HOUSE OF ASSEMBLY

Thursday 14 August 1986

The SPEAKER (Hon. J.P. Trainer) took the Chair at 11 a.m. and read prayers.

RIGHTS OF WOMEN

Notices of Motion: Other Business, No. 1: Ms Lenehan to move:

That this House condemns the Federal Liberal Council's decision to oppose significant provisions of the Federal Anti-Discrimination Act and, further, this House believes that this attack discriminates against women, the aged, youth and the disabled in both the private and voluntary sectors of the community.

Ms LENEHAN (Mawson): By leave, I seek leave to amend the motion standing in my name.

Leave granted.

Ms LENEHAN: I now move the motion, as amended:

That this House condemns the Federal Liberal Council's decision to oppose significant provisions of the Federal Sex Discrimination Act and, further, that this House believes that this attack against the rights of women in the private and voluntary sectors and in those States which do not have State legislation is grossly discriminatory.

The reason that I move this motion—

The SPEAKER: Order! We have a point of order.

Mr LEWIS: On a point of order. Sir, I have listened with interest and attention to the amendment suggested and for which the member sought leave. It seems to me that that is an entirely different matter, and I ask you to rule, therefore, that it is out of order. The proposed amendment talks not about the substance and the subject as contained in the original motion for which notice has been given.

The SPEAKER: Order! The member for Murray-Mallee will resume his seat. Leave was granted by the House for the member to move the motion in an amended form. The Chair cannot comprehend how, the member having barely uttered a dozen or so words, the member for Murray-Mallee could then determine that she was not dealing with the subject matter with which that motion was supposed to deal. The member for Mawson has leave to continue.

Mr LEWIS: On a point of order, Mr Speaker, it was the stated amendment which the House gave leave to the member for Mawson to move to which I directed your attention, not her reasons for supporting or opposing that proposition. The stated amendment does not in fact address the substance of the motion of which she gave notice; it is another matter altogether.

The SPEAKER: Leave was granted by the House for the member for Mawson to present her motion to the House. That leave has not been withdrawn and will not be withdrawn by the Chair. The member for Mawson may continue. If the member for Murray-Mallee wishes to address himself to the subject, he will have his opportunity to make his contribution in the course of normal debate.

Ms LENEHAN: Perhaps to allay the fears of the member for Murray-Mallee, I would like to explain to the House that, in fact, the amendment merely corrects the title of the Act. The original motion talked about the Anti-Discrimination Act. In fact, I did not at the time have a copy of the Liberal Party's motion, and the motion that the Liberal Party passed talks about the Sex Discrimination Act. Further, the groups referred to after the word 'women', namely, those groups of youth and the aged, etc., are not appropriate, because they are not covered in the Sex Discrimination Act.

I would like to read to the House the motion which I and many members of this community find so grossly offensive. The Liberal Party's Federal Conference on 30 July this year passed the following motion:

That this Federal Council hereby calls on a future Liberal National Party Government to amend the Sex Discrimination Act of 1984 to the effect that it applies only to the Commonwealth Government and its instrumentalities and the instrumentalities directly under its control.

And it specifically excludes the States, voluntary organisations and individuals.I point out to this House that that motion passed the federal council by 23 votes to 21. The following day the National Liberal Women's Conference, held in the same place, here in Adelaide, one day later—

An honourable member: It is an excellent council.

Ms LENEHAN: I am happy to talk about that. That council passed the following motion:

That the National Liberal Women's Conference confirms its support for the need for federal sex discrimination legislation which calls on the Federal Parliamentary Party to reaffirm its support for the principles of the legislation.

That motion passed the National Liberal Women's Conference unanimously. The question I want to pose before I move on to the substance of my motion is: which arm of the Liberal Party is, in fact, in control, and which arm of the Liberal Party is the community to believe? I fervently hope that the women's arm of the Liberal Party would be the one that would be supported. However, like members opposite, I know only too well the political reality. In fact, the male dominated Liberal Party Federal Conference is the one which will prevail at the end of the day. We all know that the only reason many members opposite, and their federal counterparts, have supported provisions for equality of access to education, training and employment for women is because they saw that there were some votes in it, not because they believe in the principles of equality, and not because they believe that discrimination is inherently bad and inherently detrimental to this community.

Let me move on to the substance of my motion. How can any serious political Party in this country stand up and say to the nations—and to 51 per cent of the nation—'Look, it is illegal, it is bad, it is immoral, to discriminate against a person purely on the grounds of their sex, if you are a Commonwealth public servant. However, if you work for a State Government, if you work in private enterprise, or if you are a volunteer, either through local government or through a local organisation, or if you are one of the vast numbers of workers in private enterprise, then it is fine to discriminate against you.' What utter hypocrisy!

I find that offensive, and the women of this country find it offensive! It is outrageous that a major political Party will treat 51 per cent of the population with such utter disregard. Women are not idiots; they are not going to be wooed by some political rhetoric before an election saying, 'We want your vote.' The women of this country—

Members interjecting:

Ms LENEHAN: I am talking because the motion from your Liberal Party Convention actually specifically addressed women; that is the group they addressed, and that is the substance of my motion.

Members interjecting:

The SPEAKER: Order! The honourable member for Mawson will address her remarks to the Chair and not across the Chamber.

Ms LENEHAN: Thank you, Mr Speaker. For a moment I was distracted by that leading light for the Liberals, the member for Murray-Mallee. I will not allow myself to be distracted again. Let me just say that the Liberal Party at the federal level is in total disarray about where it stands on the issue of equality of opportunity for all citizens in this country.

The Hon. Peter Baume, shadow Minister responsible for the status of women, on 22 May of this year—so we are not talking about something in the past—presented this very very progressive speech looking at the rights of women. It makes very good reading. He talks about the hurdles women have to face in meeting equality, and he says:

> Good policy will seek to remove the hurdles from the track...When we talk of equality, we mean equality of opportunity based on merit—

we all agree with that—

> and for reasons of history and social custom there will be special measures needed to ensure that equal opportunity, for example, by examining those educational practices which actually lessen women's ability to get equality of opportunity, and there are many such practices. Because we believe in equal opportunity based on merit, we support the Government's recent equal opportunities legislation.

I ask members: who is speaking for the Liberal Party? Is it Senator Baume, is it the National Liberal Women's Conference, or is it the power brokers of the federal council? I suspect that it is the federal council that will win the day and will take away from women what has taken the whole of the history of this country to establish for them.

I now turn to the political arena, because snide remarks came from the member for Hanson, as is his wont, about the political integrity of what I am saying. I am very proud to be a member of the Australian Labor Party, which has been in the vanguard of supporting women's rights and has shown not only that it is going to stand up and talk about it but that it has done something about it both at State and Federal level. We have the best equal opportunities and anti-discrimination legislation in this country. It was the present Government which brought into this Chamber last year the equal opportunities legislation.

I remind members opposite that in 1983 it was a Federal Labor Government which brought into Parliament and ratified the international convention calling for the elimination of all forms of discrimination. So the equal opportunities or sex discrimination legislation, of which I have a copy before me, is not a radical document thought up in a backroom Party meeting; it is an embodiment of the ratification of an international convention. Why is it that a significant majority of the Liberal Party has so much problem with eliminating all forms of discrimination in this country? I will tell members why—because they fear their own positions of power and privilege. They fear that, if they have an equal race and women are allowed to have access to education, access to—

Members interjecting:

The SPEAKER: Order! Not only are interjections out of order, they are particularly out of order when an interjector demands to know why the member for Mawson does not respond to an earlier (out of order) interjection.

Ms LENEHAN: I think it is very significant that so many members opposite feel so uncomfortable and so angry with the wonderful record of Labor Governments at both State and Federal level. Why are they angry; why are not they rising up to support this motion, and why are not they saying to their Federal colleagues, 'We believe in equality of opportunity not only for women but for all of the community'? They are not doing this because they believe that they should protect their positions of power and privilege. They do not like having to compete in the work force against women who have equal education and equal competence. I feel very sorry for those people because they are throwing away an enormous community resource which I believe this country must use. It is to the detriment of this country if we do not use the expertise, competence, skills and contributions of that group of people who make up 51 per cent of our community. I seek leave to continue my remarks later.

The SPEAKER: Is leave granted?

Mr LEWIS: No, Sir.

The SPEAKER: Leave is not granted. The honourable member must continue with her contribution. Before calling on the honourable member to continue her remarks, I remind her that no further leave to continue her remarks can be given for another 15 minutes.

Ms LENEHAN: Thank you, Mr Speaker. I will be delighted to continue. In fact, I was seeking leave to allow members on both sides of the Parliament, and in particular members opposite, an opportunity to participate, because it was indicated to me by my colleague the member for Morphett that, in accordance with the agreement that had been made, my time had expired, and I was more than happy to be a reasonable member of this House and to give every member a go. However, if the member for Murray-Mallee wants to play these childlike games, then let him do so.

Members interjecting:

The SPEAKER: Order! The honourable member is not permitted to reflect on what is, in effect, a collective decision of the House. If there is not unanimous agreement that leave be granted, then leave is not granted and that, in effect, is a collective decision of the House. The honourable member will continue with her contribution.

Ms LENEHAN: Thank you, Mr Speaker. It is probably very opportune that I have a copy of the Sex Discrimination Act 1984, in relation to which the Federal Liberal Council finds certain very significant provisions so objectionable. The reason I will now quote from some of these provisions, and in fact look at the schedule that accompanies the Act, is that I believe that they provide a whole basis of reason behind the provisions of the Act. Before doing so, I point out that one of the things that the Liberal Party and many conservative elements in our community have sought to do with respect to any equal opportunity legislation has been to try to divide women, to say that women who work and are paid in the work force are somehow opposed to, or their interests are not similar to, those women who work in the home, who in many cases are unpaid and whose work largely has been unrecognised by the whole community.

On Saturday, I was privileged to have the opportunity to attend a seminar arranged by the Zonta Club of South Australia. I point out to members opposite that this is not some left wing organisation: in fact, it comprises a group of service clubs for professional and business women. It was made clear at that seminar that we will no longer allow ourselves to be divided, because we are not talking about different groups of women—women who are in the home and women who are in the work force. Very often we can be talking about the same woman at a different period of her life. The modern woman will spend a period of her life in the classroom, a period of her life in further education and training, a period of her time in the work force, and she may then spend a period of her life at home as a full-time nurturer and carer. I am proud to say that that is what I did: as a wife and mother I was at home looking after my three children for a large proportion of my life.

In most cases, after having done that, women go back into the work force either as part-time workers or as full-time workers. What I am saying is that in many cases the Liberals and the conservative elements have tried to divide women and to say that equal opportunities legislation is opposed to the family, that it is opposed to the woman at home. I say that that is absolute rubbish. That has never been the case. No women that I know who have been involved in a struggle for equality of opportunities for women

have ever in any way denigrated the role of the woman at home. Why would I do that? Had I done so, I would have been denigrating myself, for heavens sake. So, most of the women whom I know have had this dual role of being at home with children and then being in the work force.

I now refer to the 1984 Sex Discrimination Act. For the edification of members opposite I shall detail exactly what some of these conventions are talking about, and I quote the following passage:

> Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognised, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole. . . .

These are the fundamental principles on which the Federal Sex Discrimination Act was based. How can anyone possibly suggest that it is right to discriminate against a person, purely on the basis of their sex, in the private sector, in the voluntary sector and in those States that do not have as we have—and I will put this to the House again—the best anti-discrimination legislation in this country, but that somehow if one is a public servant employed by the Federal Government or its instrumentalities it is not legal and that there is something bad about that and inherently it should not happen? That is absolutely outrageous.

Mr Duigan interjecting:

Ms LENEHAN: As my colleague the member for Adelaide has reminded me, I do not know why I am so outraged and angry. It is probably because I believe that members opposite should have some degree of morality and social conscience about their fellow human beings. Let us look at what members opposite do to women in their own Party. They do not promote them to positions of decision making and power. Quite the opposite.

An honourable member interjecting:

Ms LENEHAN: I remind the member for Murray-Mallee what happened to a candidate who was preselected for part of the seat that I held during the last Parliament. She was absolutely 'done over' politically and forced to resign so that another member could be preselected. The people of Fisher stood up and said what they thought about that. They said, 'We are not going to have that kind of discrimination,' and to their credit they elected the present member for Fisher to this place. I think there is a lesson to be learnt from that by members opposite, although some members have some degree of support for women.

Mr Groom: Not many.

Ms LENEHAN: Well, there are some, but I am not in the business of putting everyone down. Let us look at what the Sex Discrimination Act says in its schedule. Article 2, which the Federal Labor Government ratified on behalf of this country in 1983, says:

> State Parties condemn discrimination against women in all of its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake—

and this is the first thing that we agreed as a nation to undertake—

> *(a)* To embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle.

How can anyone possibly say that we will do it for Federal Government employees and instrumentalities but not for the rest? Is that consistent with an international convention? I suspect that there is absolutely no consistency but total hypocrisy. The second point is as follows:

> *(b)* To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.

Is that not the basis for some kind of equal opportunities legislation and affirmative action policy? Some members may think that this is a radical feminist socialist principle that I am espousing. It most certainly is a feminist and socialist principle. However, it is not confined to feminists and socialists. I am sure members opposite would agree that the Business Council of Australia is a reputable body. It says:

> The Business Council of Australia believes that equal employment opportunity for women is a social change issue critical for Australia's future growth and well-being. The council's policy statement of 18 April 1985 identified the need for critical steps to be taken to reassess and upgrade the status of women in business and to eliminate obstacles and influence changing attitudes which have, in the past, limited their opportunities.
>
> The Government's initiatives in establishing the affirmative action pilot program designed to develop appropriate strategies for the spread of affirmative action equal employment opportunity programs throughout the private sector are welcomed by the business council.

Where does that leave the Federal Liberal Council and its motion? It is a discriminatory motion against women in the private sector, women in the voluntary sector and women who are not presently covered by State legislation. I suggest that it not only leaves them out in the cold but it also gives them a clear message that the Liberal Party of this State—and not just necessarily of this State but also federally—does not give a damn about women. They are happy for women to flock to the polls and vote for them, but they really do not care about the fundamental issues of justice and equality.

Mr Oswald: Over half our membership is women.

Ms LENEHAN: That is fine, of course, and they are allowed to make the tea and raise the funds. The member for Morphett has just given me something about which I would be delighted to talk. Sure, women are at the bottom of the Party, making the tea, raising the funds and giving support to the people that they expect to support them. However, what happens when it comes to the local preselection of women? How many women has the Liberal Party preselected in the past five years for this House? We have one Liberal woman.

Members interjecting:

Ms LENEHAN: The Liberals decided that they would be into tokenism very early on. They got their token woman and that was the end of that. How do members opposite go out to the women of this State and say to them, 'We have our token woman in the Lower House'? I want to say that she does an enormous task. The Party is now resting on its laurels; that is it, finished. It has its token woman in the Upper House. Do members opposite really think that the women of this State will support that kind of paternalistic patronage? I cannot believe that members opposite are so naive.

Members interjecting:

Ms LENEHAN: Indeed, we have a woman on the front bench—we have the Hon. Barbara Wiese, who is extremely competent on the front bench and doing an enormous task. So, what absolute nonsense! We also have six women in this Parliament, and that is not a bad average. Certainly, we would like to see more women, and I am sure that my political Party, not only has its policies enshrined in equality for women but also has in its preselection practices demonstrated that it does preselect women for Parliament. Not only that, but also we have enshrined in legislation in this State measures to protect the rights of women and to embody those principles that this great Party stands for. This motion has exploited once and for all the differences—the funda-

mental philosophical differences—between the Australian Labor Party and the Liberal and National Country Parties.

Mr Duigan: It has exposed the hypocrisy.

Ms LENEHAN: Exactly; it has exposed the hypocrisy and double standards. Of course research is showing that women have left the Liberal Party in terms of their political support at the polls. What is that Party doing about it? Senator Baume is standing up making speeches that any member on this side of the House could have made. But, what is the Party doing in terms of redressing these inequalities and discrimination? The Liberal Party is moving motions to say that if it gets into government let everyone be warned that it will remove those legislative changes that have given women a glimmer of hope of being able to apply for jobs and not be condemned to this narrow field of employment; the lowest paid, most marginal workers in this country are women.

If one looks at the employment breakdown by sex and by class one will find that to be the case. We on this side of the House are saying to those women that no longer will it be legal to discriminate against them purely on the basis of their sex. No longer will they be discriminated against with respect to goods and services, education and a whole range of vital and necessary functions in our community purely because they happen to be born one sex rather than the other.

The Labor Party has thought this through very carefully and clearly, because not only does equality of opportunity for women mean that women have access to a whole range of things like education and employment but it also creates choices, real choices, not just for women, but for men as well. I believe that the men on this side of the House are intelligent and sensitive enough to have realised that in supporting affirmative action and equal opportunity for women they are also broadening the range of choices and roles for men. That is absolutely essential.

I find the Liberal council's motion to be absolutely and totally hypocritical. I trust that members on the other side who have a social conscience and a sense of fairness and justice will find that my motion is actually the correct motion that this Parliament should be sending to Canberra in terms of their own colleagues. I would expect that significant numbers of members opposite will support the motion because they will want to say to the women, particularly of South Australia, 'We care and we are prepared to do something about the position of women in our community.' Sir, I seek leave to continue my remarks later.

The SPEAKER: Is leave granted?

Mr Lewis: No.

The SPEAKER: Leave is not granted. However, in ruling on that refusal for leave to be granted to the honourable member for Mawson, I point out that this prolongs the debate for at least another 15 minutes. Not only can no other request for leave to continue her remarks be made by the honourable member, but neither can any other member of the House put a motion for the adjournment of this question before a further 15 minutes expires. Although I must rule that leave has been refused, I ask the member for Murray-Mallee to consider his position and the effect it may have on all other members with notices of motion on this morning's Notice Paper.

Ms LENEHAN: The member for Murray-Mallee must be so enthralled with what I am saying that he wants me to continue, and I am very delighted to continue because this is one topic of which I have probably had more personal experience and more understanding than I have of many other topics on which I could speak in this Parliament. Perhaps we should go back and have a look at the reasons why any political Party would want to enshrine in legislation provisions which outlaw discrimination against a particular group in the community on the basis of an arbitrary characteristic.

In this case we are talking about the sex of that person, but we could be talking about marital status, colour of skin, cultural background, or sexual proclivity. In fact, we could be talking about a whole range of factors which have been used in a supposedly civilised community to discriminate against people purely on the basis of a random or arbitrary characteristic. It has not been a case of not being able to do a job or study at a particular level because of lack of intellectual ability. It is not a case of failure to participate or contribute in the workplace. The only factor involved is that they were women or men, that they were black, yellow or from a particular cultural background. And were out of favour with the dominant ruling group at the time.

So, the Australian Labor Party looked at the practices that had existed in the workplace, in the educational institutions in this nation, and in the provision of goods and services, and said: this is not just; it is not fair; it is counterproductive, and does not contribute to the good of the country, productivity, social relations, or peace. It is not in any way productive. The Australian Labor Party decided to do something about this. At the conventions of this great Party all around the country, we passed motions calling on the Federal Labor Government to enshrine in legislation protection against these forms of discrimination.

I am delighted to say that at the State level in South Australia, and at the federal level, that is now a reality. That makes a lot of members of the Labor Party very pleased. The ordinary rank and file members, who do not ever aspire to be members of Parliament but who work tirelessly for years to provide the support for the Party in as many ways as they can, see this as democracy at work in its purest form. The ideas that they have had at the grass roots level are translated into legislation and that legislation is embodied in the Statues of this country.

Mr Duigan: And in the administration of our Party.

Ms LENEHAN: And in the administration of our Party, as well as the workplaces of the nation. However, it is not enough just to enshrine in legislation principles of equality of opportunity. We must support that with a whole campaign to educate the community. Never has the need been more patently obvious than here in this Parliament today to educate sections of the community, not only about principles of equity and justice but also about the need to use and maximise this enormous resource which has for the past 100 years, I suppose, never been fully maximised within our society.

I want to talk now about what is behind enshrining those principles in legislation. To explain it simply, it is all about choice. It is about people having the right to choose; whether or not they wish to stay at home full-time for the period of their lives in, if you like, a complementary role, a role in which they are not paid for their labour but share in the fruits of payment of the labour of the person with whom they live. It is about having the right to choose whether or not a person wants to go into the work force. It is about having the right to choose what sort of education one desires. It is about having the right to choose to go into a retraining program and retrain for a whole range of occupations that previously have been denied that section of the community.

As I said earlier, this right to choose is not just restricted to women. It is also open to men. Many men in our community would like to choose to be able to stay at home for a time and share in the parenting of their children. They

care desperately about their children. The member for Davenport spoke yesterday about sexual harassment. I suggest that if more men were involved in the parenting of their children from a very early age, we might just see a diminution in the level of child sexual abuse. We might find that if men are involved with their children in a caring, nurturing role, they will be less likely to physically and sexually abuse those children. Perhaps in the fullness of history we will find that by opening up choices for men as well as for women through legislative procedures and community education, there will be a reduction in some of the heinous crimes of child molestation, rape, and murder. I wonder whether members heard the report on the radio this morning about who commits murder and who are the people murdered.

It is no surprise to me that the single largest group in our community who are the victims of murder are wives and that the single largest group of people who perpetrate murder are husbands. Surely we have to question a society that has, as its power brokers and leaders, a group of people who are murdering another group, who are sexually abusing, assaulting and denying another group access to equality of opportunity. We have to question where such a society is going. I put it to the House that the sort of legislation about which I am talking will ensure that some of these practices will diminish in the future.

I would like now to take up the point I made about choice. Certainly, one cannot have choices if one is not going to provide a support mechanism that enables the community to take up those choices. One cannot have a choice for women to stay at home in the house and look after and care for children and the needs of their husbands if one is not going to provide adequate support networks through government and through the community for those women to do that—any more than one can talk about choice for women to go into the work force if we do not provide high quality, low cost and available child-care. It is just a nonsense to talk about choices. The women's movement to its credit, and the vast majority of women and caring men—and on this side of Parliament 100 per cent of the men are in that category, caring human beings—have said that people must have choices and support mechanisms must be provided to enable women and men to make those choices.

We ought to talk about child-care, because it is only in very recent times that the Liberal Party has discovered that child-care is a winner in the electorate, that it is something that women and men want, need and require. As far back as 1972 the Federal Labor Party, under Gough Whitlam, implemented policies relating to child-care by providing money for child-care, training for child-care workers and support mechanisms through family day care and a whole range of other child-care provisions. That was 1972.

Now in 1986 the Liberal Party has suddenly discovered child-care as a political issue that is a winner. In my own area we have federal members calling on the Federal Government for more child-care support. I want to pay a tribute to the Hawke Labor Government, because it has provided an enormous amount of money for the provision of child-care not only in this State but across Australia. It seems to me that once again we see the hypocrisy of the ballot box coming home to roost in terms of the Liberal philosophy, because the only type of child-care the Liberals have talked about involved private child-care.

Certainly, I recall during the last State election having a look at the Liberal policy which was lifted straight—verbatim—from the policy of their Victorian counterparts. That policy said that the Liberal Party supported the notion of child-care—although they would do nothing about extending it—but what they really supported was private child-care for profit.

What is wrong with private child-care for profit? There is nothing wrong with it if one happens to be in a family of two professional people earning extremely high salaries. If one happens to be in that very small top echelon of people who can afford large amounts of money for child-care, fine, but if one is among the vast majority of Australians not in that category, and if one is one of two people working in a factory, on an assembly line or working in marginal jobs or part time, then one cannot afford private for profit child-care. People must have access to quality child-care that is both affordable and accessible.

I put to the House that the Liberal Party once again has shown its hypocrisy with respect to the issue of child-care, just as it has done in every other form of socially progressive legislation in the time that I have been in Parliament and for many years in this country before that. They are not interested in that form of support for half the population. I refer now to the Eighth Annual Report of the Commissioner for Equal Opportunity, 1984. I remind members opposite who may not come in contact with ordinary human beings who are being discriminated against in their employment, such as the factory worker—

Mr Oswald interjecting:

The SPEAKER: Order! Those remarks are unparliamentary and I call on the member for Morphett to withdraw them.

Mr OSWALD: I do not consider that calling the member for Mawson a nasty piece of goods is unparliamentary, given her comments.

The SPEAKER: Order! I made more than a request: the honourable member for Morphett was ordered by the Chair to withdraw. If he does not do so, I shall name him.

Mr LEWIS: I rise on a point of order.

The SPEAKER: Order! I am dealing with the member for Morphett. I will not entertain a point of order by the member for Murray-Mallee until I have dealt with the breach of Standing Orders that has just been committed by the member for Morphett.

Mr Lewis: What Standing Order?

The SPEAKER: The Standing Order that requires the member for Morphett to withdraw words which are deemed by the Chair to be unparliamentary.

Mr Lewis: Which Standing Order is that?

Mr OSWALD: If that is your ruling, Sir, I withdraw the remarks.

The SPEAKER: I caution the member for Mawson to moderate remarks—

Mr Lewis interjecting:

The SPEAKER: Order! —which might unduly affect the sensibilities of members opposite, although I was not aware what remarks might have provoked the interjection from the member for Morphett in the first place.

Ms LENEHAN: Thank you, Mr Speaker. This very strong reaction to this motion is very puzzling to members on this side. I question why members opposite are so angry. Is it because they fear equality of opportunity for all human beings in this community? I refer again to the Eighth Annual Report of the Commissioner for Equal Opportunity. Under the heading 'Sex Discrimination Act 1984' it is indicated that 183 females and 56 males made a complaint and two complaints were 'not known'. I suppose that two complaints were made but it was not known whether they were made by males or females. A total of 241 complaints were made under the Sex Discrimination Act, as it was then, to the Commissioner for Equal Opportunity in South Australia.

That indicates that what I am talking about is not something trivial, something unimportant, but is in fact something which we as a Parliament must address. In fact, we have addressed it. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SELECT COMMITTEE ON ADELAIDE HILLS LAND USE

The Hon. D.C. WOTTON (Heysen): I move:

That a select committee be appointed to investigate and report on current and future policies relating to land use in the Adelaide Hills and in particular within the water catchment area.

At the outset, I want to outline my involvement with the Adelaide Hills. I was born in the Hills. My descendants came to South Australia almost 150 years ago and my family was one of the first to take up primary production in the Hills. In the 11 years during which I have been a member of this House I have made strong representations on behalf of the people of the Hills mainly because of my love of and respect for that very important part of the State.

I think it is essential that a subject as important as this be considered on a bipartisan basis. I believe that it is extremely important that the opportunity be provided for the Parliament as a whole to consider what is best for the Hills, for those who live there and the effect that future land use may have on such matters as the metropolitan water supply.

A few weeks ago I asked the Deputy Premier, as the Minister responsible for both portfolios (Environment and Planning as well as Water Resources) to say what the Government's plans were in regard to the future of the Adelaide Hills. At this stage I have received no response from the Minister. It seems an extremely sensible idea for members of the Government and the Opposition (without any political point scoring) and with the assistance and involvement of local government, departmental officers, Government advisers and authorities, to sit around a table and to have an in-depth look at the future planning of the Adelaide Hills.

That would also provide an opportunity for any member of Parliament with an interest in the subject to put forward their ideas before the select committee and also to participate in debate which would follow the tabling of a report in this House. It is important that organisations and individuals who have much to contribute on this subject have the opportunity to provide evidence before such a committee. I hope that the Minister responsible, and indeed the Government, recognise the importance of this matter and will agree to the setting up of such a select committee.

I was very concerned to read a couple of weeks ago an article in the *Sunday Mail* that stated that the State Government is under increasing pressure from within its own Party (the Australian Labor Party) to ban further development, including housing, in the Adelaide Hills. I read that the Minister responsible suggested that the increasing pollution of Adelaide's water supply could provoke a crisis in the Hills. The article stated:

'Yes, it is true we are going to have to look at closing down areas of the Adelaide Hills—and it could well be before the turn of the century,' Dr Hopgood said. 'It's something we may be facing within the next 10 years,' he said. Dr Hopgood confirmed a move within the Labor Party to force a virtual halt to all further development, including residential development of existing subdivided allotments in Hills water catchment areas.

The Minister then went on to say (and I find this fascinating and I hope that, if the Minister really believes this, it will provide the basis for his setting up a select committee):

What we need is a constructive debate and some imaginative solutions so that we don't have to close down the farms, ban more hotels and restaurants, and compensate people not to build houses on vacant land they have bought.

Over a long period of time (in fact, certainly as long as I have been in this House), there has been a tremendous amount of debate about the future, for example, of the water catchment areas in the Adelaide Hills. Suggestions have been put forward but, over a period of time, many of those suggestions have been lost and have not been taken up by the Government. The setting up of a select committee would therefore provide an excellent opportunity for that constructive debate to which the Minister is referring and for suggestions to be put up by people who have some responsibility or expertise in the subject.

A couple of weeks ago I had the opportunity, but only briefly, to attend a seminar about the Hills which was conducted for Hills residents, farmers, councillors and government representatives. As far as I can ascertain, no invitations were extended to State members of Parliament to attend that seminar. It was only because I heard of another person being invited that, for a very short period of time, I attended that seminar.

There was at that meeting strong support for improved Hills planning. A number of departmental officers stated that it was time to stop the *ad hockery* and there was strong support for the move to have planning in the Hills carried on in a coordinated and integrated manner instead of the ad hoc and haphazard way in which it is being carried out at present. There was also a very strong call made for the establishment of a Mt Lofty Ranges authority. I have sought further advice from that meeting in regard to the establishment of that authority but have not yet received the information that I require, and I would want to know more about that proposition before I supported it.

I am aware, of course, that not very long ago a decision was made to establish virtually such a committee, made up of Government representatives, of local government representatives and primary producers etc., and those who have an interest in the future planning in the Hills, so that they could contribute to Government policy and, indeed, act as a watchdog in this very important matter.

It sounded great at that seminar, or the little bit of it that I heard, when Government departments were able to talk to each other about the Hills instead of working in blissfully ignorant isolation, as they usually have in the past. Proposals were made for joint studies with full consultation. As I say, it sounded brilliant but, unfortunately, some hidden agenda items started to emerge as well. Then, as I said earlier, the Minister for Environment and Planning, who is also Minister of Water Resources, had his bit to say through the media and suggested that existing watershed controls—and I suggest that those controls are already near strangulation point for primary producers—are likely to get worse.

He indicated that it might even be necessary, as I suggested, to prohibit the building of homes on existing allotments. He went on to say that strong pushes apparently are being made within his own Party to halt all further development in the Hills. I presume that this originates from those with little personal involvement with or commitment to the area, who see it perhaps as a vote catching exercise, and to them only an academic issue.

I suggest very strongly that that is not the case. Their argument, of course, is that if people and development cause pollution of the watershed—and it concerns me that more data is not being provided by the E&WS Department to back that up if that is the case—then people and development should also be strictly controlled, if not totally prohibited. In that media release to which I referred, the Minister

suggested that it might be necessary to compensate people who were unable to build on the land that they had previously believed would be available for development.

The compensation argument has not been very strong as far as the Government is concerned. I do not believe that it has proved that it is able to compensate—and I do not want to go into that because I do not have the time to do it—but it would be a massive and a hugely expensive undertaking by the Government to buy the more developed and polluted areas of the Hills, and quite impractical. I am sure that every member of the House would agree with that.

The alternative, I guess, is to make life so difficult for primary producers that they are unable to continue, are forced to sell out and cannot even afford to wait for a reasonable return on their life's work. Really, without openly admitting it, the Government obviously places its highest priority for the Hills on water quality. Everyone knows that Adelaide water is a disgrace, and that the water catchment area is only part of it.

The Murray River certainly has its problems: it, of course, provides much of the water consumed in the metropolitan area. It is obviously vital to prevent as much pollution of the catchment area as possible, but measures taken to do this should not be taken solely at the expense of Hills residents and farmers. The Government could, for example, help by speeding up its program of sewering densely populated areas and removing treated effluent from the catchment area.

As I have said on many occasions, it is two-faced of the Government to talk about the need to close down parts of the Hills while at the same time it is refusing to carry out programs which would, in fact, result in deep drainage being brought into part of the Hills. In my own area (in fact, in my own street in Stirling) we have virtually raw sewage running down the street. We have continued to make representations to the Government to have the sewer connected over a wide area of Stirling and Bridgewater. It has refused to make that connection, but talks about the need to close the Hills because of problems in the water catchment area.

It is essential that the Hills be recognised as a source of primary produce. I suggest that that source is not available elsewhere, or is available only at a prohibitive cost. It is also a place to live, and to work. Most Hills people would be more likely to accept restrictions on their activities if they felt that the Government acknowledged their importance. Surely the needs of city dwellers, tourists, hikers, and even picnickers should not be given priority—as they are given at present—over the needs of primary producers and Hills residents.

It is, I suggest, most vital that there be a balanced approach to the conflicting demands for land use in the Hills and there not be a one-eyed view taken, as there is at present. Planning for the future of the Hills must also be non-political in its approach. I suggest that the situation is far too critical to be used as a political football for point scoring or vote catching: I regret that that is what is happening at the present time. It is time for councils, residents, property owners, Government departments, indeed, for this Parliament, and business people—in fact, all those who live or work in the Hills or have any responsibility for future planning in the Hills—to speak with one voice about what they want for this area.

As I said earlier, I have continued to ask the Government to come clean, and to say what it wants to happen regarding future land use in the Adelaide Hills. If the Government has a program for future land use, it is essential that we be told about it now and that primary producers and people who live in the Hills be told what the future holds for the Hills, and for them. I challenge the Government yet again to release as a matter of urgency a qualified statement doing just that. Since I first indicated that I would be moving in this place to have a select committee set up I have received considerable support from people throughout the Hills and, indeed, from Government officers who have considerable responsibility for future planning in this area.

I have also received correspondence from constituents and people from various parts of the Hills area. One letter is from a person who has written expressing particular concern about planning for quarrying in the Hills. This constituent is concerned about preservation of good quality bush land. He has suggested that this select committee look at the issue of quarrying in the Hills as one issue and has suggested that there is strong support for that happening. I do not have time to refer to all of the letters that I have. However, another person states that they are grateful that I have signalled an intention to move for a select committee to examine and report. I have received a number of letters wishing me success in this bid and suggesting that it could provide a forum where Hills landowners and users as well as *bona fide* constituents—and the words *bona fide* are underlined—may have a fair and democratic input into policy formation relating to present and future use of land in one of the State's unique areas.

I reiterate that it is a unique area of the State of South Australia which must be protected. We cannot afford to be political about the future of land use in the Hills. Therefore, I plead with the Government to support the need for such a select committee. It seems a very sensible proposition to me. It is strongly supported by government officers and by people who have some connection with the Hills. I will anxiously wait for the Minister to respond and to indicate whether the Government is prepared to support this move.

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

CHILD-CARE

Mr OSWALD (Morphett): I move:

That this House urge the Government to reallocate a teacher position from within existing resources for primary schools with a high single parent population to enable those children to have supervision and care until at least 5 p.m. rather than be left to roam the streets.

In moving this motion I say initially that I believe that the parents of the children I am referring to fall into three groups of working parents: first, the children associated with working couples who do not need a second income but both continue to work to further their careers; secondly, the children in the low income earning group where by necessity both parents work because they have to; and, thirdly, the children of single parents—both male and female—who must work from sheer necessity and for their survival. I have no desire to provide a babysitting service for the first group where working couples decide that they will both be away all day working. That group of people can find alternative child care for their children. However, I have great concern for the group in the community that must work to survive, and particularly the single parents—both male and female.

Most of us would be aware that in our primary schools the single parent component of classes in some cases varies between 30 and 60 per cent. In other words, 30 to 60 per cent of children in some classes come from a single parent home. It is probable that the majority of these children would go home in the afternoons, certainly to an empty house, to watch television, play with school friends or roam

the streets. Many teachers around the western suburbs whom I have been in touch with have told me that there is a need for a teacher to be provided to give some sort of care and attention to these young children after the school bell goes instead of having them roam the streets before they go home.

Unfortunately, many children do end up roaming the streets, and once they start doing that they can come into contact with undesirable elements of society. The police can indicate that, statistically, a lot of the petty vandalism that occurs around the streets in the afternoons is caused by juveniles. It has also been put to me that many of these juveniles come into that most unfortunate category of latch-key kids. I am not asking the department to provide extra salaries, as I know of the constraints that are on the Minister of Education at the moment. However, I am asking that this House support the concept of providing some salary component, reallocated from within the Education Department's resources, so that schools which can be specifically earmarked as having a large number of children from single parent homes can be provided with sufficient funds to ensure the necessary supervision.

I have not found much opposition to the idea. I know that the Minister will say that there are financial constraints on the department. However, over the past 10 years, say, this problem involving children has developed. I cast responsibility for this over Governments of both political persuasions. It is a social problem which perhaps became more apparent after the introduction of the new Family Court and the subsequent increase in the divorce rate, due to a multitude of social problems. However, the net result of all this is that there is now an increasing number of children in classrooms at the primary school level who go home to an empty house.

I think that as a Parliament we can pick up this matter, acknowledge its existence, and request the Government to reallocate a salaried position to schools that can be identified as being needy in this respect. Initially, the schools could be graded; we could pick out the very bad ones in relation to this problem, tackle them first, and then gradually work down to having all schools with this problem provided for.

I refer back to my opening remarks: it is just not acceptable that taxpayers should be asked to pick up babysitting service costs. Further, parents who are working, professionals and others, who can afford child care can secure those services and pay for them—that is fine—and the taxpayer does not have to pick up the tab. But, most certainly, in relation to this motion dealing with the care of single parent children, I ask for the unanimous support of the House.

The Hon. LYNN ARNOLD secured the adjournment of the debate.

COMMUNITY EMPLOYMENT PROGRAM

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

That, in the opinion of this House, the conditions that apply regarding expenditure under the Community Employment Program make that program an inefficient use of public funds.

I know that this is a sensitive area and that as soon as someone refers to this area and points out some faults that one considers could be changed for the better, some people in the ALP consider it as an attack on ALP policies or philosophies. However, that is not my intention. I will attempt to show the House that this program has not worked as efficiently as it should have done and that we could end up with the same end result, that is, the creation of community employment opportunities, by eliminating some of the conditions that apply in relation to the program.

I refer first to the area of labour and the general rules that apply. I know that these can be varied according to the projects. It is worth noting that in relation to Commonwealth funds the labor component is expected to take 56 per cent and materials 24 per cent. The other 20 per cent has to be found by the body building the project with CEP funds, and that can be the local council, a club or any group in the community. In general terms the labour component is expected to include 70 per cent of people who have not been employed for nine months.

However, I understand that the other categories of the labour component do not need to be unemployed for nine months, and are to include 15 per cent disabled people, 4 per cent Aboriginal people, and 2 per cent migrants who have difficulty with the English language; and 50 per cent of these categories should be women, except where the project involves roadworks or similar work, and then that percentage is 25 per cent. I re-emphasise that I know that these percentages can be negotiated to some degree.

What have we done? We have said to the bodies that are using the funds (and at the moment that is local governments) that we want them to employ 70 per cent of people who have been unemployed for nine months. Quite often tradespeople who have been unemployed perhaps for only a month or six weeks are available to work on the project. These people would have the skills and ability to do the work better than those people who have been unemployed for nine months who have possibly been unemployed because they are not good tradespeople or may not be interested in doing the work on a permanent basis.

Therefore, local government bodies cannot obtain the target labour that they want. They are restricted in relation to the people whom they can employ. I will give some examples. The Elizabeth city swimming pool was expected to cost $2 million and will end up having an overrun of about $3 million. In other words, in about 12 months time, when the project is completed, the final cost will be about $5 million. I am not putting all the blame on not being able to obtain target labour. Part of the problem is that the estimations were conducted many years ago, and the project is still not completed.

That project ran into problems when it was unable to employ the quality labour it wanted because of the boom in the building industry. It had difficulty in getting a reasonable work effort in relation to trade skills from many people whom it was forced to employ. Eventually the project was forced to go to contract and the Builders Labourers Federation moved in and applied its muscle, and that caused other problems. Also, the go slow tactics of that organisation embarrassed everyone involved with the project. Trying to specify the labour that may be hired makes a job very expensive.

The Munno Para Bowling Club falls into a similar category where there were overruns of about $200 000 with the cost of the project increasing from $600 000 to $800 000. The Aberfoyle Park Bowling Club is another example of a project with an overrun. Another is the Uraidla oval, and this project embarrassed the local community. Labour could not be obtained to complete that project under the conditions that prevailed, so the local sporting club and community had to raise money to try to offset the deficit because the local council could not find it and CEP funds were not available.

So, we can look at virtually all the projects that involve building and find that we had that difficulty. When it comes down to councils clearing olive trees off the reserves they

own in the hills face zone or setting up cycle tracks and such projects, the difficulty is not as great.

I know that in replying to what I have to say members opposite will read out a list of projects that have been achieved under CEP funding and will also read out a list of numbers, if not names, of people who ended up with some permanent employment from CEP funded projects. I understand and accept that. It would be a shocking disgrace if we did not have some successes. My argument is that it is our duty as legislators and administrators of public funds to make the best use possible of the money in creating projects but also, in human terms, in creating effective jobs.

CEP funded projects have some benefits for the Commonwealth Government. They take some people off the dole list who are paid from Government funds (and some community funds), and those people then pay tax back to the Commonwealth, so that the money the Commonwealth pays is not a total loss to it. The money the community spends is not a total loss to it as it is a benefit to the overall community. Also, it helps to reduce the number of unemployed and the Commonwealth Government can argue that we have fewer unemployed, and that is another benefit. They are the plusses.

In human terms it gives an opportunity for individuals to be employed on projects. That figure of 70 per cent being unemployed for nine months is one of the biggest stumbling blocks. It is fair to say that some of the people that local government was forced to employ were about as useful as a wheel on a walking stick on some projects. In fact they hinder the other employees. As much as people might say that it gave those people an opportunity, some do not want to accept the opportunity and do not want to work. I want to give credit to some of the women that I saw working on some of these projects—some of whom I know—whether it be on the Blackwood hospital project, the Botanic Gardens at Piccadilly or the permanent projects through Blackwood. In many cases they had a greater desire to work in what are so often regarded as jobs more attuned to males because of the involvement of hard physical work. The women were prepared to do that work.

We could say to local councils that they could call tenders for the project and let it out to contract, laying down conditions that a certain number of people have to be unemployed but not saying for how long they have had to be unemployed. I do not mind, if there have to be some women, whether or not they are skilled in the work to be done. If they are prepared to learn the skill, that is fine. In the case of the disabled, we only have to look at Bedford Industries to see that those people are often determined to prove their capacity and give 100 per cent effort to prove that they can do the job. Many who have all their faculties and are fit and able bodied do not do that in our society; if they did, we would not be in the trouble that we are in now.

The conditions we have about employing particular types, whether related to being disabled, migrant or of a particular sex, are not stumbling blocks altogether. Sometimes on projects one cannot attain 50 per cent of women in the labour force as they may not have an interest in that sort of work or a desire to learn that sort of work.

However, on most occasions when that situation arose the department cooperated. Given the estimated cost of building the swimming pool at Elizabeth, the bowling club at Aberfoyle Park, the project at Munno Para, the club at Uraidla, and some of the projects on footpaths and so on, if these works were on contract we would get about 50 per cent more done for the same money. In other words, we are only about two-thirds efficient, if that.

Therefore, if one-third of the money was available for other projects, we would end up with more community buildings, footpaths, roads or whatever. In doing that, we would also create jobs down the line because more building materials and transport vehicles would be needed. Thus, more jobs would be created in the private sector, and even the Commonwealth Government and the State Government now say that the private sector has to be given a chance to get back in the game, and that would have occurred.

If the unemployed did not have to be off work for nine months before they were employed, the very skilled tradesmen would be readily available to do the work, after they had been put off when there was a slump such as we are now experiencing in the building trades and other areas. It is better to have more done by those people and create more jobs down the line as storemen and packers, and so on. So the nine month provision is a killer to the project.

The other killer to the project is that 56 per cent must be labour content. Anyone in his right mind knows that the labour content should not be 56 per cent in many projects now undertaken. All that is being achieved is that more money is being spent on labour because it will help the Commonwealth Government cover up the unemployment figures and the amount paid out in unemployment cheques. If the work is done by contract, more will be employed. Let them do the projects with the amount of materials they need and the amount of labour they require without forcing on them this 56 per cent labour content. What happens is that a project in a community is undertaken and if the labour component does not make up 56 per cent, either a few more people are employed to take it up to the 56 per cent or a retaining wall is built or paving slate or stone is used, and that is expensive.

I was brought up in the stone business and probably have as much skill as anyone in that field, and it is the most expensive way of doing anything today. The cost of stone is so exorbitant that only millionaires or businessess can afford it. The lasting quality of stone is no better than cement, so why use it. Stone might be a little more attractive, but you can do virtually the same thing today with cement and concrete. Therefore, we have a set of conditions that make it very difficult for local government to operate efficiently. Local government receives a lot of criticism from the community because people say, 'What are those 14 or 15 people doing on the side of the road watching the other four people work?'

The Hon. J.W. Slater: Waiting for lunch.

Mr S.G. EVANS: I do not believe that is the case. The reason is that they do not have the skills and the council has been forced to put them on to reach the 56 per cent labour component. That is really wicked when a society says: we want to employ someone to do nothing; because that is what we are telling them. Is it fair to the individual? Let us look at that individual. Perhaps many of them really want to have a go and try to get back into the work force. With the pressures on Government today, they are lucky to find a position in the public sector, so they have to go to the private sector. If they are on these projects and all that they have been able to do is stand around and do very little—and quite often the foreman employed on the job is a foreman who has been unemployed for nine months, so he is not the best foreman or forewoman in the world—

The Hon. J.W. Slater: Foreperson.

Mr S.G. EVANS: There are not many women in that field but there will be in the future. You have a foreperson, to suit the member for Gilles, on site who really is not very talented, and there are people forced to be there. There is not enough work for them, and they do not have enough

skills anyway, so what sort of incentive is that? What hope do they have when they go to an employer and say, 'I worked on a CEP funded project. There were 22 on it but there should have been only 12'? It is hopeless, and we should realise it. I am suggesting to the House that we should be allowing local councils to have more freedom to get the type of labour that they want regardless of how long those people are unemployed. It can be that they have to be unemployed—I do not mind that. Also, they should be able to keep them as long as they have projects under the CEP funded scheme.

The other stupidity is that if they have people on one project, on average they cannot use them on the next project. They have to make a special application. Unless they can prove that there is nobody else available, they cannot use those same people again. In other words, the council has had them for three months on one project, has given them some training and they have learnt to understand the foreman or engineer-in-charge, and if the council has another project, it must say to those employees, 'See you later. You have learnt a little but we cannot help you any more. You are back on the dole queue. We have to take on another lot who have no experience and start all over again.' Quite often, that includes the foreperson. How ridiculous is that! I know that in some cases some councils are able to give an engineer the job to be the person overseeing all of the projects. They are able to do that within CEP funding or they were lucky enough to have suddenly available an engineer with that sort of experience who had not worked for nine months for whatever reason, and end up with a capable person. I suppose that Munno Para is one of those councils—there may be others.

I know that there will be a vicious attack from some saying that I am knocking the CEP project and suggesting that it should not be there. I am not saying that. Quite clearly, I am saying we should make proper use of public funds and not force councils to employ people who are not able or do not want to work. That is the problem for another section of society, for social security, community welfare and education. It should not be a burden placed on councils or communities. I am on the committee of an organisation which agreed to a project and contributed $10 000 from our funds. I do not say it was an efficient use of money, but the reason it is done is that if you want anything out of a system, you have to participate. If that had been done on a contract system, it could have achieved in excess of 50 per cent more. So, why do we do it? I do not say that money is the be-all and end-all of the argument, but at a time when the country is in a crisis because of money, and because of the employment situation, let us put it out for tender and do more projects and create more jobs down the line.

If members opposite would do any research, they would find that more jobs would be created and more people would learn skills that would help them in the future. More people would understand what it is like to be in an effective work force, to be successful and retain a job than under the present system. At the moment, all we are doing is condoning a lot of people using the system because that is all they do for two or three months on the job. They are forced to leave it because of the rules, and then they have to wait another nine months before they are again eligible under that scheme. Often, some of them are not interested in getting back anyway. I ask members to debate the motion with all the vigour they like and let us see whether we can come up with a better system than we have at the moment. I ask members to support the motion.

The Hon. LYNN ARNOLD secured the adjournment of the debate.

FRINGE BENEFITS TAX

Mr OSWALD (Morphett): I move:

That this House condemns the support given by the Premier to Prime Minister Hawke over the Federal Labor Government's fringe benefits tax and calls on the Premier to seek the removal of the tax which is threatening to destroy many small businesses in this State and which will add additional administrative costs onto those which survive.

Most members of the House and certainly the South Australian public are acutely aware of how ineffective the Premier has been in fighting with his Canberra colleague Bob Hawke against this iniquitous tax. The Premier has been completely inadequate in his representations and, as will be revealed as the debate goes on, it was not until we had the Labor Party's disaster in the New South Wales by-elections and the subsequent results that the Premier decided that he should do something about sticking up for the rights of South Australian taxpayers.

Until that time we had seen the Premiers of Western Australia and New South Wales combining with the business community to fight the tax, yet our Premier remained silent. He remained silent because philosophically he is committed to that tax and believes it is a good idea. It is only the political survival of his Canberra colleague that has prompted the Premier at last to get off his backside and start to act in the interests of South Australian taxpayers.

The fringe benefits tax (FBT) is the second part of the Federal Government's tax reform package. It has to be noted that, whenever a Labor Party of federal or State pursuasion sets about to reform the tax system, the bottom line is that taxpayers pay more. Indeed, I defy any member to show where the Labor Party has set out to reform the tax system where the bottom line has been that the public does not pay more. This tax will be part of an expanding tax gathering system implemented by Mr Hawke. However, both the State and the country is overburdened by tax now, yet we have another tax, implemented by the Hawke Government, which has already proved that jobs are being lost right across the Commonwealth.

My motion calls on the Premier to denounce the tax in the strongest and most vehement terms that he can muster and to go to his federal counterpart—his friend and colleague in Canberra—and denounce this tax in the strongest terms so that the tax will be withdrawn in the interests of all South Australian taxpayers. The Opposition has strong and definite views on this subject. I now wish to refer to a statement by the federal Leader of the Opposition (John Howard) on the subject of the fringe benefits tax. Headed 'The coalition will repeal fringe benefits tax', the report states:

The Opposition has considered in detail the Keating fringe benefits tax. This legislation is anti-business, enormously bureaucratic and will do great harm to the productive sector of the Australian economy.

We are already seeing this starting to happen. The statement continues:

On election to government the Coalition will repeal the Keating fringe benefits tax. It is economic insanity for the Hawke Government to be introducing wide-ranging anti-business taxes at a time when Australia has a balance of payment crisis.

The Government should be doing everything in its power to encourage investment and export earnings. Instead, Mr Keating has decided to mug Australian business and farmers with an enormously complex fringe benefits tax. This is a costly, unfair and punitive way of tackling areas of undoubted abuse that do exist in relation to certain fringe benefits. In the name of tackling

these abuses there is no justification for the method adopted by Mr Keating that will:

- cripple many small business and farming enterprises; and
- put thousands out of work in the motor vehicle industry and in rural areas.

Our federal counterparts are absolutely committed to the removal of this tax. We are looking for leadership from the State Labor Party to do something about it. Mr Hawke, the Prime Minister, said that any reform of tax laws must lead to a simpler taxation system. However, this legislation will make the system more complex. Mr Hawke also said that any reform must provide the best possible climate for investment, growth and employment, but this measure has done quite the contrary. We have seen a decline in the number of jobs in many industries. The restaurant industry is in ruins, the car industry in this State is in tatters, and investment in this State is down. Consumer confidence is at its lowest point. The number of bankruptcies has reached the highest level since the depression. That is a sorry indictment of where we in this State are going: it is an indictment of the Labor Party, both Federal and State.

It was stated in the *Advertiser* yesterday that spending is at an all time low, because people fear where we are going. The South Australian and Australian economies have not yet bottomed out: that may occur at about Christmas time. We are certainly in for bad times, yet this Labor Government proceeds to introduce a fringe benefits tax, which has a flow-on effect. It will destroy jobs in the car industry and all service industries. At a time when the Australian dollar is juggling around the 60c mark and overseas investors have said that they have no faith or confidence in this country or in its work force to produce goods at a competitive level, our manufacturing base has been ruined by both the Federal and State Governments. At a time like this, every day the unions are moving for higher wages, disregarding the non-wage earners in the community. Those who are lucky enough to have a job are agitating daily for higher wages. And the Government has introduced a fringe benefits tax so that those who are the payers of industry must pay more tax.

The fringe benefits tax will be paid by the employers, who are struggling to pay wages, at a time when Australia is about to enter a depression—and that is evident to the rest of the world. Last night I cited part of a Hong Kong newspaper editorial, which put in a nutshell what countries overseas think of Australia and of prospects for investing in Australia. That message was loud and clear—do not invest in Australia because (to use the words of Paul Keating) Australia has become the folklore concept of a banana republic. We are in trouble, and this is not the time to introduce a fringe benefits tax.

Why cannot the Premier see that? I said initially that he could not see it because it was his philosophy to go down that track, but his counterparts in Western Australia and New South Wales have united with the business community because they can see the ruination that this type of policy would bring. Yet our Premier, again and again, in his weak way stands back and will not make decisions. He is reluctant to make decisions: he makes a decision only when he has to and at the last minute. It was the by-election in New South Wales that prompted the Premier to realise that, if he does not hurry up and get on the phone to Canberra and start talking tough to the Prime Minister, the other States will be seen to do it for him.

The Premier is weak, and in his weakness he is helping to destroy the manufacturing base of this State. He will preside over the demise of the car industry if he is not careful. Already, workers at Mitsubishi are working a four-day week, according to the newspaper. Workshops in country areas that previously operated on a 10-day fortnight are now operating on an eight-day fortnight and are talking about a seven day or six day fortnight because of the business difficulties that they face. Yet, the Government persists in imposing more taxes and costs on business, which cannot survive.

As to the situation in Western Australia, an article in the *West Australian* of 1 August stated:

> A consortium of major WA employer and industry groups has gained State Government support in its attempt to force the Federal Government to change fringe benefits tax legislation.

Under a heading 'Government backdown tipped on fringe benefits,' an article in the *West Australian* of 8 August states:

> The Federal Government is considering significant changes to the fringe benefits tax and an alternative means of collecting revenue... Senior informants said this last night as heavy back-bench pressure for a change came from Labor MPs, particularly right-wingers... Strong opposition to the fringe benefits tax has come from the WA Premier, Mr Burke...

That is fine, and I compliment Western Australia on taking that action. In South Australia, on 6 August, in reply to a question asked by the Leader of the Opposition about the fringe benefits tax the Premier said:

> As to the question of whether I will, like Mr Brian Burke, the Premier of Western Australia, lead a delegation to Canberra, I suggest that at this stage it is an exercise in futility and I am not terribly interested in such exercises.

An exercise in futility be blowed! The Premier of Western Australia is prepared to stand up for his State and has obviously won. The Premier of New South Wales acted in a similar way. I was going to read an article about his actions but, in deference to the speakers who are to follow me, I will not do that, other than to say that the same exercise was reported in the *Sydney Morning Herald*: the New South Wales Premier went into bat for his State, his representations were taken on board, and the Federal Government is allegedly now examining the matter. I have grave fears as to what the final outcome will be, but no doubt we will find out from the budget.

In the meantime, our criticism is that once again the Premier of this State decided not to make a move. Some months ago he made some mild mannered mumblings about the effect that the tax would have on jobs in the car industry in South Australia, but we have not heard him in full flight on this matter because he supports his friend and colleague in Canberra on everything. We have not heard the Premier in full flight either on the impact of this tax on the restaurant industry or on the rural community. He says nothing, because he supports it.

The fringe benefits tax does involve problems at the top end of the scale which everyone says have to be addressed, but I think about 59 per cent of residents in this State are affected in some way. If employers are to be obliged to pay the tax and industry has to pick it up, we will see a further demise of the companies involved. This State—indeed, this country—is not able at present to accept the fringe benefits package proposed by the Federal Treasurer. We call on the Premier to vehemently fight the tax on behalf of the taxpayers of South Australia.

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

MOUNT BARKER ROAD

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

That this House considers the Government's planned time of commencement, at the earliest in 1988-89, for the construction of a safer transport route than the existing dangerous northern section of Mount Barker Road is totally unacceptable and therefore calls on the Government to commence work on this project immediately the preferred new route is decided later this year or,

alternatively, to immediately have work begun on eliminating the dangerous section at the Devil's Elbow and installing concrete median strip traffic deflector barriers in accident prone areas.

Unfortunately, it means that I will have to split my comments on this because of the time factor, but I wish to go back over the history of this project. I do not wish to embarrass colleagues on either side by my statements, but I wish to have recorded the facts about this. There were troubles with that part of the Mount Barker road going back 10 years or more, and correspondence was exchanged between Ministers and members of Parliament—more with me than with any other member of Parliament—about those difficulties.

I suppose that it really was highlighted strongly on 4 January 1980, when I wrote to the then Minister, Michael Wilson. My letter stated:

I am concerned that on certain sections of roads approaching freeways we have median strips, but no central barriers said to deflect cars back into the flow of traffic in which they were travelling... The most recent example is near the Toll Gate on the main South-Eastern Freeway at Glen Osmond on Christmas Day. A car being driven towards the city crossed the median strip, resulting in a head-on smash with a car travelling in the opposite direction which was on the extreme left lane, causing death to the driver of the first car and serious injury to one of the occupants of the second car.

The person who died was a close friend who had worked as a journalist, and I have no doubt that that person would be alive today if that barrier had been there to deflect the car back into the traffic. The other young couple were going on honeymoon on Christmas Day, and just the tragedy of that alone is enough to make us realise there is a problem.

At the same time, the concrete industry wrote to me about concrete barriers. On 22 February Mr David Linn, a field engineer for the Cement and Concrete Association of Australia, wrote to inform me that the barriers were used extensively in Victoria, New South Wales and the United States of America. In other words, they are readily available for people to look at and assess. On 25 July 1980 the Minister wrote:

Thank you for your letter dated 2 July 1980, enclosing a booklet on 'The Safety Shape' forms of median barriers. There are several problems associated with the use of this type of barrier, such as reduced sight distance at median openings, increasing the number of side-swipe accidents and the serious hazards of end-on impacts as may occur at median openings. It is intended to take action to eliminate the dangers associated with out of control vehicles crossing the median on the Main South-Eastern Road. However, a decision has not been made on the type of median barrier to be used because o the complex circumstances prevailing on the Main South-East Road.

On 24 March 1981, the Hon. Michael Wilson informed me that he would have the matter investigated. On 21 April 1981 I raised the matter again—and because of the time I will not read the letter now—with the then Minister, and the Acting Minister, Dean Brown, replied, pointing out that there was to be a further investigation. The embarassing thing to me is that, in the time of the Liberal Government, three Ministers represented the main section of the South-Eastern Freeway between Mount Barker and Adelaide. I, as Whip, holding what some people see as a senior position, was the fourth Liberal representing that area—and we did nothing.

I raised this matter and fought it in every way I could, but I could not achieve success. I am not out to attack the present Minister, or the present Government, or to say that they are all wrong. If we wait until 1988-89 before we start thinking about this work it will be well into the 1990s before major work is done to this section of the Mount Barker Road.

Therefore, I ask the Government to look, before this subject is again debated, at speeding up the matter. It was promised in 1980, but six years later, having received a federal grant, it appears that it will be another four or five years, or more, before something happens. Several routes will be put forward in October, when the preferred route will be selected; but waiting for another four or five years, is not satisfactory: people will be killed in that time.

I refer to the case of a sister, from a local hospital, who was badly injured. The amount that it will cost to get her back into the community would have gone a substantial way towards doing something to this road. The barriers would have cost $800 000 to $900 000 in 1981, according to the then Acting Minister, Mr Brown. This lady is a friend, and I am glad she is well again, but the cost of her intensive care would have run into $100 000, or more. That is a disgrace when it has been admitted that a problem exists. I will leave this matter until another day, and seek leave to continue my remarks later.

Leave granted; debate adjourned.

STEAMTOWN PETERBOROUGH (VESTING OF PROPERTY) BILL

Mr GUNN (Eyre) obtained leave and introduced a Bill for an Act to vest certain locomotives and rolling stock in the Corporation of the Town of Peterborough, and for other purposes. Read a first time.

Mr GUNN: I move:

That this Bill be now read a second time.

In the brief time at my disposal I wish to explain to the House the Bill and the reason for introducing it. All members would be aware that a select committee sat during the time of the previous Parliament and thoroughly investigated this matter. I commend the report of that select committee to all members when they are considering this Bill. The purpose of the Bill is to vest certain assets which were sold to a resident of Peterborough and which previously belonged to the Peterborough Steamtown Organisation in the corporation of Peterborough so that they belong to the people of Peterborough, to whom they were originally intended to belong.

I did not wish to carry this course of action into law, but I believe that it is my responsibility to act on behalf of those people who have expressed concern. Any member who doubts that this Bill is necessary should read the evidence of the select committee. As this is a hybrid Bill, it must be referred to a select committee. I commend the Bill to the House and hope that it will have a speedy passage through both Chambers to become law thereby resolving a most difficult set of circumstances.

Mr FERGUSON (Henley Beach): I second that proposition and seek leave to continue my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 1 to 2 p.m.*]

PETITION: PROSTITUTION

A petition signed by 123 residents of South Australia praying that the House oppose any measures to decriminalise prostitution and uphold present laws against the exploitation of women by prostitution was presented by Mr Peterson.

Petition received.

PETITION: ELECTRONIC GAMING DEVICES

A petition signed by 212 residents of South Australia praying that the House legislate to permit the use of electronic gaming devices was presented by Mr Peterson.

Petition received.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr KLUNDER (Chairman, Public Accounts Committee) brought up the 44th report of the Public Accounts Committee which related to Asset Replacement in the Housing Trust.

Ordered that report be printed.

MEMBERS' CONDUCT

The SPEAKER: Before Question Time starts, I wish to make a statement. Since the resumption of Parliament, there has developed an unsatisfactory escalation of hostility between certain members which is not conducive to the harmonious operation of the House. Standing Order 154 explicitly reminds us that 'all imputations of improper motives and all personal reflections on members shall be considered highly disorderly'. However, it has not been the practice of this House to adhere to that Standing Order with any rigidity. For example, a perusal of *Hansard* suggests that questions and answers frequently breach this Standing Order (albeit in a minor way) for most of Question Time each day, not to mention a majority of interjections similarly breaching this Standing Order.

The Chair is of the view that there has now developed a tendency to flagrantly abuse the latitude traditionally extended in relation to Standing Order 154's requirement concerning imputations of improper motives and personal reflections on members. The Chair has clearly indicated on previous occasions that any unparliamentary expressions used must be withdrawn by a member who is ordered to do so by the Chair.

Further, members may from time to time be requested by the Chair to withdraw words which have caused offence to another member where that other member has personally indicated that he or she has found those words offensive. In most cases, the sensitivity and commonsense of the member using those words can be expected to induce him or her to withdraw the offending words when requested to do so. In addition, Erskine May indicates that it should be standard parliamentary practice, in the event that a member is sincerely of the belief that another member has committed an action worthy of censure, to express that belief by way of substantive motion rather than by way of questions, personal explanations, grievance debates or interjections, which (either directly or by innuendo) flagrantly breach Standing Order 154's direction concerning 'imputations of improper motives' and 'personal reflections on members'.

Wherever appropriate, the Chair can and will intercede to prevent quarrels or to moderate the level of disputation but, as always, the tradition of this Parliament has been that it is incumbent upon the individual member to remain within the bounds of propriety and refrain from the use of pejorative remarks, and I call on all members to do so.

QUESTION TIME

YOUTH MUSIC FESTIVAL

Mr OLSEN: Will the Premier say whether the Government intends to renege on the $100 000 loan that Coca-Cola Bottlers provided to the Youth Music Festival? In his memorandum to board members on Tuesday, the Jubilee Board Chairman, Mr Bonython, said that the position with Coca-Cola Bottlers was by no means clear. However, the Minister Assisting the Minister for the Arts, Ms Wiese, said yesterday that there would be no additional allocation to meet any deficit. Will the Premier clarify whether this means that the Coca-Cola loan will not be repaid?

The Hon. J.C. BANNON: I have no information on this matter. I will obtain a report for the honourable member.

SCIENCE AND TECHNOLOGY CENTRE

Mr ROBERTSON: Will the Minister for Technology inform the House of any plans that his department may have to establish a science and technology centre in South Australia? I refer to a recent article by Ronald O'Hagan in the *Engineers Australia* journal which states:

> There is a possibility that interactive science and technology centres similar to Questacon in Canberra could be established in Western Australia and South Australia.

Will the Minister inform the House of any plans he may have in this regard?

The Hon. LYNN ARNOLD: I can certainly advise the House that there are plans under way for the development of a science and technology centre within South Australia. The Playford Trust of South Australia has done a detailed study on this matter and is undertaking further work to advise the Government on what could be a very promising venture in this State. We already have a very small version of a science and technology centre in the CSIROTECH centre at Woodville, which is right next door to the CSIRO manufacturing centre. Staffing for the centre is funded half by the CSIRO and half by the Education Department, and it has been in operation now for I think some 18 months. Clearly, it exists mainly to service the needs of students on school tours and it is nowhere near large enough to meet the kinds of ambitions that a centre like Questacon in Canberra has.

I can therefore say that the work of the Playford Trust at the moment is something that I think is very important indeed. I think that the development of a science and technology centre—a hands-on centre and museum; a museum that says 'Please do touch'—is very important indeed. I look forward to hearing a further report on this matter from the Playford Trust at the earliest opportunity. Yesterday I reminded the Director of the Ministry of Technology of my ongoing interest in this matter and asked for a progress statement as to when I can expect a further report. He advised me that within the next three weeks I should have a further report on the matter.

For those members who are interested to know more about the concept of a science and technology museum, which is a 'Do touch museum' as opposed to a 'Don't touch museum', Questacon in Canberra is sending a travelling exhibition to Adelaide. It will be here from 25 to 31 August. It will be on display at the South Australian Institute of Technology in North Terrace and it will be open to the public over that six-day period. I strongly urge members of the public to visit it. It is the direction to go, for many other centres similar to Questacon exist overseas in the United States and in many centres. They exist, for example, in the Boston Children's Museum, the Ontario science fair in Toronto and there are similar examples in San Francisco and other places.

I think it would be fantastic if we could develop an image whereby our young people, rather than feeling they have to spend aimless hours on weekends looking for the nearest

game of space invaders, could use the same skill that it takes to play those games at a science museum, which could encourage their mental activity. To think of the prospects of a science and technology museum encouraging many young people to spend their leisure hours is something that I think should excite all of us. As soon as I have more formal reports on the matter, including the options available to the Government and where it should be housed, I will inform the House.

The SPEAKER: Order! Before calling on the next question, I advise that questions to be directed to the Minister of Housing and Construction should be directed to the Minister of Labour; questions to be directed to the Minister of Education should be directed to the Minister of State Development and Employment; and questions to be directed to the Minister of Agriculture should be directed to the Deputy Premier.

BALANCE OF PAYMENTS FIGURES

The Hon. E.R. GOLDSWORTHY: Does the Premier agree that today's disastrous balance of payments figures are further grim news for businesses, farmers and home-buyers because they will put further pressure on interest rates? If so, will the Premier immediately call on the Prime Minister to make major changes to Labor's economic policies, or does he still stand by the statement he made on 15 November last year that 'Treasurer Keating's economic policies are correct'?

Today's balance of payments figures for July are the second worst on record. They show, contrary to what the Premier said in this House last Thursday, that the J curve is not working, because imports are up 2 per cent in seasonally adjusted terms and exports are down 3 per cent. The latest retail figures are also out today, and they once again confirm that South Australia is leading the economic decline on mainland Australia.

They show that in the last quarter of the 1985-86 financial year growth in retail sales in South Australia over the same period in the previous year was the lowest of all the mainland States. The result, in real terms, amounted to no growth, showing a massive loss in consumer confidence. With indicator after indicator and survey after survey highlighting that our national and State economies are now in steep decline, the Premier must now be prepared to call on the Prime Minister to make major changes in national economic policy.

The Hon. J.C. BANNON: I have not had a chance to analyse the balance of payments figures. They are certainly not good, and the market will obviously react negatively to them. However, I hope that there will not be an overreaction. I do not think that any member of Parliament or anyone in a responsible position to comment should be aiding that reaction, because it is most important that we wait and see what the targets and estimates of the federal budget reveal. That is surely the most important indication of economic direction that the economy will have and it will be presented next Tuesday.

It certainly will be an important document. The Federal Government has already indicated a number of changes in its economic directions in response to the crisis. I have not been able to analyse the remarks that the Deputy Leader of the Opposition made about the J curve effect. However, I remind him that what I was talking about was the volume figures as against prices and, in terms of volume, there is no question that the J curve effect is showing up. It has been matched by a devastating reduction in our commodity prices, and anyone who is interested in the primary production sector—and from a lot of their statements it is clear that members opposite do not have too much concern for it, although I thought that some of them should be fairly close to it—would be greatly concerned about the prices for grain and sugar, and about the dumping that is going on and subsidisation by our competitor countries.

All these things are of grave concern and will have an economic impact in Australia. I repeat that the Federal Government has already indicated a number of changes of direction and of specific policies. In relation to foreign investment, some major changes were made last month which represented a considered, but not panicky, response to the problem that faces it.

The Hon. E.R. Goldsworthy: Crisis management.

The Hon. J.C. BANNON: Yes, crisis management is the appropriate term. As anyone who has been studying the international situation would know, the crisis that we face requires cool heads, sound decisions and strong management. We look to that in the federal budget that comes out next Tuesday.

Mr Olsen interjecting:

The SPEAKER: Order! Interjections are out of order, particularly when the member interjecting glances up at the press gallery first.

URBAN GROWTH AREAS

Mr DUIGAN: Could the Minister for Environment and Planning indicate when the Government will be taking decisions about the location of future urban growth areas for metropolitan Adelaide? The report of the future development options for metropolitan Adelaide has been circulating since earlier this year and has attracted extensive and widespread attention. Every major professional group, including the Local Government Planners Association, the Institute of Urban Studies and the Institute of Planners (as well as a variety of other bodies) have had seminars dealing with the contents of the report. Indeed, in this House the report was referred to by no fewer than five speakers during the Address in Reply.

The report identifies five major growth areas or options for future development and suggests that the principal choice facing the Government and the community is whether to continue to expand Adelaide as a linear city or begin the process of urban consolidation to reverse the population decline in the inner sectors of metropolitan Adelaide. As a number of people and organisations have commented on the report and presented submissions, could the Minister advise the House of the Government's timetable and when the work of the advisory committee on urban consolidation will be reporting to him?

The Hon. D.J. HOPGOOD: The Government first initiated all this as a result of advice which indicated that the working through of the staging sequence involving the various rural A areas to the north and south of the city would mean that the land currently earmarked for urban development would be used up by the end of the century and it was therefore necessary to look to additional areas for future urban expansion.

The report that was presented to us also indicated, of course, that there was scope for greater urban consolidation, and that is something that should be looked at very seriously. At the same time, what the report really said was, 'Don't bet on that. You will still have to look to the broadacres because the price to pay, if an urban consolidation

strategy did not work, would be very, very high indeed.' So, without in any way giving away ambitions for a sensitively managed urban consolidation, we felt that we had to follow that advice.

This morning His Excellency in Executive Council approved a transfer of the way in which the areas earmarked for possible future development should be managed. We have been managing them under section 50 of the Planning Act because there were no proper policy documents to assist us in any other way. Section 43 of the Planning Act has been used to introduce a supplementary development plan, which means that the normal planning procedures can go on.

Of course, we have made clear all along that not all these areas will be seen as appropriate for development beyond the turn of the century, and work has been proceeding to identify which one, or possibly two, of those areas we should further develop, while the others can proceed to revert to a broadacre or peri-urban status. I would anticipate that at about the end of this calendar year I will be in a position to give further advice to the Government.

BAROSSA VALLEY VINTAGE FESTIVAL

The Hon. JENNIFER CASHMORE: Is the Premier aware that the financial failure of a dance spectacular held in March as the major Jubilee 150 event in the Barossa Valley has placed in jeopardy next year's Barossa Valley Vintage Festival? I have been informed that the Premier originally pushed for the vintage festival to be brought forward this year to coincide with the Jubilee 150 celebrations. However, when this proved impossible the Premier strongly supported the holding of this dance spectacular on the weekend of 8 and 9 March. The event was a financial failure. While expenditure was contained within budget, receipts did not come up to expectations. As a result, creditors are still owed almost $40 000. I am advised that this is now causing major problems for organisers of next year's vintage festival who have traditionally relied on creditors to wait until after the event before being paid.

The experience of the dance spectacular has meant that suppliers are now insisting on up-front payment, and this has put in jeopardy financial planning for the 1987 Vintage Festival. As the Vintage Festival has been a major South Australian tourist attraction for more than 30 years, I ask the Premier if he is aware of this problem and whether there is any action the Government intends to take over it.

The Hon. J.C. BANNON: It is a pity that so much concentration is being placed on failures of the Jubilee year, which really has been quite spectacularly successful. I guess for balance that we should have a few questions from members opposite about those programs, functions and activities that worked so well. The matter referred to by the honourable member has already been raised and my response is as follows. The Jubilee board was the sponsor of that event and provided a stipulated amount. It has been suggested that local government in the Barossa has a sponsorship and an important role in supporting that event, and I would hope that it would do so.

NATIONAL PARKS

Mr TYLER: Will the Minister for Environment and Planning ensure that in future the National Parks and Wildlife Service consults fully with local communities and councils before constructing firebreaks on their reserves, particularly where they adjoin residential areas? It has been drawn to my attention that in April a firebreak approximately 24 metres wide was constructed on the perimeter of the Sturt Conservation Park where it adjoins the residential area of Flagstaff Hill. The Happy Valley council and some constituents have expressed to me their concern that they were not consulted about the construction of this firebreak. My constituents recognise the need to protect our community from the threat of bushfires but feel that, in doing so, there are other factors of arguable degrees of importance to be considered.

My constituents are aware that a management plan exists which requires consultation, but in this case it does not seem to have operated effectively. My constituents feel that this management plan should result in allowance being made for particular local environmental factors and that plans should only go ahead after full consultation with all parties affected. My constituents and a number of other community groups in the area have told me that the Minister's department has a very high involvement in the local community but that this incident unfortunately has tarnished, in the eyes of some of my constituents, the good reputation that the NPWS has in this area.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I am aware of this incident: I was telephoned about it subsequently, as I understand there was an on-site meeting of my officers in the NPWS with several local people. I have to say that there is a sense in which NPWS cannot win on these particular issues because, on the one hand, if it does not put in breaks it is accused of putting local residents at risk and, on the other hand, if it does put in breaks, it is accused of vandalism and somehow ruining the environment.

Obviously the breaks have to be put in, but they should be put in sensitively and following proper consultation with local people. As I understand it, there was an attempt to let people know what was happening. However, there were a couple of households in this case that were missed, including one where the inhabitants were away on holidays, and it was from there, I think, that I received the initial complaint.

It is important that the management plan be closely adhered to for all this activity. We go to great lengths to ensure that the development of the management plan is a public process so that people can have an input and that, therefore, the ongoing management will reflect the results of that public process. I am not saying in this case that it did not reflect those results: it is unfortunate that the fallout from the incident was as it was. I believe that people are working very strenuously on what I hope would be some temporary damage to what is a very good image of the NPWS in that area, and I hope the problem can be rectified completely.

COLAC HOTEL

Mr S.J. BAKER: Will the Minister of Lands table the following documents, which I will list, in connection with the sale of Government land to the Labor Party-owned Colac Hotel? The documents are as follows: the minute declaring the land surplus to departmental requirements; the minute to Government departments asking whether they required the land; the letter to the Port Adelaide council offering it the land and the reply from the council; the Valuer-General's report on the value of the land; the correspondence between the Department of Marine and Harbors and the ALP on the sale of the land, and any other documents relevant to this sale.

When the Opposition asked on Tuesday why the land sold to the Colac Hotel was not first offered at public auction, the Minister said it had been offered to the local government authority—meaning the Port Adelaide council—which had expressed no interest in it. The Opposition has made inquiries with the council and established that no such offer was made to that council. To clarify this matter, the Minister should table all the relevant documents.

The Hon. R.K. ABBOTT: I shall be quite happy to obtain the file on this whole matter and to make that file available to the honourable member for perusal.

TRANSPORT FOR THE DISABLED

Mrs APPLEBY: I direct my question to the Minister of Transport.

Members interjecting:

The SPEAKER: Order! I call the member for Coles and the Minister to order. The honourable member for Hayward.

Mrs APPLEBY: Thank you, Mr Speaker. Can the Minister of Transport indicate whether consideration has been given to ensuring that exploitation by service providers operating in the disabled transport system being established by the State Government does not reflect the identified fraud in New South Wales? As the Government is well down the track in providing much needed transport facilities for the disabled to allow them to participate in the community, I seek the Minister's consideration in ensuring that fraudulent claims are not able to be made against service providers, which could lead to the limitation of the service established for the disabled.

The Hon. G.F. KENEALLY: The Government hopes that the subsidised taxi scheme will be introduced in about January next year. I am waiting for a report from a committee which was established some months ago, headed up by Mr Jim Crawford, and I expect that report within a few weeks. We are well aware of the potential that exists in some other systems for the kind of allegations which are currently being made and concerning which action is being taken in Sydney, and one of the areas that we have been careful to check carefully is that potential. I assure the honourable member that the work that has been done by the committee and in my office will certainly prevent any abuse such as today's press would suggest is happening in New South Wales.

Officers of my department have been to New South Wales and Victoria and have looked at systems in North America. I think that the total package, when it is available for me to present to the Premier, will ensure that those people who most need access to public transport through the subsidised taxi scheme, enabling them to play a much fuller role in community activity in South Australia, will be able to enjoy the best of all systems, with the possibility of abuse very much limited and, it is hoped, non-existent.

WINE TAX

The Hon. P.B. ARNOLD: In view of the very limited growth in wine sales last financial year, with just released ABS figures showing a growth of only 1.5 per cent in total sales in 1985-86, will the Premier say what specific representations he has made to the Federal Treasurer, in the lead-up to next week's federal budget, against any further rise in the wine tax; and what guarantees is he able to give the House that the wine industry will not be hit by yet another impost by Canberra?

The Hon. J.C. BANNON: Taking the last part first, I can give no guarantees. Particularly bearing in mind news of balance of payments figures and things of that nature, one can understand why any of us can feel somewhat concerned about this area. Regarding representations, I have discussed this matter with the Federal Treasurer, the Prime Minister and other Federal Ministers. A strong lobby has been mounted by the brewers in support of what they call an equitable approach to taxation of alcohol.

Members interjecting:

The Hon. J.C. BANNON: This matter was drawn to my attention by the Wine and Brandy Producers Association and certain wine companies with which I discussed the position.

The Hon. E.R. Goldsworthy: When was that?

The Hon. J.C. BANNON: Recently.

The Hon. E.R. Goldsworthy: Last year?

The Hon. J.C. BANNON: No, only a few weeks ago.

The Hon. P.B. Arnold: This matter has been current for five years.

The Hon. J.C. BANNON: Members opposite should be concerned about the future of the wine industry: the Government is certainly concerned about it. We are interested in the future of the industry and we are indeed concerned about a campaign by brewing interests in this country which have periodically campaigned around this matter on what they call equity, but have recently changed their tack to talk about a tax being based on the so-called alcohol content of specific products. That would be devastating for the wine industry. It also has no regard to the specific manner of wine drinking and the way in which social customs and other aspects relate to that as opposed to beer consumption.

However, I would not underestimate either the strength of that lobby or the way in which it has tackled the matter. In the meantime, we have responded to it. Although one might have considerable concern in this area, it would be economically disastrous for the Federal Government to decide to impose more tax on the wine industry. While the previous impost was by and large absorbed by the industry, sales have levelled off. Indeed, the introduction of wine coolers (and it is still too early to say whether this development is a fad or a fashion that has had a marvellous vogue and may die off, reduce, or be a continuing component) has been a major boon for the producers of certain grapes and wines. However, taking all that into account, it would be disastrous for this important industry to have a further impost placed upon it and the Commonwealth Government is well aware of our views on this matter.

O-BAHN BUS

Ms GAYLER: Can the Minister of Transport provide the Parliament with details of the questionnaire distributed to O-Bahn passengers yesterday? Further, will he ask the State Transport Authority to take steps to overcome overcrowded and full buses on the inward leg of the journey even before those buses reach Tea Tree Plaza? Today's *Advertiser* reports that a questionnaire was distributed yesterday to passengers on the O-Bahn bus. As a substantial proportion of the 16 000 daily O-Bahn passengers are my constituents, and as I have received a series of suggestions from them, I ask the Minister to examine means of overcoming particularly the morning peak when buses are overcrowded.

The Hon. G.F. KENEALLY: I thank the honourable member for her question. I do not believe that the two parts of it relate directly to each other, and I shall explain why. The questionnaire issued by the busway team relates

to a future operational review. The busway team needs a base of information to help it in its future development of the busway, especially in relation to Tea Tree Gully. Because of the overwhelming response to the park and ride facility at Paradise, the busway team has taken the opportunity to ask the park and ride passengers what they expect from the busway and why they are coming to the Paradise interchange, in order to give the team a better idea of future planning needs.

The honourable member has pointed out that a large percentage of these passengers are her constituents and it is because we will soon be building an interchange at Tea Tree Gully that the information that we are obtaining now is important. We need to know the extent of the demand at Paradise. When the Tea Tree Gully interchange is built, any future development would have to take into account that information. The second part of the honourable member's question concerns whether I can review the overcrowding, as she describes it, of the morning peak and consider providing additional services from Tea Tree Gully into Paradise. I shall certainly have my officers investigate that matter and shall bring down a report to the honourable member.

CEP PROJECTS

The Hon. B.C. EASTICK: Will the Minister of Employment and Further Education ask the Auditor-General to widen the inquiry that he is to make into the CEP yabbie farm project, which has already suffered a budget blow-out of more than $300 000, to cover the cost effectiveness of other major CEP projects? In revealing the massive budget blow-out in the CEP yabbie farm project at Gerard Reserve, the Minister said that the Auditor-General had agreed to conduct a full independent inquiry in mid-September. This is just one of a number of CEP projects where questions have been raised about the efficient use of taxpayers' money.

The Minister revealed in his statement that Trojan and Owen had been project consultants for the yabbie farm project but that the Gerard Reserve Council wanted no further dealings with this company. I understand that Trojan and Owen was also involved with a CEP project to redevelop the Adelaide Central Mission House, but that its services were dispensed with.

Another problem with CEP spending is revealed in a memorandum from the Auditor-General to the Minister of Local Government which shows that 30 fully serviced villas which were built for the West Beach Trust at Marineland at a cost of $1.9 million were immediately reduced in valuation on completion by $664 000 to, in the Auditor-General's words, 'reflect the higher costs associated with the job creation scheme'.

The Elizabeth swimming centre is another CEP project which has run into serious financial difficulties, with a budget blow-out of more than $800 000. In view of the very tight budgetary position and the need to eliminate waste wherever possible, the Minister should be prepared to have a wider audit of the cost effectiveness of CEP projects.

The Hon. LYNN ARNOLD: I am not prepared to ask the Auditor-General to extend his inquiry to cover other CEP projects. The yabbie farm project at Gerard Reserve needs urgent investigation and I do not believe that it is appropriate to ask the Auditor-General to extend his study and thereby possibly delay the reporting time on that matter. Two other events are significant in this process. The first is that, when I requested the Auditor-General to investigate the yabbie farm, I asked the Director of the Office of Employment and Training to report back to me on new procedures for reporting progress on CEP projects, because it seemed to me that there might be a failure in the reporting mechanism that does not draw potential problems to the attention of the State Minister anywhere near early enough. That is the action that is being taken in respect of present and future projects. In that context, the other point that needs to be identified is that Commonwealth and State officers responsible for CEP projects are at present carrying on discussions about the new agreement for CEP projects from this financial year onwards. The honourable member will appreciate that the arrangement between the Commonwealth and a State Government is a negotiated one that leads to an agreement signed by both parties. A number of proposals have been put to us by the Commonwealth but at this stage my officers and I will not accept all those proposals because, among other things, we believe that, although they certainly are seeking to ensure the Commonwealth's full involvement and awareness of the progress of CEP projects, they do not perhaps give enough opportunity for the State to be aware of the progress of CEP projects.

While I do not wish to undermine the Commonwealth's involvement, we certainly believe that the State's involvement should not be lessened. I believe that the outcome of discussions between the Commonwealth and South Australia, and the outcome of the report that I have requested from the Director of the Office of Employment and Training, will lead us to a situation of monitoring progress more effectively than I believe may have been the case in the past. The honourable member raises the question of the potential for moneys to be not optimised as well as they could be in times of financial constraint. I advise the honourable member that the initiatives that I have undertaken will apply to expenditures approved from this juncture onwards.

The other point I make is that, with respect to past CEP projects, a number have already been the subject of separate investigation, and the Elizabeth swimming centre is one. I believe that the honourable member should recall that the Minister of Local Government in another place sometime ago advised of the outcome of investigations into that project; likewise, other projects have also been investigated. Of course, it would be very unfortunate if the vast majority of CEP projects that have come in on budget or under budget were tainted with the belief that all CEP projects do not manage to come in under budget. The majority of projects come in on budget or under budget, although there are exceptional circumstances where some projects go above budget. It is quite appropriate that whenever they go above budget they are closely examined. Recently three projects that went over budget were put before me. Approvals were requested for that to occur. I have sent back the requests asking why they are over budget. As I have said, the majority of projects come in on budget or under budget.

MODBURY STREET LIGHT

Mr GREGORY: Will the Minister of Mines and Energy request the Electricity Trust of South Australia to give urgent consideration to the immediate installation of a street light in front of the Lurra Child-Care Centre at Capulet Crescent, Modbury. Recently I was approached by the management committee of the Lurra Child-Care regarding the installation of a street light. It had taken up the matter with the City of Tea Tree Gully, which advised that the matter had been referred to ETSA for consideration and that it would take some time. I was advised that the child-care centre operates from 6.30 a.m. to 6.30 p.m., at which time it is quite dark.

The parents who use the centre are predominantly women and they find it rather difficult early in the morning and quite scary in the evening when collecting their children. Yesterday my office was contacted by a mother who tripped over and hurt herself in the dark. I request that immediate action be taken so that mothers and parents who use the child-care centre early in the morning and late in the evening can do so with safety.

The Hon. R.G. PAYNE: I thank the honourable member for the question. Certainly, the circumstances that he outlines suggest that something needs to be done to provide better illumination in the area. At the hours he mentioned I imagine that on occasion there would be some concern for mothers, and fathers for that matter, who may be picking up children in a less than adequately lit area. I fully share any concern they may have and also that the honourable member has expressed to the House. I will follow up the matter immediately with ETSA and see what can be done to alleviate the problem.

PRISONER RELEASE

Mr BECKER: Why has the Minister of Correctional Services instructed Department of Correctional Services officers to consider a system of turnarounds in the State prison system? The proposal involves immediately releasing any person sentenced to imprisonment for 30 days or less.

The Hon. FRANK BLEVINS: I have not.

LOCAL EMPLOYMENT DEVELOPMENT OFFICERS

Mr M.J. EVANS: My question is directed to the Minister of State Development.

Members interjecting:

The SPEAKER: Order! The member for Elizabeth has the floor.

Mr M.J. EVANS: Will the Minister ensure that, if sufficient funds are not available to satisfy all applications by local government for the engagement of local employment development officers, he will give priority to the appointment of such officers at regional level in preference to appointments to individual councils? Some members of local councils in the northern region have indicated to me that they are concerned that, in the present difficult economic times, the appointment of local employment development officers will be only to a single council in the northern area. In these circumstances, the councillors have stated their clear preference for an appointment at the regional level under the auspices of the Northern Adelaide Development Board and the Northern Regional Authority of local government councils. They believe that this would avoid the meaningless and counterproductive competition for employment development between adjoining councils in the one area that might be the result of an appointment to a single council authority alone.

The Hon. LYNN ARNOLD: I will certainly have the matter investigated as to the viability of the proposal, because I think it has some merit. However, having made the comment that there is some merit there, it is not possible at this stage to change the announcement that we have already made—and I do not intend to do so. We have just announced the appointment of five local employment development officers in the council areas of Thebarton/Hindmarsh, Marion, Port Pirie, Port Adelaide and Munno Para. I believe that those appointments should stand because these officers will develop pilot programs in their areas.

The outcome of the pilot programs will benefit not just the five council areas but all councils because they will provide information for a model that could be used by other councils. The other point that needs to be considered by the Office of Employment and Training when its officers investigate the member's proposition is that very often, when developing effective employment models at the local community level, it is the local government agency which may have the best contact with other groups in the community that can help foster local employment initiatives.

It may be that, by going back one step to the regional organisation of councils, it is good for developing policy initiatives, but it may not be so effective in getting on the ground employment initiatives up and running without the support of local councils. I sound that cautionary note. I am not saying that that is an overwhelming point that must be so just because I have said that it is so. It is something that I would want the Office of Employment and Training to look at. I will have the matter investigated in terms of future grants under this scheme after the five local councils have completed the pilot schemes that were recently announced.

HILLS FACE ZONE

The Hon. D.C. WOTTON: Will the Minister for Environment and Planning instigate an inquiry into the need to amend the boundaries of the hills face zone? I am informed that there are a number of examples where there is an obvious need to amend the hills face zone boundaries. One example has been brought to my notice and, on making recommendations to the Minister, I was informed that the hills face zone property in question is not exposed to the plains but is in full view of a local public road and development is likely to be obstructed. Officers who have inspected the property have expressed a view that the boundary should be amended to exclude such properties from the hills face zone.

The Hon. D.J. HOPGOOD: The matter of the definition of the hills face zone is long and vexing and dates probably from 1961 or 1962 when the plan for the future of metropolitan Adelaide was first brought down by Mr Stuart Hart. In the early days the definition tended to cluster around the question of servicing the areas involved. It was not altogether a matter of whether the particular area was directly visible from the Adelaide Plains. It also related to things such as whether there was a slope greater than one in four, I think, which was the magic cut-off point for servicing by the E&WS Department and other requirements.

The honourable member will recall that, as Minister, he instructed Judge Roder, of the Planning Appeal Tribunal, to look at this matter. As I recall, I inherited a report from Judge Roder, and that report was implemented. I assume that in the light of that the honourable member is suggesting that further refinements are required. I am prepared to take advice on this. I do not think that there are sufficient anomalies to justify a big investigation involving consultancies and an independent person coming in from outside to conduct a further examination. I am prepared to take advice as to which way we should go. In giving that commitment, I make it clear that nothing should be read into that as to suggest that the Government would in any way want to break down the conditions and policies which have protected the hills face zone for many years.

I am certainly not suggesting that the honourable member would want that to happen. However, in some quarters he would well know that any suggestion for any modification

to encroach on the hills face zone is greeted with suspicion. If we were to examine this at all it would purely be in the light that he has indicated: that there may be in a few limited situations blocks of land (allotments) that are outside the hills face zone and should come in or are inside and should go out.

INSURANCE POLICIES

Mr HAMILTON: Will the Minister of State Development, representing the Minister of Consumer Affairs, investigate and, if necessary, warn members of the public that existing insurance policies on their homes and vehicles may be invalid if they plan to rent or lease their homes or vehicles to visitors? It has been brought to my attention that many South Australians have leased, or are contemplating leasing, out their private homes or vehicles during the forthcoming Grand Prix. I am informed that private homes and vehicles are normally insured only for domestic circumstances for the owners and members of their family. It has been stated to me that in such circumstances normal insurance policies may be invalid and that damage to owners' properties may not be met by insurance companies. In the light of the foregoing, I would appreciate an investigation of the situation and, if necessary, a warning issued advising the public that they may need additional insurance cover in the circumstances that I have described.

The Hon. LYNN ARNOLD: In my capacity as the Minister in this House representing in his absence the Minister of Education, who represents the Minister of Consumer Affairs in another place, I will certainly have this matter referred to my colleague in another place for his investigation, because the possibilities for undercoverage mentioned by the honourable member would be very serious indeed. I will not only draw it to the attention of the Minister of Consumer Affairs but I will also alert the Minister of Tourism and the Grand Prix office about this matter, because it is something on which they may already have taken advice, and I guess they probably have. However, if not, they can take advice on it and, in terms of the advice they are giving members of the public, convey any suitable information to the public who might be considering letting out their houses or cars during the Grand Prix period.

DEATH OF PET DOGS

Mr S.G. EVANS: Will the Minister of Emergency Services immediately make available police forensic facilities to carry out post mortems on pet dogs that have been killed in the Blackwood area? Since last Friday night four family pets have died suddenly in the vicinity of Young Street, Blackwood. One was in an enclosed back verandah and to get to the dog a person would have had to open the door of the verandah. Two dogs were in yards that were not near the street and a person would have had to venture on to private property and down into a backyard to get to the animals. The other dog was in a larger yard.

The families believe that the dogs have been poisoned. Their concern is that if baits are being used they may be picked up by children. This has caused these families distress, and many other people will suffer and other dogs will be killed if this crank keeps operating. To this date it appears that the police have not made facilities available, and it is not the usual practice to carry out these tests. Will the Minister investigate this matter so that something can be done immediately?

The Hon. D.J. HOPGOOD: I will take it up with the Commissioner.

USE OF DRIVERS' LICENCES

Mr KLUNDER: Is the Minister of Transport aware of an article on page 19 of the July issue of the *Hotel Gazette* in which the Department of Social Security apparently advises hotel managers to check the identification of people cashing social security cheques by asking for identifying documents such as a driver's licence? The Motor Registration Division has made quite clear that a motor vehicle driving licence is a document for that purpose only and should not be regarded as having any other validity. Advice from a Federal Government department that a driver's licence can be used for such other purposes directly contradicts the Motor Registration Division's stand and ascribes to the motor vehicle driver's licence powers that it does not have. Will the Minister investigate and, if necessary, inform the Department of Social Security that a driver's licence is not issued for identification purposes?

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I am not aware of the article that the honourable member refers to in the *Hotel Gazette*, but I thank him for drawing my attention to it. As the honourable member has pointed out, a driver's licence should not be used for identification, although inevitably some business houses will do that. If they wish to do so, it must be clearly understood that it is at their risk and that no responsibility rests with the Motor Registration Division. I will have this matter investigated to see why a federal department is giving such advice. If necessary, I will talk to my colleague, the Minister for Consumer Affairs.

The honourable member has taken a keen interest in the abuse of drivers' licences over some period of time. I guess as a result of his representations recently a change in the design of licences was made. It was hoped by doing so that forgeries would be much more difficult. I am sure that that has been the result, although I guess forgeries are not impossible. It is always possible to come up with a good forgery of a driver's licence to be used for whatever reason. People in business who accept drivers' licences as a means of identification should understand that that was never the purpose for which drivers' licences were established and printed.

MINISTERS' REPRIMAND

Mr LEWIS: Why, pray why, will not the Premier name the Ministers whom he has reprimanded since the report in the *Advertiser* of 5 June when he said that he would do so if and when they announced charges in relation to their respective portfolio areas before they were gazetted?

Members interjecting:

The SPEAKER: Order! I ask for order while the honourable member proceeds with his explanation.

Mr LEWIS: On 31 July the Premier answered a question I put to him and said that he would not name the Ministers whom he had reprimanded when they had announced increases in State taxes and charges before they were gazetted, and he gave no reason for it. I find that regrettable.

The SPEAKER: Order! That is comment, and the honourable member is aware of that.

Mr LEWIS: As a consequence of concerns put to me—

The SPEAKER: Order! I remind the honourable member that he will need to be extremely cautious in the use of his

phrase, 'It has been put to me' by mythical or otherwise constituents.

Mr LEWIS: —by a number of people since the release of the *Hansard* volume containing the proceedings of 31 July, that there is concern to find out why the Premier said that he would not name his Ministers who had misbehaved in that way.

The Hon. J.C. BANNON: Why, pray why, does the honourable member waste our time asking these stupid questions? Perhaps some of my colleagues want to put up their hands. However, it is really quite a futile and pathetic question.

CASINO TAXIS

Ms LENEHAN: Will the Minister of Transport investigate complaints that some taxi drivers are making with regard to the new ranking system that operates outside the Adelaide Casino? Last week after leaving this House it was put to me by a taxi driver—

Members interjecting:

The SPEAKER: Order! The member will proceed.

Ms LENEHAN: —that many taxi drivers are complaining that the system of ranking outside the Adelaide Casino is disadvantaging them. As a coincidence, when the Deputy Premier and I were getting a taxi outside this Parliament this week (and perhaps I should explain for the members opposite that we happen to believe in saving the taxpayer a great deal of money; in fact, about $20 an evening is saved by having the taxi driver let me out first and then the Deputy Premier), the same taxi driver was—

Members interjecting:

The SPEAKER: Order!

Ms LENEHAN: —driving the cab, and I indicated to him that I would raise this matter of concern in the House with the Minister of Transport.

The Hon. G.F. KENEALLY: I applaud the honourable member for taking a taxi to the southern suburbs with the Deputy Premier; it is like the old slogan 'shower with a friend', but I think it is probably considerably different when we are saving water. I obviously get the same taxi driver as the honourable member, because this matter has been put to me as well. So, that should put down any suggestions that the message was otherwise.

I will take up the matter with the Taxi-Cab Board and the Adelaide City Council. I understand that there are problems with patrons of the casino but, more particularly, with taxi drivers being able to carry on their legitimate business. There is a shortage of space and there will be problems until all building and road building programs in that area have been completed. However, it is an important matter, which I will take up with the board and the Adelaide City Council and bring down a report.

ELECTRICITY TARIFFS AND WATER RATES

Mr OSWALD: Will the Premier provide the House next week with a comprehensive report, including comparisons over each of the past three financial years, on the number of people having difficulty meeting their Electricity Trust and water rates bills? The Opposition seeks this report because of a growing number of inquiries that are being received from people having difficulty making ends meet. People are complaining that a combination of factors, particularly significant increases over the past three years in electricity tariffs and water rates and higher home mortgage interest repayments during a period of wage restraint, have made it harder and harder for them to pay their bills. So that Parliament can have some indication of the extent of this problem, I ask the Premier to give this matter his top priority.

The Hon. J.C. BANNON: As far as electricity rates are concerned, during the period of the Tonkin Government they rose to a far higher extent than they did under us. We introduced a concession scheme for electricity for the first time ever in this State, and last November, in fact, the trust reduced its tariffs by 2 per cent. I have already said that we are working to ensure that rates are kept at or below the inflation rate in the coming year.

Regarding water rates, I remind the House that if we cut out the subsidy to country water users—which I have not heard many members opposite advocating—we would probably be able to reduce the rates in the metropolitan area.

Members interjecting:

The Hon. J.C. BANNON: That might be the set-off. I hasten to add that I am not proposing to do that; I am simply pointing out that the cost of delivering water in South Australia, the driest State in the driest continent, depending on Murray River water, major filtration schemes and large capital works, is something that we have very successfully kept under control. I do not know whether there are statistics that the honourable member suggests are available. I would imagine that it would be difficult trying to collect them. I really think that it would be a futile exercise, and I am not prepared to do it.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Noarlunga Downs Primary School,

Port Adelaide, Outer Harbor—No. 1 Wharf Rebuilding.

Ordered that reports be printed.

LOCAL GOVERNMENT FINANCE AUTHORITY ACT AMENDMENT BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Local Government Finance Authority Act 1983. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Its purpose is to amend the Local Government Finance Authority Act 1983. That Act established the Local Government Finance Authority of South Australia, which became operational in the early months of 1984. As members are aware, the main function of the Authority is to act as a central finance agency for local councils in South Australia. It is a pleasure to be able to report to the Parliament that, after only 2½ years in operation, the Authority can be judged to be an outstanding and unqualified success. The financial data speak for themselves:

- Total assets were $244 million at June 1985; they will be substantially higher again when the Authority publishes its accounts for June 1986;
- A profit in 1984-85 of $850 000 and, I am advised, of over $2 million in 1985-86;
- The share of lending to councils in the State being made by the LGFA is running at around 90 per cent;
- Short-term deposits by councils with the Authority have fluctuated with the seasonal swings in council finances, but have reached over $100 million.

It is important to note that these excellent financial results have been achieved without any drain on the Budget of the State. On the contrary, the Authority is making a contribution to the Budget through the payment of guarantee fees on its borrowings.

More significantly, councils are benefiting substantially from the operations of the Authority. They do so in two ways—through the competitive nature of the lending and investment services which the authority provides and through the distribution to them of a portion to its profits. A distribution of $100 000 was made in respect of the 1984-85 profit and I understand that a substantially higher figure is planned in respect of 1985-86.

South Australia is still the only State with an agency of this kind. Some other States have been working on the concept, but are yet to bring it to fruition. It is interesting to speculate as to why South Australia should be leading the field in this way. There are a number of reasons, but I suggest that the basic factor is the sound and cooperative nature of the relationships which exist in this State between the Government and the public service on the one hand and local government on the other. I pay tribute to the work put in by the members of the Board of Trustees of the Authority, by its staff and all concerned which has led to these fine results.

The amendments contained in this Bill in no way alter the purposes of character of the Authority. They are essentially by way of fine-tuning. The amendments fall into three categories, although there is some overlap.

First, amendments of a purely procedural kind designed to enable the Authority to work more simply and efficiently. Clause 2, which deals with the affixing of the seal and clauses 3 and 9, dealing with the decision-making procedures of the board of the Authority, are in this category. Clause 6 is also largely procedural. It provides for all the liabilities of the Authority to be automatically guaranteed by the Treasurer. Previously only liabilities arising from borrowings were automatically guaranteed. This is in line with the Government Financing Authority Act 1982 and will simplify procedures where other liabilities arise.

Secondly, amendments which add to the powers of the Authority to give it more operating flexibility. Clauses 4, 5 and 8 are in this category. It is in this area that possibly the most significant amendments are proposed. I would draw attention in particular to clause 4 which broadens the functions and extends the powers of the Authority. Under section 21 (1) of the Act, as it stands, the Authority may develop borrowing or investment programs for the benefit of local government or engage in such other activities relating to the finances of local government which may be approved by the Minister. Clause 4 of this Bill extends the potential range of functions by defining them in terms of what may be determined by the Minister to be in the interests of local government. In other words, the Authority would be able to engage in activities which were not necessarily directly related to the finances of local government authorities but were in the interests of local government in a broader sense.

Clause 4 also extends the specific powers of the Authority by enabling it to make loans to bodies other than councils, to purchase shares and to form companies. These powers are appropriate and sensible for what has become a large financial intermediary engaged in a diverse range of activity. However, to ensure that those particular powers are used in a manner consistent with overall Government policy and sound financial management, their exercise is subject to the approval of the Treasurer.

Thirdly, some of the amendments deal with unexpected deficiencies in the Act revealed by Crown Law advice. Clause 4, which I have already discussed, is partly in this category in that it was believed, when the legislation was originally drafted, that the Authority had power to purchase shares and form companies as a result of the broad statement of its functions and powers. Specific advice from Crown Law cast doubt on this belief. Clause 7 is also in this category. Section 27 in the existing Act permits the Minister, in certain circumstances, to rearrange the finances of a council so that it is indebted to the LGFA rather than to an external lender. Crown Law advice cast doubt on whether the security over the general rates of a council enjoyed by the original lender carried over the Authority if a rearrangement of this kind were made. Clause 7 removes this doubt.

The proposed amendments have been developed in close consultation with the Authority and are fully agreed.

Clause 1 is formal.

Clause 2 amends section 4 of the principal Act by removing the requirement that the affixing of the common seal of the Local Government Finance Authority to a document be attested by four members of the Board of Trustees of the Authority.

Clause 3 amends section 10 of the principal Act to provide that an absolute majority of members of the board may make a decision otherwise than at a meeting and that a record of any such decision must be kept.

Clause 4 amends section 21 of the principal Act. The amendment broadens the functions of the Authority by allowing it to engage in any financial activities determined by the Minister to be in the interests of local government. The amendment also makes it clear that the Authority has the following powers: to lend to any person with the approval of the Treasurer, to deal in shares, to appoint an attorney, to enter into contracts of indemnity and, with the approval of the Treasurer, to enter into partnerships and joint ventures and to form companies.

Clause 5 amends section 22 of the principal Act to allow the Authority to apply any surplus of funds, with the approval of the Minister, for the benefit of any council or prescribed local government body or for any other local government purpose.

Clause 6 amends section 24 of the principal Act to ensure that all liabilities (not only borrowings) of the Authority are guaranteed by the Treasurer. The amendment further provides that fees payable by the Authority to the Treasurer in respect of guarantees may be set (as an alternative to being set by regulation) by agreement between the Authority and the Treasurer.

Clause 7 inserts a new subsection in section 27 of the principal Act to provide that where a loan of a council or prescribed local government body is transferred to the Authority any security over council rates is also transferred.

Clause 8 expands the scope of section 32 of the principal Act which allows the Treasurer to exempt the Authority or instruments to which the Authority is a party from a tax, duty or other impost. The amendment encompasses within the power, instruments to which a council or a prescribed

local government body is a party and instruments which arise from or are connected with a transaction to which the Authority, a council or a prescribed local government body is a party.

Clause 9 inserts a new section 32a. The section provides that a certificate, issued by the Chairman of the board (or where the Chairman is not available, the Deputy Chairman) certifying that a decision of the board was made in accordance with the Act, is proof of the matters certified in the absence of proof to the contrary.

The Hon. B.C. EASTICK secured the adjournment of the debate.

ROADS (OPENING AND CLOSING) ACT AMENDMENT BILL

The Hon. R.K. ABBOTT (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Roads (Opening and Closing) Act 1932. Read a first time.

The Hon. R.K. ABBOTT: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is designed to reduce from 21 metres to 20 metres, the minimum width of an extension of any main road opened under the Roads (Opening and Closing) Act 1932 and the minimum width of any main road closed in part under that Act.

In introducing the Bill, the Government is providing a uniform policy on the width of main roads. In 1978, the Roads (Opening and Closing) Act 1932 was amended to provide for the minimum width of such roads to be varied from 66 feet to 21 metres. This minimum width of 21 metres was also adopted in 1982 for the purposes of regulation 42 of the Real Property Act (Land Division) Regulations 1982 made under the Real Property Act 1886.

However, a submission from the Institution of Surveyors to the Planning Act Review Committee formed to review the Planning Act 1982 recommended that the minimum width of main roads be reduced to 20 metres. This width of 20 metres is a closer approximation to the former width of 66 feet, and has been adopted by the Commissioner of Highways in relation to roads opened under the Highways Act 1926.

As a result, the Real Property Act (Land Division) Regulations 1982 were amended in 1985. The present Bill will bring the Roads (Opening and Closing) Act 1932 into line with the Real Property Act (Land Division) Regulations 1982.

The Local Government Association has been consulted and has raised no objection to the proposal.

Clause 1 is formal. Clause 2 reduces from 21 to 20 metres the minimum width in any place of an extension to any main road opened or any main road closed in part under the Roads (Opening and Closing) Act 1932.

Mr GUNN secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

The Hon. G.F. KENEALLY (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. G.F. KENEALLY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to streamline the compulsory blood testing and reporting procedures relating to the collection of blood samples and reporting of blood tests, set out in section 47i of the Road Traffic Act 1961.

Under the existing system, when a medical practitioner takes a sample of blood, he or she completes the front of a notice and attaches it to the container of blood, which is forwarded to the Forensic Science Centre for analysis. When the blood analysis has been completed, an analyst fills in the back of the same notice. This is the notice which may be tendered in proceedings before a court, under section 47i (13) of the Act.

The existing procedures have for some time created difficulties for the Forensic Science Division of the Department of Services and Supply. First, blood spillage from the container is likely to contaminate the attached notice. This has occurred in the past and, given the virulence of modern infectious diseases, the risk presented by possible blood spillage is no longer acceptable.

Secondly, the present system requires the analyst to complete the back of the same notice which the medical practitioner has filled in. The transcription of information by the analyst from one side of a notice to the other side and from a computer printout to the notice is a potential source of error. Under the present system, clerical staff are required to spend many hours checking these transcriptions. Furthermore, the front and back of the notices are photocopied and the copies are sent both to the person whose blood was analysed and to the police. On several occasions, these parties have been given non-matching photocopies. In other words, they have received a copy of the front of one notice and a copy of the back of a second notice. This happens, on average, four to six times each year and is a matter of some considerable embarrassment.

To overcome these difficulties this Bill enables a new system to operate. Under this Bill, the container of blood marked with a distinguishing identification number and a certificate filled in by the medical practitioner who took the blood sample will be forwarded to the Forensic Science Centre in a double compartment plastic bag. In this way, the certificate should not become contaminated by blood spillage. A computer which is linked to the blood testing equipment will print a separate certificate, which will be signed by the analyst who performed or supervised the analysis. This process necessitates that there must be two separate certificates filled out by the medical practitioner and the analyst, respectively, both of which may be received as evidence in legal proceedings before a court.

Clause 1 is formal.

Clause 2 provides that this Bill is to come into operation on a day to be fixed by proclamation.

Clause 3 amends section 47a, an interpretation section, by inserting a definition of 'analyst'. This simplifies the existing procedure for authorisation of analysts and removes the requirement to authorise each analyst on an individual basis.

Clause 4 amends section 47g to reflect the shift in responsibility for blood alcohol analysis work from the Government Analyst's Laboratory to the Forensic Science Laboratory.

Clause 5 provides for the repeal of subsections (7) *(a)*, (10), (11), (12) and (13) of section 47i, which detail the compulsory blood testing procedures. The clause inserts new subsections (7) *(a)*, (10), (11), (12), (13), (13a), (13b) and (13c). Proposed new subsection (7) *(a)* provides that a medical practitioner shall, having taken a sample of blood and divided it into approximately equal proportions in two separate containers, make one of the containers (marked with a distinguishing identification number) available to the police together with a certificate signed by the medical practitioner and containing the information required under subsection (10).

Proposed new subsection (10) sets out the information which must be contained in a certificate provided by the medical practitioner who takes the blood sample. This information is the same as that required under the existing provision except that, in addition, the medical practitioner must state the identification number of the sample of blood marked on the container and provide further details in relation to the date and hospital at which the sample of blood was taken.

Proposed new subsection (11) sets out the information which must be contained in a separate certificate signed by the analyst who performed or supervised the analysis. This information is the same as that required by the existing provision except that, in addition, the analyst is required to state the identification number of the sample of blood marked on the container and supply any other information that he or she thinks fit to include, relating to the blood sample or analysis.

Proposed new subsection (12) provides, on completion of the analysis, for copies of the certificate of the medical practitioner who took the blood sample and the certificate of the analyst who performed or supervised the analysis to be sent to the Minister (or retained on behalf of the Minister), the Commission of Police, the medical practitioner concerned and the person from whom the blood sample was taken (or, if dead, to a relative or personal representative of that person).

Proposed new subsection (13) provides that where the whereabouts of the person from whom the blood sample was taken, or, if that person has died, the identity or whereabouts of a relative or personal representative of the deceased, is unknown, copies of the certificates need not be sent to that person or relative or personal representative, as the case may be. However, copies of the certificates shall, upon application made within three years of the completion of the analysis, be provided to any person to whom they would otherwise but for this subsection have been sent.

Proposed new subsection (13a) is an evidentiary provision, making admissible in proceedings before a court, an apparently genuine document purporting to be an original or a copy of a certificate of a medical practitioner or analyst provided under this section. The onus of proving that the matters stated in the certificate are not true is placed on the defendant.

Proposed new subsection (13b) is a further evidentiary provision. It creates a presumption that, when certificates of a medical practitioner and analyst are received in evidence in proceedings before a court, and both certificates contain the same identification number for the blood sample to which they relate, then the certificates are presumed to relate to the same sample of blood. This presumption places the onus on the defendant to produce proof to the contrary.

Proposed new subsection (13c) qualifies the operation of subsection (13a). It provides that in proceedings in relation to two kinds of offences against the Act, a certificate of a medical practitioner or analyst may not be received as evidence, first, unless a copy of the certificate proposed to be tendered in evidence in court has, not less than seven days before the commencement of the trial, been served on the defendant. Secondly, if the defendant has, not less than two days before the commencement of the trial, served written notice on the complainant requiring the attendance at the trial of the person by whom the certificate was signed. Or thirdly, if the court, in its discretion, requires the attendance at the trial of the person by whom the certificate was signed. This subsection operates in relation to the offence of driving or attempting to put a vehicle in motion while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle (section 47 (1)—commonly known as D.U.I. offences), and in relation to the offence of driving or attempting to put a motor vehicle in motion while there is present in the driver's blood a concentration of .08 grams or more of alcohol per 100 millilitres of blood (section 47b (1)—commonly known as p.c.a. offences).

Mr INGERSON secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

The Hon. G.F. KENEALLY (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. G.F. KENEALLY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is designed to amend the Road Traffic Act 1961 in three respects, namely:

1. To increase the speed limit for heavy commercial vehicles from 80 km/h to 90 km/h;
2. To clarify and strengthen the requirements regarding the use of child restraints and seat belts; and
3. To remove the requirement that towtrucks be inspected by the Central Inspection Authority.

First, this Bill, by raising the speed limit for heavy commercial vehicles on the open road from 80 km/h to 90 km/h, puts into effect the first stage of one of the recommendations of the National Road Freight Industry Inquiry organised by the Federal Government to investigate all aspects of the transport industry. This change has been agreed to by the Transport Ministers of all Australian States and Territories and supported by the Federal Office of Road Safety. A reduction of the speed limit differential between cars and trucks is a positive road safety measure. It has been agreed to implement this on 1 January 1987.

The need for any subsequent change in speed limits will be considered after the Federal Office of Road Safety and State officials have assessed the effects of the increased speed limit.

Secondly, the Bill clarifies the intent of the legislation and introduces stricter requirements concerning the use of child restraints and seat belts in motor vehicles. The amendments are primarily intended to increase the use of child restraints and seat belts by persons under the age of 16 years. Surveys in South Australia have shown that fewer than half the children carried in cars are protected by a restraint of any kind.

The Bill introduces the concept of mandatory restraint of child passengers by requiring a child under the age of one year to use an infant restraint or a child seat and a child one year or older to use a child restraint or to wear a seat belt. This aspect of the Bill will apply to passenger car type motor vehicles manufactured on or after 1 July, 1976, which was the date when the fitting of child restraint anchorages in new motor vehicles of this category became compulsory. Approximately two thirds of the current car population will be affected and this proportion will continue to increase.

A further major change incorporated in this Bill is the transfer of responsibility for the compulsory wearing of a seat belt by a person under the age of 16 years from that person to the driver of the motor vehicle.

The proposal for the mandatory use of restraints by children under the age of one year is an innovative one. To assist parents, the Government will be introducing an infant restraint rental scheme. Additionally, an extensive publicity and educational program will be undertaken to emphasise the correct restraint to be used in relation to a child's age and mass and the proper installation procedures.

It is intended that the portion of the Bill dealing with children under the age of one year will not be proclaimed until such time as the infant restraint rental scheme is ready to commence full operation and the publicity and educational program has been evaluated.

Finally, the Bill removes from Part IVA of the Act the provision relating to the inspection of towtrucks by the Central Inspection Authority. Towtrucks which are authorised to tow vehicles from an accident site within the metropolitan Adelaide area are subject to the requirements of the Motor Vehicles Act, 1959, and are regularly under the surveillance of the police. There is no evidence to justify inspection of other classes of towtrucks.

Clause 1 is formal. Clause 2 provides that the measures are to come into operation on a day or days to be fixed by proclamation.

Clause 3 amends section 53, by increasing the speed limit for motor vehicles with a gross vehicle mass or gross combination mass exceeding 4 tonnes, from 80 km/h to 90 km/h.

Clause 4 amends subsections (1) and (2) of section 162a. The proposed amendments to subsection (1) provide for all passenger car type motor vehicles manufactured on or after 1 July 1976, to be equipped with anchorages for child restraints. The proposed amendments to subsection (2) expand the Governor's regulation-making powers to include matters related to child restraints and anchorages for child restraints.

Clause 5 provides for the repeal of sections 162ab and 162ac and the insertion of a new section 162ab.

Proposed new subsection (1) provides for the compulsory wearing of seat belts in motor vehicles by persons of or above the age of 16 years. It also requires such persons to occupy a seating position equipped with a seat belt in preference to a seating position not so equipped, if both are available in the same row of seating positions.

Proposed new subsection (2) provides that it is an offence for a person to drive a motor vehicle in which a passenger of or above the age of 10 years but under the age of 16 years is not wearing a seat belt, or, who is occupying a seating position not equipped with a seat belt if there is another seating position equipped with a seat belt in the same row of seating positions.

Proposed new subsection (3) provides that it is an offence for a person to drive a passenger car type motor vehicle manufactured on or after 1 July, 1976, in which a child of or above the age of 1 year but under the age of 10 years is not either using a child restraint suitable for use by a child of that child's age and mass or wearing a seat belt.

Proposed new subsection (4) provides that it is an offence for a person to drive a passenger car type motor vehicle manufactured on or after 1 July, 1976, in which a child under the age of 1 year is not using a child resraint suitable for use by a child of that child's age and mass.

Proposed new subsection (5) provides that subsection (3) and (4) do not apply where there is no seating position in the motor vehicle that is not occupied by another person.

Proposed new subsection (6) provides a defence of 'special reasons' existing in the circumstances of the particular case in proceedings under this section. The onus is on the defendant to prove the existence of such special reasons justifying non-compliance with the provisions of this section.

Proposed new subsection (7) provides that the Governor may exempt any person or class of persons from all or any of the requirements of this section.

Clause 6 amends section 163c by removing the requirement for towtrucks to be inspected by the Central Inspection Authority.

Mr INGERSON secured the adjournment of the debate.

STATUTES AMENDMENT (ANALYSTS) BILL

The Hon. G.F. KENEALLY (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Agricultural Chemicals Act 1955, the Chaff and Hay Act 1922, the Controlled Substances Act 1984, the Food Act 1985, the Stock Foods Act 1941 and the Stock Medicines Act 1939; and for other purposes. Read a first time.

The Hon. G.F. KENEALLY: I move.

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill provides for the updating of all legislation dealing with analysis carried out by State Government Laboratories such as the Chemistry Division of the Department of Services and Supply, the E&WS Water Laboratory at Bolivar, the Forensic Chemistry Laboratory at the Forensic Science Centre, the Air Quality Laboratory of the Department of Environment and Planning, the Occupational Health Laboratory of the South Australian Health Commission, and the Department of Agriculture's Laboratory at Northfield.

Changes to the Acts are required so analysis work can be administered and carried out more flexibly, efficiently, and at lower cost, but in a different way to that conceived when many of the statutes were originally proclaimed.

Until recently the reliability and accuracy of analysis depended very largely on the personal abilities of the analyst. Therefore, there was justification in creating legislation which required an authorised analyst to personally and fully carry out each analysis.

The proposed Bill affects the following statutes since these currently require approved analysts to personally carry out analyses of any substances forwarded to them.

The Controlled Substances Act 1984
The Agricultural Chemicals Act 1955
The Stock Foods Act 1941
The Chaff and Hay Act 1922
The Food Act 1956.

Changes in the Bill will give approved analysts more time to attend to administrative and higher professional duties. Also, it will give laboratories greater flexibility in their handling of urgent work.

The concept of 'analysis under supervision' exists in other States: for example, in New South Wales legislation and in the national Model Food Act 1983. This Bill therefore brings regulatory analytical practice in South Australia closer to existing practices in other States and the Commonwealth.

CONCLUSION

The Bill provides for overdue changes to existing statutes and in line with the present nature of government laboratories and their environment. It draws upon the proven operational experience of other States and the Commonwealth with similar legislation. It will provide Ministers with a uniform mechanism for appointment of analysts under statute. Most importantly, it will improve the timely and cost-effective provision of scientific information to government and to the public generally.

Clauses 1 and 2 are formal.

Clause 3 amends the Agricultural Chemicals Act 1955. A new definition of 'analyst' is substituted, being a person appointed by the Minister as an analyst for the purposes of the Act or a person holding any office of a class approved by the Minister. The other amendments are of a consequential nature.

Clause 4 amends the Chaff and Hay Act 1922. The new standard definition of 'analyst' is substituted for the existing definition. Provision is also made to facilitate the carrying out of analyses under the supervision of an analyst.

Clause 5 amends the Controlled Substances Act 1984. The new standard definition of 'analayst' is substituted for the existing definition. Provision is also made to facilitate the carrying out of analyses under the supervision of an analyst. Other amendments of a consequential nature are also made.

Clause 6 amends the Food Act 1985. The new standard definition of 'analyst' is substituted for the existing definition. Provision is also made to facilitate the carrying out of analyses under the supervision of an analyst.

Clauses 7 and 8 amend, respectively, the Stock and Foods Act 1941, and the Stock Medicines Act 1939. Such amendments to those made in the preceding clauses of this measure are made to each of these Acts.

Mr INGERSON secured the adjournment of the debate.

PLANNING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 August. Page 334.)

Mr LEWIS (Murray-Mallee): Just before the House rose last evening I had explained that I could not support the proposals contained in this Bill and was opposed to the provisions on two substantial general grounds. The first was that the Bill would provide those people from the fanatical left with the capacity to control what would happen to rural land: that is to say, to interfere with the legitimate management of that land on which a person is undertaking reasonable, viable, economic production.

The examples I gave were that of land presently used for wheat and sheep production which could not without consent be changed to use for yabbie production and irrigated water culture. That has serious implications for the sensible development of irrigated agriculture, horticulture and aquaculture throughout the Murray-Mallee in the Murray Basin, where 10 000 hectares of irrigated crops could be grown on an annual basis without affecting the underground aquifer, because its annual recharge is equal to the equivalent volume of water that would be required for that order of irrigated crops.

The commonsense use of the water would, to my mind, dictate that, since it is viable within the Australian economy at present to farm fish in those latitudes, water should first go through fish ponds before being put on crops. There is an unnecessary and unwarranted restriction on the freedom of private investors and producers of the wealth in this country's economy. Moreover, it is the lead into the restrictions that will be imposed on primary producers wherein they will ultimately, in fairly short order—if the group to which I have referred has its way—have to get permission each time they want to cultivate or apply insecticides, pesticides or fungicides to the land and, indeed, each time they want to change the land use of a particular section or part section of their property.

In fact, it might mean that any change of the subdivision of the property into paddocks will be affected. Discussions I have had with certain people indicate that that is the direction in which they want planning controls to go. They consider this nation's farmers to be too irresponsible to be trusted with the capacity to make those decisions.

The Hon. D.J. Hopgood: That couldn't happen under this legislation.

Mr LEWIS: It is going in that direction, and they are happy about that direction; that is why I have a reservation about it. The other substantive point I want to make, which I had not made last night, was that, under this Bill, once an area has been proclaimed (particularly within the precincts of a town or within the metropolitan area) as being suitable for, say, retail activity—or at least that is what the plan intends that it should be used for, and nothing else—it cannot be used for any other development without a change in that plan. Therefore, an inflexibility is built into the utilisation of dry land, above sea level, in our townships and in the city of Adelaide.

Why is that important? I suggest that it is vital in this day and age to contemplate the rate of change of technology, especially in retailing. Just for a moment let us consider what has happened in the past five years. In that period we have all seen a rapid increase in the issue of coloured glossy brochures mailed to us inviting us to shop at the premises of the people publishing those brochures either by visiting their premises or by telephoning to place an order.

When we couple that with the kind of information given to this House by other learned members who understand what is called modern technology and plastic money, one begins to appreciate that there will be a rapid shift in the near future from the conventional attendance at shopping centres by consumers who wish to purchase such goods—be they consumables (foodstuffs and perishables), or less perishables, goods such as clothing, or even white goods or yellow goods—to the point where people will simply telephone the company selling the goods to place an order for goods, the price of which is debited against their credit card, or even against their bank balance. That scenario is only five years away in Australia. One will be able to telephone a shop, which will be a warehouse in which the goods will be stored; the goods will be delivered, and one's bank account will be debited with the cost of the goods, and a statement will be sent out showing that it has all happened.

The goods will not be displayed because rental costs of floor space in shops are escalating at an enormous rate, thanks to the BLF and the way it is jamming up building

costs. Eventually, it will not pay to have goods taken out of packages and displayed for customers to see. Customers will take the goods on trust as portrayed and simply buy them knowing that consumer protection legislation and other guarantees offered by the vendor will ensure that the goods are as described. Therefore, I say that to lock ourselves into the kind of rigidities contained in this Bill is to do ourselves a disservice in that we will take too long to rearrange the fashion in which we effectively utilise our open space to a form of use other than the use that had applied.

In five years time, we will have inequities and inequalities between the rental value of open space used for, say, retailing (which will then fall) and living space, which will rise. Regrettably, we will be the poorer as a consequence of imposing constraints that will result from this legislation.

Mr M.J. EVANS (Elizabeth): I do not want to delay the House long at this second reading stage, but I do feel obligated to comment in view of the debate that has taken place in this Chamber and, to a lesser extent, in the community outside and with a number of local government members with whom I have had the opportunity to discuss it.

I have always approached the planning question, as will doubtless be known to the Minister and some of his colleagues, very much from a local government point of view and from a local autonomy point of view. There has been some substantial debate in the past about the extent to which the 1982 Act—the completely revised Act of the former Tonkin Government, brought in at the last possible moment before the election—delegated more or less autonomy to local councils.

It has been my view, as one who has had to participate in the administration of the legislation at a local level and who has subsequently had the opportunity to discuss it in this House, that the Act removed a significant degree of freedom from councils. I know that that view is disputed by many, and I accept the perspective from which they address the question but, certainly as a practitioner of it at a local level, I believe councils have had somewhat less freedom in the way in which they deal with it.

However, while that may be debated, one thing in my view may not: that this Act is clearly about changes in the use of land and not about the continuing use of land. Despite the reversals on appeal on the way through, the definitive result from the High Court was fairly clear in my interpretation of the decision that it made: that, in fact, one had to seek consent for a change in the use of land if that was not a permitted use of the land in question. Where, for example, that use was either consent or prohibited, one needed to seek consent for that change. Where it was otherwise permitted, no such consent was required.

Certainly, one would never require consent simply to continue to use a given piece of land for the same purpose. That is true, notwithstanding the removal of section 56 or, indeed, its suspension for a period, as we have discovered in recent months during the suspension of that section. Existing use sections in the Act do not particularly protect anything, because the very nature of the Act itself protects the existing use which might be there, and I do not really see any justification, given the very nature and scheme of this Act.

Were it to be based on different principles, it might be necessary to have extensive protection for existing use but, given the way in which this Act is structured, the way in which courts have interpreted it and the way in which it is administered at both the State and local level, it seems to me that protection for existing use is simply meaningless and duplicates the very nature and structure of the Act itself.

Those existing uses, even where they are non-conforming with the provisions of the local development plan, are quite well protected by the requirement that one is only required to seek consent from the commission or a council where one proposes to significantly alter those uses. I cannot see that our inserting any clause into the Bill which would seek to do anything other than that would have any real meaning or protect any real rights which are in need of protection. That has been established by the courts, and I for one am quite prepared to let that stand with no concern that that will impinge upon the rights of those who have a use which is otherwise prohibited by a particular provision of the development plan.

Certainly, we have seen a change in legislative provision and protection for those who might wish to expand a prohibited use. I would accept that with the past two or three (or however many) amendments we have had in this Parliament in relation to this section—and certainly from the previous regulations—there has been a drift away from empowering uninhibited expansion of existing prohibited uses and, to some extent, I think that is realistic, given the way in which the planning schemes have evolved over the years.

We are now talking of a period of 10-plus years in respect of this kind of planning scheme. It is certainly the case that we have moved away from provisions where people, as of right, may significantly expand a non-conforming use, and I believe that is indeed an appropriate way in which to go. I certainly do not believe, as the member for Murray-Mallee suggested, that we are heading in the direction where people will be required to obtain consent simply to apply fertilisers to their crops, and so on.

Members interjecting:

Mr M.J. EVANS: That is not a change of land use, as the Minister interjects. Although I distrust planners as a breed, I do not wish that to be taken personally by any of that group, but the fact is that they give advice to local government and to Ministers, and I do not always accept their advice. As an elected person, I have exercised my prerogative to vote against their advice on occasions when I felt that to be in the community interest. That is why I believe in local autonomy in planning matters. I have had more to say on that in other debates, and I do not wish to get involved in that matter now, but it seems quite clear that we are talking here about broad uses of land for agricultural or rural purposes. Those classifications in most of the rural sections of this State would already be appropriately zoned. After some 10 years, there is very little of this State not correctly and appropriately zoned.

There may well be non-conforming uses in pockets in part of the State, but that is not relevant to the broad brush question of whether rural land, or the like, is correctly zoned for rural uses. Once that is true, then those rural uses (just to follow through this particular example) are permitted uses and no consent is required under the scheme of this Act. The Minister is certainly not, by this Bill, proposing to change that, a matter which would require people to seek individual consent in relation to those activities. I just do not fear that particular scenario as a result of these amendments.

Who is to say what the Minister subsequently, or a subsequent Minister, may wish to do? But, certainly, we are not treading down that path in this debate, and I do not think we are even giving the Minister a foot in the door to attempt that kind of change. The question of existing uses which are otherwise prohibited is a very sore point, partic-

ularly in the metropolitan area. It is not such a difficult question in the rural areas of the State, but it certainly is in the metropolitan area. The vast majority of metropolitan councils have so organised their affairs under the Planning Act that, in fact, the vast majority of uses are now appropriate to the zone in which they find themselves: and, through a process of continuing supplementary development plans, that will no doubt continue to be further and further refined.

Of course, once an activity is in a zone which is appropriate to that use, then they need have no fear about existing use provisions. Regarding those few people who find themselves with an industrial use in a residential zone (to take one particularly bad example of a non-conforming use), it would be most unfortunate if we were moving in the direction of extending that non-conforming use. That would be to compound the errors of the past, and I do not believe that this Parliament should be in that business. If it is appropriate to be doing anything in that direction at all, we should be gradually evolving a system which encourages people to move away from an existing non-conforming use towards appropriate zoning. We should not perpetuate, by allowing the significant expansion of non-conforming uses, what is indeed an inappropriate use. I would not wish to see that change take place overnight. Obviously, that would indeed rob people of their rights, privileges and capital investment. But it is certainly reasonable that we should gradually evolve that position so that people are encouraged to move in that way.

Certainly, while the provisions of this section have been in suspension, we have not seen any dramatic consequences flow in investment terms from that and, of course, people will be directing future investment towards correctly zoned uses. That, I believe, is a most important trend which we should be fully encouraging. So, rather than attempting to prop up non-conforming uses, I would prefer to see this Parliament move in the direction I have just indicated, because ultimately that is going to be in the interests of the whole community, particularly of those who are in a non-conforming position.

It is certainly the case that in the long run business and industry, which are the main victims, if you like, of this kind of situation should face up to the reality that ultimately they will be better off moving to an area where they are, in fact, in a correctly zoned situation. They will then be able to build, to expand and to utilise their property, from the point of view of noise and other detriments to the surrounding residential areas, in a way which will not be hindered by the Planning Act but will be encouraged and fully protected by it.

That has to be in the best economic interests not only of those individual businesses but also of the State. I think that, if we establish a legislative scenario which will lead us down that path, we will set up a much better framework for the State economically and planning-wise, so I have no concerns on that score. It should not be forgotten that the Planning Act contains provision for the approval of prohibited uses and, therefore, if a particular enterprise or, indeed, a person who owns a property in the middle of an industrial area—the reverse side of the coin—for some reason wished to expand on that particular site without moving to an appropriate site, he could seek a prohibited use consent from the local council, which would then advertise the matter, should it so decide, as a consent use and proceed through the normal channels with the approval of the State Planning Commission.

That is an awkward procedure but by no means an impossible one. I have seen that done many times in my own area of Elizabeth. It can be done in appropriate cases: for example, where a service station has ceased to be used for the purposes of retailing petrol because there were too many such service stations, they have been converted to other uses, including retail uses which, although they are prohibited in that particular location, were given consent by the council, by the commission and by the Minister to be operated in that way. They have been most successful developments. That, of course, can still continue under the scheme we are debating this afternoon.

I believe that in those special circumstances (unusual, I would hope), where that procedure is possible, it would still be able to implement it and, although slightly longer in its course—

Mr S.J. Baker: It would take 100 bureaucrats to decide it.

Mr M.J. EVANS: It would not. The honourable member is making the wrong point. I spent 10 years in local government and dealt with many prohibited use applications, which I believe is more than he did. That process is not a simple process. It does involve the bureaucracy but so it should, because we are seeking here to extend a use that is otherwise prohibited. One benefit of planning legislation is that it provides certainty not only for the owner of the land but also for those who live nearby. If it is too easy to introduce a prohibited use, the honourable member would not be doing a favour to those in the general community who live nearby.

Mr S.J. Baker: What about the prohibited uses that have been there for many years?

Mr M.J. EVANS: I shall not be drawn into a direct debate on that point, nor would you allow me to, Mr Speaker. Those uses are fully protected by the Act as it stands and do not need additional provisions to protect them. What is needed, if that is to be the case, is consent for expansion, and I support that. Under the existing Act as drafted by the member for Heysen when he was Minister, rebuilding, redevelopment and reconstruction on an existing site are excluded, so none of that is inhibited. However, expansion is inhibited, and I fully support that. In that respect I believe that the Minister is in fact moving down the correct track.

I do not fear, as the member for Murray-Mallee fears, that we will reach the absurd scenario that he has drafted. Of course, such a thing is always possible but not under this legislation. The basic scheme of the Act will be enhanced and improved by that kind of change even though in some small way such changes may derogate from rights previously enjoyed. I believe that it would not be beneficial to the industry, to the person concerned, or to society at large for them to be pursued in that way. Under the prohibited use proposals other mechanisms are available and should be used where appropriate. We should bear those provisions in mind when debating this whole amendment.

Mr S.G. EVANS (Davenport): I am not as confident as is my namesake, the member for Elizabeth, about the Bill and I wish to express one or two views on zoning generally. Regarding existing uses, if there happens to be a residence inside a commercial area and the owners are living in the house and then want to rent it out, they are allowed to do so: there is no problem at present regarding a non-permitted use in a commercial area. However, when the process is reversed and a commercial proposition, such as clay brick making, exists in an area zoned residential, that is classed as light industry; but, if someone wants to change the process to making Polly Waffles, light engineering or cabinet making, that is considered to be a different use. In other

words, although it is in the same classification as a light industry, the authorities automatically say 'No'.

I do not believe that that is the interpretation that should have been applied in such circumstances, even though departments have applied it and indeed I have examples of it. Where we have gone wrong is in not compelling (and I use the word 'compelling' deliberately) local government to make available in their council areas pieces of land suitable for the local tradesperson. We have not laid down a provision that in the local government area it is only proper that land be provided for such people. In this respect I shall give examples.

In the Mitcham Hills, no land is available for local tradespeople, except in respect of existing uses. For example, in Hawthorndene the existing uses extend to two joinery works, a fruit packing shed, and an engineering business, all of which were there before housing development in the area. In came the subdividers, the council and the State Government approved the subdivision, and the people building the houses knew the industries were there. Indeed, they built their houses up against those industries.

The member for Newland said the local residents should have a say whether those businesses stay there or expand. That sounds good and it is democratic but, unfortunately, the poor sucker in the business is only one voice. Say, 24 people built their houses there years after the businesses had been operating. They will have 24 votes against the businessman's one vote. They apply more pressure, play the emotional role, and talk about the industry interfering with the quality of life, but that quality of life was there before they came there because the business was already there. That is what happens.

It is said that the council should decide. In nearly every eastern suburb, people in small businesses are chicken-feed to the local council. They are lucky if they represent 2 per cent of the voting strength. Indeed, in the Mitcham Hills they may not even be 0.5 per cent of the council voting strength. So, does one get people concerned about the local engineering works in Hawthorndene?

Ms Gayler: Yes.

Mr S.G. EVANS: No, because councillors are only concerned, as are politicians, about votes in the long term. I have seen it happen.

Ms Gayler: Surely they are concerned about jobs.

Mr S.G. EVANS: If they were concerned about jobs, they would be concerned about an area for light industry. In the early 1970s, before the formation of the Happy Valley council, I wrote to the Meadows council suggesting that certain land be set aside for light engineering. At that time, the Happy Valley Primary School had only 40 students and there were only a few houses, mainly in a rural environment. It was obvious what would happen. I suggested to the local council that 10 acres should be set aside and fenced, with trees as in Europe, and that the commercial vehicles in the area should park on that land which would be zoned light industrial. However, no such provision was made. The only such land in that council area is a small piece of land, two acres at the most, alongside the Hub shopping centre. In the Mitcham Hills no such provision has been made.

In the Stirling District Council area, the same sentiments have been put by me to the local council over the years, but what has happened? In Stirling, Crafers and Bridgewater, the few areas that were available for manufacturing in the main were bought by one or two business people. So, because, as a result of zoning regulation, an item is made scarce, the few that were able to get an existing use could apply it and any young person trying to go into business or to work for tradespeople cannot find a property in that area on which to operate. Such activity is totally prohibited.

What sort of society do we have when we say that we want to create jobs, yet the public transport system costs us a fortune and we do not even provide facilities to create jobs in a community close to where people live? It could have been done in a place that covers hundreds of square miles.

If society cannot find 10 or 20 acres, there is something wrong. It could have been done outside the catchment area. Councils should have been compelled to find that sort of space and say, 'That is it.' In the Stirling area there is a group of people who are sometimes called 'greenies'. I say that they are selfish idealists who want a perfect society for themselves but not for their neighbours. It has gone on year in, year out. Ultimately, we have departmental officers who either lean that way themselves or have a similar point of view and find it difficult to take the tough decisions. That occurs in local government as well as in higher positions.

If we are genuine about keeping costs down for tradespeople and, ultimately, for householders, we should make sure within each community an area is available for carpenters, handymen, and electricians. That would assist neighbours who complain about, say, plumbers who bring home two vehicles and park them in driveways or in the street; other tradespeople bring home tip-trucks or bobcats with a truck and cause traffic dangers in the streets. When they leave for work early in the mornings their diesel motors and heavy vehicles create a lot of noise. That could have been stopped with proper planning. We knew it occurred in Europe. Members can go right through the eastern suburbs to see whether it occurs there. We have shirked our responsibility. No-one can say that I did not mention this when I was shadow Minister and at other times when I had the opportunity.

I now turn briefly to a matter that I mentioned only recently. I believe that we should allow residential accommodation in commercial areas above shops in shopping centres. Why not make a new classification? What is wrong with that? It would provide security for shops and perhaps stop the crime of breaking and entering. Some families would be happy to live above shops. Most councils will not allow that to happen. It happens all over Europe, where people live above delicatessens. That would make better use of public transport and other resources within the community; and it would stop the spread of our community, which is extending far to the north and to the south, with people complaining about the cost of water, sewerage, power, public transport, roads, footpaths, and so on. It can be done. People tell me that it is possible now, but let them tell me where it has been encouraged and show me examples. We have vast shopping strips and shopping complexes but there is no provision for this sort of accommodation. In fact, there would be nothing wrong with the Housing Trust buying the rights to some of the space over the top of shopping centres to create public housing, and it could be done under the strata title system.

I turn now to the case of a conflict of use in the hills face zone, which is another area that concerns me. The Bill does not affect the hills face zone in any way at all, but I think I should be given a bit of latitude to comment on it.

An honourable member interjecting:

Mr S.G. EVANS: In the past members have been given some latitude when such a Bill is before the House. If that is not the case on this occasion, I will be told and I will stop. I believe that the present hills face zone regulations are ludicrous. To say that one cannot build a split level or two storey home in the hills face zone and that one must

excavate—virtually as deep as a quarry at times—to put the house on one level is the most stupid piece of legislation I have heard of. It is a disgrace. I can show members an area of Coromandel Valley which is virtually a quarry. Why do it? At the same time, consideration is being given to putting something on top of Mount Lofty to increase its height above sea level by another third—600 feet.

If one builds on the lower side of a road in the hills face zone, one cannot have part of the roof showing above the road. Think of the extra cost and stupidity of that! One is allowed to see the house on the upper side of the road, but not on the lower side. What sort of legislation is that? I sought an inquiry about a piece of land I own and wanted to excavate to make an approach into that land. It was suggested to me—not strongly—that I had to submit plans for the house at the same time. I argued about that. I have not sent in my application yet. I argued the point and asked, 'Why do I have to put in the plan of a house when I seek only to excavate the site for the house?' I was told that it was because the final type of house built on the site will be decided by the council, anyway. I cannot decide what my house will look like—I am told. I want permission to excavate the site according to the conditions laid down. It was suggested that I might want to sell it sometime. I might, too, but that is my decision. No-one in the department has the right to ask whether I intend building on the land or whether I intend to sell it to my son or daughter to build on.

The hills face zone legislation is a shambles. One day the hills will be burnt out, whether or not the Labor Party stops people from building there. The hills face zone has the fuel to get a fire going. The fuel for a fire will be so dense that no-one will be able to handle it. In relation to permitted use, I am concerned about what will happen in the future, if we pass this measure. The Minister says that the existing uses there now are safe. I am not sure about that. I suppose the only way I can prove that is by going to court, as others have done with other laws in the past. However, I do not want to do that.

I have argued previously that society should be able to have an opportunity to go to court for an opinion on legislation if we have doubts as a Parliament. However, it appears that Parliament has no doubt on this matter. The Labor Party is happy with the legislation. However, at times there is a need to obtain an advisory opinion, and we need that with this type of legislation. I have no doubt, in relation to some existing uses that in future, if enough pressure is applied by local people, operators will be slowed down to a point where they will have to stop. In other words, if they own an acre of land and the building on it takes up only one tenth of that land, they will not be allowed to extend. That is an expansion of the existing use, and that is how the courts have interpreted it.

Originally, Parliament thought that, if you owned an acre of land and used it to grow, say, mushrooms or produce mothballs, you could use the whole of that land for that purpose. Under the new interpretation, you can only use the part that you have been using in the past. That is the prohibitive factor, because sometimes businesses want to expand. I believe we will have a situation where this small group of individuals, probably only about 1 000 of them in the whole of South Australia, will be involved in a conflict of use. However, that will not be the case with residents—they will be allowed to stay, while those with businesses will have their activities gradually curtailed.

I offer the Government and local government a challenge: if they believe it is a use that should not be in a residential area, for God's sake and for the sake of business and the whole community, find a piece of land in that locality to offer these people in exchange. They could relocate their business from one piece of land to another. However, the land should be in the same community, because that is where their customers and employees are located. If their business is located at Lonsdale and they are relocated at Port Adelaide, or if they are at Mitcham and they are relocated at Elizabeth, there will be a problem for the employees. We must consider not only the employer but also the employees. Think about it. In the past we have said that it does not matter and we have simply closed them up and shifted them on. Eventually we have a situation where we ask why our buses are clogged up and making a loss; and the roads are clogged with workers trying to get to work, because we have failed to provide facilities and opportunities for workers near their homes. If we are too selfish to do something about this, we deserve to face the consequences. I do not support the Bill because I have grave doubts about it.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I had not intended to speak in this debate, but I will do so very briefly. The member for Davenport has reminded me of an incident that I intended to raise in the House at the appropriate time—and I think that is now. I refer to the absolute crass stupidity of regulations which are all-binding across what is defined as the hills face zone. That area covers a lot of country, including areas which are certainly not visible to anyone living in metropolitan Adelaide. Although that area is called the hills face zone, it covers areas which run back into the hills, in the central hills and the Norton Summit area.

A particular example is an area I picked up in the last redistribution, and I refer to One Tree Hill. I went out there to examine the demands of the Electricity Trust to underground power on a person's property. That person had come from the country and had bought a very attractive property at One Tree Hill. It was flat country where no-one could possibly see his house from metropolitan Adelaide. That area was defined as hills face zone, and that is one reason why he had to underground his power lines. That was bad enough.

However, what I found completely nonsensical were the dictates of an officer of the planning department—I suspect a public servant—as to the sort of house that this man was allowed to build on this lovely rural property of, from memory, 100 acres. If one drove from One Tree Hill into this flat country one could not possibly see metropolitan Adelaide and no-one in metropolitan Adelaide could see this area. However, it is still regarded as the hills face zone and this man was told that he could not build a two storey house, which he was planning, 250 metres from the road.

I had visions of the gracious homes one sees in some of the American states—beautiful two storey houses set back off the road. This situation at One Tree Hill was an ideal spot for an attractive home that would have been delightful to see when driving past. However, the person concerned was not allowed to build it because the hills face zone regulation stipulated that only one storey houses were allowed. He had to excavate so that one storey of his house was underground. Then the public servant told him what colour bricks he was allowed to use. I remind members that this house was in the middle of nowhere on a lovely rural property, miles from the view of anyone in metropolitan Adelaide. However, it was zoned hills face.

There was then an argument about the colour of tiles to be used on the roof. The public servant ummed and arred a bit, I am told. This man was puzzled, and I was more

than puzzled: I was damned annoyed. I thought that this was bureaucracy gone mad. This two storey house had to have one storey underground, and it was dictated to him what colour bricks and roof he could have. In my judgment this home would have been a nice gracious two storey house that could not have looked better in that rural setting.

However, because of these sweeping, stupid and all embracing hills face regulations this man was told by some public servant, who ummed and arred, what sort of house he could build. I thought that the Government regulations were just plain crazy. It is high time that we looked at the definition of the hills face zone. Everything that is done is done to curry favour with people who live in the city and sit on their back verandahs and gaze at the beautiful hills face. Something may not offend those people. Indeed, they may not even be able to see it. Let us look at these sweeping regulations and get a bit of sense in them.

The contribution of the member for Davenport reminded me of the stupidity of the pettifogging decisions that are made by people who are carrying out the letter of these regulations which, in my view, do not lead to improving the view for people who drive around those parts of the State but, rather, make it a complete farce.

Mr BLACKER (Flinders): I, too, am concerned about this Bill because I believe it shows the ineptness of the Minister and the Government since the saga began in March 1983. Section 56 brings us back to the Dorrestjin case and the subsequent events that have gone on from there. Just how far will the tentacles of Government go in determining changes of land use? Some years ago I raised the matter of the change of land use and the ability of a Government to effectively control the lives of anyone working on a piece of land.

I know that the Minister wishes to dismiss that insinuation, but this whole matter of native vegetation came about when he endeavoured to use the Planning Act in a way for which it was never designed: to incorporate land clearance. By using that legislation, the Minister has expanded all the options that may or may not be available. He created this ongoing saga, which has been going on for the past three and a bit years. It is time that the Premier, in his cost cutting exercise, looked at how much this event has cost South Australia.

Ms Gayler interjecting:

Mr BLACKER: I am talking not in terms of direct costs but in terms of the cost to individuals and for court cases at their various levels. I do not believe that the Minister can hold his head up in relation to this matter, because he created a bureaucratic bungle in endeavouring to manipulate the law as it stood at that time. He tried to make the law of that time do something that it was never designed to do.

Had the Minister come clean and negotiated with the various organisations, which he has said he has done (although I now find he has not), he would have much more support than he has at present from the environment and farming communities. He would not have had the unsatisfactory 'them and us' situation that has developed in some cases to the degree of hostility. Generally speaking, the Minister would have been more useful to the State if he had handled it in that way. However, that was the action that the Minister chose to take.

There has been considerable debate about the urgency to get this legislation through. We have only 16 or 17 days before the suspension runs out. I point out that the Select Committee that was set up by the Upper House was chaired by a Government Minister. I wonder whose responsibility it was to reinstate that committee—it was obviously the Chairman's. One cannot throw it back onto the shoulders of the Opposition. Sure, this Select Committee was set up at the instigation of the Opposition, but the Legislative Council supported it, irrespective of Party politics.

I understand that the Hon. John Cornwall was Chairman and that the committee had one meeting. I note that the committee was supposed to report back to Parliament on 31 October last. Obviously, at that time the House had risen and there was no further attempt by the Government to reintroduce this matter.

We have heard the Minister over the past few days cajoling members of the Upper House and saying that it was their responsibility. However, it is his own Government's responsibility. Likewise, the member for Newland made similar comments. I point out that no-one but the Government has to carry the blame for failing to comply with a requirement of the Legislative Council and that Select Committee. That committee should be given the opportunity to be reinstated and carry on with the task that it was set up to do.

I am given to understand that if this Bill passes through the House without a Select Committee being set up here it will almost certainly be forced into a Select Committee situation when it gets to the other House. I do not know what other negotiations have taken place or whether or not that is right. However, it is a reasonable assumption. I would have thought it would have been in the Minister's best interests to accept the proposal of a Select Committee in this place when his Government has the numbers. He could then be a part of it.

I support the member for Coles in her endeavour to have a Select Committee in the belief that a motion for such a committee will be moved in the Upper House. Obviously, if that is not the case a further extension will be required in relation to the two-year period.

I wonder why the government of the day has not consulted with the Local Government Association, the United Farmers and Stockowners, the Environmental Law Society and similar organisations. Platitudes and suggestions have been made that there has not been consultation on this Act. To verify that fact today we have a circularised amendment, which I assume is a fairly elementary amendment. But, the fact that that amendment was not included in the original Bill clearly indicates to me that the Government has raced this through at the last minute, quite deliberately avoiding proper public consultation. I am confident of that because the Government, the Minister and his department have had plenty of time to do the right thing.

I am advised that this Bill is nothing but a legislative nightmare. I believe that it will be subject to a considerable amount of litigation. The Minister may have intended to try to clarify matters, but I am advised that it will further confuse them, because it is not at all clear.

The Hon. P.B. Arnold interjecting:

Mr BLACKER: As the member for Chaffey said, it is a real lawyer's Bill. Everyone to whom I have spoken has made the same comment—they cannot understand how it will assist anything. The first thing that will happen is that there will be litigation immediately challenging the validity of the Act. I would like to oppose the Bill, but as the member for Coles has already foreshadowed her move for a select committee, I will support it thus far in the attempt to promote a select committee in this Chamber.

Mr S.J. BAKER (Mitcham): I do not support the Bill. If the member for Newland was in contact with her electorate, she might well understand that she would create more con-

flicts in the approach used here than would be resolved. I will briefly relate three incidents which have happened over a period (members may have heard one before) and which make the point rather well. I was doorknocking some time ago, and I happened to come across a person who lived next door to a shopping centre. He said, 'I would like the road closed. Are you going to support the road closure?' I said, 'No, I will not support a road closure.' He said, 'Why?' I replied, 'All the people feed into the shopping centre from this road. The road has been there for as long as I can remember—probably for 50 years.' He said, 'Yes, but it causes disruption past my house. I can go and get a petition to get the road closed.' I said, 'Yes, but you will get only the people in the immediate street.' He said, 'That's all right. I want this road closed.' This gentleman had arrived six months earlier and decided that he wanted the road closed. He wanted his local member to stand up for him and have the road closed. Of course, it would disadvantage hundreds of other people in the process. That is the nature of the problem, and it is something with which we all know we have to deal.

Another example is a friend of mine who has an establishment on Goodwood Road. If members want to check their main roads they will find that a lot of the enterprises on those roads were there for a considerable time before houses were there. In some cases they are in zones that are inconsistent—

Ms Gayler interjecting:

Mr S.J. BAKER: Hold on a second; I will get to that point.

An honourable member: Are you addressing the Speaker?

Mr S.J. BAKER: I do not know. I do not know whether interruptions are allowed. This acquaintance of mine had a motor garage for many years which he used as a workshop, for which he was given permission many years ago. Consent use approval was given to him and him alone, which was a very strange decision; nobody quite understands why the decision was to give him consent and nobody else. The fact the business was there long before any of the houses were built seemed to make no difference because, when he tried to sell the property, he ran into enormous problems, as it was not viable. No-one purchasing the property could be guaranteed that the existing use would be maintained, despite the fact that that establishment had been there long before any houses were around and that it was an enterprise which employed a few people. The simple upshot was that he had to close down because he could not afford to run the business. That matter is still being negotiated, but it was just a simple example.

I have another example in my area where a person wanted to operate a Chinese restaurant in a district shopping zone, from memory. The council did not see a problem until it put out a notice to say that some alterations were to be made. Then all the residents objected very vehemently and, of course, the consent was not given.

We have these situations time and time again. More importantly, there are two businesses in my area which the residents do not like, and they both happen to be in non-conforming zones. When people drew the boundaries they made a few mistakes. The point is that if anyone attempts to make any alterations to their premises—and we would always hope that people make alterations to their premises and upgrade as the market allows—irrespective of whether it will cause less disruption (in fact, they could do it to cause less disruption), there will be in the surrounding community a group of people who will say that they do not wish that to continue. They have come there after those two enterprises were there and have paid prices that were commensurate with living near a main road. However, they now resent the fact that they must live with the noise and disruption associated with those premises.

We can have it either one way or the other. If people wish to build near existing premises, which have existed long before they were there, they must surely be aware of the risks. Further, if the risks become higher, I think they have some quarrel in allowing those things to happen. Often we find today that improvements to premises can bring a better result than the existing arrangements, yet the residents will band together and petition with 20, or in some cases 50 or 100, signatures. What council is brave enough to resist such pressure?

Those are the only points that I wish to make. This is a sensitive area, an area of conflict, and it does not need this legislation. It is no good for the Minister or the member for Newland to say, 'Well, we have not had too many complaints,' or for the member for Newland to make a facile comment like, 'Oh well, land prices have gone up.' I am fascinated by that comment. The Minister knows, and I know that some of my colleagues know, that people have been awaiting the opportunity to make a decision, and that decision is sometimes for the benefit of the surrounding community. But, they cannot make a decision because the Minister has put it in limbo. It was put in limbo because there was to be a select committee on the whole subject so that it can be straightened out. I oppose the Bill.

The Hon. D.J. HOPGOOD (Deputy Premier): To those members who have addressed themselves to this Bill, I thank them for their consideration, in particular, the members for Newland and Elizabeth. By their very concise contributions they have shortened the time that I need to spend by way of any sort of summary at the end of this debate. To those who chose the opportunity to ventilate certain concerns generally about land use, planning and other bits of legislation, I guess the less said the better.

Certainly, a traditional problem that governments have in introducing legislation is that, as often as not, they cannot secure the argument by pointing at that stage to tangible benefits. On the other hand, the Opposition usually has the advantage that it can invent all sorts of phantoms and invite the Minister at the table to try to knock them down. Of course, the Minister does not have the empirical data to be able to do so.

For example, if the Minister of Transport were to introduce a Bill to reduce speed limits on the open road to 80 km/h, the Opposition might say that there are all sorts of dire consequences that would result from that amendment. Although the Minister might say that the Opposition was talking nonsense and that he had taken advice from traffic authorities, he could not actually predict the outcome—he has no crystal ball. Doubtless, he would like the luxury of being two years down the track from the reality created by the amendment and thus be able to say, 'We have had a period of experience of what I advocate and, in fact, we have not seen the dire consequences that you people are predicting.'

I am in that fortunate situation because what this Bill does—apart from a little legislative tidying up around the edges—is simply ask Parliament to enshrine in the legislation—I was going to say in perpetuity, but I can only say until the next amendment, whenever that might be—not something new or radical but only what has been in existence for the past two years.

Mr S.J. Baker interjecting:

The Hon. D.J. HOPGOOD: It is right. When we originally legislated in the light of the Dorrestjin decision there

was all sorts of confusion in the minds of members opposite in another place, and that was deliberately put there by certain people for their own ends. The Liberal Party was used in that respect. In some ways I do not blame some people who were a little confused. Planning legislation is not easy legislation to understand for people who have not had the opportunity to work with it for some time. What finally happened was that a sunset clause was finally written into the legislation, with the effect that the offending subsections were struck out.

When we came up to get rid of that sunset clause the best we were able to get from another place was a further sunset period. The net effect of all of this, as I have already indicated, is that we have had two years for the Planning Act to operate without the subsections of section 56, which of course drew the decision and comment from the High Court. What has been the outcome?

Let me play the game with some degree of confidence that Oppositions normally play, because I am inclined (because of the darker side of my nature) to give the Opposition what it wants, to go further, to let section 56 (1) *(a)* and *(b)* come back into the legislation. Then we will see what the residents of the eastern suburbs have to say when the first application goes in for a massive expansion from some existing non-conforming land use—an expansion of a commercial, retail or industrial use into surrounding residential areas. We will hear the cry when local government tries to bring in a supplementary development plan and we find that it is set at nought—it is vitiated by the decision of the High Court. Then we will hear the screams. I want to protect the members for Coles, Bragg, Mitcham and Davenport from those dire consequences. I want to protect them from themselves.

Let me reiterate what has been said frequently on this side of the House about the protection of existing uses. The Planning Act controls changes of land use: it does not control land use as such. It is nonsense to suggest that under any conceivable amendment of this legislation a person should have to go to their local government authority in order to obtain permission to spray fruit trees, spread fertiliser on a wheat crop or anything like that. That is not a change of land use; it could not possibly be regarded as a change of land use and would be laughed out of court, yet that is what is being suggested to us.

The Planning Act controls changes of land use. It lies fallow until such time as there is an application for a change in land use. At that time it springs into life. The application is made to the local government authority or to the South Australian Planning Commission. A decision is made, a decision which under certain circumstances is appealable right through to the High Court, as we have indicated, but once the decision—

The Hon. Jennifer Cashmore interjecting:

The Hon. D.J. HOPGOOD: It is certainly a costly process, but the honourable member might say that about any branch of litigation to which our legislation is subject.

The Hon. Jennifer Cashmore interjecting:

The Hon. D.J. HOPGOOD: I do not want to encourage litigation, either, and I can certainly suggest to the honourable member that she is heading in that direction. Once the final decision is made and the change of land use has been ratified, that continues until such time as someone applies for a further change of land use, and that is the way in which the Act operates.

So, by definition, by the very structure and nature of the legislation, existing land use, non-conforming or otherwise, is protected. The member for Coles raised in her contribution in the second reading (which in terms of its relevance to this legislation I must say was light years ahead of what many of her colleagues put before us) the matter of the 50 per cent rule under the old Planning and Development Act. I will explain to the House exactly how that operated, because it has been broadly misunderstood. The greatest misunderstanding is that there was a general right somehow that had existed from the beginning of the Planning and Development Act when it was introduced by Don Dunstan and passed through this Parliament in 1966-67.

The honourable member cited an existing non-conforming land use, a land use that was surrounded by zoning that did not admit that land use. It is clear that the legislation protects that existing land use. She also averred that under the Planning and Development Act there was automatic 50 per cent right of expansion without planning permission. That is incorrect: such 50 per cent expansion rights as may have occurred under the old Planning Act occurred only in relation to what was called the Governor's exemption. The Governor's exemption, under the Act was the old equivalent of the prohibited land use that we have these days.

Members would be aware that in any flexible piece of legislation there must ultimately be some mechanism whereby on the merits a change of land use that was prohibited nonetheless somehow can be approved. Under the old legislation that was by way of the Governor's exemption. Under the present legislation, it is under the non-permitted land uses where the concurrence (if I can use the word) of a higher planning authority has to be sought. How did the Governor's exemption arise? This existing land use could be surrounded by a scheme of zoning where that same land use was either a consent or a prohibited use.

It could not be a permitted use; otherwise it would not be a non-conforming land use in the first place. It could be a consent use or a prohibited use. For some strange reason that I do not understand, consent uses were not subject in any way to the automatic 50 per cent expansion right. However, there was a regulation indicating that conditions might or might not apply to a 50 per cent expansion to an existing non-conforming land use under the Governor's exemption and only in that limited case conditions may or may not apply.

In the Cremorne Hotel case and several other cases which followed, it was indicated by Their Honours that, contrary to what had been thought—that is, that if conditions might or might not apply it also followed that consent might be withheld altogether—consent could not been withheld, because of the wording of that regulation. That was about 1980, not back in 1970 or 1967. At that stage, I am told, it was determined that that was an anomaly which that decision had created and which would have to be done away with. However, the machinery for the new legislation, which I guess was triggered off by Mr Stuart Hart's report of 1978, was already on the way, so it would be fixed up in the legislation.

I believe that the member for Heysen thought he had fixed it up in the legislation by the verbiage that had been brought out. Perhaps most people thought it had been fixed up until Dorrestjin came along. But that is the only situation in which I can find that there was any sort of 50 per cent expansion rate without going to planning permission. What has really happened is that, despite the fact that the legislation by its very nature protects existing land uses, somebody decided that section 56 (1) *(a)* and *(b)* should be put in there out of an excess of caution; and, if I may quote somebody, 'The courts find work for idle words to do.' They found that work with a vengeance in the Dorrestjin case, and it is clear that we must now fix it up. If we do not, the following consequences will occur: first, existing

uses can be expanded into surrounding areas where the zoning does not conform, without there being council permission; and, further to that, it follows that supplementary development plans, in effect, will have no force whatsoever. Let me just say a little about supplementary development plans.

Mr S.J. Baker: You've been going on and on. We've heard it all before.

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I like the cheek of members opposite! Four of their contributions were absolutely irrelevant to this debate, yet they interject on me because thus far I have gone for 12 minutes in a summary at the end of a second reading debate. I am going to ignore them. I will deliver my reply to what they have to say in my own way. Were I not to do so, they would accuse me of being rude and not having listened and given attention to their contributions to the second reading debate. They always play the game 'heads they win, tails they cannot lose'. The supplementary development plans are, of course, subject to a good deal of public scrutiny on their way through. There are people opposite who have argued that people are sometimes put in a difficult position because of a change of zoning through a supplementary development plan, notwithstanding the fact that they have an existing use right.

That is understood, and it is for that very reason that the member for Heysen wrote into the legislation the safeguards he did for public scrutiny and surveillance of a supplementary development plan. We have to put it on public exhibition. We have to inform those people who are directly affected by the change of zoning. Those people are in a position to be able to make representations to the local government authority. The local government authority has to forward to me all those objections to the change of the zoning plan. I, in turn, have to refer it to the advisory committee on planning which, in turn, makes a recommendation to me which I may or may not process through to His Excellency. The change of zoning then occurs or does not occur, according to what has been determined. There is all that ambitious machinery which takes account of the fact that from time to time changes of zoning may create problems for people notwithstanding the continuing existing use rights that are there.

If supplementary development plans are to have no effect, then what is the point of all that ambitious machinery which was put into the legislation by the member for Heysen? I think the Liberal Party will have to make up its mind about the legislation which it introduced in the Parliament many years ago—legislation, incidentally, which emerged rather improved as a result of the attention that had been given to it by honourable members in both places. I understand that they are now somewhat repenting of some of the aspects of that legislation. I and my colleagues, therefore, remain their staunchest defenders. They clearly did much better than they knew at the time, or than they intended, and I believe that we are now the defenders of the scheme of planning which we have in this State, rather than the critics.

I want to refer briefly to several points of detail which honourable members made to us. The member for Murray-Mallee fell into this trap of assuming that, somehow, some minor change in rural production could be seen as a change of land use. Has he in the past two years had constituents come to him and complain that they had had permission withheld from them when they had tried to change a wheat farm into a yabbie farm, or something like that? Clearly, that is something that has not arisen, so that sort of phantom can quite easily be ignored.

The member for Davenport, I believe, with respect, fell into that same error. If you had a light industry and you change to manufacturing Polly Waffles, instead of whatever else you were manufacturing, that is still a light industry and no council permission is required. It may be that permission has to be sought under other legislation: the Building Act, the Health Act, etc., but it does not follow that permission must be sought under this legislation. I will explain how the honourable member is possibly confused. The courts have ruled that where there is a massive intensification of land use that, in turn, may be a change of land use; that a commercial operation which was producing one truck a week and suddenly produces 200 trucks a day may well be a change of land use, and in those circumstances obviously council or possibly Planning Commission approval is required.

I believe that, again, members have been misled by comments that have been made outside by people who really do not want a Planning Act at all: who do not really want the bother of having their various projects reviewed by a properly constituted development control authority. I give notice of the fact that in Committee I will be moving an amendment to clause 7. This relates to a tidying up of the legislation. It is partly addressed in clause 4 of the Bill and, in putting it out of clause 4, I omitted to put it back into clause 7, and I will be inviting the Committee to rectify that omission. I commend the legislation to the House.

Bill read a second time.

The Hon. JENNIFER CASHMORE (Coles): I move:

That the Bill be referred to a select committee.

A number of the arguments for the select committee were put during the second reading debate, and many of them were cogently put by the member for Flinders. I do not want to canvass those arguments at too much length but, for the sake of the motion, it is necessary for me to put some of them. The reality of this Bill is that a number of people who are going to be affected by it have expressed their views to the Opposition that the Bill is unsatisfactory, unclear, likely to lead to much litigation and has been introduced without consultation.

In her contribution to the second reading debate, the member for Newland, in a speech heavily overlaid with sarcasm, accused the select committee of not being interested in the subject, of not meeting and of not reporting. The facts are that the select committee was set up in another place on 19 September 1985. The committee did meet. When Parliament was prorogued on 10 November, it had met only once. The reason it had not met more frequently was that the Chairman of the committee, a Minister of the Government, the Hon. Dr Cornwall, had not convened it a second time. I therefore do not believe that any blame can be laid at the door of the select committee as such, let alone the Opposition and Democrat members of it; but any blame for its not continuing to meet can certainly be laid at the door of the Minister. The select committee was not reconstituted during the life of the last session.

However (and this is a cogent reason for the committee to be reconstituted), many interested organisations were clear in their view that the Select Committee was still operating. Many people outside this Parliament are not aware of Standing Orders and not fully cognisant of the fact that all committees lapse when Parliament is prorogued and need to be re-established if their work is to continue.

It is clear to the Opposition that many people sincerely believed that the Select Committee still existed and that they would be given the opportunity to make submissions to it. Imagine the surprise of many of those organisations

when I broke the news that a Bill to repeal section 56 had been introduced by the Minister. Those people, despite the claims of the member for Newland that there had been a multitude of seminars and consultation over the last three years, had not seen this Bill. It is no use saying that organisations had a chance to hold seminars, and that the matter has been thrashed to death and therefore needs no further public scrutiny, if the Bill before us has not been the subject of consultation between interested organisations and the Government.

I have circulated the Bill to various people, and I shall read into the record the views of some of them in support of the argument for the appointment of a Select Committee. The communication from the Real Estate Institute states that the proposed amendment to section 56 is unclear and needs redrafting. The Executive Officer of the Local Government Association states:

> The amendments are complex, difficult to read and I am concerned about the little time allowed for commenting on this Bill.

The Building Owners and Managers Association of Australia Ltd states:

> The proposed amendment does nothing to clarify the problem facing owners enjoying 'existing use'. Indeed the amendment is silent upon the question of an existing use which has lasted for three years or more before the date when the amendment becomes law.

An eminent environmental lawyer, whom I shall not name, told me that the Bill was extremely difficult to understand. It would be a good thing if the Minister and the member for Newland recognised and acknowledged that not all wisdom in relation to planning resides with them. Indeed, not all wisdom in relation to planning resides with the Minister's department or with this Parliament. It is universally agreed that this issue is complex and that it affects property and therefore people's lives and livelihoods. On such an important issue, notwithstanding the Minister's claims that we must now fix it up, and notwithstanding the fact that he believes that he has done so by introducing this Bill, it is extremely important that those to be affected be given a chance to have an imput on this legislation.

As the member for Flinders said, a Select Committee chaired by the Minister rather than by his colleague in the Upper House would give the Government the opportunity to bring to bear on this subject all the perspectives that need to be brought to bear and to draft a Bill which is clear and which is not likely to lead to further litigation. The Minister's insistence on pushing this Bill through is ill advised. When eminent lawyers tell us that it will lead to litigation and be a lawyers' paradise, it is appropriate that the House of Assembly listen to that advice.

The United Farmers and Stockowners of South Australia Incorporated, another organisation that has an important interest in this issue, states:

> It is the UFS' view that the changes proposed by the Government are complex and can only be properly discussed and reviewed in a forum such as a Select Committee.

Is the Minister so arrogant that he will dismiss the concerns of these well respected groups which have considerable influence in the community and represent a vast range of people? Will he dismiss those views as of no account and press-gang this Bill through, regardless of what these representative organisations believe, and regardless of the advice given to members by people experienced in the law, simply because he wants to see the end of it? I predict, however, that this will not be the end of it: it will simply be the beginning. The key words in the Minister's second reading explanation refer to the fact that the Planning Act is not relevant to continued use of land but becomes relevant only when further development is proposed. The Minister may stand by those words, but he could also stand by, in a multitude of local government forums, when arguments develop about the words 'continued use'—

The Hon. D.J. Hopgood: The courts can determine that and they have done so.

The Hon. JENNIFER CASHMORE: Do we want to go to the courts?

The Hon. D.J. Hopgood: The decisions are there.

The Hon. JENNIFER CASHMORE: They may be, but they will be challenged again and again. Does the Minister want South Australians to go to court every time a suite of offices changes its use from doctor's consulting rooms to an accounting practice or to lawyer's rooms? They would still be professional rooms even though their use changes, and the argument could revolve around that theme.

The Hon. D.J. Hopgood: Not under this Act.

The Hon. JENNIFER CASHMORE: The Minister may say that, but people outside are saying differently and, as I said previously, not all wisdom resides with the Minister. The Minister has clearly signalled that he does not intend to support the motion. The matter has been well canvassed in the second reading debate and cogent arguments have been put for the establishment of a Select Committee. I therefore ask members to support the motion and to ensure, by doing so, that the planning law in South Australia is appropriate, clear and free from ambiguity, and that all those interested in this law are entitled to put their view on the Bill.

The Hon. D.C. WOTTON (Heysen): I support the motion to set up a Select Committee, because I am aware as much as if not more than anyone else in this Chamber of the uncertainties associated with the legislation before the House. Legislation to repeal section 56 (1) *(a)* has been in and out of this Chamber frequently.

The Hon. D.J. Hopgood: This is the third time.

The Hon. D.C. WOTTON: Yes. Each time it has been introduced it has been accompanied by concern and uncertainty on the part of many people and organisations. Even at the time of the drafting of the Bill there was considerable uncertainty about this area of the legislation. I set up a committee prior to the drafting of the Bill to discuss the need for change, and I can recall that this was one of the matters discussed at length. Concern about how it should be dealt with was expressed by many people and organisations at that time. The Minister has suggested that there are no problems, that there is no concern and uncertainty in the electorate in regard to this matter. I support what my colleague the member for Coles has said. I, too, am aware of the number of representations that have continued to be made since the repeal of section 56 (1) *(a)* was first brought before Parliament. The same people have expressed the same concerns.

There has been very little consultation, if any, with some of those organisations, despite what has been said in this debate and previous debates. A number of people have sought to be informed by the Minister as to the different provisions of the Bill now before us. There has not been adequate consultation, despite what the Minister would say. If there had been, we would not have this repeated call on the part of the same organisations for an opportunity to sit around a table and discuss it sensibly. I know that the Minister and the member for Newland have had a lot to say about the fact that the select committee established in another place has not met. My colleague has explained that situation quite adequately. That is no reason at all for the arrogance expressed during this debate and the suggestion

that there is no need for a select committee to be set up formally at this time.

I would have hoped that the initiative might have come from the Government itself—from the Minister. I suggest that it is very seldom that it is necessary to bring the same legislation into Parliament three times and still not feel satisfied that the community understands and supports it—not even supports it, because I guess there are many times when a government will bring in legislation which may not be supported by some sections of the community. In this case it is a substantial group of people who do not understand what it is about and who want the opportunity to sit around a table and talk about it. That is one of the virtues of a select committee. The longer I spend in this place, the more I see the need for opportunities through a select committee for detailed discussion on matters such as this.

I strongly support the need for a select committee. From what the Minister and other members opposite have said I doubt whether the Government will agree that this should happen. If it does not, I do not know what will happen in the other place this time. Perhaps the Minister, who has just referred to the Democrats in another place, knows what they are likely to do. I do not think that anyone ever knows what they are likely to do, but he may. He may have been given some assurance about where they will stand on this legislation. If they follow decisions that have been made previously and decide not to support the legislation, the Government and the Minister responsible will find themselves in quite an incredible situation.

I do not know where the Minister goes from here. I suppose he attempts to bring it in for the fourth time, and so we go on. I strongly believe that it is appropriate to provide an opportunity for questions to be asked of the Minister and for representations to be made by those who are concerned and uncertain. A select committee is the appropriate venue to enable that to happen. I strongly support my colleague the member for Coles in her motion for a select committee, and I urge the Government to support it, also.

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

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

The Hon. D.J. HOPGOOD: I will not take this time as an opportunity to again canvass the pros and cons of the legislation. People who have a point of view to put forward have had over two years to do so. Those same people have had two years experience with a Planning Act without section 56 (1) *(a)* and (1) *(b)*. The last thing we need right now is a select committee to have a further rehashing of those issues. I oppose the motion.

Mr BLACKER (Flinders): I support the proposal for a select committee. I do not know that what the Minister has said can stand up. The native vegetation issue can be implicated in this, but I do not wish to pursue that further. I think the comments I had to make during the second reading debate express my stand on why we should have a select committee. I think it is a perfectly justifiable course of action to take. The other place considered that course of action necessary, but it was the Government and no-one else that failed to go on with it. To that end I think the motion should be supported.

Further, I do not rely simply on my understanding or my appreciation of the Bill: I sought advice from other organisations which are more directly involved in planning. They are totally confused not only from the point of view that they believe it is a legislative nightmare and a lawyer's paradise, but they are also disappointed that they were not consulted about the Bill. One could say that it has been the same piece of legislation all along, but I am given to understand that it is not the same; there are variations which have not been fully explored.

I have been in constant contact with one organisation in particular which has had legal advice. At this late stage it cannot get a determination, an appreciation or an understanding of the true implications of the Bill. That is why it believes that there has been insufficient liaison. The questions being asked by those organisations in the planning field are the questions that should have been answered by the Government when the Bill was prepared. Because they have not been answered, I think it is only fair and appropriate the matter should be referred to a select committee.

The House divided on the motion:

Ayes (15)—Messrs Allison, P.B. Arnold, S.J. Baker, Becker, and Blacker, Miss Cashmore (teller), Messrs Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Olsen, Oswald, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs. L.M.F. Arnold, Bannon, Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs McRae, Payne, Peterson, Robertson, Slater, and Tyler.

Pairs—Ayes—Messrs D.S. Baker, Chapman, and Meier. Noes—Messrs Crafter, Hemmings, and Plunkett.

Majority of 8 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Saving provision.'

The Hon. JENNIFER CASHMORE: I want to question the Minister about this clause and its relationship to amendments to the development plan. Clause 6 provides:

Section 56 of the principal Act is repealed and the following section is substituted:

56. (1) A development for which planning authorisation has been granted may be undertaken and completed in accordance with that planning authorisation notwithstanding any amendment to the development plan that takes effect after the date on which the application for the planning authorisation was made.

How can an amendment to the development plan affect consent that has already been obtained? I suggest that the provision is redundant.

The Hon. D.J. HOPGOOD: This is a saving provision. It is possible that it could become a prohibited development as a result of a zoning change that has occurred, notwithstanding the authorisation that has been given. That position is being protected by this amendment, which we are asking the Committee to accept.

The Hon. JENNIFER CASHMORE: Notwithstanding the subsequent establishment of a prohibited use, how can approval be withdrawn after it has been obtained? Clearly that would be an illegal Act. Why is this provision worded in this way?

The Hon. D.J. HOPGOOD: The honourable member may be right and that may well be the way in which the courts see it should any appeal be brought, say, by a third party appellant or something like that. However, this makes the position absolutely clear.

The Hon. JENNIFER CASHMORE: Proposed new subsection (3) states:

Where—

(a) consent, approval or authorisation is required under an Act or Acts (not being this Act)—

presumably an Act such as the building Act or the mining Act—

for a proposed development or activity;

and

(b) on the date on which an amendment to the development plan or this Act takes effect, the development or activity had not been commenced but the consent, approval or authorisation had been obtained or, where more than one was required, all of those consents, approvals or authorisations had been obtained,

the development or activity shall, for the purposes of subsection (2), be deemed to have commenced on the date that the consent, approval or authorisation was obtained or, where more than one was required, the date that the last of the consents, approvals or authorisations was obtained.

This proposed new subsection is extremely difficult to understand, and I do not claim to understand it perfectly. If a person has put in an application before this Bill is proclaimed, does that person lose the right of continued use or resale value for a similar use or continuation of that use?

The Hon. D.J. HOPGOOD: The person's rights are guaranteed. I need to draw to the honourable member's attention the fact that this clause begins by repealing section 56 of the principal Act, and not just section 56 (1) *(a)* and *(b)*. The advice I have received is that the reciduum of section 56 and the intention are more clearly expressed by the scheme that I am now placing before the Committee than what is in the parent Act. That may be the problem that the honourable member has. Certainly, the rights that the honourable member has indicated are protected under this scheme that we are putting before this Committee.

The CHAIRMAN: I draw attention to the fact that the member for Coles has already spoken three times in this debate.

Clause passed.

Clause 7—'Insertion of schedule.'

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

Page 4, after line 15—Insert new clause in schedule as follows:

6a. A person who was, immediately before the commencement of this Act, a full time commissioner under the repealed Act shall, subject to this Act, continue in office on terms and conditions no less favourable than those on which that person held office under the repealed Act.

The effect of this amendment is to reinsert into the Act that which we removed under clause 4 of the Bill. This rearrangement is on the advice that this is more in line with the way in which legislation is drafted these days. It raises no policy issue of which I am aware.

The Hon. JENNIFER CASHMORE: The clause may raise no policy issue, but it certainly raises what I would describe as an administrative competence issue. I do not oppose it but simply make the observation that the fact that the Minister has needed to bring in an amendment at this stage reinforces the Opposition's argument that this Bill has been hastily thrown together and not properly drafted.

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.

I commend this Bill to the House.

The Hon. JENNIFER CASHMORE (Coles): The Opposition opposes the Bill on the third reading. We cannot accept that this Bill, about which such concern has been expressed, should not have been referred to a select committee. In view of the doubts that surround the Bill, its complexity, and the potential impact that it could have on property values and on peoples' use of property, we believe that the Bill should not receive the approval of the House of Assembly, and we oppose it.

Mr BLACKER (Flinders): I likewise support the member for Coles in her opposition to the third reading of this Bill. I think the arguments have all been canvassed. I do not believe that fair and proper consultation has taken place. There is certainly no indication of that in the field. As I have said, the people to whom I have spoken believe that they have been done an injustice in having an amendment of such magnitude go through without proper consultation.

The Hon. D.J. HOPGOOD (Deputy Premier): I remind honourable members opposite of the course that they are taking by opposing this third reading. They are theoretically, of course, opening up the possibility that the Bill will fail. What are the chances of getting another piece of legislation through this Chamber and, indeed, through the whole of the parliamentary process in the time available? They are very slender indeed. I can understand honourable members arguing that there is a degree of confusion around the place, deliberately implanted in some minds, I would suggest, by certain individuals. I am not suggesting members of the Opposition: I am suggesting that they are the ones who are being confused. They are not the confusors: they are the confusees. I can understand the call for a select committee, which is the last refuge of the confused member of Parliament. 'Let us have a little bit more time,' some would say. 'Let's have some more time because we are not quite sure how we want to address this. We will play for time.'

That is all very well—we got rid of that five minutes ago. We are now at the stage where honourable members opposite are saying, 'We just do not want this legislation passed. We are quite happy to contemplate the return of section 56 (1) *(a)* and *(b)* to the legislation despite the Dorrestjin decision. That is what they are now saying by opposing the third reading. They are saying, 'We are quite prepared to live with a situation in which an industrial establishment in the eastern suburbs is able to expand into the surrounding residential area without having to get planning permission from the local council or from the Planning Commission'. So be it! The Opposition called for a select committee, but it has now gone further in opposing this legislation. Should its opposition be effective, I will not be silent.

Bill read a third time and passed.

ADJOURNMENT

At 5.5 p.m. the House adjourned until Tuesday 19 August at 2 p.m.