LEGISLATIVE COUNCIL

Wednesday 5 December 1984

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 12 noon and read prayers.

VISITING POLITICIANS

The PRESIDENT: I draw the attention of members of the Council to the fact that in the Gallery today we have a group of visiting American politicians. Perhaps if any members who are not involved in questions would like to go back and discuss the working of our Parliament with them, I am sure they would be pleased to meet such members.

I also draw attention to the fact that we do not have a printed Notice Paper at present due to Parliament sitting so late and beginning so early.

PETITION: VIDEO TAPES

A petition signed by 89 residents of South Australia praying that the Council will ban the sale or hire of X rated video tapes in South Australia was presented by the Hon. K.T. Griffin.

Petition received.

QUESTIONS

AMDEL

The Hon. R.C. DeGARIS: Has the Minister of Agriculture a reply to a question I asked on 30 October concerning Amdel?

The Hon. FRANK BLEVINS: The replies are as follows:

1. No.

2. Not applicable (see 1. above).

3. Yes. It is the intention of the Minister of Mines and Energy to provide Parliament with regular reports as further information becomes available.

4. This matter has not yet been addressed in detail. However, it is likely that legislation may be appropriate to bring about the change in corporate structure.

5. See 4. above.

6. There are no proposals currently before the Government.

SMOKING IN PUBLIC BUILDINGS

The Hon. M.B. CAMERON: I seek leave to make a brief statement before asking the Minister of Health a question concerning smoking in public buildings.

Leave granted.

The Hon. M.B. CAMERON: A press report in today's *Advertiser* states:

> The Public Service Board [in Canberra] will ban smoking in any confined office area and areas covered by health and safety regulations such as lifts, toilets, waiting rooms, in Federal Government offices from next week.
>
> The PSB chairman, Dr Peter Wilenski, confirmed yesterday the board had endorsed a draft policy statement of smoking regulations set down by a joint management-union council in Adelaide last week.
>
> Dr Wilenski said the decision followed a proposal by the Government employment section of the ACTU to ban smoking in all Federal Government offices.
>
> A request would also be made in the official circular, to be issued next week, that smokers in open working areas stop smoking to protect the health of fellow workers.
>
> But the recommended action in regard to open working areas will not be mandatory, . . .

Following this decision by the Federal Public Service Board, is it the Minister's intention or the Government's intention to take any action to follow similar guidelines in State Government offices, and has the matter been taken up as yet by the Government or the Cabinet?

The Hon. J.R. CORNWALL: No. I have no formal proposal before me to stop smoking in public offices on a blanket basis. Individual offices, of course, make very sensible arrangements by and large where there are smoke free areas provided, and that is to be encouraged. The dangers of passive smoking (in other words, of non-smokers inhaling the side-stream smoke of smokers) are increasingly well established. Not only is it a problem that will have to be addressed in public buildings (both in the public and private sector) but ultimately, of course, someone will have to grasp the nettle in respect of restaurants and hotel bars and so forth. However, that is a matter which will have—

The Hon. M.B. Cameron: Some brave Minister.

The Hon. J.R. CORNWALL: Yes. People say that hell is being a Minister of Health in a Labor Government. I am not sure that I would necessarily restrict that to a Labor Government. However, at present, there is a good deal of ongoing discussion occurring. The Central Board of Health has drawn my attention on a number of occasions over the past 18 months to the problems associated with passive smoking. As I said, and I repeat, there is no specific proposal before me at this time, but I would certainly give due consideration and, indeed, sympathetic consideration to any future proposal that might be made by the Public Service Association in particular, or by the Public Service Board. Naturally, I would then take it further for discussion by my 12 colleagues, who increasingly tend to try and share my burdens.

The Hon. M.B. CAMERON: Is it the intention of the Minister, following this report, first, to seek copies of this report and, secondly, to then seek submissions from various public departments, including the Public Service Board, on this matter?

The Hon. J.R. CORNWALL: I would certainly ask my staff to obtain a copy of the report for me and it would then be my intention to forward it to the appropriate officers in the Health Commission, via the Chairman of the Commission, and I would wait on their assessment before I would take the matter any further.

COMPUTERISED CHECK-OUT SYSTEMS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about computerised check-out systems.

Leave granted.

The Hon. J.C. BURDETT: Computerised check-out systems, of course, have been around for some time, particularly in the United States. However, there have been some operating in South Australia for some time. Successive Governments have been concerned to see that in the operation, which is beneficial to the retail outlets and which can be beneficial to consumers, the consumer is protected. In November 1980 the Standing Committee of Consumer Affairs Ministers, on my motion, set up an interstate working party to consider the technical and consumer policy issues involved. That committee has made its final report.

One of the problems has always been the question of item pricing, as to whether individual items ought to be

marked with the prices on them, or whether that was not necessary. The fear has been that, if the prices are simply marked on the shelves and not on the items, it is possible that a consumer may not be paying the price which he believed he was paying. Certainly, it is true that prices can be changed at the check-out points in the twinkling of an eye, even when they are in operation. There has been a view that through enforcement of codes of conduct—

The Hon. C.J. Sumner interjecting:

The Hon. J.C. BURDETT: No. Since the Attorney asks me, and I support this view, it is possible through codes of conduct and so on to ensure that consumers pay the price which they think they are paying without insisting on item pricing. One large New South Wales chain indicated that it would cost an additional $1 million per annum to undertake item pricing. Of course, there are benefits to consumers. If a check-out slip is issued, which should be the case, it will not be just a jumble of figures as it is at present: it will detail, say, a packet of Weeties with the price, 5 kilograms of potatoes with the price, and so on. It will provide consumers with more information than is the case at the moment. There is a commitment in the State platform of the Australian Labor Party to ensure the retention of individual price marking of items on the introduction of computerised check-out systems. There is a clear undertaking in the State platform of the Australian Labor Party to do that. Since the final report of the working party has been available for some time, does the Minister intend to introduce any legislation in this area in regard to computerised check-out systems? If so, when is it likely to be introduced and will it provide for item pricing?

The Hon. C.J. SUMNER: No decision has been taken on this matter. The only State in Australia that has moved to try to implement item pricing is Victoria. A Bill was passed in the Victorian House of Assembly but it was not passed in the Legislative Council. There is nowhere in place in Australia legislation which imposes item pricing. In New South Wales I understand there is a regulation in place which would permit the Government to enforce item pricing but that it has not been brought into effect. The legislation would allow it, but it has not been brought into effect.

At this stage there is nowhere where there is in effect legislation to enforce item pricing of goods. The Government still has this matter under consideration and, in particular, the report produced by the working party set up by the Standing Committee of Consumer Affairs Ministers. That report considered that price disclosure was an important part of consumer protection legislation. The question then is how one most effectively achieves price disclosure. Is it satisfactory to have price disclosure on the shelves with some code of conduct to ensure that the price does not change during a day's trading and to ensure that the price shown on the shelf is in fact the same price that is charged at the check-out counter?

Opponents of the codes of conduct approach argue that the only way of getting effective price disclosure is to have each individual item priced. Those who support the code of conduct and, in effect, the shelf pricing mechanism and the electronic check-out systems generally say that the electronic check-out systems do provide a benefit to the consumer in any event, and provide better price disclosure by providing at the check-out counter an itemised list of the goods that have been purchased with the price next to them, so that consumers can see from week to week the price of the goods they are buying.

In broad terms, those are the two differing points of view from the consumer perspective. In addition, there is also what I might call a technological change or employment aspect to the problem. The Council on Technological Change did a report on the potential for job loss as a result of the introduction of this new technology, and certainly that is the area of particular concern to the unions. Once again, that is an area that is not clear. On the one hand, it is argued that there will be significant job loss by the introduction of this technology, in particular, job loss of young people who are used at present to item price goods in supermarkets.

On the other hand, it is argued that while there may be some job shift over a period of time, there is no substantial job loss as a result of the introduction of computerised check-out technology. It is a difficult area. The Government is considering an appropriate response. We have raised the matter at Consumer Affairs Ministers meetings previously, and following the report that the honourable member has referred to. As I say, there does not seem at this stage to be any move, except in Victoria, for the introduction of item pricing as such.

At this stage the Government has been adopting a wait and see position. It has the matter under consideration, both with respect to its consumer aspects and in regard to employment aspects. At this stage we are monitoring the situation in other States, and I will certainly raise the issue again at the next meeting of Consumer Affairs Ministers to be held early next year. Also, we will see what will be the effect of similar legislation in Victoria, although I do not imagine that that will be reassessed until after the next Victorian election. The Victorian Parliament is not sitting until after the election, whenever that is due to be held next year.

Certainly, I would be concerned about South Australia acting unilaterally in this area and I have indicated that concern to people who have raised this question. The matter needs to be discussed further among the States, and I certainly intend to do that. I intend to monitor what happens in Victoria. One of the problems with the Victorian legislation involves to what items one applies compulsory item pricing.

Do we just apply it to supermarkets? If we do, do we just apply it to supermarkets with electronic check-out systems? Do we apply it to all goods in supermarkets, or just those goods that have traditionally been item priced? Do we apply it to small delicatessens? What goods in small delicatessens would be involved? A number of important issues have to be resolved. I understand that in Victoria they were the subject of considerable discussion over a long period, but in the end result the Bill that was presented to the Legislative Council in that State was not acceptable to the Council and therefore has lapsed. That is the current position. The matter is under consideration. I am monitoring developments interstate, in particular those in Victoria, and we will be discussing the matter with other Ministers of Consumer Affairs in Australia.

VINDANA PTY LTD

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to a question I asked on 25 October about Vindana Pty Ltd?

The Hon. C.J. SUMNER: In 1982 unsubstantiated telephone reports were received from two grapegrowers' representatives that Vindana Winery was purchasing wine grapes at less than the fixed minimum prices. In response to these reports two prices officers conducted an investigation in the Riverland but were unable to obtain documentary evidence from growers to support these allegations.

ASER DEVELOPMENT

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to a question I asked on 15 November in relation to the ASER development?

The Hon. C.J. SUMNER: The Government has not waived the provisions of the Building Act and, although the Minister of Public Works will grant certain exemptions under the Building Act for the ASER Development under section 5 of the Adelaide Railway Station Development Act, the developers will be required to meet all the conditions of the regulations under the Building Act. It is not the intention of the developers to seek any exemption which would reduce facilities for disabled people.

PEP PROGRAMME

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Education, a question about the PEP programme.

Leave granted.

The Hon. ANNE LEVY: I am sure that I do not need again to explain to you, Mr President, or to members of the Council the impact of the Participation and Equity Programme set up under the Schools Commission by the Federal Government, but no doubt many people in this State are unaware of the total effects of the PEP programme in South Australian schools. Can the Minister obtain information for us on how many projects have been or are being funded under the current PEP programme? Furthermore, can the Minister obtain for us information on how many consultants have been funded under the PEP programme in South Australia, and how have any consultants been selected? Also, what percentage of the funds spent on each project has been spent on consultants and have any of the consultants employed under the PEP programme been in receipt of other payments from the Education Department or the Government?

The Hon. J.R. Cornwall, for the Hon. FRANK BLEVINS: On behalf of my colleague, the Hon. Frank Blevins, who represents the Minister of Education in this place, I will be delighted to refer that question to the appropriate Minister and bring back a reply expeditiously.

HIGHWAYS DEPARTMENT EQUIPMENT

The Hon. PETER DUNN: I seek leave to make a brief explanation prior to asking the Minister representing the Minister of Transport a question on air-conditioners in Highways Department equipment.

Leave granted.

The Hon. PETER DUNN: Whilst in Coober Pedy a week or 10 days ago I had reason to contact in the street several people who were employed by the Highways Department. They came to me with a small grievance which needs airing and about which questions need to be asked in this place. In that northern region there are no air-conditioners in any equipment being operated by those people. The graders, loaders and trucks that operate right through the summer period do not have any such cooling equipment in them, whether it be evaporative cooling or refrigerated cooling. These people work under extreme conditions in that area and tolerate not only heat and dust but also work virtually in a glasshouse in the cab of one of those units, in which the temperature rises to extreme limits.

The rest of the community tends to accept air-conditioning. I can say from some experience that the rural community has had air-conditioners in tractors and trucks for many years and that air-conditioning is used a great deal even in winter. The commercial traveller today has air-conditioning in his car; in fact, such equipment must be fitted. Most city buildings in this much milder climate have air-conditioning. Indeed we are sitting and standing in such an atmosphere today. However, the people to whom I have referred not only have to work in extreme heat and dust but also have to cope with the problem of isolation.

They do not have television or radio, their paper service is irregular and they do not get fresh foods regularly as we do in this area. I believe that they deserve to have better conditions than they have. By that, I mean that they should have air-conditioners. The fact that these people do not have air-conditioners causes a great drop in their physical and mental attitude towards their jobs.

If one is working in temperatures in excess of 40 degrees, which is common for some days at a time in that area, one's performance drops quite considerably. However, when the temperature gets to 43 degrees (a temperature we rarely experience in this area), they are allowed to knock off and then return to their air-conditioned camp. Obviously, the rest of that work day is lost. Although their employer does not fully use them, these people, are still paid. Of course, I think it is quite reasonable that they should knock off in 43 degree heat, as most people in this area would do.

However, this will not attract skilled labour. If one continues to have personnel operating very expensive equipment such as graders and front-end loaders with a capital value of between $100 000 and $200 000, and if one has less skilled people operating it, problems with maintenance and care of that equipment will occur.

I understand that authority has been given to install 18 air-conditioners in 300 units in the northern region, most of which units will go to the Coober Pedy area where most equipment is less than two years old. It has been purchased relatively recently, yet none of the equipment has been fitted with air-conditioners. I imagine that the fitting of 18 air-conditioners to 300 units would pose problems such as demarcation disputes: who will have an air-conditioner and who will not?

In fact, we find that all the equipment that is operated in the mine at Leigh Creek is operated by a different group of people who are employed by ETSA, and that equipment is fitted with air-conditioners. The buses that take workers from the town to the mine have even been air-conditioned recently. So, it is accepted as part of the equipment that is needed in that area now.

Therefore, my questions are: first, is it Government policy to purchase all new roadmaking and maintenance equipment for the northern region with air-conditioners fitted? Secondly, does the Government intend to install more than 18 air-conditioners in the present fleet of equipment in the northern region? Thirdly, were graders and loaders ordered without air-conditioners in the past two years or were they removed after purchase? Fourthly, how much did the Government save by purchasing each item of equipment without air-conditioners? Fifthly, how much will it cost to fit 18 air-conditioners in the present plant and equipment and, finally, how many days or part days in the past 12 months would have been lost because of the road gang having to knock off due to the temperature rising above 43 degrees?

The Hon. J.R. CORNWALL: Again, on behalf of my colleague the Minister of Agriculture, who represents the Minister of Transport in this place, I shall be pleased to take this question and refer it to the Minister of Transport and bring back a reply.

PARLIAMENTARY SUPERANNUATION

The Hon. R.C. DeGARIS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in the Council, on the question of Parliamentary superannuation.

Leave granted.

The Hon. R.I. Lucas: You're not going Federal.

The Hon. R.C. DeGARIS: I do not think so; it would improve the present standard a bit. Considerable publicity has been given in the media to the possible claim of $221 000 by commutation of a Parliamentary salary by the former member for Elizabeth, Mr Peter Duncan.

No information has been given to this Council so far: most of the information is from the media. Will the Attorney-General make a statement to the Council on this matter? Has the question of whether an application for such a payment is permitted under the Act been referred to the Attorney-General? I feel that the spirit of the Act does not relate to that matter. Does the Government intend amending the Act, if it is thought that this application is permitted, to prevent a possible application and, if so, does the Government intend that the legislation will have retrospective effects?

The Hon. C.J. SUMNER: Like the honourable member, I have also been perusing the press reports on this topic. No formal decision has been made by the Government about the matter, although I note that the Premier has made statements about it. I will refer the honourable member's request for a statement to the Premier.

The Hon. R.C. DeGaris: I wouldn't object to retrospective legislation in this case.

The Hon. C.J. SUMNER: I see. The matter has not been referred to me personally for legal advice. I do not know whether the Crown Solicitor or the Solicitor General have been involved. However, I will refer the honourable member's question to the Premier and see whether a statement on the matter can be made available for the Council.

LAND TAX

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about land tax.

Leave granted.

The Hon. L.H. DAVIS: During the year the business community has expressed concern about savage increases in land tax. The present land tax scale has been in operation since 30 June 1977, having been amended in 1975 and 1976. However, the system has not been amended since 30 June 1977. Whereas Government and semi-governmental charges, such as electricity, and water and sewerage rates basically relate to the cost of providing these services, that is not true of land tax, which goes straight to revenue.

The impact of increasing land values and an unadjusted land tax scale has inevitably led to dramatic hikes in land tax paid. For example, the public listed company, the East End Market Company, which owns a substantial amount of land in the east end of Rundle Street, claims that over the past eight years land tax has increased by 370 per cent. Naturally, these increases have to be passed on to shop owners and stall holders. There has been a 17 per cent increase in land tax for the East End Market Company for 1984-85, three times in advance of the expected rate of inflation for the year. These savage increases have had a crippling effect on small businesses in both the city and suburbs, and I instance one butcher shop in Rundle Street that pays $17 a week just in land tax. Whereas eight years ago land tax was quite often only about 25 per cent of local government rates in some cases, the annual land tax payments on commercial properties are now often higher than the combined total of local government and water and sewerage rates.

The vagaries of applying the tax to multiple holdings mean that a company such as the East End Market Company will be required to pay 10 times the amount of land tax in regard to land that is often only of the same value as adjacent land, which may be the only land held by its owner. Sharp increases in land tax are squeezing all businesses. In fact, I have heard of several small businesses that are considering closing because of the crippling effect of increases in such taxes and charges. Will the Government urgently review existing land tax scales in view of the harmful effect that sharply increasing land taxes are having on the South Australian business community?

The Hon. C.J. SUMNER: I think that it needs to be emphasised that a cause of land tax increasing is not because of any action of the Government, except in so far as the Government's action has assisted in the stimulation of the economy and, therefore, has assisted in the increase in property values which has occurred in South Australia during the term of this Government. I think that most people who own property have been very satisfied with the significant increase in the value of their properties which has occurred in the past 18 months, and that is the reason for any increase in land tax, related as it is to property values. I am not sure whether the honourable member is suggesting that it should be any other way.

However, the fact is that many people who own property have received a substantial increase in the value of their property and thereby are required to pay increased land tax. That is not as a result of any action by the Government in terms of increasing land tax. The only way that the Government has been involved is in so far as the Government has stimulated economic activity and provided a climate which has allowed this increase in property values to occur in our State. The honourable member has—

The Hon. C.M. Hill interjecting:

The Hon. C.J. SUMNER: A lot of things had something to do with it, but there is no question that the Government's general approach to economic management was also a factor involved in the general business climate that has been favourable—

The Hon. L.H. Davis: You haven't said that before, have you? You've said that recent economic—

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member can get into an argument. Clearly, as he knows and I would agree, the capacity for a State Government to influence completely national and international trends is limited. That is quite clear, but that is not to say that a State Government cannot do anything, and I am suggesting that the policies the Government has initiated have provided a favourable business and investment climate in this State. The actions that have been taken, for instance, in respect of the ASER project and the securing of the Grand Prix, which I think will be a significant boost in image and general confidence in the State of South Australia (I will not go into all the other policies) have, I think, provided a climate for investment and the promotion of South Australia as a good place in which to do business.

To return to the question, land tax has gone up because land values have gone up. If, as the honourable member says, difficulties have arisen I am certainly happy to refer the honourable member's question to the Treasurer to see whether the Government or he has any plans in this regard.

MINISTERIAL STATEMENT: VINDANA PTY LTD

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: On 25 October 1984, in response to questions asked by the Hon. K.T. Griffin regarding Vindana Pty Ltd and associated companies, I advised the Council that I had instructed the Corporate Affairs Commission to provide me with a report on the current situation dealing with Vindana, the related companies and Mr Morgen. The Commission's investigations into any substantive matter relating to Vindana, the related companies and Mr Morgen are complete, and I am informed that there is no evidence that would justify further criminal charges being laid against any person.

The report is a comprehensive one outlining the history of Vindana Pty Ltd, Vindana (1980) Pty Ltd, Monash Winery Pty Ltd and Mr D.K. Morgen's involvement with those companies. It also outlines the action that has been taken by the Corporate Affairs Commission and various liquidators, as well as the criminal proceedings that were taken successfully on two occasions by the Corporate Affairs Commission against Mr D.K. Morgen.

There are certain conclusions in the report that are available to honourable members. One of those conclusions is that there is no evidence that would justify further criminal charges being laid against any person. I lay on the table the report of the Commissioner for Corporate Affairs in relation to Mr D.K. Morgen and his involvement with Vindana Pty Ltd, Vindana (1980) Pty Ltd and Monash Winery Pty Ltd.

I move:

That the report be authorised to be published.

Motion carried.

TRADE COURSES

The Hon. ANNE LEVY: Has the Minister of Health, representing the Minister of Agriculture, a reply to the question I asked on 30 October about trade courses?

The Hon. J.R. Cornwall for the Hon. FRANK BLEVINS: As the answer is statistical in nature, I seek leave to have it inserted in Hansard without my reading it.

Leave granted.

REPLY TO QUESTION

(i) Pre-vocational courses:

Number of students enrolled in courses non-traditional for women	715
Number of women	75
Number of men	640

It should be noted the inquiries and interest from young women to join these courses was much higher than indicated above. The lack of adequate income support prevented many of them from taking up offers made.

(ii) Apprentice courses (1st stage):

Number of students enrolled in courses non-traditional for women	1 805
Number of women	57
Number of men	1 748

HOUSE FOOTINGS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Local Government, a question about house footings.

Leave granted.

The Hon. I. GILFILLAN: There seems to be a sad lack of interest being shown in the imminent stark rise in the cost of housing that will take place in South Australia as from 1 January 1985 in consequence of inaction to overcome the nervousness of engineers designing house footings about being sued many years hence for damage occurring to buildings, damage which to most of us appears insignificant. Because the regulations are not specific, there is no protection in law in relation to this matter. As early as January this year John Chappel was saying publicly that houses were unnecessarily costing between $3 000 and $5 000 extra partly because of engineers complying with stringent new requirements for house footings. We are about to receive another dose of that.

I have done my best in the past to bring this matter to the attention of the public and the Government. Unfortunately, nobody seems to be acting quickly enough. Therefore, I would like noted the facts relating to specifications for footings, which have been drawn up by the Institution of Engineers of Australia, South Australia Division and which is titled 'Guidelines for members providing professional services in respect of domestic and small building construction in South Australia'. This document contains an exact specification relating to damages such as cracks and damage to concrete floors. They are very specifically outlined and fulfil exactly the requirement I identified some weeks ago as being absent from the regulations. The regulations at clause 33 (2) refer to 'significant structural damage'.

All those involved in the building industry will be liable for damage if significant structural damage occurs. The fault with the regulations is that 'significant structural damage' has not been defined and, therefore, everybody involved in the industry is over compensating. They are covering the costs involved in doing so, and the poor person for whom the house is being built, the bunny who is going to be charged unnecessary thousands of dollars more for housing next year unless something is done very quickly. I urge the Minister to pay this matter particular attention. Is the Minister aware of the document I have mentioned that has been compiled by the Institution of Engineers of Australia, South Australia Division?

Will the Minister refer to Table 12 (1), 'Classification of Visible Damage to Walls with Particular Reference to Ease of Repair of Plaster, Brickwork, or Masonry' and consider that as the basis of identifying significant structural damage referred to in the Building Act regulations? Will the Minister consider Table 12 (2), 'Classification of Damage with Particular Reference to Concrete Floor', with the same significance as the previous clause? If the Minister is not prepared to accept this as a basis of defining 'significant structural damage', will he explain the reason for that as soon as possible?

The Hon. J.R. CORNWALL: I will refer that question to the Minister of Local Government and bring back a reply.

FINANCE AUTHORITY

The Hon. Peter Dunn for the Hon. M.B. CAMERON: Has the Attorney-General a reply to a question asked by the Hon. M.B. Cameron on 14 November concerning the finance authority?

The Hon. C.J. SUMNER: There are a number of points that need to be made in response to the honourable member's comments and questions, namely, the SAFA has established a fine name in capital markets in Australia and overseas, and the current advertising campaign is designed to increase local awareness of the extent of its activities with a view to enhancing the success of SAFA's first public loan which, subject to market conditions, is likely to be floated early in 1985. A second part of the campaign will invite the public to subscribe to such a loan. The details of the cost of the campaign will remain confidential.

The members of SAFA were personally involved with the development of the current advertising campaign. For the September quarter, 1984, a rate of 12.3 per cent per annum was charged by SAFA to its semi-government borrowers, and latest estimates are that the rate is likely to average about 12.4 per cent per annum for 1984-85. As at 16 November approximate semi-government borrowing rates in Australian money markets were as follows:

2 years—12.75 per cent per annum
5 years—13.15 per cent per annum
10 years—13.40 per cent per annum

Note: ETSA does not borrow through SAFA; it continues to raise funds in its own right.

LOCAL GOVERNMENT

The Hon. R.C. DeGARIS: Has the Attorney-General a reply to a question I asked on 25 October concerning local government?

The Hon. C.J. SUMNER: My colleague, the Minister of Local Government, received a submission from the Adelaide City Council expressing discontent with the optional preferential voting system now in place. That council wrote to all the other councils in the State, seeking support for its view. To date, six councils and one regional Local Government Association have expressed discontent, generally echoing the language of the Adelaide City Council's letter. The voting system was discussed at the Local Government Association's quarterly consultation with metropolitan councils recently, at which the voting system was supported by a strong majority. In addition, the Local Government Association has circularised all councils supporting the optional preferential system. My colleague considers that this cannot be characterised as growing discontent.

When the voting legislation was being considered there was strong support from local councils and the Local Government Association that the opportunity for group candidature should be reduced to minimise the potential for political Parties and other group affiliations of any kind to have a strong majority on a council. That is precisely what the voting legislation does, and now seems to be what some councils are objecting to.

The Minister of Local Government has been listening and responding to debate on the voting system with great interest. The Government has no intention of changing the legislation before it is tried for the first time at the elections in May 1985. The Minister of Local Government has, however, given an undertaking to review the impact of the voting system after that election.

COORONG PARK

The Hon. R.C. DeGARIS: Has the Minister of Health, representing the Minister for Environment and Planning, a reply to a question I asked on 15 November concerning Coorong Park?

The Hon. J.R. CORNWALL: The Minister for Environment and Planning informs me that in view of the degree of public interest, and as mentioned in the *Advertiser* on 1 November 1984, the date for receipt of submissions has been extended to the end of February 1985.

[*Sitting suspended from 1 to 2.15 p.m.*]

SELECT COMMITTEE ON ST JOHN AMBULANCE SERVICE IN SOUTH AUSTRALIA

The Hon. J.R. CORNWALL (Minister of Health) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Ordered that report be printed.

SELECT COMMITTEE ON KANGAROO ISLAND TRANSPORT

The Hon. K.L. MILNE: I move:

1. That a Select Committee be appointed to inquire into and report upon—
   (a) sea transport to and from Kangaroo Island with special consideration regarding the operation of the MV *Troubridge* and any future vessels; and
   (b) alternative transport schemes with particular reference to the inequalities of operational cost recovery policy and its effect on the island's economy and people.
2. That in the event of a Select Committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.
3. That this Council permits the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

I am moving for a Select Committee into the transport system for Kangaroo Island because I believe that a great disservice is being done to the State by the Government's insisting on its operational cost recovery policy. The Government is assuming, I think, that the people of Kangaroo Island are much more affluent than they really are. There are, of course, some very affluent people on the island, but the majority of the people are not, and they are the ones who are getting hurt. I would have thought that a Labor Government would realise this if it was genuine in its attempt to look after the 'ordinary' people in our community, and in this case on the island.

The Government, some 18 months ago, decided to increase the cost of transport to Kangaroo Island by 25 per cent in two lots of 12½ per cent, and then to increase the cost further by the c.p.i. plus 10 per cent until cost recovery is achieved. The first 12½ per cent was applied on 1 July this year, causing considerable hardship, and the second 12½ per cent has been announced to be applied from 1 January 1985. I know the Leader of the Opposition has something to say on this, and I will support him.

I would remind the Government, the Minister of Transport, and this Council that the Kangaroo Island community has no alternative transport because now the MV *Troubridge* is the only merchant ship operating between the island and the mainland. I remind the Council that ketch transport has ceased. Realising this, I think that the Council will agree that the Government's policy is exploitation, in its worst form, of a captive and defenceless community. The owner of the vessel is the Government, in other words, all we taxpayers—

The Hon. Frank Blevins interjecting:

The Hon. K.L. MILNE: I know and realise that. This sort of behaviour by one group of people against another group in the same community is quite unprecedented. No matter how hard the Government tries to justify its policy, the facts are illustrated by a comparison of freight rates in semi-trailer lots, as follows:

Adelaide-Melbourne, $27 a tonne
Adelaide-Brisbane, $68 a tonne
Adelaide-Kingscote, $80 a tonne

This is outrageous and unworkable, and I ask the Minister to immediately institute a moratorium on the increased costs to apply from 1 January 1985. The people on the island believe that the Minister is insensitive to the situation, although he must know that the agreement was made with the unions by the Hon. G.T. Virgo some years ago whereby the unions had direct access to the Minister to negotiate improved conditions. Therefore, since the union leaders do not seem to be concerned about cost effectiveness, they will continue to claim the necessity for additional crew members and more wages, believing that the islanders must pay and that the Government Budget will not suffer.

That is true to a certain extent, but in this way the islanders will simply bleed to death. I know that there is an argument on the Government's side and that this should be properly investigated, not in the heat of a political argument but in a fact finding mission of a Select Committee. The present Government has a responsibility to act in this way, and it will find that it will be in its interests to do so.

The Government should tell us whether it supports the present principle of operational cost recovery. If it does, our fears will be confirmed that the Government is happy that the people of Kangaroo Island, many of whom are Labor supporters, will bleed to death.

The Hon. C.M. Hill: There are not too many Labor supporters.

The Hon. K.L. MILNE: There are enough Labor supporters to make the Government consider those people. There is no need to be clever about it. It is a Liberal seat, and I do not want the Government to say, 'The people of Kangaroo Island can go to hell' just because it is a Liberal seat, and the honourable member would not want it to do that either. However, if the Government does not agree, it must take immediate action for a moratorium on the second instalment of 12½ per cent cost increase while the Select Committee sorts out the whole of this disgraceful matter. I know that it is complicated and that there are two sides to the question, but it cannot go on if Kangaroo Island is to remain a viable economic unit in our State. We have not in our small State, so little of which is viable for agriculture, got the privilege or luxury of giving it away when we could get together and save it.

The Hon. M.B. CAMERON (Leader of the Opposition): I give credit to the Hon. Mr Milne for raising this issue in the Council and for his move for a Select Committee. It is clear at the moment, the way that matters are proceeding, that it will not be long before it will be impossible for people to live with reasonable standards on the island, and certainly their produce will become far too expensive because whether we like it or not, one does not just pay freight one way. If one lives in an isolated situation such as Kangaroo Island, it affects one both coming and going.

The Hon. I. Gilfillan: And in the South-East.

The Hon. M.B. CAMERON: And in the South-East, but in this case it is slightly different because of distance over water. Unfortunately, sea transport has become a very expensive form of transport; I will go into some of the reasons for that in a minute. In their way of life they face costs that we on the mainland do not face for all the goods that they use: everything that they use in their ordinary way of life, except that which is grown on the island, and even that can be more expensive because one has to obtain machinery and almost everything one needs to live.

The Hon. I. Gilfillan: Except fish.

The Hon. M.B. CAMERON: Except fish; I would agree with that, although the fuel is probably more expensive to go out and get the fish because the people have given away oars.

The Hon. I. Gilfillan interjecting:

The Hon. M.B. CAMERON: I see; I must come over there more often. When they have produced the goods they have to get them back; so they have higher costs in each direction. This is a matter of great concern, and it becomes a matter of even greater concern when a Government goes away from a policy which has always been reasonable and which recognises the problems of the island. Instead, the Government is heading towards a cost recovery programme. It is a matter of vital concern to the people of Kangaroo Island, who face isolation because of where they live and who rely greatly on the link provided, the present ferry, the *Troubridge.*

The recent action of the Minister has undermined assurances that have been given during the last decade, guaranteeing the people of Kangaroo Island a regular and fairly priced sea link. One would be confident, if Kangaroo Island was a marginal seat and the link was a bus route, that the Labor Government would have no hesitation in running a transport service at a substantial loss. There would be no problem at all but, unfortunately, these people live in isolation. They are not in a marginal seat; so they will not get the consideration that we would see otherwise. In this case, we are talking about a safe Liberal seat, which the Minister of Transport appears happily to treat with some contempt at the moment.

That is one of the reasons why this matter must now be considered away from the real political arena and by a Select Committee, where everyone must sit down and listen to the problems, not just ignore them or push them aside. The Government's new formula for charging, coupled with its plans for replacing the *Troubridge*, will be devastating to the Kangaroo Island community.

The Hon. Geoff Virgo when Minister of Transport in the mid-1970s gave an absolute undertaking to provide continuity of the sea link service to Kangaroo Island. When he met local representatives at Kingscote in 1977 he assured the community that the price of such a service would not disadvantage it, and he set as the Government's goal the application of space rates that were comparable with mainland space rates over similar distances.

That is eminently fair and reasonable, and that is what should have continued. The community accepted the word of the then Labor Minister of Transport in good faith. The views expressed by Mr Virgo were shared by the Liberal Party in general terms. Since then political Parties of all persuasion when in Government have supported the operation of a public sea link between Kangaroo Island and the mainland. This Minister of Transport has changed all that. The Minister's action has been taken without any local consultation with island residents and poses a threat to the well-being of the Kangaroo Island community. The Government's desire to achieve total cost recovery in relation to the operation of Government owned sea transport to Kangaroo Island is totally unfair.

As a general objective cost recovery in all Government undertakings and activities may be commendable, but consistently the Government has accepted in the operation of the State Transport Authority and of the railways that there are grounds for some subsidy in operating such services. Such an attitude has been abandoned in the case of Kangaroo Island. It is discriminatory and ignores the special isolation faced by islanders.

The M.V. *Troubridge* is, I believe, an inefficient vessel, and it is therefore wrong to expect a limited number of people to support the cost recovery of an inefficient vessel. That is number one. Kangaroo Islanders are already paying freight rates which are higher on any assessment. Cost recovery would particularly hit Kangaroo Island's two major industries, agriculture and tourism, which rely so heavily on the services of the sea link.

The 12½ per cent increase already imposed as part of a planned 25 per cent increase for 1984-85 has made a difficult position for islanders even worse. Before the increase it cost $70 a tonne to transport groceries in bulk on the *Troubridge* from the mainland to Kingscote. This compared with $27 a tonne to transport groceries from Adelaide to Melbourne. In fact, whether one compares road, rail or sea transport it is difficult, if not impossible, to find freight rates which apply to essential commodities at anywhere near the level of those charged for the *Troubridge*. One could give many other examples. Here is a way out example: it is cheaper (and we have checked the figures) to fly icecream to Saudia Arabia than to put it on the *Troubridge* to Kingscote.

The Hon. Diana Laidlaw: That is outrageous.

The Hon. M.B. CAMERON: It is incredible. It costs 31 cents a litre to fly icecream to Saudia Arabia and 32 cents a litre to transport it to Kingscote.

The Hon. Peter Dunn: They probably need it more on Kangaroo Island.

The Hon. M.B. CAMERON: They probably do. We must put differences like that before the Council to convince the Government that there is something wrong in what it is doing.

The Hon. Diana Laidlaw: I thought that the Government of South Australia wanted to put South Australians first.

The Hon. M.B. CAMERON: Well, it does not appear so. The Government has failed to tackle one of the problems of inefficiency because, as ever, it backs away from any potential confrontation with the trade union movement. This results from the totally ludicrous and unnecessarily high manning levels on the *Troubridge*, brought about by the Seamens Union and other unions. The Minister of Agriculture would know all about that.

If the ship was staffed efficiently and the ludicrous standby crew provisions (which require the same number of crew to be on shore as on the ship) were eliminated, the situation would improve dramatically immediately. It is ludicrous, for a six hour trip, to have a total crew standing by. The Government has treated unfairly and discriminately the people of Kangaroo Island and the industries which they support and which they have developed, and its plan to further increase freight rates is narrow minded and needs a complete and thorough review.

The fact is that freight rates to Tasmania are subsidised by the Federal Government. I believe that up to 50 per cent subsidy is paid to get goods to and from Tasmania. Why is that? Because the Federal Government is sensitive about Tasmania—it wants votes for the Senate and to gain support from the Tasmanians. However, poor old Kangaroo Island, which has exactly the same problems, is thrust aside by the State Government and nothing is done for its people. I think that this is a matter that needs looking into, and needs consideration by members of this Council. I trust that the Government will support this move and that Government members will realise that we cannot just leave people from this total South Australian community in the unfair position that people in Tasmania are in at present. I support the motion moved by the Hon. Mr Milne.

The Hon. G.L. BRUCE secured the adjournment of the debate.

VEGETATION CLEARANCE

The Hon. K.L. MILNE: I move:

1. That a Select Committee be appointed to inquire into and report upon—
   (a) The administration of the Vegetation Clearance regulations;
   (b) The drafting of a Native Vegetation Clearance Act which separates vegetation clearance matters from the Planning Act; and
   (c) The future administration and control of native vegetation clearance in South Australia.

2. That in the event of a Select Committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the Committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

3. That this Council permits the Select Committee to authorise the dislosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

The questions I asked this morning I think indicated some of the worries that I and other members of this Council, particularly the Hon. Mr Gilfillan, have, worries that are shared by farmers and other people of Kangaroo Island.

I visited Kangaroo Island recently on Mr Gilfillan's suggestion. As you all know, he has been working on this problem for a long time, but being a Kangaroo Island farmer he perhaps feels that somebody else should look at this situation because that might help. He has been working with Dr Hopgood, the Minister, on this matter and has been trying to find a formula whereby compensation can be paid and better relationships built up. However, the Government has steadfastly refused to discuss compensation in relation to this matter. I can understand this to some extent, but do not think that we should give up trying. Dr Hopgood and the Hon. Mr Gilfillan came to what was thought to be a solution whereby payment would be made in cases of hardship. However, one farmer's version of hardship and his neighbour's version of that same hardship might be quite different.

The situation has caused a great deal of trouble, which was certainly not intended. I thank the Hon. Mr Gilfillan for making this a team effort. I thank the local member, Mr Ted Chapman, for giving information to me as well. One of the problems that has arisen is the conflict in approach between the Department of Environment and Planning officers and the farmers. Obviously, their interests are not the same, but they are not as different as they thought at the beginning. By the time they had realised that, so much of the damage had been done.

At the outset I think that each side felt that the other had to be hammered into the ground and should be distrusted and, as it turned out, that was not the case. Members may recall the history of the legislation involved. Dr Hopgood had to bring it in suddenly: it was no good introducing it and letting debate go on for weeks. He felt, to some extent unjustifiably, that there would be an enormous rush on clearances and that it would do much damage. The Democrats and the farmers agreed with that approach, that he had to make a sudden death decision.

What was not known by the Department or the Minister was the volume of requests that would come in and how few, shall we say, mature people the Minister had to negotiate with the mature age farmers. Consequently, comparatively young academics from the Department with very little experience in running a farm (shearing, feeding cattle, crutching or whatever) were trying to tell farmers how much scrub they should have, how much they should keep, and how much they would be allowed to clear.

The Dorrestijn case did little to help, and I think that that person was lucky in the end. Once he started on the case, he had to prove it. I do not appreciate the reason why the case came up because it was, in effect, breaking the law and what he was trying to prove was that he had a right to break it, or so it seemed to the people on the island. But, there it is. He won his appeal, and the Government then

took action immediately to save the situation by withdrawing section 56(1)(a) of the Planning Act.

Mr President, you may remember that debate when the Democrats asked, and everyone agreed, for a sunset clause to be included in the Bill, and that will finish in May. So, the position is held until 1 May but, until that time, no planning decisions can be made in the metropolitan area either for shops, buildings or anything else. The sooner we get this sorted out the better. There is really no dispute in this Council, I believe, or among the farmers, or in the Department or by the Minister, that the Bill was necessary. It is in carrying out the provisions that it has gone wrong. That is a great pity because there is an enormous amount of bitterness in pockets of the country, not only on Kangaroo Island. Some farmers have come to the stage where they say, 'The Government has made me keep this scrub. Is it going to look after it, because I am not.' They also say, 'If a fire occurs in this scrub I really have no responsibility to go and put it out.'

'If feral animals start eating some of the special plants that are supposed to be in the scrub, that is their worry not mine'. I can understand that point of view. They have an argument. However, it is very sad if that persists (and it is getting very bad in some places). Not long ago I was talking to a farmer on his property on Kangaroo Island (and I understand that he is a member of the Labor Party). He was called out to fight a fire at 3 o'clock in the morning. His property is near Flinders Chase where the fire, which was caused by lightning, occurred. He was called out to the fire with several others. He said the group had a conference and then asked themselves whether they should let the 'damn thing burn'. They asked themselves why they should bother to fight the fire. He felt rather ashamed, as did the others, and they put out the fire. That sort of reaction is going to happen.

The farmer also told me that if their property adjoins Flinders Chase, for example, or another reserve and the Government says that they must retain the scrub for 200 metres along the boundary and place a fire break on the other side it really means that the Government is increasing the size of the reserve at the farmers' expense. To some extent that is true. The farmers complain that the decision of where and when they can and cannot clear, sometimes with corridors here and there, is quite illogical—sometimes simply because of the plant life or something else. As a result, farms become quite unworkable, and farmers think that they might as well have not cleared any of the land. This is because those making the decisions have never worked on a farm. There is a misunderstanding.

The farmers also say that no provision is made for fire-fighters. Departmental officers have been so enthusiastic on most occasions that they have not allowed any strips for fire tracks. This is madness, because if they are not careful the fire-fighters will say that it is too dangerous to go into these areas; they will not do it and there will be more damage than would otherwise have been the case. One of the problems, which I can see clearly, is that the situation has become so bad that the Government felt that it had to take drastic action. The action is more drastic than would have been necessary had the problem been confronted earlier. I am not talking about the present Government but about the previous Government, which should have noticed the problem. The UF&S did not notice the problem and, if the conservationists noticed it, they did not get the message across and, as a result, we have now reached this desperate situation.

The farmers who have not cleared their land, but who had hoped to, now feel that they are trapped. Farm economics also comes into this question. People who have purchased a property with native scrub anywhere in the State paid a price that could only be justified when the land had been cleared. They might have borrowed from a bank or a pastoral company, thereby raising debts. They have now been told they cannot clear that land and, as a result, they cannot service their debts. A person from the Department of Environment and Planning would probably not understand that problem. People who have been collecting information on which these decisions are based have not taken all the advice available. That is the economic result for farmers whose commitments are based on working a farm with cleared land. There have been inequities in these decisions. Some of the decisions have been harsh, and some seem to have been generous.

I refer to a letter from the Administrative Officer, Programmes, National Parks and Wildlife Service with the Department of Environment and Planning, which I received in July this year. I will not specify the names of those on either side because that is not necessary. The letter states:

> This is to confirm that the Minister for Environment and Planning has approved the payment of $60 000 for full compensation for the resumption, of this amount, $36 000 is for the land value.

This is someone who received what the Administrative Officer has called 'full compensation'. This has caused an immense amount of damage, because the Government has said that it is not paying compensation. It is not paying compensation, but something else. The Government has taken over the land, which has been resumed, for $36 000, and has paid $24 000 for something which is not described as compensation. However, this letter states that it is compensation. Does that kind of thing happen often? Is it a new situation for everyone?

Valuers have been doing everything in a hurry. There are hundreds of applications, and things have got behind. I am not necessarily blaming anyone for this. However, it has caused an immense amount of trouble, and it has put two people in hospital worrying about it because they received no payment. It has also caused bitterness, similar to the bitterness felt by some people following a bushfire when some people are paid and some are not. A great deal of thought must go into this area. There is also the question of the resumption of land, and I am sure the Minister will be able to tell us about it later, where some properties have been resumed and payments have been made, for example, as heritage payments. Some people have been paid and some have not; some have received fencing allowances and some have not. It has not really been done on a proper basis. I am really saying that we should start again.

The Minister, the Hon. Mr Gilfillan, and the Hon. Mr Ted Chapman have all travelled to Kangaroo Island for talks, and the Minister has also done this elsewhere. In passing, there is a very bad case in the Adelaide Hills involving wood merchants (and I will not mention their names at the moment). I have been working on that case with Mr Stan Evans, who is the local member. He has been doing more work on this than I. A partnership of wood merchants purchased a property near Murray Bridge. The property consisted of scrub land which they were going to clear for their wood business and then stock it. However, they are not allowed to clear any of that land. They were allowed to buy the land, which they did, but now they are not permitted to clear any of it. They have received no help or compensation, hardship payment, or anything from the Government.

I checked with Mr Evans at lunch time and he said that this is still the case. There are delays and there is a feeling of insecurity. For the Department to take three or six months to get around to an application, by the time it has done everything, it does not seem such a long time. However, to the farmer who is worrying himself sick, who has never

experienced Government intervention or controls like this on what he does on his property, three months is a lifetime. Nervous breakdowns and health problems have been caused by these regulations. The Department did not understand this, did not know about it, and I am sure did not intend it. I hope that I have adequately described some of the things that have gone wrong. My colleague, the Hon. Mr Gilfillan, and I sincerely hope that the Council will agree to establish a Select Committee, which will not try to blame one side or the other but will try to find a solution that is very important to South Australia. If handled properly, the greatest allies in the whole scheme will be the farmers.

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition will support the Hon. Mr Milne's motion seeking to set up a Select Committee because this would be the only way that we can get the problem resolved. It is unfortunate that we have to go to this length to get a sensible solution to the problem that has been around for some time. As honourable members will be aware, we have until May before the present holding Act falls down and we have to start again. We will then be placed in the position whence we started, the position obtaining when the Government first stepped into the arena and introduced its planning regulations. I have spoken on this matter before.

I must say that I agree with the Hon. Mr Milne: half the trouble has been caused because of the immaturity (I use that word carefully) of some of the people who have been sent into the field. They will probably grow up in the area and eventually be able to handle the situation with the sensitivity that it requires. Unfortunately, that is not the position now. That is unfortunate, because it was supposed to be handled in that way, and I distinctly recall Mr Dendy's giving evidence to the Subordinate Legislation Committee. In regard to who would be carrying out this work, he stated:

> We have existing staff who are extremely experienced in this area. We are going to employ more people. We are being very careful to select people who are not didactic and we are selecting mature people.

That has not happened. We have people in the field who do not seem to be able to get on with the farming community, and they do not seem to be able to get their point of view across without inflaming feelings, and somehow or other we have to look at the way that this whole situation is being operated.

Unfortunately, because of the way it has operated, people in rural communities have become alarmed, and more land has been cleared in the past 12 to 24 months than would have been cleared in the next 10 years, because people in rural communities are saying, 'I am not going to be told what to do in the future and I am going to put in an application now.' They may not have intended to clear land, but they want to protect their futures and because there has been no indication of any compensation for their total loss of assets—which it is—people have acted in this way.

Once one cannot clear land and use it, it is of no more use to the farmer. What has happened is that farmers have been asked to set up private national parks. Personally, I strongly agree with the retention of native vegetation, but this must be done properly and fairly. It has to be done in a way that is acceptable to the rural community, but at present the rural community has no input whatever into this whole operation.

On behalf of the Liberal Party I have introduced to this Council a native vegetation Bill. I understand that the Hon. Mr Gilfillan will be putting that Bill to the Select Committee as part of its consideration, and that is a sensible means of approach. I introduced that Bill in the hope that it would be the basis of discussion. It arose from discussions involving you, Mr President, and other people, including the UF&S. It was quite within anyone's right to comment on that Bill constructively, to advance constructive suggestions for changes to it. Certainly, the Bill could have been the basis for discussion a long time ago. However, when the Government representative spoke on the matter it seemed as if the Government had decided the Bill was wrong—it would not accept it in any form whatever and adopted a totally negative approach to it. That was a pity. An intractable speech was made, which was unfortunate, because I believe the Bill provided a basis for discussions to take place.

I hope that the Select Committee will take that Bill and use it as the basis of sensible, sane, and reasonable discussion. If it does, I can assure the Government, and any other honourable member, that the rural community will take the same attitude. There are sensible people in the rural community who are willing to listen to what the conservationists have to say, what the Department has to say, and see what the general community feelings are. It is unfortunate that so many of my fellow farmers have now adopted what I regard as a hostile attitude toward native vegetation clearance controls because of the way the situation has operated.

They have taken a very hostile attitude toward the Department of Environment and Planning and its officers. The position has made it extremely difficult for those officers to go out into the field and have to cope with the anger and bad feeling that exists. Certainly, the Government has put the Department of Environment and Planning's officers in an extremely difficult situation, and the sooner this problem is resolved the better. While I had hoped that the move by the Hon. Mr Milne would not be necessary, nevertheless it has become necessary. Select Committees of this Council have almost always managed to come up with a reasonable solution to problems. I trust that this will be one area where members from this Council can go and take evidence and listen to the problems confronting farmers, the department and other people associated with this matter, and come back with a solution before 1 May, when we will get back to the position from which we started.

The Dorrestijn case is over—Mr Dorrestijn won it. From 1 May next year clearing can again commence. Because of the hostility that exists in rural communities, it is likely that there will be excessive clearing if these regulations now disappear. That is not something that I would support; it is not something that the Liberal Party would support; it is not something that the general community would support; and it is not something that the farming community wants. I trust that the Select Committee will negotiate with a positive attitude and with a real desire to resolve this problem once and for all.

The Hon. G.L. BRUCE secured the adjournment of the debate.

M.V. *TROUBRIDGE*

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

> That this Council calls on the Government to place a moratorium, forthwith, on the further application of its 1984 operational cost recovery policy on the M.V. *Troubridge* service between mainland South Australia and Kangaroo Island until a Select Committee of the Legislative Council is appointed and subsequently reports on the policy's social and economic impact on the Kangaroo Island community.

I do not want to go through all the debate that I canvassed earlier about the cost recovery policy of the Government in regard to the M.V. *Troubridge* service. In view of the motion moved by the Hon. Mr Milne, which is not yet resolved by the Council, it would be sensible for the Council to pass my motion, or for the Government to agree to it, to ensure that there is not this extra increase placed on the

Kangaroo Island community until the whole matter can be resolved by the Select Committee. I trust that that will not take too long.

It would be wrong for the Government, in view of the move which has been foreshadowed and which I trust will be passed by this Council, to proceed with the additional 12.5 per cent rise in freight rates to Kangaroo Island. It would be unfair on that community, and I trust that the Government will agree to this until the Select Committee is appointed and reports.

The Hon. I. GILFILLAN: We support the motion. It is a very sensible suggestion that has come forward in a tangible form. The arguments for it have been put eloquently already in this Council and I do not intend to repeat them, but I make it plain for the record and for the Council that the Democrats support the initiative and expect that the Minister in this case will continue to show concern for the people on Kangaroo Island. He has by his presence there and by his continuing discussions shown that he is sensitive to the needs of Kangaroo Islanders, and this would be a tangible way of showing it.

The Hon. G.L. BRUCE secured the adjournment of the debate.

PUBLIC RECORDS

The Hon. L.H. DAVIS: I move:

That this Council views with concern the current state of the public records system of South Australia and urges the State Government without delay to:

1. Consider the establishment of a Public Records Office and the provision of sufficient offsite bulk storage for public records.
2. Examine ways and means by which public sector records systems can be brought up to date.
3. Establish criteria for the efficiency and effectiveness of such systems with a view to reducing wastage and costs.
4. Examine current methods of records storage and to introduce, where appropriate, alterations that can give effect to large scale savings over time.
5. Train appropriate existing public sector staff in information systems/records management and ensure adequate education courses exist for such training.
6. Establish the ways in which the information systems of Government can better serve the public sector, the community and the Parliament with particular emphasis on research requirements.
7. Ensure where appropriate the proper arrangement and protection of permanent public historic records of significance of the State of South Australia.

In support of my motion I bring to the attention of the Council some of the issues that led me to introduce it and the reasons for the serious situation that exists with our public records. The first point that I make is the lack of a modern Public Records Act in South Australia to establish a proper authority to oversee the creation, disposition, long-term preservation and necessary arrangement for records. At present, the South Australian Public Service has no uniform approach to records management. I note that the Public Service Board Reports for 1982 and 1983 do not reflect on this problem. Indeed, very little attention has been paid by the responsible bodies to the serious situation that exists.

There is no uniform approach to the application of computing resources; nor is there any move to reform the British legal record system, which we know as the docket system. That system still sees files from the 1890s being transferred in their entirety between departments. This situation does not encourage efficient administrative procedures for the recording of decisions; nor does it ensure security of information as a result.

Inevitably, given the time and effort involved with this type of process, delays in decision making must occur. One of the most urgent tasks is to address the fundamental issue of records management and information systems efficiency. There are sufficient examples from the inquiries in other parts of Australia to warrant a rapid evaluation and action by the Government. I am aware that a joint working party made up of both Commonwealth and State public officers, is examining the general situation with respect to the treatment of public records and information systems in South Australia.

However, until recently the State has had only minimal public records or archival resources, which were inadequately housed in the State Library building on North Terrace. They also have some temporary accommodation in leased premises. This situation does not allow the Government to use archives for the purpose of its function or to expand that function. No accommodation has been available in which to store the records of Government that have been generated in recent times; nor does the public records archives operation have resources resembling barely adequate levels so as to allow it to achieve even basic equality with the service provided by its interstate and Federal counterparts. There have been complaints of serious defects in the staffing arrangement of the archives.

Although the archives has recently moved from its site in the basement of the library building to Netley to make way for the Mortlock Collection, this move has been largely cosmetic in terms of dealing with the problem. It is essential that some form of public records office legislation be enacted either to create a separate statutory authority or to provide for some agency of Government and to recognise the need for the existence of an archives organisation that is capable of dealing with this immense problem.

The other issues that are of concern to me are the ways in which Government resources are still being utilised to maintain systems that have no business being maintained in their current form. I mentioned earlier the docket system which, for any degree of efficiency, must change and change quickly. The cost to the public sector of inefficient information management systems is absolutely enormous, given the time wasted in trying to find information and track information with such systems the structure and index arrangements of which were imported by the British Civil Service last century.

I also see that this issue of efficiency and effectiveness is one that Parliament should take up so that a quicker and more efficient Government reaction to public communication can be seen, given the increasing costs and burdens borne by the taxpayer. The terms of the motion indicate an examination of the current methods of record storage, and possible alternatives may give effect to large-scale savings over time.

I do not see any point in retaining information that is no longer necessary for operational use, particularly in costly central business district locations. However, a well defined and balanced programme (that is, the evaluation of information) can effectively achieve reductions in costs and provide real savings. Other Governments—State and Commonwealth—have such central storage and retrieval repositories, and I am advised that they are very cost effective over time.

To illustrate my point, I note that the current central business district lease cost in Adelaide is some $140 per square metre per annum. If honourable members imagine the four-drawer filing cabinet as occupying one square metre of floor space, with some additional space for accessing the drawers, say, half a square metre, every four-drawer filing

cabinet that is not needed for storage is a direct saving in accommodation space and, thereby, a saving in cost to the taxpayer.

Given that the filing cabinet and access space costs $225 per annum, one can see that it is an enormously expensive exercise for any Government agency to maintain office space for storage surplus to its needs. The average four-drawer filing cabinet takes 3 to 3.5 lineal metres of material. The equivalent compactus space would be seven lineal metres—twice the amount. Non-essential material can be placed in bulk storage in low rent areas where the cost may be only $30 to $40 per square metre.

So, it is conceivable to see that over a period there can be savings of millions of dollars, in terms of cost of space saved and of time of staff employed in seeking information. There are good reasons for the Government to move quickly on this issue and address the deficiencies that currently exist. Apart from the obvious cost savings over time that will be available, the Government can speed up its information system by the elimination of unnecessary files and papers.

One benefit may be that members of Parliament will be better served in responses to questions put to the Government. I am also mindful of the fact that the media resources for research in this Parliament may be more effective once the information systems are cleaned up and made to operate efficiently. It would be invaluable for members to have rapid access to a whole range of information that is not available to them at present because people simply cannot find it. Members on this side well recollect examples of what would be seemingly simple pieces of information that take weeks and sometimes months to come back from the Ministers in reply to questions.

I perceive that the Government has no current strategy with which to impose the much needed changes quickly. There have been no public announcements. The funding of the much needed expansion of the public records office archives seems to have no priority at present. The simple fact is that the Government is presiding over the death of its corporate memory. I believe that the Parliament, through the people of South Australia, deserves a much better service from the public records which, after all, are the people's records.

I was recently in Canada and one of the more exciting appointments on that working trip was a discussion with officers in the Canadian Archives. I will now relate the structure of the Canadian Archives and the records management and information systems that exist there to illustrate what I mean about the importance of having efficient and effective record and information systems in the public sector. In 1951 a Canadian Royal Commission accepted the need for a public records office and called for an integrated approach to records management and archives preservation. During the 1960s in Canada more records were accessioned than was the case in the previous nine decades combined. There was an information explosion. The quantity of documents has been doubling every 10 years. The diversity of material, understandably, is more pronounced, especially with the introduction of new technology.

The Public Archives in Ottowa now retain permanently somewhat less than 4 per cent of all Federal Government records that are created each year: in other words, they have developed a very efficient sifting mechanism. The Federal Archives Division in Canada (and we must remember that Canada has a population of about 25 million people) has 27 kilometres of shelf space and the Federal Archives Division is responsible for the appraisal, selection, custody and reference of unpublished historical records that are created and received by departments and agencies of government. All non-government departmental files are examined, and records with actual or potential historical research value are transferred to the archives branch on a regular and continuing basis.

The Federal Archives Division initially examines files, letters, books, reports, photographs, posters, plans and pamphlets (which ultimately go to the Public Archives Library); paintings and drawings (which go to the picture division); maps and architectural drawings (which go to the national map collection); and photographs (which go to the national photography collection). The archives division works closely with the staff of the records management branch of the Public Archives of Canada. The staff preserve records that are essential to both Government officials and private researchers. They undertake protective microfilming and physical restoration to ensure conservation of often fragile holdings. The national records centre in Ottowa provides storage and reference services to Federal agencies and to the general public on personnel records and has the responsibility for all non-current personnel records.

The records management functions for personnel records and the information management functions for these same records are also functions of the national records centre. When I talk about records management functions, I include the accession, storage, reference and disposal of records. Within the national records centre in Ottowa there are 5.5 million personnel records on 112 kilometres or 70 miles of shelving. In terms of systems development, there is an automated systems processing and maintenance unit, which provides ready identification and location of all personnel records and allows rapid turn-around in response to requests for records or information from records. This automated system also identifies records that are due for disposal and there is a space management programme for better utilisation of the centre's facilities. Employees of systems development screen each record for historical significance to preserve availability for future reference if justified.

There is also a section for reference services, which receives and integrates the personnel records from other Government departments and agencies on a national basis and controls authorised access to these records by Government institutions. This group delivers over 100 000 records annually to requesting Government institutions on a next-day service to clients. It is hard to imagine that the South Australian Government would be capable of doing that. There is also a communications division, which receives 25 000 requests annually from various Governments, Government agencies and the general public. Responses to the public for information must, by law, be actioned within 30 days. Again, it would be hard to believe that that sort of alacrity would be possible within the South Australian information system as it now stands.

The communications division also provides a counter service to the public, where people walk in and request information; the requests are handled with a minimum of delay, usually in less than 30 minutes. There is a Public Archives Library as a component of the Public Archives of Canada which acquires, organises, and conserves the nation's documentary heritage. The library believes that modern historical research should use a multi disciplinary approach and so it has supplemented its collection with works on related sciences. The history collection, for instance, includes Canadian historiography (the study of history) and ethnohistory. It includes an examination of the first people and their descendants in Canada. It also embraces the explorers, population, Canadian economy, Canadian society, political life, cultural life, pamphlets, posters, genealogy and rare books.

The archives regularly puts on displays of photography and publishes documents. There is a reference room and a constant monitoring of the quality and standard of reference

books. There are research inquiries, an archives appraisal service and a curatorial service. Finally, there is a manuscript division of the archives where nationally significant and historically valuable private documents of individuals or corporations are acquired, selected, organised, described, preserved, documented and made available for researchers.

Canada has had a systematic national acquisition programme to locate documentation of national significance. Finally, there is a national film, television and sound archive that was founded in 1967 to locate and safeguard film produced in Canada. Before 1951 all motion pictures and most films in 35 mm gauge were manufactured on unstable cellulose nitrate stock that deteriorated rapidly, so there has been special care taken to preserve them. I am pleased to say that at least in the area of films Australia has recently made some progress.

Also, there is a national map collection of cartographic and architectural records, both private and governmental, both historic and current. I have taken some time to detail the archival system as it exists in Canada, touching briefly on information systems and records management because Canada is highly regarded for its approach to this important subject.

I return now to South Australia. Whilst there seems to be general approval for the quality and appropriateness of the Commonwealth Government's approach to the areas of archives, records management and information systems, it seems from discussions with many people that that cannot be said of South Australia. Indeed, it has been said by some that South Australia is up to 10 years behind the Commonwealth Government in its general approach to records management, storage and information systems.

In South Australia there is no real data base. There is no uniform information system that can ensure that information can be safely transported across Government agencies and retrieved. There is no distinction between space for storage, counter space, reception areas and operating areas. There is no centralised purchasing arrangement in this State for records systems as is the case in the Commonwealth.

I turn now to look specifically at the subject of archives. Section 32 (1) of the Libraries Act requires that public records shall not be destroyed without the authority of the Libraries Board. The question can properly be asked: how is this important provision enforced? The simple answer is that it is not. More often than not arbitrary decisions are taken by junior clerks in departments or other Government agencies as to what documents and other records should or should not be kept. The attitude has been, 'Let's chuck this out; it is cluttering up the place.' If the Government was asked how many employees are skilled in records management it would probably be unable to reply. The truth is that after using one's fingers one would not need to count on one's toes. That is how few people there are in the public sector with expertise in this area. Some Government agencies are rushing into microfilm, believing that that is the solution to the recording of information, without making the necessary cost benefit analysis.

The Libraries Board, as I have mentioned, is responsible, notionally at least, for the proper accounting of public records. The Board is constituted under the Libraries Act of 1982. One of its functions is to administer the State Library and the Archives. A further function is to promulgate and encourage adoption of standards for the efficient management of public records and the selection of public records for preservation. It would be interesting to know exactly what the Libraries Board has done in this respect.

I will examine some of the institutions of Adelaide to ascertain where they stand in respect of their approach to information systems and records management to underline the crisis that exists in this area in South Australia. The State Library earlier this year announced the establishment of the Mortlock Library of South Australiana. The initial amount of $1.5 million for this exciting project is made up of $500 000 from each of the Libraries Board and the State Government and $500 000 by way of public subscription. The Mortlock Library, as a Jubilee 150 project, will appropriately encompass the existing South Australian collection, the South Australian newspaper collection from the State Library and historic materials from the reference library in addition to being South Australia's major legal deposit library.

Existing material from the archives will be supplemented by an active programme of collection of books, personal papers, pamphlets, maps and photographs. The Mortlock Library will take some of the archival material. As I have previously mentioned, the Mortlock Library of South Australiana will take over the area that until recently housed the South Australian Archives. Regrettably, that is the only reason for the archives being moved out to Netley—there is no real consideration involved in the move that the archives should have more adequate premises. Indeed, as I understand, they will have about the same amount of space.

They are moving not because anything is being done to upgrade the archives and to increase the size of the staff to enable them to better handle this information explosion and crisis in the storage of information and historical documents so much as to open up an appropriate space for the establishment of the Mortlock Library. I should say, however, that I fully endorse the concept of the Mortlock Library—it is an exciting approach—given that South Australia is celebrating its 150th birthday in 1986. I know that it has attracted substantial support from the private sector both in terms of money and gifts of historical documents.

The State Library system deserves particular scrutiny. I understand that South Australia's important reference library has the lowest funding of any such library in Australia. In fact, that statement is given credence in the annual report of the Libraries Board of earlier this year. The reference library, of course, is a source of information and its books are not available for loan. Many of the books are extremely valuable, yet the only thing that can be said about the security system in the reference library is the lack of it. Other reference libraries have staff on the door checking every person leaving the library, but that does not happen in South Australia. Incredibly, there has been no stocktake at the reference library since 1974 and even that stocktake was never completed. The question arises whether this complies with audit requirements. The same is also unfortunately true in the lending library and the youth and children's library.

Again, the security system is intermittent and inadequate. The reference library does not even have sufficient funds to investigate the possibility of an online public access catalogue. Understandably, morale in the library sector is very low. It is hopelessly under-funded and a very dedicated and competent staff work under great pressure. The libraries on North Terrace are understaffed, the security systems appalling and the systems area badly under-funded. Equally important is the very real fear that many irreplaceable books on Australiana and other subjects have disappeared forever because of lax security systems. Quite clearly, blame for such losses does not rest with staff, but with Government.

In summary, the library system in South Australia is in need of urgent attention. Certainly, much of the neglect of libraries in South Australia can be sheeted back to the Labor Government of the 1970s, although the Liberal Government of 1979-82, through the Hon. Murray Hill's vigorous efforts, did much to remedy the situation. Clearly, much remains to be done.

The South Australian Museum information system matches the 1930s display technique, which mercifully will be upgraded as the museum redevelopment project is completed. At the moment, the museum has a manual retrieval access system. To convert this manual system to a computer will obviously take enormous time and be quite labour intensive, but it simply must be done. The Victorian Government has recently done it. Undoubtedly, the sesquicentenary and bicentenary celebrations are placing pressures on the museum staff. Has the Government made any provision for the increased pressures facing institutions such as the Museum, the Library, the Art Gallery and the Constitutional Museum? Inquiries reveal that there has been, literally, an explosion of interest from the general public, corporations, associations, and the community, all seeking information by way of a renewed interest in their history and genealogy or by way of preparing a project for the sesquicentenary and/or bicentenary.

The Art Gallery of South Australia, as is well known, has limited display space, although it has the second largest collection in Australia. Only 8 per cent of its collection is on display at any one time. This is low by Australian standards. Fortunately, it has relatively good storage facilities at Unley Road. However, its records systems, in line with most institutions, are quite primitive. Paintings, prints and sculptures are catalogued on cards, although I understand that only a small proportion of the collection is catalogued in this way. The balance of the collection is registered, so details are not freely available to the public. Presently, the Art Gallery has a manual system of recording and there are no computer facilities.

Why is there a need for a public records office? A public records office should have a dual role. It has broad responsibilities in promoting and ensuring efficiency and economy in the management of public records. The public records office should provide a comprehensive service to Government institutions in South Australia, including the review and co-ordination of all requests from institutions on the evaluation of existing records management systems; the proper review and disposal of Government records; the provision of training and advice on records management; the provision of storage facilities; and a reference service for inactive records. It also should have the responsibility for aquiring significant archival material relating to all aspects of South Australian life and providing suitable research facilities and services to make this material available to the public.

An example of the latter quite clearly is births, deaths and marriages. All original documents of births, deaths and marriages in South Australia since 1842 are kept in Edmund Wright House which, as far as one can see, has a sound architectural structure. I am told that it has a sensitive fire detection system and, fortunately, over recent years, there has been a programme of microfilming records. I understand that the period 1842-1906 has now been microfilmed, so providing a fallback position in the event of a disaster befalling those records.

Using births, deaths and marriages, one can see that the function of public archives is threefold: first, to acquire material of historical interest; secondly, to preserve that material; and thirdly, to make material available to researchers and the general public, where appropriate. The South Australian archives is a repository for Government records of historical value, documents relating to South Australian history, and papers of individuals. So, that material will include Government records, maps, letters, photographs, films, newspapers, private papers, and so on.

I turn now from archives and look at records systems. Within a single public service a number of systems operate, and in South Australia that is most certainly true. Below those systems are a number of informal subsystems. There seems to be a wide agreement that record management systems in South Australia are in a mess. Records management must be aimed at achieving the following: first, greater uniformity of systems; secondly, the creation of computerised files for personnel matters; and thirdly, the development of computerised document trading systems.

As I already mentioned, the Commonwealth Government is well advanced in records management. In the Commonwealth Public Service files or dockets become eligible for bulk storage after two years. If the rate of referral to a file drops below 10 per cent per annum it is cheaper to warehouse the file. To give some perspective to the enormity of this task, if one looks at Commonwealth departments such as taxation, social security, health and Medicare, they could accumulate well over four kilometres of records over a three-year period. Yet, the Commonwealth has been able to devise proper systems that will enable retrieval of most information on a 24-hour basis.

What is the position in South Australia? The position, even as an understatement, is a disaster. In South Australia we have the docket system, a cumbersome system of keeping records dating back to British colonial times—into the 1890s. It is inefficient and not adaptable to computers. The disadvantages of the present system is loss of time in searching for dockets. Many departments could spend some 2 per cent to 3 per cent of each working day looking for files, with dockets scattered around many floors and/or buildings. This means more furniture and higher costs. On the other hand in this State the Commonwealth has three bulk facilities, including one at Collinswood, worth $2 million. Let us imagine a department of Government with 2 000 employees and a salary bill of $40 million. If 2 per cent to 3 per cent of employees' time is spent looking for information, and I am assured that that is a reasonable figure, the cost would be some $1 million per annum. So, we can see that in South Australia this docket system means that information going back nearly 100 years is still in circulation—quite a remarkable fact.

People in the Public Service have access to dockets without any responsibility at all. Papers can be removed from dockets without anyone knowing who took them. There was a notable example, as I recall, in relation to the widening of Burbridge Road and involving Theatre 62 where papers went missing off the dockets. Dockets can be thrown on top of cupboards and sensitive dockets simply disappear.

The Hon. C.J. Sumner: They even fall off trucks.

The Hon. L.H. DAVIS: They do sometimes fall off trucks. In fact, the Hon. Dr Cornwall was a leading exponent of following trucks when he was in Opposition. There is a serious deficiency in the docket system in terms of being able to track information across departments. Again, in South Australia we have a problem in that we do not have any central salary system, whereas in the Commonwealth all departments are plugged in to one salary system. The state of the art in South Australia is very feeble and the docket system is really a rerun of Monty Python.

It is often said that there are no votes in prisons. I suspect that many people would place a public records office in the same pigeon hole.

It is important to understand that, if a public records office is properly established, it will be a long term saver of money rather than a long term user. Again, the question has to be asked: is there any forward planning for the transfer of records in South Australia? The answer is 'No'. At present, something only happens when a Government agency has a space problem or a burst of enthusiasm. There are few departments and authorities that automatically classify records and transfer them when they are no longer required.

Who in Government is advising Government agencies about when they should transfer records, how much should be transferred, and where it will be stored? As a rule of thumb, 50 per cent of information accumulated in departments could be said to be housekeeping, personnel records, finance and accounting, accommodation of property, and management services. In Canada and also in the Commonwealth Government, these records are evaluated and consigned to permanent storage or pulp. Sadly, in South Australia the system is quite indiscriminate. It is astonishing but true that the South Australian public sector with some 100 000 employees in Government agencies has no coherent records management plan, there is little if any uniformity of approach between Government agencies, and there is generally no proper track of information.

The South Australian public sector information system and records management is suffering from years of neglect. In contrast, many private sector corporate groups, such as Broken Hill Pty Ltd Company, Westpac and institutional groups such as the Catholic Church, have relatively sophisticated archives, information systems, and records management. That is not to say that there are not some very good examples in South Australia of efficient Government agencies. The Engineering and Water Supply Department has a sophisticated computer system; earlier this year the South Australian Police Department announced that it was upgrading its computer system to enable it to plug into the Australian Criminal Intelligence Bureau Central Information System, stating that this would also help make the administration of pay-rolls and personnel more efficient.

Of course, it is fairly obvious that, whilst information systems and records management is in such a mess, the South Australian Government simply cannot implement its promise to introduce freedom of information legislation. It is committed to introducing freedom of information legislation, and I suspect that programme is hastening slowly because the reality is dawning on the Government and the Minister responsible that it is simply not able to implement the legislation effectively because of the gross negligence over many years associated with records management and information systems in the public sector. A working party established by the State Government reported earlier in the year that the aim of such legislation should be to give a person a 'legally enforceable right to access any document', including visually readable documents, sound recordings, video tapes, and computer storage. Quite obviously, that would not be possible as we know information systems at present.

Sadly, there are no adequate educational courses available for records management. The Bachelor of Libraries Study Course at the South Australian Institute of Technology has but one subject in records management—in archives administration, which comprises 16 weeks of two lectures and one tutorial per week. There is simply no course of any standing to train, for example, registry clerks or senior managers. Certainly, the Records Management Association runs occasional seminars, and information technology week provides a useful forum for discussion. However, the fact remains that education and records management in South Australia is not taken seriously. This compares unfavourably with New South Wales, for example, where there is a graduate diploma course in records management. Therefore, it is hardly surprising that there is a large degree of ignorance and disinterest within the public sector.

As I have mentioned, the antiquated docket system is still in use. Even so, many departments still do not know what colour should be used for particular dockets. Quite clearly, Parliamentary records are also of great importance, but no money has been set aside for the proper cataloguing and preservation of these records. I have no doubt that our highly competent clerks have done all in their power to protect these records. However, it is essential that there should be a conservation plan for Parliament House records, and a proper inventory established of such records. There should also be money available to ensure that our books and historic records are properly preserved for posterity. I have a great concern that Parliamentary records are not being properly preserved, along with the records in other institutions I have already mentioned.

The Hon. C.J. Sumner: How much is all this going to cost?

The Hon. L.H. DAVIS: It will save money in the end. I have already mentioned the Archives being transferred to Netley, which will certainly provide better facilities. No more staffing is being allowed for the Archives, and I think it will still operate with something like 20 staff. No more funds are available. I understand that some of the archival material has deteriorated due to the cramped storage conditions. Years of conservation work has to be done, and there is not enough staff to do it. The backlog is immense. I understand that five people each working for five years would only cope with properly conserving items of national significance. If I recall correctly, last year there was a massive $6 000 operating budget set aside to cover protective clothing, storage, special boxes and conservation materials for the South Australian Archives! Of course, that is a ridiculous figure! I have been told that that figure has been somewhat increased this year—but it is really virtually nothing.

The regional concept of moving out to Netley, as I have said, is a good idea. However, it is purely cosmetic because no extra facilities are going with it, no extra money and no extra staff. In general terms, the most valuable records will now remain at North Terrace and the less valuable at Netley. Public access to records is important. Understandably, as I have already explained, there has been a dramatic increase in public demand on the Archives facilities, reflecting a growing interest in the past and the fact that the sesquicentenary and the bicentenary celebrations have generated public interest, and many projects will require research.

The Attorney-General indicated concern about the cost of this, and certainly there is an initial cost in setting up a public records office, ensuring that people are properly educated, along with upgrading information systems. As I have said, there will be an immediate saving if information that is no longer required is transferred into bulk storage in low rent areas. Indeed, if one looks at the 1982-83 Public Service Board of South Australia Annual Report, one gets confirmation of the potential savings which exist.

The report states that office rent for top quality space in Adelaide was $105 a square metre in June 1983. Since then I estimate that rent has increased to about $140 a square metre—an increase of about 40 per cent.

That 1982-83 Annual Report indicates that an increase of 20 per cent in office rent would raise the annual rental commitment of the Government by $2.3 million, and the report states:

> . . . which emphasises the need for agencies to act responsibly when requested to divest themselves of office space surplus to their needs.

With a 20 per cent increase in central business district rents there is a $2.3 million increase in rentals payable by Government agencies. That was the estimate of the Public Service Board in 1982-83. I am putting the proposition that there has now been a 40 per cent increase in average rents payable in the central business district which, in fact, means that in 1985-86 it is reasonable to expect that Government agencies will be up for an additional $4.6 million.

If one puts into practice the records management of the Commonwealth then much of that information would disappear into cheap bulk storage, and immediately the Attor-

ney-General at least has some savings in the short term and, in the longer term, I am convinced that more effective administration of information systems and records management will ensure significant savings.

I accept that in March 1984 the committee inquiring into the Public Service management presented its initial report under the Chairmanship of Bruce Guerin. The committee, established in 1983, was required to 'examine and identify means of improving the management and operational performance of the South Australian Public Service, giving particular attention to the role of the Public Service Board and its Department in facilitating the cost effective implementation of Government programmes and policy'. That was its prime term of reference, but rather surprisingly that Guerin Report, on which the Government hung its hat as being the keystone for improving performance in the public sector, made barely a passing reference to the importance of effective information systems and proper records management.

There is no question that around Australia much work is being done in this area. The Commonwealth has done an enormous amount and, as I have said, many people would argue that South Australia is 10 years behind the Commonwealth in introducing similar measures. We are well behind Western Australia—probably two or three years in many respects. It is important that we consider this subject seriously. True, I have spent some time on this matter, but it underlines my concern that in the public arena Government agencies and institutions, particularly those along North Terrace, including Parliament, need to have a proper approach in terms of archives, adequate records management, information systems and the treatment of historical information. I commend the motion to the Council.

The Hon. G.L. BRUCE secured the adjournment of the debate.

FERTILIZATION PROGRAMMES (PRESERVATION OF EMBRYOS) BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 1619.)

The Hon. DIANA LAIDLAW: This Bill, introduced by the Hon. Mr Lucas on 31 October, seeks to preserve embryos that are surplus to the requirements of couples participating in the two *in vitro* fertilisation programmes operating in South Australia. The Bill also contains a sunset provision, the date of expiration being 31 December 1985. In general, I appreciate the sincerity of the Hon. Mr Lucas's motivation and arguments in introducing his Bill, but I am unable to accept the course he proposes for a variety of reasons that I will outline soon.

In his second reading explanation the Hon. Mr Lucas stated that he felt compelled to introduce the Bill because the Minister of Health and the Government continued to reject his pleas to withdraw the administrative instructions that were issued in June this year. Those administrative instructions allow the destruction of excess frozen embryos in certain circumstances, but do not allow the donation of embryos to other participating couples in the IVF programme. I have more to say on this Bill and, while I indicated that I would outline soon my reasons for opposition to the Bill, I will do so in February next year. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADELAIDE RAILWAY STATION DEVELOPMENT

Adjourned debate on motion of the Hon. I. Gilfillan:

That regulations under the Adelaide Railway Station Development Act, 1984, concerning promulgation of a development plan, made on 11 October 1984, and laid on the table of this Council on 16 October 1984, be disallowed.

(Continued from 14 November. Page 1840.)

The Hon. I. GILFILLAN: I would like to conclude the debate on this motion briefly. People who want to look at the substantive argument in favour of the motion can find it in *Hansard* in my first speech on the matter. It is important to briefly summarise some of the reasons why we felt strongly motivated to move the disallowance, and I repeat—

The PRESIDENT: Order! There is too much conversation. Let us hear the Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: —that the motion was not a direct attack on the project as a whole. It reflected several aspects: first, that there are very serious grounds of misgiving as to the design and plan of it; secondly, there is great disquiet in South Australia at the means by which the project was dealt with in an indenture Bill; thirdly, we want to make sure that the Government, members of Parliament and the public are all aware that this has happened and we must not allow a similar procedure to take place on the grounds of expediency and undue haste. That may well be a caution for us with the Grand Prix Bill.

The Hon. C.M. Hill interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: In the Bill were various exemptions that are most unfortunate, and it looks as though another one might be moved in the Grand Prix Bill. These, briefly, are the grounds on which we have moved for the disallowance of the ASER regulations: they are in conflict with the Planning Act, with the City of Adelaide Development Control Act and the City of Adelaide Plan, with the rights of the public and the consultative bodies to be informed, with the Building Act and with the Heritage Act.

Significant inadequacies are expressed by a barrister in material which I will now read and with which we heartily concur. He states:

> The term 'development plan' is a wellknown term in planning law and where it is used as a term of art, particularly where it forms the only basis upon which a development can proceed for the development site, it is necessary that the development plan be a detailed document conveying to not only the developers but the public at large precisely what is proposed by way of development. The regulations do not promulgate such a plan.

I repeat that it is the duty of everybody in this Parliament to look specifically at the regulations. If anyone can stand up and say that they are a detailed plan for such a proposal, they are playing in sandcastles in kindergarten. It is a hopelessly inadequate set of regulations from which to get any comprehensive idea of what the project is and how it should be built and developed. The barrister further states:

> It would not be possible to proceed with the development using the development plan as outlined in the regulations because the plan does not contain the necessary detail to do so . . .
>
> In conclusion, it is submitted that the regulations as presently drafted, which purport to promulgate a development plan for the development site, are inadequate in that they do not achieve that object for the reason that the development site could not be developed using the plans set out in the regulations. Specific inadequacies of these plans are set out elsewhere in submissions [made to the Subordinate Legislation Committee].
>
> Furthermore, the use of regulations for the purpose of the total development of a major site within the city is wholly inappropriate, more especially where those regulations are made pursuant to an Act which itself has removed the project from the ordinary legislation which would otherwise govern it and make no provision for proper public scrutiny of the project within the Act itself. In

those circumstances, it is submitted that the regulations contain matter which should properly be dealt with within the Act itself.

Finally, I hope that the Government feels duly chastised. Unfortunately, skins are thick in this trade, but surely the continued and sustained cries of protest from people who care about it must have an impact.

The PRESIDENT: I do not know whether members are taking any notice that they are being filmed. I do not know whether they are aware of that.

The Hon. I. GILFILLAN: I will repeat the words that I just said because honourable members were probably diverted by other actions that are taking place. The disallowance of regulations ought to be a very clear and effective signal to the Government and to all members of Parliament that people are not happy with the procedures that have taken place; they are not happy with the shortcuts. We are not happy with what we believe to have been an insult to the people of South Australia in the way that this was panicked through Parliament and then steamrolled before us as a *fait accompli*. There has been an overwhelming rejection of the extraordinary height of the hotel complex. I hope—and I am not without some optimism—that the Government has enough sense to realise that a 23 storey hotel will be an inexorable blot on Adelaide's skyline and unacceptable. Having made one mistake with the building in Kintore Avenue, for heaven's sake let us not repeat it in an even grosser form. I hope that the Government will acknowledge that there have been unfortunate areas of neglect in the way in which this issue has been dealt with and that there is still a chance to make amends with the regulations, whether this motion is won or lost.

The Hon. C.J. SUMNER: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. I. GILFILLAN: Perhaps someone can inform me by way of an interjection whether I have to keep going much longer. I understand that a procedure is being engineered to enable the Attorney-General to speak. I would certainly like to assist in that. This may seem to be slightly irreverent, but I do not want to continue talking for the sake of talking unless there is some purpose to it. I conclude by recommending this motion of disallowance to the Council. It is important that the wishes and feelings of so many South Australians are expressed very clearly to the Government, and I commend this motion to the Council.

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

That Standing Orders be so far suspended as to enable the Hon. Mr Davis, the Hon. Mr Bruce and the mover to make brief contributions on this motion.

Motion carried.

The Hon. L.H. DAVIS: Thank you. I appreciate the opportunity to speak in this debate. I wish to indicate that, whilst I am sure that all people support the potential that exists for the proper development of the railway station site, there is great concern about the manner in which the Government has approached this $180 million development. That concern has been well reflected in the minutes of the Subordinate Legislation Committee, which were tabled in this Council yesterday. There was what one could describe as an extraordinary response to the tabling of the ASER plan. In fact, there has been widespread criticism of the inadequacy of that document, from such people as Professor Saunders (Professor of Architecture at the University of Adelaide), the National Trust and, in particular, the Aurora Heritage Action Group, which made an outstanding submission. The grounds that it used in setting down its objections are worth repeating. It believed that there were grounds for disallowing the ASER regulations because they conflict with the Planning Act, the City of Adelaide Development Control Act and the City of Adelaide Plan.

It conflicts with the rights of the public and consultative bodies to be informed. It conflicts with the Building Act and the Heritage Act. I believe that those reasons taken together constitute an indictment of the Government. I must say that members on this side took in good faith the assurances of the Government when the ASER Bill came into this Council. We believed that certain Acts would be waived because that would hasten this important development. However, we did not believe that the Government would be so secretive in its approach; we did not believe that the financial details and the heritage aspect of the development would be so blatantly ignored; we did not believe that a Government would countenance a 23-storey building within 3½ metres of the railway station—

The Hon. C.M. Hill: In contradiction of the principles in the City of Adelaide plan.

The Hon. L.H. DAVIS: —or, as the Hon. Murray Hill rightly interjects, the contradiction of the principles of the City of Adelaide plan. As Judge Roder properly observed in a recent judgment, the principles, after all, are paramount. I cannot fathom why the Government has adopted such an ambit approach to this important matter. For that reason on this occasion I will support the Hon. Ian Gilfillan. I have considered the matter hard and long and I believe that there is a matter of principle involved. The Government's handling of this matter and in particular the development plan that was scrutinised by the Subordinate Legislation Committee deserves condemnation and I intend to express that condemnation by supporting this motion.

The Hon. G.L. BRUCE: I oppose the motion. I was on the Subordinate Legislation Committee when it took evidence and, to be fair to this Parliament and the people of South Australia, I point out that all the evidence that the committee took was tabled in this place yesterday and was available for members' perusal. A whole day was devoted to taking evidence from people and the overwhelming majority of the people in South Australia to whom the Hon. Mr Gilfillan referred did not materialise to give evidence as witnesses before the Subordinate Legislation Committee. If my memory serves me correctly, two groups or associations gave evidence—a heritage group which represented some thousands of people and the Aurora group which I understand represented 70 to 80 people. A couple of private citizens representing themselves gave evidence.

The Hon. I. Gilfillan: It was the National Trust.

The Hon. G.L. BRUCE: The National Trust represented several thousand people—that is right. While those people put a very good case, which was listened to, I believe that the evidence was not overwhelming that South Australians oppose the development of the ASER project. The evidence presented by the ASER developers was very well balanced. While there was some disquiet from those people who gave evidence about the height and the structure of the buildings, I believe that the views and the wishes of the South Australian people have been considered to ensure that the project will be worth while.

The Hon. C.J. Sumner: What did the Subordinate Legislation Committee decide to do?

The Hon. G.L. BRUCE: The committee decided to support the project with no opposition.

The Hon. J.C. Burdett: But on a split vote.

The Hon. G.L. BRUCE: Yes, but the committee supported it.

The Hon. L.H. Davis: Let us put on the record that there were four Labor members and two Liberal members.

The Hon. G.L. BRUCE: The committee supported it.

The Hon. C.J. Sumner: Did the Liberal members of the Subordinate Legislation Committee oppose the project?

The Hon. G.L. BRUCE: No, I do not think that they did, if my memory serves me correctly. The point was made that it would not be opposed. The vote was taken and it was not opposed, I understand.

The Hon. I. Gilfillan: Were they in favour of the 23-storey hotel?

The Hon. G.L. BRUCE: I have an idea that they were, if my memory serves me rightly. It was a couple of weeks ago and I have not had reason to peruse the minutes recently. My view is that the proposition was accepted by all members of the committee—it was not opposed. It was shown to us in evidence that in fact the project had to be of that size to be a viable proposition. There was no mileage in building a small hotel that could not be developed on a profitable and viable basis. I understand that the landscaping that is to go with it will be an asset to the river frontage and will be an improvement for the city of Adelaide. The evidence given to the committee convinced me that I should not vote against the project.

While recognising the right of people to protest (that is a legitimate right) I do not think that the numbers or the protest were sufficient to outweigh the value of the project to South Australians. It is worthy of support. While many regulations and rules have been waived to bring this project to fruition much more rapidly than could have been achieved through the normal channels, that was accepted when the Bill was before the Parliament. We all knew the extent of the Bill and that the waiving of certain—

The Hon. I. Gilfillan: It was rushed through.

The Hon. G.L. BRUCE: It was not rushed through.

The Hon. C.M. Hill: You didn't give us this detail. You didn't mention a 23-storey hotel.

The Hon. G.L. BRUCE: As I understand the essence of the contract, there was a time factor and backers had to be found. The idea had been floating around for many years; many half baked and not adequately thought out projects had been mooted previously. When the detail was examined on this occasion we found out what was involved in retaining and covering the railway tracks. I believe that the propositions presented to the Subordinate Legislation Committee in all cases showed a balanced approach to the matter. While we might not have accepted the principle of a high rise, it would not be a viable proposition otherwise. A high rise building could cope with the number of people who want to use the facilities. I believe that this development will be an asset to South Australia. The very fact that people will be able to get off trains close to the heart of Adelaide, that they can walk into one of the most prestigious and best hotels not only in South Australia but also in Australia, will be an advantage.

The Hon. I. Gilfillan: How many people will come by train?

The Hon. G.L. BRUCE: I believe that this development will be an asset to people who travel by train from other States because of the very fact that that facility is so convenient for them. Looking at all the evidence before us, the committee came down with the right decision. The project should be supported. If there is a delaying tactic, the whole project will be placed in jeopardy. While some people might welcome that, it would be a backward step for the people of South Australia, who will derive benefit from the development because of increased employment and tourism and also because of the facility, which will be pleasing to the eye when it is completed. After hearing the evidence in support of the project, I have no hesitation in opposing the Hon. Mr Gilfillan's motion.

The Hon. C.J. SUMNER (Attorney-General): In moving his motion the Hon. Mr Gilfillan raised a number of points regarding the proposed regulations that he moved be disallowed. I make the following comments. First, the Adelaide Railway Station development legislation clearly outlined the procedure to facilitate the proposed development. This procedure is being followed in preparing the proposed regulations and the Subordinate Legislation Committee has considered the matter and decided that no action should be taken on the regulations after hearing evidence from all interested parties. I believe that all honourable members should take that very firmly into account. The second point is that section 8 of the Act clearly provides for consultation between the Minister of Planning and the Adelaide City Council and the City of Adelaide Planning Commission. In consideration of the representations made by those bodies a number of variations to the proposals were made before the regulations were prepared for promulgation. The planning legislation applying to the City of Adelaide is not the Planning Act, 1982, but the City of Adelaide Development Control Act, 1976-1984. This Act does not allow for third party appeals on development proposals. In this respect the procedure provided for in the Adelaide Railway Station development legislation does not conflict with the normal procedure for development proposals in the city.

Fourthly, the document 'A Guide to State Planning Systems' relates to the Planning Act and not to the City of Adelaide Development Control Act. Fifthly, and similarly, the quoted sections given by the Hon. Mr Gilfillan relating to EIS procedures are from the Planning Act. No EIS procedures are provided for in the City of Adelaide Development Control Act.

The Hon. I. Gilfillan: You're avoiding your responsibility.

The Hon. C.J. SUMNER: The honourable member may not have been here when that Act was passed, but it was passed by the Parliament. The City of Adelaide Development Control Act provides procedures for planning controls within the City of Adelaide. It does differ from the Planning Act controls. That is a fact known to everyone in this Parliament, but apparently was not known to the Hon. Mr Gilfillan. It does not allow for third party appeals or for EIS procedures. Sixthly, the City of Adelaide Development Plan clearly envisaged the possibility of a major redevelopment proposal involving land adjoining the railway station.

The statement of desired future character for the North Terrace precinct, the F14 frame precinct, under the City of Adelaide plan, states that major commercial, administrative or residential development should be permitted between North Terrace and the Torrens River to the west of King William Road only if it is part of a comprehensive redevelopment proposal associated with the Festival Centre, Parliament House, Railway Station, or the overall movement system. That clearly contemplates a major development on the railway station site.

The Hon. C.M. Hill interjecting:

The Hon. C.J. SUMNER: That, Mr President, is something that was accepted by the Hon. Mr Hill when he was in Government. Mr Tonkin did his best, unsuccessfully, to get the project off the ground while he was in Government.

An important point to emphasise to the Hon. Mr Gilfillan is that it was clearly contemplated in the City of Adelaide Plan that to the west of King William Road there could be, as part of a comprehensive redevelopment, commercial, administrative or residential development. There is commercial development involved in this project, as there is administrative development enclosed here and residential development in the sense of a hotel development together with a convention centre.

The Hon. C.M. Hill: You can't answer the question because elsewhere in that plan it says that all the high-rise buildings should be south of North Terrace.

The Hon. C.J. SUMNER: The honourable member is getting agitated because I have quoted the City of Adelaide Plan, which contemplated a development such as this in this area.

The Hon. C.M. Hill: Not of that height.

The Hon. C.J. SUMNER: The only argument, then, is one of height—it is too high for you.

The Hon. L.H. Davis: That is one of the arguments.

The Hon. C.J. SUMNER: The Hon. Mr Davis says that it is one of the arguments.

The Hon. C.M. Hill: That is my argument.

The Hon. C.J. SUMNER: That is the Hon. Mr Hill's argument, and the Hon. Mr Gilfillan has a whole lot of other arguments. The fact is that this sort of development was contemplated by the City of Adelaide Plan, it was contemplated by the Tonkin Government and was actually put into effect by the Bannon Government. The argument that the Hon. Mr Hill points to is one of height. I understand that the question of height has been looked at carefully by the developers. If, as they see it, they are to have a viable development on this site then this is the sort of height of hotel that is needed. I further understand that if one makes a comparison between the height of the proposed hotel development and, for instance, the AMP building on the corner of King William Street and North Terrace, it will not, in fact, be higher when seen from outside the city than that building. It is not as if we are placing a building here such as the Playford 'special' in Kintore Avenue at the South Australian College of Advanced Education, a building that does stick up in the middle of nowhere. This development will be part of buildings that are tall in this part of the city. The AMP is a tall building.

The Hon. C.M. Hill: In a different precinct.

The Hon. C.J. SUMNER: The honourable member says that it is in a different precinct—it is 100 yards down the road.

The Hon. C.M. Hill: The plan gives a precinct for high-rise.

The Hon. C.J. SUMNER: Do you want to put the hotel next to the black stump?

The Hon. C.M. Hill: I want to put it on the other side of North Terrace.

The Hon. C.J. SUMNER: That is not a practical proposition.

The PRESIDENT: Order! I ask members to cease interjecting.

The Hon. C.J. SUMNER: This is not a similar proposal to placing a hotel in the middle of the university grounds, or in that part of the North Terrace area. The fact is that there are railway yards there at the moment that are not particularly pleasant. They are not particularly aesthetically attractive, and in terms of access to the Torrens River I would have thought that this development would enhance the amenity of the area.

The Hon. C.M. Hill: Put a decent sized hotel there.

The Hon. C.J. SUMNER: I understand that the proposal is not then viable and does not get off the ground. It will be in conjunction with other tall buildings. The AMP building across the road is a tall building, as is the Gateway building. There is a tall building on the corner of Hindley Street and King William Street. This proposal is not so far distant from those other tall buildings as to make it stand out in a way that will abuse the planning principles of the city. The problem with the honourable member's argument is simply, as I understand it, that the development will not go ahead if there cannot be that sort of potential for return on the development site. That is the evidence that was confirmed to the Joint Committee on Subordinate Legislation, according to its Chairman.

The Hon. R.I. Lucas: Did the developers give evidence to that effect?

The Hon. C.J. SUMNER: The Chairman tells me that that is the evidence given to the Joint Committee on Subordinate Legislation, so the honourable member's opposition to the height of the hotel, in light of that, is, in effect, opposition to the project. He cannot have it both ways—either it is economically viable or it is not.

The Hon. C.M. Hill: There is all of the land down to the railway bridge to build on, but one need not build to that height.

The Hon. C.J. SUMNER: The developers say that, in terms of economic return, that is necessary, this is the only option. I do not believe, although concern has been expressed, that it will greatly abuse, if it abuses at all, any of the principles of the City of Adelaide Plan. As I have said before, it is in the vicinity of tall buildings. It will, from a visual point of view, I understand, not appear to be any taller than the AMP building across the road. Whether that is correct or not, I do not know, but that was the evidence given to the Joint Committee on Subordinate Legislation. Surely that is not unreasonable in terms of planning principles.

The seventh point is that the Government has asked that the design of the proposed office tower to the North Terrace frontage of the ASER development be reconsidered with this design to take into account the streetscape of North Terrace and to have regard to existing buildings of heritage significance. Further, the proposed development about which the Adelaide City Council and City of Adelaide Planning Commission made representations to the Minister was the authorised submission made by the ASER Property Trust and presented to the Minister under the provisions of the Adelaide Station Development Plan.

The Hon. C.M. Hill: Tell him to read that.

The Hon. C.J. SUMNER: The Hon. Mr Davis has poked something in my face, which states that building heights throughout the city shall be controlled, taking into account the desired future character of the relevant precincts. The tallest buildings in the city shall be confined to the core exchange and Victoria Square precincts.

The Hon. L.H. Davis: Read the next page.

The Hon. C.J. SUMNER: I am surprised that the honourable member did not read it out. It states that new development should be sympathetic with, and should contribute to the sober and grand architectural styles in the precinct—my God!—and that the intensity and height of the development should drop markedly on the north side of North Terrace and progressively diminish between North Terrace and the river, and east of Frome Street the height and scale of development must complement existing historic buildings in the area.

The Hon. L.H. Davis: What do you say now?

The Hon. C.J. SUMNER: That there are conflicting principles in the Planning Act. One principle is that a major development is contemplated on the railway station site. According to the people who did the planning on it, that development cannot proceed without a hotel of the height that is being contemplated. If people are opposed to the height, then they are opposed to the project. A project of this kind was contemplated under the plan and, as I understand it, will be quite an imaginative architectural design and, together with the convention centre, which fits in with the Festival Centre—

The Hon. I. GILFILLAN: I rise on a point of order. Under the extraordinary circumstances in which Standing Orders were suspended and in which I surrendered my right of final reply, I believe it is being abused in prolixity and I

ask you, Mr President, to direct the current speaker to terminate his remarks.

The PRESIDENT: I have no authority to do that.

The Hon. C.J. SUMNER: And there is absolutely no need to do that, either, Mr President. I have been provoked by honourable members opposite in a quite unruly manner when I was putting very reasonable propositions to the Council on this very important project for the State. It seems that many Liberal members want it both ways: they want to curry favour with those people objecting to the project and, at the same time, want to appear to be supporting it. As I understand the evidence before the Subordinate Legislation Committee, this is the only project in terms of the height of the hotel and the other aspects of it that is viable as far as the developers are concerned. It may be that Adelaide does not want that sort of development. That has not been the view expressed by the Parliament to this point in time and presumably now there will be another test of that issue.

The Council divided on the motion:

Ayes (5)—The Hons L.H. Davis, I. Gilfillan (teller), Diana Laidlaw, K.L. Milne, and R.J. Ritson.

Noes (13)—The Hons Frank Blevins, G.L. Bruce, M.B. Cameron, B.A. Chatterton, J.R. Cornwall, R.C. DeGaris, Peter Dunn, M.S. Feleppa, K.T. Griffin, Anne Levy, R.I. Lucas, C.J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. C.M. Hill. No—The Hon. C.W. Creedon.

Majority of 8 for the Noes.

Motion thus negatived.

THEBARTON BY-LAW

Order of the Day, Private Business, No. 7: Hon. G.L. Bruce to move:

That by-law No. 7 of the Corporation of the Town of Thebarton, made on 2 August 1984 and laid on the table of this Council on 7 August 1984, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

WINDSOR GARDENS TRAFFIC

Order of the Day, Private Business, No. 9: Hon. G.L. Bruce to move:

That regulations under the Road Traffic Act, 1961, concerning traffic prohibition (Windsor Gardens), made on 10 May 1984, and laid on the table of this Council on 2 August 1984, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

CLEAN AIR ACT REGULATIONS

Order of the Day, Private Business, No. 10: Hon. G.L. Bruce to move:

That general regulations under the Clean Air Act, 1984, made on 26 July 1984, and laid on the table of this Council on 2 August 1984, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

CLEAN AIR

Order of the Day, Private Business, No. 11: Hon. G.L. Bruce to move:

That regulations under the Health Act, 1935, and the Fees Regulations Act, 1927, concerning clean air, made on 26 July 1984 and laid on the table of this Council on 2 August 1984, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

FIRE EXEMPTIONS

Order of the Day, Private Business, No. 12: Hon. G.L. Bruce to move:

That regulations under the Clean Air Act, 1984, concerning fire exemptions, made on 9 August 1984, and laid on the table of this Council on 14 August 1984, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

AIR POLLUTION

Order of the Day, Private Business, No. 13: Hon. G.L. Bruce to move:

That regulations under the Planning Act, 1982, concerning development control of air pollution, made on 2 August 1984, and laid on the table of this Council on 7 August 1984, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

NATIVE VEGETATION (CLEARANCE) BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 1150.)

The Hon. PETER DUNN: Few Bills have come before this Council that have had as much said about them as this one. I do not wish to add enormously to the debate, except to say that we now have the structure for setting up a Select Committee to look into this problem. Now that native vegetation clearance is in doubt as a result of the High Court decision on the Dorristijn case, after May it will again be legal to clear native vegetation at random.

I think if we want to clear up this subject the Bill introduced by the Hon. Martin Cameron has the hallmark of having the ability to do that. If we present this Bill in its present form (and perhaps it needs some amendment and further discussion), we will have every opportunity of making a sensible decision. Earlier today I listened to the Hon. Lance Milne remark about the use of people who probably knew their task fairly well but did not have the ability to deal with the rural community.

I refer to some of the figures given to me yesterday following a question I asked about a month ago on the number of applications made to the Department of Environment and Planning. I asked for information on how many applications have been processed, how many had been rejected, and how many were still to be processed. The figures indicate that 548 applications have been processed in the past 18 months to 31 October 1984 (or I should say since the regulation was brought down). There have been 60 applications rejected, and there are still 506 applications—

nearly half the total number—still not processed. That indicates that the Department is not handling the applications for native vegetation clearance as quickly and as expeditiously as it should.

The Hon. K.L. MILNE: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. PETER DUNN: I was saying that I thought the Bill introduced by the Hon. Martin Cameron should be looked at in depth by the Select Committee. This Bill ties in many pieces of legislation that deal with native vegetation. In fact, I have a list that indicates that if someone wishes to clear native vegetation at present there are at least 20 Acts involved. If we wish to stop the total confusion, the obvious answer would be the private member's Bill introduced by the Hon. Mr Cameron. I believe that the Select Committee could study that in depth, find its strong and weak points, and come down with a sensible decision. It is with pleasure that I support the Bill.

The Hon. K.L. MILNE secured the adjournment of the debate.

CHURCH OF SCIENTOLOGY

Adjourned debate on motion of Hon. J.C. Burdett:

1. That a Select Committee of the Legislative Council be established to inquire into and report upon the activities of the Church of Scientology Incorporated and in particular the method of recruiting used by the church and methods of obtaining payment for the services provided by the church.

2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members, and that Standing Order No. 389 be so far suspended as to enable the Chairman of the committee to have a deliberative vote only.

which Hon. B.A. Chatterton had moved to amend by striking out all words after 'upon' in the second line of paragraph 1 and inserting in lieu thereof the following:

(1) the method of recruitment used by the Church of Scientology Incorporated and the methods of obtaining payment for the services provided by the Church;

(2) whether any additional consumer protection legislation is necessary or desirable in relation to such activities; and

(3) whether any privacy guidelines should be laid down with respect to such activities.

(Continued from 14 November. Page 1842.)

The Hon. J.C. BURDETT: I thank honourable members who have contributed to this debate. I refer to a document released by the Church of Scientology dated 23 October 1984 (which is since I originally moved my motion). The release is headed, 'MLC hints at religious licensing' and is over the name of Stewart Payne, Public Affairs Director, and states:

The Shadow Minister for Health, Mr John Burdett, has raised the notion that religions should be licensed during a speech on Scientology in the Legislative Council last Wednesday.

That is not true. I did not raise the notion and I did not hint at religious licensing. The only basis for that false statement at all is that I said that I would read or refer to a number of current press reports about the Church of Scientology both in South Australia and elsewhere. I quoted from some and I referred to others. Among those which I quoted from was an article in the English *Sunday Times* of 5 August 1984.

Part of what I read quoted Lord Denning as advocating religious licensing. I did not advocate it; I simply included quite a large selection of current press statements. Page 2 of the press release states:

Mr Burdett in dealing with a specific matter has shown scant regard for fundamental human rights and an inability to conceive broader issues. He has allowed personal hatred incited by unidentifiable sources to sway his reason on a matter of considerable public importance; that of free exercise of religion and the expression of ideas.

Once again, that is false and I deny that statement completely. I have no personal hatred of the Church of Scientology. I have made it clear that I simply think that enough instances have been brought forward both publicly and to me privately relating mainly to recruitment and methodology to indicate that the matter ought to be looked into. That is all I say—it is all I have ever said. This is a remarkable statement:

He has allowed personal hatred incited by unidentifiable sources to sway his reason.

If the writer of this document cannot identify the sources, how can he be so sure that I was swayed by them? That is palpably weak in itself: he cannot identify the sources but says I have been motivated by personal hatred incited by unidentifiable sources. If he does not know the sources, what is his assurance that I have been swayed by them? I deny that completely.

As I have said, I have no personal hatred. I have not been incited by anyone. I was motivated to move the motion because of the evidence that came forward in public and, after I had asked questions, information was relayed to me. In particular, I refer in the release to the scurrilous attack on my colleague, the Hon. Dr Ritson. I have the right of reply in this debate but the Hon. Dr Ritson does not. I should point out how unfair the attack on him was. Amongst other things, the release states:

Dr Ritson believes people should be protected from themselves.

I do not know that he believes that at all. The release continues:

Like psychiatrists he shares a contempt for an individual's general human intelligence and sees the need for an authority to designate what is good and bad for people despite their own wishes.

I do not believe that that is what Dr Ritson believes at all. The release continues:

He has failed to show concern for the physical damage caused people by shock treatment and experimental and unknown drugs which are used on a wide scale.

Quoting further:

Dr Ritson himself holds extreme views on the subject of religion and has a considerable paranoia about organisations.

That is quite scurrilous and unjustifiable. There is no basis for that statement whatever, and the Church of Scientology has done itself great disservice by circulating that kind of release. Certainly, I believe it has justified my motion.

Initially, I simply believed that there ought to be an inquiry. That feeling has certainly been supported to a great extent by this kind of scurrilous and untruthful allegation. I now refer to the amendment of the Hon. Mr Chatterton. I do not suppport it because the amendment seeks to limit the scope of the inquiry to certain specific things. One is the method of recruitment and the method of obtaining payment. Another is additional consumer protection and a third is whether any privacy guidelines should be laid down.

The method of recruitment, the methodology and the enormous amounts of money that are exacted in advance by the church: they are important things about which I am concerned. If the Select Committee is set up, and if I am a member of it, they would be the matters about which I would be concerned. I do not believe that the Select Committee should be restricted. There should be the power to inquire into any matters that appear to be appropriate. I have had several discussions with Mr Griffiths, the Director of the church on a national basis, and it is clear from those discussions—he acknowledged it—that the E meter is still used. That is a matter of concern to some people. He stated that it is not regarded as being absolute but simply as an aid, but clearly he acknowledges that it still is used. If the

Select Committee feels it necessary, that is a matter that it should be able to inquire into.

Today, a list of questions was sent to me. It is alleged that this long list of very searching, personal, detailed questions are those to which a person is subjected if the person is selected from the initial survey conducted in the street. The list of questions was quite alarming and, if they are authentic—this can be gone into by the Select Committee—there should be an ability to inquire into that. It is not only the forceful, direct method of recruitment or the large money payments; it is not only the question of privacy, the matters to which the Hon. Brian Chatterton's amendment would restrict the inquiry: it is also the methodology and I do not believe that the inquiry should be restricted.

I have no interest whatever in inquiring into the philosophy of the church or its religious doctrines, or anything of that kind. That does not concern me. If people genuinely, honestly, voluntarily and under no pressure desire to take up those matters, it is their own affair and I do not believe that anyone who knows the Parliamentary Select Committee procedure would believe that any Select Committee would involve involve itself in that sort of thing. If the Hon. Mr Chatterton had fears about that, I believe that those fears can be allayed. I do not believe that the comprehensive nature of the inquiry ought to be restricted. Therefore, I ask the Council to pass my motion and reject the amendment.

The Council divided on the amendment:

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

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

Pair—Aye—The Hon. C.W. Creedon. No—The Hon. K.T. Griffin.

Majority of 3 for the Noes.

Amendment thus negatived.

The Council divided on the motion:

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

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

Pair—Aye—The Hon. K.T. Griffin. No—The Hon. C.W. Creedon.

Majority of 3 for the Ayes.

Motion thus carried.

The Council appointed a Select Committee consisting of the Hons J.C. Burdett, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, Diana Laidlaw, and R.J. Ritson; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the Committee to report on 2 April 1985.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Local and District Criminal Courts Act, 1926. Read a first time.

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

That this Bill be now read a second time.

In view of the pressure on time, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill provides for service by post as an additional method of service of Local Court summonses. The usual method of serving summonses in South Australia, as prescribed by the Local and District Criminal Courts Act, is by the plaintiff, by the court bailiff, or by a private process server. The majority of summonses are not served personally on the defendant, but are left with some other person in accordance with the provisions of the Act.

Generally speaking, similar provisions exist throughout Australia and are clearly necessary in order to ensure that there is a reasonable degree of success. Insistence upon personal service in every instance would do nothing but ensure the failure of existing modes of service and ultimately frustrate persons seeking redress. However, personal service has a number of advantages. For example, when successful it offers the assurance that the process is actually brought to the attention of the defendant; personal contact in some instances results in prompt settlement of the claim, and personal service provides the defendant with the opportunity of seeking clarification of the meaning and purpose of the process. These advantages disappear where non personal service is effected, and non personal service is by far the most common means of effecting service.

In addition, the relatively high cost of bailiff or process server service must be considered. Costs of bailiff service vary from $5 to $15 per summons, plus a distance allowance. Service by baliff is a slow and relatively inefficient means of service, given the volumes involved and the time and effort required to achieve success, file 'proofs of service', etc. Similar comments may be made in respect of service by private process server. Service by post offers the potential for significant improvement in both respects. First, cost to the user would be greatly reduced and second, the established Australia Post infrastructure allows for speedy and reliable delivery anywhere in the State. The postal service is utilised daily for the purpose of the safe despatch and delivery of letters, valuables, negotiable instruments and other documents to persons right throughout Australia, and is an integral part of the nation's communication system.

While not denegrating the present modes of service there exists potential for abuse. Allegations are made not infrequently of process servicers leaving processes with children under the age of 14 years; placing processes under doors and other places; leaving summonses at the wrong address; and falsifying affidavits of service and attempting to exert improper influence over defendants in order to intimidate them into paying, regardless of their rights in the matter. With proper legislative and administrative safeguards and controls, service by post is potentially far less expensive, faster, less invasive of privacy, easier to administer and more effective than current methods of service.

Having regard to the deficiencies of the present modes of service, it was considered that the range of options for service should be expanded. In light of complaints reeived and the difficulties being experienced by bailiffs of the court and private process servers alike, the view was taken that an improved service was required. Service by post is proposed as a viable option and which, because of its speed, low cost and effectiveness should prove to be successful in meeting the demands of the users of the court system. In developing this proposal the Government was most concerned to ensure that the correct balance of the rights of plaintiffs and defendants was achieved and that those rights were adequately protected. The Bill accommodates each of the criteria specified and when enacted, will provide an improved method of service of orginating local courts process, for persons who choose to resort to this particular mode

of service in preference to the present means of service which will of course, continue to exist.

To investigate this matter, a study was undertaken by officers of the Courts Department. They began by evaluating existing service procedures. Methods of service of civil, originating processes have been the subject of study by a number of notable authorities in recent times. The more prominent of these were the Australian Law Reform Commission and the Law Reform Commission of Western Australia. The findings and comments of these reports were found to be most useful. The advantages of personal service as opposed to other methods of service were closely considered. Several major points need to be made about current methods of service: First, it must be clearly understood that most processes are not served personally, but are left with another person.

Secondly, a high proportion of processes issued (somewhere in the vicinity of 70 per cent) are returned to the plaintiff for service. Rates for service by private process servers vary but it is understood that they are usually more expensive than the rates charged for court-bailiff service. Thirdly, some authorities have commented upon the fact that service by bailiff or process server may be seen as an invasion of the defendant's privacy. This point was particularly made by the New South Wales Privacy Committee in its study on Privacy Aspects of Debt Collection (Background Paper No. 49, 1978). Of even greater significance is the potential for a process server or baliff to abuse the system, a matter which I touched upon earlier.

Fourthly, one of the greater deficiencies of the present system is the difficulty and cost in managing the bailiff system. Bailiffs are employed on a fee-for-service basis and therefore derive their principal income from other sources. Therein lies the dilemma. A full-time bailiff system of permanently employed officers would impose a financial burden either upon the community at large or the user of the service, depending upon the basis of employment. Introducing better supervision and control of bailiffs would reduce the cost-effectiveness of the service without the benefit of a perceptive improvement in the service. Furthermore, in high volume courts it is not always possible to provide prompt, regular and automatic feedback to plaintiffs on the progress towards service. This in turn creates dissatisfaction and at peak periods a 'snowballing' effect brought about by the subsequent inquiries. In the past this situation has been a major cause of frequent complaints from users, including the legal profession. However, changes in internal procedures have resulted in substantial improvements. The difficulties confronted by the bailiffs and the courts can be better appreciated when it is considered that court bailiffs are often asked to serve processes when all other attempts by plaintiffs have failed.

Significant benefits are seen in attempting to reduce the incidence of service of originating process by bailiffs so that they may concentrate their time and efforts towards the service and execution of enforcement processes. Presently, the remuneration paid to bailiffs is under review. It is inevitable that persons undertaking this work will not do so without fair recompense for their efforts. This of course will add to the cost of the service. Service by post will provide a speedier and more effective alternative, at a mere fraction of the cost. Indeed, it is proposed to absorb the cost of service by post in the fee paid for issue of the process so that, in effect, service by post will be free. All other modes of service must continue to attract a cost to the user so that the burden does not fall upon the public purse.

In evaluating the concept of service by post as an alternative to existing methods of service the officers found that a number of reports examined have argued that service by post is a means of redressing the very problems and disadvantages associated with the existing methods of service. A notable source of support for this argument was found in the 'Working Paper on the Local Courts Act, 1904-1982 and Rules', published by the Law Reform Commission of Western Australia. There is strong evidence to support that service by post is potentially less expensive, faster, less invasive of privacy and far easier to administer than current modes of service. Moreover, depending upon the controls applied and type of postal service chosen, service by post avoids the circumstances which give rise to abuse, and inherent in other modes. The exact measure of the improvement will depend to a large extent upon the system chosen.

Both certified mail and registered mail have been found to be more expensive and less effective. Interstate and overseas experience indicate that about 20 to 30 per cent of summonses posted by certified mail are returned to the court. Service, often the same address, is carried out subsequently by the bailiff. The comparable statistics for ordinary mail is about 5 per cent. Amongst other things, the inconvenience attached to claiming registered and certified documents is thought to contribute to this situation as opposed to the ease of clearing a letterbox at the address for postage shown on the face of the summons to be served. The best information which was obtained during the study is that actual problems as distinct from perceived problems should not be great. Indeed, it is confidently expected that service by post will bring about a reduction in the incidence of faulty service, given that potential for abuse and error in the other methods of service.

The comparison between certified mail, registered mail and ordinary mail occupied the thought of the officers during the course of the study. The success rate for registered mail is 65 to 70 per cent on the first attempt, and 70 to 80 per cent in the case of certified mail. It is difficult to envisage any improvement in this success rate. Thus in a high percentage of cases, service by these methods is significantly slower and more expensive than with ordinary mail. This issue has been addressed by both the Australian Law Reform Commission and the Law Reform Commission of Western Australia both of which support the introduction of service by post using prepaid ordinary mail. It is interesting to note that the Law Reform Commission of Western Australia also draws attention to the successful use of an equivalent system in the English Country Court and the Supreme Court of England and Wales. The fact that ordinary mail is apparently successful in achieving service is in many respects not surprising given that it is a universally accepted means of conveying written communications for most private and business purposes. Arguably, ordinary mail is an even more reliable method of bringing a notice to the attention of the addressee than merely leaving it with some other person at the address.

In the consideration of the implementation of service by post, the practical issues associated therewith were canvassed with a view to ensuring that the system would achieve the goals set, and to ensure that there were no disadvantages to either the plaintiff or the defendant. First, the plaintiff will have the right to choose the method of service. It is recognised that there may be instances where service by post will not be appropriate. By adding this to the existing range of options, the potential for effective service is surely enhanced. Second the clerk of court or a member of the court staff will attend to the posting of the summons in an envelope, clearly marked with a return address in case the summons should not reach its destination. This will ensure that ineffectual service will come to notice quickly and letters will not be sent to the 'dead letter office'. No other person will be empowered to effect service by post, thus the potential for abuse is eliminated.

Third, there are penalties for persons who knowingly provide incorrect information for the purpose of service or who are recklessly indifferent in providing such information. Fourth, upon an order being made to set aside a judgment on the basis of non-receipt of a summons which was posted there are provisions for the awarding of costs against plaintiffs where incorrect information has been given or where the plaintiff was responsible for the summons not coming to the attention of the defendant. Fifth, there is provision for deferral of execution where a defendant claims that the summons was never received. Sixth, there is provision to deem the summons to be served immediately upon a judgment being set aside on the grounds that the summons which was posted was not received, so that there is no abuse of the system by defendants.

Seventh, where a summons is returned unserved or the clerk of court has good reason to believe that the summons did not come to the attention of the defendant, provision exists for service to be deemed not to have occurred. Eighth, service at postal addresses is provided for in the Bill, in accordance with normal commercial practice. Ninth, provision is made to protect the parties where postal disruptions occur. Tenth, the cost of the proceedings will be reduced by reason of absorbing the cost of service by post in the fee for issue. Eleventh, officers of the Courts Department are presently creating a set of procedures to closely monitor the system so that injustices do not occur and to ensure that any 'teething' problems are detected and remedied promptly.

In introducing service by post it is proposed also to abolish the special summons. Views on this proposal were canvassed widely and no significant objections were raised by anyone, including the Law Society. Furthermore, the principal Act will be amended to provide a common period for the defendant to appear to a summons, viz., 21 days. In the case of summonses served by ordinary post, this period will begin to run from the date of posting by the officers of the court. The design and language of summons forms will be greatly simplified and adequate information will accompany summonses so that defendants will be well acquainted with their rights. Bailiffs will be required to provide a notice to persons who claim they have not received the summons and be prevented from proceeding with any execution until the expiration of a period to be prescribed by the rules of court. This will enable a defendant to take such action as is considered by him or her to be appropriate.

The rules of court and administrative procedures which are to be implemented in support of the legislation will ensure that the concept is implemented and conducted in a proper and effective manner, so that maximum advantages accrue to litigants. This amendment Bill will not be debated until February to enable public discussion on its terms to take place.

Clause 1 provides for the short title. Clause 2 provides for the commencement of the measure. Clause 3 inserts transitional provisions that are necessary by virtue of proposed amendments contained in this Bill. It may be noted that if an ordinary summons is issued before the amending Act comes into force but not served, the plaintiff will have the option of returning the summons to the clerk so that service by post may be effected.

Clause 4 contains amendments to section 25 of the Act and is concerned with the setting aside of judgments obtained by default. It is proposed to specify in the principal Act that a judgment obtained by default should not be set aside unless the defendant establishes that he did not receive the summons in the action or that he has a defence on the merits to the action. When considering the proposal concerning a defence on the merits, it must be borne in mind that the time for entering an appearance is to be extended under another provision of this Bill and that the use of special summonses is being discontinued, and so it is considered reasonable that, except in cases of non-service, the defendant be required to show that he at least considers that he has some defence to the action before he can successfully apply to have a judgment set aside.

Furthermore, it is considered that potential defendants should be given protection against plaintiffs who recklessly state addresses for service in summonses. It is therefore proposed to make provision for a court, where it appears that a plaintiff was responsible for the summons not coming to the notice of the defendant, to order that the plaintiff pay the costs of a defendant who has had to apply to set aside any judgment obtained on his alleged default (unless the court otherwise directs). In addition, to provide for further fairness in the proceedings, the section will provide that upon the granting of an application to set aside a judgment, unless the court otherwise directs, service of the summons will be deemed to have been effected at the time that the judgment is set aside and the defendant will be required to appear within seven days. Administrative arrangements will be made so that a copy of the summons will be available for the defendant at the hearing. This will obviate the need for the plaintiff to reserve the summons and may remove some incentive for defendants to make frivolous applications.

Clause 5 is intended to make two amendments to section 26 of the Act, which is concerned with the duties of clerks. The first amendment is consequential upon the fact that not all summonses are now to be served personally. The second amendment provides express power for a clerk to delegate a power or function under this Act. Obviously, clerks already allow assistant clerks to perform some of their functions but it is thought to be appropriate at this time to make specific provision in this regard. A delegation will not derogate from the powers exercisable personally by the clerk and will be revocable at will.

Clause 6 effects various amendments to that section of the Act that is concerned with the duties of bailiffs. The most significant amendment provides for the insertion of new subsections that will require a bailiff executing a warrant, where the defendant claims that he has not been served with a summons in the action, to serve on the defendant a notice summarising the procedures available to set aside a judgment or suspend the execution of a warrant and then to refrain from executing the warrant for a prescribed period. It is acknowledged that a defendant may not receive a summons sent by post just as a defendant presently may not receive a summons left for him. Accordingly, if the defendant makes such a claim, it is thought to be reasonable that execution of the warrant be suspended for some little time to allow the defendant to apply for relief.

Clause 7 relates to section 80 of the Act. Of particular note is a proposed amendment that will make it an offence for a plaintiff, intentionally or recklessly, to state in a summons an incorrect address for service. Clause 8 provides amendments to section 83 of the Act that are consequential upon the abolition of special summonses. Clause 9 will repeal sections 91 and 92 of the Act. Section 91 is the section that allows for special summonses to issue in prescribed cases. Section 92 (relating to how service of a summons is to be effected and proved) is to be subsumed into new provisions dealing with modes of service and proof of service.

Clause 10 will replace the existing section 94 with two new sections relating to the service of a summons. The most significant reform relates to the provision of service by post, which will be effected by the clerk of the court out of which the summons is issued. Service will be deemed to have been effected at the time of posting unless the summons is returned undelivered or the clerk considers, on the basis of infor-

mation received by him, that there is substantial reason to doubt that the summons has come to the attention of the defendant. If service does prove ineffectual, any judgment in default will be set aside, the clerk will notify the plaintiff of the fact of non-service, and service by post will not be able to be re-attempted at the same address unless the clerk is satisfied that the plaintiff has made further inquiries to confirm the correctness of the address. Provision will also be made for the situation where, by reason of delays in the delivery of mail, it is expedient to direct that summonses served by post be deemed to have been served at times that are different to the times of posting; notice of his will be given in the *Gazette*.

Clause 11 makes an amendment to section 95 to provide consistency of terminology. Clause 12 provides for the insertion of a new section relating to the record of service of a summons. Service of a summons by post shall be recorded by the clerk making an endorsement on the file copy of the summons. Other provisions are similar to those presently appearing in the Act. Clause 13 will amend section 96 so as to allow a notification endorsed on a file copy of a summons that service of the summons was effected by post to be accepted as proof of such service. Clause 14 amends section 97 of the Act so that the time for entering an appearance to an ordinary summons will be 21 days. It is considered that there is merit in establishing a single period of service for all summonses within the State. Periods of 14 or 21 days are common in other States. Whilst an extended period has the disadvantage that it slightly delays the signing of judgment where this is necessary, it will be fairer for the defendant, giving him more time to consider his alternatives and seek advice. In the context of service by post, the period will allow ample time for the summons to be brought to the attention of the defendant, or to be returned to the court.

Clause 15 repeals section 106 of the Act and is consequential upon the abolition of special summonses. Clause 16 will insert a new section 107 into the Act. The new section is a revamp of the present section and provides that where the claim is for a liquidated amount (with or without interest), the plaintiff can, in default of the defendant entering an appearance, sign judgment for the amount of the claim plus interest. (Where the claim is for an amount other than a liquidated amount, the matter must be set down for an assessment of damages under section 108). Clause 17 makes a consequential amendment of section 109 of the Act.

Clause 18 is intended to effect an amendment to the form of an unsatisfied judgment summons so that it will include a statement that sets out the procedures available to apply to set aside the judgment to which the summons relates. As with the amendment to the procedures on the execution of a warrant, this amendment has been inserted to ensure that a defendant who in fact is not served with a summons is properly aware of the alternatives available to him once enforcement proceedings are taken. However, unlike the procedure on the execution of a warrant, service of the unsatisfied judgment will not be withheld. The summons will stress that if the defendant does not apply to have the judgment set aside he will be obliged to attend at the hearing. Clause 19 makes a consequential amendment to section 218 providing for the service of a summons issued under part X of the Act for the recovery of premises.

The Hon. M.B. CAMERON secured the adjournment of the debate.

ASSOCIATIONS INCORPORATION BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to make provision for the incorporation, administration and control of associations; to repeal the Associations Incorporation Act, 1956; and for other purposes. Read a first time.

The Hon. C.J. SUMNER: 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

There have been several attempts to remedy the deficiencies in the existing legislation in this important area. Subsequent to introducing the Incorporated Association Bill, 1978, the then Government appointed a departmental committee to receive public submissions on that Bill and to report on desirable amendments. Effect had not been given to the recommendations of that committee prior to a change of Government. Another Bill was prepared on instructions from the Tonkin Government, but had not been introduced when that Government went out of office. On 17 March 1983 the Government introduced into the Legislative Council the Associations Incorporation Bill, 1983, and invited public comment thereon. The public comment made in response to that invitation comprised over 50 submissions some of considerable length. Because of its commitments under the national scheme for the regulation of companies and the securities industry, the Corporate Affairs Commission was unable to collate and assess these submissions before that 1983 Bill lapsed.

This Bill takes into account the many constructive comments made in those public submissions, together with those made in subsequent discussions between the Commission and representatives of groups of incorporated associations. The Bill also contains provisions which the Corporate Affairs Commission sees as essential, if it is to be effective in protecting the public interest in this area of its responsibility. The Bill is therefore a product of the input of those who will be affected by the legislation, and those who will administer it. In this Bill, as in the 1983 Bill, full account has been taken of the vast differences in affluence and financial complexity of associations incorporated under this legislation. It has taken significant thought and drafting effort to ensure that small associations such as a local church or tennis club, are not burdened with obligations which it would be beyond their capacity to discharge.

In the public submissions on both the 1978 and the 1983 Bills, the overwhelming concern was in relation to the requirement to appoint a registered company auditor, and to lodge audited accounts with an annual return to the Commission. Under this Bill and previous Bills, such an annual return would be available for public search. Under the 1983 Bill any association which fell within any of the five criteria in clause 26 of that Bill was, subject to an exemption being granted by the Corporate Affairs Commission, required to appoint a registered company auditor and lodge an annual return with their audited accounts. One of those five criteria was that an association had a gross income in excess of $100 000 per annum.

After very careful consideration it has been provided in this Bill that a gross income in excess of $100 000 per annum or such other amount as may be prescribed, be the only test in respect of the obligation to have a professional audit and to lodge audited accounts with the Commission. I emphasise that the regulation making power will enable the amount of $100 000 to be increased or decreased. It must also be noted that the wide powers of exemption given to the Commission under the Bill are available in an appropriate case, irrespective of the amount of income of the

applicant association. It is considered that a threshold of $100 000 or such other amount as is fixed by regulation, should exclude from this obligation small associations whose involvement with the public or with creditors would be minimal.

This provision also confers power on the Minister to apply the requirements for accounts and audit to any association or class of association irrespective of the amount of gross income. This action would be appropriate only in cases where the public interest is involved, or there was a history of financial mismanagement. The 1983 Bill incorporated by reference the inspection and special investigation powers of the Companies (South Australia) Code. That Bill also provided for the winding up of an incorporated association on the certificate of the Minister issued on the recommendation of the Corporate Affairs Commission. There was no attack on these provisions in the public submissions, and they have been repeated in this Bill. They are seen as essential powers if the legislation is not to be 'a paper tiger' and be disregarded accordingly.

A new provision which has not been exposed for public comment imposes an obligation on all associations to lodge a triennial return with the Commission. This return will be lodged without fee and will not be available for public search. Because of the complete absence of any on-going return requirements in the existing legislation, the Corporate Affairs Commission has no profile of the nature and financial complexity of incorporated associations generally. The limited information which the Commission does possess derives almost entirely from complaints which it has no power to investigate and from newspaper and other similar reports which are common knowledge. If it possessed such a profile the establishment of a threshold for professional audit and lodgment of accounts would have been a far easier and less experimental task. It is therefore seen as appropriate that all incorporated associations be required to lodge triennially a return containing the particulars required by clause 40 of the Bill.

The other provisions of the Bill attempt to clarify the law and to make for administrative convenience in for example winding up and dealing with outstanding assets discovered after dissolution. The Bill also contains provisions which regulate the conduct of committees of management of associations. These provisions do no more than establish a standard which would be generally accepted as appropriate to persons having the responsibility for the appropriation of money and other assets, which in many incorporated associations has been provided by benefactions, donations or Government funding. In conformity with the view expressed in a number of public submissions, the District Court will be the level of jurisdiction at which appeals against decisions of the Commission will be determined.

In summary, this Bill makes for effective and moderate legislation in an area where existing legislation falls far short of what is appropriate in the interests of members, creditors, and the general public. There will be an adequate opportunity for interested persons to comment on this Bill before it becomes law. Any person or organisation wishing to make a submission may do so to Mr J. Leydon, Assistant Commissioner for Corporate Affairs, before Parliament reconvenes in February 1985.

Clauses 1 and 2 are formal. Clause 3 sets out the definitions that are required for the purposes of the new Act. Clause 4 provides for the repeal of the Associations Incorporation Act, 1956, and contains certain necessary transitional provisions. Clause 5 provides for the administration of the new Act by the Corporate Affairs Commission. The Commission is to be subject to the control and direction of the Minister. Clause 6 provides for the keeping of registers by the Commission and provides for the inspection of the registers and inspection of documents lodged with the Commission under the new Act. Clause 7 relates to the power of the Commission to screen documents submitted to it and to request that errors, misdescriptions, etc., be corrected.

Clause 8 empowers the Commission to extend limits of time prescribed by the Act. Clause 9 provides for the Commission to furnish an annual report upon the administration of the Act. The report is to be laid before Parliament. Clause 10 extends the provisions of the Companies Code relating to the inspection and special investigations to incorporated associations. Clause 11 deals with eligibility for incorporation. Subclause (1) sets out the kinds of purposes for which an association must be formed if it is to be an eligible incorporation. Subsequent provisions of the clause make it clear that, subject to certain exceptions, an association is not to be incorporated under the new Act if it is eligible for incorporation under the Industrial Conciliation and Arbitration Act, 1972, or if a principal or subsidiary object is to engage in trade or commerce or to secure a pecuniary profit for its members.

Clause 12 deals with the manner in which an application for incorporation is to be made. Clause 13 deals with the incorporation of associations under the new Act. It empowers the Commission, in special circumstances, to direct that a particular association should not be incorporated under the new Act. It also sets out the general powers of an association incorporated under the new Act. Clause 14 relates to the rights and liabilities of members of incorporated associations. The clause confirms that membership of an incorporated association does not confer, except as may be provided by the rules, any proprietary right in the association and that a member is not liable for the debts and liabilities of the association.

Clause 15 provides for the amalgamation of incorporated associations. Clause 16 provides that the rules of an incorporated association bind the association and all members of the association. Clause 17 deals with an alteration of the rules. Clause 18 sets out certain general powers of an incorporated association. Clause 19 deals with the manner in which an incorporated association is to enter into contracts. Clause 20 limits the operation of the doctrine of *ultra vires* in relation to incorporated associations.

Clause 21 deals with the rule in Turquand's case. It provides that a person dealing with an incorporated association is not to be presumed to have notice of its rules. Clause 22 deals with the management of the affairs of an incorporated association. Clause 23 deals with disclosure of interest by members of the committee of management. Clause 24 prevents members of the committee of management who have a pecuniary interest in contracts proposed by the association from taking part in decisions of the committee with respect to such contracts.

Clause 25 sets out the duties of honesty and diligence that must be fulfilled by members of the committee of management. Clauses 26 and 27 deal with the obligation of certain classes of associations to keep accounts and to have those accounts audited. Clause 28 provides for certain classes of associations to furnish periodical returns containing financial and other information. Clause 29 ensures that auditors of associations required to undergo audits by this Act have proper and effective powers and rights in relation to inspecting the records of those associations. Subclause (4) provides that such auditors have the same privileges in relation to defamation as auditors operating under the Companies Code.

Clause 30 provides that the Commission may exempt an assocation from the obligation to comply with the accounts and audit sections of the new Act. Clause 31 provides for the holding of an annual general meeting for associations to which the accounts and audit provisions apply. Clause

32 provides that the committee of an association must act in accordance with principles of natural justice in adjudicating upon disputes. Clause 33 provides for the winding up of incorporated associations. Clause 34 empowers the Commission to require an incorporated association to transfer its undertaking to some other body corporate where in the opinion of the Commission it would be more appropriate for a body incorporated under some other Act to carry on the undertaking.

Clause 35 deals with the distribution of surplus assets or as winding up . Such assets are not to be divided amongst the members of the association but, subject to an order of a District Court, are to be distributed in accordance with the rules of the association or a special resolution of the association. Clause 36 empowers the Commission to dissolve a defunct association. Clause 37 relates to dealing with any outstanding property of an association after it has been dissolved. Clause 38 provides for the removal of the name of an association from the register upon dissolution.

Clause 39 provides for appeal against decisions by the Commission. Clause 40 provides that associations incorporated under this Act must provide periodic returns relating to their operations, composition and other similar matters. These returns are to be for the sole use of the Commission and will not be available for general public inspection. Clause 41 imposes a general duty on incorporated associations to keep proper accounting records. Clause 42 prevents an incorporated association from issuing invitations to the public generally to deposit or invest moneys with the association. Clause 43 requires an association to print its name on certain documents that are commonly used in its affairs.

Clause 44 restricts the ability of incorporated associations to conduct their affairs to secure pecuniary profits for members. Clause 45 provides that an incorporated association must have a public officer. Clause 46 requires members of the committee of an association to take reasonable steps to secure compliance by the association with its statutory obligations and ensures that conditions imposed under this Act will be complied with. Clause 47 makes it an offence for an officer of an association to make improper use of his position to gain an advantage for himself or someone else, or to cause a detriment to the association. Clause 48 provides for the notification of variations or revocations of trusts.

Clause 49 makes it an offence to hold out falsely that a body is an association incorporated under the new Act. Clause 50 deals with proceedings for offences against the new Act. Clause 51 is an evidentiary provision. Clause 52 provides for the service of documents on incorporated associations. Clause 53 allows the use of the abbreviations 'Inc.' for 'Incorporated'. Clause 54 relates to fees. Clause 55 provides for the making of regulations.

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

CONSTITUTION ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934. Read a first time.

The Hon. C.J. SUMNER: 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 clarify two provisions of the Constitution Act, 1934. In particular, the powers of both the President and the Speaker, with respect to their respective indications of concurrence or non-concurrence in the passing of the second or third reading of any Bill, are to be clarified. At the time the present subsection (3) of section 26 and subsection (4) of section 37 were inserted by amendment in 1973, it was abundantly clear that they were intended only to operate for and in respect of Bills possessing the character of those to which the provisions of section 8 of the Constitution Act, 1934 apply. That is to say, both the President's and Speaker's powers in this context are limited to Bills:

'by which an alteration in the constitution of the Legislative Council or House of Assembly is made.'

Finally, the present section 59 is to be repealed. It is considered that the requirement of the Governor's recommendation is an anachronistic procedure that carries with it no substantive meaning in contemporary times. I commend the Bill to honourable members.

Clause 1 is formal. Clause 2 amends section 26 of the principal Act and is intended to clarify that the President of the Legislative Council may only indicate his concurrence or non-concurrence with a Bill before the Council if the Bill would make an alteration in the constitution of either House of Parliament. Clause 3 amends section 37 of the principal Act to clarify, in a manner similar to the provisions of clause 3, that the Speaker of the House of Assembly may only indicate his concurrence or non-concurrence with a Bill before the Assembly if the Bill would make an alteration in the constitution of either House of Parliament.

Clause 4 provides for the repeal of section 59 of the principal Act. It is considered that the Governor's recommendation, required under this section in relation to appropriation and taxing Bills, no longer has any real significance.

The Hon. M.B. CAMERON secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934. Read a first time.

The Hon. C.J. SUMNER: 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 rationalise and reform the Constitution Act, 1934, and, in particular, seeks to do so on two broad fronts. First, it seeks to implement the policy of the Government in relation to fixed terms for the House of Assembly. Secondly, it seeks to ensure that, so far as is possible, each time a general election for the House of Assembly is held, an election to return half of the members of the Legislative Council is also held.

At present, the powers of the Governor to dissolve the House of Assembly are largely undefined and uncircumscribed. The present section 28 of the Constitution Act, 1934, refers to the term of the House of Assembly which is:

three years from the day on which it first meets for the dispatch of business . . .

However, this term is made subject to the Governor's powers to sooner prorogue or dissolve the House of Assembly. The problem addressed by the Bill is the lack of predictability and stability in the electoral cycle within this State. The present constitutional rules virtually allow the Premier of the day to call an election for the House of Assembly at his whim. This observation is borne out by the figures related to the duration of the past 10 Parliaments in South Australia, those figures being as follows:

Parliament	Duration		
	Years	Months	Days
35th	2	9	20
36th	2	8	19
37th	2	10	16
38th	2	9	16
39th	2	0	25
40th	2	7	14
41st	2	0	1
42nd	2	0	12
43rd	1	10	14
44th	3	0	3

This means that the average life span of a House of Assembly has been in the vicinity of 2½ years, a duration that falls well short of the constitutional aspirations expressed in the 1934 Act. The advantages occasioned by a fixed term for the House of Assembly are both numerous and overwhelming. In a relatively recent Australasian Study of Parliament Group Workshop the following reasons (among others) were identified as favouring a fixed term for Lower Houses:

(1) it protects the existence of a Government which continues to enjoy the confidence of the Lower House;

(2) it ensures tenure of a Government and during that tenure ensures a Government is capable of governing effectively;

(3) for Parliamentary committees, greater refinement and development of the present systems would occur, allowing greater deliberation, more depth of inquiry and analysis of complex and extensive issues;

(4) there would be more systematic and purposeful servicing of electorates by members;

(5) there would be a reduction in opportunities and incentives for Parliamentary procedural manoeuvres;

(6) it would largely remove the partisan political advantage presently enjoyed by the Premier in his choice of a date for an election;

(7) it would be more likely to result in a reduction in the number of elections; and

(8) it would enable the Government to plan its Parliamentary timetable in a more rational, methodical and purposeful manner.

The real advantages of the proposal inherent in this Bill are the removal of the potential for cynicism and opportunism from the decision-making processes that apply to elections. Acute uncertainty very often reigns even from the early life of a new Parliament. Rational planning, in both the private and public sectors, becomes very difficult. Short term *ad hoc* political advantages will not hold sway in the decision to go to the people.

It is noteworthy that a similar proposal put to the Victorian Parliament earlier this year received strong expressions of bipartisan support. I commend this aspect of the Bill to honourable members as a serious-minded attempt to obviate difficulties presently experienced by Governments in this State and to restore greater certainty in the process of Government and, hopefully, to enhance significantly the esteem of Parliament in this State in the eyes of those who ultimately exercise political power over it, namely, the electors.

As honourable members will be aware, members of the Legislative Council are at present elected for a minimum term of six years. When as at present successive Houses of Assembly run for their full term, that is, approximately three years, half of the members of the Legislative Council do, in fact, retire at each general election for the House of Assembly. However, if for any reason a House of Assembly does not run its full term, it is possible that an election for half the members of the Legislative Council will not be held to coincide with the relevant Assembly election for the reason that no members of the Legislative Council will have served for the minimum term of six years. In some cases, therefore, a member of the Legislative Council could serve for almost nine years before being required to face the electors.

If this measure is enacted into law, an election for half the members of the Legislative Council will coincide with each general election for the House of Assembly. There would, however, be one set of circumstances in which this principle would not apply. These circumstances would arise if a general election were held before the expiration of three years after an election arising from a double dissolution. Section 41 of the principal Act which provides for dissolution of both Houses of Parliament in order to resolve any deadlock between the Houses also provides for a minimum term of three years for half of the members of the Legislative Council elected as a result of a double dissolution. Section 41, however, cannot be altered except by a Bill passed and approved by referendum. In the Government's view, the expense of a referendum would not be justified in order to authorise such an insignificant departure from the principle sought to be given effect to by this Bill.

This Bill also deals with the question of the order of retirement of members of the Legislative Council at a general election subsequent to an election held upon a double dissolution pursuant to section 41. The Government considers that it is quite unsatisfactory that the composition of the Legislative Council may ultimately depend on chance, as is the situation pursuant to the provisions of the present section 15. Accordingly, it is proposed that the Electoral Commissioner will be required to evaluate the comparative electoral support for the councillors elected; he will identify those councillors who would have been elected upon the votes cast if the election had been for 11 vacancies only. The remaining 11 members would be required to retire after the three year term provided in section 41 (2) *(b)*.

This Bill also seeks to ensure that, where a casual vacancy has occurred in the membership of the Legislative Council, any nominee to replace a member of the Council shall be of the same political persuasion as the member replaced. This nomination is, of course, effected by a joint assembly of both Houses of Parliament. The political character of the nominee has hitherto been determined wholly in accordance with convention. These matters will now be enshrined in the Constitution and, therefore, will acquire the force of law.

In conclusion, it ought to be observed that it is clearly intended that these reforms will only take effect as and from the date of commencement of the House of Assembly of the Forty-Sixth Parliament. In other words, they will not have any force or effect for or in respect of the present (that is, the Forty-Fifth) Parliament. I commend this Bill to honourable members.

Clause 1 is formal. Clause 2 provides that the measure shall come into effect on the day on which the House of Assembly is next dissolved, or next expires, after the measure is assented to. Clause 3 provides for the repeal of sections 13, 14 and 15 and the substitution of new sections. Section 13 revises section 13 of the Act. Of particular note is a proposed new subsection that would provide that where a member of a particular political party vacates his seat, an assembly of members constituted to fill the vacancy must, if it is feasible, select a person from the same party. The repeal of section 13 also deletes the requirements that mem-

bers of the Legislative Council must serve a minimum of six years.

New section 14 relates to the terms of members of the Legislative Council and provides that half of the members will retire at each general election for members of the House of Assembly. An exception is made where the dissolution or expiry of the House of Assembly occurs within the three year period of the minimum term provided by section 41 for half of the members of the Legislative Council elected at an election occurring as a result of a double dissolution.

New section 15 sets out the order of retirement of members of the Legislative Council. In effect the application of this proposed new section will result in half the Council retiring at each general election, the members to retire being those with the longer period of service. Proposed subsection (2) provides that the term of a person appointed to fill a casual vacancy will be determined by the term of the member he replaced. Furthermore, the present section 15 provides that where the members of the Legislative Council have occupied their seats for the same period the order of retirement as between members shall be determined by lot. This provision would have application only in relation to the election following the election held upon a double dissolution pursuant to section 41 of the principal Act. However, although the application of the provision is limited, the Government considers that it is quite unsatisfactory that the composition of the Legislative Council depend upon a lot. Accordingly, proposed subsection (4) provides that the Electoral Commissioner identify those members of the Legislative Council elected following a double dissolution who would have been elected upon the votes cast if the election had been for 11 vacancies only and that those members occupy their seats for the full term, the other half retiring after the three year term provided for by section 41.

Clause 4 repeals section 28 of the principal Act and substitutes two new sections. New section 28 is cast in terms that are similar to the existing section, but would provide for four year terms for each House of Assembly, subject still to prescribed adjustments depending on when a House first meets for the dispatch of business. New section 28a would restrict the powers of the Governor to dissolve the House of Assembly so that a House could not be dissolved unless at least three years of its term had run, the Governor was acting under section 41 of the principal Act, or a motion of no confidence in the Government had been passed and no alternative Government can be formed.

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

MENTAL HEALTH ACT AMENDMENT BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Mental Health Act, 1977. Read a first time.

The Hon. J.R. CORNWALL: 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

The purpose of this Bill is to clarify the law in relation to consent for medical procedures performed on mentally ill or mentally handicapped persons. It is intended to clarify the law in four main areas—consent in relation to mentally ill or mentally handicapped minors and adults, consent to psychiatric treatment, consent to sterilisation and termination of pregnancy and consent to emergency procedures carried out on persons unable to consent. As with the Consent to Medical and Dental Procedures Bill, 1984 which was recently introduced into this Parliament, this Bill is based on the recommendations of the Working Party on Consent to Treatment which reported in December, 1983. A specific brief of that working party was to consider the legal issues relating to informed consent with particular regard to the issue of sterilisation of intellectually handicapped persons. This Bill also follows recommendations of the Bright Committee on the Law and Persons with Handicaps in relation to sterilisation.

Both the Bright Committee and the Working Party on Consent to Treatment noted that there were many situations where a person's mental incapacity meant that he was unable to give a valid consent to treatment. In those situations, particularly in the case of adults, there was often no one else with clear authority to consent on behalf of that person. Both reports saw the Guardianship Board as playing an important role in clarifying such authorities and recommended that the Board be empowered in some situations to authorise others to consent to treatment on behalf of persons unable to give an informed consent, whether or not such persons were under the guardianship of the Board.

Perhaps the most controversial issue involving consent to treatment is sterilisation. It is evident that serilisation of mentally handicapped persons does occur even though they have no capacity to consent. Those who purport to consent on their behalf have doubtful legal ability to do so in the case of minors, and none at all when they turn 18. As the late Sir Charles Bright stated in the introduction to chapter five of the Second Bright Report on the Law and Persons with handicaps:

> Sterilisation, both of children and adults, certainly appears to have occurred without a clear knowledge of the law relating to sterilisation, which casts doubt on the right of a parent or care-provider to consent non-therapeutic sterilisation on behalf of another. And it seems clear that such action is often taken to relieve parents or careproviders of concern for the future, rather than for the benefit of the person involved.

This is a matter of concern to the Guardianship Board, which has been called upon to consider whether persons have the capacity to consent to sterilisation, without clear power to make decisions in this area.

Both the Bright Committee and the Working Party on Consent to Treatment considered that the Board should have clear power in this area, and that it should not be able to delegate such a significant decision. The working party felt that a special offence should exist for a person who undertakes a sterilisation procedure or a procedure likely to result in sterilisation, unless he is satisfied that the person upon whom the procedure is being performed has given an informed consent, or the Guardianship Board has consented. Some parents have expressed concern at the Board's involvement in this area, seeing it as usurpation of their rights. In fact, the law at present does not provide them with any clear legal rights in respect of their adult children. In this Bill, it is proposed that the Board will be obliged to consult with them. Indeed, parents will often no doubt be the initiators of applications to the Board. All these matters have been discussed with parents' groups over the years but, quite clearly, there remains resistance to the notion of a Board making decisions on behalf of their adult children instead of parents themselves.

In relation to termination of pregnancy, during drafting and taking account of Crown Law advice, it was considered that termination of pregnancy should be dealt with in the same manner as had been suggested for sterilisation. The Bill also takes account of the recently introduced Consent

of Medical and Dental Procedures Bill, 1984. I shall outline the specific features of this present Bill. First, in relation to psychiatric treatment, the Bill proposes to clarify who can consent to certain psychiatric treatments upon a patient. The present Mental Health Act sets out certain consent procedures for specified categories of psychiatric treatment; for example, psycho-surgery and electro-convulsive therapy, in relation to patients under detention orders in approved hospitals. This Bill widens these provisions to cover the voluntary patient, as the question of consent to such treatment must be dealt with in respect of all patients, no matter how their original admission to hospital came about. In addition, the question of who consents to such treatment is rationalised, in light of the proposal to involve the Guardianship Board in this area.

As I have already indicated, this Bill also deals with sterilisation and termination of pregnancy procedures. The Bill provides that sterilisation and termination of pregnancy are not to be carried out without the consent of the Guardianship Board on persons suffering from mental illness or mental handicap, and who are, by reason of that illness or handicap, incapable of giving effective consent. In determining an application for consent to such procedures, the Board is to afford persons with an interest in the matter the opportunity to make representations (e.g. parents, in the case of sterilisation). In instances where in the opinion of the Board sterilisation is not therapeutically necessary, the Board must take a number of specific factors into account before it gives consent. It must be satisfied that there is no likelihood of the person acquiring the capacity to give effective consent, that the person is capable of procreation, that no other method of contraception would be effective, and in the case of a woman there is no other way of dealing with problems associated with menstruation.

In relation to termination of pregnancy, the Board must be satisfied that such termination would not constitute an offence under the Criminal Law Consolidation Act and there is no likelihood of the person gaining the capacity to give effective consent within the time available for the safe carrying out of a termination. It should be noted that the Board is unable to delegate power to consent to sterilisation or termination of pregnancy. This Bill also has wider application in relation to general medical and dental procedures. In relation to a person under 16 years of age, the Bill provides that a parent can consent to medical or dental procedures for a mentally ill or mentally handicapped person, except sterilisation or termination of pregnancy for which consent can only be provided by the Guardianship Board.

In relation to persons of or above 16 years, the Guardianship Board can provide consent for all medical and dental procedures including sterilisation and termination of pregnancy. There is power for the Board to delegate its power of consent (except to a person directly involved in carrying out the procedure) and it is anticipated that, for example, the person in charge of an institution may carry that delegation for routine procedures. This would ensure that proper consent can be provided for persons in the absence of a Guardianship Board hearing. In relation to emergency situations, the Bill follows the recently introduced Consent to Medical and Dental Procedures Bill and allows treatment in an emergency where two medical practitioners agree that the procedure is necessary to meet imminent risk to the person's life or health and is not contrary to any clearly stated refusal of treatment.

I believe that it is important for the dignity of mentally ill and handicapped persons that the rights of others to make decisions on their behalf be soundly based in law. This Bill achieves that purpose. I am aware, as I have indicated, that some parents of mentally ill and mentally handicapped people oppose the recommendations. In order that they may have the opportunity to express their views, and in the hope that the matter will be dealt with in a bipartisan fashion, I propose to move, upon completion of the second reading debate, that the Bill be referred to a Select Committee for consideration.

Clauses 1 and 2 are formal. Clause 3 defines 'consent', 'dental procedure', 'medical procedure' and 'parent' in the same terms as the Consent to Medical and Dental Treatment Bill already before you. Other necessary definitions are provided, including a definition of 'sterilisation procedure' as being any procedure that results, or is likely to result, in the patient being infertile. Clause 4 amends the provision that currently places restrictions on psychosurgery and shock treatment of patients detained in mental hospitals. Firstly, the provision is widened to cover the voluntary patient, as the question of consent to such treatment must be dealt with in respect of all patients, no matter how their original admission to hospital came about. Secondly, the question of who consents to such treatment is rationalised, in light of the proposal to involve the Guardianship Board in this arena. If the person is capable of giving consent (whatever his age), then his consent must be given before the procedure in question can be carried out. If he is not so capable, then a parent's consent must be obtained if the patient is under 16, and the Board's consent if he is 16 or more. This provision has effect notwithstanding the later provisions dealing generally with consent to medical treatment.

Clause 5 inserts a new Part that provides a code for the consent to medical and dental treatment of mentally incapacitated persons. New section 28a provides that the Part applies to such persons. New section 28b provides that the consent of a parent is effective in respect of treatment of a mentally incapacitated person under 16 years of age, except that a parent cannot consent to the carrying out of a sterilisation or abortion on his child, no matter what the age of the child is. The consent of the Board is effective in respect of sterilisation or abortion, providing the consent is given in accordance with the Act. The consent of the Board is similarly effective for all medical and dental procedures carried out on mentally incapacitated adults (i.e. persons of or over 16 years of age). New section 28c creates an indictable offence where a medical practitioner carries out a sterilisation or abortion without the consent of the Board (except in situations of emergency). The penalty for such an offence is $2 000 or one year's imprisonment (see section 49 of the Act).

New section 28d sets out the basic steps to be taken by the Board in determining an application for consent to carrying out a sterilisation or abortion. The patient must, if practicable to do so, be given an opportunity to be heard. A parent must also be given such an opportunity, except in relation to a proposed abortion. Other persons who satisfy the Board that they have a proper interest in the matter must be heard. The wishes of the patient must be considered, and the Board must bear in mind the object of keeping interference with the person's rights to a minimum. New section 28e deals with consent to sterilisation. If the Board is satisfied that the proposed procedure is therapeutically necessary, it may give its consent. If it is not so satisfied, it may give its consent only if it is satisfied that the person is permanently mentally incapacitated, is capable of procreation and is either sexually active and no form of contraception would be workable or, in the case of a woman, cessation of her menstruation would be in her best interests and would be the only viable way of dealing with the problems associated with her menstruation. The Board must also have no knowledge of any refusal given by the person in respect of the procedure while the person was capable of giving consent.

New section 28f deals with consent to termination of pregnancy. If the Board is satisfied that the carrying out of the procedure would not constitute an offence under the Criminal Law Consolidation Act, and that the woman is not likely to acquire the mental capacity to consent during the period in which she may safely be aborted, then the Board may give its consent. Again, the Board must have no knowledge of any refusal given by the woman while she had the mental capacity to consent. New section 28g provides for emergency treatment of mentally incapacitated persons. This provision is similar to the relevant provisions in the Consent to Medical and Dental Procedures Bill. If there is imminent risk to a person's life or health in the opinion of two medical practitioners, or of one medical practitioner where it is not practicable to get a second opinion, then the person is deemed to have effectively consented to the carrying out of the procedure. Where the person is under 16 and the procedure is not a sterilisation or abortion, a parent must be contacted if possible, but the procedure can be carried out with impunity despite the refusal or failure of the parent to give consent.

New section 28h enables the Board to delegate its power of consent, except in relation to a sterilisation or abortion. A delegation may not be made to a medical practitioner who is likely to participate in carrying out the medical procedure. New section 28i provides that the consent of the Board or its delegate must be in writing. A document purporting to be a written consent is conclusive proof of the consent and of the validity of the consent, thus protecting the medical practitioner who has no means of ascertaining whether the Board has complied with all the provisions of the Act in giving its consent. Provision is also made for evidence of a delegation by the Board. New section 28j provides that the requirements of this Part are in addition to those of any other enactment (e.g. the Transplantation and Anatomy Act).

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

PRICES ACT AMENDMENT BILL (No. 3)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Prices Act, 1948. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The primary purpose of this short Bill is to amend the regulation-making provisions of the Prices Act, 1948. At present, the Governor may make regulations necessary or convenient for the administration and enforcement of this Act and for preventing evasions of this Act, but this power is very restricted. There have been past instances where a prices order has been implemented but the marketing techniques of the industry have reduced the order's effectiveness. It is proposed to amend the regulation-making power to enable proclamation of more effective controls on the sale of declared goods than are presently possible by way of prices orders. Specifically, it is proposed that section 51 be amended to enable the making of regulations to impose conditions with respect to the sale of such goods, so as to prohibit trading practices which minimise the impact of the prices orders.

The new provision will enable regulations to be promulgated which will regulate the sale of bread by providing a maximum mark-up to be applied to the actual wholesale price of bread and to prohibit the passing of credits by manufacturers to resellers for unsold bread. It is clear that the excessive discounting at the wholesale level and returns or credits for unsold bread have been the main reasons for the low profitability of bakeries for many years. At the same time, supermarkets have been obtaining extremely high profits on bread sales which have been at the expense of the manufactuer and the net result has been an adverse effect on the level of employment and capital investment in the industry. The proposed measures attempt to restore some degree of order to the industry. At the same time the opportunity has also been taken to raise the maximum fine for a breach of regulations under the Act from $200 to $500.

Clause 1 is formal. Clause 2 amends section 50 of the principal Act. This amendment is consequential upon the repeal and substitution of section 51 (regulations) and makes it clear that proceedings for offences under the regulations may be dealt with in a summary manner. Clause 3 repeals section 51 of the principal Act which is the regulation-making power and substitutes new section 51 which also deals with regulations. Under new section 51 the Governor may make such regulations as are necessary for the purposes of the principal Act. Those regulations may require the prices of specified declared goods to be marked or otherwise displayed; impose conditions with respect to the sale of specified declared goods; and provide for penalties of up to $500 for breaches of regulations.

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

AUSTRALIAN FORMULA ONE GRAND PRIX BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 2001.)

The Hon. K.T. GRIFFIN: The Opposition in the Council, as in the House of Assembly, indicates general support for the concept of the Grand Prix and the general concept of this Bill. We have already, through the Leader in the other place, indicated that we recognise that there is a considerable benefit to South Australia from a Grand Prix, particularly in light of the fact that it will provide a focus on South Australia for millions of people around Australia and overseas. That is a significant focus that will benefit South Australia, particularly in the tourism arena. I seek leave to conclude my remarks later.

Leave granted: debate adjourned.

REAL PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1848.)

The Hon. K.T. GRIFFIN: While this Bill is a short Bill and probably could be expected to be passed without any difficulty at all, there are several questions I want to pose for consideration by the Attorney-General, particularly one aspect of it. I propose to speak to the Bill, identifying what I believe to be difficulties with one aspect of it and then seek leave to conclude my remarks later in the hope that the Attorney-General will then be able to obtain further advice on the issues I raise with a view to resolving the matter when we resume in February 1985.

The Bill seeks to do two things: to provide for the deposit with the Registrar-General of Deeds of a document containing terms and conditions for incorporation as standard terms and conditions in mortgages without the necessity for those terms and conditions to be repeated in every mortgage which is lodged for registration by a particular mortgagee. That means that, instead of having the fine print covering maybe seven or eight pages of a mortgage used by one of the banks, the finance companies or lending institutions, a one or two page document may be appropriate with the fine print being incorporated by virtue of having been deposited with the Registrar-General of Deeds and being available for searching by the public, if necessary, provided that the standard terms and conditions which are to be part of the mortgage are handed to the mortgagor before the execution of the mortgage.

That will probably save some time and money for the mortgagee, resulting in lower costs to the mortgagor, hopefully, and presumably also a reduction in the amount of storage space which, over a period of time, may be required by the Registrar-General of Deeds to store registered mortgages. I think that there are several difficulties, although they are not difficulties about which I have a great concern. One is that for those who wish to search mortgages at the public registry (the Lands Titles Office) it will mean that two searches will be required: one of the principal mortgage document and the other of the standard terms and conditions which form an integral part of that mortgage. That will be of nuisance value principally to those who are searching mortgages.

There may also be some difficulty for the mortgagee in that he may have a number of different standard terms and conditions for different circumstances, and it will be important for the mortgagee to ensure that the right standard terms and conditions are referred to in a particular mortgage with such variations as may be necessary and that the correct standard terms and conditions are handed to the mortgagor before the mortgage is executed. There may also be another difficulty in that the standard terms and conditions may, in some instances, have to be varied and it will become rather messy if they are incorporated in the mortgage, but the mortgage itself refers to some amendments to those standard terms and conditions.

If that occurs it will be somewhat reminiscent of the old practice of incorporating the old Table A of the Companies Act in the articles of association of a company. There are still many companies that are incorporated and have adopted Table A; that means that the detailed articles are not referred to in the document that is lodged at the now Corporate Affairs Commission, but the articles incorporate amendments and it is something of a nuisance to have to obtain access to the articles of association in Table A and try to work out the amendments that have been made by the document lodged at the Corporate Affairs Commission.

Fortunately, with new companies, that does not very often happen these days. Again, that is a matter of nuisance value. While I am not objecting to that provision in the Bill, I suggest that there may well be some difficulties experienced, particularly by the mortgagee, perhaps by the mortgagor and, to some extent, by the public, when seeking to search registered mortgages. There is a provision in the Bill that, if a mortgagor does not make available the standard terms and conditions to a mortgagor before execution of the mortgage, an offence has been committed. I think the penalty is a maximum fine of $500. There is a provision that noncompliance with that statutory obligation does not affect the validity or effect of a mortgage.

I have some concern about that because I believe that every mortgagor should have the complete mortgage documents before or at the time of execution of the mortgage and that, if the complete document is not made available, that may work to the prejudice of the mortgagor, but obviously not the mortgagee, under the terms of this Bill. It seems to me that, while it may have a harsh consequence to make the mortgage invalid if the standard terms and conditions are not made available at the time of the execution of the mortgage, there has to be some civil consequence which flows to the benefit of the mortgagor against a mortgagee in those circumstances. The mere imposition of a penalty does not come to grips with the basic right of the mortgagor to know the terms and conditions of the mortgage document which has been executed.

I suppose that it is fair to say that most mortgagors do not read all the fine print, but in many instances they do and it does have a relevance in the context of guarantees being given where there is an obligation on a legal practitioner who witnesses the signature of a guarantor to explain the obligations of the guarantor under the guarantee, which may be a guarantee of a mortgage, and that obviously requires at least perusal by the legal practitioner of the terms and conditions of the mortgage so that they can be adequately explained to the guarantor as part of the obligation placed on that legal practitioner who witnesses the signature of the guarantors.

I would like the Attorney-General to consider this particular area of difficulty. In the ordinary law of contract the parties are bound by the written terms and conditions. There may be some oral variation which may allow rectification or modification of the written contract but where, for example, a mortgagee does not make available either the standard terms and conditions or the correct standard terms and conditions, the mortgagor has not therefore executed a comprehensive mortgage document, and that potentially affects the liability of the mortgagor.

I see that as a problem. The other area which the Bill addresses is the question of priority between two or more registered mortgages or encumbrances. Honourable members will know that the Real Property Act gives to any person with a registered interest indefeasibility of title when the interest is registered. In the case of mortgages, the mortgage which is first registered in time has priority over the real property as security over subsequently registered mortgages, encumbrances, caveats and other interests. That means that, if there is default under the security, the power of sale can be exercised and on a sale of the real property, which is the security, the first mortgagee has priority and claims first against the proceeds for capital, interest, costs, and so on. If there is anything left over, that is available to second and subsequent mortgagees. That has been a well established legal principle under the Real Property Act since 1886.

The Bill seeks to allow that priority to be changed by agreement between the respective mortgagees. At the present time if, for example, there is a mortgage registered on land and a proprietor of the land wishes to raise other finance and the lending institution which is going to make the money available wants a first mortgage security in priority to the mortgage which is already registered, the registered mortgage has to be discharged; the subsequent mortgagee registers the new mortgage and the original mortgagee registers what is called a substituted mortgage which then takes priority after the new first mortgage. There is a discharge of all the obligations in respect of the security of the previously registered mortgage, a registration of a new mortgage, and the registration of a substituted mortgage to take the place of the originally registered mortgage which has been discharged. That involves cost, time and effort. Although it does not involve any more stamp duty, it does involve additional Lands Titles Office fees and additional legal, land broking or lending institution fees or a combination of all of them.

I can recognise that, if there can be a simpler mechanism for rearranging the priority, that ought to be considered. Under the Companies Code, where charges are registered, the priority can be very easily amended or altered by agreement between the company which granted the charges and the lenders in whose favour the charges have been taken, by executing a deed of priority. That binds all the parties to the deed and rearranges the priorities. It is particularly relevant where, for example, a charge may be granted by a company registered with the Corporate Affairs Commission for a particular sum of money as a fixed charge and/or a floating charge. The company seeks to raise further funds, the subsequent lender takes another charge which is registered at the Corporate Affairs Commission, there is a deed of priority between the borrowing company and the two lending companies, and it will establish the extent to which the first chargee has priority. The difficulty arises where, for example, a company gives a fixed and floating charge over all its assets.

It may be that the company has also given a mortgage. The charge is not registered on the title but will undoubtedly affect the security of the lender in whose favour both the charge and the mortgage may have been granted. That introduces a number of other consequences which are not necessarily registered on the title. My concern is that, if the mortgage priority can be varied, how is that to be notified to the Corporate Affairs Commission where the charges are publicly registered and where the alteration in priority of the mortgages will obviously have an effect on the charge? There is another problem, that is, charges or even mortgages are often granted for amounts which are not fixed. The Bill does not address the problem where up to the date when priority is altered a certain sum of money has been lent on the first mortgage. It is a mortgage which is unlimited, the subsequent mortgage is registered and the priority is altered.

What is the consequence of altering that priority in respect of any unadvanced money which would have otherwise been secured under the previous first mortgage? That question is not addressed by the Bill. Another problem is that, if a guarantee has been given by someone else guaranteeing the mortgage which is registered on the land, this Bill does not address the question of what happens to the guarantee when the priority is altered. Most guarantees contain a condition that any variation in priority will immediately nullify the guarantee. Is that to be the consequence regardless of the agreement between the parties because of the implementation of the procedure which this Bill envisages? That matter is not addressed by this Bill.

The Bill does not address the consequences of the proposal on section 69 of the Real Property Act dealing with paramountcy. It seems to me that maybe that section needs to be considered in relation to this amendment. What is the position where there is a mortgage where the parties are the registered proprietor and a person who is not the registered proprietor as mortgagors? It may be that the mortgagor, because the mortgagors do not have to sign the variation in priority, will have their own liability as between themselves affected, if the mortgagee agrees with a subsequent mortgagee to vary the priority.

That may create problems. What about the intervention of interests like caveats and liens? They are not addressed by this Bill. They need to be addressed before we embark upon what is really quite a radical change in the Real Property Act. I know it has been sought by land brokers and that it has some support from the Law Society, but I believe that there are other issues which have not really been addressed and which ought to be addressed. The other problem is that the mortgagor is not required to consent or in any way be a party to the variation in the priority arrangements. I would have thought that the mortgagor should be a party to be bound by the variation in priorities that may have a bearing on the obligations of the mortgagor with regard to the respective mortgagees.

In addition, the provision does not address the question of partial priority, that is, where a subsequent mortgagee may want priority only for part of the liability. The Bill does not provide a mechanism for dealing with that. They are some of the matters that I believe need to be considered. There are also questions of notice and no notice and third parties dealing with the mortgagor and mortgagees. I would like the Attorney to consider these matters and let us have further information when Parliament resumes in February. It may be that there has got to be a much more comprehensive review of the whole question of priorities as they can affect mortgages and real property and in their interrelationship with charges under the Companies (South Australia) Code. If that is the case, as it may be, perhaps we ought to postpone for even longer a consideration of the important change that this Bill seeks to make. In order for me also to give further consideration to these difficult matters, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 6 to 7.45 p.m.*]

EQUAL OPPORTUNITY BILL

Returned from the House of Assembly with the following amendments:

No. 1. Page 1, lines 24 and 25 (clause 2)—Leave out 'a resolution passed by both Houses of Parliament' and insert 'proclamation'.

No. 2. Page 1, line 26 (clause 2)—leave out 'resolution' and insert 'proclamation'.

No. 3. Page 1, lines 30 and 31 (clause 2)—Leave out 'a resolution of both Houses of Parliament' and insert 'proclamation'.

No. 4. Page 1, line 32 (clause 2)—Leave out 'resolution' and insert 'proclamation'.

No. 5. Page 2, lines 4 to 10 (clause 2)—Leave out subclause (4).

No. 6. Page 2, after line 22 (clause 5)—Insert definition as follows: 'detriment' includes humiliation or denigration:.

No. 7. Page 3, lines 30 to 33 (clause 5)—Leave out definition of 'Senior Judge'.

No. 8. Page 5, lines 17 and 18 (clause 11)—Leave out subclause (3).

No. 9. Page 7, lines 13 to 21 (clause 18)—Leave out paragraph *(a)* and insert paragraph as follows:

(a) he shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of that term, shall be eligible for reappointment;.

No. 10. Page 7, lines 29 to 37 (clause 18)—Leave out paragraph *(a)* and insert paragraph as follows:

(a) he shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of that term, shall be eligible for reappointment;

No. 11. Page 8, after line 13 (clause 19)—Insert new subclause as follows:

(1a) In selecting nominees for appointment to the panel, the Minister shall ensure that each nominee has expertise that would be of value to the Tribunal in dealng with the various classes of discrimination to which his Act applies and shall have regard to—

(a) the experience;

(b) the knowledge; and

(c) the sensitivity,

of those who come under consideration.

No. 12. Page 8, lines 14 to 21 (clause 19)—Leave out subclause (2) and insert subclause as follows:

(2) A member of the panel shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of that term, shall be eligible for reappointment.

No. 13. Page 9, line 10 (clause 22)—Leave out 'Senior Judge' and insert 'Presiding Officer or a Deputy Presiding Officer'.

No. 14. Page 9, line 13 (clause 22)—Leave out 'Senior Judge' and insert 'Presiding Officer or Deputy Presiding Officer'.

No. 15. Page 9, line 37 (clause 23)—Leave out 'and any directions of the Senior Judge'.

No. 16. Page 13, lines 31 to 37 (clause 29)—Leave out all words in these lines.

No. 17. Page 15, lines 35 and 36 (clause 33)—Leave out 'six' and insert 'one' in both lines.

No. 18. Page 17, line 26 (clause 36)—Leave out 'on the ground of his sex'.

No. 19. Page 22, lines 13 to 21 (clause 50)—Leave out subclause (2) and insert subclause as follows:

(2) Where an educational or other institution is administered by a religious order or body, discrimination on the ground of sexuality that arises in the course of the administration of that institution and is based on religious doctrine or practice is not rendered unlawful by this Part.

No. 20. Page 35, line 6 (clause 87—Leave out 'An employer shall' and insert 'It is unlawful for an employer to fail to'.

No. 21. Page 35, line 10 (clause 87)—Leave out 'An educational authority shall' and insert 'It is unlawful for an educational authority to fail to'.

No. 22. Page 35, line 13 (clause 87)—Leave out 'A' and insert 'It is unlawful for a'.

No. 23. Page 35, line 14 (clause 87)—Leave out 'shall' and insert 'to fail to'.

No. 24. Page 35, lines 17 to 50 (clause 87)—Leave out subclauses (10), (11) and (12) and insert subclause as follows:

(10) For the purposes of this section, a person subjects another to sexual harassment if he does any of the following things in such a manner or in such circumstances that the other person feels offended, humiliated or intimidated:

(a) he subjects the other person to an unsolicited and intentional act of physical intimacy.

(b) he demands or requests (directly or by implication) sexual favours from the other person;

(c) on more than one occasion, he makes a remark pertaining to the other person, being a remark that has sexual connotations,

and it is reasonable in all the circumstances that the other person should feel offended, humiliated or intimidated by that conduct.

No. 25. Page 36, lines 31 to 35 (clause 91)—Leave out subclause (3).

No. 26. Page 37, lines 40 and 41 (clause 93)—Leave out 'by the person who was the subject of the alleged contravention' and insert:

(a) by the person who was the subject of the alleged contravention;

(b) by a person or persons included in a class of persons who were the subjects of the alleged contravention;

or

(c) by a trade union on behalf of a person referred to in paragraphs *(a)* or *(b)*.

No. 27. Page 38, lines 1 to 12 (clause 93)—Leave out subclauses (2) and (3) and insert subclause as follows:

(2) A complaint must be lodged within twelve months after the date on which the contravention the subject of the complaint is alleged to have been committed.

No. 28. Page 38, line 14 (clause 93)—Leave out 'copy' and insert 'written summary of the particulars'.

No. 29. Page 39, after line 30—Insert new clause 95a as follows:

95a. *Representative complaints*—(1) Where a complaint is expressed to be made by the complainant as representative of a class, the Tribunal shall first determine whether the complaint should be dealt with as a representative complaint.

(2) The Tribunal shall not deal with a complaint as a representative complaint unless it is satisfied—

(a) that—

(i) the complainant is a member of a class of persons the members of which have been affected, or are likely to be affected, by the conduct of the respondent;

(ii) the complainant has in fact been affected by the conduct of the respondent;

(iii) the class is so numerous that joinder of all its members is impracticable;

(iv) there are questions of law or fact common to all members of the class;

(v) the claims of the complainant are typical of the claims of the class;

(vi) multiple complaints would be likely to result in incompatible or inconsistent results;

and

(vii) the respondent's actions apparently affect the class as a whole, thus making relief appropriate for the class as a whole;

or

(b) that, although the requirements of paragraph *(a)* are not satisfied, the justice of the case demands that the complaint be dealt with as a representative complaint.

(3) Where the Tribunal is satisfied that a complaint could be dealt with as a representative complaint if the class of persons on whose behalf the complaint is lodged is increased, reduced or otherwise altered, the Tribunal may amend the complaint so that the complaint can be dealt with as a representative complaint.

(4) Where the Tribunal is satisfied that a complaint has been wrongly made as a representative complaint, the Tribunal may amend the complaint by removing the names of the persons, or the description of the class of persons, on whose behalf the complaint was lodged, so that the complaint can be properly dealt with.

(5) A person may lodge a complaint solely on his own behalf, notwithstanding that a representative complaint has been lodged in respect of the same conduct.

No. 30. Page 39, line 34 (clause 96)—After 'it may' insert ', except where the complaint was lodged by a trade union or was dealt with as a representative complaint,'.

No. 31. Page 39, line 35 (clause 96)—Leave out 'not exceeding forty thousand dollars,'.

No. 32. Page 39, after line 37 (clause 96)—Insert new paragraph as follows:

(ab) it may, where the complaint was lodged by a trade union and was not dealt with as a representative complaint, order the respondent to pay to the person on whose behalf the complaint was lodged such damages as the Tribunal thinks fit to compensate that person for loss or damage suffered by him in consequence of the contravention of this Act;.

No. 33. Pages 41 and 42 (clause 101)—Leave out clause.

No. 34. Page 42 (clause 105)—Leave out the clause.

No. 35. Page 42 after line 34 (clause 106)—insert new paragraph as follows:

(ab) regulate the practice and procedure of the Tribunal;.

Consideration in Committee.

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

That the House of Assembly's amendments be agreed to.

There are a large number of amendments, as one would anticipate, in fact, 35. That is a product of the very disagreeable approach taken by honourable members in this Council to the Bill when it was first introduced by the Government. The Government in the House of Assembly has inserted by way of amendment most of the provisions that were deleted or changed by this Council. It would be most unproductive to go through each amendment and to retraverse the arguments that we enjoyed at great length on two evenings. Therefore, as I understand that there is still very little chance at this stage of proceedings of reaching agreement on the 35 individual items, I suggest that they be taken *en bloc*.

The Hon. K.T. GRIFFIN: I do not support the motion; nor do I support the gratuitous comment of the Attorney-General that members of this Council were disagreeable when the Bill was originally before us. The amendments that were made by the Council were designed to improve the Bill. Undoubtedly, we will have another opportunity to traverse the various arguments for and against particular amendments and attempt to achieve a compromise. For that reason, I agree with the Attorney-General on the procedural matter that we need not repeat the arguments in respect of each of the 35 amendments, some of which are consequential on others. In order to facilitate the business of the Council, I indicate that I do not support the motion that he has moved. I believe that the Council ought to insist on its own amendments, which resulted in an improved Bill.

The Committee divided on the motion:

Ayes (9)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, C.J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin (teller), C.M. Hill, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Pair—Aye—The Hon. Frank Blevins. No—The Hon. Diana Laidlaw.

The CHAIRMAN: There are 9 Ayes and 9 Noes. There being an equality of votes, I have the dubious honour of deciding the matter. I cast my vote in favour of the Noes so that the matter can be further considered. The question therefore passes in the negative.

Motion thus negatived.

The following reason for disagreement was adopted:

Because the amendments are unsatisfactory.

CO-OPERATIVES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 2018.)

The Hon. C.J. SUMNER (Attorney-General): In concluding the debate on this Bill, I will respond to some of the comments made by the Hon. Mr Griffin in his contribution. The honourable member asked what consultation had occurred. The overriding purpose of this Bill is to ensure more workable regulations particularly with respect to those provisions of the Companies (South Australia) Code that are incorporated by reference in the principal Act. In drafting the regulations in the format required by the principal Act as it stands, the Commission found it necessary to draft an almost line-by-line adaption of the relevant companies code provision. It was realised that regulations in such a format would be inconvenient to both co-operatives and the Administration.

In anticipation that this amending Bill would be passed, the drafting of the regulations in a more satisfactory form has been commenced. However, this task cannot be completed until the amending legislation has been dealt with. The original draft of the regulations was made available to the industry and representatives of the Co-operatives Federation. I have no objection to the Hon. Mr Griffin or any other honourable member in this place or the other place being provided with details of the regulations as they have been formulated to the present time. I understand that it is necessary that this Bill pass before the drafting of the regulations can proceed. At that stage they will be further exposed for public comment. Nevertheless, the Administration and, I think, the Co-operatives Federation would like to see the legislation proclaimed early next year.

In regard to the Hon. Mr Griffin's suggestion relating to a special resolution under clause 2, I indicate that there would be no objection to amending the definition of 'special resolution' in clause 2 to provide that proxy voting is permitted subject to proxies being permitted under the rules of the co-operative. Regarding the date of submission of the annual report, to which the Hon. Mr Lucas referred, this clause was inserted in the Bill to ensure desirable uniformity with the Companies Administration Act, 1982. This provision is essential if the Commission is to make one report to Parliament in respect of all areas of its responsibility. This approach is satisfactory from the aspect of both cost and the relevance of the information contained in the report. Given the diversity of its responsibilities, a requirement to finalise a report within three months of the end of a financial year would place severe administrative burdens on the Commission.

The Hon. R.I. Lucas: Did you say three months or four months?

The Hon. C.J. SUMNER: Three months—at the end of September.

The Hon. R.I. Lucas: I think I said October.

The Hon. C.J. SUMNER: Well then, October—four months. We could argue this question, but with an organisation such as the Corporate Affairs Commission, which operates under very tight administrative constraints, which often has to deal, in the majority of its time, with the business community and which has to react speedily to applications for registration of companies or prospectuses on various matters, all I am suggesting is that a six-month period is not unreasonable. It will ensure, as has happened on this occasion, that the report is presented I would think in most cases before the end of the calendar year with respect of the financial year that is being reported on.

In relation to the question of undesirable names, minimal difficulty has been experienced with names of co-operatives in the past. However, given that the new legislation should encourage more innovative forms of co-operation, this situation may not prevail in the future. In any event, the provision is consistent with the companies code and with the legislation regulating business names and associations.

With respect to the age of directors, it is considered appropriate that this provision of the Companies (South Australian) Code should apply to directors of co-operatives. It does not prohibit over-age directors: it merely provides that they should submit themselves for re-election annually.

I turn to the extent of the regulations. The regulations will be made under the following headings: Preliminary Interpretation and Forms; Fees; Co-operatives Advisory Council; Applied Provisions; Registration of Co-operatives; Amalgamation of Co-operatives; Rules; Registered Office and Registers; Returns; Accounts and Audit; Model Rules; and Miscellaneous. With respect to the membership of the Co-operatives Advisory Council, the Co-operative Federation of South Australia has been requested to submit to the Minister a panel of names from which two persons will be selected for appointment to the Council. An approach will then be made to other suitable persons to accept the other appointments.

With respect to innovative co-operatives, worker co-operatives and the like, a number of groups, including groups of unemployed persons, have expressed the desire to form co-operatives to satisfy a particular need. The Corporate Affairs Commission presented a paper at a seminar which was organised by the Minister of Labour and which the Hon. Mr Griffin referred to in the debate. It is considered that innovative types of co-operatives could operate successfully under this legislation given the exempting powers available in it. However, the promoters of innovative co-operatives will be advised that this power of the Commission will only be exercised subject to the public interest in a particular case. We do not see that they would be precluded from operating within the purview of this particular legislation. That is an exercise that is proceeding, in any event, that is, worker co-operatives and the like, and it may be at the end of that inquiry some further amendments may be necessary. With respect to the conventional co-operative industry, this Bill was passed in 1983. A considerable amount of work has been done on the regulations in co-operation with the Co-operative Federation, other people, and the industry. Indeed, the Corporate Affairs Commission is very keen to have this minor amending Bill passed to tidy up the situation so that the Bill can be proclaimed early in the new year. I trust that this answers the queries raised by honourable members.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Annual report.'

The Hon. R.I. LUCAS: It is my intention to move the following amendment in relation to this clause:

Page 2—
Line 8—Leave out December and insert 'October'.
Line 12—After 'Parliament' insert 'within fourteen sitting days of its receipt by him'.

As the Attorney has indicated, we have had this discussion cum argument cum debate many times in many recent Bills, so I will not repeat my side of the argument. I think that the Attorney's advice that he read to the Council earlier was incorrect. He talked about a three month period. On most other amendments I have moved to insert 'September', but because of the particular problems of the Corporate Affairs Commission I have accepted advice from the Hon. Mr Griffin and moved to insert 'October' to make an allowance of four months in relation to this particular amendment.

The arguments in relation to this matter are the same as those in debates relating to the Commissioner for the Ageing, the Commissioner for Equal Opportunity and the Lotteries Commission (and another Bill yesterday). I will not repeat those arguments. The second part of the amendment once again relates to similar discussions we have had before in relation to the question about when the Minister shall table the report in the Parliament. The amendment once again puts in a provision of 14 sitting days. The Attorney generally argues that the clause in the Government's Bill states 'as soon as practicable'. This Bill does not include those words but states that the Minister shall cause a copy of the report to be laid before each House of Parliament, so the Attorney's traditional argument cannot be used on this occasion and he will have to use a different argument. If he is to oppose the time restriction the second part of the clause gives no guidance to the Minister to expedite matters and to get the report into the Parliament. The amendments are much the same as others debated before, so I urge the Attorney to accept them.

The Hon. C.J. SUMNER: The fact is that I cannot accept the first amendment. I think that it is quite unreasonable for the honourable member to impose this sort of obligation on a Corporate Affairs Commission. The Companies Administration Act of 1982 requires a report to be given to the Minister by 31 December in any particular year. So far as I am concerned, this matter is not negotiable. There is no way that we can have this condition in this legislation—a reporting date of 31 December, which would require the Commission to report separately on the administration of the Co-Operatives Act from its general administration—an utterly untenable position.

Quite frankly, I would prefer to see this Bill defeated—it is as simple as that. There is no justification for the amendment, which would cause confusion in the Corporate Affairs Commission. It is all very well for the Hon. Mr Lucas to come forward with these amendments, but he has absolutely no conception of the sort of work required in a Government agency to get these reports out. Some agencies may be able to report by 30 September because they do not have a particularly large report to put out with respect to other agencies such as the Corporate Affairs Commission, or even, I would argue, the Department of Public and Consumer Affairs and the Consumer Affairs Commissioner. So far as these agencies are concerned, 30 October is a date that is too restrictive.

The Hon. L.H. Davis: Why can every publicly listed company comply with a three month period?

The Hon. C.J. SUMNER: If honourable members want to insist on it, it will be ignored, and if they cannot do it they will not do it. I can tell the honourable member that if I am in charge of the Corporate Affairs Commission and there is an imposition to report by a certain date and they tell me that reporting by that date will hold up the approval of prospectuses that have been submitted, or will hold up the registration of companies that have been submitted by the business community, I will tell them not to worry about the report and to proceed with what I consider to be the most important thing—that is, trying to provide a service to the community. There is no question about it: I am quite prepared to say that here tonight and, quite frankly, if such an amendment as this is passed, it is not negotiable so far as I am concerned—that is, the first part of it.

I am prepared to accept the second part of the amendment and put a compromise to the honourable member that he does not put the first amendment and I accept the second one. In that way everybody will be happy. If the honourable member wants to argue about the date being October, or whatever, perhaps we can do that again in the context of a Bill dealing with the whole of those areas that the Corporate Affairs Commission has responsibility for. I think that stipulating the month of October when the Corporate Affairs Commission generally reports in December will create an unsatisfactory situation. I know the sorts of pressure that people work under. The Corporate Affairs Commission is a very good administrative organisation.

The Hon. K.T. Griffin: Hear, hear!

The Hon. C.J. SUMNER: The Hon. Mr Griffin says, 'Hear, hear'. I have the utmost respect for the Commissioner and the staff—they do a very conscientious job. They are very often confronted with having to order their priorities between their dealings with the public and getting on with matters that the business community are concerned with. If a strict unrealistic time limit is inserted for reporting, then it takes away the flexibility they currently have. It is not acceptable as far as the Government is concerned. I hope that the honourable member will see fit to accept the compromise I have offered.

The Hon. R.I. LUCAS: I am always prepared to be reasonable with the Attorney. Before being reasonable, I will be unreasonable for a moment and say that I reject the logic behind the Attorney's argument. He is talking about fine departments, fine officers, busy departments and busy officers. If the Auditor-General can prepare the comprehensive review of departmental expenditure, finances and a whole range of things—

The Hon. C.J. Sumner: That is what it is set up to do.

The Hon. R.I. LUCAS:—not by 31 October, but by the end of August—two months after the end of the financial year. I accept the Attorney's argument about consistency. Parliamentary Counsel put that to me as well and my view to Parliamentary Counsel was that we should bring back the other Act and bring it back to four months as well, and we will have consistency. I reject the Attorney's argument on that. The SGIC has to deliver its report in, I think, three months, by 30 September. The Attorney talks of fine officers, fine bodies, busy officers and busy bodies, yet the SGIC can deliver its report in three months, and its job is not about delivering reports either.

The Hon. C.J. Sumner: It has policy holders' money to put into it.

The Hon. R.I. LUCAS: I will not continue with the argument. I reject the Attorney's logic, but being a reasonable person, I am more than happy to get a 50 per cent share: as long as I get in the second half of the amendment, that is, that when the report gets to the Minister there is a maximum period placed on the Minister to give that report to the Parliament. One out of two is not bad. Therefore, I will not move the first amendment I have on file. I now move:

Page 2, line 12—After 'Parliament' insert 'within fourteen sitting days of its receipt by him'.

The Hon. C.J. SUMNER: I appreciate the honourable member's without prejudice co-operation in this regard.

Amendment carried; clause as amended passed.

Clauses 5 to 12 passed.

Clause 13—'Certain persons not to manage co-operatives.'

The Hon. K.T. GRIFFIN: Obviously, there is a difference of opinion between the Attorney-General and me on this matter in relation to the qualification of persons over the age of 72 to be directors of a co-operative. Presently under the Co-operatives Act there is no limitation on the age at which persons may be directors of a co-operative. There is no limitation under the Industrial and Provident Societies Act which presently regulates co-operatives. I do not believe that there is any justification for placing a limitation on the opportunity for persons to be directors of a co-operative. I acknowledge that this does not prevent them absolutely from being such directors. But, it requires persons over the age of 72 to give notice of their intention to seek election or re-election 14 days before, I think, the annual meeting, and then the resolution appointing that person as a director or re-electing that person has to be passed by a majority of three-quarters of those present and voting.

I have not heard of any particular difficulties with any of the co-operatives which I have contacted in relation to this. Before that I had heard no criticism of any director who had attained the age of 72 years. Some of my colleagues, who have a much closer relationship with co-operatives because of their rural electorates, have indicated to me that it is very rare to find directors going on to the age of 72 years or over because most of those rural produce co-operatives require members and directors to be working members or working directors and, by the time a person has attained the age of 72 years he does not particularly feel inclined to undertake manual labour and responsibilities attached to running rural properties.

For those reasons I do not think that this provision is justified. The ageing are entitled to equal opportunity and, while in the area of public companies it may be appropriate to place some limitations on the rights of persons to be directors of public companies, I do not think it necessarily follows that it should be translated to co-operatives. I oppose the clause.

The Hon. C.J. SUMNER: I support the clause. I find it difficult to follow the reasoning of the honourable member. If it is good enough to have a retirement age for directors of companies of 72 years, and in many cases co-operatives are larger and more sophisticated commercial organisations than many companies, I cannot see any justification for drawing a distinction between a co-operative and a company with respect to the retiring age.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Well, many of them are smaller, but there are many small companies too. There are very large co-operatives and I would have thought they should be on all fours with the companies regulation. As has been pointed out, it does not mean that a director or a person who is over 72 years cannot be a director; it means that rather than being appointed for a long period they have to submit themselves for election every 12 months. On the basis that co-operatives are in many cases large commercial operations and indistinguishable in that sense from companies I believe the honourable member's suggestions should be opposed.

The Hon. K.L. MILNE: My experience with directors of both public companies and co-operative companies is that, if directors have not retired by the age of 72, they ought to.

The Hon. K.T. Griffin: A bit like members of Parliament.

The Hon. K.L. MILNE: Yes, that is right. In fact, some of them wish they could get to 72 without dropping. I have seen many a director, excellent persons, make enormous contributions as directors only to undo it all by staying too long. There is no harm in placing a limit on it, and I support the clause.

The Committee divided on the clause:

Ayes (10)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. Frank Blevins. No—The Hon. J.C. Burdett.

Majority of 1 for the Ayes.

Clause thus passed.

Clauses 14 to 19 passed.

New Clause 19a—'Proxies.'

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

Page 5, after line 9—Insert new clause as follows:

19a. The following section is inserted after section 69 of the principal Act:

69a. Subject to the rules of a registered co-operative, a member of the co-operative who is entitled to attend and vote at a meeting of the members of the co-operative is entitled to appoint another person as his proxy to attend and vote instead of the member at the meeting.

It picks up the point I made earlier during the debate in relation to proxies. This clause entitles a member to appoint a proxy if the rules of the co-operative so allow. I think it overcomes what the Attorney indicated in his reply to the second reading debate to the effect that it was not already provided but that it was acceptable to the Government. The rules of a registered co-operative prevail over the legislation in respect of proxies.

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

New clause inserted.

Remaining clauses (20 and 21) and title passed.

Bill read a third time and passed.

AUSTRALIAN FORMULA ONE GRAND PRIX BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2141.)

The Hon. K.T. GRIFFIN: There has been one false start already on this Bill and I move up to the starting pole once again to indicate that the Opposition supports the concept of the Grand Prix and is prepared to support the second reading of the Bill. However, the Opposition will both raise a number of issues during the Committee stage and also move some amendments. We recognise that the Grand Prix will have a number of benefits—some of them substantial—for South Australia and South Australians, particularly in the business and tourism areas. More particularly, it will focus interest on South Australia: the interest of millions of other Australians and persons overseas will be focused here if the Grand Prix is telecast direct to other States and other nations. However, whilst putting South Australia on the motoring map in the way proposed by the Bill it must be recognised that there is a need to balance the rights of those citizens who will be directly affected by the undoubted disruption which the cordoning off and fencing off of roads and property will create.

It is that issue to which I want to direct the bulk of the questions in Committee. It is easy for a Government to say that something is great for South Australia and to over-ride the rights and interests of individuals. It is more difficult to reflect the appropriate balance, recognising those private rights and interests.

It is clear that there has been much media publicity about the Grand Prix and, according to a map on the front page of the *Advertiser* of 20 November, it appeared that the circuit had been finalised, although it certainly had not been

finalised at the time this Bill was being debated in another place. Then the Opposition indicated, particularly through the Leader of the Opposition, that we required the answers to a whole range of questions about the Grand Prix: its financing, the Government's commitment to it in financial terms, the extent of disruption and so on and that, if we did not receive that information, we would press for it in this Council.

We believe that not only do we as legislators have an obligation to consider that material and a right to require it but also it is important for South Australians to know exactly what will be their commitment through the Government financially and what people's commitment will be in terms of accepting disruption to their business and domestic lifestyles. Notwithstanding the promises of the Premier in another place, where he indicated that he would make available information to the Opposition, the Leader of the Opposition up to this evening had not seen any of the answers to the questions that he asked in another place.

I am appalled by that. If the Government wants this Bill through it has an obligation to co-operate. If it is not willing to provide information within a reasonable time after the questions have been asked, it has only itself to blame if a delay results from consideration of the Bill in this Chamber. We do not desire to hold it up unnecessarily, because we recognise that it is an appropriate mechanism to administer the Grand Prix, both in October next year and in subsequent years. But the fact is that, if we do not have information, we are flying blind and we are being asked to take the Government in good faith and to place our trust in John Bannon—just as Bob Hawke asked the electorate only last Saturday to place their trust in him without knowing what the specifics of his policies would be for the ensuing three years.

The Hon. L.H. Davis: If the Premier stands up on the track with a badge saying 'Trust me' he will probably get run over.

The Hon. K.T. GRIFFIN: That is probably right. From our experience with the ASER Bill which came into Parliament at short notice and which was passed with a great deal of co-operation on trust—if one reflects on the questions asked then and the undertakings given—one can see over a period of only a few months the number of commitments that have not been honoured in the implementation of the ASER Bill.

The Hon. C.J. Sumner: Like what?

The Hon. K.T. GRIFFIN: I have had a Question on Notice that the Attorney answered several weeks ago concerning the information, the contracts, when they will be signed and made available, and asking about the terms and conditions. The Attorney said about three weeks ago that the contract had not been concluded. He said that information would not be made available anyway. That is just one instance of the Government's not being willing to come clean about the aspects of the ASER development that we facilitated by the passing of the ASER Bill some months ago.

I hope on the occasion of the consideration of this Bill, which has a significant impact on the lives of many South Australians, we will have a great deal more information than we received during the consideration of the ASER Bill. I hope the Government will be willing to disclose a great deal of that information, unless of course it is commercially sensitive. In another place, the Premier indicated in response to a request by the Leader of the Opposition that the contract was expected to be signed then within two weeks. The end of last week would have been the end of that time period. He said he would be willing to make details available and, if there was material that was commercially sensitive, he would consider whether that could be made available to the Leader of the Opposition.

However, in answer given yesterday to a question that I asked three weeks ago the Attorney indicated that it is not intended to make that information about the contractual arrangements available to the Opposition, and I presume from the answer that that is either publicly or privately. We will want to pursue that in Committee.

Also, we will want to know whether the circuit has been finalised. If it has been, is it the same as the circuit that appeared in the *Advertiser* on Tuesday 20 November? Undoubtedly, a number of business, residential and educational premises and facilities will be affected by the route if the plan of the circuit in the *Advertiser* is accurate. I would want to ensure that the interests of those persons whose property rights and other interests are affected by the Grand Prix are properly recognised. Only this week a newspaper report referred to the lack of consultation between the Government and the Kensington and Norwood council. In yesterday's *News*, I think, was the story of a West Norwood councillor saying that there had been a lack of consultation by the Grand Prix committee and that consultations had been appalling when the impact on West Norwood is considered.

The councillor made the point that Dequetteville Terrace is in the area of the Corporation of the City of Kensington and Norwood and that it is more likely to disrupt the business access to people's properties, car parking and their domestic lifestyle in the area of Kensington and Norwood than in regard to premises in Adelaide City Council, yet Adelaide council had two nominees on the board while Kensington and Norwood council had none.

I would like to elicit from the Government the extent to which there has been consultation with the Kensington and Norwood council, which has a heavy responsibility to its own ratepayers. What is the extent of the consultation with other bodies, such as Prince Alfred College, residents of Hutt Street, Flinders Street, and Wakefield Road, and East End Market operators? I hope that consultation with them has been more extensive than that which it appears has occurred in regard to Kensington and Norwood council.

In the other place the Leader of the Opposition raised the question as to whether the Opposition could expect to be represented on the Board, remembering that this Grand Prix commenced as an initiative of the Jubilee 150 Board and was hived off by the present Government to a separate committee, which now has the responsibility of running it completely. On that Jubilee 150 Board the then Tonkin Liberal Government took the initiative of providing specifically for a representative of the Leader of the Opposition to be a member on the basis that the celebrations in 1986 ought to be approached on a bipartisan basis. That would obviously include any Grand Prix that is intended to be part of the celebrations of our 150th year. There are some advantages for any Government to have a member of the Opposition on a board such as this to ensure that there is a bipartisan approach to the programme and that the Opposition can be assured that appropriate progress is being made in implementing the objectives of the Board. So, I will seek to include on the Board a nominee of the Leader of the Opposition.

It may be that the Government also has in mind a representative of the Kensington and Norwood Council; I would like some information as to whether or not the Government proposes that that should occur. In addition, the South Australian Jockey Club has a significant interest in the Victoria Park racecourse, part of which is leased to the SAJC. I want to ensure that there has been adequate consultation with the SAJC and that the interests and rights of the SAJC are not compromised by any of the planning that

will lead to the staging of the Grand Prix. That is relevant because under the Bill it is a matter for the Minister to declare an area of public road and parkland that will be the circuit for the Grand Prix and to declare a period up to five days for which the declared area will become for all practical purposes the property of the Grand Prix Board, excluding all interests of any other person or body that may at that point have an established interest.

That also is important because for the declared period clause 25 of the Bill specifically excludes the operation of a number of pieces of State legislation that would otherwise apply: the Places of Public Entertainment Act, the Noise Control Act, the Motor Vehicles Act and the Road Traffic Act, all of which are designed to establish the proper bounds of relationships between citizens in the use of both parklands and the road. It is important to know the extent to which the Government proposes that the circuit will be excluded from public use and what terms and conditions, if any, might be attached to that and to the exclusion of the SAJC's interest in the property that is under lease or licence to it.

Another concern is that the Board has a right to fence or cordon off parts of the declared area and to do that not only during the declared period but during an earlier period. That has some very serious implications for some property owners. For example, where the circuit fronts domestic premises it is technically within the power of the Board to erect fences and other barriers across the front of a domestic property—on the roadway or footpath, not on that private land—to such an extent that it may well prejudice the use and occupation of that private land, even to the extent of allowing access to and egress from that property.

It is not clear from the Bill exactly what is the extent of the imposition that is being placed on those property owners in respect of the use of their premises during the declared period. During the declared period, as I interpret the Bill, they have no rights at all; that means that they may well be boxed into their domestic premises with no rights at all to get in or out. In addition to that, the emergency services technically will have no right to go into the declared area during the declared period. It may be that it is certainly not intended to prevent them from having such access, but that is the legal effect of the legislation.

That the declared area is likely to encircle a very substantial area of the parklands, including Rymill Park. There is no indication in the Bill as to the extent to which the public is to continue to have access to those parklands. It is all very well to say that they remain parklands, but to get to those parklands people will have to cross the circuit that is proposed for the running of this Grand Prix.

The other area of infringement on individual rights relates to the East End Market. In the other place the Hon. Jennifer Adamson raised the problem of the roadway being required by all those who traded at the East End Market for the parking of vehicles, fruit barrows and so on. If the five days coincide with a day when the East End Market is being used, what arrangement does the Board propose to make with the traders to enable them to continue to use those premises? An additional incidental problem is the extent to which that roadway will be covered with debris. When I have passed the East End Market on occasions, even late in the morning, the debris from the vegetable and fruit trading has been extensive. I am sure that that will not assist in the proper and safe running of the Grand Prix.

One of the overriding questions that must be taken into consideration and given appropriate answers relates to liability. It appears that under the Bill there is at least some potential relief of the Grand Prix Board from civil liability. That liability could be extensive. I give a couple of examples: if one of the racing cars careers off the track into the front garden or even the front of one of the houses or business premises fronting the circuit, who is to have liability?

Is it the Board, or is it left to the individual racing car drivers and perhaps the proprietors? If it is left to the latter, what arrangements are being made to ensure that at the time of the race those racing car drivers and owners have adequate, current and valid insurance cover?

The Hon. R.C. DeGaris: Anyone could drop in for tea, couldn't they?

The Hon. K.T. GRIFFIN: Anyone could drive in for tea. What is to be the position, if, as reported in the media, the circuit is to be open to the public at certain times of the day when not required for the race? The operation of the Motor Vehicles Act will be suspended, so presumably, if a person is driving an unregistered and uninsured motor vehicle and is unlicensed, no statutory offence is caused while he is driving on the declared area. What about the Road Traffic Act? If that Act is suspended for the duration of the five days and if the declared area is open to the public at certain times of the day, what rules govern the use of the roadway in that period in the context of the Road Traffic Act having been suspended?

These are all important questions, relating not only to the liability of the Board but also to the liability of the operators of the motor vehicles and those who may use the declared area during those times when the Government says it may be open to the public when it is not being used for the purposes of the race. In the other place the Premier indicated that insurance would be involved. I would like some idea of what sort of insurance is envisaged. Who is to be insured? Will the Board be insured? Will the policy cover all those who will participate in the Grand Prix? Will the policy cover loss, injury and damage caused only during the race or at other times during the declared period and even before that if the Board has access to the declared area for the purpose of construction work? What is the extent of the cover envisaged and what is the likely cost? Has any attempt been made to obtain preliminary indications as to what the premiums may be? It ought to be recognised also that the circuit can change from year to year and that means, of course, that it need not necessarily involve the Victoria Park racecourse.

The Hon. L.H. Davis interjecting:

The Hon. K.T. GRIFFIN: The Hon. Legh Davis interjects that the course might go down Moseley Street, Glenelg. Members can be sure that there would be a signficant number of protests if that occurred.

The Hon. C.J. Sumner: You could let your house and make a nice tidy sum out of it.

The Hon. K.T. GRIFFIN: Peter Duncan would have the money to buy it a few times over.

The Hon. L.H. Davis: He will probably own one of the teams.

The Hon. R.I. Lucas: He could take over the Marlboro sponsorship.

The ACTING PRESIDENT (Hon. C.M. Hill): Order!

The Hon. K.T. GRIFFIN: We must recognise that the circuit can vary from year to year under the mechanism established by the Bill. It is for that reason that in Committee I will put the proposition that the declaration of the area and the period ought to be made only one year in advance at a time and it ought to be made in a form that enables scrutiny by the Parliament without prejudicing the conduct of the Grand Prix. I would want to see the regulations affecting the declared area expire on an annual basis so that there was an opportunity in the light of the experience of the previous year for the Parliament to consider the regulations promulgated in respect of the race each year and each circuit that might be declared by the Minister.

It is a fairly high-handed provision that the Minister should, by notice in the *Gazette,* declare the area and the period for which the area will be under the care, control and management of the Grand Prix Board. We must remember that very significant consequences will flow from the stroke of the Minister's pen and I would want to see at least some supervision in that regard to ensure that that power is not abused. I believe that the amendments I propose contain appropriate mechanisms to ensure that there is oversight of the Minister in the way in which he, by the stroke of a pen, in effect, appropriates roadways and parklands, overriding interests such as those of the SAJC, for the purpose of conducting this race and also having the consequence of limiting and, in fact, preventing access to the declared area, thus affecting a substantial number of people on the eastern and north-eastern sides of the city of Adelaide.

Clause 16 of the Bill contains an interesting provision relating to the establishment of a trust fund. I do not want to spend very much time on this matter now because I will ask questions in Committee; however, I would like to know what moneys will be paid into the trust fund, who will have the right to say what is paid out and when, and to whom is the money likely to be paid. I understand from the debate in the House of Assembly that there may be some tax considerations. I am not sure what they are and I would certainly want to have them spelt out. I know that in relation to the Authority there are tax implications, and they are that the Board is income tax exempt: it will not pay company taxes and it will probably not pay financial institutions duty, so that, of course, in the exercise of its powers (many of which can ordinarily be exercised by the private sector) it will have a distinct advantage over private sector businesses in the way in which it is able to tender for and operate businesses. Therefore, I would want to know, in addition to the detail of the trust fund, something about the way in which and the extent to which the Board will compete with the private sector in providing services and facilities that could otherwise be provided by the private sector.

This Bill raises a whole range of issues. I want to ensure that there is a proper balance between our serving the interests of all South Australians and of South Australia in the conduct of a world-class event such as the Grand Prix on the one hand and on the other hand the infringement of individual rights. This Labor Government has periodically claimed to be interested in civil liberties and civil rights, and it is for that reason that I am somewhat surprised to note some of the provisions in the Bill which, in fact, have the effect of overriding those individual rights and liberties.

I recognise that on occasion it may be necessary to do that to achieve a broader objective, but I do believe that it is important, as much as possible, to minimise the inconvenience and infringement of individuals' rights and to do that well in advance after appropriate consultation. The Bill, as I have indicated, is essentially a Committee one and the issues that I have raised now will be further developed during the Committee stages, as well as a range of other issues. There will be a debate on a number of amendments that I propose moving to ensure that there are some constraints over the way in which a Board such as the Grand Prix Board under the general control and direction of the Minister is able to go about its business, appropriate property and generally conduct this event. To enable that process to continue, I support the second reading of this Bill.

The Hon. I. GILFILLAN: I accept this Bill to facilitate arrangements for running the Australian Formula One Grand Prix. This is a potentially exciting event for Adelaide with many benefits, both direct and side benefits. From a purely selfish point of view, I will probably enjoy being a spectator, whether in the flesh or by way of television. However, on scrutinising the Bill I find in clause 25 there is something I hoped I would not see in legislation again: it states that the provisions of the Planning Act, 1982 shall not apply to or in relation to any works carried out or activities engaged in or approved by the Board in any year. Surely we have just wended our way with great pain and agony through the fact that the ASER Bill was guilty of this offence, and now here we go again, and no-one is commenting on this. A significant Act of this Parliament, which in most other contexts the Government will go to the barricades for firing shots and shedding tears, is being chopped out here. I have an amendment to overcome this problem during the Committee stage.

I feel that any project, however attractive and important it may be, should comply with the requirements of the Planning Act. If that Act cannot accommodate this event, then that Act may be at fault, although I am not persuaded of that. This makes a mockery of passing such legislation in this place if every time there is a project that needs to be accepted for various reasons it is exempted from the implications of a certain Act. This is a very important Act, one we regard as a very important piece of legislation. We have defended the Government in its making sure that this legislation is properly implemented. I am disappointed and concerned that the Government, apparently so lightly, can repeat the mistake it made before and move to delete these implications from this Bill. Although I support the second reading of this Bill, I will be moving an amendment during the Committee stages in relation to this matter and look forward to support for it from those in this Chamber who have realised the embarrassment we are now suffering for not picking this matter up in the ASER Bill.

The Hon. L.H. DAVIS: I support the second reading of this Bill. However, I express disappointment that no reference whatsoever has been made in the second reading speech to the initiators of this idea, which has seen fulfilment with the announcement that Adelaide will host a Formula One Grand Prix in mid-October of 1985, for perhaps six successive years, and beyond that if the project is successful. I think it is appropriate to place on record reference to Mr Kym Bonython, Chairman of the Jubilee 150 Board, who some years ago had a vision of Adelaide hosting the First Formula One Grand Prix to be held in Australia. Indeed, I think that Mr Bonython's concept was that the Grand Prix course should run along King William Street, up Montefiore Hill, down behind the Adelaide oval and down Currie Street.

The Hon. C.M. Hill interjecting:

The Hon. L.H. DAVIS: As the Hon. Mr Hill has said, it was perhaps too close to his place. That obviously had some disadvantages in that it was in the heart of the city. Also, it was rather too straight a track. Those who have seen a Grand Prix on television realise that a reasonable number of bends are necessary to make the event attractive and, I suppose, as the Hon. Mr Hill has observed, dangerous at least to those who are watching it live or on television. I think that a tribute should be paid to be Mr Bill O'Gorman, Chairman of the first steering committee. I think it was principally those two gentlemen and their vision that was responsible for our getting a Grand Prix in Adelaide. Without their belief in what many people regarded as an impossible dream Adelaide people would not be boasting that Adelaide would have the first Grand Prix in Australia within the next 12 months.

There have certainly been other people since then, including Mr Bruce Dinham and Mr Russell Arland, who have helped the cause along the way. Of course, the present Government has facilitated the finalisation of this idea, which was first raised some years ago. It should be men-

tioned, to be even handed, that the Liberal Government of 1979-82 showed interest in this project.

The Board to be established under this Bill will control a number of functions. It will quite obviously have the role of preparing the circuit. The circuit has, to all intents and purposes, been finalised, running along Dequetteville Terrace, west into Wakefield Street dipping into Victoria Park Racecourse where the pit area will be before moving out into Wakefield Street down East Terrace, Rundle Road and back to Dequetteville Terrace. One of the attractions of the circuit is that it is a road circuit. Of the many Grand Prix held around the world very few are held on road circuits.

From my limited knowledge of Grand Prix it seems that road circuits are regarded as more attractive to spectators, so this race will therefore have some appeal to the estimated 250 million people in 80 countries who may well be watching it. In addition, the board has to arrange sponsorships. I think that it is appropriate to get a public assurance from the Government that it will not stand in the way of any sponsorships. We have had some torrid debates in recent months about sponsorships, notably those of tobacco companies. The Attorney is well aware that there are international tobacco groups such as Marlboro that sponsor Grand Prix teams. The Minister of Health's attitude towards tobacco advertising is well known, and I think it would be appropriate for the Attorney-General to place—

The Hon. C.M. Hill: To put him in his place.

The Hon. L.H. DAVIS: It would be appropriate for the Attorney-General to assure this Council and the public that the Grand Prix will not be jeopardised in any way through a breakdown in sponsorship negotiations. In addition, the Board has to negotiate the arrangement of stands along the route. Of course, one would imagine that the Victoria Park Racecourse stand, plus other stands, will be used to cater for the large crowd that will undoubtedly view the event. Certainly, there are several advantages attaching to the Grand Prix. Tourism will benefit in the sense that there will be a multiplier effect. There is hotel accommodation; people will have to be here with the teams; the sponsors' representatives; the large number of journalists; and undoubtedly, the large number of tourists from Australia and overseas who will watch the Grand Prix and spend money in South Australia during their stay.

I would be interested to know from the Attorney what arrangements have been made for hotel accommodation. I have been told that private sector operators with some entrepreneurial flair have booked up large blocks of beds in hotels and that it is already very difficult, if not impossible, to get accommodation. Of course, this would be one matter in which one would have expected the Government to exercise some forethought. I hope that people really in need of beds who are closely associated with the teams, the sponsors' representatives and other key figures, have not been disadvantaged in any way.

I am aware from my recent trip to America that that is not an uncommon occurrence at major sporting events; in the early months of bookings for the Los Angeles Olympic Games recently, it was said that there was no hotel accommodation available in Los Angeles, yet the closer one came to the date of the games the easier it was to obtain accommodation. Clearly, that will not be the case in Adelaide, but I hope that the accommodation arrangements for key people are properly in place.

Equally important to the economic aspect—the benefit flowing from tourists coming to Adelaide—is the fact that Adelaide will have a chance to show itself off to the world—as I mentioned, an estimated 250 million people. It is also appropriate for the Attorney-General to indicate the arrangements that are in place for television rights around the world, remembering that Monaco, which had a Grand Prix for many years, has had some dispute in relation to television rights. Because it is a road circuit and because I believe that Australian television camera crews will be shooting the race, it is a wonderful opportunity to not only show people overseas the attractive road circuit which has been set out but also Adelaide itself, as the route goes quite close to its central business district. Anyone who watches a Grand Prix, as I confess I tend to do, on Sunday nights starting quite often at 11.30 p.m. and finishing in the small hours of Monday morning, is particularly attracted to the road circuits.

The Hon. C.J. Sumner: Are you a motor racing fan?

The Hon. L.H. DAVIS: I would not say that I am a motor racing fan, but I follow it with some interest and often find that it is relaxing after a busy weekend.

The Hon. C.J. Sumner: You don't look the type.

The Hon. L.H. DAVIS: I don't go to the extent of watching it with a helmet on. Of course, there are some disadvantages inevitably associated with a Grand Prix. There is the inconvenience, and the Hon. Mr Griffin mentioned that. One always has inconvenience with major sporting events. The people of Oakbank no doubt are not particularly gruntled for three days over Easter. The residents near Football Park at times, I suspect, wish that the oval was not quite so close to their houses. The disadvantages associated with a Grand Prix are not inconsiderable, given that major arterial roads have to be cut off in the days leading up to the Grand Prix. We accept that.

In another place reference was made to the fact that Rymill Park may not be able to be used for weddings on a weekend. The inconveniences range over a wide area. The point has also been raised about the racecourse, although I gather from discussion in another place that there appears to be a minimum of inconvenience associated with the use of part of the Victoria Park Racecourse. Will the Attorney-General respond to the question of liability during the Committee stage? In another place the Premier indicated that the net cost of the Grand Prix will not exceed $1.5 million to $2 million. I accept that there is a complexity in the negotiations given that, first, the Government has had to deal with the Federation of Motor Sports (FISA), the controlling body of motor sports which awarded the race to Adelaide and, secondly, it has more recently dealt with the Formula One Constructors' Association (FOCA) to ensure that the 25 racing teams will race in Adelaide and make the necessary financial arrangements for that race.

There is certainly some novelty for the Government to be dealing with a matter of this nature. It is extremely complex. We accept also that there are severe time constraints involved. As an Opposition, as has been mentioned, we are anxious to co-operate to facilitate the passage of this legislation. In the other place, as the Hon. Trevor Griffin quite rightly raised, there was an indication that the contract would be signed before the measure passed the Parliament. It will be important for us to have further information about that. The Premier was coy about whether all the provisions of the contract would be made public, and I accept that point. But, it is necessary for us to have an up-to-date report on how this important matter is progressing.

The Hon. Ian Gilfillan rightly referred to clause 25, which waives the provisions of the Planning Act. I was disappointed with the Government's lack of honesty in relation to the ASER project; Opposition members in good faith accepted the assurances that the Government could not give us all the answers, that some of these matters were still secret, that some of the matters associated with the ASER development would fall into place shortly—

The Hon. C.M. Hill: That it would conform to the City of Adelaide plan.

The Hon. L.H. DAVIS: Exactly; even though certain provisions had been waived in the Bill, that it would honour the spirit of legislation which it had sought to avoid. In fact, it was with some disappointment and regret that we noted that did not occur.

The Hon. C.J. Sumner: You reported on the ASER Bill and knew it was going to be a 27-storey building.

The Hon. L.H. DAVIS: We did not know when we were debating the measure. I do not want to deflect the argument from the point that has already been made about the Planning Act. It will only be proper for the Attorney-General to give some pretty solid assurances in the Committee stage that the provision set down in clause 25 will not be abused.

In fact, I indicate at this stage that I fully support the Hon. Trevor Griffin's proposed amendment in this area. I support the measure. On balance it will bring great benefits to Adelaide. The Government will need to exercise a high degree of professionalism in ensuring that the Grand Prix goes off without a hitch. Many matters which have already been canvassed can be more properly left to the Committee stage. As I have already mentioned, at this stage I indicate my support for the measure.

The Hon. R.I. LUCAS: I support the Bill. I think it is tremendous that we are going to have a Grand Prix.

The Hon. C.J. Sumner: Do you watch them, too?

The Hon. R.I. LUCAS: Nearly as frequently as the Hon. Mr Davis. In fact, we are thinking of getting together and making a date of it. I think it is tremendous and I congratulate all those who have been responsible for bringing it about: this Government, previous Governments and the people mentioned by the Hon. Mr Davis. It does not really worry me how we got it—we are about to get it and I think that is tremendous; I certainly support it and will do so very strongly. I will not waste too much time going through a number of matters which I can raise during the Committee stage, and I will not traverse the ground covered by the Hon. Mr Griffin.

I refer to one matter which relates to a series of questions that I have been asking of the Minister of Health and I think the Attorney-General over the past few months. It relates to a matter that the Hon. Mr Davis also mentioned, and I refer to tobacco company sponsorship of Grand Prix racing. Anyone who has watched Grand Prix racing will know that tobacco company involvement in the sponsorship of Grand Prix racing is extensive. I am informed that, for example, on the current Grand Prix circuit at least four tobacco companies sponsor teams: the Malboro Team, which would be familiar to all of us, the John Player Team, the Gitanes Team, and the Barclay Team. I have also been told that the previous local Australian champion, Alfredo Constanso, is sponsored by Peter Jackson.

I am told that the Marlboro Company pays between 40 and 50 per cent of the world's top formula one drivers a retainer to display the company's logo on their helmets, uniforms and so on. I do not need to go any further with that; suffice to say that tobacco company sponsorship in Grand Prix racing is extensive. In relation to that matter, yesterday the Attorney-General replied to a question I asked some weeks ago. My first question to the Attorney was:

Did the Premier's recent discussions in the United Kingdom for the Grand Prix event in Adelaide include discussions on the possibility of legislation in South Australia such as the Tobacco Advertising (Prohibition) Bill introduced by the Hon. K.L. Milne?

The Attorney replied:

No. However, the matter of restrictions on advertising of tobacco products has been discussed with Mr Ecclestone on previous occasions and restrictions on advertising have been accommodated in other parts of the world where Grand Prix events are held.

My second question was:

Does the Premier agree that such legislation would affect adversely the conduct of such an event in Adelaide?

The Attorney's curious answer was:

No. It would not significantly affect the conduct of the event. However, it could seriously affect the financial aspects of the race.

That is an extraordinary response from the Attorney which I presume was delivered to him perhaps via the Premier or the Government officers. I do not know where it came from, but it is an extraordinary answer. In effect, it says that it will not affect the conduct of the event, but it could seriously affect the financial aspects of the race. I do not know whether there was any consultation with the major tobacco company sponsors, but the Attorney and his officers should have been prepared to contact people like Phil Scanlon from Amatil.

The Hon. C.J. Sumner: An old mate of yours.

The Hon. R.I. LUCAS: Yes, an old mate of mine, and I am more than happy to say that. He is a man who is climbing the corporate tree rather rapidly with Amatil, I might add.

The Hon. C.J. Sumner: Probably a lot more profitable than working in politics.

The Hon. R.I. LUCAS: I assure the Attorney that it is a lot more profitable. He is now a Director of the Amatil Board. If the Government were prepared to speak to a person like that, who is Director of Corporate Relations (I think that is his title) and who previously acted in the area of tobacco company sponsorship (as the Hon. Dr Cornwall will be aware) and, if Government officers were prepared to contact people like David Butcher from Phillip Morris, I am sure that they would have been told that the passage of legislation such as the Hon. Mr Milne's would, in the publicly stated words of people like Phil Scanlon, result in the possibility of tobacco companies withdrawing sponsorship for teams. As I have already indicated, many leading Grand Prix teams are sponsored by tobacco companies. For the Attorney to suggest that the passage of legislation such as the Hon. Mr Milne's would not affect the viability of the Grand Prix in Adelaide is absolute nonsense. The final question that I asked the Attorney was:

Did the Premier give any undertaking that he would not introduce or support such legislation during the period Adelaide would be hosting a Grand Prix event?

The Attorney's bald answer was 'No'. The Premier says that on behalf of the Government he is not prepared to give an undertaking that he will not support or introduce legislation similar to the Hon. Mr Milne's. Of course, we must remember that the Government and the Attorney supported the Hon. Mr Milne's Bill to ban tobacco company advertising. We are told that Adelaide will be hosting this event for possibly seven years. I asked the Attorney those questions on tobacco advertising seeking some sort of commitment from the Government that it would not be foolhardy enough to support this type of legislation in that period. However, the Premier and the Government are not prepared to give the simple undertaking which I am sure in the end, under pressure from all the supporters of Grand Prix events, will necessitate the Government eventually taking that sort of decision, anyway.

It seems ludicrous that at this stage the Government is not prepared to give some sort of commitment—in terms of long term stability for the prospects of holding this event—that it will not support the introduction of such legislation. I wonder whether the answers that we are given in the Chamber are really the answers that are being given to Mr Ecclestone and the Formula One Constructors Association.

I wonder whether there has not been a nod, a nudge and a wink with the Government saying, 'We will not support

it, but of course we will not say so publicly in the Chamber. We know it is a bit of a nonsense, but the health lobby and the lobby from the Hon. Dr Cornwall in Cabinet necessitates our not being able to say publicly that we will not introduce it, but privately that would be our intention.'

I do not want to pursue the matter any further at this stage. Suffice to say that the replies the Attorney gave in the Chamber yesterday are nonsensical, and sadly wide of the mark. If the people in the know—those who do provide the tobacco sponsorship money—were consulted I am sure that the Attorney may have been tempted to bring back slightly more evasive answers than the bold 'No's' that he put in that reply yesterday. That is all I want to say. I repeat: I strongly support the project and look forward with much anticipation to the first Grand Prix in Adelaide.

The Hon. M.B. CAMERON (Leader of the Opposition): The Hon. Mr Griffin has indicated that the Opposition supports the proposal, which has the potential to be exciting and valuable. I am not sure about the ability of this Government to run it, but I trust that it will get itself going.

The Government has had the ASER project waiting for about nine or 12 months. I am not sure about the route. A more exciting route could have been found than that outlined.

The Hon. C.M. Hill: Are any trees to go?

The Hon. M.B. CAMERON: I think so. If they start knocking down trees, something will be said about that by people in the city. It is also a well known fact that the former Liberal Government was involved in discussions for this event to celebrate the sesquicentenary year, 1986. The Opposition recognises that this event is scheduled for October 1985. It is proper that all questions associated with this event should where possible be answered before the legislation is passed. It is important that the people of South Australia know exactly what they are up for and know what the answer will be, because the Bill does confer wide powers on the board that is established to oversee preparations.

There is no doubt that many people, businesses and services will be affected by the race—that is accepted. It is inevitable that there must be some inconveniences, but such disruptions should be minimised and should pose no threat to the well being of South Australians. A reasonable balance should be obtained. Such a balance will occur only if we know wherever possible just what the arrangements will be.

In the second reading explanation no mention is made of the cost to the taxpayers of the project. That is something that ought to be known at least within a certain range of figures so that we know where the matter stands. In October, the Premier estimated the net cost of the staging of the race would be within $1.5 million and $2 million, but the detail of how those costs were determined has never been given. I am sure it would be interesting for the people of this State and for Parliament to know just how that particular figure was arrived at. The Government seems, at least to me, to have not responded to requests to provide detailed costs and revenue estimates in regard to the project. It is because of that lack of precision that we ought at least to be given some details on those figures.

Under the legislation the declared area can be totally cordoned off for a five-day period each year and other parts of the area can be cordoned off for as long as a full year:

- The general location of the declared area incorporates major public roads, significant tracts of parklands, houses, offices, educational institutions, hotels, motels—no doubt they will be happy with the project over the time that it is run—and a large number of doctors' rooms and similar facilities.
- The Bill implicitly recognises that some interests may be adversely affected by the staging of the race. There is no liability on the Board for any adverse effects whether they relate to property owners', business operators or indeed patrons at the event.
- The wide-ranging powers of the Board enable it to compete in a variety of areas which we believe could be most productively handled by the private sector, for example, the sale of souvenirs, food, drink, as well as advertising information and the construction of the circuit.

I trust that the Government will give a guarantee that the private sector can participate in many of these areas.

Clause 16 establishes a trust fund into which all income earned by the Board through commercial operations will be paid and over which the Minister has direct and ultimate control. Clause 20 gives the Minister power to declare an area for a declared period, and I believe that this should be done by regulation. Clause 25 (2) suspends the operation of the Planning Act within the declared area for the year. We are just a little concerned about that because we have seen that happen in the city planning area involving the ASER project, and I do not think the City Council has been entirely happy with what has happened as a result of that suspension. What has happened is that the proposal is incompatible with the city plan. In effect, this proposal removes any of the normal controls which apply to the removal of trees (that could be a problem), the erection of structures and interference with the environment. The Government's attitude to planning laws has, despite what the Minister says, been demonstrated by the ASER project and it has been somewhat misleading. We need more than assurances from the Government that the powers vested in this Bill will be exercised wisely.

These concerns are not confined to us alone. In today's *News* a councillor in the West Norwood ward of the Kensington and Norwood council has criticised the Government for failing to consult his council over the plans for the Grand Prix. Mr Jones, a West Norwood councillor said:

> The lack of consultation by the Grand Prix committee and the Government has been appalling when the impact on West Norwood is considered. Despite the fact that 800 metres of the course is along Dequetteville Terrace, which is in the Kensington and Norwood council area, we have never been consulted by the Government.

The Hon. C.M. Hill: Mr Richards hasn't been consulted.

The Hon. M.B. CAMERON: Yes. The letter continues:

> It will disrupt business, access to people's properties, car parking, traffic flow, bring loud noise and masses of people into West Norwood, yet we have not been consulted.

It might well be that the council, when the position is explained to it, will realise the benefit to the area and will accept the project. It is important that the council be consulted and its views sought.

I refer to a *Bulletin* article of Wednesday 28 November suggesting that the Premier's enthusiastic claims about the extent of the overseas audience for this race may be exaggerated. I hope that is not so, because one of the major reasons for our holding the Grand Prix here is that exposure. Certainly, that is what would influence me to support it. The article quoted an official of the Formula One Constructors Association saying it was highly unlikely the event would be telecast live in Europe, and that only highlights would go to air some hours after the race. If this is so then the widespread exposure of our city that we have all anticipated will be far from reality. That is an area that the Government needs to look at.

I have received a number of representations from people concerned about the project and, as an example, I refer to a letter from one person who will be affected, because it sums up the problems that will be faced by people in the area over a period of seven years. The letter states:

I must express some concern with regard to the possible effect of the proposed Grand Prix race on the persons residing and working at the above addresses on their business and, for that matter, the premises themselves. I understand that legislation in regard to the race is in its final stage without any opportunity being advertised for members of the general public to proffer concern or advice; and particularly no approach has been made to those whose premises front directly on to the proposed race track itself.

I would therefore respectfully request that the following aspects receive the Parliament's urgent consideration with a view to appropriate modification of the legislation:

1. That there should be no permanent defacement of the immediate surrounding of the raceway which may alter property value without recourse within the legislation for an owner to seek proper redress from the State Government. The agreement should not be with any race entrepreneur.

2. That proper protection to properties bounding the raceway should be provided against not only speeding cars or flying components but also from damage by the marauding and possibly intoxicated spectator groups, and also from any endangering act, manoeuvre or machinery connected in any way with this Government-sponsored venture, including media encroachment, helicopter crash, police action, riot, etc.

The Hon. C.J. Sumner: Who wrote it?

The Hon.M.B. CAMERON: I will tell the Attorney-General privately. It goes on:

3. That any loss of revenue suffered by commercial premises or by their occupants in the pursuit of their daily occupations should receive adequate compensation from some Government authority constituted to assess and deal with such claims.

In short, I believe that the safety, environmental rights and constitutional rights of those most likely to be affected should be specifically protected in any related legislation. And I further believe that arrangements by the Government of South Australia should include that proper compensation should be freely available from the Government where damage to life, limb, property or business conduct can be demonstrated.

That this legislation should reach the Upper House without any real input from the citizens of South Australia, particularly those bounding the raceway, is perhaps another example of Government forgetting its place as the servant of the citizen.

The Hon.C.J. Sumner interjecting:

The Hon. M.B. CAMERON: The Attorney can say what he likes, but that person has a genuine point of view and is allowed to put it. It is only proper: he lives there; he does not live at Prospect.

The Hon. C.J. Sumner: Is it Dr Tonkin?

The Hon.M.B. CAMERON: No, it is not Dr Tonkin.

The Hon. C.M. Hill: What does he think of it? He is a resident.

The Hon. M.B. CAMERON: I do not know; I have not spoken to him on the subject. I would like answers to a number of other areas: what would be the cost—and these are perhaps answers that the Attorney-General would have because clearly the planning must be very much in the latter stages of this project—of erecting the steel safety fencing on both sides of the entire lap distance? What would be the cost of removing the same? Where will the high steel mesh fencing to prevent wheels and debris flying into crowd areas be erected? What will be the cost of that? What will be the cost of the temporary grandstands? What will be the cost of resurfacing the proposed circuit? What will be the cost of the artificial road at the racecourse? What will be the cost of removing and later reinstallation of the roundabout on Dequetteville Terrace and the median strips?

What will be the division of the gross receipts—the gate money, local and international television rights and circuit advertising—between local promotions and the Formula One Constructors Association? What are the projected receipts: the gate money, the local and international television rights, the circuit advertising hoardings, parking, local sponsorship? What will be the prize money and starting money? I understand that probably the people concerned with the raceway themselves would be concerned with that. What will be the entire circuit construction? I guess that that includes all the matters that I have mentioned before; perhaps the Attorney-General has that in total. What will be the promotional costs, the salaries and wages of the staff associated from the Government's point of view with this project? What are the long term projected returns? I realise that it will be difficult to estimate at this stage what the effect on tourism will be in South Australia; that will be a difficult area.

Have we as yet signed an agreement with the Formula One Constructors Association? I think I asked the question of the Attorney-General yesterday and I do not know yet whether he has the answer: have we signed that and, if we have not, is it possible that this will affect the situation if Monaco—and this is a very serious question—is reinstated through court action as a venue. Does that have an effect on our situation as a venue for this event?

The Hon. C.J. Sumner: What happened to Monaco?

The Hon.M.B. CAMERON: It lost out because Prince Rainier or somebody else sold the international television rights and the Formula One Constructors Association did not like that and considered that it should be doing it. The argument ended up with its taking the event away from Monaco, and Monaco has now taken legal action on that matter. I will be very interested to know what will happen if it wins. I trust that we are not being used as a bargaining pawn in an argument between the Constructors Association and Monaco. If not, I will be very happy, but I am certainly wondering whether that is the situation. The sooner we can get a signed, water tight agreement with these people, the better, just in case that turns out to be the situation.

The Hon. R.C. DeGaris: Prince Rainier had a watertight agreement.

The Hon. M.B. CAMERON: He once had one, did he?

The Hon. R.C. DeGaris: Yes.

The Hon. M.B. CAMERON: He lost?

The Hon. R.C. DeGaris: Yes.

The Hon. M.B. CAMERON: That does not help matters much. There also are some associated problems with parking for people surrounding that area. There is that situation at the other end of East Terrace, where Beaumont Road was closed to the public to stop people coming through that end of the parklands. I would be interested to know whether, in the process of agreeing to this whole project occurring, that will be reopened to the public. That would certainly create some concern at that end of the parklands. I do not expect an answer from the Premier—the Attorney-General—off the top of his head, but it may be interesting to receive an answer.

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: I came back to the level of the Attorney-General, but that should not be, because he would make a much better Premier than the incumbent of the office. The Attorney is a reasonable and competent man, unlike the present incumbent.

The Hon. L.H. Davis interjecting:

The Hon. M.B. CAMERON: He speaks Italian, too; that helps. I would like to have an answer to that: whether the parklands will be open to parking and, if so, where, because it is expensive housing around the parklands. People have paid for peace and quiet. It is an attractive part of the city. It would be disturbing if their environment was destroyed for too long. While that might appear to the Attorney-General to be a little negative, I assure him that it is not. They are matters that ought to be answered so that the public knows exactly where they stand. The questions should be answered before we get too deeply into the situation. I support the concept. I do not know whether it is the best route from a scenic point of view in Adelaide, but that is the Government's decision.

The Hon. R.C. DeGaris: They will not get time to look at the scenery.

The Hon. M.B. CAMERON: It is the television cameras that have time; they show the city as it should be. Maybe we should have them coming up past Parliament House, because that looks nice.

The Hon. C.J. Sumner: Niki Lauda saw it, and he was happy.

The Hon. M.B. CAMERON: He may have time to look, but the other drivers might not. It is a good move, supported by the Opposition. I hope that the Attorney-General can give some answers to those questions so that we know where we stand and so that we are not going into this matter blindly. I trust that it will get under way and that this Government is able this time to run this thing, because there are so many other projects where it does not seem to be able to get its act together. I support the Bill.

The Hon. C.J. SUMNER (Attorney-General): I will attempt to respond to questions asked by honourable members during the debate. I understand that the Premier was asked a number of questions in the House of Assembly and that the Hon. Mr Griffin became somewhat agitated during his contribution because those questions had not been answered. I will attempt to provide responses. I understand that the replies relate to particular clauses and I deal with them in like fashion. In relation to clause 2, the proposed variations to the clauses of the contract which arise as a result of the Premier's negotiations with FOCA in London have been subject to further discussions with FOCA and agreed to in principle. The Crown Solicitor's Office is presently finalising a draft contract, which is expected to be ready for signing within the next few weeks. At this stage the Government is not prepared to undertake to provide the Opposition with an actual copy of the contract. I consider that it would be improper for me to do so as the contract will contain confidential material, for example, relating to financial matters that I am sure FOCA would not expect to be disclosed to a non party to the contract.

However, there are probably many matters in the proposed contract that have already or will become public knowledge. Therefore, the Government is prepared to provide the Opposition after the signing of the contract with a summary of those matters contained in the contract which it is considered can properly be disclosed. I understand that the up to date position is that the final details have been agreed to. It is now a matter of compressing them into a formal written contract. That will be sent to Mr Ecclestone shortly and he expects to be able to sign the contract in the reasonably near future.

With respect to clause 3, the precise details for the declared area have not been finalised as further discussions must take place with interested parties, such as the Adelaide City Council and the SAJC. The final circuit will also depend on final engineering and construction studies for that part of the circuit that goes into the Victoria Park racecourse. However, the proposed circuit will principally comprise the area bounded by Dequetteville Terrace, Wakefield Road, East Terrace and Rundle Road. In addition, at a point to be determined the circuit will proceed from Wakefield Road, loop into the Victoria Park racecourse and return back to Wakefield Road. All the land that falls within this area in addition to a further area outside that mentioned above will comprise the declared area for the purposes of the race.

It is necessary to extend the declared area outside the area which constitutes the actual circuit in order to allow access to the circuit, crowd control and the like. The details of how far this area should extend have not been determined but should be determined in the future. The declared area will be published in the *Gazette* as soon as these details have been resolved. In any event, the declared area cannot be published until the Bill has been passed and the Board established as clause 20 of the Bill provides for the Minister to publish the declared area only upon the recommendation of the Board. This will be a matter of priority once the Board is set up. With respect to the Hon. Mr Griffin's question, the route is as the honourable member indicated—that which is outlined in the *Advertiser* of 20 November.

In relation to clause 16, exact terms and conditions of the proposed declaration of trust have not been finalised and are subject to further discussions with FOCA and the Crown Solicitor's Office. As soon as they have been settled, the Opposition can be provided with details to the extent that this does not breach the confidentiality of financial arrangements made or to be entered into by FOCA.

With respect to clause 24, at this stage precise details of alternative arrangements for traffic flow, particularly emergency services, have not been made. However, discussions have taken place with relevant persons, in particular the Administrator of the Royal Adelaide Hospital, and details will be addressed by the Board and the relevant authorities closer to the event. Furthermore, particular attention will need to be paid to the rerouting of public transport services.

While clause 22, relating to the Board's power to enter on to the declared area and carry out any works, is wide enough to enable the Board to do the things set out under clause 24, it was decided that the legislation should spell out and place beyond doubt the Board's power to enter upon the declared area and be deemed the lawful occupier thereof. The Board must have power to fence or cordon off a part of the declared area outside the declared period to enable it to commence necessary work to construct the circuit and effect repairs to existing road surfaces. Such work will be done bearing in mind the need to cause minimal disruption and inconvenience to nearby residents and other persons who use the roads and land comprised in the declared area. Exact areas which will be affected can only be determined when further studies of the proposed circuit have been completed and after the Board has been established and has been given a reasonable opportunity to consider the matter.

Regarding clause 25, there may be periods when the declared area will be open to the public for general use during the declared period. While various legislation will be suspended during the declared period, clause 29 (2) *(g)* contemplates the making of regulations to regulate, restrict or prohibit the driving or parking of motor vehicles. These regulations will, in effect, put back in place the present legislative controls that govern such matters as speed, parking and the like for such periods as are deemed appropriate.

Also with respect to clause 25, and in response to the Hon. Mr Olsen's question, planning mechanisms will not apply in relation to structures to be erected in the declared area. That is the point raised by the Hon. Mr Gilfillan. It is not envisaged, however, that any permanent structures will be erected, and that is the important point. It is a pity. The Government has given a commitment to affected parties to consult with them and this is reflected in clauses 22 and 23. Obviously, the Adelaide City Council and the SAJC will be properly consulted by the Board and their comments carefully considered. Adelaide City Council's representation on the Board will also ensure that close co-operation occurs. The Board may well wish to include on its subcommittees that may be established pursuant to clause 10 (1) *(p)* of the Bill relevant interested parties, although this will be a matter entirely for the Board.

In relation to the cutting down of trees, it is unlikely that any significant trees will be affected. Every effort will be made to site the track that loops into the Victoria Park racecourse in such a way as to minimise the effect on the parklands. Again, in relation to clause 25 I have already stated that I do not envisage that any permanent structures

will be built. The pit area is to be temporary and while it will be located in the Victoria Park racecourse it will be capable of being disassembled after the event. The only new and permanent feature will be the track, which will be laid within the racecourse and it is to be designed and incorporated into the racecourse in such a way that it will not interfere with the horse-racing track or the aesthetics of the area.

Again, with respect to clause 25, the question of other entertainments or events to be held will be a matter for the Board to decide. However, the Board has no power to use the declared area for purposes other than the purpose of the Grand Prix and its promotion. Therefore, the declared area cannot be used for purposes other than the Grand Prix. It is expected that the Board will want to provide other entertainments during the declared period for the benefit and enjoyment of the huge crowd that is expected, to fill in time between events. However, this will be, as I have said, a matter for the Board to determine. While legislation such as the Noise Control Act, 1977, and the Places of Public Entertainment Act, 1913, will not apply during the declared period, any necessary controls can be provided by way of regulations under the Act, as provided for in clause 29 of the Bill. I trust that that deals with the major matters raised by the Leader of the Opposition in another place.

Members in this place have raised further queries and no doubt they will explore them in Committee. I offer the following explanations as a start. As I have said with respect to the contract, details of the contract arrangements between FOCA and the State Government to protect financial arrangements and interests of the Government have been drafted and are expected to be sent to Mr Ecclestone next week. He may come to Adelaide to sign and finalise the details, but that is not sure. As I have said, it is anticipated that the matter will be finalised within a few weeks. Regarding the question raised by the Hon. Mr Gilfillan, I emphasise what I said earlier: there is a need to exempt the activity in the declared area from the Planning Act and the Development Act to enable signs, advertising, barriers and so on that are necessary to be placed on the track as temporary facilities for the purpose of conducting the race and meeting contractual obligations with major sponsorship packages. Unless there is this exemption from the Planning Act we will not be able to fulfil our contractual obligations.

The Hon. K.T. Griffin: That means hoardings and great publicity splurges.

The Hon. C.J. SUMNER: Yes. They are temporary hoardings and bridges that will need to be put in place. The important point, as I understand it, is that all structures of that kind will be exempted from the planning legislation and will be temporary. However, clearly, exemptions will be necessary to enable this to happen. If we cannot get exemptions from that sort of obligation under the Planning Act it is probable that we will not be able to stage the Grand Prix.

With respect to the Kensington and Norwood Council, the person in charge of the project, Mr Hammerling, has discussed the Grand Prix route with the Town Clerk, Mr Whitbread, on several occasions over the past two weeks and, in fact, he will address the Council on 17 December about it. Dequetteville Terrace has at all times been a part of the proposed track, right from the very early discussions about this issue. It would be, I think, surprising if the Kensington and Norwood Council was not aware of that fact. I understand that the Mayor of Kensington and Norwood, by way of letters dated 31 August and 19 October 1983, set out the council's desire to hold the Grand Prix when it was first mooted.

An invitation was extended to the Council to contact the Jubilee 150 Board, which had oversight of the matter at that time. If the Kensington and Norwood Council had any concern about the Grand Prix it would have been contained in the correspondence I have mentioned. Therefore, Kensington and Norwood Council has been involved and has known about the general plans for the Grand Prix, including the use of Dequetteville Terrace. With respect to television rights, a question raised by the Hon. Mr Davis, these are owned and negotiated by FOCA on behalf of FISA.

We have no part in contractual arrangements for television. However, FOCA has undertaken to provide promotion of Adelaide and, also, to provide lead-in segments on all video films sold involving the Adelaide Grand Prix. As I understand it, this is a matter for FOCA, but is part of the undertakings that have been given. There will be promotion of Adelaide in any video films produced of the event. I turn to the question raised by the Hon. Mr Cameron in relation to the televising of this event overseas. I understand that the position overseas in respect to the televising of the Adelaide Formula One Grand Prix will be the same or similar to the arrangements that exist in Australia for receiving Formula One Grand Prix events from overseas. In other words, they are not, in most cases, simultaneous transmissions but are delayed, sometimes for reasons relating to overseas countries or the countries in which the Grand Prix are held, or, more importantly, to get prime viewing time for them.

As I understand it, the Adelaide Grand Prix will be shown overseas in a similar way to the way in which overseas Grand Prix are shown in Adelaide—not simultaneously, apparently, but will be shown in accordance with arrangements with various networks overseas. I am not sure that they show all the event, but they show most of it. That, certainly, may be delayed, but it is a substantial telecast of the event. The question of liability was raised. I can say that there seems to be some confusion about this. The Act provides that individual members of the Board are not liable for damage, but the Board is liable.

Under the regulations under which all the races must be run there is a requirement for drivers, teams and officials to be insured. The Board, as I understand it, will have to make insurance arrangements. However, it is not true to say that the Board is not liable as a Board. Individual members, as is usual with legislation of this kind, do not attract personal liability. The Hon. Mr Lucas raised the question of sponsorship and the problems that might exist if legislation were passed by the Parliament to prohibit tobacco advertising or sponsorship. As I understand it, the contract that is signed with FOCA contains a provision that FOCA will abide by the laws of the country in which the Grand Prix is being conducted.

The Hon. R.I. Lucas: It has to, surely?

The Hon. C.J. SUMNER: Yes. That is part of the normal contractual arrangement with countries in which Grand Prix are conducted. I am advised that Mr Ecclestone already has to cope with restrictions on tobacco advertising and sponsorship in some of the countries in which Grand Prix are held and that he is used to dealing with that situation. Therefore, it is not something that he has—

The Hon. R.I. Lucas: What countries?

The Hon. C.J. SUMNER: I am not aware of that, but perhaps I can ascertain that information for the honourable member. I cannot obtain it rapidly.

The Hon. R.I. Lucas: What happens to the Marlboro Team?

The Hon. C.J. SUMNER: In his discussions Mr Ecclestone indicated that he will be bound by the law of the country; that is part of the contract that they have in other countries; to adapt to some restrictions on tobacco advertising and sponsorship. All that I can say is that it is a theoretical position that the honourable member has raised because no

legislation is in place in relation to this matter. He has raised this question in the Council on a previous occasion.

The Hon. R.I. Lucas: Give us a commitment—assure us you won't support it.

The Hon. C.J. SUMNER: If such legislation were passed then FOCA would have to comply with it. I understand that it has had experience in complying with that sort of legislation in other countries.

The Hon. R.I. Lucas: The teams would pull out.

The Hon. C.J. SUMNER: I am not sure that the teams would pull out. They have not pulled out when this has occurred on previous occasions. I understand that other sponsors are found and alternative arrangements are made. It does not affect the televising of the event, as I understand it. In any event, this is a theoretical problem.

The Hon. R.I. Lucas: Give us an assurance.

The Hon. C.J. SUMNER: It is a theoretical problem and I do not understand why the honourable member is so agitated about it.

The Hon. L.H. Davis: Give us an undertaking not to do anything in this area.

The Hon. C.J. SUMNER: I said in answer to a question today that no undertakings have been given or sought in this regard. As I said, it is a hypothetical situation. There is no real past. I think that the Hon. Dr Cornwall, when debating the issue of tobacco sponsorship in the Council, indicated that South Australia would not move on a one-off basis.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Yes, but on the basis that it would only come into effect if a majority of the States and the Commonwealth also agreed to it.

The Hon. R.I. Lucas: Well, they haven't.

The Hon. C.J. SUMNER: The Bill has not even been passed.

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

The Hon. C.J. SUMNER: I am not resiling from anything that the Government or that the Hon. Dr Cornwall have said. All I am saying is that it has not formed part of the negotiations—

The Hon. L.H. Davis: We are asking you to give an undertaking here.

The Hon. C.J. SUMNER: I understand what the honourable member is asking me to do. I am merely indicating that he is asking a theoretical question. It is a theoretical problem that has not arisen. It has not arisen in negotiations.

The Hon. R.I. Lucas: Yes, it has. You said, 'Yes' in your answer.

The Hon. C.J. SUMNER: No. The honourable member is getting agitated again. It has not been raised in that context, that there is any restriction in the contract for the availability of tobacco advertising sponsorship. That, I think, is a most comprehensive reply for which all members should be very grateful. I hope that it will mean that they will pass the Bill with alacrity.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

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

Page 2, after line 16—Insert definition as follows:
'parkland' means land that is park land within the meaning of the Local Government Act, 1934:.

This amendment was apparently requested by the Adelaide City Council on the basis that it was not clear in the Act just what was meant by 'parkland'.

Amendment carried.

The Hon. K.T. GRIFFIN: This would probably be the appropriate clause in which to direct some general questions to the Attorney-General. He has made reference to the details of the contract having been concluded and of their being drawn up as a formal legal document with a view to its being sent to Mr Ecclestone next week and signed in the near future. Do I gather, from what the Attorney-General said in reply, that the Government is now not prepared to make the detail of that contract available to either the public or the Opposition?

The Hon. C.J. SUMNER: What I said in my second reading reply was that the major features of the contract can be made available to the Opposition, but without FOCA's consent I believe that there are certain parts of the contract that cannot be made available to a third party—someone who is not a party to the contract—because there will be financial arrangements in it which FOCA may not wish to be made public. Subject to that, as I said before, the Government is prepared to make available those aspects of the contract that it is able to.

The Hon. K.T. GRIFFIN: As I understand earlier comments of the Attorney-General, that contract is proposed to be sent to Mr Ecclestone, I presume, in London, some time next week. Will the Attorney-General indicate the date by which it is expected that the Formula One Contractors Association will sign the contract?

The Hon. C.J. SUMNER: We do not know the precise date. There is a possibility that Mr Ecclestone will come to Adelaide before Christmas to finalise the matter, but again it is not possible to put any precise date on it. The negotiations are proceeding. There have not been any withdrawals as far as we are aware at this stage, and it is a matter of finalising the arrangements and signing the documents. As the honourable member would know, that takes some time. I am not in a position to say how long it will be before the documents are signed.

The Hon. K.T. GRIFFIN: I understand from the answer to the question that the Attorney-General gave yesterday, I think, and on previous occasions, that the Crown Solicitor's Office has been giving legal advice to the Government in respect of the contract. I would be interested to know if the Formula One Contractors Association has been negotiating in Adelaide through legal representatives here or whether the negotiations have been conducted over long distance with representatives of the association, in say, London?

The Hon. C.J. SUMNER: As far as we are aware, there has been no local representation of FOCA. Certainly, the negotiations have been conducted direct with London.

The Hon. K.T. GRIFFIN: That may mean that, even though the contract is expected to be sent next week, it has been drawn up in Adelaide on behalf of the Government and has still not been approved by Mr Ecclestone and may be subject to further amendment if it is not in a form that is acceptable to the Formula One Contractors Association.

The Hon. C.J. SUMNER: I suppose that any contract could be altered in some respects, if it has been prepared in Adelaide and sent to Mr Ecclestone in London. I understand that a number of telexes have been sent by the Government from the Crown Solicitor's Office, in particular, to Mr Ecclestone in London and that Mr Ecclestone's telex said that he agreed to the major heads of the agreement which were prepared by the Crown Solicitor, and that it is a matter of tidying up the final details. I suppose that, as the document has been prepared in Adelaide and will be sent to London, there may need to be some changes to it. I am advised that the Government has been in constant contact with Mr Ecclestone in relation to the finalisation of detail.

The Hon. K.T. GRIFFIN: On a slightly different subject but still related to contractual arrangements, since the matter was debated in another place has the Government made any more precise calculation of its financial commitment in respect of the staging of the Grand Prix, and of the

financial returns which are likely to be received, on present estimates, from the conduct of the race?

The Hon. C.J. SUMNER: I understand that the honourable member may well have the figures in any event. The round figures quoted by the Premier are $4.5 million in recurrent costs annually on the expenditure side for the conduct of the event, which includes $1 million for putting up and taking down temporary barricades and other things necessary for the circuit. That is an initial $4.5 million capital cost. The revenue estimate is $3 million. It is not possible accurately to estimate the revenue without finalisation of the sponsorship packages, which are being negotiated in conjunction with Mr Ecclestone. From what the Premier has said on previous occasions, the net obligation to revenue is in the vicinity of $1.5 million.

The Hon. K.T. GRIFFIN: I think the Attorney-General mentioned a $4.5 million capital cost. Does that include estimates of the cost of Government agencies involved in the work necessary to improve the course and construct temporary stands, and so on?

The Hon. C.J. SUMNER: The rough estimates of the capital costs for 1985 are, for instance, concrete barriers, $1.07 million; debris fence, $353 000; tyre barriers, $33 000; change median strips, $290 000; temporary lines, $19 000; grandstand, $700 000; temporary pit buildings, $25 000; temporary garages, $15 000; temporary vehicle overpass, $100 000; temporary pedestrian bridges, $279 000; security fence, $16 000; temporary alterations, $200 000; pathway facilities, $100 000; Victoria Park track, $610 000; East Terrace, $100 000. That makes a total of $3.91 million. In conservative financial style there is a further 10 per cent for contingencies amounting to $391 000, making a total of $4.301 million in capital works expenditure, which is anticipated would be needed in the first year.

The Hon. K.T. GRIFFIN: Is any part of the expenditure which is presently estimated likely to come from the Highways Fund and, if so, what amount is likely to come from the Highways Fund and on what items is that likely to be expended?

The Hon. C.J. SUMNER: I understand that none of the items I have mentioned will be funded from the Highways Fund.

The Hon. K.T. GRIFFIN: From that answer I presume that there is additional expenditure from the Highways Fund for resurfacing particular highways. I understand that it is essentially Dequetteville Terrace which can be financed in terms of its resurfacing from the Highways Fund. Is the Attorney aware what expenditure is expected from the Highways Fund in addition to the expenditure from other sources?

The Hon. C.J. SUMNER: I understand that some highways works were proposed. The median strip at the Rundle Road/Dequetteville Terrace intersection was being done anyway; that will continue to be done and will be utilised for the Grand Prix. Apart from that, in regard to Dequetteville Terrace, I do not think that any expenditure is required directly from the Highways Fund. Upgrading of Wakefield Road is to be carried out by Adelaide City Council as part of its plan in any event.

The Hon. K.T. GRIFFIN: The Attorney has referred to $4.5 million capital cost. Does he have any estimate of the revenue items of expenditure that are likely to be incurred in the general running costs of the operation?

The Hon. C.J. SUMNER: It is not possible to outline exactly the estimate of $4.5 million, because some of it involves payment to FOCA for the cost of bringing cars, drivers and the like to Adelaide. That is part of the confidential financial arrangements between FOCA and the Government. I have already indicated that $1 million estimated of the $4.5 million recurrent is for the erection and taking down of temporary facilities. There is insurance, promotion, administration costs and track costs, which I mentioned—the erection and taking down of the track on each occasion. It is not possible to be more precise than that. The exact revenue implications for the Government are still the subject of negotiations depending on the level of sponsorship obtained. The Premier's aim—and the reason he went to London to conclude negotiations—was to keep the direct cost in revenue terms to the Government to a minimum. He is attempting to ensure that it does not go beyond $1.5 million or $2 million.

The Hon. K.T. GRIFFIN: The Attorney has mentioned insurance and I referred to it in my second reading speech. Has the Government any estimate of the premiums that might be payable for insurance cover for the Grand Prix? If so, can it be disclosed? What sort of risks will be covered by the insurance that the Government may have in contemplation at present?

The Hon. C.J. SUMNER: At this stage we do not know what the final figures will be. I understand that the Confederation of Australian Motor Sport, under whose official auspices the Formula One Grand Prix is held, already has arrangements for insurance for other motor races conducted in Australia, and negotiations will occur with that body to attempt to obtain the best deal with regard to insurance premiums, taking into account the insurance that it already takes out for this event, obviously, and for other motor racing events in Australia.

The Hon. K.T. GRIFFIN: Do you expect any difficulty in getting insurance?

The Hon. C.J. SUMNER: No. It is not anticipated that there will be any difficulties. Apparently it is the normal part of the conduct of these events.

The Hon. K.T. GRIFFIN: Also, in regard to cost, the Premier in another place when talking about the concrete barriers said that they were reuseable and that not only would they be available for the Grand Prix but also could be available for other events. For what other events could the concrete barriers be used? They cost $1.7 million.

The Hon. C.J. SUMNER: I am not able to answer the question precisely. They may be able to be used by the Highways Department. The design will be such that they can be used as barriers subsequently by the Highways Department. It may be possible for them to be used in other events in other States. That is what the Premier had in mind.

The Hon. K.T. GRIFFIN: It sounds very much like a throw-away line from the Premier. I refer to several of the definitions in clause 3. In regard to the declared area subsequent clauses deal more specifically with the consequences of the declaration of the area. Can the Attorney indicate the Government's intention about access to the declared area? The Premier indicated in another place that consideration was being given to the public having access to the roads, for example, when they are not required for the Grand Prix. He also referred to the parklands. I will pick up the question of the roads later in regard to clause 25. Has any consideration been given as to the way in which access, if any, will be given to the parklands during the declared period?

The Hon. C.J. SUMNER: The area will be secured for the four days of the race, and part of it will be secured for the fifth day before the race.

The Hon. K.T. Griffin: Fences all the way around?

The Hon. C.J. SUMNER: Yes, such that entry will not be permitted unless one pays the required entry fee on each of the days on which the races are in course. Apart from those five days there will be no general restriction on access, although there may be some disruption while any necessary works are proceeding. There will not be any prohibition as such on people entering the declared area except for the

five days set aside, when for four of those, at least, people will have to pay an entry fee to see the race.

The Hon. K.T. GRIFFIN: I take it that the five days are consecutive?

The Hon. C.J. SUMNER: Yes, that is correct.

The Hon. K.T. GRIFFIN: And I take it that when we talk of five days it is a full 24 hours per day, although there is some indication that maybe access will be granted for part of some days if that can be conveniently arranged in the context of the management of the race?

The Hon. C.J. SUMNER: No, there will not be any access to the track once the race starts or, indeed, even on the first of the five days when the cars will be in place. The problem is one of security. If one opens up the track one loses security that is necessary for the cars and other material required for the conduct of a race of this kind, on which I am not and am never likely to be an expert. So, there will be no access to that area for the period of the race—four days—and probably limited access on the other day as well.

The Hon. K.T. GRIFFIN: So, what the Premier indicated in the House of Assembly has now proved to be not correct, namely, that access may be allowed for parts of those days to the declared area?

The Hon. C.J. SUMNER: Not entirely. The honourable member has to realise that a number of these practical problems will have to be worked through by the Board in conjunction with the Government and the relevant councils as time goes by. They apparently have attempted in some of the other cities, for instance, to open up the main thoroughfare, if the race is being held on a main thoroughfare, during peak hours to enable access on that road during that period and, therefore, to overcome the disruption that might otherwise occur. I am advised that that is difficult; and whether it will be necessary in Adelaide I do not know. I doubt whether it would be; alternate points of access to and from the city could be found without the necessity to do that, but that is one question that is being looked at. So, it is possible that that sort of access could be provided, but I am advised that it is not easy to organise.

The Hon. K.T. GRIFFIN: I will pick that up at a later stage in relation to the suspension of the operation of the Road Traffic Act, under clause 25. The last area of this clause relates to the definition of public road as any road, street or thoroughfare, including any carriageway, footpath, dividing strip and traffic island commonly used by the public or to which the public are permitted access. That definition is open to the interpretation that the hotel and motel car parks that are paved and open to the public and their motor vehicles might be covered by that definition of public road. This would allow them to become part of the declared area. Can the Attorney-General indicate whether or not there is any intention to include any of those sorts of areas within the declared area?

The Hon. C.J. SUMNER: It is not intended for it to have that effect; it is intended to refer to property that is owned by the public in the sense of the council or the Government. It is not designed to capture a privately owned car park that may nevertheless be public in the sense that it is used by the public.

The Hon. R.I. LUCAS: Will the Attorney at a later stage provide the information to which he referred in his second reading reply with respect to other countries in which Mr Ecclestone operates which have tobacco advertising restrictions? Does the estimate of expenditure that the Attorney has provided this evening include any provision for warehousing costs? Where will these temporary grandstands and concrete barriers be kept when they are not required for these five or six days? Has there been an estimate of the cost of warehousing those temporary grandstands and concrete barriers between the periods when they are required?

The Hon. C.J. SUMNER: A project engineering brief has been issued, dealing with the construction of barriers, temporary grandstands and the like. A decision has not been made as to the warehousing of these items between races; that will be looked at as part of the brief. There may be some possibility of involving the Highways Department in the warehousing of this material, but at this stage that is not determined.

It is not possible to give the honourable member the information relating to Mr Ecclestone and tobacco advertising. If we are able to, it will have to be obtained from Mr Ecclestone, but we are able to say that he stated that he has in the past complied with laws of other countries relating to restrictions on tobacco advertising and sponsorship. The matter does not go any further than that. It is not put any higher than that and really I do not see that the honourable member should be unduly concerned about it, because there is no restriction on that sort of sponsorship in sport in Australia at present.

The Hon. R.I. LUCAS: 'At present' is the moot point. The question is what will happen in the next seven years, but I will not pursue that. The Attorney has indicated that there will be a significant effect on the Victoria Park racecourse. The track will wind its way off Wakefield Road (without affecting any trees) and the pits will be located in the centre of the track. Clearly, the goodwill of the SAJC is required and I understand that that will be provided. The SAJC is giving a lot. If I was a member of the SAJC I imagine that I would be negotiating for something in return, perhaps something from the Government or from the other parties to the arrangement, such as the Adelaide City Council. In particular I would wonder about the long term lease of Victoria Park for use as a race track. In the negotiations with the SAJC, has a *quid pro quo* been given to the SAJC either along the lines I have suggested or along any other lines?

The Hon. C.J. SUMNER: I am not sure whether the honourable member is a member of the SAJC or whether he has been engaged to consult and look after its financial interests, but it sounds as if he should be. I suspect that the SAJC is able to look after itself. Obviously, the Government is making a significant contribution to the staging of this event. We see it as benefiting the whole community, as an event to which other organisations and institutions in the community, such as the Adelaide City Council and the SAJC, can contribute. There have been no specific negotiations as yet with the SAJC or anything firmed up in terms of what it might wish to get out of the event in direct financial terms, but it is probable that the Grand Prix Board might use the catering facilities at Victoria Park, such as the dining rooms and so on, for functions. That should involve the SAJC in some financial return. However, that has not been firmed up at this stage. I understand that there has not been any specific payment sought by the SAJC for the use of the stands, but there may be other spin-off benefits to the SAJC because of its co-operation, apart from the fact that 250 million viewers around the world will see the grandstand as the race is being conducted.

The Hon. R.I. LUCAS: Will the area around Beaumont Road be closed to ensure the privacy of the residents? I am sure that the Attorney knows that residents in that area are concerned. Will adequate car parking be available for spectators without encroaching on the parklands, or will car parking be provided in the parklands?

The Hon. C.J. SUMNER: It is not anticipated that that area would be opened. There is a lot of work to be done in staging this event. It is a short time until it is staged and obviously when the Board is established it will have to negotiate with all interested parties, including residents.

The Hon. Diana Laidlaw: I can't believe you would have much option but to use the parklands for parking.

The Hon. C.J.SUMNER: That may be true. Of course, the use of parklands for car parking for specific events is not unusual. On Friday, if I walk past the Adelaide Oval, I will find that the parklands around the oval are filled with cars. When I go to the Adelaide Show I find that cars are parked in the parklands at the south end of the city around the netball courts. Cars are also parked in those areas on netball evenings.

The Hon. R.I. Lucas: It sounds as if you do not approve.

The Hon. C.J. SUMNER: I object to it—that is quite right. When I go for a run around the North Adelaide Swimming Centre I find that, because of a deal that was done when the swimming centre was erected, cars are parked in that area as well. I understand that the Fitzroy Terrace residents became a bit agitated when the Government decided to move the old City Baths to the north parklands: the residents insisted that parking space be provided. Now that the swimming centre is to be covered, parking may even extend to Childers Street; that worries me even more than car parking around the swimming centre.

I do not generally agree that cars should be parked in the parklands: it has gone too far. Cars are parked in those areas on a fairly flexible basis, whether at Victoria Park racecourse, Adelaide Oval, Wayville Showgrounds, the netball courts or the North Adelaide Swimming Centre. Cars are parked in the parklands around those venues for specific sporting events and I imagine that similar facilities will be necessary for the Grand Prix, at least in some parts.

The Hon. R.I. Lucas: It is a good thing that you do not jog around Victoria Park.

The Hon. C.J. SUMNER: I understand that the SAJC takes a dim view of that, because it upsets the horses.

Clause as amended passed.

Clause 4 passed.

Clause 5—'Membership of the Board.'

The Hon. R.I. LUCAS: Has there been an offer made to the Kensington and Norwood council to the effect that one of its members will be a member of the Board?

The Hon. C.J. SUMNER: There are six Ministerial nominees on the Board. The Kensington and Norwood council has requested a position on that Board. The Government is not prepared to amend the legislation, but will certainly give consideration to the council's request without making any final commitment at this stage.

The Hon. K.T. GRIFFIN: In the House of Assembly the question of membership of the board was raised by the Leader of the Opposition with the Premier, as was the possibility of the Opposition being represented on that Board. I have already outlined the reason for that. The Jubilee 150 Board, which was established by the Liberal Government, contained specific provisions for a nominee of the Leader of the Opposition to be appointed to it because of the desire to make the Jubilee 150 celebrations a bi-partisan effort. This Grand Prix had its origins in the Jubilee 150 arrangements.

The Hon. C.J. SUMNER: Perhaps I can interrupt for a moment. I suggest, as a means of facilitating consideration of the Bill, that, if the honourable member has questions to ask that are not directly related to amendments, we can proceed through the Bill dealing with those issues and in the meantime I may be able to get a definitive attitude expressed to each of the amendments that the honourable member is moving and be able to indicate acceptance or rejection of them. Does the honourable member have other general questions?

The Hon. K.T. GRIFFIN: I have lots of questions on various clauses.

The Hon. C.J. SUMNER: I suggest that we move through the Bill clause by clause with the honourable member asking his questions. At the end we will recommit the Bill for reconsideration of those clauses to which the honourable member wishes to move amendments. By that time we will have an attitude to the amendments and therefore will not waste any time, if this is acceptable to the Committee. The alternative is to suspend or I can fly by the seat of my pants.

The Hon. K.T. GRIFFIN: I do not want to put the Attorney under undue pressure if he has not had an opportunity to consider the amendments. He may wish to gain some definitive instruction from the Minister who has ultimate responsibility for this Bill, the Premier, I am happy to proceed on that basis. There are a number of questions and issues I wish to raise about particular clauses. We can either do that or, with leave of the Chair, go through them one by one without necessarily putting the particular clause to the vote.

The ACTING CHAIRMAN (Hon. C.M. Hill): I suggest that we have discussions on the Bill clause by clause, but each clause will have to be put to the vote.

The Hon. C.J. SUMNER: On the understanding that we can recommit to reconsider specific amendments.

The Hon. K.T. GRIFFIN: If that is the preference, I am happy with that course.

The Hon. C.J. SUMNER: I appreciate the co-operation.

Clause 5 passed.

Clause 6—'Terms and conditions of office.'

The Hon. K.T. GRIFFIN: Clause 6 provides for a member to be appointed for such term of office as may be determined by the Governor. This is somewhat different from our usual statutory authority, I recognise, because of the need to consider the conduct of the Grand Prix on a year to year basis with a minimum period of three years. It is different, also, in the sense that other legislation also includes a maximum term of office, which is generally three years.

This clause will give the Government an opportunity to appoint virtually from week to week. I would not expect that to occur, but it is theoretically possible. It certainly gives an opportunity to appoint from year to year. Does the Government have any idea at this stage what period of office might be the norm for appointment of members of the Board?

The Hon C.J. SUMNER: I believe that the reason for this provision is to provide flexibility. We are talking, in effect, about an entrepreneurial organisation here. So far as I understand, no time limit is set. The reason for that is to give flexibility to the Government in its appointments. I cannot say what will be the normal term of office of any of the members.

Clause passed.

Clauses 7 to 9 passed.

Clause 10—'Functions and powers of Board.'

The Hon. K.T. GRIFFIN: My first question relates to the financial institutions duty. Under the FID Act there is provision for statutory authorities such as this to be proclaimed as an instrumentality of the Government. This frees its account from FID. Is it the Government's intention to provide for this statutory authority to be exempt from financial institutions duty?

The Hon. C.J. SUMNER: I do not know.

The Hon. K.T. GRIFFIN: If that is the case, will the Attorney-General (not necessarily tonight) undertake to ascertain the answer to that question in due course and provide that answer?

The Hon. C.J. SUMNER: Yes, I will. I cannot see what the fuss is about. It is a Crown organisation. At the end of all this wonderful staging of the Grand Prix, any assets that the Board has will become the property of the Crown. As

it is anticipated as being a charge on the annual revenue of the State, I do not see the point in imposing FID. Whether that is the Government's intention, I do not know, but I will provide information about this for the honourable member.

The Hon. K.T. GRIFFIN: I am not making a fuss about it, I am asking a question. Clause 10 (2) gives to the Board a wide range of powers and among those powers are powers to sell or supply food and drink (including alcoholic beverages), books, programmes, brochures, films, souvenirs and other things in connection with motor racing events; to acquire and hold any licence; to grant certain rights, and publish or produce books. It is obvious that the Board will be doing things that may be in direct competition with the private sector. All I want to ascertain is what sort of advantage it will have in terms of costing the provision of services.

The Hon. C.J. SUMNER: The intention is that the Board will not conduct these functions: it needs the powers to do it, but in the cases mentioned by the honourable member it will contract these activities out to the private sector. That is the intention of the Government as far as the Board is concerned. The Board will have powers to do it, but will do it generally via the private sector.

The Hon. K.T. GRIFFIN: One of the powers is to acquire and hold any licence. I presume that that relates to the sale of alcoholic beverages, but may apply to other licences. Is the Attorney-General able to indicate what sort of licences may be envisaged under paragraph *(j)* at this stage?

The Hon. C.J. SUMNER: A liquor licence will need to be held by the Board to sell liquor on the course, if it is decided that that is the way to go. It may be that under the new Licensing Act it could hold one of the special licences. The proposition under the liquor licensing review is that the Festival of Arts, for instance, hold a liquor licence to cover the whole Festival of Arts period. It may be that some licence like that could well be held if that is, in fact, what is passed into law subsequently. In any event, if that is not the case it may be necessary for the Board to hold a liquor licence, or it may not. It may be possible to do it all by contracting out to existing licensees who would be appropriate to run it through the South Australian Jockey Club, which probably has a licence. That still has to be worked out, but it may be necessary for the Board to have a licence.

The Hon. K.T. GRIFFIN: In relation to paragraph *(m)*, which is the power to establish, or hold shares in, bodies corporate whether within or outside the State, in the scheme of the arrangements for the conduct of the Grand Prix is there any requirement that the Board establish a body corporate, other than the Board, for the purpose of undertaking any of the functions that are required of the Board in the conduct of the Grand Prix, or the participation in some other body corporate for any of the purposes of the legislation?

The Hon. C.J. SUMNER: Again it is not possible to precisely identify how that authority may be exercised, but it may be necessary, given that we are dealing with FOCA, which has international connections, for shares to be held with some organisation outside the State as part of the arrangements entered into with FOCA. Many things have to be done in terms of sponsorship and raising revenue from the Grand Prix (which the Board and FOCA would share in). Again, it is not possible to say that there is anything particular that the Government has in mind by that head of authority. It is there to give the broadest possible capacity for the Board to negotiate and deal with what, I imagine, is a reasonably sophisticated international organisation.

The Hon. R.I. LUCAS: Clause 10 (1) states:

The functions of the Board are—

(a) to undertake an Australian Formula One . . . Grand Prix in Adelaide during 1985 and each succeeding year up to and including 1991;

Will the Attorney-General clarify the present understanding of how many Grand Prix we are in for? The clause indicates that it is each succeeding year up to and including 1991, which I suppose is the maximum.

The Hon. C.J. SUMNER: The contract is for seven Grand Prix, but either party can give notice of the desire to pull out of the Grand Prix, in effect, with two Grand Prix notice. So, we must stage three Grand Prix at least.

The Hon. R.I. Lucas: So, there is a minimum of three?

The Hon. C.J. SUMNER: The contract is for seven, but there are conditions which mean that a withdrawal could occur in certain circumstances. Apparently the contract will not give an absolute right of withdrawal by either party with just two years notice. There must be certain reasons advanced why one or other of the parties cannot fulfil its obligations for the basic seven years. It is a basic seven Grand Prix deal with a minimum of three because two years notice has to be given.

The Hon. R.I. LUCAS: Are there possibilities that after seven years we can seek to continue, or is it a policy of FOCA that once a country or State has had a seven-year turn, it then heads off to another country or State?

The Hon. C.J. SUMNER: We could continue beyond seven years for as long as it is satisfactory to FOCA and to the South Australian Government. Obviously Grand Prixs are held regularly in certain cities of the world. I understand that Monaco was one, but it recently ran into certain difficulties. I do not think there is any problem with it being held in one place. In fact, it may be desirable from FOCA's point of view to conduct the Australian Grand Prix in one place regularly because it would give an identity to that particular Grand Prix.

If it is satisfactory to FOCA, to the South Australian Government and to the people, it can go beyond seven years. Clearly, that is too far in the future to predict. FOCA may not be satisfied and we may not be satisfied at the end of that period, given the substantial financial commitment that has to be put up for the staging of the Grand Prix. No doubt, as we continue through the process we will need to look at the financial commitment that we are putting up each year and the return we get for it in terms of tourism, publicity for South Australia and the direct benefits as a result of the people who come here, and so on. Those assessments will proceed over the seven-year period.

The Hon. R.I. LUCAS: The fears that the Hon. Mr Griffin pursued earlier with respect to the $4.5 million expenditure and I think an estimate of $3 million for revenue (which is an estimate of, say, $1.5 million up front in the first year of 1985) are obvious. If the event is held annually for three to seven years, obviously the initial capital costs will not be incurred in each succeeding year. Has the Attorney any forward estimates as to when the State will turn the corner and be in the black? I do not want the Attorney to go into estimates of value to the State; I want an estimate on the exact process of operating the Grand Prix.

The Hon. C.J. SUMNER: It is not possible to say whether or when, from the point of view of State Government revenue, we will reach a break-even point. The fixed capital cost is $4.5 million, but that does not recur. However, the $4.5 million recurrent cost does recur. At least in the first year the estimate is that $3 million of that will be recouped through sponsorship, admission charges, and so on. I understand that it took Detroit, which also staged the Grand Prix, some four years to reach a point where it was breaking even on recurrent costs. It is really impossible to predict, and it depends on the level of sponsorship. If in conjunction with FOCA we obtain a good level of sponsorship—

The Hon. R.I. Lucas: The figures we are talking about are a $4.5 million initial capital cost plus a recurrent cost of $4.5 million?

The Hon. C.J. SUMNER: Yes, it is a $4.5 million capital cost initially, and each year there will be a recurrent cost of $4.5 million covering administration, insurance and the sorts of things that I have already outlined, including the erection and take down costs estimated at $1 million.

The Hon. R.I. Lucas: Does the recurrent cost include any warehousing component?

The Hon. C.J. SUMNER: No, apparently not. As I say, the estimate is that initially the return will be $3 million. What happens after that depends on how FOCA and the Government work at increasing sponsorship. Obviously, if at the end of three years it looks as though from a financial point of view it is not a goer because we are incurring too much cost in terms of the return that we are getting, the matter will have to be reassessed.

The Hon. R.I. Lucas: The first year cost to Government will be $4.5 million plus $1.5 million, which is a total of $6 million.

The Hon. C.J. SUMNER: One is capital, so the effect on revenue will be $1.5 million to $2 million. That is what the Government is attempting to restrict the cost to, and that was part of the reason for the Premier going to London and trying to negotiate a better deal with Mr Ecclestone. That is the estimate. This is something else that will have to be assessed as time goes by, along with what the State is getting in terms of spinoffs in direct benefits to the economy through tourism, the hospitality trade and publicity. We also have to consider whether the $1.5 million, in terms of tourism promotion, could be better spent elsewhere. It could also be considered as being cheap publicity for the State at $1.5 million. Those assessments will be made as we progress. Obviously, in assessing that the Tourist Department's estimates will be important. The general impression of the hospitality industry will also be important and how much it thinks it has got out of it in terms of what has been generated.

The Hon. R.I. LUCAS: I thank the Attorney for that. I did not appreciate that two lots of $4.5 million were floating around in all the figures, and that therefore the net cost to the Government in the first year anyway will be $6 million. Clause 10 (2) *(e)* provides:

> The Board may—
>
> *(e)* grant for fee or other consideration advertising or sponsorship rights or any other rights, licences or concessions in connection with motor racing events promoted by the Board;

Forgetting about our previous debate on tobacco advertising prohibition legislation, I want to know whether the Government has an attitude that would be conveyed to the Board that tobacco company sponsors would not be allowed to be major sponsors for the event. I guess that attitude would be consistent with the Government's support for the Hon. Mr Milne's Bill in this Chamber. I am sure the Attorney would agree and most members would know that tobacco company sponsors are clearly major sponsors of motor sport.

From my knowledge of some people involved in tobacco company sponsorship, I imagine there would certainly be some interest in this area from tobacco companies. Obviously there is nothing in the Bill which provides that tobacco companies are precluded, and I accept that. Does the Government have a policy or a stance on that which will be conveyed to those making the decisions and the negotiators that tobacco companies will not be allowed to provide sponsorship in this area?

The Hon. C.J. SUMNER: This matter has not been discussed by the Government. Obviously, Cabinet has not made a decision on it. I do not believe that the Government would give any directions of that kind to the Board. This is an entrepreneurial exercise and we are in it for what we can get out of it, in uncharacteristic style for socialists. The Government does not impose on the South Australian Cricket Association its view about what sponsorship it should seek.

The Hon. R.I. Lucas: It's not a statutory authority.

The Hon. C.J. SUMNER: I understand that, but I am saying that this Board will be set up to promote this event within the existing laws of the State and the Government does not envisage, as far as I know—I make it clear that there was no formal Cabinet decision on the matter—Cabinet would not give any direction to that effect to the Board. It may be that the Board's capacity to raise sponsorship in the tobacco area will be limited anyhow because it will not be able to compete with a number of existing contracts for sponsorship that FOCA already has. It may be limited in that area. Certainly, we see it as being a statutory authority, but one with a commercial brief allowing it to operate within the laws of the country as they stand at the time.

Obviously, if the information that I have given the honourable member is not correct it would only not be correct if the Government subsequently took a decision to direct the Board in certain ways to restrict the sort of sponsorship it should seek. It is a commercial operation and, provided it is acting within the laws of the country, it should be given a reasonably free hand.

Clause passed.

Clauses 11 and 12 passed.

Clause 13—'Officers and employees.'

The Hon. K.T. GRIFFIN: What level of staffing is likely to be required for the Board in the lead-up to the 1985 Grand Prix?

The Hon. C.J. SUMNER: It is estimated that 10 to 12 people will be required in the Grand Prix office.

The Hon. K.T. GRIFFIN: Can the Attorney indicate what functions and classifications they may be? I realise it is difficult to give precise details.

The Hon. C.J. SUMNER: I understand that people will be employed in the following general areas: international media relations; capital works; marketing and promotion; security and crowd control operations. People will be employed initially with skills in those areas. It is not possible to say at what level they will be employed. Presumably, to get the right person for international media relations one may have to pay more than security or crowd control personnel. I do not know. I am not aware of the relevant market levels. They are four broad areas that the Board would need to address and engage people to cover.

The Hon. K.T. GRIFFIN: Will those people be transferred from other areas of the Public Service?

The Hon. C.J. SUMNER: That may be possible, but the project will not be used to help any job transfer policies that the Government might have to put people in jobs. It is essential that this organisation be an up-front commercial entrepreneurial organisation that can really make the Grand Prix work. For that purpose it is clear that we have to get the best possible people for the jobs required. It may be that some people within the Public Service will be appropriate for some of the functions outlined. It is just not possible to say.

The Hon. K.T. GRIFFIN: I take it from what the Premier said in another place that the annual budget is expected to be about $350 000.

The Hon. C.J. SUMNER: It is expected to be between $300 000 and $350 000.

The Hon. K.T. GRIFFIN: In the list of areas for which staff would be sought I did not hear the Attorney refer to a travel and accommodation expert, and it has been put to

me by someone in the travel industry that a major need of the office will be a travel and accommodation expert to co-ordinate effectively transport arrangements for persons coming from overseas both into and around Adelaide as well as the co-ordination of accommodation arrangements and the general servicing of those sorts of needs leading up to, during and just after the Grand Prix. Does the Government intend to appoint someone in that area of expertise to facilitate the proper travel and accommodation arrangements of overseas and interstate people?

The Hon. C.J. SUMNER: In general terms that sort of activity could come within the marketing and promotions area. Dr Hemmerling is having discussions with people concerned with the provision of tourist accommodation and other accommodation in South Australia with a view to carrying out a survey of existing accommodation in South Australia and determining what strategies might be necessary to deal with the travel needs of people coming to South Australia and their accommodation needs for the Grand Prix.

It may be that there will not need to be any person appointed in that area, although I take the point the honourable member has raised that it is an important area. As I have said before, the staging of the Grand Prix is seen by the Government as being a co-operative effort by all sections of the South Australian community, entrepreneured by the Government, but with substantial support from Adelaide City Council, the South Australian Jockey Club and most importantly from the business community in the hospitality industry. It may be that once this inquiry and these discussions about travel and accommodation are concluded, the private sector will provide someone to oversee and conduct that work. The point the honourable member makes is taken and its importance is recognised.

Clause passed.

Clauses 14 and 15 passed.

Clause 16—'Trust Fund.'

The Hon. K.T. GRIFFIN: This is a fairly important clause because it establishes a trust fund for the purpose of this Act. It is to be maintained separately from other banking accounts. From answers given by the Premier in the House of Assembly to the Leader of the Opposition in that place, it was clear that the Board itself would be the trustee and that the idea of the trust fund was to establish a separate facility for identifying income in which FOCA would be identified. But, in the House of Assembly the Premier indicated that he would seek to obtain further information about the sorts of funds that would be paid into that bank account and the class of persons who are likely to be appointed by the Minister to receive moneys from the trust fund, and to identify the purpose for which those moneys would be paid out of the trust fund. Can the Attorney-General give further information about those sorts of matters relating to this trust fund?

The Hon. C.J. SUMNER: The trust fund is necessary because this is a joint deal between the Grand Prix Board and FOCA. Money that might be obtained from the sponsorship for instance, has to be shared on a 50/50 basis with FOCA. Concession rights and licences to use logos and the like will be given to people; for which there will be income. That income will need to be placed into a trust fund because part of those funds will be liable to be paid in accordance with the contract to FOCA and possibly to its constituent groups. That is basically the reason for the establishment of a trust fund. It is not considered appropriate to mix those funds with the general administrative funds for the running of the Grand Prix Board.

The Hon. K.T. GRIFFIN: Will the funds payable to the Government from the trust fund be part of that $3 million annual revenue that is expected by the Government?

The Hon. C.J. SUMNER: Part of the money that is to be paid out of the trust fund would be part of the $3 million. Our share of sponsorship, for instance, would go into the trust fund and then split. We would get part of that sponsorship money, which would be part of the $3 million estimated revenue. We get additional revenue such as the entrance fee, which is exclusively ours; that is not a sharing situation with FOCA.

The Hon. K.T. GRIFFIN: Is any detail of the trust deed available yet?

The Hon. C.J. SUMNER: No.

Clause passed.

Clauses 17 to 19 passed.

Clause 20—'Minister may declare area and period for races.'

The Hon. K.T. GRIFFIN: This is again one of the key clauses of the Bill because it allows the Minister to declare an area to be the declared area and a period not exceeding five days to be the declared period for a particular year. The declared area is to consist only of public road or parkland, or both. That declaration is made by the Minister by notice published in the *Gazette*. I have some amendments on this, but I do not intend to canvass them at this stage, consistent with the earlier arrangement. Is it envisaged that there will be any variation to the route from year to year?

The Hon. C.J. SUMNER: It is unlikely that the route will change from year to year. It is possible if it were found to be unsatisfactory, but if the route were to be changed additional capital works would probably be required, at least in some areas, in order to accommodate the new route. Clearly, we would not wish to do that unless the experience of the first race was unsatisfactory. It is not expected that the route will change.

The Hon. K.T. GRIFFIN: During my second reading speech I raised questions as to the persons or bodies with whom there may have been consultation in relation to the route. Is the Minister able to identify the extent of consultation that has occurred so far with those whose properties border the proposed declared area and, if he is able to indicate that, what is the extent of that consultation and the context and content of that discussion?

The Hon. C.J. SUMNER: When this was initially proposed as part of the Jubilee 150 celebrations, Mr Russell Arland, former Town Clerk of the City of Adelaide, was engaged to conduct consultations with people who might be affected by the conduct of the Grand Prix. He discussed the matter with Prince Alfred College, for instance, business houses on Dequetteville Terrace, the Adelaide Residents Society, and the hospitals and churches in the vicinity. He is still responsible for that aspect of the conduct of the Grand Prix. It is the interface with the Jubilee 150 Board, up to date at least, and the residents and other people who might be affected by the conduct of it. He will, as I understand it, continue in that role.

Clause passed.

Clause 21—'Board to have care, control, etc., of declared area for declared period for each year.'

The Hon. K.T. GRIFFIN: This clause places the care, control, management and use of the land within the declared area in the Board and suspends the rights and interests of other persons or bodies in relation to the land during the declared period. Any public road that is within the declared area ceases to be a public road for the declared period. Before I refer to the substance of those provisions, will the Attorney say whether the Government has considered the question of entitlement to and responsibility for things like South Australian Gas Company pipelines under the ground or ETSA poles and lines, and any liability that might arise either as a result of a problem occurring with the gas pipeline

under that land (if there is a gas pipeline there) or other similar fixtures and fittings?

The Hon. C.J. SUMNER: I understand that there was a meeting with the statutory authorities and public utilities that might be affected by the Grand Prix. They have been asked to indicate their concerns, and to date no major concerns have been expressed by ETSA. Quite clearly the Board would not take responsibility for a gas leak or an ETSA problem that might occur. That would be the responsibility of those utilities. They have been asked to indicate concerns so that where possible their concerns can be addressed.

The Hon. K.T. GRIFFIN: Obviously, if the Board has the care, control, management and use of the land it would bear the ultimate liability for any loss, injury or damage occurring as a result of the use of the property during the declared period and during the conduct of the race as a result of the staging of the Grand Prix. Will the Attorney confirm that that is his understanding of the operation of the legislation?

The Hon. C.J. SUMNER: Yes, I think that that would be the situation.

The Hon. K.T. GRIFFIN: Other questions impinge on these matters, but they can be more properly addressed under clause 25, in respect of the operation of legislation that is suspended.

The Hon. R.I. LUCAS: There has been much to do about Highways Department vehicles and equipment not being able to get into the Pitjantjatjara lands because the roads were not public roads. We considered legislation to get around that problem. In this case if the road is no longer a public road will Highways Department vehicles and equipment have access to it? Is that matter covered in the Bill and, if it is not, should it be covered?

The Hon. C.J. SUMNER: The Board will let the Highways Department in. The Pitjantjatjara situation was a different case. The vehicles were not allowed in not because the road was not a public road but because the Highways Department took the view that the Pitjantjatjara lands being private property should be maintained by the Pitjantjatjara people.

The Hon. R.I. Lucas: There is no problem with this?

The Hon. C.J. SUMNER: No. That was a different situation.

The Hon. K.T. GRIFFIN: I agree that there was a different problem in relation to the Pitjantjatjara lands relating largely to the use of public funds on private roads, but I understand that that does not have any application in the current situation. However, it raises an issue that I had not thought of previously, and that is the extent to which the Police Offences Act might apply to what effectively is private land in terms of whether or not the declared area is a public place for the purposes of that Act. The Attorney might not have the answer. If the declared area is under the care and custody of the Board, effectively it is removed from the operation of the Police Offences Act in so far as that Act relates to offences in a public place. I flag that for consideration by the Attorney later.

The Hon. C.J. SUMNER: We can look at that question. However, there are regulatory powers that can be used by the Board in the declared area.

The Hon. K.T. GRIFFIN: I would like to take that matter up when we get to the regulation provision because I have grave doubts about whether the regulations can reinstate legislation that has been suspended or impose the sorts of conditions that apply in respect of the Police Offences Act. That is something we can look at later.

Clause passed.

Clause 22—'Board to have power to enter and carry out works, etc., on declared area.'

The Hon. K.T. GRIFFIN: I have some amendments to this clause, so I will reserve my comments until we come to consider them.

Clause passed.

Clause 23—'Board to consult and take into account representations of persons affected by operations.'

The Hon. K.T. GRIFFIN: This clause requires the Board to consult and to take into account representations from persons affected by certain operations. While imposing an obligation to consult, the Bill provides that the duties do not give rise to any cause or right of action against or any liability in the Board. The Premier in the other place has indicated that there is no intention in this or any other clause to prevent people having a cause of action, but is to provide some protection against spurious or frivolous claims. Will the Attorney-General comment on the Premier's observation in relation to protection against spurious or frivolous claims? I have been unable to find any provision in this clause particularly which actually deals with that. It requires consultation, and that is as far as it goes. The question of liability is something that I think is perhaps a liability at common law rather than anything else, although the liability question is to some extent modified by clause 25.

The Hon. C.J. SUMNER: As I understand it, all this clause does is say that if the Board were not to carry out the obligations imposed by clause 23 (2)*(a)* in effect there is no redress by any party—that is the effect. One might say, then, 'Why have clause 23?' and that is probably a good question. I suppose that it provides some comfort to people who may feel affected by the Grand Prix. There is a statutory obligation there and people can point to it if they feel that they are being badly treated.

I think that I would agree that the effect of the terms of any redress against the Board through subclause (2) of clause 23 is that there is no redress against the Board. That is what it is designed to do. It is not designed to give a general immunity from liability to the Board. It is designed to give an immunity from liability for the Board in relation to the functions outlined in clause 23. I really think that is the thing, that it is exhortative, and that is all that can be said for it, in the end result.

Clause passed.

Clause 24—'Certain land deemed to be lawfully occupied by Board.'

The Hon. K.T. GRIFFIN: This clause allows fencing or cordoning off of any part of the land comprising the declared area. I guess that this is one of those clauses where there can be some fairly serious impediments to the right of adjoining property owners. Can the Attorney give any indication about what is proposed in relation to private and business premises in respect of fencing and cordoning off? Is it proposed that the fence will be so built? What is the extent to which those private and business premises are to be cordoned off and fenced off affecting access to and egress from them, both in the period leading up to the declared period of five days and during that period?

The Hon. C.J. SUMNER: There will be some disruption to business houses and other people in the immediate vicinity of the Grand Prix circuit—that is the fact of the matter. The Government, through the Board, undertakes to go through procedures that will minimise that disruption.

The Hon. K.T. Griffin: And pay compensation in appropriate cases?

The Hon. C.J. SUMNER: I do not know about compensation for any damage that occurs. I do not think that there will be any compensation for straight out disruption.

The Hon. K.T. GRIFFIN: There are, among other things, some doctors' rooms in the area. For a period of five days, and possibly longer, they are to be fenced off. If they are to be adequately protected they must have appropriate fences

and barriers around them. What will the doctor and his patients do during the period that access is limited or prevented?

The Hon. C.J. SUMNER: There will still be access, but it may not be as convenient access as exists at the moment—people may have to walk.

The Hon. K.T. Griffin: Even during the five day period?

The Hon. C.J. SUMNER: Even during the five day period there will be a carriageway, I understand. I am not sure how that will operate with the crowd. There are unresolved issues there. As far as possible, attempts will be made to minimise disruption.

It may result in some people having to, in effect, have a holiday for that period. On hopes that that does not occur and that it is possible to maintain access to the business houses that may be affected. It is a situation of give and take. I suppose that the Brittania Hotel may expect to get some kind of bonanza out of having been fortunate enough to be placed on the corner where the motor vehicles go around. It may be asked to make some contribution to the Board for achieving this bonanza out of the Grand Prix. I am being flippant about that, of course. There will be benefits to a large number of people; there will be some inconvenience to others. Attempts will be made to minimise the inconvenience. Obviously, we cannot say at this stage what the extent of the inconvenience will be, but all possible attempts will be made to minimise them.

The Hon. R.I. LUCAS: I understand the intent of clause 24 (1). Clause 24 (2) allows fencing or cordoning off for a period not falling in the declared period. The Hon. Mr Griffin outlined the situation where for five days there can be fencing and cordoning off, and I understand that. What is the intent or reason behind the fencing or cordoning off for a period not falling in the five-day period? Is the Attorney-General only talking in terms of a day here or there or about longer periods than just a day or two?

The Hon. C.J. SUMNER: This will apply to works carried out outside the five-day period. It will be necessary to take action to cordon off part of the declared area in order to carry out these works. Obviously, there will be a large number of works that will have to be carried out.

The Hon. R.I. Lucas: That can be at any time through that year, not just the days leading up to the declared period.

The Hon. C.J. SUMNER: That is right.

The Hon K.T. GRIFFIN: I put on the record my grave concerns about this clause because it effectively overrides private rights. No matter how much goodwill is demonstrated, there may be serious prejudice to the rights of individuals in respect of access to their premises by themselves, their customers, clients and others. While I appreciate what the Attorney-General has indicated that every endeavour will be made to minimise that, I would hope that the Government would also be prepared to consider some financial compensation to those who genuinely suffered significant disruption as a result of the Grand Prix. As the Hon. Mr Lucas pointed out, it is possible for the cordoning off to have a prejudicial effect for a longer period than the five days. I think that it is a serious matter and should be recognised as a serious infringement on the proprietary rights of those who have properties bordering on the declared area. I do not want to oppose the clause, because I recognise that it may be necessary, but I hope the Government will be more than prepared to accept a responsibility for the disruption to persons with that sort of difficulty who are on the boundaries of the declared area.

Clause passed.

Progress reported; Committee to sit again.

EQUAL OPPORTUNITY BILL

The House of Assembly intimated that it insisted on the amendments to which the Legislative Council had disagreed.

Consideration in Committee.

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

That the disagreement to the amendments be not insisted on.

Motion negatived.

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

That a message be sent to the House of Assembly requesting that a conference be granted to the Council respecting certain amendments and that the House of Assembly be informed that, in the event of a conference being agreed to, the Council would be represented at such conference by the Hons. K.T. Griffin, Diana Laidlaw, Anne Levy, I. Gilfillan, and the mover, who will manage the conference on the part of the Legislative Council.

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

To insert the name of the Hon. K.L. Milne in lieu of the Hon. I. Gilfillan.

The Hon. C.J. SUMNER: I oppose the amendment. The Hon. Mr Gilfillan is eminently reasonable as a manager.

The Hon. K.T. Griffin: It does not match the numbers. Usually one gets three managers from the general majority.

The Hon. C.J. SUMNER: That would be the case if the Hon. Mr Gilfillan supported the Government on all matters. Both the Hon. Mr Gilfillan and the Hon. Mr Milne want to be managers. They both sit on the cross benches and they are both Democrats. The only way to resolve the matter is by division.

The Council divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and K.L. Milne.

Noes (8)—The Hons G.L. Bruce, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons R.C. DeGaris and R.J. Ritson. Noes—The Hons. Frank Blevins and B.A. Chatterton.

Majority of 1 for the Ayes.

Amendment thus carried; motion as amended carried.

PLANNING ACT AMENDMENT BILL (No. 4)

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Planning Act, 1982. Read a first time.

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

That this Bill be now read a second time.

Members will recall that this is not the first occasion on which the provisions of subsection 56 (1) have been brought to the attention of this Council. Members will recall that in May this year they were asked to consider and vote on an amendment to section 56, the purpose of which was to suspend the operation of placitum *(a)* of subsection 56 (1) of the Planning Act. That amendment now appears in subsection (3) of section 56.

Members will recall that that amendment became necessary as the result of a judgment delivered by His Honour Judge Ward in the Dorrestijn case, that is, the case involving scrub clearance on Kangaroo Island. That case involved an interpretation of placitum 56 (1) *(a)* of the Planning Act. The South Australian Planning Commission appealed to the Full Court of the Supreme Court against that decision and, in April last year, when this Council was asked to first consider the suspension of that placitum, we were awaiting the judgment of the Full Court. Accordingly, the amendment was not to operate until declared to do so by proclamation, and the Government gave to this Council an undertaking

that the amendment would not operate until the final decision in the Dorrestijn case became known.

The Government has honoured that undertaking. Honourable members will recall that the South Australian Planning Commission won the Dorrestijn case in the Full Court. However, Mr Dorrestijn appealed to the High Court, which appeal was heard in Canberra in August this year. After the hearing of that appeal it became apparent that the 'sunset' clause provisions suspending 56 (1) *(a)* would be inadequate in that they would expire before the judgment of the High Court was handed down. Accordingly, last month this Council agreed to an amendment varying the 'sunset' provision from 1 November 1984 to 1 May 1985.

On 29 November 1984, the High Court delivered its judgment in the case. The High Court decided, three judges to two, to reverse the decision of the South Australian Full Court. Accordingly, a special Executive Council meeting was held on that day, at which meeting His Excellency the Governor made a proclamation bringing subsection (3) of section 56 into operation. In other words, His Excellency suspended the operation of placitum 56 (1) *(a)* of the Planning Act, and honourable members will appreciate that that suspension will now last until 1 May next year.

Honourable members will recall that 56 (1) *(a)* was suspended in order to bring developments not involving changes of land use under the normal provisions of the Planning Act. The amendment necessarily extended beyond developments simply involving the clearance of scrub. It was, I think, accepted by the Council that the consequences of the Dorrestijn judgment were such that it was necessary to introduce holding legislation while the matter was further considered. The purpose of this Bill is to ensure that that holding legislation already accepted both in this Council and in another place remains effective and implements the intentions of honourable members expressed when the amendment was agreed to.

The Bill is necessary because the High Court, when considering the proper interpretation to be placed on 56 (1) *(a)*, made certain comments with respect to the proper operation of 56 (1) *(b)*. The views of the High Court with respect to the interpretation to be placed on 56 (1) *(b)* are such as to substantially detract from the fair and the effective operation of the Planning act. What the High Court said in effect is this: the purpose of section 56 (1) *(b)* is to preserve the rights that a person has under the development plan at a given time, notwithstanding any subsequent changes to the development plan brought about by a supplementary development plan approved by Government and this Parliament, pursuant to section 41 of the Planning Act.

In other words, the High Court regarded a use that is permitted in a development plan as being an authorisation of that use for the purpose of 56 (1) *(b)*. The Court based this conclusion on the wording of subsection 47 (3), which permits the undertaking of a development permitted by the development plan without planning consent. This, the High Court said, was an authorisation of that development and thus protected by 56 (1) *(b)*.

In other words, where a supplementary development plan changes land use controls in such a way that what was a permitted use becomes either subject to consent or totally prohibited, persons owning land immediately prior to that change are permitted to undertake that development without any planning consent, notwithstanding that those changes have been approved by the Joint Committee on Subordinate Legislation of this Parliament, pursuant to subsection 41 (12) of the Planning Act.

The Government's concern on this matter is substantially increased by reason of the fact that there is no time limit on these rights. I will give a simple example: assume that the development plan as it stood when the Planning Act came into force in November 1982 designated a rubbish tip as a permitted use with respect to a particular piece of land in, say, a special industry zone; the view of the High Court is that such a use is authorised by the Planning Act. Let us assume that in July 1984 a supplementary development plan changed the development plan by designating that land and its surroundings to be be residential and, when so doing, declared a rubbish tip to be a prohibited use. What the High Court has said is that, notwithstanding the change in the development plan, the right to use that land as a rubbish tip continues so that 10 or 15 years later the owner of that land may commence to use that land as a rubbish tip without having to even apply for planning consent, let alone get it.

The judgment of the High Court is faily vague on some of the ramifications flowing from its opinion: for example, it has not addressed the question of whether or not such rights disappear if there is a change in land ownership. Be that as it may, the judgment is of substantial concern to the Government because it puts in legal doubt many of the planning controls presently thought to be in operation in this State, planning controls designed to protect the public interest and to guide future urban and rural development.

I think it appropriate to point out that Mr Justice Brennan, who delivered one of the minority judgments in the High Court, considered some of the consequences that would flow if section 56 (1) *(a)* is to be construed in the manner in which it was ultimately construed. He said, with respect to such interpretation, that 'if 56 (1) *(a)* was so construed it would authorise the division of land into allotments, the demolition of an item of State heritage or the erection of buildings—to mention some of the acts defined as 'development'—provided that the act in question was involved in using the land for an unchanged purpose. Such a construction would emasculate the planning regime which the Act creates.' As I have said earlier, honourable members will recall that this Council has passed legislation seeking to avoid that situation arising.

Problems of a similar nature have now arisen under placitum 56 (1) *(b)*, and the purpose of this Bill is to seek to avoid those problems. What the Government is asking this Council to do is to apply now the same principles which it applied in April this year when it initially agreed to the suspension of placitum 56 (1) *(a)*. While the Government would prefer to settle once and for all the provisions of section 56 of the Act, it is clear that it would be most unwise to leave unresolved until the new year the further difficulty that has now arisen.

In order to ensure the passage of the sunset provision now proposed, the Government is prepared to support the motion proposing a Select Committee to inquire into vegetation clearance controls, and will ask the Select Committee to examine the question of compensation, with particular reference to:

- Appropriate means of funding any compensation payments;
- Other problems involved in any vegetation compensation arrangements, for example, provisions encouraging owners to apply to clear, to repeatedly apply to clear, to benefit from what would otherwise have been unproductive or marginal land for farming purposes; and
- The extent to which any compensation arrangements might, in fairness, be expected to flow on to other people who are refused development consent under the Planning Act.

The planning and environment protection system which operates for the benefit of South Australians must not be put in jeopardy in the intervening period. For that reason, the Government proposes to extend the provisions of the

sunset clause to apply not only to section 56 (1) *(a)*, but also to section 56 (1) *(b)* for the same period as the Parliament has already agreed upon, namely, until 1 May 1985.

Clause 1 is formal. Clause 2 amends section 56 of the principal Act. The effect of the amendment will be that paragraph *(b)* of subsection (1) will be suspended until 1 May 1985. I commend this Bill to the Council.

The Hon. M.B. CAMERON (Leader of the Opposition): The words that come to my mind are 'at last'. I am very relieved to find that at last we are moving towards a situation that might relieve the problem that has arisen in vegetation clearance controls. I give credit to the Minister for Environment and Planning for taking this step towards a resolution and for indicating that he will agree to the additional term of reference to the Select Committee. I imagine that it will be an additional term of reference to that already indicated by the Hon. Mr Milne to ensure that the factor of compensation is examined in detail by the Select Committee. I understand, also, that this means that the Government will look positively at the question of taking vegetation clearance out of the planning area and into a separate Act of its own.

I believe that that is sensible. I would assume that the forecast made by the Hon. Mr Milne to have my private member's Bill (which I introduced on behalf of the Opposition) also referred to the Select Committee provides one basis for the committee to arrive at any findings that it might consider proper. That does not meaning that I consider that Bill to be the only way around the problems, but it will provide one basis of discussion and it will enable people to make submissions. I am quite certain that everyone who has been concerned about this problem will be relieved to know that at last there will be a Select Committee supported by all Parties in the Council to examine the problem and to give all people in the community who are interested the opportunity to present evidence on this problem, including conservationists, farmers, citizens and everyone who has an interest. I am very pleased indeed that that will occur.

It is important that one matter is cleared up: we must make absolutely certain that no retrospective action is taken in the case of people who have been operating within the law as outlined by the judgment given on 29 November. In Committee I will ask the Minister whether he is prepared to indicate the Government's attitude towards people, including Mr Dorrestijn, who have been operating within the law even though there has been an argument about that matter. In the long run those people were found to be operating within the law and it is important that they are now not taken outside the law by any action of this Council. If there is any doubt at all, I would like the matter to be cleared up.

The Opposition has co-operated in having this matter brought before the Council at this late hour without a great deal of notice for one reason and one reason alone—if there is any doubt at all that it will cause unnecessary clearance of land or any other unacceptable development because of the doubt associated with the Bill that is being proclaimed, it must be cleared up in the interim. That is absolutely imperative. I do not agree with clearance proceeding away from the basic principles that have been laid down until the Select Committee can meet and consider the whole problem.

It also means that the situation must be reviewed before May, and that is important for people who are concerned about this move tonight to remember. The matter will have to be cleared up and people will have the opportunity to put their view. This is only an interim measure: it will provide protection against unnecessary developments in the meantime and the matter will be opened up again if there is no resolution before May. The Opposition supports the rapid passage of this Bill to ensure that protection is provided under the principles laid down by the original Bill.

The Hon. K.L. MILNE: I support what the Minister and the Leader of the Opposition have said. I thank the Minister and his colleagues for their attitude to this matter. I am quite sure that they will be very satisfied with the result. We believe that the attitude of everyone involved in this matter will change between the time this Bill is passed and the appointment of the Select Committee. There will be an indication that the war is over and that people are not attacking each other, that they are trying to get along together.

When the Hon. Martin Cameron suggests that special attention should be given to compensation, speaking more as an accountant than a politician, I believe that we would be able to design a system whereby people would know what the compensation was worth. I will suggest that we consider valuing the compensation, if the Government decides to take it seriously, but not necessarily paying it, because the funds may not be available. We may discover that, and it would be foolish for this Government to commit itself or the next Government to huge payments that could not be made without damaging other sections of the economy.

The Hon. M.B. Cameron: You have an open mind on that?

The Hon. K.L. MILNE: I have an open mind on the whole matter. A valuation on compensation paid over a series of years would alter the value of the property. If it was to be sold, the farmer could be compensated by the buyer. That puts a different complexion on the problem. It takes away the responsibility of the relatively few farmers who are left to contribute to the scheme, that is, the farmers who are left with native scrubland to clear. I am very gratified at the Government's response and I am sure that the Government will be gratified with the result. This action will produce a warm feeling in the farming community and I look forward to the appointment of the Select Committee.

The Hon. J.R. CORNWALL (Minister of Health): I am absolutely delighted to find that the official Opposition, represented by the Hon. Martin Cameron, and the cross benches, represented by the Hon. Lance Milne, have agreed to support this Bill, which was introduced in rather extraordinary circumstances.

The Hon. M.B. Cameron: In emergency circumstances.

The Hon. J.R. CORNWALL: Yes. I continue to point out that we must all get our act together before May 1985. The sunset clause remains. We are now supporting a Select Committee and some of the more significant terms of reference of that committee. I should refer to a couple of other matters at this stage rather than in Committee. We gave undertakings in discussions with the Opposition and the Democrats prior to this emergency introduction. I therefore formally wish to place on the record the following undertakings. First, where a person prior to Thursday 29 November 1984 had undertaken native vegetation clearance which did not involve a change of use of the land so cleared, the Government will not commence or maintain proceedings with respect to that clearance. That undertaking has been given clearly and specifically and in the hand, I might add, of the Minister for Environment and Planning. Therefore it is written in the blood, so to speak, of the Minister for Environment and Planning and a photocopy of that undertaking was handed to the Leader of the Opposition in this place (Mr Cameron) prior to my having it officially incorporated in the record.

The second undertaking that I wish to give the Council and you, Mr President, because you have a very direct and vital interest in this matter, is that the same principle would apply to any urban development presently being undertaken under planning approval: that is, the Government is not seeking retrospectivity in this legislation.

I believe that those undertakings are major ones that go a great way towards achieving the sort of approach that is necessary if we are to arrive at some consensus in this Council in relation to this matter. I ask all members to support the legislation.

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

GOLDEN GROVE (INDENTURE RATIFICATION) BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 2041.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this Bill. This is a large development project, possibly the largest land development ever in this State. I believe that the way in which it has finally been arrived at will be acceptable. It is unfortunate that there has been some controversy surrounding its birth. That controversy has arisen through, I suggest, some ineptness on the part of the Minister and the Government. It is unfortunate that this controversy surrounds what is a very exciting and worthwhile undertaking. The company that has been chosen as the joint developer and joint venture partner is undoubtedly a group that has a proven land development record and has the expertise to undertake a large-scale project.

It is also clear that the group is large enough to survive downturns that may well occur during the time that this project is under way. Past experience with land development has shown that downturns occur and that there is a necessity for some capacity to come through those downturns. Some people, companies and a bank have had badly burnt fingers as a result of downturns in the land market.

The Hon. Peter Dunn interjecting:

The Hon. M.B. CAMERON: There have been some sad events and people in various States, certainly in this State, have been involved. It is important that the joint venture partner selected should have the capacity to survive changing market conditions. I am quite certain that that is the case with the people selected on this occasion and, of course, they have come through a very large project, indeed, at West Lakes. It is also essential that the project get underway as soon as possible to ensure the speediest possible release of the first development stages of the project because, as everybody knows, there has been a fairly dramatic increase in the price of blocks of land, so the sooner there are some releases and the land gets on the market, the better.

It is unfortunate that in the process of this joint venture being set up the Chairman of the Urban Land Trust, Mr Roche, has found it necessary to resign. He is a man I am quite certain would have been of great value to the project. It is quite obvious that there has again been some ineptness here in the way in which selection of the people who will represent the Urban Land Trust was carried out. Mr Roche is a very prominent citizen of this State and is held in high regard in the real estate industry. He is a man of high and unimpeachable integrity. I think that it is a great shame that he is not now involved in the organisation that will be developing this area. The Government has something to answer for in the way that it has carried out negotiations leading to the setting up of the Joint Trust Property Group Limited.

It is a very exciting project, and I am quite certain that people would have been surprised to read that some objection was taken to the fact that some people would make money out of this project. The fact is that people do not go into this sort of project without a desire to make some money. The whole purpose of investing money is to make money. I do not believe that huge profits will be made, but the people involved are businessmen who will be in there to ensure that they make a profit. However, there will not be excessive profits made. I am pleased that the Government has some involvement in this venture to ensure that some of that profit will be shared by the people of this State through this joint venture.

Some of the people who are now indicating some displeasure about not being involved are showing that displeasure because they would like to be in there making a profit, too. I believe that the Government has made a wise choice in selecting a large and reputable firm, which will, as I have said, be able to survive the downturns that occur in the market over the very long period of time that this venture will be proceeding. I believe, as the Opposition believes, that negotiations in relation to this matter have taken place over an appropriate time and that there have been some very wide negotiations and discussions about it within the community. The Government is to be given some credit for this.

It was indicated in the Select Committee report that during the course of the hearing it became apparent that, in fact, the significant advantage of this development project is that it secures important social objectives that could not be achieved through the normal process of urban development. There is something to be said for the fact that having a very large project enables that process in fact to take place. I know that the Hon. Mr Hill will be saying something about this matter, but I indicate that the Opposition supports this venture. I say again that it is disappointing that there has been so much controversy surrounding the initial stages, and I trust that from now on it will have no further hiccups, will proceed and that the people in this State will benefit from this extremely large development.

The Hon. C.M. HILL: First, I protest at the short time in which to review this very complex and lengthy measure adequately. As honourable members know, it came into this Chamber yesterday. We worked until 2.28 a.m. yesterday morning. Many of us then had committee work during the forenoon and we began this particular sitting at 12 noon yesterday, and it is now 1.6 a.m. this morning.

The Hon. Anne Levy: We can see that. You do not need to take time to say it.

The Hon. C.M. HILL: Those who read *Hansard* will want to know how this Government treats important legislation. Its programme of rushing major Bills through should be condemned. It does not know the first thing about trying to rationalise its programme so that the people who are elected to this Council and supposed to review legislation adequately can do it. There has been far too much haste. I could not get a copy of this Bill as reprinted for the Legislative Council. Indeed, I have had to look at a copy of the Bill from the other House. It is a very unsatisfactory situation. I foresee that in the future, when some difficulties may arise concerning this measure, they may well be sheeted home to the fact that this House, in particular, has not had long enough to review the Bill. This matter went before a Select Committee in another place and I have much respect for that committee's deliberations and report. At least that is some assurance that people in the other place have looked at the matter fairly closely.

One major factor in the measure deals with the situation relative to the South Australian Housing Trust. Here again, the problem is shrouded somewhat in mystery. I understand that the difficulties that confronted the Trust regarding the Golden Grove project were that the Trust expected that part of the land at Golden Grove would be available to it at cost price so that it could build public housing on that cheap land. I think that members in this place would want to see the Trust having relatively cheap land available to it for its welfare Housing programmes. Of course, with the Labor Government, which purports to represent those in great need, that did not occur. The Government saw to it that the Trust was unable to obtain its parcel of land at Golden Grove at a cost price.

The Hon. J.R. Cornwall: It didn't put them in ghettos.

The Hon. C.M. HILL: That is an interesting interjection. The Minister in charge of the Bill says that it did not put them in ghettos.

The Hon. J.R. Cornwall: Tract development they call it; and public housing not welfare housing.

The Hon. C.M. HILL: Not only is the Minister an expert in health—he purports to be an expert in housing. He is getting his terms correct. He might get his terms correct, but he should know from the Bill, of which he is in charge, that he is charging the Trust and compulsorily making the Trust acquire land in this proposal on such a basis that the entrepreneurs behind the scheme gain 32 per cent profit.

The Hon. J.R. Cornwall: Don't you like profit?

The Hon. C.M. HILL: I want to see the needy housed in this State. I want to see an optimum number of 32 000 homeless people that are in the queue at the Housing Trust obtain accommodation.

The Hon. J.R. Cornwall: It's a damn shame you didn't do something about it when you were the Minister.

The Hon. C.M. HILL: The Minister says that it is a damn shame that I didn't do something about it when I had a chance to. I remind him that we broke all records for the commencement of welfare housing.

The Hon. J.R. Cornwall: You broke all records for foolishness in throwing away all sorts of tax bases within weeks of getting into Government. You were a disaster.

The Hon. C.M. HILL: The socialist opposite is still in great pain because he saw a Government remove death duties in this State.

The Hon. J.R. Cornwall: No, you were mugs. You ran us into a $120 million deficit in the time you were in office. That's terrible.

The Hon. C.M. HILL: The Minister says that we were mugs because we lifted land tax on surburban homes; he says that were mugs because we lifted gift duties; he says that we were mugs because we made other consessions. I know the pains of the Minister when he sees individuals in this State come into line with individuals elsewhere in Australia. Nevertheless, we went to the people with the promise that we would do it, and we did. At least we honoured our promises. I do not want to go off on a tangent and tell the Minister the number of promises that he has not honoured as yet. I remind him that the people know. The people knew in Elizabeth last Saturday. The figures, as they are coming through now, put this Government behind on a State-wide count. Perhaps he should change some of his socialistic views, give credit to the people and allow them enterprise so that they can keep the State progressing.

However, I return to the question of the Housing Trust. There has been some mystery because some of the land, it appeared, was to go to the Trust on a cost basis, and the Government refused that. The General Manager of the Housing Trust, Mr Paul Edwards, resigned as a member of the Urban Land Trust Board as a result of that situation. We find in the Bill before us that the Trust must buy approximately 30 per cent of the land to be sold in the whole estate and that it may pay prices that give 32 per cent profit to the developers. On top of that we find recently that the Chairman of the Urban Land Trust, Mr John Roche, who is a highly reputable Adelaide businessman and experienced as no other individual is in this field in this State, suddenly resigns.

We know that the Trust is short of land and that it is somewhat limited in regard to its capital funds. As a result of the Government's proposal in this scheme of making the Housing Trust take all this land at retail prices, naturally it will have to build fewer properties because it will have to put more money than it should have to put into the land content of these properties. Without any doubt this calls into question the Government's attitude towards the Housing Trust. It calls into question the Government's attitude to welfare housing or, if the Minister wants to call it public housing, then I will call it public housing. It calls into question the Government's attitude to the needy in this State. Again, I remind the Minister that there are approximately 32 000 homeless applicants for Housing Trust houses. By the Government's action in regard to this matter it will cost more per completed house because of the increased price of the land and there will be, as I said, fewer houses built. When we add to that rumours in the housing industry at the moment that the Housing Trust's production will be cut back because of the lack of State funding in the future, it is a sorry state of affairs.

The blame should be sheeted home to this Government. Single family parents, the aged and the unemployed—the people this Government should be championing and not treating in this way—are going to find that fewer of their number in future will be housed by the Housing Trust because of the policy laid down in the Bill. That is a deplorable state of affairs. I draw the attention of honourable members to the Bill at page 10, Division 6, under the heading 'Public Housing'. I intend to refer to paragraphs that support the points I am making. Paragraph 6.3 provides:

> The joint venturers shall offer to SAHT at fair market value (being the price at which the joint venturers would effect the sale of residential allotments to private builders or others buying land in similarly large quantities) appropriate residential land in the development area sufficient to satisfy the SAHT requirements and to enable SAHT to secure for its own purposes between twenty-five (25) and thirty (30) per cent of total dwelling units in the development area.

The Hon. G.L. Bruce: A very worthwhile achievement.

The Hon. C.M. HILL: The honourable member opposite interjects and says, 'A very worthwhile achievement.' He should be ashamed of himself. Before proceeding to paragraph 6.4, I want to reiterate what I have read in paragraph 6.3. The Bill says that the Housing Trust shall be offered approximately 25 per cent to 30 per cent of the total dwelling units in the development area, and it will be offered that land at retail market value, the same price as the ordinary buyer in the market will have to pay. That is my first point. Paragraph 6.4 provides:

> The State shall ensure that the SAHT shall purchase from SAULT through the joint venturers or from subsequent owners sufficient land and/or dwellings as shall be necessary to enable the SAHT to secure or provide 20 for a total of between twenty-five (25) and thirty (30) per cent of the total dwelling units to be built in the development area.

It is perfectly clear that the State will see to it—this Government opposite—that the South Australian Housing Trust shall buy that land. In other words, if the Trust can buy cheaper land elsewhere it will not be able to do so. It is being forced by this socialist Government to build up its stock at these retail prices which will involve a 32 per cent profit to the joint venturers. That is the position in which the Trust will find itself. The Government should hang its head in shame in getting into deals of this kind.

Obviously, what the Government should have done was to say that 25 per cent or 30 per cent of the land shall go to the Trust at cost and let the joint venturers make their profit on the balance of the land. Let us think of the needy and the Trust as Governments have before—

The Hon. J.R. Cornwall: Not the greedy—

The Hon. C.M. HILL: What is the Minister talking about?

The Hon. J.R. Cornwall: Your lot!

The Hon. C.M. HILL: I do not understand what the Minister is saying.

The PRESIDENT: It does not matter. You are doing well without him.

The Hon. C.M. HILL: I do not know about that. I would like to convince the Minister about the error of the Government in what it is doing in this Bill. In regard to Division 6, which deals with public housing, I intend to oppose this provision because I cannot give my vote to it as a person who has had close association the Trust, as a person who has had a high admiration for the Trust and as a person who really wants to do something to help these 32 000 people who are waiting for homes. The Government has come along and is saying that the Trust must hand over 32 per cent profit and that it will then build homes and it will then let some people in the queue—the needy people seeking public housing—take the accommodation on that basis.

It is unbelievable that the Government should get involved in that kind of practice. Without a doubt, as a result, it has forsaken the respect and goodwill of the Trust and it has turned its back on the very individuals in our community whom it purports to help. Thank goodness we have one major political Party that is really concerned about such people.

The Hon. G.L. Bruce: You sound like a rabid socialist over there.

The Hon. C.M. HILL: The honourable member is trying to be funny and is not achieving it.

The Hon. G.L. Bruce: You are going crook at us as a socialist Government for going into partnership with a capitalist show.

The Hon. C.M. HILL: I am not going crook at you about the 70 per cent of land that will be sold on the open market and there is profit in that. I am not going crook at you for that. I wish I could get it into the Government's head: I am going crook about the 30 per cent of the land that is going to the Trust—you are forcing the Trust to take it at retail prices. That is what I am cross about.

The Hon. G.L. Bruce: That's all right—we are half partners and we will get the profit back.

The Hon. C.M. HILL: You will get the profit back at the expense of the needy. You are going from bad to worse. There is another important matter in regard to the Bill.

The Hon. J.R. Cornwall interjecting:

The Hon. C.M. HILL: He is the muttering Minister and I cannot understand what he is saying. I seek an assurance from the Minister about another important aspect of the Bill. It is going to fix this ceiling of 32 per cent profit; that was also confirmed, I am willing to admit, by the Select Committee. All points considered, that is fair and reasonable. Many years ago the company that the Government has accepted as the private corporation in this matter—the Delfin Corporation—then in another name, (in effect, in the name of its parent) operated at West Lakes, and I had reason at one stage to make searches of titles and to check on the change of ownership of land at West Lakes. I found that from time to time the company did transfer land to persons who had some interest in the company. Sometimes it was a personal interest; sometimes it was business interests; sometimes the transferees were interstate interests with associations with the company. There were instances down there where the land changed hands several times before it eventually was built upon by the final consumer.

In the change of title there were large profits made by the speculators to whom the company sold the land. I do not want to stress this point too much or go into it in great detail, but it was obvious that the results in the original company's books showed only the profits gained on the first sale. However as the land changed hands from time to time there were higher aggregating profits, until such time as the allotments fell into the hands of builders and houses were built or they came into the hands of individuals who built.

The Hon. C.J. Sumner: You never did that with your company?

The Hon. C.M. HILL: No, I did not. I want an assurance from the Government that that same practice could not occur here in the Golden Grove scheme. I would think that the Government would support me on this point, and I hope the Minister supports that. If it occurred at Golden Grove, the Delfin Corporation would certainly honour its agreements and would show through its books the normal 32 per cent profit. However, if this same practice occurred again, other people would be making further profits along the line until the land was built on. Of course, that would mean that the ultimate consumers would be paying very high prices for the land.

I have been told that there are forms of encumbrances that will be placed on these titles which will ensure that purchasers will build on the allotments within a certain period. Frankly, because of the lack of time that I have had to look at this Bill in detail I cannot fully understand the plans the Government has within this measure in regard to such encumbrances. In other words, if encumbrances are to be placed on all the allotments that are sold on the open market, and if those encumbrances require the actual purchaser of the land and the person who actually enters into that encumbrance to agree to improve that land within a certain period, I am satisfied. That is the way that that other practice, which might be termed 'inside trading' (to which I referred earlier), would be prevented at Golden Grove. I inform the Minister that during the Committee stage I will question him on this matter, because I want an assurance that all the allotments sold will be encumbered and that the actual purchaser who acquires land from the joint venturers will be required to build on the land. That will prevent the purchaser from reselling on and making further profit because, as I said earlier, if that purchaser—

The Hon. C.J. Sumner: I thought you were in favour of profit.

The Hon. C.M. HILL: The Attorney misses the point, because he just came into the Chamber. If a purchaser has some interest with the Delfin Corporation, that purchaser would be getting around the maximum of 32 per cent profit which the Government has insisted upon in the Bill. I stress that I am not accusing the Delfin Corporation of intending to do this; I am not saying that it will do it. However, I think Parliament has a responsibility to ensure that it simply cannot happen. If it could happen, it would make a complete farce of the proposed 32 per cent maximum profit. I repeat that years ago I personally searched titles in which the company that was associated with Delfin at West Lakes became involved in transactions in the sale of land to people interested in that parent company, and this aggregation of profits occurred. I repeat that I do not want to take that matter any further. However, I want to ensure that consumers at Golden Grove will not be hit to leg.

The Hon. J.R. Cornwall: Hear, hear!

The Hon. C.M. HILL: I am now hearing 'hear hears' and at last I seem to be on common ground with the Minister. In the short time that I have had to review the legislation those two points have emerged. I think they are very important. I repeat: first, it is unbelievable that the Labor Gov-

ernment will force the South Australian Housing Trust—this State's welfare housing instrumentality—to buy up to 30 per cent of all this land at retail prices.

The Hon. J.R. Cornwall: No—under favourable conditions.

The Hon. C.M. HILL: It is at prices 'at which residential and other land is offered on the open market'.

The Hon. J.R. Cornwall: It gets the first lot under favourable conditions—you know that.

The Hon. C.M. HILL: What does the Minister mean by that? It gets the first lot—

The Hon. J.R. Cornwall: At $18 000—that is what I mean.

The Hon. C.M. HILL: How can the Minister say that it gets the first lot after I have read clause 6 (3) of the Bill we are being asked to approve?

The Hon. J.R. Cornwall: Read the Select Committee's report.

The Hon. C.M. HILL: I am not concerned with the Select Committee's report; I am concerned with the Bill before us. For the Minister's benefit, paragraph 6 (3) provides that the joint venturers will offer to the Trust at fair market value (being the price at which the joint venturers would effect the sale of residential allotments to private builders or others buying land in similarly large quantities) appropriate residential land in the development area sufficient to satisfy the Trust requirements and to enable the Trust to secure for its own purposes between 25 and 30 per cent of the total dwelling units. The Minister cannot deny that the Government could have seen to it that the Trust could have got cheap land. It could have bought the land at cost, and the Government could have done this deal with its private corporation for the balance of 70 per cent. It could have made the 32 per cent profit on that, and I would have no quibble with that. If it had done that, the Trust would have been able to buy more allotments with its available funds. Consequently, more of those individuals who are in dire need of housing accommodation would have obtained such accommodation. That is something for which this Labor Government should be condemned.

My second point, which I repeat, is that, if the encumbrances require purchasers to build on the land, I am satisfied. However, if a purchaser of land can get around the encumbrance and resell the land on, and if it can be sold on two or three times, ultimately the consumer will pay a lot of money and, further, the issue in this Bill of the 32 per cent profit as a maximum will be overcome and the profits will be much higher than that. That is not what the Government intends and I am sure it is not what the whole of Parliament intends. I make those two points very strongly and I will listen with interest to the Minister's reply in the Committee stage.

The Hon. I. GILFILLAN secured the adjournment of the debate.

EQUAL OPPORTUNITY BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the House of Assembly conference room at 10.30 a.m. on Thursday 6 December.

AUSTRALIAN FORMULA ONE GRAND PRIX BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2165.)

Clause 25—'Certain Acts and laws not to apply to declared area.'

The Hon. K.T. GRIFFIN: This Bill does a number of things in relation to existing legislation and for the declared area during the declared period: it suspends the operation of the Road Traffic Act, the Motor Vehicles Act, the Noise Control Act, the Places of Public Entertainment Act and by-laws made under the Local Government Act, as well as dealing subsequently with the Planning Act and the law relating to nuisance. If, as the Government has indicated, there may be times during the declared period when the public are allowed to use the roads and perhaps other parts of the declared area, in those circumstances how will the Government enforce, say, the provisions of the Road Traffic Act, which require keeping to the left hand side of the road, driving with due care and attention, not exceeding the speed limit, and so on?

The Hon. C.J. SUMNER: That would be a problem only if roads within the declared area are opened up. At this stage we do not know whether they will be. The proposition that was being put forward was to use regulations to impose any controls that might be necessary.

The Hon. K.T. GRIFFIN: There will be a difficulty in trying to use regulations to reinstate the provisions of any one or more of these Acts because I do not believe that the regulation-making power is either wide enough or can reinstate the law and impose appropriate penalties. I flag that for the Government; it may want to give some further consideration to it later.

It may be that, after this whole operation has settled down a bit, towards the end of the session other people might come to the same conclusion that I have reached: if it is going to give access to parts of the declared area, particularly the rights for some part of the declared period, it will need some other legislative provision to apply the Statutes which are suspended. I merely put that on the record as a concern I have got. It is really a matter for the Government as to whether it wants to do anything about it.

In respect of the suspension of Places of Public Entertainment Act, can the Government give any indication as to what particular parts of that Act it had in mind in determining to suspend the operation of that Act for the declared period? I would have thought it would be particularly relevant in view of the large numbers of people who would be attending occuping the stands either on the declared area or the area adjoining. I suppose that, because they are only suspended in the declared area, if one is outside the boundary the Places of Public Entertainment Act may still apply and one would have the curious position of grandstands or other activities inside the declared area not being bound by the Places of Public Entertainment Act and those outside the perimeter being bound. That may result in some curious consequences. Did the Government have in mind any particular provisions of that Act to suspend?

The Hon. C.J. SUMNER: All the stands and the like will be within the declared area.

The Hon. K.T. Griffin: Was not there to be one at Prince Alfred College? That is not in the declared area.

The Hon. C.J. SUMNER: We are apparently not proposing to put a stand at Prince Alfred College unless that can be negotiated with the College.

The Hon. K.T. Griffin: There's one in a photograph in the *Advertiser.*

The Hon. C.J. SUMNER: As I understand it, all the entertainment will be within the declared area because one has to charge admission to it. It has to be fenced off.

The Hon. K.T. Griffin: All the stands will be inside?

The Hon. C.J. SUMNER: Yes, the whole area is declared as the place at which the event is to be conducted and that

will include tents for refreshments, hot dog stalls and merry go rounds.

The Hon. R.I. Lucas: Cowley's pie cart?

The Hon. C.J. SUMNER: All those sorts of things, and they will all be in the declared area unless someone wants to try to make some money out of it by establishing something outside the declared area. If it is outside the declared area they will be governed by the normal law. Inside the declared area the exemptions will apply. In respect of the Places of Public Entertainment Act, advice from the Department of Public and Consumer Affairs was that the race could be a public entertainment.

The Hon. K.T. Griffin: There's not much doubt about that.

The Hon. C.J. SUMNER: No; it could constitute a place of public entertainment like the Adelaide raceway apparently is a place of public entertainment. That being the case, the Act would apply and it is to overcome the possibility of the Places of Public Entertainment Act applying to this event.

The Hon. K.T. GRIFFIN: That really raises another question in relation to that area of the proposed declared area down near Hutt Street and Flinders Street where I understand there will be some houses inside the declared area. Technically, during the declared period the Motor Vehicles Act, the Road Traffic Act, the Noise Control Act and by-laws will not apply to those homes because they are inside the declared area. Perhaps that will not create a problem, but I can envisage that in a remote circumstance there may be a need for the Noise Control Act to apply in relation to those premises or, for that matter, for the law of nuisance to apply. Obviously, I do not believe that that can be reinstated by regulation. I merely flag the point: the Attorney might like to consider it subsequently.

The Hon. R.I. LUCAS: As the grandstand on the PAC grounds would be outside the declared area, what powers or controls does the Government or the Board have in that regard? The Attorney says that negotiations are being held. I would have thought that, if that area is outside the declared area, as long as PAC complies with the necessary controls, it can erect a grandstand and charge what it likes. Are there provisions in the Bill to prevent that?

The Hon. C.J. SUMNER: If PAC wanted to be involved and if something could be agreed with the College regarding the erection of a grandstand, presumably that area could be declared.

The Hon. R.I. LUCAS: Do they have to get permission? You cannot stop them.

The Hon. K.T. GRIFFIN: That area is not parklands or public roads. It is not within the declared area. There will have to be a commercial agreement. Perhaps the Government would want to erect a grandstand and rent it from them.

The Hon. R.I. LUCAS: If PAC, as a commercial venture instead of, say, holding a Christmas fete, erected a stand on its property and charged $20 or $100 a seat, what is to stop that? Why must there be negotiations with the Government and the Board?

The Hon. C.J. SUMNER: As I said, PAC could erect its own stand.

The Hon. R.I. Lucas: They don't have to negotiate?

The Hon. C.J. SUMNER: No, but I am advised that they have already approached the Grand Prix people to see how they can co-operate. If an agreement can be reached, a stand could be erected and the area could be declared.

The Hon. R.I. Lucas: Under what provisions?

The Hon. C.J. SUMNER: A declared area for any year means the area declared by the Minister by notice under Part III to be the declared area for that year.

The Hon. K.T. GRIFFIN: All that can be in the declared area is parkland and public road. Surely, private property cannot be declared, and even those houses around East Terrace which will be alongside the route cannot be included in the declared area.

The Hon. R.I. Lucas: If you can declare Prince Alfred College, you can declare the Brittania Hotel.

The Hon. C.J. SUMNER: It all depends on the co-operation of Prince Alfred College. If the College does not want to co-operate, it can erect its own stand.

The Hon. R.I. Lucas: And take all the money?

The Hon. C.J. SUMNER: They would have to make some. However, I understand that they will not get a particularly good view.

Clause passed.

Remaining clauses (26 to 29) and title passed.

Bill reported without amendment.

Bill recommitted.

Clauses 1 to 4 passed.

Clause 5—'Membership of the Board.'

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

Page 3, after line 6—Insert paragraph as follows:

(ba) one shall be a person nominated by the Leader of the Opposition in the House of Assembly;'

There are several amendments to clause 5 and I propose to deal with them separately. This clause relates to membership of the Board. I have already indicated my reason for moving this amendment. The Opposition believes that whoever is in Opposition there ought to be a nominee of the Leader of the Opposition in the House of Assembly appointed to the Board for the purpose of maintaining a bipartisan approach to the project.

The Hon. C.J. SUMNER: This amendment is not acceptable to the Government. It is not that we have any objection to the honourable member or to the Leader of the Opposition. We believe that acceptance of this amendment would confine the Government's capacity to nominate people to the Board. Of the nine positions three are already fixed for non-Government nominees. The Kensington and Norwood council has already been mentioned as making a bid to have a representative on the Board. It is important that the Government have reasonable flexibility so that it can place on this Board those people it considers able to do the job. This is a fairly high profile, commercial, entrepreneurial activity, and is not really in the nature of the Jubilee 150 Board or the bicentenary authority, which are designed to run events related to the history of the State or the country.

Although the Jubilee Board has some entrepreneurial aspects, it is not the same as the Grand Prix Board, which is really much more—and ought to be much more—being composed of people with expertise and the capacity to get involved in the necessary entrepreneurial activity. For that reason, there will already be a number of people on the Board who represent the community directly, if you like, by way of the City Council and the Kensington and Norwood council, possibly. Also, the Government will need to have someone on the Board, but it is important that the rest of the people appointed to that Board have the skills to carry out what is basically an entrepreneurial activity. For that reason the Government cannot accept the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, and R.I. Lucas.

Noes (10)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. Frank Blevins.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 3, lines 9 to 13—Leave out subclause (2).

That provision is reinstated in a slightly different form as new subclause (5). I want to ensure that the City of Adelaide and the Confederation of Australia Motor Sport have the opportunity to nominate a deputy. It seems to be reasonable that, where a body has a right to nominate a member of the Board, it should also have a right to nominate a deputy. If there is to be any dispute about it I will speak longer, but it seems that this reflects what was probably intended but is written into the Bill to ensure that there is no doubt that when the Government appoints a deputy it is a nominee of the City of Adelaide or the Confederation of Australian Motor Sport, as the case may be. The deputy will, in fact, reflect the interests of those appointing bodies.

The Hon. C.J. SUMNER: That is acceptable.

Amendment carried.

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

Page 3—
Line 20—After the first word in that line insert '(being a person nominated by the person or body that nominated the member)'.
After line 21—Insert subclause as follows:
'(5) If a person or body fails to nominate a person for the purpose of subsection (1) or (4) within one month after receiving a written request from the Minister to do so, the Governor may appoint a person nominated by the Minister, and a person so appointed shall be deemed to have been duly appointed under that subsection.'

These amendments are part of a package. The new subclause extends the obligation to nominate within one month to a deputy as well as to the principal member. If within one month there is no nomination, the Minister can go ahead and appoint.

Amendments carried; clause as amended passed.

Clause 6—'Term and conditions of office.'

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

Page 3—
After line 30—Insert 'or'.
Lines 32 and 33—Leave out all words in these lines.

There is a curious provision in this clause and I am not sure why it is there. It certainly has not appeared in any recent legislation that I am aware of where there has been a provision for appointment of members of boards or committees. It provides:

(3) The Governor may remove a member from office for—
(a) mental or physical incapacity to carry out satisfactorily the duties of his office;
(b) neglect of duty;
(c) dishonourable conduct;

There is no difficulty with those provisions. Then there is the curious provision *(d)*, which states:

or
(d) any other cause considered sufficient by the Governor.

It should be limited to paragraphs *(a)*, *(b)* and *(c)* and my amendment is to delete paragraph *(d)*.

The Hon. C.J. SUMNER: That amendment is not acceptable to the Government. It wishes to have additional flexibility in this area; it is not a statutory authority in the sense that it has any arbitral responsibility.

The Hon. R.I. Lucas : It is an authority established by Statute.

The Hon. C.J. SUMNER: I did not say that it was not a statutory authority. I said that it was not a statutory authority in the sense of having arbitral responsibilities. It is a body established to carry out a specific task. If the Government is not satisfied with the way a member of the Board is carrying out his task, then it ought to have the capacity to remove that person. It is not exactly high risk venture but it is an entrepreneurial exercise, as I emphasised on previous occasions, and the Government therefore wants to maintain the additional flexibility that this ground for removal of a person gives. Presumably, if the Government acted in an unjust way then there would be a row about it and there would be political consequences. In fact, the precedent for it is the Jubilee 150 Act.

The Hon. K.T. GRIFFIN: It really means that the Government can sack the nominees of the Corporation of the City of Adelaide or the Confederation of Australian Motor Sport for any cause which the Government considers sufficient but which might be quite superficial. If there is a neglect of duty one could get them under the neglect of duty ground. I am surprised that the Government is moving to oppose that amendment, which I thought was quite reasonable in the context of the structure of this Board.

The Hon. C.J. SUMNER: We are following a very sound precedent established by the previous Liberal Government in respect of the Jubilee 150 Board.

Amendment negatived; clause passed.

Clauses 7 to 15 passed.

Clause 16—'Trust Fund.'

The Hon. K.T. GRIFFIN: This is contrary to what I indicated I would do when we went through the Bill on the first occasion, but one question just came to mind that is not directly relevant to the clause, although it has something to do with money. Will the Minister indicate whether there will be any special helicopter facilities, say at the Royal Adelaide Hospital? For running this venture I understand that there is a requirement that two medical evacuation helicopters be available because of the difficulty of getting through the crowds with a motor vehicle ambulance. This will require helicopter facilities at one of the nearby hospitals. Does the Government have any present intention to deal with this matter?

The Hon. C.J. SUMNER: There may need to be arrangements made for a helicopter. That will be discussed and, if it is felt necessary, those arrangements will be made. Obviously, a helicopter would only be needed in the case, I suspect, of a fairly disastrous accident and one hopes that that does not happen. I suppose in a high risk sport like motor racing it is always possible. That contingency will be looked at and there will be discussions with the hospitals and with the rescue helicopter, at least to see whether it is necessary to station a helicopter in the track site. One matter of explanation while on this clause, which deals with money, is in relation to answers I gave relating to capital expenditure and the estimated recurrent expenditure. In the first year, $1 million of the $4.5 million capital expenditure is, in fact, the money for the erection and taking down of barriers, stands and the like. In subsequent years that has been included in the $4.5 million recurrent expenditure. So, in the first year the actual estimated recurrent expenditure is $3.5 million, not $4.5 million, because in the first year the $1 million for setting up and taking down is contained in the capital sum.

The Hon. R.I. Lucas: The recurrent deficit in the first year will only be $500 000.

The Hon. C.J. SUMNER: Again, it depends on sponsorship but yes, that would be right, only because in the first year the $1 million is in the capital figure.

Clause passed.

Clauses 17 and 18 passed.

Clause 19—'Annual report.'

The Hon. R.I. LUCAS: I move:

Page 8, lines 27 and 28—Leave out subclause (3) and insert subclause as follows:
(3) The Minister shall cause a copy of the report to be laid before each House of Parliament within fourteen sitting days of that House after his receipt of the report.

I will not repeat the arguments about this. We have had these amendments in many other Bills. It sets down a definite period of 14 sitting days in which the Minister must table a copy of the Board's report in Parliament. I urge the Minister to support it.

The Hon. C.J. SUMNER: I have been successfully urged.

Amendment carried; clause as amended passed.

Clause 20—'Minister may declare area and period for races.'

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

Page 8, after line 42—Insert subclauses as follow:

(3) A notice under this section shall not have effect unless it has been referred to the Joint Committee on Subordinate Legislation and—

(a) the Committee has approved the notice;

or

(b) the Committee has resolved not to approve the notice, copies of the notice have on or after the date of the resolution been laid before each House of Parliament, and neither House has, within six sitting days after the date of the copy being laid before the House, passed a resolution disallowing the notice.

(4) Where a notice has been referred to the Joint Committee on Subordinate Legislation and, at the expiration of fourteen days from the day on which it was so referred, the Committee has neither approved nor resolved not to approve the notice, it shall be conclusively presumed that the Committee has approved the notice.

(5) A notice under this section shall cease to have effect upon the expiration of twelve months from the date of publication of the notice in the *Gazette.*

This clause is one of the key clauses of the Bill. It allows the Minister by notice published in the *Gazette* to declare an area to be a declared area for a year specified in the notice and to declare a period of not more than five days to be the declared period for a year as specified in the notice.

By the stroke of the Minister's pen the powers of the Board in relation to property in the declared area become effective and that will in itself trigger other consequences, including the suspension of the various pieces of legislation referred to in clause 25 during the declared period. It brings other consequencs for those who will be on the boundary of the declared area because of the power to erect fences and to cordon off roads and other areas on the perimeter of the declared area and, of course, it will have an effect on the established rates of the SAJC.

What I want to do is to provide a mechanism that requires that notice signed by the Minister be approved, and I have sought to propose the mechanism which is now in effect in relation to the Planning Act and the development plan so that a notice by the Minister in the *Gazette* is not to have effect unless it has been referred to the Joint Committee on Subordinate Legislation and the committee has approved the notice, or, where the committee has resolved not to approve the notice, copies of the notice have on or after the date of the resolution been laid before each House of Parliament and neither House has within six sitting days after the date of the copy being laid before the House passed a resolution disallowing the notice. Where it has been referred to the Joint Committee on Subordinate Legislation and at the expiration of 14 days from the date on which it was so referred, the committee has neither approved nor resolved to approve the notice, it is to be conclusively presumed that the committee has approved the notice.

That mechanism will not prejudice the conduct of any Grand Prix. It will not unduly delay the establishment of a declared area, particularly if it is done reasonably well in advance, but it does enable some sort of scrutiny of the action of the Minister and ensures that there are at least some safeguards against the abusively very wide power that a Minister has in effect to appropriate property.

There is an additional provision which also requires that the notice is to expire at the expiration of 12 months from the date of publication of the notice in the *Gazette* . That is designed to avoid the possibility of one notice being given maybe years in advance declaring a particular area and/or period so far in advance that it is not subject to public or Parliamentary scrutiny.

So, I want to achieve a balance between the wide powers of the Minister and some supervision of the exercise of those powers in the public interest and in the interest particularly of those citizens who are most likely to be prejudiced by the stroke of the Minister's pen.

The Hon. C.J. SUMNER: That amendment is quite unacceptable to the Government. It places far too complicated a procedure in the Bill for the declaration of the area. It is not tantamount to the appropriation of property, as the honourable member has pointed out. We are talking not about private property but about public roads.

The Hon. K.T. Griffin: You are talking about the consequences in respect of adjoining private property.

The Hon. C.J. SUMNER: The honourable member says that we are talking about the consequences in regard to adjoining private property because the property happens to be near the declared area. That is true, but we know roughly what the declared area will be. The people adjacent to the declared area will be affected, in any event. I do not consider that we really need to take this sort of step. By the passage of this Bill we are giving the Government the power to declare an area for the conduct of the race. By actually having the race we will inconvenience some people. That is a fact of life: we accept that that will happen. Accepting that the declaration of the site for the Grand Prix is necessary, it seems that no good purpose will be served by introducing into the legislation a complicated procedure to get the declaration before the Subordinate Legislation Committee or the Parliament. It may be that Parliament is not sitting and the declaration of the area could be held up for months.

The Hon. K.T. Griffin: The Government has the numbers on the joint committee; you will not be prejudiced by it.

The Hon. C.J. SUMNER: The honourable member says that we have the numbers on the joint committee, which I suppose is true.

The Hon. R.I. Lucas: There could be four Liberals and they could all go different ways.

The Hon. C.J. SUMNER: The problem is that there might be a Liberal Government after the next election, and it is well known that their members do not take any notice of their Cabinet. The whole Grand Prix could be thrown into jeopardy by this amendment. It is an unnecessary set of controls. The Minister is acting in the public interest and, if what the Minister does is not satisfactory, there are political sanctions that apply.

The fact is that by passing this legislation we will inconvenience people. If the honourable member is concerned about inconveniencing people, he should not pass the legislation. We know that there will be a declared area when we pass the Bill. We know roughly where the area will be and we know roughly what people will be affected by it. Really, there is no case for having this procedure introduced into the legislation. It is utterly unacceptable to the Government, which cannot agree to it.

The Hon. I. GILFILLAN: The Democrats will support the Government and oppose the amendment.

The Hon. K.T. GRIFFIN: I am disappointed that the Government, which professes to have concern about proper Parliamentary scrutiny and proper emphasis on individual rights, is willing to ride roughshod over those rights. Likewise, I am disappointed with the response of the Hon Mr Gilfillan. In the light of what I am seeking to do, if I lose the amendment on the voices I do not intend to divide.

The Hon. R.C. DeGARIS: Did the Attorney suggest that the election would be before the Grand Prix?

The Hon. C.J. SUMNER: No. I was referring to the 1986 Grand Prix.

Amendment negatived; clause passed.

Clause 21 passed.

Clause 22—'Board to have power to enter and carry out works, etc, on declared area.'

The CHAIRMAN: There are two clerical mistakes to subclause (3) lines 24 and 25, which will be corrected.

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

Page 9—

Line 20—Leave out 'or' and insert 'and'.

Line 21—Leave out 'failing such agreement in relation to any particular matter,'

Lines 23 to 25—Leave out all words in these lines and insert 'The Minister shall ensure that the terms and conditions binding upon the Board include terms and conditions—'

This clause seeks to give the Board power to have free and unrestricted access to the land comprising the declared area for any year and to authorise it to carry out any works and do any other things on the land that are reasonably necessary for or incidental to the performance of its functions. In exercising those powers the Board has to comply with any terms and conditions that may be agreed by the Board with any relevant council or with any person having a right of occupation of the land. If there is not agreement, then consistently with any terms and conditions determined by the Minister, that puts the Board and the Minister in a very significant position, remembering that the Board is subject to the general control and direction of the Minister, anyway; so, for all practical purposes, they are one.

If there is no agreement, the Minister may impose terms and conditions, and that is the end of it: there is no right of redress by the council or other person who might be prejudiced by that direction. If the Board cannot agree, and perhaps in some circumstances does not want to agree, it really is a matter of the Government's imposing its will, because subclause (3) states that the terms and conditions that may be the subject of agreement or determination include certain specific categories, including reimbursement of costs and expenses and fair and reasonable compensation.

I want merely to ensure that the terms and conditions that may be imposed include terms and conditions set out in paragraphs *(a), (b), (c),* and *(d)* of subclause (3) of this clause. That is more equitable: it means that the Government or the Board just cannot stand aside from an agreement or an attempt to reach an agreement on the basis that subsequently it can through the Minister impose terms and conditions. It really establishes principles and that is important.

The Hon. C.J. SUMNER: This is not acceptable, the reason being that clause 22 (2) establishes a mechanism whereby, if there is no agreement between the Board and relevant councils or persons having right to occupation of the land, the terms and conditions may be determined by the Minister. The honourable member's amendment would mean that, if it was not possible for the Board to arrive at an agreement with a relevant council or another person as to certain matters, there would be an impasse. If there were an impasse there would be no way of resolving it.

The Government's Bill states that the Board shall comply with certain terms and conditions from time to time agreed, but if there can be no agreement, for whatever reason, the terms and conditions may be determined by the Minister. The honourable member's amendment says that the Board shall comply with any terms and conditions from time to time agreed and any terms (that is, in addition to that) and any conditions determined by the Minister.

However, that still begs the question of what happens if there are no terms and conditions that can be agreed between the Board and the council. In other words, the honourable member's amendment defeats the purpose of the clause, which is to provide a mechanism whereby disputes about terms and conditions between the Board and the councils can be resolved.

The Hon. K.T. GRIFFIN: That is not correct, because under my amendment the Board is to comply with any terms and conditions that may be agreed with any relevant council or any person and any terms and conditions determined by the Minister. So, if there are no terms or conditions agreed then it leaves only the terms and conditions determined by the Minister. However, it then goes on to say that, if the Minister determines terms and conditions, then the Minister shall ensure that the terms and conditions binding upon the Board include terms and conditions *(a), (b), (c)* and *(d)*. They are the principles with which I do not think anybody could quarrel. I would have thought that my amendment merely does not prejudice the opportunity of the Board to reach agreement.

It does not prejudice the situation if agreement cannot be reached, because the Minister still imposes terms and conditions, but the terms and conditions imposed must include those terms conditions in *(a), (b), (c)* and *(d)*. That only introduces a measure of fairness. I would have thought there was no great difficulty. In fact, I think that it is fairer, but it does not create any impediment for the Minister or the Board, for that matter. So, I urge the Attorney-General to give some more consideration to it. If he is in doubt, perhaps he could accept my amendment on the basis that he can always reject it in the House of Assembly when the message is reported to the Assembly and it can be further considered overnight or overmorning.

The Hon. C.J. SUMNER: The Government would say that it is basically up to the Board to carry out the functions under the Act, to do the negotiations and establish the terms and conditions with relevant councils. However, all the Bill says is that, in the absence of the Board being able to carry out the duty, the Minister may intervene and determine the terms and conditions: that is all it says.

The Hon. K.T. GRIFFIN: Yes, but the Minister is not bound by any principles of fairness under the Government Bill.

The Hon. R.C. DeGaris: They're not always there.

The Hon. C.J. SUMNER: Yes, they are. I am not sure that I would agree with the honourable member. Subclause (3) refers to terms and conditions that may be the subject of agreement under subsection (1).

The Hon. R.C. DeGaris: We are talking about subsection (2).

The Hon. C.J. SUMNER: That is right.

The Hon. K.T. GRIFFIN: There is a typographical error. As I understand it, table staff have corrected it, but I did not pick up what the typographical error was.

The CHAIRMAN: It is only that subsection (1) should read subsection (2), lines 24 and 25.

The Hon. C.J. SUMNER: I do not agree with the honourable member that the Minister would not be bound. I think the terms and conditions referred to in subclause (2) would be limited to the terms and conditions referred to in subclause (3).

The Hon. K.T. Griffin: No, they are not.

The Hon. C.J. SUMNER: That is my interpretation. We are referring to one set of terms and conditions. The terms and conditions that the Minister may adjudicate upon are those set out in the whole of the council and would be governed by the criteria established in clause 21 (3).

The Hon. K.T. GRIFFIN: With respect, that is not correct. Subclause (3) provides:

The terms and conditions that may be the subject of agreement or determination . . .

They include certain terms and conditions and may be the subject of agreement or determination. That does not mean that they shall be. That is really what I am trying to incorporate in the clause.

The Hon. C.J. Sumner: I do not think it is acceptable to limit them to what is in clause 22 (3).

The Hon. K.T. GRIFFIN: I am not limiting them. My amendment provides that the Minister shall ensure that the terms and conditions binding upon the Board include terms and conditions. I ask the Attorney to have a good think about this, because I think it is important. If it is not amended it will mean that the Minister can impose any conditions he or she likes without any regard to principle at all.

The Hon. C.J. Sumner: He can already.

The Hon. K.T. GRIFFIN: The Minister can impose them, but at least under my amendment some basic principles are established in relation to fairness.

The Hon. C.J. SUMNER: I think the honourable member is confused. Under clause 22 any terms and conditions can be agreed to between the Board and any relevant council or any person having the right of occupation. In coming to an agreement on those terms and conditions, subclause (3) sets out those things that may be the subject of agreement but not 'shall be the subject of agreement'. I do not see that what the honourable member is doing is valid, unless he wants to completely confine the areas of potential agreement. It seems to me that that is what he is doing.

The Hon. K.T. Griffin: I'm not doing that.

The Hon. C.J. SUMNER: That is my interpretation of what the honourable member is doing: he says that he wants the Minister to be bound by the criteria established in subclause (3).

The Hon. K.T. Griffin: To include terms and conditions.

The Hon. C.J. SUMNER: That is already covered.

The Hon. K.T. Griffin: It's not.

The Hon. C.J. SUMNER: I beg to differ. The terms and conditions that may be the subject of agreement or determination under subsection (2) include—

The Hon. K.T. Griffin: 'May be'.

The Hon. C.J. SUMNER: That is right. In other words, any agreement can be reached in terms and conditions outside of those matters determined in subclause (3). In respect to the Minister, the honourable member is saying that the terms and conditions he lays down must be those in subclause (3).

The Hon. K.T. Griffin: Plus others.

The Hon. C.J. SUMNER: No.

The Hon. K.T. Griffin: Yes—'include' is not limiting.

The Hon. C.J. SUMNER: I really do not see what the honourable member is trying to achieve, quite frankly. Maybe it is too early in the morning, but I do not believe that what the honourable member is trying to do is consistent with the Bill as introduced.

The Hon. I. GILFILLAN: Possibly I may be unique in this, but I am still a little confused. However, I think it is fair to indicate that in that confusion I will lean towards the Government, and I will advise my colleage to do the same.

The Hon. K.T. GRIFFIN: The position is that, if the amendment is not carried, there will be no obligation on the Minister to direct anything that is reasonable. The Minister is not bound to include paragraphs *(a), (b), (c),* and *(d)* in subclause (3), and that seems to me to be a very sweeping power for a Minister to have. My amendment will ensure that those paragraphs are included, but not exclusively so, in any direction the Minister gives. If the Hon. Mr Gilfillan is confused and leans towards the Government, there is no point in my taking further time of the Committee in dividing on the amendment. So, if it is lost on the voices, I will be disappointed. I believe that I am still right, and I hope that the Attorney-General will look at the matter, or have his officers look at the matter, between now and the time when the message reaches the House of Assembly so that there can be some further consideration of the points I have raised.

The Hon. C.J. SUMNER: I am happy to look at the matter, but as I see it at the moment I do not envisage a problem.

Amendment negatived; clause passed.

Clause 23 passed.

Clause 24—'Certain land to be deemed to be lawfully occupied by Board.'

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

Page 10, after line 13—Insert subclause as follows:

(2a) Any exercise of the powers conferred by this section must be specifically authorized by resolution of the Board.

This relates to the power of delegation. I want to ensure that any decision to fence or cordon off an area is made by the Board, that whilst that action will be implemented by officers, servants, agents, workmen or contractors, the Board itself will make the decision as to what will or will not be fenced or cordoned off. I do not think this would prejudice the operation of the Board.

The Hon. C.J. SUMNER: I think the problem with this is that, again, it is unduly bureaucratic. In relation to the Board having to undertake certain works which involve the fencing or cordoning off part of the declared area in order to carry out those works, surely there ought to be the flexibility for people to do that under some general delegated authority from the Board. It may be that they could be in the business of erecting a stand and in the middle of doing they find that they must cordon off an area nearby not previously envisaged as being necessary. Under the honourable member's amendment they would have to stop work, convene a meeting of the Board, put the matter of the new area to be cordoned off to the Board, and get approval to do so. It would be similar to a road maintenance gang going out one morning, cordoning off or blocking traffic in West Terrace to carry out some road maintenance work, getting halfway through the work and then finding that it needs to do some extra work that was not contemplated in the original instructions given by the boss back at the Adelaide City Council headquarters. They then have to pack everything up and go back to the city council to ask for specific approval to carry out the additional work.

The Hon. B.A. Chatterton: Call a council meeting.

The Hon. C.J. SUMNER: Or in this case call a board meeting. From the Government's point of view this seems to be excessively bureaucratic in terms of carrying out the objects of the exercise.

The Hon. K.T. GRIFFIN: It is not excessively bureaucratic. If the Board does not have a clear proposal for fencing or cordoning off a portion or the whole of the declared area, I suggest that its planning is gravely in default. The problem with fencing or cordoning off is that it has the potential for restricting individual rights—not to get into a premises but in respect of those domestic, business and other premises that are on the boundary of the declared area. The declared area can go up to the front fence of a person's home and, under the Attorney-General's proposal, a member of the staff of the Board could go along and say, 'We will put a fence and a cordon here', and put it up.

That could cause a great deal of concern, inconvenience and prejudice to the property owner. Because it impinges to such an extent on individual rights (or has that potential) the Board ought to make the decision in relation to such matters: it should not be left to an officer, workman or contractor down the line who may have some delegation of power to make any decision he or she needs to make to get the work done. I do not believe that this will implement unnecessary bureaucratic control. It will place the responsibility for impinging on individual rights with the Board, which is where that responsibility ought to lie.

The Hon. C.J. SUMNER: The responsibility still rests with the Board through its staff. The fact is that if the staff behaved in the manner that the honourable member has outlined, I am sure that a complaint would be taken up with the Board, which could consider that complaint. It seems to me that to place a restriction on the cordoning off of an area on the express resolution of the Board is unnecessary, even in terms of the protection of people's rights.

The Hon. I. GILFILLAN: We will be voting with the Government in relation to this amendment.

The Hon. K.T. GRIFFIN: I am disappointed about this. We will keep a list of these infringements of individual rights and match them against the Government's performance. As the Hon. Mr Gilfillan has indicated that he will support the Government in relation to this amendment, if I lose the vote on the voices, and in order to save time. I will not call for a division.

Amendment negatived; clause passed.

Clause 25—'Certain Acts and laws not to apply to declared area.'

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

Page 10, line 25—After 'Planning Act, 1982,' insert 'and the City of Adelaide Development Control Act, 1976,'.

This amendment seeks to include the City of Adelaide Development Control Act along with the Planning Act as Acts that will not apply in regard to the works carried out with the approval of the Board.

The Hon. I. GILFILLAN: I move:

Page 10, lines 25 to 27—Leave out subclause (2)

I will enthusiastically oppose the Attorney-General's amendment as it seems to compound the felony of avoiding the responsibility of previous legislation. I will not speak at length in favour of my amendment as it is quite plain. It prevents the Bill from avoiding its proper and rightful obligations to comply with the Planning Act. There is no reason why there should be an exemption from the Planning Act. Will the Attorney-General advise what is foreseen in the development that will be obstructed by compliance with the requirements of the Planning Act?

The Hon. C.J. SUMNER: There has to be a considerable amount of work done in preparing the track. It will extend from the construction of overpasses to the erection of signs and stands, all on a temporary basis. All that would be covered by the Planning Act.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: We are not talking about permanent structures but about structures that will be there for five days. That is the problem with the honourable member's suggestion. For five days every year planning approval will have to be obtained for the erection of temporary hoardings, stands, overpasses and the like.

We have given an indication that these are temporary works and are there only for the duration of the Grand Prix. For that reason the exemption is sought. In any event, the Government, in regard to most of the area, is not bound by the City of Adelaide development plan, although, from an administrative viewpoint, it does comply with it. So, legislatively, if the Government wished to ignore the planning procedures of the City of Adelaide development plan, it could do so and there would be no recourse. The restrictions, as far as the planning law is concerned, would apply only to Dequetteville Terrace, which is covered by the Planning Act, being part of Kensington and Norwood council area. Apart from that situation, the Government does not believe it is necessary. We are not building a hotel in the middle of Victoria Park racecourse on this occasion; we are constructing temporary stands, overpasses and the like which are to be removed.

The Hon. K.L. Milne: What forces them to be removed?

The Hon. C.J. SUMNER: I suppose that nothing forces them to be removed, except the honourable member's protests when, three months after the Grand Prix, there is a stand still erected on one of the roads or in the middle of Victoria Park racecourse. The intention that has been outlined is to erect a track and the other facilities necessary to conduct the race on a temporary basis to enable the race to be held and then to demolish them and store them until the next year.

The Hon. I. GILFILLAN: I do not see, if the Planning Act is worth its salt, that it cannot cater for developments that are either temporary or intermittent—I do not know which would apply here. It is a pathetic excuse for the swashbuckling attitude that the Government has to its legislation, and I am far from satisfied about it.

The Hon. K.T. Griffin interjecting:

The Hon. I. GILFILLAN: I was not in a position to make an accurate assessment of that but I certainly feel I am in this case. I am particularly unhappy with it, and I do not intend to extend my verbal attack on the Government. I trust on behalf of my colleague and myself that I make plain that we certainly oppose this clause of exemption, and we oppose the further extension of that to the City of Adelaide Planning Act.

The Hon. K.T. GRIFFIN: As reluctant as I am to support the Government on this, after its treatment of my balanced amendments, I have to indicate that I will not be supporting the amendment of the Hon. Ian Gilfillan, although I have some sympathy with it. What I have sought to do in my subsequent amendment to add a new clause 25a is to some extent to overcome the difficulty by requiring certain copies of plans of works proposed to be carried out by the Board to be available for public inspection. There is no obligation other than to make the information public and, if the Government later considers this clause in the spirit of making the information freely available, then I think it will to some extent meet some of the objections that the Hon. Ian Gilfillan has raised in relation to the abrogation of the Planning Act. However, I feel—as the Attorney has said, because the structures are mere temporary structures, which I hope they will be and that we are not misled about that—that I will not be supporting the Hon. Ian Gilfillan's amendment.

The Hon. C.J. SUMNER: With respect to the Hon. Mr Ian Gilfillan, he has overlooked clause 10 (1) *(b)* which clearly states that the functions of the Board are to establish a motor racing circuit upon a temporary basis and to do all other things necessary in connection with the conduct of financial and commercial management of each Australian Formula One Grand Prix promoted by the Board. So, it is talking about a racing circuit established on a temporary basis; it is not a permanent operation in the sense that permanent structures will be established for the racing circuit.

The Hon. I. Gilfillan: Why do you need exemptions from the Planning Act?

The Hon. C.J. SUMNER: Because there will be a number of things that will be required. There will need to be a certain amount of flexibility.

The Hon. I. Gilfillan: Are you going to contravene the Planning Act?

The Hon. C.J. SUMNER: Yes, it will clearly be contravened. There is no question about it.

The Hon. K.L. Milne: Who will authorise that?

The Hon. C.J. SUMNER: That Act authorises it by giving exemptions from the Planning Act. Clearly, the Planning Act will be contravened. If a stand is erected in the middle of Victoria Park racecourse, the Planning Act will be contravened. There is no question about it. If a 50 metre Marlboro hoarding is placed along Dequetteville Terrace in front of Prince Alfred College to block out its stand because it is trying to cash in on the Grand Prix, then that will

probably be contrary to the Planning Act. There is no question that the Planning Act will not be complied with, but it is necessary in order to hold the Grand Prix. As I said in the second reading reply, if one imposes the Planning Act—

The Hon. R.C. DeGaris: —one cannot have the Grand Prix.

The Hon. K.L. Milne: What difference does it make?

The Hon. C.J. SUMNER: Because the very conduct of the Grand Prix is probably contrary to the Planning Act.

The Hon. K.L. Milne: It ought to be cancelled.

The Hon. C.J. SUMNER: At 3 o'clock in the morning the Hon. Mr Milne wants the Grand Prix cancelled. That is very unreasonable, especially in the light of the Hon. Mr Hill's increasingly short temper about the whole thing.

The Hon. C.M. Hill: One cannot legislate at 3 o'clock in the morning when one has been doing the same thing 24 hours previously.

The Hon. C.J. SUMNER: We are doing a good job. It is the best debate we have had all day. That is the difficulty we have. In any event, even if the planning provisions were such as to say that it would make provision for all these things, it would just introduce a completely unnecessary and unacceptable planning rigmarole into the establishment of what are, essentially, temporary structures.

The Hon. K.L. Milne: Nonsense!

The Hon. C.J. SUMNER: The honourable member says, 'Nonsense.' What happens if three days before the race is due we finally secure a $300 000 sponsorship from Marlboro which will involve, among other things, the erection of a big sign in front of Prince Alfred College?

The Hon. R.C. DeGaris interjecting:

The Hon. C.J. SUMNER: Anything; and say that that has not been included in the application initially put forward. What do we have to do? We have to do another application. It has to go before a special meeting of council.

The Hon. K.L. Milne: You can get all that fixed up before.

The Hon. C.J. SUMNER: It may not be. Every cent that can be made of it, the Board had better make, as far as the Government is concerned. If that involves getting a late sponsor and that sponsor wants something out of it in terms of publicity and we have to erect a hoarding or put up some other monstrosity around the circuit to satisfy that sponsor, then we will have to do it. Under the Planning Act the erection of a stand in Victoria Square racecourse would be a use—

The Hon. C.M. Hill: Victoria Park! That is what happens at 3 o'clock in the morning. You have won the vote, why don't you go home?

The Hon. C.J. SUMNER: The saving grace is that the Hon. Mr Hill is alert and he picks me up when I make an inadvertent error.

The Hon. C.M. Hill: You won the vote.

The Hon. C.J. SUMNER: They are arguing the toss about it. I am trying to convince them. If one wants to erect a stand in Victoria Park racecourse it is probable that it would not have the sort of use that a council could permit anyhow. If the Planning Act applies it is probably in an area dealing with the erection of some things to which the council could not consent, anyhow. The fact is that if honourable members want the Grand Prix to go ahead they have to agree to exemptions from planning legislation.

The Hon. I. GILFILLAN: I am not very amused by this argument: it is expediency coming forward. It makes a farce of the Planning Act. If the Planning Act cannot cater for development (and it is called a development) of this nature it needs amending. One does not dodge around just exempting it whenever it fits the circumstances and then cheerfully chuckle about it. No wonder the people of South Australia have little faith in the implementation of the Planning Act, because here we see it very cheerfully exempted because it might inconvenience a certain project. Everyone hears all around that we will get some sponsorship for it, and I am not against that: that is not the reason for making this amendment. However, I refuse to be cheerfully cajoled into a corner and to accept another blatant flouting of legislation.

The Hon. C.J. Sumner: What happens if the council can't consent?

The Hon. I. GILFILLAN: Whether it happens at 3 a.m. or at any time I certainly intend that my voice is heard in protest, and I think that if one wants to establish confidence in legislation one has to comply with it.

The Hon. C.J. Sumner: You don't want the Grand Prix?

The Hon. I. GILFILLAN: I take the opportunity for claiming misrepresentation and I am prepared to argue that. I have not at any stage said that. In fact, my earlier comment was one of enthusiasm for the Grand Prix; so, I suggest to the Attorney that if he wants me to stop my speech he will stop interjecting, speaking nonsense and misrepresenting me. On the other hand, I feel strongly enough about it, keen as I am to go home, to make absolutely plain that I am not persuaded by any means that there is justification for this exemption.

The Hon. G.L. BRUCE: Surely it should be seen as a one off situation. I cannot understand the Hon. Mr Gilfillan's argument that the planning regulations should be able to take care of it under the normal procedures of the planning legislation. If that were so, it would mean that anyone at any time anywhere could run one of these things anywhere in Adelaide, but because it is a one-off situation I believe that an exemption should be made. If we have a Planning Act so drafted that one can fit all these things into the Planning Act so that it is all things to all people at all times it will not be worth a crumpet; so, one must have the one-off situation where something like this can be done and the Act can be overridden. I believe that it should be done that way. I do not believe that the Act should be able to take care of all things at all times.

The Hon. R.C. DeGARIS: What I cannot understand about the Hon. Ian Gilfillan's argument in regard to this clause is that he wants to delete reference to the Planning Act and the City of Adelaide Development Control Act but the Road Traffic Act is unaffected. What about the Noise Control Act and the Places of Public Entertainment Act? There are also regulations or by-laws made under the Local Government Act. So, if one is to say that the Planning Act and the City of Adelaide Development Control Act is dealt with, one must go through all the others as well in exactly the same way, and I think that that would make the situation completely ridiculous.

The CHAIRMAN: To enable both amendments to be considered I will put the question that the words in subclause (2) down to and including '1982' in line 25 stand as printed. If they are struck out the Hon. Mr Gilfillan can proceed to leave out the remaining words in subclause (2). Otherwise, the words stand. The question is 'That the words in subclause (2) down to and including "1982" in line 25 stand as printed.'

The Committee divided on the question:

Ayes (17)—The Hons. G.L. Bruce, J.C. Burdett, M.B. Cameron, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, L.H. Davis, R.C. DeGaris, Peter Dunn, M.S. Feleppa, K.T. Griffin, C.M. Hill, Diana Laidlaw, Anne Levy, R.I. Lucas, C.J. Sumner (teller), and Barbara Wiese.

Noes (2)—The Hons. I. Gilfillan (teller) and K.L. Milne.

Majority of 15 for the Ayes.

Question thus carried.

The Hon. C.J. Sumner's amendment carried; clause as amended passed.

New clause 25a—'Plans of proposed works to be available for public inspection.'

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

Page 10, after line 30—Insert new clause as follows:

'25a. The Board shall cause copies of the plans of all works proposed to be carried out by the Board to be available for public inspection at a place designated by the Minister by notice published in the *Gazette*.'

The Hon. C.J. SUMNER: That is acceptable.

New clause inserted.

Clauses 26 to 28 passed.

Clause 29—'Regulations.'

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

Page 11, after line 35—Insert subclause as follows:

(2a) Any regulation relating to the declared area for any year shall cease to have effect upon the expiration of twelve months from the date of publication of the regulation in the *Gazette*.

My amendment is to ensure that each year, after the previous year's experience with the Grand Prix, the regulations that relate to the declared area for any year will come back for review by the Joint Committee on Subordinate Legislation so that the regulations are not promulgated once and for all with Parliament not being given any opportunity to scrutinise those regulations in the light of experience. The proposal is that any regulation relating to the declared area for any year shall cease to have effect on the expiration of 12 months from the date of publication of the regulation in the *Gazette*. That means that a new set of regulations relating to the next year's declared area will be required to be promulgated for that year.

The Hon. C.J. SUMNER: That is not acceptable to the Government. There seems to be no point in this exercise.

The Hon. K.T. Griffin: There is a lot of point in it—maintaining public scrutiny.

The Hon. C.J. SUMNER: The Government cannot agree with it. It is not the usual procedure with respect to regulations.

The Hon. K.T. Griffin: But this is an unusual Bill.

The Hon. C.J. SUMNER: No, it is not. It is a very important Bill. It would be a great pity if this amendment was passed and thereby destroyed the very good record that we have so far with this Bill. I cannot see any valid reason for this amendment. If there is concern about the operation of the Grand Prix and the regulations that are promulgated in any year and if the Government is intransigent and refuses to act or amend the regulations, there are opportunities for people to raise those things in the Parliament, to move motions requesting changes to regulations, to ask questions, and for political pressure. I really do not see that this additional method of scrutiny is necessary.

The Hon. I. GILFILLAN: The Democrats will oppose the amendment.

The Hon. K.T. GRIFFIN: Unlike the Democrats, I can count and, although it is a matter of principle, if I lose on the voices I will not divide.

The Hon. C.J. SUMNER: I thank the Democrats for indicating their support and their co-operative attitude to the Bill during the debate.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

COMPANIES (APPLICATION OF LAWS) ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

BUILDING SOCIETIES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CO-OPERATIVES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 3.24 a.m. the Council adjourned until Thursday 6 December at 2.15 p.m.