolute right on the roads and the pedestrian has very few rights. So again I make the plea that the Minister change his mind. If he does not, I accept that he will investigate the matter and bring down a report but, of course, he said that he wanted uniformity, so, if the main point of the exercise is uniformity, one can forget about the investigation: there can be no benefit from an investigation, because to be uniform laws must apply in all States.

When speaking about speed levels on an international level, I suppose that 60 km/h in the villages of Switzerland is rather fast. I do not know about the flat areas of Texas—that speed might be dangerous, I do not know. But I make the point that, if we are to haggle about uniformity, we can forget about the investigation. We can just say 'No', because nothing will arise from that investigation. Perhaps that is what the Minister was saying when he said that he did not hold out much hope for the proposition, so, if Parliament fails to accept this clause, all I can do is go back to the local councils that approached me and say, 'I have done my best; the others think I am an idiot and they think that you are in the same category. They do not agree with it.'

Mr PETERSON: The member for Davenport mentioned the existing legislation applying to signs and traffic restrictions at pedestrian crossings, schools, etc. I am concerned, if it is to be done on a city-by-city basis. It will apply in the metropolitan area, too; it cannot be restricted to the country. I travel down the Port Road, along the Old Port Road and through at least four or five cities to get to my home. Each stage of that road services a different need: part of it is commercial, some of it comprises small businesses, and some of it comprises warehouses, and there is basically nothing along the Old Port Road. Therefore, we could have five or six different speed limits down that road if each city decided it wanted a different speed limit.

Mr S.G. Evans: Parliament decides that.

Mr PETERSON: The initiator would be the city council, whether that be a country council or city council. All main roads out of the city—the Main North Road, North East Road, South Road—go through a number of cities. Again, on each of those roads there are sections which service

different community needs, from district shopping to schools to parklands to playgrounds.

The member for Fisher mentioned the present council. That is the other problem. Successive councils may view the needs of a city as to the speed limit on a road differently. The speed limit could change every time there was a council election, because the incoming council may view the situation differently. I see two problems with the amendment: first, one could be travelling along a road with a different speed limit at each council boundary; secondly, the speed limit could be changed every time there is an election because the incoming council sees it differently. Given those two points, I do not believe that it is a feasible proposition.

The Hon. G.F. KENEALLY: I give an undertaking to the member for Hanson that I will have this matter investigated and I will bring back a report to the House. I think 60 days or something like that would be a reasonable period. I am even prepared to make it six months, because I will still be the Minister then, but I will not get into that. I know that no honourable member has directly reflected on or been ultra critical of the Road Traffic Board, but there is an implied lack of confidence in the Road Traffic Board.

As I said this morning, the Road Traffic Board does not act in a cavalier way in relation to the standards it sets for road usage in South Australia. It is very concerned about its responsibility. The Road Traffic Board is made up of a senior police officer from the Police Department, a senior Highways Department officer, a senior officer representing the Local Government Association of South Australia, an officer from the Road Safety Division, representing road safety in South Australia, and a person appointed by the Government to represent vehicle safety in general (and that person is very much involved in one of our major car manufacturing companies in South Australia, from the private sector).

We do have a very competent, very concerned and expert group of people who make up the Road Traffic Board. I have absolute confidence in the members of the Road Traffic Board, I am aware of the dedication that they give to their responsibilities, and I believe they meet the responsibilities vested in them. Whilst I do not allege or accuse anyone of reflecting on the board, I point out that the general discussion implies criticism or lack of confidence in the Road Traffic Board. I do not believe that this discussion should end without somebody putting on record the qualities of the people who represent us on the board.

Mr BLACKER: I do not think that anyone has intended any criticism of the Road Traffic Board during discussions thus far. At least five members, including me, have come across a problem at some time where it was desirable that local government had the power to make a recommendation and have it passed on the basis of local assessment of the situation.

Although the Road Traffic Board has a State responsibility, which it has performed well, in order to reach its conclusions it must take into consideration how the law being considered would apply on a Statewide basis. That is why it is difficult in many cases to get a change in existing standards.

I recognise what the member for Fisher is trying to do, I sympathise with him, and to a degree understand and sympathise with the Minister's reply, because it is not easy to come up with a plan to provide the sort of local government input requested in a few instances. I appreciate what the Minister is saying that, if we provide this mechanism, there could be a flood of queries tying up this place for many hours or days. The member for Fisher said that, should that occur, we would realise that there is more of a problem than was first imagined. I agree with that statement. I hope that the Minister's inquiries over the next 60 days will result in some sound recommendations being made to overcome a problem which has occurred on rare occasions but which needs to be addressed.

Mr S.G. EVANS: As a member of the Road Traffic Board for 17½ years I had few conflicts with other members about decisions. There were times when I fought for school crossings, and so on, but I had no real conflicts with other board members. The local council in my area believes that there is some difficulty in achieving changes in normal practice. Nobody is prepared to say that there needs to be a certain speed limit set below 60 km/h in some cases.

It may be that some councils want to be able to recommend speeds above 60 km/h, but I did not put that suggestion forward—I picked on the lower speed limits first. I appreciate the work that the board does, and the expertise, honesty and integrity of its members, but local councils see themselves as having a responsibility in this area.

I will now pick up the two points made by the member for Semaphore. We should never think that local councils make such decisions—councils make recommendations and the Parliament the decisions. It is obvious that the Parliament would not accept a recommendation for a mass of variable speeds to be allowed in a particular area, because Parliament would regard that as unsatisfactory. We all know that there are more decisions made in the back lobby here than are ever made on the floor of this Chamber. The member for Semaphore's other point related to one group of councillors being replaced by a new group. That also happens with parliamentarians, who enter this place and make laws different from those made by their predecessors. That will happen with local government, too. That is the idea of democracy, that elected members make decisions on behalf of those who elected them. I repeat: the Committee should accept this amendment.

The Committee divided on the new clause:

Ayes (2)—Messrs Blacker and S.G. Evans (teller).

Noes (37)—Mr Abbott, Mrs Adamson, Mr Allison, Mrs Appleby, Messrs L.M.F. Arnold, P.B. Arnold, Baker, Bannon, Becker, D.C. Brown, Chapman, Eastick, M.J. Evans, Ferguson, Goldsworthy, Gregory, Groom, Gunn, Hamilton, Hemmings, Hopgood, Ingerson, Keneally (teller), and Klunder, Ms Lenehan, Messrs Lewis, McRae, Mayes, Meier, Olsen, Oswald, Peterson, Rodda, Trainer, Whitten, Wilson, and Wotton.

Majority of 35 for the Noes.

New clause thus negatived.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 20 August. Page 383.)

The Hon. D.C. WOTTON (Murray): The aim of this Bill is to make consequential amendments to the South Australian Heritage Act, and it is in support of the Native Vegetation Management Bill that was debated in this House last evening. At the outset, I want to say how concerned and disgusted I have been at the lack of consultation by the Government and the Minister concerning the Bill. I know that there has been much to-ing and fro-ing by the Minister around the Chamber tonight talking to people with a direct interest in this subject.

I am advised that the Bill was only recently presented to the Local Government Association and, from what I can gather, there has been little if any consultation with individual councils. This afternoon, I took the opportunity to

speak to some of the councils throughout the State, but they knew nothing whatever of this move.

It is pleasing to see that the Minister has been able to join us for this debate. Now that the Minister is here, I reiterate my absolute disgust at the lack of consultation involving this legislation. Before the Minister replies later and says, 'Yes, there has been consultation with the Local Government Association' and that one of his officers has addressed that body, let me say that if we are really fair dinkum about wanting to involve local government—especially as this legislation very much involves local councils—we need to go further than just in the dying days presenting some evidence to the association and even at a later stage having the Bill presented.

I am sure that if the opportunity had been provided for local councils to have their say, to seek information from the Minister, then he would have been bombarded with correspondence instead of having received, as I understand it, only the one letter, late this afternoon, from the Local Government Association. I recognise that there has been a bit of flitting around by the Minister this evening. I do not know what has transpired, whether he is going to pull a rabbit out of a hat or what he is going to do, but at this stage, unless he has been able to convince all the local councils in this State otherwise, there is a fair bit of concern about the legislation. I would suggest that, while the Opposition supports the legislation, because I think it is important, I hope the Minister will get off his backside and do something about appropriate consultation with local government between now and the time that the Bill goes into the Upper House.

A number of concerns have been brought to my attention. It may be, as I said earlier, that the Minister can answer the queries that have been put to me, but I will throw a few of them in because it will need more than a debate in this House to satisfy local government that everything in the Bill is hunky-dory. One matter that has been brought to my notice relates to the heritage agreements referred to in the Bill. I understand, although I might be wrong, that the original idea was to include the provisions in the vegetation legislation.

The Hon. D.J. Hopgood: That is a drafting matter.

The Hon. D.C. WOTTON: The Minister indicates that it is a drafting matter. That might be the case, but that again indicates the haste with which these Bills that revolve around the native vegetation legislation have been brought before the House. As I understand it, the heritage agreements apply not just to vegetation but to other items that come under heritage agreements. I note that an amendment is to be moved by the Minister. Again, when amendments are flying around when one is speaking to the Bill, it is difficult, and I hope that people appreciate that.

I hope that the Minister will clarify whether this Bill relates just to vegetation under a heritage agreement or whether it relates to other items. I know that in government we amended the Heritage Act to be able to bring down heritage agreements that related to vegetation, the built heritage, items, monuments, and so on. We will need to have that clarified. If this legislation relates to heritage agreements across the board, then I believe that local government will be affected significantly.

The other thing that concerns me is the binding of local government as the third party in heritage agreements. I see problems there of validity. While I recognise that the agreement is between the Minister and the owner of the property (or item, or whatever the case might be), and that negotiations if necessary can take place at that level, I cannot see how in the world there can be any consultation or involvement on the part of local government in being tied or bound as the third party in these heritage agreements.

Those matters were brought to my notice only in the last day or so. I do not think I need to go into much detail about heritage agreements. Obviously, on this side of the House we support those agreements. Before compulsory controls were brought in by the present Government—and there has been much debate about that matter over the past couple of days—we amended the Heritage Act to enable heritage agreements to apply on a voluntary basis to owners who wished to retain vegetation or to sign an agreement relating to any other item.

As a result of that, some assistance was provided. I am aware of the need to clarify and to amend legislation to ensure that the promises made by the Government and the Minister in the second reading explanation relating to vegetation management can be adhered to. I speak only briefly on the matter, and express my very real concern. I presume that the Minister will indicate why there has not been more consultation: he may have a very different view from mine.

He may believe that everything in the garden is rosy with local government: they know perfectly well what they are letting themselves in for, what their responsibilities are, and what is required of them. However, I do not believe that that happens to be the case and I will be interested in the Minister's reply.

Other matters need to be clarified. How will rates be assessed as far as native vegetation is concerned? I do not know how that will be done. The Minister might be able to help with some of those technical matters. I do not think that anyone knows at this stage how that will happen. I would have thought that officers of the department and, indeed, the Minister may have had some intense consultation on those subjects. However, it appears that that has not been the case.

I hope that between now and when the debate on this Bill occurs in another place the matters to which I refer can be clarified and that there will be consultation if that is necessary, as I believe it is, so that by the time it comes before the Legislative Council the Bill can be supported. I hope that the many questions that need to be answered will have been answered by the Minister responsible. With those words, and having expressed our concern, we support the legislation.

Mr BLACKER (Flinders): My initial reaction to this legislation was to oppose it totally, for the very reason that it is poorly drafted and it has an effect on one section of the community but not on others. When I attempted to make inquiries as to what consultation there had been I found that there had been practically none. I know that there will be some minor explanation for that, but I first became aware of that lack of consultation when I met an executive member of local government last Thursday evening and asked him what he thought of the Bill and his former council's having to pick up the tab on vegetation clearance rate equalisation. He did not know anything about the provisions of the Bill, yet he had just come from an executive meeting of the Local Government Association. That is when I first became concerned about the legislation. I oppose it, because I do not believe that it should only be those local government areas in which there is native vegetation that are responsible for absorbing rates among their ratepayers.

If native vegetation is a State heritage item the cost involved should be borne by the whole State, not just a handful of councils (in whose areas there is vegetation) which will be severely affected by this legislation. As the original Bill is drafted, it could relate to all heritage items throughout the State. What will be the attitude of the Adelaide City Council and other councils—district councils—

in which there are a considerable number of heritage items? I cannot see that there will be general acceptance by them.

How can a Government prepare legislation to commit a third party without consulting the third party? My understanding of the legislation is that the Government has said in the Bill that it will remit rates on behalf of a council without consulting it. I do not know where that matter stands at common law. It would be tantamount to my telling constituents that the Minister for Environment and Planning will carry out some function for them without my consulting with him. Obviously, the Minister would not have a bar of that.

I do not believe that local government should be obligated in this way. At the very least this matter should have been dealt with by the Minister of Local Government: more particularly, by full and total consultation with the councils involved. It is one thing to tie in Local Government Associations but another thing to tie in the handful of councils that will be individually picked off by this legislation.

I do not believe that it is right that I should have to pay more council rates because a person at the other end of my district council area has a considerable area of native vegetation for which rate remissions will be given. Why should I and other members of the community have to do that when, just across the border in another district council, that may not be the case? The inequalities need to be addressed, and I do not believe that the Government has addressed them. I repeat that the member of the executive of the Local Government Association, when I was talking to him last Thursday evening, knew nothing about this measure. One should bear in mind that he has had experience as a chairman of a district council that would be affected to some degree.

Most district councils in my electorate—whether the District Council of Lincoln, the District Council of Streaky Bay or councils in between—will be obligated under this legislation to pick up the tab for native vegetation that happens to be in their areas. However, many councils on this side of Spencer Gulf will not do that. In particular, every corporation, with the exception of one or two on the fringes of Adelaide, will be exempt from the provisions of this Bill and will not have to pick up the tab for what really is a State asset.

I would like the Minister to address a number of points in responding. First, where do we stand in relation to third party involvement? A very dangerous principle is involved here. I cannot accept that local government has not been consulted on this matter. How can one arm of Government override another in the terms of common law? I do not have any legal expertise, but the whole principle sounds wrong to me, and in fact I do not believe that it can be right.

If the Government is serious about rate remission, the cost should come out of State Government coffers. At least the State heritage—and that is what we are calling it—should be financed by all citizens of South Australia and not just the few, as it will be under this legislation. One can argue and say that it is not just the few individual landholders involved but that we are shifting that burden—and I am referring only to the rate aspect—from the few individuals who are directly affected to the councils in whose areas those people reside.

To that extent I think that that is wrong, because the inequalities will remain: even though it may not be on an individual basis, it will be on a council or an area basis. To me that is wrong. How will the council determine the rate remission? I do not know how that will be done. How will the council ascertain just what rate remission will be given to various ratepayers? There is insufficient detail in the Bill. As it stands, I think that the legislation should be rejected, and reintroduced later in a more acceptable form, and, more importantly, after consultation with people who are involved with this matter, particularly the Local Government Association, which is the body responsible for acting on behalf of councils and the regional areas that will be so seriously affected if they are obliged to pick up the tab in total.

In conclusion, I raise these matters. How did the Government arrive at the third party agreement, if we can call it that? Why did the Government implicate local government in the way that it has done, without adequate consultation? How does the Government propose to isolate one form of heritage item from another? Finally, why did the Government not involve the councils that are directly affected by this Bill? I shall have a number of things to say in that regard during the Committee stage. I think it would be irresponsible for us to accept the Bill in its present form.

Mr M.J. EVANS (Elizabeth): I shall be very interested in the Minister's response to the points that I shall raise. Like the member for Flinders, I am concerned about the way it is proposed to implement this legislation. Of course, we now have the benefit of a proposed amendment which has been circulated by the Minister, and which clearly establishes the Government's intention in relation to restricting the items to be exempted from rates, either totally or partially, relating to native vegetation clearance agreements.

However, it seems to me that this legislation is capable of having quite a disproportionate impact throughout the State. In relation to a person owning a small house on a small block of land in a township in a council that happens to have a large area of native vegetation which is subject to heritage agreements, the rate burden on that householder will be significantly greater than that applying to a person living in a house of the same value in a township in an area for which no native vegetation clearance agreements apply, in which case the effect on the applicable rates would be nil. Therefore, this provision will have an inequitable impact on innocent bystanders, if you like, that is, on third parties in the council areas throughout the State with no direct financial interest whatever in relation to native vegetation clearance matters. This provision will have quite different impacts on ratepayers, depending on in which council area they choose to live.

I take the Minister's point that those people in farming communities who have already exercised their option to clear much of their land, under the old law, should now have to bear some responsibility in relation to those people who are prevented from clearing land. That is one point, but there are other people involved in council areas, apart from members of the farming community. It seems to me that this amendment will have a quite differing impact on residential properties and industrial and commercial properties throughout the State, because it will mean that councils will be forced to apply rates differentially, according to the nature of the district in which people live.

An honourable member interjecting:

Mr M.J. EVANS: As my colleague points out, councils will have to boost other rates to cover that expenditure. The Minister alluded to this in his second reading speech. I shall be interested to hear the Minister's comments about this matter of the differential impact in relation to people not concerned with native vegetation clearance, that is, those people living not in the farming community but in the various townships throughout the State.

I will also be very interested to have the Minister's views on the question why a heritage item listed in pursuance of the Native Vegetation Management Act should be wholly or partly exempt from rates, whereas a property that is also a heritage item should not be so exempt. I understand that the State Government now makes some substantial contri-

bution towards the rebate of rates in relation to heritage items, but it is proposed to shift the burden for those items that represent the heritage of the State in terms of native vegetation on to other land-holders in the district. The logic that makes that differentiation is not clear to me, and I would appreciate it if the Minister could further elucidate that.

I am also very interested in the relationship between this proposal and the proposal that is also before the House in the Valuation of Land Act Amendment Bill. Mr Deputy Speaker, I will not try your patience by alluding too strongly to that matter, which is yet to come before the House, but that proposal brought in by the Minister of Lands is an eminently reasonable one, because it seeks to reduce the assessed value of a heritage item in relation to the reduction in value that has occurred because the item has become subject to restrictions under the Heritage Act, and that is a reasonable proposition. That would have the effect of reducing the assessed value for rating and taxing purposes, so anyone who had native vegetation clearance agreements that were reducing the value of their property would gain the advantage of that amendment.

In this Bill we also seek to provide to the Minister an additional power to wholly or partially exempt from rates on a one-by-one basis individual properties that are subject to heritage agreements. In effect, it seems—and I would appreciate the Minister's comment on this—that we are indulging in a degree of double dipping because people will not only have the advantage of a reduction in the value of the property from the Valuation of Land Act Amendment Bill, which is proposed for the consideration of the House tomorrow, but they will also gain a reduction in rates from the terms of this Bill. I cannot see why we need both provisions. I would appreciate some explanation on that point.

I am also concerned about the way in which the amendments that we have before us, as distinct from those in the Valuation of Land Act Amendment Bill, which have universal application, have a case by case application. I would be interested to know the criteria by which some properties are to be approved for complete exemption from rates, some for partial exemption, and presumably some not to be approved for any exemption.

I cannot see why, if the proposition is good enough for one, it is not good enough for all. If it is intended that a heritage agreement property should be exempt from rates, why are we not including in the Bill a provision that simply exempts all native vegetation clearance agreement properties from rates in general terms? Why is it required to select those properties one at a time? Perhaps I have misunderstood the impact of the Bill and perhaps it is required to be of general application. But, as I read the text before me, it seems that there is a degree of potential for differentiation between properties. I would like the Minister to explain his view on that matter.

I cannot really see the difference in the State's accepting responsibility for the rebate of rates in relation to heritage agreement items and in relation to, for example, pensioner rebates. The State Government is pleased to make available substantial funds to local government to enable councils to exempt pensioners from substantial parts of their rates. Presumably, the same arrangements could apply to heritage items. At least, that applies on a universal basis, but it seems that this does not. Where there is potential for discrimination, I would be very concerned about that.

Particularly, I am concerned about the relationship between this Bill and the Valuation of Land Act Amendment Bill and the way in which the two will be administered conjointly. I would appreciate it if the Minister could take up some of those points in his response to the second reading debate.

Mr LEWIS (Mallee): Much of what I wish to say has already been said in this place on this occasion in the context of its relevance to this Bill. I was probably the first person to have seen the flaw in the regulations that we debated yesterday, or at least the replacement legislation for those regulations that were found to be *ultra vires*. I made that flaw public at the Murray Lands and Upper South East Local Government Association meeting at Pinnaroo shortly after those regulations were announced. It specifically relates to the fashion in which this legislation proposes to address the problem that is created by this policy. I think that that is a goose of an approach. By approaching it in that fashion, there is a lot of honking but not much consequence.

Before I describe what I regard as being the most sensible approach that the Government could have taken in addressing the problem, let me point out the relevance of it to the constituents whom I represent. I think that I would have one of the largest, if not the largest, areas of native vegetation remaining in my electorate. The district councils that will be affected by the legislation are the district councils of Browns Well, Loxton, Waikerie, Ridley, Karoonda East Murray, Peake, Lameroo, Pinnaroo, Meningie, Strathalbyn, Murray Bridge, Coonalpyn Downs, Tatiara, Lacepede, Robe, Beachport and Millicent. They are district councils that are, on current boundaries, wholly or partly, in the district of Mallee, and that is why I was concerned when the original regulations were announced that the rate base of those district councils, according to the amount of native vegetation remaining within their precincts, would be eroded by some measure.

In places like Peake, Karoonda East Murray and Ridley, the district councils can ill aford to forgo the rate revenue which the loss in property valuation will effectively impose on them. In some measure the Minister will argue that that is the very reason for introducing this legislation.

I hope that the Minister has a satisfactory explanation for the way in which compensation will be paid to those other ratepayers within the district council area where the native vegetation remains. If there is no satisfactory explanation—and I find it difficult to discover how sensibly to go about it—then of course the Minister stands to be condemned for his total indifference to the elected representatives of the ratepayers and citizens in those councils. The Government also stands to be condemned for its insensitivity to the impact of the whole proposition.

The more sensible way of approaching the problem would have been to have an assessment made of the likely area which has no further commercial value and which can attract no rates in each of the district councils and compensate them on a sliding scale basis according to the percentage rise or fall in the way that they strike their rates.

I know that the Minister is having difficulty hearing, given the rudeness with which the member for Ascot Park indifferently turns his back on the Chair and chatters to the people in the backbenches, but I would like him to be so kind as to not pick his nose, and allow the Minister to listen to what I am trying to say, because I believe that it is a more effective solution than the one suggested in the legislation. Accordingly—

Mr TRAINER: On a point of order, Sir, I think that that insinuation on the part of the member for Mallee was quite out of order.

The DEPUTY SPEAKER: Order! I suggest to the honourable member for Ascot Park and the honourable member for Mallee that there have been too many 'out of orders' and that we ought to get back to the business of the House. I do not uphold the point of order.

Mr LEWIS: As I was explaining, if the local government area was to be compensated for the loss of rate revenue it will sustain as a result of a large area of the land within it having no vegetation upon it, no longer having any commercial value from which rates can be raised, if this was to be assessed, that seems to me to be the way in which compensation ought to have been paid to the people living in those district councils areas, and indeed to the district councils themselves.

The member for Elizabeth, the member for Flinders and my colleague and Party spokesman on these matters, the member for Murray, have alluded to that problem, but not to the solution which I have suggested. The problem as the legislation stands is that other ratepayers in those council areas will end up collecting the burden of cost of the increase in rates which will have to be paid as a consequence of some of the land belonging to some of the ratepayers being useless in commercial terms. It is very useful in heritage terms in that we retain an essential part of the remnant native vegetation that presently exists by this and associated measures.

I want to explain where I would differ from the view of the member for Elizabeth and put on record my understanding of the difference between this legislation's effect on native vegetation and this legislation's effect on the built heritage items of the State, the features which are other than natural but man-made. To my mind those items that are seen to be of interest because they are man-made continue to have commercial value. It is the very fact that they are by some measure unique, by some measure perhaps in addition to being unique, attractive, that means that they have been or are to be linked on the register. People's curiosity will therefore ensure that some commercial benefit can be derived from them, if nothing else.

The other aspect of their real value is that, if they are buildings and can be maintained in a serviceable condition, other than just charging people admission to look at that building or that ruin, then indeed we can use the building for some commercial purpose, like a museum, a restaurant or a collection of some kind.

Mr TRAINER: I rise on a point of order. I believe that the honourable member opposite is not speaking from his place which is, strictly, out of order. He seems to be speaking from the aisle.

The Hon. D.C. Wotton: Grow up! You haven't even been taking notice of the debate. How do you know?

The DEPUTY SPEAKER: Order! The Chair is not going to uphold the point of order. I can only repeat myself. I believe that the House ought to come back to a little bit of sanity and get on with the debate in the proper manner.

Mr LEWIS: I take a point of order, Mr Deputy Speaker. If the member for Ascot Park wishes to eat (and I have been watching him do that for the last five minutes and I believe it is against Standing Orders), will you ask him to leave the Chamber?

The DEPUTY SPEAKER: Again I am not prepared to accept the point of order and I do not think that the honourable member is really helping the situation by taking such a point of order. The honourable member from Ascot Park knows very well what decorum is necessary in this House, and I would ask him specifically to come back to that position and the honourable member for Mallee to continue with the debate.

Mr LEWIS: Thank you, Mr Deputy Speaker. So I see then, given that there is some real value in those items of heritage other than the native vegetation, those people or other bodies corporate which own such items can derive an income from them.

I have no doubt whatever that, in some instances, the heritage items referred to, perhaps particular buildings, will be of greater value because they are so proclaimed. They will, as centres of interest, attract the public acting as a lure for commercial benefit to their owners. It is possible that some ruins will have a limited commercial value if they are retained in private ownership. However, such items are fairly insignificant in the way in which they detract from the capacity of the rest of the property owned by a person or a body corporate to earn an income. They are not anywhere near as significant in their impact as is the large area of native vegetation that is permanently removed from the 'farm', and I mean that in every sense.

By recognising that, we can then differentiate between vegetation and other items of heritage in the way in which recompense is paid to local government and landholders. If we were to implement this scheme in the fashion in which I have suggested, it would be necessary to revalue only district councils in rural areas excluding areas of native vegetation from the area on which the gross rateable base is calculated. A percentage differential factor would be involved, which could be made up by way of some sort of grant from the Government to the district council affected.

As members who have spoken before me have pointed out, the system would then be fair where at present it is not fair. I am disappointed that the Government has not seen through the invalidity of its position. It would have realised the folly of its proposition, its unacceptability, the unfairness and the injustice involved had it consulted as widely as it is claimed to have consulted with bodies such as local government and the trade union movement about legislation. I recall that members opposite castigated the Liberal Government for not doing that, yet former Liberal Ministers consulted widely where it was relevant to do so. Given that explanation, I think that honourable members will better understand what the fate of this Bill might be unless the Minister gives a satisfactory explanation of how he will make work the system proposed in the Bill.

Mr PETERSON (Semaphore): The point raised by previous speakers is a valid one—there will be a shortfall in assessable rates for councils or corporations if concessions are made under this Bill. The Minister says that, if a farm is cleared and the farmer has the benefit of the cleared land, it is reasonable that he pays rates, and I accept that. However, surely that benefit extends right throughout the State from the person making the bag for the wheat or the person loading the cargo on to a ship to the farmer who grows the crop.

If we call it a heritage item, it becomes unproductive and places a burden on people in the district through the non-productivity of the land and the rebate of rates. It is a State responsibility, and that seems fair. We need a very clear answer on how it will work. Will there be any compensation to the council, or will it have to raise funds from people within its boundaries? Will there be any compensation at all? It is unfair if the farmer next door or down the road has to make it up.

The Hon. D.C. Wotton: Its not just the farmers.

Mr PETERSON: Sure, or the people or businessmen in the area. It is purely rural, although the metropolitan area reaps benefits from rural industries in the State. That is a valid point. The Minister needs to clearly explain whether it will assist the councils and, if not, why not.

As the member for Elizabeth stated, accepted systems of rebates in rates exist in other circumstances, and in this case there may be a reason for one. Will the Minister clearly tell us whether there will be rebates and, if so, how will they be of assistance to councils? Will there be any assistance to councils from the Government and, if not, why not, and exactly how will it work? It seems unfair to me.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I thank the member for Murray for the indication of his Party's support for this measure. I also thank honourable members for the attention they have given to the measure before us. The philosophy of the measure derives from two sources: first, the negotiations between my officers and the United Farmers and Stockowners Association; and, secondly, from the select committee in another place. Basically, it is that it is not unreasonable in the general scheme of retention of native vegetation as contained in the two Bills—the one we passed yesterday and the one currently before us—that incentives should be offered for the continuing management and preservation of native vegetation under this scheme. It is not unreasonable that all three levels of government should be involved in the offering of those incentives.

This issue exercised the minds of members of the select committee for quite some time. In fact, one member of the select committee canvassed with me the possibility of the reintroduction of rural land tax because in that way it would be possible for the State to have a tax which could then be remitted to provide an incentive. I am sure that members can understand why I did not want to proceed with such a proposition. However, the basic philosophy was that all three levels of government should be involved in the offering of incentives. Of course, it is true that this place cannot legislate for Federal Parliament or the Federal Government. The most we have been able to do in that respect is put submissions to the Federal Treasury in relation to the use of the tax mechanism available in the Commonwealth law to provide incentives.

I hope that I am not wandering too far from the subject: I am trying to answer as honestly as I can what honourable members put before me in the second reading debate. I have already indicated to the House much of the State's submission to the Commonwealth. It seems that it is not unreasonable in the evolution of policy in this matter. It was once an obvious taxation advantage to people to clear native vegetation. That was made substantially less attractive by the Whitlam Government in about 1973, though it was not eliminated altogether.

The tax advantage was spread over 10 financial years and was thus less attractive. The Hawke Government then did away with what environmentalists called that tax rort. There is an argument that it has not been done away with altogether, that there are certain forms of depreciation that can be charged against clearance, and so on, but I do not really want to get into that area.

Our submission takes it a step further and says that, if in a different sort of political and environmental climate it was not unreasonable for the Commonwealth Parliament to provide tax incentives to clear, in the present climate it is not unreasonable for the Commonwealth Parliament to provide tax incentives to retain native vegetation. That was prepared for us by a taxation consultant and it has been placed before the Commonwealth. However, that is as far as we can go. Advocacy is all that is available to us as a Government and this Parliament.

However, I now return to those matters in respect of which we can legislate. I point out to honourable members, particularly the member for Flinders, that this place legislates from time to time in respect of local government and, indeed, that is the basis of local government. Local government now has its line in the Constitution Act, but for the most part what it can do and not do—the limits of its powers—are defined by an Act of this Parliament as amended from time to time.

Of course, it is right and proper that any amendments to limit or provide powers to local government should involve consultation. I will return to that matter in a moment. There is nothing peculiar about this place legislating to define certain powers of local government. The philosophy to carry it through is that, just as we have put before the Commonwealth Government that it should provide an incentive package, so we have said that it is right and proper that State and local government levels of administration should provide in like manner.

Yesterday this place passed a Bill dealing with the State's Contribution. I remind honourable members who have been talking about the inequities of burdens falling on local government areas and the position of the State as a whole, including people in the metropolitan area making a contribution, that we determined that yesterday. We determined that a sizeable slug from State revenue will be available to people who are denied the right of clearance of native vegetation under the new legislation.

So, we are all contributing or will contribute—if and when this legislation passes into law—under the Bill passed here yesterday. If it is not unreasonable that both the Commonwealth and the State should provide incentives; by the same token it is not unreasonable that a modest incentive should also be available from local government under the mechanism that we are providing in this Bill.

As to the question of double dipping, which was raised by the member for Elizabeth, 'dipping' is a little inappropriate. Perhaps he means a double pour out of the pitcher. Double dipping usually relates to taxation when the State is taking from an individual rather than returning to the individual. The member for Elizabeth is perfectly right. The philosophy relates to the special case we are making for the retention of native vegetation.

If we do not want to make a special case for retention of native vegetation, then we have done with this scheme of legislation altogether and we return to that which it purports to replace. The present regulations under the Planning Act make no special case out of the retention of native vegetation. It treats development under the Planning Act in relation to the clearance of native vegetation no differently from any other form of development.

I have always maintained that that was the right and proper course to follow, but I do not have to remind honourable members that, ever since the Government lost the case in the High Court in relation to this particular matter, the continuation of that scheme was set at risk. We could have toughed it out or attempted to do so, but we might have lost the whole scheme of legislation as a result of a series of continuing adverse decisions in the courts. That, I believe, would have been environmentally irresponsible on my part to have taken that risk. My commitment is to the retention of the remnant native vegetation in this State, and that is why we have this scheme of legislation which is before us. If we do not want to make a special case of native vegetation, then there is a scheme to which we can point, and that is the scheme which is currently in operation and has been in operation in this State now for a couple of years.

So, sure, we are providing as it were more than one advantage to the landowner. Mind you, one is still not sure how much of an advantage he sees it, because he might have preferred in the first instance to get the approval that he sought. I said last evening that I believe, under this scheme of legislation, nobody loses out entirely. You get that for which you have applied or else these other forms of benefits flow, but of course I am honest enough to recognise that there will be situations in which people will see the benefits flowing as being very much a second prize, and they would have much preferred to get the clearance for which they made application in the first place.

Questions were asked about the criteria which will apply. This relates, of course, to the foreshadowed amendments to

which I will make such brief reference as I am able under Standing Orders. However, I make the point that it is a simple system. The local government authority will forgo those rates which would have flowed from the area which remains uncleared, had it been possible for that area to be viewed as an option for development. It really is as simple as that. However, I think it is necessary now that I turn to the particular matter to which various honourable members have referred, relating both to the foreshadowed amendments and to the whole question of consultation. This is a matter which has been flowing for quite some time. It is a matter which has been handled at various levels, but in particular certain of my officers have been involved in very close consultation with the UF & S, conscious of the fact that at the same time a select committee of another place was busy collecting evidence and determining an outcome. Just in relation to that matter, I referred to the select committee earlier and I simply say nothing more about that, but at page 14 of the select committee's findings, it states:

Under new heritage agreements, there should be a rate remission.

What we are doing here is something which is supported by an all Party committee of another place. There was a good deal of consultation with various bodies in that particular matter and early in the piece there was officer level discussion with the Local Government Association as to this proposition. We understood at that time that the association was reasonably relaxed about the whole matter. When the Bill was finally available, or at least the basic outline of the legislation was available, the President and Secretary-General of the Local Government Association came to see me and we further discussed the matter. I made available one of my officers to then address the executive of the Local Government Association on the matter and he brought certain matters back to me.

The next chapter really was when I received a letter dated this date from the Local Government Association indicating that the Bill in its present form of drafting was unacceptable to the association. I had the advantage of a very quick consultation with two officers of the association and indicated to them that the first Bill in this scheme of legislation had passed the Assembly last night and that I wanted to know what was their concern about this specific second Bill, the South Australian Heritage Act Amendment Bill, which we would be discussing almost immediately.

They indicated to me that, on their interpretation of the Bill, rate remissions could flow not only to those areas of native vegetation preserved under the general scheme of the earlier Bill, but also indeed to any heritage agreement, as envisaged under the 1978 legislation (as amended in 1980).

I checked that matter out, because I assured representatives of the association that it was not my intention that the amendment should be as broad as that. I discovered that indeed the Bill had been drafted in that form and I immediately requested an amendment, which I will be able to place before the Committee should the scheme of legislation get that far. Under Standing Orders, I am not in a position to refer specifically to the content of that amendment, I imagine, but of course it has been circulated and honourable members have indicated by some of the statements they have made that they have had it before them. I will be only too happy to explain the exact nature of that legislation when we get to it. I commend this Bill to the House.

The House divided on the second reading:

The SPEAKER: There being only one member of the side of the Noes, I declare that the Ayes have it.

Bill read a second time.

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

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

Motion carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Heritage agreements.'

Mr BAKER: New section 3 *(b)* states:

may enter into a heritage agreement with the owner of an Item comprising land on which native vegetation is situated if the Minister considers that the vegetation should be preserved or enhanced.

I presume that that means it is outside the normal definitions under the Native Vegetation Management Act and that it stands alone as a subsection in its own right. Will the Minister tell me whether this provision applies to any parcel of land, whether a town block or block of whatever size? I intend to take this matter up if my interpretation is correct. On my reading, it means that any tree or native shrub anywhere, whether in the middle of the city or the outback, will possibly be included in this provision.

The Hon. D.J. HOPGOOD: It is competent for the Minister to enter into a heritage agreement about individual items of all sorts, be they of natural, Aboriginal or European heritage. That is perfectly clear. It does not necessarily follow that the specific scheme that is envisaged in the legislation would automatically follow because that relates to clause 5 and what I might invite the Committee to do with it.

Mr BAKER: Am I correct in saying that a person could make a submission to the Minister or the Department of Environment and Planning that a gum tree at risk in a neighbouring property should be preserved and that there be a heritage agreement? Is that feasible under the law, as we see it here today? That is a simple question that I would like answered.

The Hon. D.J. HOPGOOD: The traditional native vegetation heritage agreements are voluntary agreements entered in between an individual and the Minister, on behalf of the Department of Environment and Planning. That has been the case since 1980, when this place legislated in relation to that matter. On the wider area of heritage, I think that scheme is pretty well now understood: it is possible for the State to designate an area or a particular item as being a heritage item. It is then put on the interim heritage list and a determination has to be made, as I recall the legislation, within 12 months. At some time during that period, perhaps either as a result of the public advertisement of that interim listing the decision is made as to whether to proceed with a permanent listing or, on the other hand, to have the matter discharged from the heritage list. That is something that is well understood and has been the mechanism since 1978.

Mr BAKER: In having to listen to debate on this and previous Bills dealing with native vegetation, one wonders what is happening to this world of ours, and ponders on the enormous amount of time and resources that will have to be spent because the Minister made an absolute fool of himself in the original instance when he decided that he would prevent any further loss of land in South Australia to clearance. This matter could have been handled in a much better way. A burdensome compensation situation will now exist, involving much bureaucracy.

I refer to a little experience that I had when I wished to add an addition to my house. There was a tree in the yard (which had not been planted by the council) which I wanted to remove. I made application to the council to remove the tree to make way for the additions. The fact that the tree was losing branches, which were falling on my carport, made no difference to the council: it maintained that I had to

retain the tree. I then had to put in a drive at some considerable cost, because the tree had to be preserved—a fact that was of no consequence to the council.

I am dumbfounded by this whole depressing situation in which we have found ourselves and the incredible mess that has been created. An enormous amount of non-productive energy has been created in Government to administer these provisions. It is very non-productive energy, relating to a matter that I imagine will lead to a great deal of contention over the next few years.

In relation to the events of the past two years in connection with this matter, I think that we will all wish that we could start again at the beginning and do everything differently. The provision that we are considering at the moment will create a whole new bureaucratic mess, and will open up further areas of contention. When someone asks that something be put on the heritage list, Government officers will have to go out and assess the item in question, no matter how ludicrous or stupid the request may be.

Most members here have been in this House longer than I have, and would well understand that every day of the week constituents come to our electorate offices with ill-founded concerns. We spent a lot of energy investigating these matters and trying to work through the problems that they raise with us. This of course invariably takes time. Yet here we are putting into the South Australian Heritage Act a provision which I believe is not in the best interests of South Australians.

Proposed new section (3) *(b)* clearly indicates: 'may enter into a heritage agreement . . . if the Minister considers that the vegetation should be preserved or enhanced'. Today there are many people in the Hills, for example, who covet other people's trees and bushes, etc., and it seems clear that now not only will the Minister have the power to tell people that they must retain a certain piece of non-heritage, but that the council must compensate those people for that.

There is a vast amount of anomalies in this legislation. I think it is ill-drafted and very poorly thought out. I agree with many of the comments that members have made about this legislation. I would like to think that we could throw it in the bin and start all over again. I find very little favour with the legislation.

The Hon. D.J. HOPGOOD: I do not intend to spend very long on this, but let me tell the honourable member that, in fact, he is not really speaking to this piece of legislation at all, but to the 1978 legislation, introduced by a Labor Government and amended by the Liberal Government in 1980. In relation to concerns that the honourable member might have about the way in which the Heritage Act generally is operating in the community, I remind the honourable member that his Party had the opportunity while in office for three years to do something about it.

Mr Baker: That was before the Native Vegetation Act was introduced.

The Hon. D.J. HOPGOOD: It has nothing to do with the sorts of concerns raised by the honourable member.

Mr Baker interjecting:

The CHAIRMAN: Order!

The Hon. D.J. HOPGOOD: The sorts of concerns that the honourable member has flow not from the legislation before us but from the legislation introduced by Hugh Hudson in 1978, as amended by the member for Murray as Minister for Environment and Planning in 1980. I indicate to the honourable member that within about 24 hours we will consider another piece of legislation in relation to the more general aspects of heritage in the State. He may want to get up and criticise that, but he might be in a little trouble with his shadow Minister on this matter. I do not think that the Liberal Party wants to be painted into the sort of corner that the member for Mitcham wants to paint it into.

Clause passed.

Clause 5—'Terms and effect of heritage agreements.'

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

Page 2, line 11—Before 'releasing' insert 'where the agreement was entered into pursuant to the Native Vegetation Management Act, 1985—'.

Returning to the matter to which I referred during my remarks on the second reading, I always intended that the local government incentive at that level, which is provided by this Bill, should relate purely to heritage agreements that arise out of the Bill passed in this place yesterday. Since it was pointed out to me that the drafting was such that it would apply to any heritage agreement, as is provided for under the 1980 amendment to which we have been referring, I indicated that it would be necessary to bring the Bill into line with my concerns on this matter. Members can see how that will be the case.

The section of the principal Act that is amended here involves a series of matters that can be addressed as conditions to agreements that are entered into. The additional condition that we are writing in here will now be modified by the words, 'where the agreement was entered into pursuant to the Native Vegetation Management Act 1985'. My advice is that that restricts this scheme to that which the Government intended.

The Hon. D.C. WOTTON: The Opposition supports the amendment, but I find the whole situation surrounding this legislation incredible. Originally this legislation was to have been debated last evening: that did not happen. I probably understand now why it did not happen: because the Minister had been alerted to concerns of the Local Government Association, and he decided that he had better do something about that matter.

The fact is that there has been considerable confusion in the electorate generally as far as local government is concerned, and that has only just come about in the past day or so. The Minister said that there was consultation with the Secretary-General and the President: I am not sure when that was, but I understand that it was late last week. I do not know why these factors were not picked up at that time. It reflects on the drafting of this legislation, because at this last minute, with the views that have been expressed in this debate that has been taking place only for the past 1¾ hours or so, there is concern about the broad aspect of the heritage agreement and the fact that local government can be affected significantly if that matter is not clarified.

We see now that the Minister has raced out and organised an amendment to clarify it, when I would have thought that that would be the major part of this legislation. If that had not been picked up and we had gone through the legislation last night and it had passed, I can imagine the ramifications for local government. We now have the opportunity for appropriate consultation, and I hope in saying 'appropriate' that that does not merely mean the Local Government Association or its senior officers just talking about it. It needs to go further than that: it needs to go out to individual councils, particularly those that will be affected by this legislation. I hope, as I said earlier, that the Minister gets off his backside and makes sure that that happens before the legislation reaches another place.

The major problem that I saw with the legislation has been clarified and rectified with the introduction of this amendment. If the Government believes that the legislation should pass through another place (it is not our prerogative to discuss that tonight, and nor should we) I can only suggest that there is a need for the problems which remain in my mind to be clarified.

I support the amendment, in that it helps the situation somewhat, but I again take the opportunity to express the concerns that I have about the absolute muck up in the

drafting of the legislation and my concern about what was obviously a lack of consultation. I believe that when something involves local government to such an extent, as in this instance, it is the responsibility of the Minister. It is one thing for the Minister to say that he has had all this consultation with the UF&S and that there has been a select committee and everything else, but, as far as this legislation is concerned, the major consultation should have taken place with local government, and that has not happened. It has put members in a ridiculous and difficult situation. I support the amendment.

Mr BLACKER: This amendment certainly clarifies one of the major concerns that many members have about the legislation, in that it differentiates between the position involving native vegetation and other heritage agreements. However, that does not totally satisfy me, because I listened with interest to the Minister's explanation relating to the obligations of the various sections of the community, be they federal, State or local government, to accept some of the responsibility for looking after native vegetation. Whilst I can accept that in principle, I cannot accept the way in which those councils that happen to have vegetation areas will carry the can for the rest of the State and the other local government areas.

Mr Chairman, as member for Whyalla, you may not have much native vegetation in your electorate, but there is a lot of native vegetation in the area with which you will be involved in future. In any event, the City Council of Whyalla may well, at some time in the future, become involved in this type of legislation, so it is much wider than many of us may believe. Most of my councils—and the only possible exception would be the Corporation of the City of Port Lincoln—will be obliged to carry the can for the rate remissions involved in native vegetation clearance, and I do not think that that is fair or reasonable.

If the Minister is genuine about having local government share some of this burden, then spread it across all local government and not just limit it to the handful of councils that are affected. The member for Mallee cited the councils affected in his district, and it would be a similar situation in my electorate. The bulk of the tax remissions under this measure will be carried by the councils situated in approximately four districts represented by members in this Chamber. To a lesser degree, there will be some minor involvement by other councils.

The councils in my electorate do not know about this measure and do not know how they are going to be implicated; they do not know how much it will cost them. They resent the fact that they have to do the bookwork for somebody else, whereas the neighbouring councils (or councils on the mainland, as it is often referred to, in the eastern part of the State) may not be involved. So it is once again picking off those in the country areas, and that is what I resent about this legislation. I noted with interest the Minister's statement that this Parliament can legislate against another body. I hope that that attitude does not prevail and that the Government's attitude will be one of consultation.

There has been only minimal consultation between the Government and local government on this measure, which relates to local government quite specifically. It is not a UF & S matter. In fact, I rang UF & S about it, and they had had absolutely no discussions about this aspect of the matter. That is as it was put to me by a senior member of the UF & S. Certainly they had a lot of involvement in the Native Vegetation Authority Bill and, although they compromised in some areas, they met with general agreement on most issues. They are prepared to wear that, at least for a 12 month period, accepting the Minister's undertaking it will be reassessed within 12 months.

However, in this case the very people who should have been involved in consultation and negotiation should have been local government—not just the Local Government Association but at least those in the regional areas who obviously would be involved in it.

I accept the Minister's amendment because it narrows down the area and means that the rate remissions are to apply to native vegetation within the councils areas. However, it is wrong that the costing for that should be picked up by the other ratepayers within that council. The neighbouring council could well get out scott free, knowing full well that those who are less fortunate will pick up the tab for it.

If the Government was genuine, it would adopt a similar attitude to the remission of concessions that it gives to pensioners when reimbursing local government for that matter and some of the other heritage items on which councils are reimbursed. It is certainly a tax against local government, and nobody denies that local government should accept a little of this. But, at least it should be done on a proportionate basis so that everybody shares equally in the cost of retention of the State's heritage.

Mr BAKER: I would like to preface my remarks in rejoinder to the Minister concerning the Heritage Act as it existed prior to the introduction of the native vegetation management legislation. The principal law has changed quite considerably since the Heritage Act was brought before this House. Prior to this we had a system of encouragement for people to retain native vegetation. Now we have a prescription to say that people must retain native vegetation, so there is a completely different set of circumstances. The Minister well knows it. He also understands that under those principles and the new set of principles that we have created here in South Australia some of the cases that I may have mentioned to the Minister do hold. I support the member for Flinders and other people who have spoken on this Bill.

The Minister has failed to explain what mechanism will be used, whether we will have valuers who are going to value trees, how they will value, and what value there is to the community in retaining a certain piece of legislation. I can imagine, as I said when I was talking about the bureaucratic overload that is now involved in this new system, that it will involve an enormous amount of time and the for departmental people. Who knows what valuation system they will use in relation to the vegetation. They must take each individual case, come up with a prescribed community value, and then somehow reach agreement with the local government on what level of compensation or remission, or whatever one likes to call it, shall be forthcoming in this regard. I find the whole process quite incredible.

I did not think when I came into this Parliament that I would be considering legislation of this nature. Will the Minister outline the exact means by which he will value a particular area of vegetation, and what formula will be imposed on local government to meet the requirements of this Bill?

The CHAIRMAN: The question is that the Amendment be agreed to.

The Hon. D.C. WOTTON: Do I take it that the Minister is not going to reply to that question?

The Hon. D.J. HOPGOOD: I have already explained it.

The Hon. D.C. WOTTON: I do not think that the Minister's explanation has been satisfactory. The member for Mitcham has requested more information. I was not satisfied with the explanation given, so the Minister should provide more detail.

The CHAIRMAN: Order! The Chair is not in a position to instruct the Minister to reply.

Mr M.J. EVANS: The exemption clause provides for an agreement by agreement basis of rate remission, as I understand it. Will the Minister clarify whether or not that is the case? It also provides that remission of rates can be in part or in whole on a case by case basis. I take a lot of what the Minister said in reply as quite a reasonable philosophy, and I am sure that it can be accepted in many respects. However, what has not been explained is the criteria to be used for granting partial or whole exemptions in relation to properties.

Mr Baker: That is the question that I asked.

Mr M.J. EVANS: I am repeating that question. Will the Minister explain whether or not he intends to exempt all properties on this basis and, if that is the case, why that sort of clause is not before us? It would make more sense to me philosophically in the scheme of this Act if the Minister were proposing a total exemption from rates for all properties that are subject to a native vegetation clearance heritage agreement. If the principle applies, it applies to all of them. Why is the Bill proposing a differential agreement that may split wholly or partially between properties?

The Hon. D.J. HOPGOOD: The verbiage to which the honourable member refers is perfectly consistent with the drafting as it came into this place, because the Bill was drafted under the assumption that the agreements envisaged under this Bill would be wider than those that simply flowed from the legislation which was passed yesterday. However, in the light of the amendment to this clause that I am now urging upon the Committee it is clear that the procedure can only be as the honourable member has hinted, namely, that there will be whole exemptions for all properties that are subject to these agreements. There will, of course, be a separate agreement for each property which follows upon a refusal to clear, so to that extent it is case by case. However, in the light of the amendment that I am now urging on the Committee, it is clear that the word 'partial' is redundant and that the only action open to me would be total exemption in each case.

Mr M.J. EVANS: That is not the only action open to the Minister. Under the Bill as it stands, it would be open to the Minister to grant 50 per cent remission for all native scrub clearance blocks in Robe, 75 per cent remission for all blocks in Port Lincoln and a 10 per cent remission for those in Elizabeth, although I doubt that my electorate contains much native scrub.

It seems to me that, if the Minister will give this House a clear undertaking that he will only exercise his power in a total way to exempt wholly from rates all agreements throughout the State, and if we can get that agreement on record, fair enough: that is a reasonable proposition. However, it is not strictly correct for the Minister to say that that is the only option open to him, because under the Bill as it stands a whole range of options are open to him. If the Minister is prepared to commit himself in the sense of saying that he will exercise his power only in that way, it would certainly clear up the wide ambit of the drafting as it stands.

The Hon. D.J. HOPGOOD: This is a little unusual because what we are doing is spread over a couple of Bills. I refer the honourable member to a schedule in one of the Bills we passed yesterday where it is quite clear, particularly if read in light of the amendment that I am now urging upon the Committee, that where a landowner requires that a feature of the agreement be 100 per cent remission, I have no choice but to do that. However, as the verbiage stands it allows the landowner and me to enter into an agreement for a 50 per cent or 25 per cent remission or whatever. The whip hand is with the person whose application to clear has been refused. Where that person agrees or insists that it be a 100 per cent remission, that is what follows. The Committee should allow the Government the flexibility of retaining the word 'partial', as there may be circumstances in which a landowner requests only a 50 per cent or 25 per cent remission.

Mr BLACKER: I am still at a loss in relation to the Minister's amendment. I appreciate what he is trying to do, but I am not sure that the amendment achieves that. I believe that subparagraphs (i) to (viii) of section 16b (i) *(a)* of the principal Act will still apply in relation to the term of a heritage agreement as such. Am I correct? What the Minister is aiming to do here does not necessarily cover every aspect of it.

The Hon. D.J. HOPGOOD: The answer is 'Yes', but so what? We are adding to those conditions the condition that we want, namely, that there will be a rate remission. I do not see that its placement within the parent Act in any way derogates from what applies here, namely, that there will be a remission. The amendment also provides that it can only apply where an agreement is entered into pursuant to the Native Vegetation Act, 1985. I assure the honourable member that, to the best of my understanding of what we are doing here with the drafting, we will achieve my ambition in the matter.

Mr BLACKER: I thank the Minister for the explanation. I am not sure that I read it the same way. I hope that there will be consultation in the meantime because I would have thought that the other aspects covered in subparagraphs (i) to (viii) would have applied. In fact, they could circumvent the amendment we have inserted and, as a result, include other heritage items as such.

Mr M.J. EVANS: I am satisfied with the Minister's explanation of the previous matter. I refer to new subparagraph (viia), which relates to the heritage agreement requiring an owner to repay the aggregate value of rate relief that he has received and which his predecessor in title have received. I can accept the rationale behind that, but I would appreciate the Minister's explanation of how he intends to deal with the concept that the penalty for breach of the agreement will accelerate with time. It amounts to almost a fine for a breach of the agreement. If one breaches it this year, the penalty will be a few hundred dollars; if one breaches it next year it will be $400; and if one breaches it in 10 or 20 years time it will be thousands of dollars because obviously the rates and taxes will, in aggregate value, accumulate from year to year. Will the Minister give an indication of the philosophical basis behind the concept of an accelerating penalty for a breach of the agreement?

A breach of the agreement might well be a failure to maintain a fence or road, or cutting down a small part of the area. It could be quite a trivial breach of the agreement. I accept that, if an owner breaches it, he should repay some part of the rate remission. As I am concerned about the consequences of the breach, can the Minister give me an understanding of his thinking as to why the penalty should accumulate quite dramatically with time so that the consequences of the offence are much greater in the future than they are now.

The Hon. D.J. HOPGOOD: There are two aspects to it: first, we are trying to protect the State's investment in the heritage item—the State in the broader sense of the term. The investment that local ratepayers are making has been understood clearly by honourable members, although in some cases that aspect is viewed askance.

The second aspect of this matter is to overcome a loophole whereby a person could sell a property to someone else who then clears the property and then sells it back to the first party. The person who clears the property is penalised only one year of assistance that has been received, but the original owner, of course, has secured his object, namely,

the clearance. However, the original owner will have had the benefit of many years of assistance from the State and is absolved from the necessity of paying back that many years of assistance. This mechanism is one way of overcoming that possible loophole.

Amendment carried; clause as amended passed.

Title passed.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That this Bill be now read a third time.

The Hon. D.C. WOTTON (Murray): I want to make the Opposition's position clear. As I have said all along, the Opposition supports the Bill. However, I again express the Opposition's disgust at the way the Bill has been handled, especially the lack of consultation. There are still matters that I want to discuss and clarify personally with local government. The Opposition supports the Bill because it will provide an opportunity for consultation (which obviously has not taken place) during the period of the Bill's leaving this place and going to another place.

It is not for me to say what members in another place will do, but I imagine that, unless some of the points that have been made tonight can be clarified with local government, the Minister cannot look forward to the legislation proceeding in its present form. Earlier I referred to the poor drafting of this legislation. In no way was I reflecting on the Parliamentary Counsel associated with the Bill. It goes back directly to the responsibility of the Minister, who should have checked the legislation and should have been totally aware of what it was all about, including its ramifications. As I said earlier, because an amendment was brought in at the last minute, and because there is so much conflict about what we have been told concerning what local government knows about it and what I am told that it knows, there is an enormous amount of conflict in that area. I repeat that it will only be the opportunity provided for consultation between now and the time that the Bill goes to the Upper House that some of those matters will be sorted out.

Mr LEWIS (Mallee): I rise to make the point to the House that I support the third reading under protest. I am disgusted that the Minister sees it as fair game to knock off those councils in rural areas which can least afford to meet the increased cost of rates which will have to be borne by those other ratepayers if those district councils are to be able to sustain their total the level of rate revenue necessary to provide the services that local government in those areas has to provide for its ratepayers. It will be a substantial percentage increase on a few ratepayers in small rate revenue base councils by comparison with what would be the case if this measure were to apply to urban situations. It will be in communities where farming, as we know, is less profitable year by year and less certain season by season, year by year, than those other parts of the State which are more prosperous. It is just not fair; it is just not good enough, and I believe that the Minister will be condemned by those local government regional bodies most severely affected when they come to understand what he has done to them.

Bill read a third time and passed.

PLANNING ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 20 August. Page 383.)

The Hon. D.C. WOTTON (Murray): I make no doubt about the fact that the Opposition opposes this legislation very strongly indeed. The passage of this legislation has been, in perhaps slightly different forms, in and out of this House on a number of occasions in recent times. In 1984, when the attempt was first made to repeal 56 (1) (a) by the present Government, I referred to much correspondence that I had received from people, particularly in the development industry. I referred on that occasion to a letter that I received from just one of those members of the development indusutry, the Real Estate Institute of South Australia, and at that time I referred to one of the paragraphs in that letter and I will refer to it again. It states:

> There is enough evidence to suggest that our institute—

that is the Real Estate Institute of South Australia—

> representing not only our membership but the general public at large, would be opposed to the proposed amendments. Time has not permitted a full and detailed analysis of the effect of the proposed changes and we would welcome any opportunity to permit further dialogue with all parties concerned. I am quite certain the public are not aware of the ramifications of the proposed amendments on their activities, nor has sufficient time been given to the bodies representing the various aspects of planning and real estate to properly comment or argue their case.

At that time a letter from that same institute was written to the Minister and it states, in part:

> It is therefore with deep concern that we discover that the Government is proposing to pass amendments to the Planning Act 1982 without communicating that fact to this institute. Not only does the matter affect our members, but also may seriously affect certain rights and privileges of the public at large. Hence, it is believed that further time and consideration should be given to analysing the ramifications of these amendments, prior to discussion at parliamentary level.
>
> We seek your indulgence to delay the matter until proper discussion and dialogue can be undertaken between representatives of this institute, the general public, other affected bodies and the Government.

The ironic part of the situation in which we find ourselves this evening is that again there has been no consultation with these bodies in regard introduction of this legislation. It is taken for granted once again. I suppose that the Minister responsible is prepared to sit back and say, 'We know the industry will not support it, so we do not need to talk to those people again.'

Time after time approaches have been made, and I referred to two letters requesting the opportunity to discuss those matters with the Government. When I invited various members of the development industry to come in and discuss this matter with me last week, the first thing they said was, 'I am glad you have let us know that it is coming on, because this is the first we have heard of it.' There has been no attempt whatsoever to listen to their views. Again, I have received correspondence from other bodies that have expressed very real concern about repealing section 56 of the Planning Act. I have a copy of a letter which was sent to the Minister and which was signed by the Vice-President of the Urban Development Institute. The letter states:

> Our institute is very concerned with the ramifications of the proposed repeal of existing use rights. We question whether all the ramifications of this proposal have been thoroughly examined. It has been a fundamental right since the introduction of the 1967 Act to not only retain the right to use a property previously developed for a non-comforming use but also not to disadvantage it in the disposal thereof.
>
> Market forces in buying and selling have always kept the adjacent owner from any material disadvantage. Repealing this right of use unjustly increases the adjacent owner's value at the expense of the existing use property. We [the UDIA] have always supported definite zoning permitted uses to enable the purchase of property with certainty of development rights and uses. Councils are moving towards consent use zoning which in our opinion negates the need for a Planning Act due to its indefinite nature.

I support that strongly. The letter further states:

Without existing use rights it may be argued that buildings which are erected under consent use could well become non-conforming uses at time of being offered for sale.

They refer specifically to commercial areas (for example, on Greenhill Road) which are under consent use zones. The letter states:

In many cases the non-conforming use was in existence prior to the zoning regulations. Under the proposed change, will houses built prior to zoning in any industrial zoning be restricted from additions as housing whilst a neighbour could commence industrial use and expand the adjoining house?

Will this repeal enhance the case of West Beach residents who moved into the area after the airport was there against the proposed expansion of runways? What will be the future effect of a zoning change?

Will the property change from, say, shopping use to residential immediately enforce the shopkeeper to remain in business indefinitely or suffer financial loss on any disposal not only in real estate value but also goodwill, etc.? We believe the legislation is being purused with undue haste and request you consider delaying this repeal to enable full discussions with industry representatives on these matters.

Again, we have not seen that happen. The Liberal Party opposes the repealing of section 56, generally known as the 'existing use rights' provision, for a number of reasons. The first is the retrospective element that it entails. I know that the amendment and the provision that is to replace the repealed section goes some way down the track. However, many people and companies may have purchased property under the protection of the present provisions, knowing that they had scope for expansion either in use or in the physical building structures. By deleting this section these people, who have made a conscious business decision but have not reached the stage of seeking planning authorisation—and I know that is where this provision replacing repealed section 56 differs—will now be barred from exercising that prerogative.

On numerous occasions we have talked about the repeal of this section and the loss of existing use rights. The Liberal Party will continue to be strongly opposed to a situation where a property loses its existing use rights in a non-conforming zone in any event. As was pointed out earlier, it has been a fundamental right since the introduction of the planning legislation in 1967 to not only retain that right to use a property previously developed for a nonconforming use but also not to be in a situation where the owner is disadvantaged at the time the property is sold. As was pointed out in previous correspondence, the Liberal Party believes that the market forces in buying and selling have always kept an adjacent owner from any material disadvantage. Repealing this right of use unjustly increases the adjacent owner's value at the expense of the existing use property. The Liberal Party strongly supports the concept of zoning for permitted uses. In fact, it is a very strong part of the policy that we brought down earlier this year. This enables the purchase of property with the certainty of development rights. It enables the purchaser of the property to know exactly what he can do with it. The Liberal Party has repeatedly expressed its concern about the expansion of a council's use of consent use zoning. In fact, as was stated earlier, this use goes a long way down the track of negating the need for a Planning Act because of its indefinite nature.

For a number of reasons the Opposition strongly opposes this legislation. I find it staggering that the Minister responsible has not shown the courtesy to the groups, the institutes and the industry generally affected by this legislation to tell them that it will be debated. This is a Minister who, over a period of time, has sung the praises of the need for proper consultation. This is a Government that has supposedly consulted along the line. We have had two examples tonight—two different pieces of legislation—where we have seen virtually no consultation. In this legislation there has been absolutely no consultation with the bodies most affected. That is an incredible situation for the Minister to find himself in.

I repeat that as far as the repeal of section 56 is concerned, the Liberal Party will fight this right through. We strongly believe that it is improper for the section to be repealed and for nothing to take its place. Obviously, there is a need for the whole situation to be reviewed. There is the opportunity for discussions to take place if the Government is genuinely concerned about expansion willy-nilly, without any proper regulations to control it. I do not share that concern, if that is what the Minister is concerned about, because in most cases local government has the power to presently put a stopper on such development. It is obviously part of Labor Party policy to continue to belt this through and to attempt to take away the rights of people, as evidenced by this provision. I make quite clear that Liberal Party policy is that we will continue to oppose the repeal of section 56 of the Planning Act.

Mr S.G. EVANS (Fisher): I have spoken on this subject in the past, and I take this opportunity to reinforce the arguments put forward by the member for Murray, the Opposition shadow Minister responsible for matters of this nature. I know that it is said that we can trust those who make decisions about forthcoming applications and that existing use will be able to be transferred or expanded. However, such assurances can be dangerous in relation to people who may have all their assets tied up in a venture but who find that, through ill health or some other reason, they must quit that venture, and perhaps put their property on the market. My interpretation of the provision is that the existing use may not be able to be transferred to a new buyer. I want the Minister to tell me whether or not that is the case.

If it is in the area that I represent many people with businesses may be placed in a position to have to stay in business for as long as they can until they are too ill or too old to work. The Minister might tell me that it is possible to turn the business into a company (that is, if in fact a person is able to transfer existing use to another owner). Is it likely that a person will be able to float a company or sell the property to a company owned by a member of the family or any other individual, or will it be impossible to do that?

This does not apply only to business ventures. People may have bought a house and surrounding property with the intention of adding an extension to the dwelling at some later time. This may happen to be in a commercial zone, but, for example, the extension might be required for accommodation for an aged parent, and in so doing help alleviate Government costs in paying for that elderly member of the family. Such an extension could perhaps be required for an incapacitated person. The Minister might say there is no problem there and that such arrangements would not be jeopardised because most likely people could apply through the appropriate channels and obtain permission. However, 'most likely' is not good enough, and in many instances people have been disadvantaged because such intentions have not been thus interpreted. Down the track, subsequently officers and Governments change, and the courts interpret various provisions differently.

That is the cussed part of legislation like that, that is, that we can easily take away an asset from someone. It is no different from going to a person's bank and saying that, by law, all that money or part of it must be removed—not as a tax—but because it is not in the right place. It is exactly the same thing. Quite often people who own the titles of properties in the real sense do not own the property, as there may be mortgages on it. Is my interpretation of this correct, that is, that it will be very difficult to obtain extension for an existing use property? In fact, it will be virtually

prohibited. More particularly, I refer to the matter of wanting to transfer the existing use to a new owner or a company that one might float. Will that also be prohibited? I might be wrong about this, and I ask for the Minister's interpretation of these matters.

Mr BAKER (Mitcham): I support my colleague the member for Murray in his comments on the Bill. I find it reprehensible that the Minister has to invoke this Bill, because it takes away from a fundamental right that has existed under the Planning Act. We cannot call on the experience of other Parliaments, because this Planning Act is unique to South Australia. So, we have no law of precedent as far as this Act is concerned.

The Hon. D.J. Hopgood: Why not call on our own experience?

Mr BAKER: Let us call on our own experience, and I am sure the Minister will quote some cases. The last time this matter came before the House I asked for some concrete examples. What I got were hypothetical possibilities. We did not have case studies where the Act had derogated from the rights of people while giving them rights that somehow were not due to them.

The Hon. D.J. Hopgood: We got a High Court decision, though, which I'm sure you've studied in some detail.

Mr BAKER: Indeed, we did have a decision. I remind the Minister why that decision came about: through his own incompetence. However, we will not dwell on how and why that occurred: we will just talk about the present situation. The Minister will admit that the existing use provision has been part of the South Australian legislation ever since there has been a Planning Act or something of that nature. I have not gone back—

The Hon. D.C. Wotton: Since 1967.

Mr BAKER: 1967. I am sure that there is probably some allied provision prior to that which allowed people to—

An honourable member: Common law.

Mr BAKER: Common law: wonderful stuff! We should not have written it down in the Statutes but allowed people to continue with activities which had been deemed to be appropriate at the time. When we take out the provision, no person then has a right, and this is where the common law (if that was the situation before 1967) established a right and it was preserved in legislation. It has now been taken out of the legislation, so that it no longer exists.

We then rest on a little provision called 'change in use'. That means that an enterprise involving a house, factory, shop or some other premises in a non-conforming zone cannot as of right continue if the circumstances pertaining to such premises change. What does the Minister decide in the case of premises that are vacated for 12 months, for whatever reason—a death or some other occurrence? Does he deem it as a change in use if someone goes in and refurbishes the premises?

This is retrospective legislation: there are many situations involving people who have bought property on the assumption that they will be able to develop it without changing the use of that property, under the legislation, and the Minister is well aware of that. They may not have actually put in an application to the council and to the Department for Environment Planning to go ahead with any developments on that land. Yet, under this legislation, those persons who have a planning authorisation will be able to continue with it. What happens to the people who do not have an application before the planning instrumentalities and do not have an authorisation?

The Hon. D.J. Hopgood: They've got an existing use right.

Mr BAKER: They do not have an existing use right at all. I also point out to the Minister that those people who have bought property have paid for the potential of that property. The Minister has now introduced a Bill which mentions heritage and under which he says that the land shall be valued, not on its potential use but on its actual use. In principle, the Minister is saying that, to preserve our heritage, we are going to have that property valued on its actual use. Under the same principle, the Minister would recognise that most properties are valued according to their potential and not on their actual use; so, although a person may have bought a property according to its potential, that potential is then removed, because of the change made by this legislation.

Most councils have protections against any sort of potential abuses, and the Minister realises that. Some cases involve consent use, which despite zoning is a practice that has been widely adopted. A number of councils place all applications out for public inspection, irrespective of whether or not they are to be permitted, and this happens even in the case of dwellings in conforming zones.

My colleague the member for Murray has outlined a number of concerns expressed by various bodies in relation to this legislation. In summary, we are removing a right that has probably existed for many hundreds of years. By one stroke of the pen, and because of the Minister's bumbling, we are now going to remove existing use rights.

I would like to quote a few instances in my area where, if the provision is removed, it could cause considerable problems. Perhaps the Minister can also quote a few case studies. He is well aware that, where residential areas abut commercial, industrial and recreational uses, there is inevitably conflict because of noise, other forms of pollution and a vast number of other factors. These establishments have mushroomed over a period before zoning became fashionable and before we had the Adelaide Development Plan.

The Minister well knows that the community at large has expressed resentment on a number of occasions. He, like I would have received a number of submissions to stop something that has been happening. For example, the other day when doorknocking near the Mitcham shopping centre I was asked, 'Can you please close the road?' to which I replied, 'I would not be involved in closing the road.'

They said, 'Yes, but the traffic is terrible' and I said 'Yes, but you bought the house one year ago knowing that the traffic on that road was terrible. You paid for that land a price which recognised that there was an impediment—traffic and the shopping centre. If we close the road, suddenly we increase the value of your property.' There are always people who want to change the system. They want a peaceful life and they prefer no impediments to their well-being, yet they live near airports, garages or timber mills. They buy a house knowing about that sort of impediment.

Mr Peterson: What about ICI?

Mr BAKER: That definitely does not apply to residential areas. These people want to change the system. The price paid recognises the fact that the land is devalued because of a certain activity, yet residents near that activity want to change things. If we take away the existing use right, we delve into what is a change of use. If the Minister cannot understand that he is taking away the right of those businesses, whether zoning changes from residential to commercial, commercial to residential or whatever—

Mr Peterson: What happens if a person lives in an area for a long time and then a business sets up?

Mr BAKER: That situation is not covered. That is a totally different argument.

The Hon. D.J. Hopgood interjecting:

Mr BAKER: No, it is not. We are talking about existing use rights, so there must have been an existing use. A business will not therefore establish in a residential zone if there was no existing use right. There must be an existing

use if there is an existing use right, as the Minister well recognises. People will suffer because of this amendment. I will be interested to hear the Minister's comments regarding an existing use right in a non-conforming area. Pressure will be applied on councils to remove activities that residents believe do not add to their quality of life, although those activities might have a right to be there.

Mr Peterson interjecting:

Mr BAKER: That is not a problem in my district; I can assure the honourable member of that. I recognise that those problems also exist in the honourable member's district, except that in my district the people would be more vocal. The Minister understands the position in which he is placing those who will be affected by this provision.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): It is not often that a Minister, in replying to a second reading debate, is afforded quite the opportunity that the member for Mitcham has afforded me this evening. It is an unfortunate aspect of this place that all that really matters ultimately is the outcome rather than the quality of the argument put forward. So, all forms of irrelevancy, obfuscation and smokescreen can be thrown in because about 400 people in the State read *Hansard*. Many of them are good, honest people who do not understand the nature of the legislation that is being debated, so practically anything, however relevant or irrelevant, is grist to the mill of the contributions in these debates.

We have all been guilty of that on some occasions. Most of us know our limitations and know how far we can push in relation to our knowledge of particular forms of legislation. It is only those of us who go over the edge from time to time and who do not adhere to the limits of our knowledge who get ourselves into real trouble. What the member for Mitcham has done is construct an elaborate edifice which can be, I believe, demolished by the withdrawal of a single stone.

Most honourable members are more careful than that and construct their speeches in such a way that one must do a considerable work of demolition before one can make one's point. However, the member for Mitcham has offered me a supreme example tonight of how it is possible to bring the whole structure crushing down by the removal of just one aspect of that structure. Before I return to that matter (because I would like to let the honourable member stew for a little while), I would like to clear one or two things out of the way.

I will remind honourable members of one or two aspects of the Planning Act which are relevant to some of the matters that have been raised. First, I remind honourable members that there is a thing called section 57 of the Act. It says, in effect, that the law to apply in respect of an application is that which applied at the time of the application. Nothing that we are doing in this legislation in any way affects peoples' rights in relation to that particular matter.

Further, I remind the member for Mitcham, and others that the ownership of property is totally irrelevant to the scheme of control exercised by the Planning Act. Changes of ownership are not relevant. What are relevant are changes to land use. There is, of course, section 4a of the Planning Act, and this bears on the matter raised by the member for Fisher, which provides that existing use right lapses automatically two years after cessation of the use or where the planning authority gives notice and subject to appeal within six months of cessation of use. A shop, for example, may become vacant and be sold. The building may be revised as a shop without approval within two years unless the planning authority gives notice, in which case the period is six months. None of that has anything to do with ownership. The revival of that shop within the period can be in respect of an entirely different owner. It does not matter; the right still obtains. The problem that the honourable member for Murray has always had with this matter (and I say this as kindly as I possibly can) is that he has never come to terms with the basic philosophy of the legislation that he introduced and brought into law.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: I will come to some of those people in a moment because some people have been able to dupe the author of the legislation.

The Hon. D.C. Wotton: Rubbish!

The Hon. D.J. HOPGOOD: Let the honourable member listen and I will enlighten him. Except in relation to one particular matter, which is well insulated from the rest of the legislation (and that is in relation to control of roadside advertisements), the Planning Act does not control land use at all—it controls changes to land use. So, by the very nature of the legislation, existing use is protected.

Section 56 (1) *(a)* was written into the legislation out of an excess of caution—it was not necessary. The Planning Act Review Committee, which I set up immediately on coming to Government, when it reported said that section 56 (1) *(a)* should be removed from the legislation.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: Not at all. The Planning Appeals Tribunal reported that section 56 (1) *(a)* was unnecessary and should be removed from the legislation. It is quite clear now that, in terms of the decision of the High Court, sections 56 (1) *(a)* and *(b)* should be removed from the legislation. There is an old maxim which says that the courts find work for idle words to do.

That is what has happened. The High Court has said that if finds it hard to believe that the Legislature did not have something in mind when it wrote section 56(1) *(a)* and *(b)* over and above the fact that existing use rights are protected by the very nature of the legislation, so what on earth could it have meant? The court then imported into it the meaning which it assumed the Legislature had in mind. That meaning is very dangerous to our concept of control of land use and planning in this State.

If the Liberal Party here or in another place wants to throw out this legislation, it will shortly be quite irrelevant to the whole question of native vegetation controls as that is taken care of in the two pieces of legislation that we are now recommending to another place. However, it remains very relevant to planning generally. If the Liberal Party wants to strike down the piece of legislation that I am bringing forward, I warn it that the storm of protest from local government and residents associations will be very considerable indeed as the ramifications of that decision roll forward.

I return to the member for Mitcham, because the question I want to ask him is this: what on earth has been happening in development control in this State during the many long months in which section 56(1)*(a)* and *(b)* have been inoperative? If the passage of this legislation has the dire consequences that the member for Mitcham has been trying to spell out, and to which obliquely the shadow Minister referred, why have not those unfortuate ramifications already shown up, because section 56(1)*(a)* and *(b)* have been in suspense since November 1984 (in fact, section 56(1)*(a)* has been in suspense for considerably longer than that). If section 56(1)*(a)* is absolutely essential to the maintenance of existing use rights, for some considerable time those existing use rights have been set at nought by the votes of this and another place on two separate occasions. That is the problem that honourable members must overcome.

The industry has been involved in consultation with my department on an on-going basis in relation to these matters

for a long time. We have gone over the argument again and again. There is nothing new in the legislation when compared with what I placed before this House back in November 1984, and, with the exception of section 56(1)*(b)*, prior to that time.

I now say something very serious indeed: there are people outside with a vested interest in section 56(1)*(a)* and *(b)* remaining in the legislation for the reasons I have indicated. The virtual collapse of our development control system as we understand it is one that would be applauded by many people outside who are involved in the development industry and simply do not want the sort of controls that have traditionally been involved. In addition, other people have simply been misled. If it is possible to mislead the author of the legislation, who should understand what is going on, how much easier is it to mislead people outside who have very little knowledge of the legislation?

The Hon. D.C. Wotton: Why don't you talk to them yourself?

The Hon. D.J. HOPGOOD: My officers and I have been talking to them for a long time. The problem with the honourable member is that he thinks they are right. He has been duped by the propaganda coming from those people involved in the legal jurisdiction, who would be able to win cases a heck of a lot easier for some of their clients if this Bill is defeated by Parliament. There is little doubt that vested interests are operating out there and, in some cases, some people have simply misunderstood what is going on here. There are people in the Environmental Law Association who have changed their minds in relation to the effect of section 56(1)*(a)* and *(b)*. They might have said something in the past, but they are now saying something quite different.

I simply cannot get over the basic argument that, if the Liberal Party's fears are at all valid, why have not these dire consequences already come to the fore. The plain fact of the matter is this: without the repeal of section 56 (1) *(a)* and *(b)*, it will be possible to extend existing activities virtually *ad infinitum* without approval of any planning authority.

Of course, it is important that existing uses should be protected, and they are protected by the very nature of the legislation that the honourable member brought down. I am afraid that every person who ever advised the honourable member in relation to this matter sees it that way, because they now advise me and I get that advice. I get that advice from outside, as well as from departmental officers. I get it from Crown Law—

Mr Olsen: The Crown Law Department?

The Hon. D.J. HOPGOOD: I am interested in that interjection from the person who would one of these days like to be Premier. His sneering reference to Crown Law—

The DEPUTY SPEAKER: Order! Any sneering reference is out of order.

The Hon. D.J. HOPGOOD: It is relevant that the Leader of the Opposition should take that attitude towards senior officers of Government who he would hope might one day advise him. I will leave it to Crown Law to pick up from *Hansard.*

Mrs Appleby interjecting:

The Hon. D.J. HOPGOOD: They probably formed their own opinion of the Leader of the Opposition a long time ago. While section 56 (1) *(a)* remains it is obvious from continuing decisions of the court that a particular use can be expanded virtually indefinitely without approval of the development control authorities. That is not something that I or the member for Murray want. The only way he can secure his desire in this matter is to support the Bill. Even more serious perhaps is the High Court's interpretation of section 56 (1) *(b)*. It has been put to me that the High Court interpretation—'beggars belief'—is there for ever and a day.

After all, courts do not have to live with the consequences of their interpretations. It is for the Legislature to fix it up. There is little doubt that, if the point is taken further in a lower court, the lower court will be obliged to follow the ruling of the higher court. The situation is clearly this: it sets at considerable risk the validy of the supplementary development plan machinery which is well known and understood in our legislation. This was fully explained in the second reading explanation, when I stated:

> The intention of the provision—
>
> dealing with paragraph *(b)* of section 56 (1)—
>
> was to ensure that valid planning approvals could be acted on irrespective of subsequent law changes. However, the High Court extended this interpretation so that development projects that did not need planning approval at a particular time could continue to be undertaken without planning approval notwithstanding changes to the planning controls. This effectively undermined the provisions of the Act which enabled the development plan to be amended and led to suspension of the provision . . .

Again, that is not something the member for Murray or his colleagues would like to see happen, but that is clearly the interpretation of the High Court judgment. I was so unkind as to imply that perhaps the member for Mitcham had not looked into the full ramifications of the High Court judgment, If that is not the case, he might like to rise at some stage and indicate the source of his advice on these matters.

I assure the House, that to the best of the advice I can obtain, the interpretation that I have set out in the second reading speech is the interpretation of the High Court. It sets at nought a good deal of our supplementary development plan machinery. I would have thought that that was sufficient to convince reasonable people that this legislation should proceed, and I certainly commend it to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Saving provision.

Mr BAKER: The observations of the Minister for Environment and Planning cannot remain uncontested. He has made a number of comments which I believe show either his ignorance or his duplicity in this matter. He made the statement before the House—and let us get this right—that we had been talking about applications and we made it quite clear that applications were covered under his particular amendment. He knew quite clearly that the Opposition was talking about the existing use rights of those people in those non-conforming zones who had bought the land with potential to develop it under the previous Planning Act which was assumed to be under the new Act—that they had a right to be able to develop their own facilities without undue impact on the land around them. He well knows about that, yet he chose to ignore the argument altogether. As the Minister knows, they now have no rights to do that. The Minister has not replaced anything—he has taken from the Act. As I said, he has taken away a historical right. He is quite happy to take that away and he said that the High Court has placed us in a very invidious position. I agree entirely with the Minister's interpretation and we know who to blame for that.

The Hon. D.J. Hopgood: What are you going to do about it?

Mr BAKER: That is what we are just about to get to. The question still remains as to what happens now for those people who had that right of development under the old Act, who were assumed to have that right of development under the new Act, and who have not made application to the Minister to take up that right. They are disfranchised under this system because in regard to some uses—whether it be delis or whether it be halls or whatever it may be—in

some areas the local residents will fight any development whatsoever which may impinge at all on their lifestyle, even though that development may enhance the facility—it may be to the ultimate benefit of all the people in the community. The local residents, as we are well aware, will fight those developments. They have no rights whatsoever under this change. The Minister knows it and he should recognise it.

The Minister said that section 56(1)*(a)* had been set at nought for a little longer than section 56(1)*(b)* but he did not really tell me—I think it was back early in 1984 when we had the so-called difficulties with his little vegie clearance problem.

The Hon. D.C. Wotton: November 1984.

Mr BAKER: No, it was before that. He said to the House, 'We set this provision at zero; we have not had any problems.' I would like to point out to the Minister that the obverse has not happened either and I would also like to point out to the Minister that anybody who had anything to do with planning was well aware of the temporary nature of the taking off of section 56(1)*(a)*. They were well aware at that time that the problem was caused by vegie clearance; that section 56(1)*(a)* had to be removed because the Supreme Court had supplied a provision which was not in keeping with what the Government wished to do. So, to say that the condition was set at nought and nothing happened is taxing the intelligence of all 47 members of this Parliament, except the one person who made the comment.

I am concerned that the Minister has said that we are to take away his historical right because of incompetence and because the High Court has laid down a position which will cause embarrassment. I agree that the Minister has a difficultly, which it is up to this Parliament to solve. However, I am concerned that there is nothing in its place. I have read section 4a fairly carefully. As the Minister would interpret 4a, that section change of use covers a wide variety of sins.

I have had dealings with my local council about change of use and the interpretation that can be given to what is a change of use and how minute that change of use can be. As the Minister recognises, it is quite clear that any change could almost be classed as a change of use under that section. I have dealt with my council on a couple of occasions and it has become quite clear that it is again a matter of legal interpretation as to what is a change of use.

I am opposed to this measure not because some action does not have to be taken but because the Minister has taken away a traditional right which this side of the House believes is important and which we do not believe will be protected if the whole provision is removed. The Minister has made no attempt whatsoever to replace it with any other formal piece of legislation which will place in principle an existing use right, no matter how limited.

The Hon. D.J. Hopgood: The legislation does.

Mr BAKER: It does not protect.

The Hon. D.J. Hopgood: It certainly has for the past 16 months.

Mr BAKER: I have already dealt with that point.

The Hon. D.J. Hopgood interjecting:

Mr BAKER: The fact is that nothing has happened. I am amazed. The Minister keeps pointing out that nothing has happened, but the Act was proclaimed since 1982 and the other situation has not occurred. However, the Minister has said that now that the High Court has opened up the ball game many people want to play ball. I recognise that, but the Minister has made no attempt whatsoever to preserve that existing use right. I oppose the clause.

Clause passed.

Title passed.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That this Bill be now read a third time.

The Hon. D.C. WOTTON (Murray): Briefly, I am still concerned at the Minister's attitude in regard to this legislation and the repeal of section 56. I am even more concerned about the Minister's suggestion as to the number of members of industry who have consulted with me through their respective institutes, etc. As I said earlier, a large number of those people have made contact and have continued to do so. I do not think that they would appreciate the debates in this House on this legislation in which the Minister has more or less implied that they are supporting a particular passage just for their own sake and that they look to gain something out of it.

I reject that and can only suggest to the Minister that he get off his backside, go out and talk to some of those people who have attempted to talk to him. It is one thing for the Minister to say that they have been having a continuing dialogue with members of his department, but let him, as Minister and the person responsible for this legislation, go out and talk to those people who are concerned and find out how they feel about the measure. If the Minister wants to bury his head in the sand, that is his dog fight. He should just listen to them. The Opposition opposes the third reading.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): This is not a matter of what people want or do not want. It is not a matter of representation of particular interests. It is a matter of interpretation of not simply a point of law but a whole piece of legislation. The position is perfectly clear to me. I know what the honourable member intended when he introduced the original legislation in 1982. I believe that I am now faithfully carrying out his intentions by ensuring that the two unfortunate pieces of verbiage declaratory only as they were that were placed in that legislation can be removed from it. The legislation will then operate in the way the honourable member intended.

The Committee divided on the third reading:

Ayes—(19)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Peterson, Trainer, and Whitten.

Noes—(17)—Mrs Adamson, Messrs P.B. Arnold, Baker, Becker, Blacker, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs Crafter, Payne, Plunkett, Slater, and Wright. Noes—Messrs Allison, Ashenden, D.C. Brown, Chapman, and Mathwin.

Majority of 2 for the Ayes.

Third reading thus carried.

Bill passed.

ADJOURNMENT

At 11.30 p.m. the House adjourned until Thursday 29 August at 2 p.m.