HOUSE OF ASSEMBLY

Wednesday, October 20, 1976

The SPEAKER (Hon. E. Connelly) took the Chair at 2 p.m. and read prayers.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

GLADSTONE GAOL

In reply to Mr. VENNING (September 8).

The Hon. J. D. CORCORAN: The District Council of Gladstone applied to the Minister of Tourism, Recreation and Sport for a grant to carry out a feasibility study on the use of the gaol for some community purpose. I understand that the Minister is soon to consider the council's application.

ACOUSTICS LABORATORY

In reply to Mr. COUMBE (Appropriation Bill, October 6).

The Hon. J. D. WRIGHT: The grant to the University of Adelaide will enable the acoustics laboratory at the university to be used for purposes other than training undergraduate and postgraduate students. Besides permitting the university to employ technical staff to assist in research projects aimed at solving noise problems of an industrial nature, it will also enable specialised courses to be organised and conducted by the acoustics laboratory for people in industry to bring them up to date with current developments. This will also serve as a convenient forum for airing specific problems. These courses should be of interest to all people who are concerned with controlling noise at work, and it is hoped that management representatives and trade union officials, as well as others who are professionally involved, will attend. Appropriate officers of my department will participate in such of those courses as may be appropriate for their activities.

RAILWAY STATIONS

Mr. WELLS: Will the Minister of Transport give consideration to having railway stops (or stations) numbered rather than designated as a certain area? Members would be aware that bus stops are numbered, and the general public finds this system most convenient. I believe that, if railway stations were numbered rather than designated as a district, an advantage would result to the travelling public. For instance, Mitcham railway station serves not only the postal area of Mitcham but also the postal area of Lower Mitcham and one or two other places. I therefore ask the Minister whether he will consider adopting such a procedure in the interests of the travelling public.

The Hon. G. T. VIRGO: It has been suggested (and I am sorry that the question apparently causes hilarity among some members opposite) that, in the interests of many new settlers of this State, it could be easier if our entire transport system used numbers rather than names.

Mr. Venning: I want a ticket for station No. 2.

The Hon. G. T. VIRGO: I do not believe that the member for Rocky River has much regard for the general populace other than those in his immediate district, so we are always willing to excuse him for his shortcomings. However, the Government does have regard for the general populace. The Good Neighbour Council, which this Government highly respects but which I know is ridiculed by people like the member for Rocky River and others, has suggested—

Mr. VENNING: I rise on a point of order, Sir. I ask the Minister to withdraw that statement, because it is totally unnecessary.

The SPEAKER: There is nothing in the Minister's remarks that is unparliamentary. The honourable Minister of Transport.

The Hon. G. T. VIRGO: As members would know and, indeed, as the member for Florey has indicated, bus stops have been numbered for a long time. The adoption of that system has helped people find their way around. In recent months we have embarked on a plan to do away with the destination locations on buses and to adopt numbers. We have started with bus services numbers 16 and 32, and it is interesting to note that, since numbers have been introduced, I have not received a complaint.

Mr. Becker: Well, we have.

The Hon. G. T. VIRGO: The member for Hanson mumbles in his normal fashion, "Well, we have," but he never takes the trouble to direct complaints that he claims he has received—

Mr. Becker: Because it's a waste of time.

The Hon. G. T. VIRGO: —to the proper authority. The honourable member says that it is a waste of time, yet he says that he has received complaints. If that is the way he represents his electors, it is time that someone else represented them.

Members interjecting:

The Hon. G. T. VIRGO: There is much merit in considering seriously the suggestion put forward by the Good Neighbour Council, if it can be demonstrated that it is feasible to introduce a numbering system on metropolitan railways. For the benefit of the member for Victoria, I point out that we are not talking about Naracoorte because obviously that is an adequate name for that station; in fact, a number would do nothing to help. When one considers the metropolitan area, however, and thinks of a location such as Islington, which the member for Torrens would know serves much of his district (namely, Prospect), or when one considers a location such as Dudley Park, which serves not only Dudley Park Cemetery but also Devon Park, one can see that destination names are not adequate today. This matter will certainly be considered and, hopefully, a decision made in due course, and I shall be pleased to let the member for Florey know of the outcome.

SPEEDWAY RACING

Mr. LANGLEY: Can the Minister for the Environment give any information on a proposal to introduce speedway racing at the trotting track of the Wayville Showgrounds, and can he give any advice on the problem of noise to which Wayville and Goodwood residents might be subjected as a result if the speedway scheme gets off the road?

These two suburbs are in the Unley District, and there has been considerable discussion among residents about the noise factor.

The Hon. D. W. SIMMONS: This matter has been brought to my attention by the Director of my department, and an environmental officer with the relevant qualifications in engineering has submitted a report on the proposal, the details of which I will briefly outline. As I understand it, the proposal comes from an organisation known as International Moto-Cross Pty. Ltd. which wishes to hold five speedway meetings a year on Saturdays with races taking place between 8 p.m. and 10 p.m., although, of course, with people coming and going, it would extend beyond that time. The first meeting was intended to be held on November 6, and to carry out its meetings the company needs the permission of the Unley City Council. The council formally advertised the proposed use of the land, and I believe objections closed on September 27. Although that date has passed, my Director has written this week to the council recommending that it oppose the application because, on consideration of the available data, he believes that considerable noise nuisance will be experienced by local residents and I can understand the honourable member's concern. Under the noise legislation to be introduced soon, the estimated noise level that would be created at the showgrounds would contravene the Act in respect of residential areas. For that reason, an approach has been made to the council not to grant permission for this series of meetings to be held.

MEDICAL INSURANCE

Mr. OLSON: Can the Attorney-General say what action, if any, can be taken against business firms in respect of providing financial assistance to employees for conditional private health coverage? My attention has been drawn to a letter from Longyear (Australia) Proprietary Limited, signed by Mr. C. J. Savage, General Manager, to the company's employees offering to pay 50 per cent of the cost of medical insurance on table H5, provided that the coverage is placed solely with the National Health Services Association of South Australia, and this appears to be a deliberate attempt to sabotage Medibank. Can the Attorney-General advise whether such action constitutes a breach of the Trade Practices Act and, if it does, what penalties are involved?

The Hon. PETER DUNCAN: I shall be pleased to examine the matter the honourable member has raised, which sounds to me to be a most serious example of discriminatory practices in business, and I will bring down a report for him on whether or not there has been a breach of the Trade Practices Act. I think that the sort of practice to which the honourable member has drawn the attention of the House is wholly undesirable and one which this Government would certainly not condone. It is interesting that he has raised this matter because, if the boot was on the other foot, and if, for example, a State Government body was suggesting that its employees should involve themselves in subsidised medical health insurance with Medibank, I am sure that we would hear a complete chorus of opposition from the Liberal Party and its associates. However, that is not the case in this matter and, accordingly, there has not been much comment on it.

I think it is certainly a discriminatory practice not only against Medibank but also against other private health funds. In the light of that, it is a particularly undesirable practice. It is also undesirable, because it is offering to a group of employees a benefit on a discriminatory basis. That is a most undesirable development and one that, if it spreads, will concern the Government. The attempt to provide a subsidy to the National Health Services Association is an attempt by an employer, no doubt for his own reasons or intentions, to defeat the Government health service, Medibank. I have no doubt that this employer is willing to provide this subsidy in these circumstances in order to ensure that Medibank can no longer continue to be the enormous success it has been in the past.

Medibank has been a real success, and the attempts of the present Federal Government to try to destroy it are to that Government's discredit. What we need in Australia is the best possible health care for the people of Australia, and we do not need the sort of discrimination that seems to be creeping in as a result of the actions of this employer. I do not know the firm Longyear, but obviously it has decided to endeavour to enter the health delivery debate by this discriminatory practice. The reference to the Trade Practices Commission by the State Government will, no doubt, lead to an investigation of this practice at large, because I understand that this is a practice that is becoming more widespread. Several firms have been involved in discriminatory practices of this sort, and this Government will do what it is able to, within constitutional limits, to try to stamp out these practices.

GAUGE STANDARDISATION

Mr. SLATER: Can the Minister of Transport comment on the announcement by the Federal Minister of Transport (Mr. Nixon) about the establishment of a committee of inquiry into the Adelaide to Crystal Brook rail standardisation project? Can the Minister say who are the members of this committee and what are the terms of reference of the inquiry?

The Hon. G. T. VIRGO: I have that information, as I expected that the member for Rocky River would have liked to ask this question but was unable to. The Federal Minister for Transport told me at the meeting I had with him last Thursday that the Commonwealth had appointed a committee to investigate the proposed standardisation of the Adelaide to Crystal Brook railway line, and that Dr. Stewart Joy (who is the Chief Manager, Planning and Marketing, National Bank of Australasia Ltd.) has been appointed Chairman. Dr. Joy was formerly chief economist with the British Railways Board, and has acted as consultant to the United States and United Kingdom on railway matters, as well as to the Melbourne Metropolitan Transportation Committee on the underground railway proposed for Melbourne. Dr. Joy is now chairing the committee of inquiry into the Tasmanian railway system and is assisted in his inquiry by an unnamed senior economist and an unnamed senior engineer from the Australian Public Service. This committee will inquire into and report on the Adelaide to Crystal Brook project, and it is understood that the review of the committee will be conducted concurrently with the Tasmanian review, and that the committee will report to the Australian Government within two months. The announcement that there would be an investigation and a report brought down within two months was made last May. We are now in October, so it seems that there has been a fairly blatant waste of time rather than a case of the Federal Government coming out and honestly indicating that it was winding the project down. I do not know why the member for Rocky River is making the signs

that he is making, but I should have thought that, in the interests of the people of Crystal Brook, whom he should represent, he would be interested in this matter. The terms of reference of the committee are:

1. To examine the proposal to construct a standard gauge line from Adelaide to Crystal Brook and report on the options that are available from an economic point of view, and the optimal timing of such recommended option, taking into account moneys already expended on the project and the projected traffic situation.
2. The report should have regard to the provisions of the Adelaide to Crystal Brook rail standardisation agreement and the rail transfer agreement.
3. The report to be presented to the Minister for Transport within two months of the establishment of the review team.

The reference to the Minister for Transport in the third term of reference is to the Federal Minister, and I only hope that he will not only provide me with a copy but also provide sufficient other copies so that the report can be tabled in this House and made public, because this matter is the business of the State, and it is an attempt to repudiate an agreement that has been properly entered into. That is what this inquiry is all about, and South Australia must take an extremely firm stand on this. I hope that, if necessary, we will be able to call on all Senators, whether Labor or Liberal, to ensure that the agreement that South Australia reached for a standardisation proposal, in the best interests of South Australia, is honoured.

SUN ECLIPSE

Mr. MAX BROWN: Will the Premier say whether he is satisfied that the community has been given sufficient publicity about the forthcoming eclipse of the sun?

Members interjecting:

Mr. MAX BROWN: I think that one honourable member opposite has a touch of the sun, and that that is the trouble. The document issued recently by the Minister of Health has gone a long way to assist the publicising of this matter, but I am perturbed about whether adequate publicity has been made available to schoolchildren.

The Hon. D. A. DUNSTAN: There is some concern that several sporting activities will be taking place at the time of the eclipse of the sun and that some children will not have been fully apprised of the fact that they must not look at the eclipse. It is desirable that all bodies that will be involved in any institutional organisation of children on that day see to it that the children are taken inside during the eclipse.

Mr. Jennings: What about in the schools?

The Hon. D. A. DUNSTAN: There has been publicity in the schools but, unfortunately, as the eclipse will take place on a Saturday, most of the children will not be in a school situation then.

Mr. Jennings: I meant beforehand.

The Hon. D. A. DUNSTAN: Notice has been given through the Education Department about the matter, but it is extremely desirable that all amateur sporting bodies also should take notice of what may occur and of the harm that could be done if any one of their members looked at the eclipse when it occurred. I do not know as yet whether sufficient publicity has been given. I appreciate the assistance the media has given, but I hope the notice given to all amateur sporting bodies, in which children may be involved on the day, will ensure that precautions are taken at the time of the eclipse.

Mr. SLATER: Is the Minister for the Environment taking any action to see what effect the eclipse of the sun might have on our native wildlife?

The Hon. D. W. SIMMONS: Although I am Minister for the Environment, I have no control whatever over this aspect of the environment and no responsibilty for it. On Friday afternoon I will be going to the South-East, and I will be returning late Sunday night. I hope to visit 13 conservation parks, and to be able to position myself at one of those parks just north of Mount Gambier when the lights go out. I will be accompanied by the local ranger, and I will take the opportunity to see what effect the eclipse has on our wildlife. I imagine that the effect on the nocturnal animals and birds will be quite interesting. I will report my findings to the honourable member in due course.

SCHOOL CADETS

Mr. KENEALLY: Can the Minister of Education state the official attitude of the Education Department towards the reintroduction of school cadets? The House already knows my attitude about this, and I am sure I would not be allowed to expand on it. Because of the publicity this move has received recently, I would appreciate the Minister's stating the official attitude of his department.

The Hon. D. J. HOPGOOD: I think I can even do a little better than that and also outline the attitude of the Government towards the matter. We are opposed to the reintroduction of school cadets, and we will not do anything, as a Government or a department, to assist in the reintroduction of cadets. However, that is not the same thing as saying that we, as a Government, will prohibit the reintroduction of cadets in schools. No-one has suggested that there should be a prohibition on the part of the Government or of the Education Department on the reintroduction. Schools may reintroduce cadet units after due consultation with parents and school councils, but the Government is not favourably disposed to the move and it does not see that it should assist with resources those schools considering such a move. I thank the honourable member for giving me the opportunity to make this clear, because I believe that a communication from the Premier to the Prime Minister on this matter outlining the attitude of the State Government has been maliciously misrepresented in some areas by suggesting that action would be taken by me or by the department to actually prohibit the reintroduction. This will not happen, but we are opposed to it and will not assist.

BUSES

Mr. HARRISON: Can the Minister of Transport state the progress being made to complete the delivery of buses to supplement the services of the public transport system? So much hinges on the efficiency of the public transport servicing new areas to meet required bus time tables that many inquiries are being made, especially in my district.

The Hon. G. T. VIRGO: I think a question about delivery of new buses necessary to improve services was asked a few weeks ago. At that time I said that I was not able to be specific about delivery dates. However, since then the design of the bodies of the buses has been finalised, and I understand that about five Volvo chassis have been delivered to the factory that was formerly Freighter Industries Ltd. but which has been taken over

by Leyland Motor Corporation of Australia Limited. It is now confidently expected that a few (but regrettably a small number) buses will be delivered before Christmas this year. When the factory resumes work in February after the Christmas vacation period, more buses will be delivered on a regular basis. When that occurs, we will be able to do many things we have planned. We have problems with some of the old buses bought from the private operators which we wish to phase out as soon as possible because they are unsuitable for the services. We hope that, before long, we will be able to formulate some sort of schedule and indicate when new services can be introduced. I refer, for example, to the circular bus service, which I believe will be a great boon to the public transport system in Adelaide, and also to the east-west Bee-line service.

HILLS QUARRYING

Mr. JENNINGS: Will the Minister of Mines and Energy inform members (because today members opposite seem to be as dumb physically as they always are mentally) what action he intends to take to prevent further quarrying in the hills face zone? A letter in yesterday's *Advertiser* suggested that decisions would be necessary to prevent further quarrying, as many new quarries were now operating.

The Hon. HUGH HUDSON: I think that the statement made in the letter to which the honourable member has referred created a wrong impression. It is not true that a significant expansion has occurred in quarrying in the hills face zone around Adelaide. The only new site that has been opened in the area for some time has been that of Southern Quarries, at Sellick Hill. In addition, the quartzite quarry at Para Hills and the clay pits at Bakers Gully, at McLaren Vale, have opened in the Adelaide Hills, but not in the hills face zone. The existing quarries are protected by present use provisions. Legally they are entitled to continue and, under the law as it stands, apart from action that we can take to ensure effective rehabilitation when it is due, we are not able to prevent existing quarries from continuing to operate. Activities have developed in rehabilitation that are designed to show that the Government is concerned in the matter and that action can be taken to ensure that, in future, existing scars will gradually disappear. Outside of the hills face zone, any quarrying proposal must be considered by the Extractive Industries Committee of the State Planning Authority. Environmental considerations are taken into account in the recommendations of that committee and in the ultimate consideration by the State Planning Authority. Furthermore, the State Planning Authority took over the Tea Tree Gully quarry, which is still being operated, although to a plan enabling it to be phased out in a few years time, and then rehabilitated. I think we will see the first evidence of the success of the rehabilitation programme in relation to that quarry. I realise that those who are conservation minded and who are especially concerned about the scars in the Hills are very much committed to the opinion that anything that is happening is happening far too slowly, and I suppose there is something to be said for that viewpoint. However, it must be recognised that, under the law, existing quarries are protected, even if they are a non-conforming use, and they are able to continue to operate. The establishment of the Quarry Rehabilitation Fund and the regular payments into that fund of a levy on each tonne of quarry material produced have ensured that the Government is able to undertake substantial rehabilitation work as and when required. It is the existence of that fund, a fund now supported in full by the quarry operators, that gives us the ability, as these quarries phase out, to ensure that they are effectively rehabilitated and that the scars now visible will gradually be removed.

Mr. Jennings: Did you say there are some new ones?

The Hon. HUGH HUDSON: The only new one in the hills face zone is the operation of Southern Quarries at Sellick Hill. No other quarries in the hills face zone have been approved for development in recent years. Quarries such as Stonyfell have been in existence for some time.

RAILWAY TRANSFER

Mr. ABBOTT: Is the Minister of Transport satisfied with the report appearing in today's *Advertiser* in relation to the question I asked in the House yesterday regarding the railways transfer and superannuation for railway employees? In today's *Advertiser,* it has been reported that the Federal Government is not willing to enter into a scheme whereby those transferring from the South Australian Railways to the Australian National Railways Commission can continue as members of the South Australian Superannuation Fund. Does the Minister accept the press report as being accurate?

The SPEAKER: Order! I cannot allow that part of the question. No member of this House can say whether or not a statement in the press is accurate. The honourable member could ask the Minister about a statement, or he could ask a question relating to the transfer. We cannot decide in this House whether or not the statement in the press is true. Perhaps the honourable member would reframe the question.

Mr. ABBOTT: Thank you, Sir. Can the Minister say whether the Federal Government is willing to enter into such an agreement?

The Hon. G. T. VIRGO: When the question was asked in the House, I think (although I have not checked *Hansard*) that I used the expression that the Federal Government is now willing to permit those people transferring to remain as members of the South Australian Superannuation Fund. I regret that that was not faithfully reported elsewhere, because I fear it will do much harm to the 8 000 people the Government is seeking to protect. I have taken action requesting that a correction be made, so that the press of this State can live up to its reputation for faithful and correct reporting.

FLAMMABLE NIGHTWEAR

Mr. WHITTEN: Can the Minister of Prices and Consumer Affairs say what provisions apply for the protection of the South Australian public in relation to the sale of highly flammable nightwear for children? I am most concerned that children can be injured, burnt, and greatly disfigured when flammable nightwear catches fire if they stand near a heater, whether kerosene, electric, or any other kind. I have seen a child who has been gravely disfigured, with legs burnt right up to the thighs and disfiguring to the face. I am prompted to ask the question because of a report from New South Wales last week, reported in the *News* of October 13 under the heading, "N.S.W. to protect children from 'flame' pyjamas." The report states that highly flammable children's nightwear will be banned from sale in New South Wales stores next winter. It continues:

Retail stores will be asked to voluntarily stop selling the unsafe nightwear. If the stores don't comply, the Consumer Affairs Minister, Mr. Einfeld, will impose a ban.

I would therefore appreciate any information that the Minister can give me on this matter because, as I have said, I have known a child who was burnt in this way when the flammable clothing stuck to the child and, to remove the clothing, flesh was removed.

Members interjecting:

The Hon. PETER DUNCAN: I appreciate the honourable member's raising this matter because it needs to be aired, as there has not been much publicity and advertising of it in South Australia for some time. It is about time that the matter was further aired, and that was clearly indicated by the interjection of the member for Torrens, who showed his ignorance of the situation by suggesting that this matter was still in the hands of the Labour and and Industry Department. For his information, I am pleased to advise him that the matter is now in the hands of the Public and Consumer Affairs Department, of which I am the Minister. We are considering further extending the protection provided in South Australia. Members who keep themselves up to date with the situation (mostly members from this side of the House) will be aware that, in 1973, uniformity was agreed between all the States concerning children's flammable nightwear. As a result, from January 1, 1974, in Australia and South Australia all children's nightwear had to be labelled with one of four labels. The labelling system provided four categories, as follows: first, low fire hazard garments; secondly, garments designed to reduce fire hazard, which in effect meant that the garment should be kept away from fire because it was highly flammable but well designed; thirdly, warning—flammable garment, which must be kept away from fire because the garment is highly flammable; and fourthly, warning—do not wear under any flammable garment. The labelling system provided some protection to the people of South Australia but, in our view, insufficient protection. I have been told by my officers that the agreement that was reached between all the States about this matter was based on the lowest common denominator; in other words, the State that was willing to go the least distance was the State that determined the level of protection for all Australians. As it was believed at the time that uniformity was highly desirable, these protections came into existence.

As I said earlier, the subject has been further considered and is now handled by my department. Last week I had discussions with the New South Wales Minister for Consumer Affairs (Mr. Einfeld), to see what further action can be taken to protect the people of our respective States. Officers of my department are now considering this matter with a view to extending the protection that was introduced at the beginning of 1974. We intend to see what type of protection can be introduced, or in what areas protection can be increased, to ensure that the situation is better controlled. As I have said, the regulations, as they now apply. apply only to children's nightwear. We are therefore considering extending the labelling system and the protection to all people in the community. The fact that this nightwear is to be worn only by children is not really a sufficient reason for the protection to be limited only to children's garments. As we believe that the protection should be provided for all South Australians, we intend to provide for that as soon as we can work out a suitable, practicable method of doing so. In furtherance of that aim, Mr. Einfeld and I have agreed to discuss the matter further on Friday of this week in Hobart, when Ministers of Consumer Affairs of the Commonwealth and the States will meet, I should be able to report further to the House the results of those discussions. Although I am unable now to tell the honourable member exactly what action we will take, I assure him that this Government has the matter under review.

SEALS

Mrs. BYRNE: Can the Minister for the Environment say what action the National Parks and Wildlife Service is taking to manage the offshore conservation parks to control the destruction of animals for use as bait? It was claimed in yesterday's *Advertiser* that 95 per cent of South Australia's offshore conservation parks were not visited by patrol officers, because boat facilities were not available. Therefore, many of the islands are subject to abuse, especially by fishermen, many of whom use seals for bait.

The Hon. D. W. SIMMONS: I took the opportunity about three weeks ago when I was attending the opening of the Eyre Highway to visit several conservation parks on South Australia's West Coast. In planning for that visit I decided that it would be desirable to visit at least two of the offshore island parks, namely, Nuyts Archipelago Conservation Park and the Isle of St. Francis Conservation Park, both of which are a fair way out from Ceduna. It was suggested when I was making those plans that, as a boat would have to be hired to get out to the islands, it would be appropriate for someone from the museum and the National Parks and Wildlife Service to accompany me to make the greatest possible use of the money spent. However, the time table permitted only one day for the visit and, because of the uncertainty whether we would be able to get out to the island because of the weather, that did not take place. Plans were then made for a longer visit by the officers concerned. Only a couple of days ago I announced that scientists from the projects and resources section of the National Parks and Wildlife Service would hire a trawler to visit several islands and conservation parks off the West Coast next month.

About 30 of the 180-odd parks under the control of the department are islands or island groups and many, of course, are off the West Coast. In a press release that I issued I said that the emphasis in the national parks area was now shifting from massive land acquisition (which has been somewhat forced on us by the drying up of Federal funds) to closer management of areas already held. The press release continues:

Management plans were drawn up by the projects and resources section. This section now planned an extensive biological survey of Pearson, Greenly, and Rocky Islands. A party of six from the National Parks and Wildlife Service and the South Australian Museum will spend five days on Pearson Island, three on Greenly and two on South Rocky. The expedition will be the first in a series of annual visits, with the aim of eventually surveying all offshore island conservation parks.

It is relevant to refer to Greenly Conservation Park because the ranger on the West Coast, Mr. Richardson, who accompanied me on my visit to these islands, told me that there was considerable evidence that fishermen were slaughtering protected animals on Greenly Island, which is about 30 kilometres out from the coast, a considerable distance, which makes it inaccessible.

On my visit, the weather was only fair. The Great Australian Bight was fairly rough and, for the last seven hours of the trip, it was raining. However, I obtained a good idea, perhaps because of the weather conditions, just how difficult, because of their isolation, it is to control

activities on those islands. Although we left at 5.30 a.m. and arrived back at 10.30 p.m., a trip of 17 hours, we spent fewer than three hours on the islands—two hours on Franklin Island and less than three-quarters of an hour on St. Francis Island. So, one can see that it is difficult for the ranger to get out there. These are only two isolated islands out of the archipelago. The trip back took about seven hours. Obviously, it is necessary to provide access to the islands if we are to control activities. The fishing fleets are there and cannot be controlled unless there is a ranger out there. In the past, the rangers more or less had to beg a lift from fishermen to go out to see the islands, whether for signposting or to protect the fauna. In this year's Estimates, I am pleased to say that provision has been made for the hire of boats, and this expedition next month will come out of the money set aside for hiring a trawler. I do not think that this is an ideal situation, because this 10-day trip will take a good part of the annual allocation. The only reasonable solution would be to provide a boat to the National Parks and Wildlife Service, but I cannot presently see whence I could get the $30 000 or $40 000 for that purpose.

I have discussed the matter with the Minister of Fisheries since my return, and he has said that his department has purchased a new boat recently which will be stationed on the West Coast and which he will be pleased to make available to our rangers to get out to some of these islands. I think that the inspections carried out in the future will be sufficient to catch some of these people who are slaughtering our sea lions and seals. I think that the only proper solution to the problem of being able adequately to control these activities on distant islands is by the use of a helicopter. Since my return, I have made inquiries and it costs about $220 an hour, for a minimum of three hours, to hire one. So, it is an extremely expensive operation, and to buy one would be out of the question. We are stepping up our activities in trying to control this practice, which we know goes on, and we hope that, by more frequent visits, we will be able to deter the practice.

TERTIARY ASSISTANCE

Mr. WELLS: Has the Minister of Education been able to examine the recent Commonwealth statement concerning the projected increase in Tertiary Education Assistance Scheme allowances and the effect the provisions announced will have on the welfare of students in our tertiary institutions? In common, I believe, with practically all other members, I have within my electorate students and the parents of students who are interested in this scheme and who want to know the ramifications of the scheme and in what way their personal position will be affected. I should appreciate an explanation by the Minister this afternoon so that I might be able adequately to advise my constituents later.

The Hon. D. J. HOPGOOD: I am well aware of the honourable member's concern for tertiary students generally, in particular those from his own district. I will give him the good news first, followed by the bad news. The good news is that TEAS has been increased for the first time in 18 months, and the sum that a student can earn in outside employment without affecting the scholarship has been increased to $1 500. In addition, any earnings above $1 500 abate not at the old rate of $1 for $1 but at the new rates of $1 for $2 or $1 for $1·50, depending on where the parents of the student stand in the means test. All of this is most pleasing; although it has come rather late and is somewhat niggardly, it is good to see that it is there.

The bad news is that, first, earnings in the vacation period, which were previously not counted in the calculation of what the student could earn without having some effect on TEAS, are now counted in. However, the more important aspect of it from the State point of view is the effect the new arrangement will have, particularly on those people who have been able to enjoy an unbonded scholarship from the State Government during the past few years. As members will be aware, the position prior to the announcement of the last week or so applies until the beginning of the next calendar year. The position has been that, quite apart from any earnings in, say, private industry, a student could also receive up to $600 under an award (that refers not to an industrial award but to a scholarship such as our unbonded scholarships), without affecting the TEAS payment, and any earnings above that immediately ate into the TEAS payment because it abated at $1 for $1. The sum of $600 has been reduced to $150. Therefore, as things stand at present (and this is bad news for everyone in the six colleges of advanced education involved in teacher training), under Senator Carrick's announcement, next year there will be no point in this Government's paying to the holders of unbonded scholarships any more than $150, because all we would be doing would be, in effect, paying the money straight into the Commonwealth Treasury. The sum abates strictly at $1 for $1 over the $150 mark. If we continued to pay $600 to the students, that would have no effect on the students, and $450 would simply be ripped off the TEAS payment. That would simply mean a net transfer of money from this Government to the Commonwealth Government.

It would be bad enough if this scheme applied only to new entrants to colleges, but it will apply to everyone who is under an unbonded scholarship for a college. I got that direct from Senator Carrick's office; I understand that a letter is coming to me that will confirm this as a fact. We specifically checked on two aspects of this matter: first, the rate of abatement above the rate of $150, because, when one looked at the original ambiguous statement, there was a chance that the abatement rate would be $1·50 for $1 or $2 for $1 (but the answer was that the award still abates at $1 for $1 above whatever the mark should be, and that is the $150) and, secondly, the assumption was that any change of arrangement would apply only to new entrants to teacher-training courses in the colleges of advanced education, whereas in fact it will apply to everyone, be they in the first, second, third or fourth year. This is particularly disturbing. That additional $600 has been built into the lifestyle of students at the institutions, and now it will simply not be available to them. We are protesting as vigorously as we possibly can to the Commonwealth about this arrangement, but we have no idea whether we will be able to carry any sort of weight whatsoever.

One further point I should make on the bad news side of things is that the means tests generally on the TEAS payments have become far more stringent, so that for those people not affected by unbonded scholarships (university students in general), although there will be higher payments for those who qualify, fewer generally will qualify. This is a most disturbing situation. I am aware that the Opposition, through its Leader, associates itself from time to time with appeals to the Commonwealth Government to assist students in this matter. The matter as far as the satisfaction of this Government is concerned is not yet resolved, and I am sure that if the Opposition wants again to associate itself in any way with the pressure we will be seeking to apply to the Commonwealth for

rectification of what appears to be a gross anomaly, it would not only be welcome but would also be some indication of the goodwill that perhaps might be forthcoming.

VIRGINIA FLOODS

Mr. GROTH: Can the Attorney-General say what is the position regarding the court actions arising out of the floods at Virginia in 1971? Several of my constituents who are interested in this matter have been waiting many years for settlement. As I understand the matter is nearing completion, I should be grateful for the Minister's advice.

The Hon. PETER DUNCAN: This matter has had a long history. Time does not permit me to go into full detail. I understand that the matter is of concern to members on both sides of the House. I have obtained from my department a report about the current situation. On August 20 this year, agreement was reached between the Government and the Virginia market gardeners concerned. The Government agreed to a settlement figure of $103 207. The solicitor acting for the claimants requested that payment be made in a lump sum to his firm, so that distribution could be made to the various claimants. Between the date of settlement until October 8, 1976, judgment was entered at various times in each of the claims by interlocutory proceeding in the Supreme Court and the Local Court of Full Jurisdiction. Some of the applications for judgment were delayed because of technicalities. Nevertheless, all claims have now been entered for judgment, and the consent judgments were entered as a result of the Government's agreeing to this course in accordance with the agreement reached on August 20. Until the judgments were entered in all these cases, it was not possible to satisfy the solicitor's request that a lump sum payment be made to his firm. Accordingly, the Crown Solicitor held the amounts over until all the judgments had been entered. The effect of that was that some of the amounts were delayed more than they would have been had they been paid separately. I understand that the Crown Solicitor has been placed in funds and that the moneys will be paid into the solicitor's trust account before the end of the week.

At 3.4 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

NO-CONFIDENCE MOTION

Dr. TONKIN (Leader of the Opposition): I move:

That this House no longer has confidence in Mr. Speaker.

This is a serious matter, and it is a measure of the determination of the Opposition to have it ventilated as soon as possible that we have taken the first opportunity given us to bring the matter forward. This motion of no confidence arises out of events that occurred in this House yesterday. It was compounded by the fact that we did not consider the motion until this afternoon, about 24 hours after the event took place. In summary, the events involved a ruling on the admissibility of an answer to a question. The question, which was asked by the Deputy Leader of the Opposition, was as follows:

Can the Premier say what action he intends to take in connection with the letter sent to him regarding the terms of reference of the impending Royal Commission?

The question was allowed. Indeed, there was every reason why it should have been allowed, as there is precedent for it. I will quote two examples of precedent. In 1959, when there was a Royal Commission into the Stuart case, Mr. O'Halloran asked the following question, as recorded at page 279 of *Hansard* of August 4, 1959:

My question relates to the terms of reference of a Royal Commission recently appointed. Last Thursday the Premier, in the House, undertook to appoint a Royal Commission to go into all aspects of the case of Rupert Max Stuart. I am advised by senior counsel that neither the terms of reference subsequently announced nor the Premier's further statement yesterday carry out that undertaking.

That is very reminiscent of what has been happening recently. The question continued:

Can the Premier say whether the Government will forthwith widen the terms of reference to include all matters relevant to the guilt or innocence of Rupert Max Stuart?

The Premier of the time, the Hon. Sir Thomas Playford, gave a considered reply. The present Premier interjected during the course of that answer, but the point is that the question was admitted and was answered. A little later the member for Norwood, the present Premier, asked the same sort of question and raised the question of admissibility of matters before the Royal Commission. Once again, although the Premier was not sure what was covered by that question, that question was allowed. There is the precedent—the question should have been allowed, and was. There is also the question which I asked of the Premier in this House last week and which is recorded at page 1495 of *Hansard* of October 13, as follows:

Will the Government reconsider the terms of reference announced yesterday for the Royal Commission into the administration of the Juvenile Courts Act, and the appointment of the Royal Commissioner?

Once again, that question was allowed. Although that question asked for the widening of the terms of reference, it was allowed and the answer was allowed. Obviously, one way or the other, you, Mr. Speaker, were wrong. You were either wrong in allowing the question and the answer last week and were right in doing what you did yesterday, or you were right last week and wrong in doing what you did yesterday. Before the question was answered you said:

Before the honourable Premier replies, I point out that the terms of reference as laid down are *sub judice*, and therefore cannot be discussed by this Parliament. I take it that the honourable Deputy Leader is now asking when the Premier is going to reply to a letter.

You then called on the Premier. The whole matter of admissibility of the answer in this case hinges entirely on the definition of what is and what is not *sub judice*. Standing Order 1 provides:

In all cases not provided for hereinafter, or by sessional or other orders, resort shall be had to the rules, forms, and practice of the Commons House of the Imperial Parliament of Great Britain and Northern Ireland, which shall be followed as far as they can be applied to the proceedings of this House.

Erskine May, who is the most authoritative reference source on this subject, states that questions are inadmissible which refer to the consideration of matters by a Royal Commission. I point out again that you were either wrong last week and right yesterday, or right last week and wrong yesterday, but you were totally inconsistent. I go further and say that the Royal Commission itself does

not consider the terms of reference. The Royal Commission considers matters brought to it within the terms of reference. Parliament or the Government has to decide on the terms of reference. I still believe that the terms of reference are not *sub judice*. I have the authority of someone who is, I think, or would consider himself to be, an expert in these matters. I go back once again to a no-confidence motion moved in this House on September 2, 1959: the member for Norwood may recall the occasion. He said:

Matters which are *sub judice*, that is, under the judge should not be discussed in Parliament. That has always been accepted by members on this side of the House and has never been contested; but when the whole process of litigation has been gone through and the Executive, in the exercise of its prerogative, decides that a Commission of Inquiry shall be held, that is no longer a matter before the judges as an independent judiciary. The Commission of Inquiry is a Commission appointed by an Executive Government, for which the Executive Government is responsible, and it is responsible also to this House. Therefore, if there is public disquiet about the proceedings of commissioners so appointed, or about the appointment itself, or about the terms of reference of the inquiry, then the Executive should be accountable to this House, and this House should have the opportunity to discuss the matter and advise the Executive. That right, which was sought by members here yesterday, was denied.

That was the opinion of the member for Norwood at that time. I cannot imagine that, trained as he is in the law, he would have changed his opinion.

The Hon. J. D. Corcoran: What did the Speaker do?

The Hon. D. A. Dunstan: What did the Liberal Party do?

Dr. TONKIN: The point is that the Premier was in Opposition at that time and he believed it was perfectly in order to have the terms of reference of a commission of inquiry or a Royal Commission discussed by this House. That was support for the opinion I have put forward. Reading that, I cannot help but wonder whether or not we should be debating a concurrent motion of no confidence in the Government, but the motion is as it stands.

The Hon. G. T. Virgo: You ought to be debating no confidence in yourself.

Dr. TONKIN: We have done that before. The question asked related to a letter and what action the Premier intended to take, and the answer should have been admitted. That was the second time you, Mr. Speaker, were wrong. You ruled that the Leader (not the Deputy Leader, and I admit that was probably a slip of the tongue) had asked the Premier when he intended to reply to a certain letter, but that was not the question asked. I have already quoted the question. Dissent from your ruling then was not successful and the motion of no confidence was moved. Following that motion you again ruled that notice should be given for tomorrow, that the matter should not be dealt with immediately, and that the question should be hanging over this Parliament, virtually by reason of that ruling, for the next 24 hours.

As I said yesterday, even the Government has allowed immediate debate on a subject of no confidence. It has allowed the suspension of Standing Orders for that purpose, and in fact in ruling that notice must be given you have gone through the last 24 hours lacking a certain amount of confidence already, certainly on the part of members on this side. We continued with the business of this place, clouded over with that no-confidence motion, and it must have been uncomfortable for you and I intend to refer to that matter later. The fact that we are using private members' time this afternoon I believe was fortuitous and something you did not think of; I do not know, certainly I am sure the Government did think of it. Ample precedents for the hearing of no-confidence motions in the Speaker appear in *Hansard*. I refer to *Hansard* page 4891 of April 7, 1971, when there was a no-confidence motion in Mr. Speaker Hurst; I refer to *Hansard* page 2610 of February 27, 1975, when there was a no-confidence motion in Mr. Speaker Ryan; and I refer to *Hansard* page 2491 of February 18, 1976, when there was a no-confidence motion in you, Mr. Speaker. All of those matters, without any notice being given, without the suspension of Standing Orders, were debated and settled immediately.

In your ruling yesterday you did not follow the precedent of Parliamentary practice, and you demonstrated a degree of inconsistency. What was different about calling on debate immediately in February and asking that notice be given in October? At the most recent time, inconsistency was the keynote of the debate. I will recall the events that occurred to refresh honourable members' memories. The subject of the exercise was the Minister of Labour and Industry and an action he had taken outside this House in contravention of Standing Orders. In answer to a question, again from the Deputy Leader, you said:

Order! If the case is as stated by the Deputy Leader of the Opposition, I, as Speaker, must deplore the action of the Minister. It is the duty of the managers to report first to the House and to do otherwise is injudicious, to say the least. It is highly improper and not in keeping with the best Parliamentary traditions. However, there is no action I can take beyond this.

That was not correct; you could have taken action, and you were given the chance to do so when the Deputy Leader, a little later, moved that Standing Orders be so far suspended as to enable him to move the following motion:

That this House deplore the action of the Minister of Labour and Industry in releasing details of the conference on the Long Service Leave (Building Industry) Bill held between the two Houses of Parliament while a manager acting for the House of Assembly before the results of the conference had been reported to this House.

That matter was debated. The wording contained the word "deplore", which was the word you yourself used from the Chair, and when it came to the vote you supported the Government and resiled from the position of principle which you had previously adopted. You have consistently voted with the Government. I think the only time when any support was given to the Opposition was the occasion on which you asked us to sing the National Anthem; you sang "God save the Queen", and everyone else on the other side sang something else.

Members interjecting:

Dr. TONKIN: It is not particularly funny. In all these things you have failed dismally. It is not enough to keep order in this House. Your position requires that you safeguard the rights and privileges of members. You must protect private members and show a sense of responsibility. You must be consistent, as far as possible, and you should in all circumstances avoid giving conflicting rulings. I refer to the matters I touched on when you first entered your position. On August 5, 1975, I said:

I believe that you have been placed in a somewhat difficult position because of the electoral situation but, nevertheless, it is a way out of an electoral dilemma for the Premier and we, as an Opposition, will do all we can to support you.

I said further:

Not only do you preside over this honourable House but you are also the guardian of the powers, dignities, liberties and privileges of all its members . . . the Speaker may vote according to his conscience or beliefs but, on questions of procedure, the general principle which is usually applied is that the Speaker is under an obligation

to exercise his casting vote not as an independent political entity—
and not as a member of a political Party—
but as the guardian of the rights and privileges of the House and of its individual members.

Those are things which you have not done, and you did not do them yesterday. To add insult to injury, yesterday you stood and said:

I can assure all members that, with regard to anyone feeling uncomfortable in this House, I do not doubt this afternoon many people should feel uncomfortable because, in their hearts, if they are honest, they know they have been trying to act not in accordance with the Standing Orders and with past practice and the best Parliamentary procedure.

I bitterly resent that. I resent it on my own behalf, on behalf of every member on this side of the House, and indeed on behalf of every member of the House. We would never had taken the action we took if we had not believed that we were right.

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: To impute that we had other than those motives or beliefs, whether you thought so or not, was totally wrong and totally unfitting for a Speaker of this House. I repeat that you have been inconsistent. You have kept order after a fashion, but you have failed dismally in your fundamental right of being independent and pre-preserving the undoubted rights and privileges of this House. You may impose your will on this House, but you must do always what is right and be seen to do what is right. That is what you did not do yesterday.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The last part of the Leader's performance was devoted to some history relating to the Minister of Labour and Industry which is completely irrelevant to the matter now before us and which I think was added to what the Leader had said only to lend an air of verisimilitude to an otherwise unconvincing narrative.

Mr. Goldsworthy: I've heard that before.

The Hon. D. A. DUNSTAN: It is a very good quotation, and very apt on this occasion. The Leader's case, if one could call it that, that the House should have no confidence in you is based on an allegation that you have not acted in accordance with the practices and precedents established in this House in relation to matters *sub judice* before a Royal Commission of inquiry.

His case on that score arose from proceedings before this House in relation to the Stuart Royal Commission in 1959. The Leader saw fit to quote an argument that I put to the House at that time. I thought I put it rather well then, and I was convinced that I was right in that argument. At that time, this House had not established precedents in relation to commissions of inquiry and matters *sub judice* relating to them. The House ruled against me, and members on the other side of the House, including some members who are members today, voted against the contention I put at that time, voting in favour of the practice on which you have ruled and in accordance with the ruling you have given. The member for Mitcham, who I see is not here today, had something to say about this on a previous occasion in 1970, when he cited exactly the same matter in relation to the Royal Commission on the moratorium, citing the argument that I had adduced to the House in 1959. He said I was hypocritical in not sticking to it. Let me read to honourable members my reply at that time, because I repeat what I said then:

If the honourable member or anyone else has any allegations to make about anyone in relation to last Friday's events, he has his recourse to a tribunal, which the member for Mitcham must admit is a free, fair and properly constituted tribunal. The honourable member has referred to events in this House at the time of the Stuart Royal Commission. At that time, there had been no rulings in the House on matters considered to be *sub judice*. I argued in the House to the Speaker that matters concerning the details of the inquiry were not *sub judice* and I was ruled against. The member for Mitcham voted in favour of that ruling.

Since that time, there have been many rulings in this House concerning matters that were *sub judice*, and it is quite clearly established in the practice of this House over many years that the contention I argued for in 1959 is not the one that is the practice of this House or accepted in it. Therefore, I cannot argue that way any longer: the case that I then put has entirely gone. There is ample precedent to the contrary—precedent that has been constantly upheld by the honourable member, and it ill behoves him, in view of his actions in this House upon previous matters when he has been supporting a Liberal Government, to accuse others of hypocrisy.

The Hon. J. D. Corcoran: John Coumbe would have been in on that.

The Hon. D. A. DUNSTAN: Yes, he was here. He voted with the Liberal Government in support of the Speaker's ruling, which was entirely in accordance with the ruling you, Sir, have given. The Leader knows perfectly well that the precedent he cited was a precedent when a Speaker in this House ruled against the argument I put, and he was upheld by a majority in this House—a Liberal majority. Now the Leader says there is no precedent for what you did, Sir. The other strange thing about his argument relates to what happened yesterday. The Deputy Leader asked:

Can the Premier say what action he intends to take in connection with the letter sent to him regarding the terms of reference of the impending Royal Commission?

You, Sir, did not stop me from replying to that question. I was perfectly willing to reply to the question. It would have been perfectly proper for me to have given the reply yesterday, had I not been prevented from doing so by the Opposition and the member for Mitcham. However, I give the reply now: I have referred the letter to the Crown Solicitor for consultation with the Royal Commissioner and counsel assisting him as to whether there was any recommendation that they would make for alteration of the terms of reference. That was the reply. There was nothing in your ruling, Sir, that prevented me from giving it.

The Hon. J. D. Corcoran: But they didn't allow you to do that.

The Hon. D. A. DUNSTAN: No, they stopped me. Sir, you said that, in accordance with the previous practice of this House, I could not, in my reply, discuss the terms of reference. That ruling was quite right: it was what the House had ruled previously time and time again and Liberal members of the House had voted to uphold. You acted in accordance with that precedent, Sir, and it was the job of the House and of every member in it to uphold your ruling—because those are the instructions that have been given to the House previously by Liberal members by their votes in this House. However, Sir, that was the extent of your ruling, and the whole time yesterday was taken up in all sorts of alarums and excursions on that topic instead of simply allowing me to reply to the question that had been asked. There is absolutely no case for a vote of no confidence in you, Sir; you have acted in accordance with Standing Orders, the practice and precedent of the House.

It is a reflection not on you but on members opposite that this motion has been moved. I have little doubt that the basis of the motion is not a no-confidence motion in you, Sir, for you have been one of the most successful, effective, and respected Speakers of this House in the whole of my time here. The Opposition's motive, which is quite evident from what it is doing, is to denigrate not you but the Royal Commission. I have no doubt whatever that the purpose of yesterday's and today's exercise was just that. The Royal Commission will proceed; the Royal Commissioner is a proper appointment; and I am sure that the Royal Commission will make its findings in accordance with the practice and precedent of Royal Commissions, just as I believe that the House should act in accordance with the propriety, practice and precedent of this House.

Mr. GOLDSWORTHY (Kavel): I support the motion. In his defence of you, Sir, the Premier has attempted to confuse the issue of just what did happen yesterday. He has suggested that certain actions were taken by the Government, and that that is not really relevant to this motion. Your ruling was that discussion of the terms of reference of the Royal Commission should be precluded. The terms of reference, as has previously been stated, have all the appearance of providing (and would, in effect, have provided) a whitewash for the Government in the matter of Judge Wilson's activities and allegations. Let me again refresh the memories of members opposite about what led up to the sequence of events yesterday. On October 6, the Attorney-General made the initial statement that was inserted in *Hansard* by leave. The full import of that statement did not dawn on us until we read the statement the following day. That statement was followed in the House on October 7 by a motion of the Leader of the Opposition which was debated at length and during the course of which the Premier made several rather telling statements in connection with the Royal Commission, which the Government had agreed rather hurriedly at the time should be set up. The Premier said, among other things (page 1395 of *Hansard*):

. . . and the Government will have the terms of reference cover all the matters contained in this motion.

The Hon. Hugh Hudson interjected—

The SPEAKER: Order! I must point out to the honourable member that he must not quote from *Hansard* of this session.

Mr. GOLDSWORTHY: Without quoting, I point out that the Premier indicated that all matters concerned in the allegations made by Judge Wilson (and the Premier was supported by way of interjection by the Minister of Mines and Energy) would be investigated. The terms of reference of the Royal Commission are recorded in *Hansard* of October 12. Following immediate disquiet in the community about the terms of reference, the Leader asked a question in the House.

The Hon. D. A. DUNSTAN: I rise on a point of order, Sir. The honourable member knows that the ruling of this House is that the terms of reference may not be discussed in the House.

The SPEAKER: I must uphold that point of order.

Mr. GOLDSWORTHY: I am referring precisely to the matters that were canvassed by the Leader earlier today in this debate. What level of inconsistency will we tolerate in this House? The Leader referred in his speech to a question that he asked a week ago. I was about to refer to that question again in similar terms.

The SPEAKER: I must point out to the honourable member that it did appear to me that he was about to discuss or enumerate the terms of reference; I cannot allow that.

Mr. GOLDSWORTHY: Thank you, Sir, for clarifying that point. The fact is that at page 1495 of Hansard the Leader is reported asking a question which was allowed by you and which related to the terms of reference of the Royal Commission. I raise this matter in support of the valid point introduced by the Leader in this debate. Only a week ago you allowed that question in relation to the terms of reference and allowed the Premier to reply. In his usual fashion the Premier, in reply, attempted to denigrate the Leader by suggesting that "Nothing you have brought forth in this question today would indicate to me that there is anything at all that should compel the Government to change these terms of reference." That is the background that led up to the events of yesterday.

Realising that this matter had been aired last week and, as a result of a letter that had been sent to the Premier and to the Leader of the Opposition and other members, we quite properly decided that it was appropriate to pursue the matter further. Indeed, I attempted to do so. Did we get a ruling from the Chair that was consistent with what happened last week? Indeed, we did not. I asked the question, and the question was allowed. I quoted at some length from the letter the further evidence that the Premier requested but a week ago, about the restrictive nature of the terms of reference. Last week the Premier challenged the Leader to produce further evidence to indicate that the terms of reference were not appropriate.

That evidence came to hand from no less a person than counsel appointed to represent Judge Wilson. The Premier was sensible enough not to attempt to denigrate learned counsel, as he attempted to denigrate the Leader. Nevertheless, the question related to precisely the same topic and required precisely the same sort of airing as it received in this House a week ago. You, Mr. Speaker, chose to allow that question and then directed that a completely different question from that which I asked be answered by the Premier. What sort of consistency is that? Yesterday, I asked the Premier what action the Government intended taking and you, Mr. Speaker, chose to direct him that, in his reply he could not mention the terms of reference. You said:

I shall allow in this instance the honourable Premier to reply in general terms, without discussing the terms of reference, which are now in the hands of the Royal Commission.

Further, you directed the Premier to answer the question whether he intended to reply to the letter. It is not competent for you, Mr. Speaker, to make up questions which are not asked in the House and direct the Premier to answer them, and that, in effect, is what happened yesterday. If the question is allowed, obviously it is competent for the Premier to answer the question, as he did a week ago.

We are gravely concerned about the terms of reference of the Royal Commission. I state again, to refresh the Premier's memory, what I consider to be the nub of this issue, the kernel of the problem: will justice be done as a result of the Royal Commission? That is what it is all about. The Premier (and I will not quote in the same detail as did the Leader) said in a no-confidence debate on September 2, 1959:

Therefore, if there is public disquiet about proceedings of Commissioners so appointed, or about the appointment itself, or about the terms of reference of the inquiry, then

the Executive should be accountable to this House, and this House should have the opportunity to discuss the matter and advise the Executive.

That is precisely what the Government has tried to stifle on this occasion. We know that the Government wished to stifle debate on the moratorium issue; this case has been cited earlier as a precedent. We know that the Government's track record on Royal Commissions has been an unhappy one. The Government wants to ensure that this will be a happy one; that was the appearance given, and the appearance given by your ruling yesterday. It appeared that you, Mr. Speaker, were giving a ruling to restrict the answer to that question so that the Government would not be forced by the pressure of public opinion or debate from taking certain action to amend the terms of reference.

The Hon. G. T. Virgo: You weren't prepared to let the Premier answer that question.

Mr. GOLDSWORTHY: If the Premier had answered the question, he could not have given the answer he gave today. The Premier made great play today that he was not given the opportunity of answering my question, but that opportunity was denied by you, Mr. Speaker. If the Premier had answered my question, he would have been in breach of your ruling, which was that he could answer a question, but that was not the question I had asked him. The question I asked was what action the Government would take in connection with the terms of reference. You, Mr. Speaker, ruled that the Premier must answer the question, "Does he intend to reply to the letter?" That question had nothing to do with my question. The Premier was prevented from answering the question I had asked. It ill behoves the Premier to suggest today, after the event, that the Opposition prevented him from answering the question: it was the ruling from the Chair which precluded any discussion on the Commission's terms of reference.

The Hon. G. T. Virgo: That's how warped your mind is.

Mr. GOLDSWORTHY: We all know how grossly obtuse is the Minister of Transport and how blunt is his mentality but, if only he were to stop interjecting for five minutes, he might be able to absorb my point. Perhaps my point is too fine for him, but if he were to concentrate it might sink in. I take a more fundamental objection now to the interpretation which you, Mr. Speaker, gave. The Leader quoted precedent for allowing discussion on the question of the terms of reference. You, Mr. Speaker, quoted Erskine May in support of your ruling, but obviously that had not occurred to you last week, as can be seen from the glaring inconsistency. The Premier is not making much of a point when he says, "When we were in Opposition, we behaved in one way and you behaved in another way, but when we are in Government, we behave in a different way and you behave in a different way." The fundamental point comes back to the authority of Erskine May, which you, Sir, quoted to support your ruling, as follows (and we looked this up to verify it, of course):

Questions are inadmissible which refer to the consideration of matters by a Royal Commission.

The terms of reference are not discussed by the Commission, as such; they are not matters before it. Those matters are decided before the Commission gets under way. How on earth you could put that interpretation on that statement in Erskine May, I do not know. The terms of reference are considered by the Executive, the House, and the public, and they lead to the formation of the Commission, but such matters are not discussed before it. The Commission does not sit down and talk about the desirability or otherwise of its terms of reference. I will repeat the quotation from May.

The Hon. G. T. Virgo: Read it again; eventually you might understand it.

Mr. GOLDSWORTHY: I will have to say it six or eight times before the Minister will understand. I think it is sinking into the consciousness of the rather brighter Ministers, and that is not saying much. I believe that that interpretation was grossly in error, and that any sensible reading of that quotation from Erskine May would support my point.

The Hon. G. T. Virgo: Have you ever thought of writing a handbook on Parliamentary practice?

Mr. GOLDSWORTHY: It ill behoves the Minister to say that. I think the point has been made. The inconsistency is clear. I do not intend to refer to matters raised previously in no-confidence motions, but this matter adds to the sum of those matters which have been a concern of grievance to members. I was offended by the reference to the hypocrisy of members of this House. I recall an occasion on which a similar statement was made from the Chair. In my view, it is completely inappropriate for that kind of reflection to be made from the Chair. The House, which determines its own business, would discuss a no-confidence motion, which would be resolved, and that would be the end of the matter. For a reflection from the Chair to some in that way reflects on the institution of Parliament.

I support the motion. I believe that you, Mr. Speaker, have shown, during the discussion of the terms of reference, grave inconsistency. Yesterday you quoted from what should be the ultimate authority and that your quotation was used in a way that supported the Government in stifling discussion of matters which are properly matters that should come before this forum in the interests of the public of South Australia, as the Premier has attested on an earlier occasion.

The Hon. J. D. CORCORAN (Minister of Works) moved:

That Standing Orders be so far suspended as to enable Notices of Motion: Other Business to be proceeded with after 4 p.m.

Motion carried.

The Hon. J. D. CORCORAN (Minister of Works): This is a ridiculous argument, and it is rather significant, I think, that the member for Mitcham is not in the Chamber this afternoon. I think that the member for Mitcham realised, after the fiasco yesterday afternoon for which he was largely responsible, that he could not sincerely and honestly take part in any vote of no confidence in you, Sir, because he knew as well as the Premier and I knew (and every other member on this side of the House knew) that there was no good reason why a motion of no confidence should be moved as a result of the happenings yesterday. I do not know why the member for Mitcham is not here today and I do not intend to inquire, but I think it is rather significant.

Some of the decisions made by the Leader of the Opposition yesterday were made in haste, because he was afraid that the member for Mitcham would upstage him (as he did in the first instance) and that, if it were not the member for Mitcham, the member for Davenport might

get in before him, and so he suggested that a motion of no confidence be moved in you.

The Hon. G. T. Virgo: He was desperate.

The Hon. J. D. CORCORAN: He was desperate, I am certain he was. He first objected vehemently to your suggesting that notice be given of this motion of no confidence and that the matter would not proceed yesterday afternoon, and he said that this had never been done in this House before and that, because it had never been done in this House before, it should not have been done by you yesterday. Clearly, it shows, as you explained to the House yesterday, that you know that no substantive motion can proceed without your sanction: that is exactly what it means. The Leader knows that, although he would not and has not accepted that that is the case. That sanction not only extends to substantive motions, but it is, to my knowledge, a practice in other Parliaments that, where a Speaker is called upon to give a ruling, he may use or exercise his sanction and lay down a time the next day or the day after when he will rule on the question. That is a classic example of how your sanction can be used, yet the Leader was critical of you yesterday and again today, in that you had the temerity to use your sanction in this matter and require the motion of no confidence in you to be moved today.

Some people have suggested that it was probably because we would be using private members' time, rather than Government time, to debate this matter. I resent what that implies. I am certain that honourable members opposite would realise that, in the time available to you to make a decision, that thought would not have crossed your mind. What would have crossed your mind, I am certain, is that you wanted to be absolutely certain of the situation in relation to matters that were *sub judice* being discussed before this House, and that you wanted to take the time not only to inform yourself but also to receive advice on the question, so that you would know what the situation was when the motion of no confidence was moved. I believe that to be the sole reason for your exercising your sanction, quite properly yesterday, and deciding that the motion of no confidence in you would be debated today. The Leader of the Opposition could not sustain his case today on what happened yesterday: he had to go much further afield and bring before the House events of the past. He certainly made a mess of the matters on which he tried to trap the Premier. He got hold of a statement out of *Hansard* (or somebody did for him), read it, and said it was a very learned opinion coming from a person who, no doubt, was very experienced and for whom he had some respect. He then cited the case that the then member for Norwood, now the Premier, put before the House. The Premier, very neatly and properly, disposed of it by saying that, by raising that case, the Leader of the Opposition was saying to you that you were consistent with the Speaker of that day and the House of that day, and that you did exactly the same as they did in 1959. It was done again, evidently, in 1970.

Great play has been made by the Deputy Leader of the Opposition and the Leader of the Opposition that the terms of reference are not part of a Royal Commission. How could anyone in their right senses become involved in a discussion about terms of reference without getting into a discussion on what the Royal Commission is all about? It would be utterly impossible, because if you refer to terms of reference you are alluding to the matters that the Royal Commission should or would consider during its inquiry. How any person in his right mind can possibly consider that the terms of reference can be divorced so completely from the subject matter, is beyond me.

You are, Sir, in fact, the guardian of Standing Orders and of the practice of this House, and yesterday you demonstrated that attitude admirably under great pressure. It is true that the Premier was not given a chance to reply to the question. I said to him during the afternoon that, if only somebody had let us reply to the question, this debate would not have been necessary. All of Question Time yesterday was taken up by this matter. If you study *Hansard*, Sir, you will observe that you called on the Premier to reply to the question but, before he was able to rise, the member for Mitcham was on his feet on a point of order. That was the last chance the Premier had to reply to that question. It was perfectly proper for the Premier to tell the Deputy Leader of the Opposition what he would have told him yesterday, and it was, in fact, a reply to the specific question asked by the Deputy Leader of the Opposition. The final part of the question states:

. . . Because of the contents of the letter sent to the Premier, what does he intend to do about it?

The Premier would have told the Deputy Leader yesterday exactly what he told him today, that he had referred this matter to the Royal Commissioner and to counsel assisting the Royal Commissioner, asking them whether or not the terms of reference should be broadened or extended in order to take into account the matters referred to in Mr. Newman, Q.C.'s, letter. It has been demonstrated adequately by the Premier that the whole debate today is a complete sham. Not one specific or substantive point (other than red herrings) has been raised by the Leader of the Opposition today that would justify the thought passing through one's mind (and they do pass through other people's minds in other places) that a motion of no confidence should have been moved in you yesterday for upholding, as you did quite properly, Standing Orders and the practices of this House.

To listen to members opposite one would have thought they wanted two bites of the cherry; to move a vote of no confidence in the Government, as well as a vote of no confidence in you, because they did not have a case to convince this House, or even many of their own followers, that the action taken today is justified. I hope that the House will soundly defeat this motion, which is unworthy of the Opposition. We are becoming so accustomed to motions of no confidence in this place that the Opposition has destroyed their value. This is another example of irresponsibly using what should be a serious and important weapon in this House.

Dr. TONKIN (Leader of the Opposition): Mr. Speaker, I am certain that you, as well as members of the Opposition, realise that this is a serious matter and that it is being treated seriously. Despite all the bombast of the Deputy Premier and despite the fact that he would like it to be a joke, I am sure that neither you nor I regard it as such. The Deputy Premier raised one or two points, but not much. The first concerned the absence of the member for Mitcham from the Chamber this afternoon. However, before this debate began this afternoon, the member for Mitcham had the courtesy to telephone me telling me that, unfortunately, he was not able to be here in the early part of the afternoon but that he wished he could be here so that he could contribute to this debate.

The Deputy Premier went further, dealing with the inadmissibility of terms of reference, and he said that no point had been raised that would justify a motion of no confidence. I have never seen him more ill at ease. Further, the Premier's heart was not in the matter, either, certainly not from the point of view of any defence of you. He was quick to defend his own position on the matter of his opinion, which he has now said was wrong in 1959, but the quoting of the Government's upholding of the Speaker's ruling in those days is not the answer to this matter. To turn against the member for Mitcham, saying that he voted for the ruling and was thus hypocritical in so doing is ridiculous, when the Premier quotes that as a precedent to be followed by you. Obviously, we will not come to a conclusion on the admissibility and the ruling on *sub judice* proceedings before a Royal Commission, and we could go on debating that issue for a long time. Perhaps it is something that ought to be clarified: it certainly is not clear now.

Both the Premier and the Deputy Premier deliberately avoided two telling points of precedents. They were the admissibility of the questions asked by Mr. O'Halloran and by the then member for Norwood at that time relating to terms of reference. Those questions were admitted and answered, and the present Premier was pleased at that time that they were, so he cannot have it both ways. He deliberately skirted around those facts: he did not mention them once. You, Mr. Speaker, said that the Premier, in his answer, could not discuss the terms of reference, but the precedents that have been quoted show clearly that Speakers did allow answers in regard to terms of reference.

Those are the points of precedent, and members opposite who have spoken have deliberately ignored them. The Premier said that the matter of the Minister of Labour and Industry had nothing to do with the present case, but that was totally wrong, because the motion is that this House has no confidence in Mr. Speaker, and this is the culmination of a great period of dissatisfaction. That matter must be considered. Sir, you were wrong that time. Further, you were wrong on at least one of the two times relating to the questions I asked last week and the question I asked this week. You were wrong in directing the Premier to answer a different question, not the question asked by the Deputy Leader. For the third time you were wrong, and you were totally wrong (and I am sure that, on reflection, you will consider so yourself) in imputing to members of this House the dishonest motives that you did impute from the Chair.

The Premier and the Deputy Premier deliberately have kept away from all those subjects, because they cannot submit a defence. They were unable to refute them, and most of the time they dealt with the *sub judice* provisions. The Premier also defended his own change of stance. I repeat that you have been wrong on these and other occasions, and you have shown a degree of inconsistency that is not compatible with the position that you hold.

The House divided on the motion:

Ayes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Nankivell. Noes—Messrs. Broomhill and McRae.

Majority of 1 for the Noes.

Motion thus negatived.

SOUTH AUSTRALIAN RACING COMMISSION

Dr. EASTICK (Light): I move:

That, in the opinion of this House, it is urgent that legislation to create a "statutory authority for racing" to be known as the South Australian Racing Commission, be introduced without delay, and that the prime objective of such commission shall be to exercise oversight of the different racing interests to the benefit of the racing industry as a whole.

This is my opinion, but I believe the matter requires ventilating in this House. Whether or not support is forthcoming for the motion is not so much a matter of interest as is the fact that various aspects of this large industry are given a complete and thorough airing. An indication of the size of the industry can be determined from the Auditor-General's Report for the year ended June 30, 1975.

The affairs of the Totalizator Agency Board are reported on pages 350 to 357, and the affairs of the Betting Control Board are referred to on pages 267 to 269. On pages 284 to 286 of the Auditor-General's Report for the year ended June 30, 1976, can be seen the magnitude of the operation of the Betting Control Board. Since 1973-74 there has been an increase of $60 597 600 in the amount invested, being an increase of 55·5 per cent in the two-year period, and the increase for the 1975-76 period over the previous year was 22·8 per cent. Pages 378 to 386 of the Auditor-General's Report for the year ended June 30, 1976, relate to the operations of the T.A.B., and receipts for the 1975-76 financial year rose by $9 913 649 over the previous year, an increase of 13·5 per cent.

I appreciate that the receipts are not totally representative of sums invested, but on a comparison basis the figures are significant, and the other details in the report become significant. The 1976 report of the T.A.B. is, I believe, of value as an indication of the way Government authorities recognise the industry as being one industry, notwithstanding the importance it sees in the retention of the three code involvement. On page 1 of the Chairman's report dated September 8, 1976, he states:

Co-operation and relationship between the board, club officials, press, radio and television organisations have continued on a high level to the benefit of the industry and its public following.

The public following is an extremely important ingredient. Referring to the Operations Report, it is stated:

Liaison has been maintained with the secretaries of the controlling bodies during the year, and their co-operation is much appreciated.

I see no reason for any alteration to be made in the constitution of the controlling bodies although there is a necessary move afoot to upgrade the organisation controlling dog racing. On page 18 of its report for the year ended June 30, 1976, the B.C.B. provides a comparison of growth from July 1, 1970, to June 30, 1976. As it relates to the overall impression one may gain of the magnitude of this industry and is statistical material, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

PART X—SUMMARY OF TOTAL INVESTMENTS FOR EACH YEAR FROM JULY 1ST, 1970 TO JUNE 30TH, 1976

	1970-71		1971-72		1972-73		1973-74		1974-75		1975-76	
	$		$		$		$		$		$	
Metropolitan Racing Clubs—												
At Race Meetings—												
Bookmakers	38 173 108	(63)	44 524 798	(66)	46 335 691	(66)	51 226 697	(67)	63 902 522	(67)	74 396 876	(66)
Totalizator	4 715 758	(63)	5 276 801	(66)	5 811 741	(66)	6 352 711	(67)	7 851 735	(67)	9 348 092	(66)
Metropolitan Trotting Club—												
Bookmakers	7 694 104	(49)	9 041 420	(48)	9 250 423	(49)	10 663 892	(50)	12 829 696	(54)	16 962 636	(55)
Totalizator	1 411 331	(49)	1 181 433	(48)	1 199 566	(49)	1 202 128	(50)	1 506 182	(54)	2 106 878	(55)
Metropolitan Dog Racing Club—												
Bookmakers	—		906 555	(11)	6 952 315	(53)	10 214 227	(55)	12 622 806	(54)	15 307 307	(53)
Totalizator	—		204 875	(11)	997 122	(53)	1 174 224	(55)	1 469 857	(54)	1 740 694	(53)
Country Racing Clubs—												
At Race Meetings—												
Bookmakers	8 057 360	(150)	8 580 638	(150)	9 196 208	(146)	11 908 543	(142)	15 763 231	(149)	20 739 110	(157)
Totalizator	396 666	(71)	493 068	(69)	563 320	(56)	798 335	(51)	1 303 922	(52)	1 756 794	(53)
Country Trotting Clubs—												
Bookmakers	4 656 932	(118)	5 391 377	(119)	5 799 882	(122)	7 697 490	(126)	10 427 800	(132)	14 928 520	(145)
Totalizator	370 222	(107)	424 231	(109)	502 414	(111)	635 096	(119)	880 617	(127)	1 247 512	(141)
Country Dog Racing Clubs—												
Bookmakers	141 614	(9)	2 825 114	(117)	2 935 376	(116)	4 209 208	(103)	5 128 543	(103)	6 667 809	(105)
Totalizator	43 540	(9)	610 901	(117)	559 058	(116)	569 957	(103)	716 623	(103)	829 002	(105)
Coursing—Bookmakers	85 685	(48)	60 591	(43)	42 507	(45)	57 334	(38)	59 275	(33)	58 992	(34)
Pre-Post Betting—(all courses)—												
Bookmakers	30 676		46 938		44 602		39 364		37 222		79 127	
Totals all clubs (on courses)—												
Bookmakers	58 839 479	(437)	71 377 431	(554)	80 557 004	(597)	96 016 755	(581)	120 771 095	(592)	149 140 377	(615)
Totalizator	6 937 517	(299)	8 191 309	(420)	9 633 221	(451)	10 732 451	(445)	13 728 936	(457)	17 028 972	(473)
In Premises—Bookmakers	1 888 440		2 167 055		2 188 768		2 388 070		3 613 181		3 565 526	

The first dog race meeting in South Australia with bookmaker (and totalizator) betting was held at Whyalla on May 22nd, 1971. Only nine dog race meetings (six at Strathalbyn and three at Whyalla) were held during the year 1970-71. The first metropolitan dog race meeting was held at Angle Park on April 20th, 1972.

Separate figures for pre-post betting were kept from December 10th, 1970 only. Prior to that date they were included in the figures for the meeting at which such bets were made.

The number of meetings at which bookmakers operated or the on-course totalizator was used is shown in parenthesis against the related turnover.

Dr. EASTICK: It is also important that we recognise the tremendous sums going to the Government coffers from the industry. Page 10 of the same report refers to a summary of revenue received from betting on meetings held during the 12 months ended June 30, 1976. It is statistical information, which gives a clear indication of the source of funds and the amounts obtained from each of the codes. I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

PART IV—SUMMARY OF REVENUE RECEIVED FROM BETTING ON MEETINGS HELD DURING 12 MONTHS ENDED JUNE 30, 1976
(including stamp duty but excluding off-course totalizator)

	1975-76		1974-75	Comparisons		
	$	$	$		$	Per Cent
Bookmakers' turnover tax	3 317 907		2 590 081	Increase	727 826	28·10
Stamp duty on betting tickets	147 135		140 970	Increase	6 165	4·37
Total paid by bookmakers		3 465 042	2 731 051	Increase	733 991	26·88
Bettors' unclaimed moneys (1974-1975 meetings)		127 848	95 394	Increase	32 454	34·02
On-course totalizator percentages	2 464 659		1 962 408	Increase	502 251	25·59
On-course totalizator fractions	165 898		132 089	Increase	33 809	25·60
Unclaimed dividends	76 360		78 792	Decrease	2 442	3·10
Total from totalizator		2 706 907	2 173 289	Increase	533 618	24·55
Total all revenue		6 299 797	4 999 734	Increase	1 300 063	26·00

An analysis of the revenue distributed shows that the amount paid to—
The Government ($2 895 266) was 45·96 per cent of the total received.
Racecourses development board ($27 929) was 0·44 per cent of the total received.
Racing clubs ($2 164 304) was 34·36 per cent of the total received.
Trotting clubs ($704 992) was 11·19 per cent of the total received.
Dog-racing clubs ($506 657) was 8·04 per cent of the total received.
Coursing clubs ($649) was 0·01 per cent of the total received.

Dr. EASTICK: The controlling body of gallopers is the South Australian Jockey Club, which has managed and controlled the galloping industry for many years. It is the principal club in the State, it is highly regarded, and it is the organisation which I believe, all other things being equal, should continue to control the industry. It should continue in control of that part of the industry, and I stress that point because we want to come back to the purpose of the motion, which is to provide an over-view of the three arms of the industry.

The trotting industry is controlled by the South Australian Trotting Control Board, initiated after alterations to the Lottery and Gaming Act in 1971. It comprises an independent Chairman and six other members, three of them representative of country trotting clubs, two from the principal trotting club in South Australia, one being a representative of the owners, breeders and trainers. That board has lifted the industry considerably since its inception, mainly because we were able to get away from what has been recognised in the past as the archaic trotting league

situation, a method of administration which many people, including myself, believed held the industry back for many years.

We have the confused but emerging Greyhound Racing Control Board. The recognition by the State and by the legislation is of the National Coursing Association, which is responsible for passing on to the Government and other authorities the deliberations of the interim control board. I regret the awkward situation in which the dog-racing industry has found itself following the rather conflicting statements of the present Minister. It is most unfortunate that this attitude of the Minister has been allowed to prevail. An article in the *News* of August 5, 1976, under the heading "No change" states:

South Australia's Greyhound Racing Control Board will remain at 11 members. Sport and Tourism Minister Mr. Casey said this today. Recently, Mr. Casey suggested to the greyhound industry that a smaller board would be far more workable. However, at a meeting of the Greyhound Racing Control Board last week, it was unanimously agreed to send a recommendation to the present controlling body of greyhound racing, the National Coursing Association, that an 11-man board be retained. Mr. Casey only today learnt of the recommendation. "If that's what they want they can have it," he said. "But my personal opinion is still that a smaller board would be better in the long run."

I have said publicly and privately to many people in the dog-racing industry that it would be catastrophic for the industry to press for an 11-man board. It would be against the best interests of the code, leading to a situation resembling the problems of the old trotting league situation.

Mr. Max Brown: Your club is the worst offender, isn't it?

Dr. EASTICK: I have no club. I am the patron of a club, but its view may be heard in line with those of other clubs. In promoting this motion, I do not agree with a statement which was attributed to a Sydney source and which was quoted in the *News* on October 8, 1976, under the heading "Government to run New South Wales racing", as follows:

The Australian Jockey Club and the Sydney Turf Club will be governed by a Racing Control Board appointed by the New South Wales Government within the next 12 months. Although both clubs will remain operating, they will have little or no control over the multi-million dollar racing industry in New South Wales. The Minister for Sport, Mr. Ken Booth, today confirmed this, saying it was inevitable that racing would become more representative in the State. He said the Australian Jockey Club would still control Randwick and Warwick Farm, while the Sydney Turf Club would still operate Canterbury and Rosehill. Mr. Booth said it was Labor Party policy to establish the board. "The Australian Jockey Club has limited membership, and at present it has the authority to control racing at its two courses," he said. "But we want to install far more representation into horse-racing for the sake of the industry, the public and punters."

I do not accept the dictatorial and authoritative measure being sought by the New South Wales Labor Government; it is not in the best interests of the racing industry and as contained in this motion.

I turn now to a review of recent events in South Australia. I take, first, a comment from the Hancock report. A move for a Government interest, a Government involvement, and a Government survey of the whole racing industry was initiated by the late Mr. R. N. Irwin, then Chairman of the South Australian Jockey Club, in a letter he sent to the Chief Secretary on November 2, 1972. The reply from the Chief Secretary (Mr. Shard, at that time) on December 21, 1972, stated that Cabinet was not satisfied that the measures suggested constituted a long-term solution to the problems existing in the industry.

A committee of inquiry was proposed, and the committee report expressed the hope that it would enable the industry to be reorganised in a way which would place it on a sound financial basis. At page 17 of the Hancock report, the committee sets out the circumstances in which it came into existence, saying that those circumstances had caused it to concentrate on the economic condition of racing rather than on the many other aspects prevailing. The committee indicated that it saw its role as wider, when it stated:

We hope that we may also help the industry by improving its understandings of itself and its prospects. Throughout our deliberations we have been obliged to remember—as many of the interests making submissions and appearing before us have not—that there is an array of groups interested in racing whose objectives cannot all be attained.

On page 18, the committee stated:

There are no "right" solutions to the economic problems of the racing industry: only compromises made necessary by the impossibility of getting a quart from a pint pot.

On page 3, the Hancock report states that the racing industry is subject to an extensive range of legislative interference. Having regard to more recent events in this State, it would be true to add that extensive Ministerial ineptitude, Cabinet indecision, and the intrusion of Ministerial power into the affairs of the racing industry will be to the distinctive disadvantage of the industry in South Australia for some time to come. The inquiry highlighted a real (if not the major) issue when, at page 4, it stated:

Clubs and committees, whilst they may endeavour to have due regard to the interests of all sections of the racing public, do not represent a cross section. On the contrary, owners of horses and dogs and, to a smaller degree, breeders typically have a powerful voice in determining club policies. This inevitably affects the clubs' attitudes to problems of racing administration; for example, by causing them to accord a high priority to increase stake money and to regard bettors (especially off-course bettors) primarily as sources of funds for the purpose.

Remedies have been suggested, but they go perhaps too far in promoting the concept of Government oversight. I believe that the industry cannot afford oversight by dictatorial control, and that this motion stresses clearly that point. It is more rationally stated at page 6 (whether or not it is accepted by the House) by the committee, when it uses the following terms:

It warrants a general governmental oversight of the racing industry's affairs.

I ask whether this would be best implemented by a racing commission which, while not divorced from Ministerial responsibility, would make the final decisions in broad guidelines provided, first and as definitively as possible, by legislation and, secondly, and less significantly, by the Government of the day. I commend to all members the report *Racing in South Australia,* dated May, 1974, wherein there is considerably more detail than the brief material that I have extracted. In referring to the "Hancock" report I am perhaps doing a disservice to Mr. G. H. P. Jeffrey, a former Auditor-General of this State, and Mr. L. J. Stanley, LL.B., who were also members, with Professor Hancock, of the committee.

That committee weighed heavily on the evidence which was given to the New Zealand Royal Commission, and which is contained in Volume 4 of the 1970 Appendix to the Journals of the House of Representatives, paper H51, entitled "Horse Racing, Trotting and Dog Racing in New Zealand". That report also gives a wealth of information, some of which I will refer to. It is pertinent to recognise, in the background of this issue, that at that time dog-racing for betting was not allowed in New Zealand, so one must read into the report that the major components of the racing industry at that time in New Zealand were

associated with galloping and trotting. Subsequently dogs were included in New Zealand, and dog-racing is now a component of the overall industry there. At page 2 of that report it is stated that horse-racing embraces both gallopers and trotters. The report continues:

Especially, we have found it impossible to consider any aspect of their activities without taking into account the betting associated with them.

That is certainly true so far as South Australia is concerned, and will be revealed by many of the figures which I have presented to the House and which will be included in *Hansard*. The New Zealand inquiry considered an embryo dog-racing industry at the time that was not catered for by legal betting or T.A.B., so dog-racing considerations were separate. That position did not apply in South Australia when the Hancock committee was considering its report. The New Zealand Royal Commission asked itself the question, "Whether this is a sport or an industry," and it is stated at page 4 of that report:

"Sport" or "industry" is then essentially a matter of context or attitude. For us, both conceptions are important and must influence our approach. We use both terms, each as we think the context demands.

At page 7 it is stated:

Since 1947 . . . racing and trotting have become more of an industry and less of a sport.

The Commission then explains, at page 4, what to it is a telling view, in the following terms:

As our inquiry developed we became increasingly convinced that we were concerned with one industry rather than a number of disparate and unconnected activities, and that corrective measures directed to one part often affect other parts, not always beneficially.

That was one of the most important issues that we considered during the inquiry into the racing industry in South Australia, whereby we do not allow action to be taken in one sector that will have a disastrous effect in another sector. We must recognise the balance necessary in the industry overall. Basically, that balance is now adjusted in the distribution of all funds and assistance on the basis of actual monetary contributions to each of the codes. The Royal Commission concluded at page 5 of its report by stating:

Horse-racing is like an organism with the health of one limb or organ being bound up intimately with the health of others.

Obviously, that is a factual statement. The Commission then went on to deal with the problem that existed in New Zealand at that time, a problem that is of growing concern in South Australia, indeed Australia, relating to the competition that exists for leisure. At page 5, the Royal Commission states:

In an increasingly competitive world where even the pursuits of leisure are competed for, there can be no doubt that administrative efficiency and technical expertise are imperative if racing and trotting, like other sports, are to survive and remain vital.

Regarding viability, we are considering the financial soundness of the industry and must emphasise that the viability of the whole industry depends on that financial soundness, part of which is recognised by the Government in its recent announcement that it would distribute $200 000 held in Racecourse Development Board funds to the three racing codes in South Australia this financial year. It is not possible to live with the past or the present; we must urgently consider the future. We cannot tolerate inertia and its accompanying faults. Another quote from New Zealand which appears at page 6 of the report and which relates to an earlier Royal Commission, probably the Finlay Royal Commission that was held about 25 years earlier, states:

An administrative structure resembles . . . an organism, in that it contains within itself the capacity for growth and change. Our purpose has been to develop this capacity . . . so that their growth (in a growing society) and change (in a changing environment) may be intelligently directed.

Regrettably, too frequently, top administration considers self-examination unnecessary, notwithstanding that many in the industry consider that that examination is essential. That matter is further evident in the comment that appears at page 108 of the Royal Commission's report, as follows:

. . . we conclude that the road to financial improvement in the industry lies not in repeated claims for higher commissioned deductions from betting, or for the diversion of some duty reserved to clubs, but in increased efficiency based on the most rational use of its resources.

To a greater or lesser degree, this change, which is a more rational use of its resources, has followed the release of the Hancock report. Indeed, several alterations that have occurred in the industry recently have been associated directly with the importance of ensuring that resources, particularly financial resources, are used to the best effect. The Royal Commissioners conclude at page 108, by stating:

The days of *laissez faire* must be left behind and replaced with forward planning and better management.

In the South Australian context, this bumble-footedness, which we now experience from the Minister controlling the sport in this State, should be replaced by a more sensitive approach. Current South Australian circumstances are not unlike those that prevailed in New Zealand in 1970 when the Royal Commission to which I have referred was set up. The Commission's paraphrasing of "chief among all matters covered by submissions in evidence" could equally be a paraphrasing of the local scene now. I quote as follows:

An asserted need for some new body, standing apart, . . . being something more than a joint session of their representatives.

It was further contended as follows:

Such a body must be largely independent; be capable of deciding issues affecting both (all) codes; be able to form a barrier against political pressure . . . and be a capable appeal tribunal for certain classes of disputes.

The New Zealand inquiry, in drawing from the evidence of the New Zealand Department of Internal Affairs on possible future change in control, cites the following extracts at page 134:

The industry must be equipped for the future, and the control of the industry must be designed for all who are part of it . . . This may eventually entail an acceptance that radical changes are necessary if racing is to survive.

We are talking of the whole ambit, not just one single code. Later, and after specific requests by the Commissioners, the Secretary for Internal Affairs provided additional information, part of which at page 136 states:

Many issues which could be settled within the industry are deadlocked between competing interests and tend to find their way into the Government area with the requests for arbitration and resolution.

This submission is quoted at some length at pages 137-8, and I commend it to members for a better appreciation of the general problems. The need for a format of a central authority is canvassed in the Royal Commission's report at pages 140 to 149 but, in particular, I refer to clause 60, on page 142, which is headed "Aims of the authority" and which states:

The general aims of the authority would need to be defined by legislation and should be to:

(*a*) promote the stability of the industry;
(*b*) maintain the economic well-being of those organisations and people who make their living from it;
(*c*) control any stake subsidy funds;
(*d*) control the Half Percent Amenities Fund;

Here, we could read "Racecourse Development Fund". The general aims continue:

(*e*) at the request of the Minister report to and advise him on any matters needing his approval or decision.

To this, I would add some local thoughts. We require urgently to look at the autonomy provided in the three codes and to maintain that autonomy in the three codes. We need to look closely at the supervision of the Lottery and Gaming Act (the racing Act, in due course) in respect of the racing industry as a whole. We need to control the industry in a general sense, after receiving advice from the code control authorities. In other words, I have already referred to the maintenance of the S.A.J.C. for gallopers, the South Australian Trotting Control Board for the control of trotters, and the yet to be established racing control body for dogs.

Mr. Chapman: Greyhound-racing.

Dr. EASTICK: Greyhound-racing, or whatever it may be called. We need to provide for day-to-day administration, registration and supervision of the individual codes by the relevant control bodies to exercise discretion in the areas of administration and/or control, which might be exercised by "registered persons", because they are an integral part of the total; and to maintain an oversight of the Totalizator Agency Board, the Betting Control Board and the Racecourses Development Board integrating their activities and responsibilities with a recognised industry approach. The New Zealand Commission, in concluding all of its remarks, had this to say:

Though they (the recommendations) could be considered and implemented separately, they have been designed to relate to one another and with the object of presenting one comprehensive plan of reform. Piecemeal adoption would lose much of the advantage of a plan aimed at ensuring a viable future for the industry as a whole. The recommendations are interrelated.

Obviously, that is the situation in South Australia. By way of final comment, the Commission stated:

That though racing and trotting are merely different parts of an industry which includes other groups as well and which must therefore have machinery to co-ordinate and direct it, yet we firmly believe that the two codes should be left to decide their own internal structures and run their own affairs as they themselves would wish, without direction from others, save when the economic welfare of the whole industry is involved.

Clearly, that is what I have put forward, so that the control of the individual codes will remain. By my motion, I hope that every member will take the opportunity, perhaps for the first time, of examining the racing industry and its magnitude on the South Australian scene. I believe that action to be taken in rearranging the Lottery and Gaming Act will have a telling effect on this important industry for a long time to come.

It is essential that the correct actions be taken and that all current views be heard. Certainly that opportunity now prevails in the House and in representations individuals may wish to make to members. I will quickly indicate the result of the New Zealand Royal Commission. The New Zealand 1971 Statutes, volume 4, which relates to Acts Nos. 111 to 157, include Act No. 155, under the heading of "Racing". More particularly, I refer to page 2335 of that volume under the heading "Functions and powers", section 12 of which reads:

Functions of Authority—The general functions of the Authority shall be—

(*a*) To initiate, develop, implement, or recommend such policies as will in its opinion be conducive to—

(i) The economic development and the financial welfare of racing, trotting, and greyhound racing, and the financial security of the organisations and persons whose livelihood is derived from or in connection with racing, trotting, or greyhound racing; and

(ii) The public interest in matters relating to racing, trotting, and greyhound racing, including the maintenance and improvement of the standard of facilities and amenities for the benefit of the public:

There are three other small sections relating to the industry's accounts that exist in New Zealand. I suggest to members that those functions and powers are specifically the areas of interest we are looking at here. I highlight the importance of that area, which is shown as (*a*) (ii), relating to the public interest in matters of racing, trotting and greyhound racing, because the public is very much a part of the total. I hope that all members will deeply consider this matter, and I recommend it to them for their thought.

The Hon. HUGH HUDSON secured the adjournment of the debate.

EDUCATION ACT REGULATIONS

Mr. GOLDSWORTHY (Kavel): I move:

That regulation 201 of the general regulations made under the Education Act, 1972-1975, on August 26, 1976, relating to constitution of school councils and laid on the table of this House on September 21, 1976, be disallowed.

I have read with interest the report to the Joint Committee on Subordinate Legislation over the name of A. W. Jones, Director-General of Education, in connection with these regulations. I quote in part from the report to the Joint Committee on Subordinate Legislation under the name of A. W. Jones, Director-General of Education, which states:

Minor changes have also been made to the content of certain existing regulations, . . . The consolidation exercise has been carried out in close consultation with officers of the Crown Law Department. The Institute of Teachers and parental organisations have also been closely involved.

It seems to me that at least one of the parental organisations involved would not favour these changes. Mr. Jones continued in the detailed submissions:

Part 6, regulation 201: Slight variations to give flexibility concerning student representation on school councils.

I do not believe the change is slight: it is substantial, and it has been suggested to me by interested parties that the change is substantial and a retrograde step. I am not arguing against student representation on student councils: that is a well accepted proposition. It is a question of who decides whether they will be on school councils and what will be the position regarding their election. Concerning education regulations part 6, school councils and affiliated organisations, regulation 201, and constitution of a school council, we have the following:

Objection is taken to the proposed change in respect of student representation, viz: That "and in addition, if the senior students so decide—

(*h*) two senior students of a secondary school elected by the students, provided that where a student representative council is established in a secondary school that council may determine by resolution which of its members shall be members of the school council for any particular meeting."

The present regulation has proved to be satisfactory and has received general acceptance. Then we have:

The relevant present clause reads:

"and, in addition, if the school council so decides,

(*h*) two senior students of a secondary school, elected by the students."

It is important in establishing the position and authority of school councils, in line with the present trends towards

their greater involvement in schools, that their autonomy should be respected, and the original clause on student representation was appropriate. To take this away now and to place such a decision in the hands of students only reduces the self-respect of what is an adult and essentially a parent body. A recent survey indicated that a majority of councils of secondary schools wished to retain the decision as to whether or not students should serve as members. Obviously, that decision was either not transmitted to Mr. Jones or was considered not to be of sufficient weight to invalidate the proposed change. I am informed that a survey of school councils was made, and it was a clear majority opinion that the present provision should remain. Obviously the councils themselves are in the best position to assess local circumstances, which could be quite unfavourable to satisfactory student representation. There are also certain practical difficulties in the proposed change. There is an assumption that a student representative council can make wise decisions about the suitability of students in relation to council matters. Many experienced school principals can testify that this is an unwarranted assumption in many cases, and that unwise decisions and actions by students representative councils can at times lead to problems and difficulties which add unnecessarily to the burden of senior staff in schools.

Indeed, it is unrealistic to assume that in all secondary schools satisfactory arrangements can be made for an adequate and proper presentation of the facts on which such a selection should be based. Finally, regular attendance at school council meetings I considered to be important, but the proposed clause permits student representation to change from meeting to meeting. I cannot hazard a guess as to the reasoning behind that change in the regulations: whether it is thought two students will not remain, or whether by giving students the chance to change month by month more students will be trained in the art of participation in school council meetings, I do not know. It seems to me to be ludicrous. If there is to be any value in student representation on school councils, there must, necessarily, be continuity. Perhaps it is considered that students become tired of the position after a month. If so, that defeats the purpose. If it is thought it is giving more students access to the school council, that also defeats the purpose. These regulations were drawn to my attention when complaints were made to me, and I think that this regulation should not be allowed. Despite the explanation given by the Director-General, I believe this is a substantial and retrograde change, and for that reason I move the disallowance of the regulation.

The Hon. D. J. HOPGOOD secured the adjournment of the debate.

WATER RESOURCES ACT AMENDMENT BILL

Mr. ARNOLD (Chaffey) obtained leave and introduced a Bill for an Act to amend the Water Resources Act, 1976. Read a first time.

Mr. ARNOLD: 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 extends the council by the addition of one further member, being a person experienced in the control of salinity in the Murray River. The Water Resources Act, 1976, provides for a council of 12 members consisting of:

(*a*) two persons nominated by the Local Government Association of South Australia Incorporated;

(*b*) one person nominated by the Chamber of Commerce and Industry, South Australia Incorporated;

(*c*) one person nominated by the governing body of the prescribed conservation body;

(*d*) two persons nominated by the Minister as being persons experienced respectively in irrigated horticulture or viticulture and other primary production;

(*e*) six other persons nominated by the Minister respectively having professional experience in engineering, geo-science, agriculture, environment or conservation, public health and Crown lands administration.

However, the Act does not specifically provide for the appointment of a person experienced in the control of salinity in the Murray River. Since the Murray River is called on at times to provide up to 80 per cent of the total water requirements of South Australia, the control of salinity becomes a major provision of the Water Resources Act. Therefore the appointment of an appropriate person would fulfil the intent of the Act. Clause 1 is formal. Clause 2 amends section 9 of the principal Act:

(*a*) by striking out from subsection (2) the passage "twelve members" and inserting in lieu thereof the passage "thirteen members" and

(*b*) by inserting after paragraph (*d*) of subsection (2) the following paragraph:

(*da*) one person nominated by the Minister as being a person experienced in the control of salinity in the Murray River.

I commend the Bill to honourable members.

The Hon. J. D. CORCORAN secured the adjournment of the debate.

DEFENCE PROGRAMME

Adjourned debate on motion of Mr. Mathwin:

That this House congratulate the Federal Liberal Government and in particular the Minister for Defence in taking action to upgrade the Australian Armed Forces and return to them the high morale and self-respect they enjoyed before 1972; further, this House congratulate him on his promise to reinstate the school cadets which will encourage initiative and self-reliance to the youth of Australia wishing to take advantage of the scheme.

(Continued from September 8. Page 894.)

Mr. OLSON (Semaphore): After listening to the members for Glenelg and Victoria, it is appropriate that I refer to a quotation from the late General MacArthur, as it is evident that their interest in this legislation is not in the cadet training corps but in training for full-scale military combat. General MacArthur stated:

In no other profession are the penalties for employing untrained personnel so appalling and so irrevocable as in the military fitness of the Army, for war is the aim of all training, and success in battle, if battle becomes necessary, is the ultimate objective. To achieve success all ranks must be trained in common doctrine as well as being physically and mentally fit.

Following the recent debacle when the cream of this nation was massacred in Vietnam when people were conscripted against their will, one is at a loss to understand

how members in this Chamber can defend military training for children, many of whom are dependants of those who paid the supreme sacrifice in Vietnam. The cost of this programme is about $8 000 000, about $4 a week for each cadet in each of the categories of school cadet. I think it is reasonable that some pointed questions about the cost effectiveness should be raised. What sort of contribution does the cadet system make in terms of preparing a young person for military training and an awareness of military knowledge? The level of achievement of a cadet at the end of his training is the equivalent of about a fortnight of full-time military training. After a fortnight in the Regular Army a soldier might know where his mess is; he might have a rough idea of his left foot from his right foot; he might know who to ignore and who to avoid; he might know that three stripes are probably more important than two stripes, unless he gets them across his backside; and he might know where he sleeps, but he will not know much more. Page 9, paragraph 3 (3) of the Army Corps report states:

School cadets who subsequently attend the Royal Military College, Duntroon, or the Officer Cadet School, Portsea, tend to find that their military knowledge gives them a certain advantage at the beginning of the course, but only briefly. Before long all students are on much the same footing.

The advantages are short, fleeting and the end result is meaningless. The $8 000 000 is an expensive way of establishing that, and it is a costly venture to encourage people to join the armed services. Does it provide cost advantages over other benefits that could be achieved by the community, if the money was spent elsewhere? My unequivocal answer is, "No, it cannot be justified." The results of the 1973 census of Citizen Military Forces established that nearly three out of every five respondents had not been in school army cadets, the air training corps, or the sea cadets. This is an expensive undertaking put forward with the justification that it encourages an interest in and an awareness of the Armed Forces and, accordingly, encourages a great entry rate into the armed services. There is no justification for that assumption on the evidence available. Most people join the armed services because they are predisposed to do so, and they join the part-time armed services in the citizens forces because they have a hankering towards this type of activity. The absence of a cadet system or the chance to join it has little influence on that decision.

It is worth while studying the history of the school cadet system in Australia, because it has existed for more than 100 years. The first unit was formed at St. Mark's Collegiate School in New South Wales in 1866. This cadet unit became the Kings School Cadet Corps on the reopening of that school in 1869. In subsequent years cadet units for boys only were formed in other schools in New South Wales and Victoria. In Victoria the Volunteer (Cadet) Act of 1884 led to the co-ordination of the existing cadet forces in that State and their re-organisation into the State Cadet Force of Victoria—

Mr. GUNN: On a point of order, I understand that Standing Orders provide clearly that reading of speeches is not permitted. I believe the member for Semaphore is reading his speech. If he sought leave to have it incorporated in *Hansard* members on this side would not object.

The SPEAKER: It is up to me as Speaker to judge whether a person is reading from notes or whether he is actually reading a speech. The honourable member for Semaphore.

Mr. OLSON: It is a funny thing that whenever one comes out with the truth the Opposition dislikes it. Members opposite will get more of the truth before I have finished. Although defence became a Commonwealth responsibility when the Australian States federated in 1901, cadets remained under State auspices until July 16, 1906, when the Commonwealth Cadet Corps was established. The Defence Act of 1910 embodied the corps in the provision for universal military training. In this scheme, service in the junior cadets was made obligatory for all medically fit boys between the ages of 14 years and 18 years.

Following the suspension of universal military training in 1929 and the introduction of the voluntary military training school, cadets were divided into two categories for purposes of organisation and training. As one goes through the report of the Army Cadet Corps one finds that only a limited number of schools has provided that sort of activity for their pupils. The reason numbers are limited is that Governments in power before the recent Labor Government realised what an enormous cost and waste of resources was represented by cadets undertaking this scheme, but did not have the political courage to face up to the sort of pressure that would have come from the community if they had justifiably terminated the system. I do not believe that the $8 000 000, as indicated by the Minister for Defence, can be justified. Again, page 9 of the report, paragraph 3.4 states:

On these grounds, therefore, the purely military value of school cadets is quite small and quite expensive. Furthermore, when one considers the high turnover of cadets and the very limited interest displayed by and large by the teaching staff of the schools, the evidence that the concept is a wasteful one is further reinforced.

Paragraph 3.12 on page 11 of the report states:

It is evident that the military value of cadets is small and does not in itself justify the present annual allocation of funds and Regular Army manpower. It is very clear that the funds spent on cadets could be spent in ways which would be more to Australia's present defence capacity.

The proposal before the House is outrageous. This country has been witness to some of the most severe and, in many cases, quite unjustifiable expenditure cuts in worthwhile community programmes: such as health, welfare, education, and urban improvement, as a whole range of programmes has been severely cut. Let me make a comparison of the Federal Government's priorities. When it came to Government, one of its first and highest welfare priorities was to reintroduce the $30 000 000 superphosphate bounty. We all know that the Prime Minister, as a wealthy grazier, is one of the beneficiaries of that scheme.

Mr. Slater: He didn't go to the war, did he?

Mr. OLSON: No, he did not. At the same time, a whole range of important community welfare programmes, including health services and health benefits, was cut back and made more expensive. They were given a lower priority in the eyes of the Prime Minister. This motion has a curious priority, and cannot be justified by the evidence. The implications in this scheme are going to be stimulating and challenging for the schools in Australia that are keen to have school cadets for one reason or another. These schools are in for a shock when they learn that they are bearing the cost of maintaining the school cadet system in various forms.

The Federal Government intends to cut the regular service staff to about one-third of what it was when the cadet system previously functioned, but the approved levels in the total number of cadets will be down by about 10 per cent. This will mean a far greater work load and a far greater cost burden for someone else to bear. Who will bear it? The obvious victims in this sort of transfer

will be the schools and the school parents and citizens associations. They are the people who will pay. Apparently, the Federal Government, which the member for Glenelg applauds, expects the school cadet system to be run on chook raffles in local pubs.

Mr. Mathwin: Don't be so ridiculous.

Mr. OLSON: Of course he does. Perhaps it could be operated from the proceeds of Saturday afternoon fetes, walkathons, and similar local activities to keep it functioning. Let us examine some of the alternatives. For an outlay of $20 000, a fairly comprehensive modern hospital may be built, comprising 630 beds. That means that, if this money had not been allocated to school cadets, in every 2½ years we could build somewhere in Australia one 630-bed hospital. We could build 13 health centres providing medical, mental, and paramedical services, the average comprehensive centre costing about $600 000. We could build one or two community health blocks with 222 beds for geriatric, psychiatric, and rehabilitation patients, with the full range of therapy facilities. A great demand exists in the community for such services. For education, we could establish at a cost of about $200 000 each a high school science block, a high school library, or a school extension of from six to eight new classrooms. At a cost of $50 000 each, we could provide facilities for 25 children at one child-care centre.

All of these items represent one packet deal costing each year as much as the reintroduction of the school cadets system but giving more social and economic benefit. I can give other examples of how the money could be spent. The allocation for home nursing services in 1975-76 was less than $6 000 000. The maternity allowance was less than $8 000 000, and the handicapped children's allowance was less than $8 000 000. Surely, the member for Glenelg would prefer to see a handicapped children's allowance made available before school cadet priorities.

Under the National Health Act, medical services for pensioners cost $6 000 000 and domiciliary home care $8 300 000. Does the member for Glenelg want those things cut out for the benefit of school cadets? I cite these examples so that members will have an insight into the cost of this cadet service. I am sure they will agree that it is an unjustifiable decision to reintroduce this scheme. Some aspects of the new scheme seem to be impracticable. The reimbursement of fees for travel to and from camps is at an average of $10 for each cadet. We have not heard anything from members opposite about what the cost would be to parents because, according to members opposite, it is all free. Something was said about the fairness in schools. Obviously, if these barriers are to be installed, it means some schools will enjoy an advantage over others.

Mr. Venning: Why?

Mr. OLSON: For the simple reason that the families of some of these cadets will be disadvantaged because they cannot afford to let their children attend. Further, the money to be raised by parents' associations might not be spent for that purpose. The minimum unit size of a cadet corps or group is to be 70 cadets, which means that, in schools where there are more than 70 students, cadets will be selected. Even in schools where there are fewer than 70 students, cadets would be barred because they would not have sufficient numbers to make up a complement. In addition, it will mean that schools must bear the responsibility for the administration of their units, and that they must pay for the cost of their uniforms and the cost, in part, of their equipment. The very high expenses incurred in providing security for armaments is also to be the responsibilty of the school concerned. For the 12 months ended November, 1975, 119 weapons were stolen from school property, comprising 42 machine guns or submachine guns. What strict security requirements are necessary to safeguard adequately that type of equipment? Furthermore, schools are responsible for bearing the cost of providing the necessary armoury or enclosure in which to store the material.

Mr. Chapman: Do you actually say that there should be no defence forces at all?

Mr. OLSON: In schools, yes.

Members interjecting:

The SPEAKER: Order! All honourable members who are interjecting will have an opportunity to speak.

Mr. OLSON: I should like to quote again from the Army report, where it is stated:

On these grounds, therefore, the purely military value of school cadets is quite small and quite expensive. The only time when it could perhaps be accounted valuable would be in the event of an invasion of the country, when every man or youth who can handle a weapon is to that extent better equipped to help in the nation's defence.

Are members opposite suggesting that this country will be invaded in the foreseeable future? Of course they are. That is what they are trying to do—stampede the community. Instead of trying to improve world-wide relations, they are trying to bring about hostility.

Members interjecting:

The SPEAKER: Order!

Mr. OLSON: The report continues:

The term "Military Value" may be defined more broadly than this section indicates. Some definitions would encompass the development of qualities of leadership, discipline, self-reliance, team-work, or patriotism. Undoubtedly, these qualities have military relevance, but so do many others . . . Such qualities and skills may equally be developed by a variety of non-military activities such as scouts, bushwalking, the Duke of Edinburgh Award—

about which we have heard nothing from members opposite. Such activities can give guidance to youth in the community. Members opposite maintain that they uphold the Duke of Edinburgh awards. The report also refers to other community interests, which provide the necessary facilities by which to create good citizens in the community. I should like to refer to a letter from a headmaster in relation to this system.

Mr. Chapman: How long did it take you to organise that?

Mr. OLSON: It took me a little longer than to get bets on Kangaroo Island. The headmaster pointed out the following:

There can be few activities as effective in calling for disciplined team-work as playing in the school orchestra. Some "civil" school activities, such as rifle shooting in conjunction with local rifle clubs, have substantial and direct military relevance. Some parents and teachers believe that the qualities of self-discipline, initiative, leadership, etc. should be fostered by the school as part of its normal activities, and without the necessity of joining a cadet corps.

A former Regular Army officer with war time military service (and it might be necessary for members opposite to digest what the former Army officer, now in the cadet corps, had to say), stated:

1. The committee is aware that the most lethal weapon which the vast majority of boys will probably ever handle is the motor car.
2. Some cadets feel over-protected by army safety regulations. We consider that most parents would probably prefer them to be over-protected than under-protected.

I maintain that, just as cadet training may foster the desirable attributes listed above, it may also foster such undersirable attributes as arrogance, pride, and the belief that under some circumstances it is necessary and desirable to take human life.

If members opposite are advocating that sort of thinking, we are better without a cadet system. He continues:

But in my opinion, its most dangerous property is the insidious instillation of an attitude of blind obedience.

Members interjecting:

The SPEAKER: Order!

Mr. OLSON: It continues:

I firmly believe that a major purpose of every educational process is to teach young people to think independently, and I believe that all forms of military and para-military training must, of necessity, stifle independent thought.

That is what a former Regular Army officer who is now a headmaster things about the cadet system. I think I have been able to indicate that the argument for the reintroduction of school cadets does not justify the consideration Opposition members would have us believe. I shall quote the results of a survey conducted during the past couple of weeks. The survey shows how many people are interested in the cadet scheme. At present, 9 000 fewer are willing to go into the cadet training scheme than were willing to go into the scheme as it originally operated. These figures apply to the whole of Australia. A survey of South Australian schools shows that, when the question of the abolition of the cadet units was raised while the previous Australian Government was in office, South Australia supported the abolition of the scheme. The number of cadets in units in State schools dropped from 1 040 in 1970 to 300 in 1974.

Mr. Mathwin: That's wrong.

The SPEAKER: Order! The honourable member for Glenelg will have an opportunity to rebut that statement when he concludes the debate.

Mr. OLSON: It is not wrong; that survey was conducted by our Education Department. I think I have indicated sufficiently why Government members fail to see the justification for the reintroduction of the cadet training scheme in South Australia. We believe that more important aspects deserve financial backing within the community than putting revolvers into children's hands, getting them later to employ the knowledge they have gained from this kind of training, probably in some inferior way. I have much pleasure in opposing the motion.

Mr. WARDLE secured the adjournment of the debate.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 6. Page 1328.)

Mr. McRAE (Playford): I oppose the second reading for a number of reasons. This short Bill has one substantive clause, namely, clause 2, which tries to prevent payments by trade unions to political organisations, except in certain circumstances. Those circumstances are where the member in question has consented in writing to the payment of part of his membership fee to a political organisation. Before coming to the Bill's many failings, the first thing that should be pointed out is that, in a nutshell, it is legally defective, morally pernicious, and anti-democratic.

The Bill is morally pernicious because it does not seek to prevent the payment by many large commercial corporations to political organisations. For instance, it so happens that I am a policyholder (not a large one) in the National Mutual Life Assurance Society. I know that that company, together with many others, is a large backer of the Liberal national coalition in this country and of the Liberal Party in this State. Furthermore, I, together with many others, have no choice from time to time but to make purchases in Adelaide retail stores. We have a monopoly of retail stores in Adelaide, and I know that large retail stores in Adelaide make large capital donations to the Liberal Party.

Mr. Gunn: To the Trades and Labor Council.

Mr. McRAE: I know of no such donations to the T.L.C., but I know that they make donations to the Liberal Party. In addition, I know many depositors with private banks. Many people have large sums of money deposited on fixed terms with those banks, which have made large donations to the Liberal Party nationally and in this State. Although I have quoted only three instances, I could quote many other examples, but in no case has the honourable member tried to restrict the political payments in those cases to the proportion of the number of policyholders and shareholders who consent in writing to those payments.

Secondly, the Bill is legally defective, and for that I do not blame the honourable member. His advisers, in drawing up the Bill, were not particularly helpful, because proposed new section 131a (3) provides:

This section does not apply to an association or a registered association that is registered under the Conciliation and Arbitration Act, 1904-1975, of the Commonwealth or is a branch, or forms part, of any organisation so registered.

The difficulty is that, immediately, the Bill can apply only to those trade unions which are State-registered unions. That is a minute fraction, both in terms of unions involved and total membership of unions in this State. Indeed, for the benefit of Opposition members, I shall tell them just to whom this provision could apply, but it will not help them very much.

The provision would apply to the Police Association and to the Teachers Institute, because the High Court has held that neither association is capable of registration under the Commonwealth Act. The problem is that the institute is affiliated neither with the T.L.C. nor with the Australian Labor Party; so, that has gained nothing. The Police Association is affiliated with the T.L.C., but not with the A.L.P. So, the honourable member has gained nothing there. Can the honourable member name any single organisation of any magnitude (there might be some small organisations left) that is not registered under the Commonwealth system? Five months ago, he might have named the Public Service Association. Again, I would have answered that that was not affiliated with either the T.L.C. or the A.L.P. Even in theoretical terms that has now become a federally-registered organisation. So, the largest of the white-collar groups that might still have fitted within the honourable member's framework has now been taken away.

Legally, the whole Bill is defective, except in respect of a tiny number of unions. I find it difficult to think of one. I was about to say the Breadcarters Union, but even that, as a relatively small union, is Commonwealth registered. If the honourable member can name a few, I shall be pleased to hear them. I am associated with almost every union in the State, for good or ill, and at least 95 per cent of them are registered under Commonwealth law.

Thirdly, this is an undemocratic measure. Let us assume that for some reason a breakdown of the union structure as we know it occurred and the Federal system broke down, with a reversion to the State system so that this Bill could have effect. What would it achieve? Again I draw on practical experience in the field. Every major union I have acted for has now an opting-out clause; in other words, the individual member is at liberty to opt out of any political levy that the union may be drawing against his fund. Every major union I have worked for has such a clause and has members who have taken advantage of it.

Mr. Mathwin: What about the waterside workers? What about the nurses? They weren't allowed to, were they?

Mr. Wells: That wasn't a political levy, you crank: it was a sporting levy.

Mr. Mathwin: It was a political levy.

Mr. Wells: You're a crank.

The SPEAKER: Order!

Mr. McRAE: Quite apart from the individual opting out there is also complete freedom for the union to opt out, and unions have done that. Every member in this place (and I see particularly the member for Alexandra looking at me) would know the Australian Workers Union, and at nearly all times some part of the A.W.U. is disaffiliated from the A.L.P. The A.W.U. has had a long history of affiliating, disaffiliating and reaffiliating. This is the biggest single union in Australia.

Mr. Chapman: Is it on-side at present?

Mr. McRAE: Yes, except in Queensland, where I think it is still disaffiliated; it is hard to say. The single most wealthy union in the country of which I know is the clerks' union and it is not affiliated with the A.L.P. and has not been for the past 25 years. I do not know of any union that is more powerful than that one. The shop assistants' union is not affiliated with the A.L.P. in many States.

Mr. Gunn: What about in South Australia?

Mr. McRAE: In South Australia the S.D.A. is affiliated with the A.L.P. The point that I am trying to make is that affiliations of particular bodies with the A.L.P. is something that lies at the choice of that body in the interests of its members, and this Bill overlooks the facts, first, of the individual power to opt out on the part of a member, and, secondly, the acknowledged historical fact that many organisations themselves opt out. It also overlooks the fact that it is the members who have control of union affairs. If for some reason the members believe that affiliation with the A.L.P. is no longer desirable then, as history has shown, any union in this State would be required under the State or Commonwealth Act to call a special meeting for that purpose. Should it refuse to do so members, could get a court order, at Commonwealth expense, in the Industrial Court to force the calling of such a meeting. That fact is overlooked as well.

The honourable member seems to assume that most trade unions are affiliated with the A.L.P. That is a debatable point. I doubt whether more than 50 per cent of all registered trade unions are so affiliated. For example, I refer to the Australian Clerical Officers Association, the Public Service Association, the Police Association, the Institute of Teachers, the Commonwealth Fourth Division, the Professional Engineers Association, and the Association of Engineers, Surveyors, and Draftsmen. Those unions represent throughout the country hundreds of thousands, and in this State about 100 000 members. It is unlikely that more than 60 per cent of all unions able to affiliate with the A.L.P. are, in fact, affiliated with it. Of all the unions that are affiliated with the A.L.P., it is not the usual case that the affiliation is for the full available membership; that is another point that has been overlooked.

Having demonstrated that this Bill is morally pernicious, legally defective and would overlook most of the democratic processes already set up inside the union structure, which have been availed of, I make the final point that the Bill is undemocratic, because its effect would be to destroy the opportunity of any possible anti-conservative opposition in this country. I am sure it is not the intention of the member for Glenelg, but if we destroy all possible opposition to a conservative Government the effect of this Bill, if passed, and if all its legal difficulties were overcome, would be to establish a fascist State. I am sorry I have to say this to the member for Glenelg, who I am sure has his heart in these matters. The Bill is an awful mess and should never have been brought into the House. Now it has been introduced, it should be voted out, for the reasons I have mentioned.

Mr. MATHWIN (Glenelg): I thank members for the attention they have given the Bill. Parts of the debate were quite interesting to me. This Bill allows the workers to direct what happens to their pay.

Mr. Max Brown: They do that now.

Mr. MATHWIN: A past secretary of a trade union would know damned well that that is not correct. The situation is that if the members want to direct matters they have to contract out and not contract in. If a person has control of his pay, his money, he ought to contract in and say where it will go, not say where it will not go.

The Minister whitewashed around the situation and did not give a thorough reply. Because of insufficient time, I will not be able to deal with his speech in full, but he offered to supply the member for Light with the balance sheets of certain unions and he said that the stack would be so high on the bench that that member would not be able to see the top of it. The Minister should have read section 120 of the Act, by which that information cannot be given. Indeed, the figures are secret and anyone who gave the information could be fined $50. Although telephone calls were made to the Industrial Court, the Australian Labor Party, and the Trades Hall about this matter, no information was available from any of them.

Much has been said about the Hursey case. The member for Florey said that the levy was not a political one but some sort of sporting fund. The evidence given in the Hursey case shows that Mr. Roach told Mr. Hursey that he could have the opportunity of paying the levy to any political Party he chose, even his own Party, the Democratic Labor Party. That is in the report of the case and must be correct. The report of the case shows that on January 21, 1958, James Healy, the General Secretary of the union, went to Hobart from Sydney and interviewed Mr. Hursey. It also states that he told Mr. Hursey that, if he and his son paid the contributions and the political levy by January 31, the payments would be accepted; otherwise, he said, their membership would be treated as automatically terminated. When that happened, all the rough stuff occurred and the people concerned were ostracised through their union. At times, there were human barriers to prevent people from going to work.

The Bill is clear and honest and gives the worker the opportunity to say whether the sustentation fee or political levy ought to be paid. I have several trade union rule

books, all of which provide that a majority decision of a meeting will determine where the levy will go and that all members will abide by that decision. We know how many people attend these meetings.

In regard to the matters raised by the member for Playford, I point out that a document that I have states that in South Australia, Western Australia, and Tasmania the A.L.P. rules make clear that a union is normally expected to pay affiliation fees on behalf of its total membership. Generally the affiliation fees and other political expenses are paid out of the general funds of the union. I ask members opposite to reconsider their position. I presume that some will agree with me: I am sure that the member for Florey will agree, now that I have enlightened him about the Hursey case, which he could have forgotten. If there is any justice in sustentation, the people concerned should have the right to contract in, and I ask the House to support the second reading.

The House divided on the second reading:

Ayes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin (teller), Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Allen and Nankivell. Noes—Messrs. Broomhill and McRae.

Majority of 1 for the Noes.

Second reading thus negatived.

[*Sitting suspended from* 6.1 *to* 7.30 *p.m.*]

LAND TAX ACT AMENDMENT BILL

Returned from the Legislative Council with the following suggested amendment:

Page 2, line 12 (clause 7)—After "subsection (5)" insert "and inserting in lieu thereof the following subsections:

(5) Where the Commissioner revokes a declaration wholly or in part under this section, a taxpayer in respect of the land to which the declaration applied may, within twenty-eight days of the date of the revocation, lodge a written objection with the Treasurer setting out in detail the grounds upon which he objects to the decision to revoke the declaration.

(5a) The Treasurer shall consider any such objection and may:

(*a*) uphold the decision of the Commissioner;

(*b*) vary the decision of the Commissioner; or

(*c*) quash the decision of the Commissioner,

and shall, by notice in writing, inform the taxpayer of his decision upon the objection.

(5b) The taxpayer, if dissatisfied with a decision of the Treasurer upon an objection under this section, may, by notice in writing served upon the Treasurer within twenty-eight days of the date of the Treasurer's decision upon the objection, request the Treasurer to refer the objection to the Land and Valuation Court.

(5c) The Treasurer, upon receipt of a notice under subsection (5b) of this section shall refer the objection to the Land and Valuation Court in accordance with the request.

(5d) Where an objection has been referred to the Land and Valuation Court in pursuance of this section the court shall hear evidence as to whether the decision of the Commissioner was duly made in accordance with this Act and may:

(*a*) uphold the decision;

(*b*) vary the decision; or

(*c*) quash the decision,

and make such orders for costs and other ancillary matters as the court thinks fit."

Consideration in Committee.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That the Legislative Council's suggested amendment be disagreed to.

The suggested amendment provides a right of appeal against decisions of the Commissioner under section 12c (4) of the Land Tax Act, revoking declarations under section 12c that land is "declared rural land". Section 12c (4) of the Act provides:

If—

(a) the Commissioner is satisfied that any declared rural land, or any part thereof, has ceased to be land used for primary production;

or

(*b*) the taxpayer in respect of any declared rural land applies for the revocation of the declaration in respect of that land, or any part thereof,

the Commissioner may, by notice in writing given personally or by post to the taxpayer, revoke the declaration in respect of the land or revoke the declaration in so far as it relates to a part of the land, as the case may require.

Since 1961 section 12c has provided that owners of land within the defined rural area may apply to the Commissioner to have land declared as "declared rural land". Where the Commissioner was satisfied that the land was used for primary production, he declared the land was "declared rural land" under that section. Upon that declaration being made, the land is subject to land tax calculated only in respect of its value as land used for primary production as distinct from its normal assessed value, which may have been determined on potential for urban use. Subsection (4) of section 12c *inter alia* empowers the Commissioner to revoke a declaration that land is "declared rural land" should the land cease to be used for primary production. The difference in tax for a period not exceeding the immediate past five years becomes due and payable in these circumstances. This power has existed in the Act since 1961 (it was inserted by a Liberal Government at that time) without any serious difficulty arising. In fact, no cases of difficulty have been cited. Indeed almost all revocations are made when farming land ceases physically to be used for primary production. It is possible also that the declaration may be revoked if primary production has ceased to be the principal business of the owner of the land. For example, he may have sold part of his property and, as the balance is not a viable unit, the owner engages in other employment. In practice, valuers of the department become aware that declared rural land is being subdivided or being sold and by inspection ascertain that it is not being used for primary production. This fact is then reported to the Commissioner of Land Tax. If the valuer has not confirmed his conclusions by discussions with the owner of the land, the Commissioner of Land Tax writes to the owner informing him of the report and inviting him to submit representations on the matter, if he desires to do so. If, as a result of these representations, there is any doubt in the matter the department has given the benefit of the doubt to the owner.

The provisions of clause 7 of the amending Bill remove the power for land to be "declared rural land" in future, as the necessity for this provision does not exist when land used for primary production is completely exempted from land tax. Certain of the provisions of section 12c are continued in operation simply to enable differential tax in respect of past years to become payable within the next four years in respect of any land which ceases to be declared rural land. The amount of deferred tax that will become payable will decrease each year during the next four years, and no differential tax will be payable and no

revocations of declarations will be made by the Commissioner after that period has lapsed. The provisions of section 12c have operated successfully without rights of appeal for the past 15 years. As no new declarations can be made, and as the provisions of that section will only continue to have effect during the next four years after which no revocations will be made and no deferred tax will become payable, I can see no real reason why elaborate appeal proceedings are necessary in the Act at this stage.

Mr. Coumbe: It wouldn't do any harm though, would it?

The Hon. D. A. DUNSTAN: Yes it would, because basically these are administrative provisions. The writing in of elaborate appeal provisions are quite unnecessary and gum up administration quite unnecessarily. Your Government provided these provisions as they stand, and they have worked.

Dr. Tonkin: Whose Government?

The Hon. D. A. DUNSTAN: The Liberal Government.

Dr. Tonkin: I thought that you were addressing the Chair.

The Hon. D. A. DUNSTAN: I was replying to an interjection.

The Hon. J. D. Corcoran: Be careful; you've got to watch everything now.

The CHAIRMAN: Order! The honourable Premier has the floor.

The Hon. D. A. DUNSTAN: The Government which the member for Torrens supported and of which he was a member provided that that provision should be there. The provision existed consistently under Liberal Governments. Not a single case has been cited of any difficulty administratively relating to this provision; not a single case where a single objection has been cited. Any objection could have been taken to the Ombudsman, but none ever has been taken to him. Therefore, the Government does not believe that writing in of elaborate appeal provisions is appropriate at this stage in respect of a provision that is merely transitional for the next four years and relates only to past land tax. The Legislative Council's suggested amendment is quite unnecessary and absurd, and the Government does not intend to agree to it.

Dr. TONKIN (Leader of the Opposition): The Premier has made out a poor case; indeed, I do not believe that he has even made out a case. He states that the suggested amendments from the other place are not necessary; that they are suggested simply to cover a transitional period of four years and, after all, what is four years? It is not important at all! There are many people who, in four years, could be grateful for and could depend on this amendment. I know that the Premier is not much concerned about people as individuals; in fact, he is not particularly concerned with people who face difficulties in this regard. He said that there has not been a single case reported that would make this provision necessary, and that if any objection did arise it could be taken to the Ombudsman, but that no-one has raised an objection. That is not an argument because, if no-one has reported a case or complained to the Ombudsman, that could relate to a deficiency in the Act.

The Premier cannot say that that is not so. I do not know what are the circumstances or whether people have been put off from appealing against such changes. I can only agree with the member for Torrens when he says that he can see no harm in this provision. If it is a question of including the amendment rather than not including it, if it is likely to do even one person some good and to see that justice is done, it should be included. I cannot accept the Premier's proposition. This reasonable amendment should be supported, and I am surprised and amazed that the Premier should be opposing it.

Mr. VANDEPEER: I support the amendment. We are now abolishing rural land tax completely for the first time, and it is that factor that makes the amendment necessary to allow for the right of appeal. Previously, everyone was paying a certain sum of land tax. We are now referring to one sector of the community that pays no land tax, and because the Commissioner will decide whether it is rural land or not a large sum is involved.

The Hon. D. A. Dunstan: Look at section 12c.

Mr. GUNN: The Premier considers the provision unnecessary, because it has not been in the Act since 1961, I think he said. However, if there has been an injustice for many years, why let it continue? Many people will not have to pay land tax but, because of an arbitrary decision of the Commissioner (although made in good faith, and I am not reflecting on him), certain people may have to pay land tax. Surely they should have a right of appeal, and it seems reasonable that they should be able to negotiate with the Commissioner. Any fair-minded and just Government ought to accept the amendment. I cannot understand why the Premier, who likes to portray to the people that his is a Government of the people and is always keen to listen to people's views and provides the right of appeal to the individual, now intends to allow officials to make arbitrary decisions. The amendment would insert in the Act a provision in the true sense of democracy. I support the amendment.

Dr. EASTICK: I refer to Act No. 78 of 1972, which amended section 12c by striking out the existing subsection (4) and inserting a new subsection, which provides:

If—

(*a*) the Commissioner is satisfied that any declared rural land, or part thereof, has ceased to be land used for primary production;

or

(*b*) the taxpayer in respect of any declared rural land applies for the revocation of the declaration in respect of that land, or any part thereof,

the Commissioner may, by notice in writing given personally or by post to the taxpayer, revoke the declaration in respect of the land or revoke the declaration in so far as it relates to a part of the land, as the case may require.

The Premier will recall two cases to which I drew his attention, specifically one in the Smithfield area where three sisters received a parcel of land by succession from their father's estate. The piece of land continued to be used for rural purposes but, because they were females and did not live immediately adjacent to the land, they required a sharefarmer to undertake the work for them. Because of new arrangements within the Land Tax Department. they were not permitted to seek or obtain a section 12c benefit on that land: they were unable to sell the land, because it did not have its own independent water supply, and the waters appeal tribunal would not allow them to have a water supply.

They could not receive reticulated water from the Engineering and Water Supply Department, and were placed in the invidious position of having a block of land that could be used only for agricultural purposes, subject to its being used by a next-door neighbour on a lease, yet denied any opportunity of the rural land use declaration. There have been other instances in which the Commissioner has been unable to provide a satisfactory answer to many people who have been placed in that kind of situation. They have had no redress other than to write to the Commissioner in the hope that some relief would be

granted. If the Commissioner saw fit not to take the matter any further, the door was closed. I accept the Premier's point that they had access to the Ombudsman but, apparently, they failed to exercise that right. If the Ombudsman were to take into account every conceivable measure that could be directed to his attention, he would be unable to proceed, with the staff he has: the staff would have to be at least quadrupled. Certainly, there should be an opportunity for a proper appeal.

Mr. Gunn: They don't have to take any notice of the Ombudsman, either.

Dr. EASTICK: That is right, but I will not go into that matter because I believe that common sense normally prevails. I believe it a distinct right and a natural justice that people have the opportunity of putting their case and knowing that it will be considered, not by a judge (who becomes both the judge and the jury), but by a judge and a jury (the judge being the Commissioner, in the first instance, and the jury being the Land and Valuation Court subsequently). In saying the Land and Valuation Court subsequently, I may be bypassing one of the requirements of the amendment, which is that the Treasurer be given the opportunity of intervening. By including the two provisions we would be gilding the lily a little too much. I believe that there should be one right of appeal from the judge's (in this case, the Commissioner's) decision and I hope that the Government will accept the validity of the arguments.

The Hon. D. A. DUNSTAN: The member for Light raised a specific case, which does not make out a case for these appeal provisions. He raised a case which, given the arrangements that were made by the people concerned, could not have allowed either the Commissioner or any appeal court to have come to a different conclusion. The appeal court can do no more than the Commissioner can do within the law. If, however, his constituents had provided a different arrangement with the farmer who was working their property, they could have obtained the advantage of section 12c. What he should have done was to advise them to see their lawyer.

Dr. Eastick: They did. He sought it on their behalf, but it was refused.

The Hon. D. A. DUNSTAN: I am sorry, but I do not think that the lawyer gave them the best advice. I recall the Leader's asking a question on land tax in respect of a property of considerable value in the southern part of the metropolitan area. If only the business had been arranged differently, the advantages of section 12c could have been taken up. In this case no appeal provision could have altered the decision, because the decision had to be in accordance with the provisions of the Act.

Dr. Eastick: But it was rural land.

The Hon. D. A. DUNSTAN: The definition of rural land is in the Act, and the way it must be administered is prescribed. One has to look at the definitions and make use of them in one's business arrangements, and to arrange matters accordingly. That was not done in the case the honourable member cites, and no appeal court would have overthrown the Commissioner's decision. These provisions would have been utterly useless in the case cited. Nothing would be accomplished in that case by writing these appeal provisions into the measure. An appeal court could do no more than the Commissioner himself could do under the Act.

Dr. Eastick: Are you suggesting that an appeal court could not make an interpretation different from the Commissioner's interpretation?

The Hon. D. A. DUNSTAN: The appeal court would have to come to a conclusion within the terms of the Act: it could not do anything else.

Dr. Eastick: It might make a different interpretation from that of the Commissioner.

The Hon. D. A. DUNSTAN: It could not be a different interpretation, and the honourable member must know that if he looks at the terms of the Act.

Mr. Rodda: Irrespective of the language?

The Hon. D. A. DUNSTAN: It is a question of what is the principal occupation of the person concerned.

Members interjecting:

The CHAIRMAN: Order! Honourable members opposite have an opportunity to speak and I hope they will do so. There are too many interjections.

The Hon. D. A. DUNSTAN: The honourable member must look at the definitions. If business arrangements had been different, if the business had been a joint operation on the land, it would have been different—

Mr. Venning: It's a thin line.

The Hon. D. A. DUNSTAN: —and it is as simple as that. There is no thin line. The Commissioner cannot go beyond the provisions of the Act and, in any case of doubt, he has given the benefit of the doubt to the person concerned. No case has been cited to the Ombudsman, and no case has been cited to me that the Commissioner has acted wrongly in the exercise of his discretion: such discretion that he has is within the terms of the Act, and no court of appeal can go beyond what the Commissioner himself can do, so what the honourable member is arguing for is of absolutely no use in the circumstances he has cited.

Dr. TONKIN: We have had expounded to us an interesting proposition, which in some ways gives notice of a change to our entire legal system. According to the Premier, I understand that the Commissioner must be infallible: he must make perfect decisions within the law. One could go further and say that that principle could be extended to cover any magistrate's determination. After all, a magistrate must administer the law as he sees it, as the law is prescribed and, therefore, it would be wrong, apparently, for a decision of a magistrate to be taken to an appeal court; and it would be wrong according to the Premier for even a decision of the Supreme Court to be taken to the High Court. It is not worth it, "Because the law is the law and the decision that must be made must be made within the law." What a lot of cods wallop. The Premier knows that only too well—he must know it.

The Commissioner will administer the law, "As it is prescribed" to quote the Premier, "as well as he can within the terms of the Act". I am sure that he would be the first person to admit that he is not infallible. In this case, as with every other interpretation of the law by a court or tribunal, there must be a means of appeal. When this amendment was first put to me I thought that it sounded reasonable but, having listened to the Premier, I am certain that it is essential, especially when one is dealing with a Government department administered by someone with the outlook and point of view of the Premier: that is, one of infallibility.

The Committee divided on the motion:

Ayes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (20)—Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Messrs. Broomhill and Hudson. Noes—Messrs. Allen and Boundy.

Majority of 1 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendment would reduce the effectiveness of the Bill.

INDUSTRIAL COMMISSION JURISDICTION (TEMPORARY PROVISIONS) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATE OPERA OF SOUTH AUSTRALIA BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to establish the State Opera of South Australia; to constitute a board of management thereof and for matters incidental thereto. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

This measure establishes as a body corporate the State Opera of South Australia, and provides for the management of its affairs. Honourable members may be aware that a body formerly known as "New Opera Incorporated" was, some time ago, incorporated under the Associations Incorporation Act and recently this body changed its name to "The State Opera of South Australia Incorporated". It is proposed that the new body to be created by this measure will absorb the present body incorporated under the Associations Incorporation Act. I seek leave to have the explanation of the clause inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of the measure. Clause 5 establishes the body corporate under the name "The State Opera of South Australia" and provides for certain basic powers appropriate to a corporation of this nature. Clause 6 provides for the management of the affairs of the opera by a Board of Management consisting of five members appointed by the Governor and two persons elected by subscribers.

Clause 7 is intended to recognise the likelihood that one of the persons appointed by the Governor will represent employees of the State Opera on the Board of Management. Clauses 8 and 9 provide for removal from office of members of the Board and are in the usual form. Clause 10 is again in the usual form and provides for a quorum of four members to constitute a meeting of the Board and clause 11 provides for the Chairman to preside at a meeting and arms him with a casting vote. Clause 12 provides for fees to be payable to board members. Clause 13 provides a power of delegation for the board. Clause 14 is a formal validating provision.

Clause 15 is intended to ensure that members of the board do not by virtue only of their membership of the board become officers of the Public Service of the State. Clause 16 is intended to ensure that members of the board will make proper disclosure of their financial interests where these interests may conflict with their responsibilities as members of the board. Clause 17 provides for the absorption by the body, established under this measure, of the body incorporated under the Associations Incorporation Act. Clause 18 sets out objects of the State Opera and is commended to honourable members' particular attention. Clause 19 gives the State Opera a power to compulsorily acquire land for the purposes of the Act. It should be noted that the exercise of this power by the State Opera is subject to the consent of the Minister.

Clause 20 empowers the board with the consent of the appropriate Minister to make use of the services of officers of the Public Service. Clause 21 gives the State Opera the power to employ persons. Clause 22 provides for the appointment of a Secretary to the Board. Clause 23 requires the State Opera to keep proper accounts of its financial affairs. Clause 24 gives the State Opera the power to borrow with the consent of the Treasurer and also provides that such borrowings may be secured by way of guarantee from the Treasury. Clause 25 sets out the sources of funds for the State Opera.

Clause 26 provides for an appropriate degree of control over the financial operations of the State Opera. Clause 27 gives formal protection against suits and actions against members of the board who act in good faith. Clause 28 provides for an annual report on the activities of the State Opera. Clause 29 provides for certain exemptions from stamp duty, succession duty and gift duty on gifts to the State Opera. Clause 30 is formal. Clause 31 sets out a power to make regulations for the purposes of the measure.

Dr. EASTICK secured the adjournment of the debate.

COTTAGE FLATS ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Cottage Flats Act, 1966-1971. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

This short Bill amends the principal Act, the Cottage Flats Act, 1966-1971. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

REMAINDER OF EXPLANATION

Honourable members will recall that the principal Act provided for the payment by the Treasurer to the South Australian Housing Trust in the last ten financial years of amounts formerly $50 000 but latterly $75 000 for expenditure by the trust for the purposes, expressed in section 4 of the principal Act, "of building cottage flats which shall be let by the trust to persons in necessitous circumstances". The source of these payments, specified in the principal Act, was the Homes Purchase Guarantee Fund established under the Homes Act, 1941, as amended. This fund is now exhausted.

Both the Government and the trust are firmly of the view that subventions to the trust of the order provided for should be continued particularly since the trust has, from its own resources, provided "matching" expenditure in this area. The Government has come to the view that a suitable source of funds would be the Housing Loans Redemption Fund established under the Housing Loans Redemption Act, 1962, as amended. Honourable members

will, no doubt, be aware that the Housing Loans Redemption Act is available as a means by which borrowers from certain approved authorities can by contributions to the fund provide for the repayment of their outstanding liabilities in the event of their premature death.

The Government is aware of the argument that may be advanced to the effect that if there are surpluses in this fund sufficient to make grants available there is a case for reducing the rate of contribution to the fund. However, the Government considers that since the contributors already enjoy a cover against a substantial risk at lower rates than would otherwise be available to them the use of surplus money in the fund for this clearly useful social purpose is justified.

The measure contains only one operative clause, clause 2, which is generally self explanatory and provides for the annual grants to the Trust adverted to. Subclause (2) of this clause is intended to ensure that payment of the grants will in no way prejudice the prime object of the fund, which is to meet the commitments for which it was established, by ensuring that only "surpluses" in the financial sense are available to meet grants.

Mr. COUMBE secured the adjournment of the debate.

ABORIGINAL LANDS TRUST: BLOCKS NORTH OUT OF HUNDREDS

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That this House resolve to recommend to his Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, pastoral blocks 1033, 1058, 1060 and 1074, north out of hundreds, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

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

Leave granted.

EXPLANATION OF MOTION

Pastoral blocks 1033, 1058, 1060 and 1074 contain approximately 6 102 km^2 and are located in the far North-West of the State adjacent to portion of the eastern boundary of the North-West Aboriginal Reserve. On September 19, 1972, the pastoral blocks were transferred from Everard Park Pty. Ltd. to the Commonwealth of Australia for development for the beneft of Aborigines.

The Mimilli community on February 12, 1976, made a request to the Minister of Community Welfare to have the area of land contained in pastoral blocks 1033, 1058, 1060 and 1074 transferred to the Aboriginal Lands Trust, subject to the trust leasing the land back to the community for 99 years with a right of renewal on expiry of the lease. Many significant sites, some of which date long before non-Aboriginal infiltration of the area, are still actively incorporated in the social and religious life of the local Aborigines and they are concerned that petroleum and mining exploration could destroy or damage these sites without their knowledge.

The Australian Government Minister for Aboriginal Affairs, the Department for Community Welfare and the Aboriginal Lands Trust agreed to the proposal and pastoral leases 2013, 2194 and 2384 containing blocks 1033, 1058 and 1060 have now been absolutely surrendered to the Crown as a necessary step to enable the vesting to proceed. Pastoral lease 2150 containing block 1074 expired on November 30, 1975, and is held as Crown land. A plan of these blocks is exhibited for the information of honourable members. In accordance with section 16 of the Aboriginal Lands Trust Act, the Minister of Lands has recommended that pastoral blocks 1033, 1058, 1060 and 1074, north out of hundreds, be vested in the trust and I ask members to support the motion.

Mr. RODDA secured the adjournment of the debate.

ABORIGINAL LANDS TRUST: SECTIONS NORTH OUT OF HUNDREDS

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That this House resolve to recommend to his Excellency the Governor, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, sections 439 and 488, north out of hundreds, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

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

Leave granted.

EXPLANATION OF MOTION

Sections 439 and 488 now contain approximately 9 050 hectares and are located approximately 50 kilometres east-south-east of Leigh Creek. The land, which is now known as Nepabunna Mission, was originally leased to F. Walker, A. Walker and J. H. Servants under Pastoral Lease 1667 as from December 31, 1867. The run was called Mount McKinlay and consisted of 110 square miles of land. Throughout the following years a number of persons leased the property until on August 22, 1907, under the lease held by J. R. Coory and G. James, the run became known as McKinlay Pound.

On January 1, 1931, the area was joined with other land held under pastoral leases 1103, 1104, 1126A, 1209, 1275, 1299, and 1426, to form the Balcanoona Run. Pastoral lease No. 1928 was then issued in respect of the whole parcel of land. The lease contained a clause allowing Aborigines to use approximately 30 square miles of the run and this area then became known as Nepabunna Mission. On receipt of an application by the then lessee for the issue of a new lease in lieu of pastoral lease 1928, the opportunity was taken to have the mission area excluded from the new lease, thereby providing substantially greater security for the occupants. The offer of the new lease, excluding 36 square miles of land for Nepabunna Mission, was accepted in 1963.

Subsequently, on August 1, 1964, a separate miscellaneous lease numbered 13433 was issued to the Minister of Aboriginal Affairs in respect of the mission land, for a period of 21 years. On the same date the area was subleased to the United Aborigines Mission Incorporated. It was then that the area was numbered as section 439 north out of hundreds. However, a road was recently surveyed across the mission, running from east to west, dividing it into two pieces. Consequently the southern, smaller section was allocated the separate section No. 488 north out of hundreds on August 26, 1975.

In 1973, the Nepabunna Aboriginal Council Incorporated, requested that the mission land be transferred to the Aboriginal Lands Trust, subject to the trust leasing the land back to the council. No objection to this proposal has been offered by the Department of Community Welfare and the Aboriginal Lands Trust has agreed to the land being vested in the trust under the provisions of the

Aboriginal Lands Trust Act. Miscellaneous lease 13433 has now been absolutely surrendered to the Crown as a necessary step to enable the vesting to proceed. A plan of these sections is exhibited for the information of members.

Mr. RODDA secured the adjournment of the debate

ABORIGINAL LANDS TRUST: HUNDRED OF BONYTHON

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That this House resolve to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, section 241, hundred of Bonython, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

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

Leave granted.

EXPLANATION OF MOTION

Section 241 which contains an area of about 84·98 hectares is situated on Murat Bay near Ceduna and is adjacent to section 197, which is an Aboriginal reserve. The area is known locally as Duckponds or Murat Bay Reserve. Originally, section 241 was part of section 197 which section was declared to be an Aboriginal reserve on September 20th, 1956. However, in response to a request from the District Council of Murat Bay this section was excised from section 197, as the council wished to use the land as a refuse dump. Subsequently, the land was proclaimed as a refuse reserve on September 10, 1970.

In November of 1974, the Aboriginal Lands Trust made a request that, as section 241 had never been used as a refuse dump and that the council had no plans to ever do so in the future, could the land be again vested in the trust so it could be put to use as an Aboriginal reserve. As the district council confirmed it no longer required the land, it was resumed on December 11, 1975. The request by the trust is supported by the Community Welfare and Lands Departments.

A plan of the sections is exhibited for the information of honourable members. In accordance with section 16 of the Aboriginal Lands Trust Act, the Minister of Lands has recommended that section 241, hundred of Bonython, be now vested in the trust, and I ask honourable members to support the motion.

Mr. RODDA secured the adjournment of the debate.

ABORIGINAL LANDS TRUST: HUNDRED OF TATIARA

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That this House resolve to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, sections 928, 929 and 930, hundred of Tatiara, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

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

Leave granted.

EXPLANATION OF MOTION

These three sections adjoin each other, cover an area of 0·6070 hectares and are located in the north-western corner of the park lands which surround the township of Bordertown. In 1871, an area of about 532 acres surrounding Bordertown was surveyed as park lands, and in 1883 the first gazettal of park lands was made in respect of an area of 449 acres. For many years Aborigines had camped on the north-west corner of the park lands which is located on section 951. In response to a request from the District Council of Tatiara, on behalf of the local Aborigines Protection Committee, a small portion of the park lands was resumed on July 12, 1951, for allotment to three Aborigines. Two of the Aborigines were ex-servicemen and, together with their families, had resided in the area for some considerable time.

Consequently sections 928, 929 and 930, each covering about half an acre, were created and allotted under Aboriginal leases each for a term of 14 years as from October 18, 1951, at an annual rental of one peppercorn if demanded. In 1965, an inspection of the sections for the purpose of giving consideration to the renewal of the leases revealed that none of the lessees had any further real interest in the leases. In fact, two of the lessees were no longer residing in the area. However, at that time it was thought that the substandard house occupied by the only remaining lessee was not located on section 928 but was situated on the adjoining park lands comprised in section 951. No further action was therefore taken to renew the leases.

In 1974, the Aboriginal Lands Trust requested that the three sections be vested in the trust for use by Aborigines and to enable the standard of accommodation of the remaining occupant to be improved. The location of the house was questioned, resulting in an investigation by a Lands Department surveyor that revealed that the house is, in fact, located on section 928. The request by the trust is supported by the Community Welfare Department. A plan of the sections is exhibited for the information of honourable members. In accordance with section 16 of the Aboriginal Lands Trust Act, the Minister of Lands has recommended that sections 928, 929 and 930, hundred of Tatiara, be vested in the trust, and I ask honourable members to support the motion.

Mr. RODDA secured the adjournment of the debate.

ABORIGINAL LANDS TRUST: HUNDRED OF MURRABINNA

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That this House resolve to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, sections 32 and 33, hundred of Murrabinna, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

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

Leave granted.

EXPLANATION OF MOTION

Sections 32 and 33 contain a total area of 127·9 hectares. For many years these sections were held under separate Aboriginal leases. The leases were issued under the Crown Lands Act, which provides that the Governor may lease to any Aboriginal native or the descendant of any

Aboriginal native any Crown lands not exceeding 65 hectares (former 160 acres) in area for any term of years upon such terms and conditions as he thinks fit. Leases were issued to allottees from time to time on a terminating basis at rentals of one peppercorn if demanded and they contained right of renewal.

The lease over section 32 expired on September 2, 1968, having been held by the lessee since September 3, 1954. On expiry the lessee indicated he did not wish to renew the lease. In the case of section 33, the lease expired on February 29, 1972. However, the lessee, who had held the lease since March 1, 1958, did not exercise his right of renewal. Little interest had been shown in making use of the agricultural or grazing potential of either section.

Following expiry of the leases, an application to lease the land was received by the Lands Department from a relative of the former lessee of section 32. The Government's view is that as these sections have been leased by various Aboriginals over many years, the Aboriginal people have a special interest in the land and it considers that the Aboriginal Lands Trust, with its knowledge of the needs and abilities of Aboriginals, is the appropriate body to administer future occupation of the area.

The method of passing title to the trust has been examined. It would not be appropriate to take action under the Crown Lands Act, as this would involve the trust's paying full market value for the land. It is considered that the sections should be vested in the trust under the provisions of the Aboriginal Lands Trust Act. The Aboriginal Lands Trust has agreed to the sections being vested in the trust under that Act. Shortly after the trust had agreed to accept the land, the former lessee of section 33 indicated that he intends to apply to the trust to lease that section. The trust has been asked to give due consideration to the applications mentioned. A plan of the sections is exhibited for the information of honourable members. In accordance with section 16 of the Aboriginal Lands Trust Act, the Minister of Lands has recommended that sections 32 and 33, hundred of Murrabinna, be vested in the trust and I ask honourable members to support the motion.

Mr. RODDA secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from October 12. Page 1444.)

Mr. EVANS (Fisher): I will support the second reading of the Bill at this stage with reluctance because not enough time has been given to have this matter considered by the Opposition and the community. The Attorney-General introduced this Bill on October 12; that is, eight days ago including today and two days during the weekend. Some people are concerned about the effect of the principal Act on some sections of our community. In fairness, I should read a letter that most members, if not all members, would have received. I will read it because I believe it shows the concern expressed. I asked the Government Whip whether it was possible to leave this matter until we returned from next week's break, but I was told that that was not possible.

Mr. Chapman: What is the big flap about this one?

The SPEAKER: Order! All members will have an opportunity to make a contribution to the debate. The honourable member for Fisher.

Mr. EVANS: Whether or not some members like it, whether they like to call some people who belong to church groups and have strong belief in their particular faith "wowsers" does not matter: they should have the opportunity of making representations. The Attorney-General says they have had an opportunity; they have had eight days and received virtually no publicity. Representations may have been made to the Attorney, but what has that to do with the Opposition? The Attorney does not even give us any prior notice of what the Bill has in it.

Members interjecting:

The SPEAKER: Order!

Mr. EVANS: The Methodist Church of South Australia, through its conference, has written a letter making certain points. It reads as follows:

Because of the importance of this matter the conference interrupted its scheduled business in order to define its policy on the issue. The following resolution was carried without dissent:

(1) We affirm total opposition to the extension of liquor trading on Sundays.

(2) We strongly urge the State Government to defer the proposed amendments to the Licensing Act to ensure adequate community discussion before they are determined by Parliament.

There is one group that says it has not had time adequately to consider these proposals. It is not a minor Bill; there are several major amendments that need to be considered, and no Parliamentarian can know all aspects of community opinion, or even a reasonable percentage of it, in eight days. In this type of issue, which is a social issue, the opportunity should be given to get the run-of-the-mill opinion from the community. The letter continues:

We urge you to defer consideration of those proposals to give the community time to recognise the far-reaching social repercussions which will result and to express their views to their elected representatives.

It is signed by the President and the Secretary of the conference. That is just one example of a group that has just had the time, because the introduction of the Bill happened to coincide with its conference, and the opportunity to direct a letter to at least some of us.

There are other groups in the community that should be given the same opportunity. If democracy is to work, the people should be given a reasonable opportunity to make representations, and particularly on this type of Bill. That opportunity has not been given. Regardless of what our own personal views on the Bill may be, people should be given the opportunity to make representations. I know that the Bill will go into Committee and we shall have an opportunity to come back and discuss it in Committee later.

The Hon. J. D. Corcoran: You said we were not giving you a fair go, but this is a Committee Bill.

Mr. EVANS: That is not true, because the Deputy Premier would know that a person who commits himself on a clause and changes his opinion is usually faced with an embarrassing situation in this Parliament.

The Hon. J. D. Corcoran: No.

Mr. EVANS: He knows it is an embarrassing situation. Surely, the Opposition, to be fully informed, should be given information about the Bill before it is debated at the second reading stage.

The Hon. J. D. Corcoran: It is a Committee Bill.

Mr. EVANS: The Attorney-General said that he was fully informed, that he had had representations from other groups before him to draft the Bill. Why should not the Opposition have an opportunity to have representations on the Bill as drafted, the same opportunity as the Attorney-General has had?

The Hon. Peter Duncan: I did not say that.

The Hon. J. D. Corcoran: You will have an opportunity.

Mr. EVANS: In relation to the Licensing Act, may I say that the Deputy Premier, who was in Opposition in 1969 and 1970, made the same sort of comment when I spoke about this measure, and I was told that I went on with a lot of rubbish. I take some members back to that time when, with the support of several members of the Australian Labor Party, I fought to keep the drinking age at 20 years and, unbeknown to many people in the community, I succeeded, and it was retained at 20 years of age for about nine months until a new brand of A.L.P. member came here in 1970 and quickly rushed through a Bill to lower the age to 18 years. I said at that time it would create difficulties for us in the community, and people said in the House that I was in the Victorian age and did not know what I was talking about. If we all think back to that time even my own Party introduced the Bill and I had to go to the Clerk to have the Bill split because it contained a financial as well as a social issue. The Whip of that day knows I caused some difficulty in making them split the Bill to make it a non-financial Bill so that I could vote against it.

It was agreed by one vote to keep the age at 20 years. If that had been the case today, we would not have some of the problems in our community that are admitted to exist by one of the amendments to this legislation introduced by one of the most radical men in this State Parliament—the Attorney-General. In this Bill there is a provision to prohibit many persons under the age of 18 entering licensed premises, particularly those areas designated as bars. There is the opportunity for some people to be excepted from that provision. I do not know who they will be; maybe they will be the newspaper boy or members of the publican's family or a person in the care of parents or a guardian. I do not know what group that includes; the Bill does not tell us. It merely says that the opportunity is there for certain people to be excluded from that restriction on entering a bar.

I go back to the former Attorney-General, who is now a judge, the Hon. Len King, who was in this Chamber when I made the point at that time that we were putting the obligation only on the publican where a person under age was drinking, and not a person under 18 drinking. The Attorney-General ruled me out of court and said I should not attempt to put an obligation on a person under the age of 18; that was wrong. However, not many months or years after that, the Attorney-General amended the legislation so that there was an obligation on such a person and he could be charged. That was the first step back to accepting what was said in 1969.

Now we have the second step by the most radical member of Parliament, the Attorney-General, who is saying he is going to stop them, if possible, under 18 years of age entering hotel bars unless they become included in that special group. We are saying that there is a problem with under-age drinking and if we want further clarification of that we can look at a report released only yesterday by the University of Adelaide. That is not the most conservative institution in the State, but—

The Hon. Peter Duncan: Who is the report from, the council of the university?

Mr. EVANS: The Director of the service reports from the student health service. I thought that, seeing the Attorney-General was so interested in the Bill and knew all the facts, he would at least acknowledge having looked at the report today, as it was made available yesterday. He suggested earlier that people in the community should read the newspapers and know what is happening. The report about this particular matter, the university document, was tabled in this House yesterday. A report was also in today's paper. The university report stated:

The Director further reports that the drug problem appears to be diminishing, though there are still cases resulting from the continued use of hallucinagens, but the two main problems now appear to be the abuse of alcohol and over-use of tranquilisers at stress periods.

That is one of our main institutions, which is educating the future professional people of our society. In the main, we must look to the people coming from that institution as being the academics in our community, the people with the brainpower to take on professional careers, yet a report from that institution is admitting that there is an alcohol problem in the student group. That is serious enough for us to consider.

I believe the steps that the Government has taken in relation to bars could be taken further in the hotel field. The Bill makes other provisions and I refer to some of them now. The views I express now are those I have formed considering the limited opportunity I have had to research the areas that the Bill happens to amend under the Licensing Act and, also, to obtain the views of people in the community. There is one group in the building at the moment that was hoping to make representations before the Bill was discussed.

The Hon. J. D. Corcoran: He wouldn't know.

Mr. EVANS: The Deputy Premier says from out of his seat that I can see them afterwards. Of course we can; we can see all of the groups after the Bill becomes law. I draw the same conclusions from the Deputy Premier's approach. I say without doubt that neither you, Mr. Speaker, nor 20 per cent of the backbench of the A.L.P. have had the opportunity of obtaining the opinions of the representative groups in the community. I think, if they are honest, and I trust they would be in that area, that they would accept that comment.

The Hon. J. D. Corcoran: Are you going away all next week?

The SPEAKER: Order! I point out to the Minister of Works that he is talking out of his place.

Mr. EVANS: The Minister is very close to correct and perhaps I should answer his interjection. Fortunately, or unfortunately, next week I am a delegate at the Australian Constitution Conference and the first meeting of the conference (so that the Minister knows exactly where I stand) is on Tuesday night in Hobart, which means there is not much of Tuesday left by the time I get from Adelaide to Hobart. That conference finishes Friday night and there is not much of the week left then. Parliament, of course, will be meeting on the next Tuesday. That is the answer, whether the Minister thinks I am a stupid "b-" or not.

The other amendment to the Bill is that the compulsory trading hours are going to be reduced from 11 to nine hours six days a week. That excludes Sunday, Good Friday and Christmas Day. The hours will be 11 a.m. to 6 p.m. instead of 11 a.m. to 10 p.m., but the hotels may remain open for a longer period than in the past. Hotels may now remain open from 5 a.m. until midnight for six days of the week so there is an extension of hours that they "may" remain open, but a reduction in the hours that they "shall" remain open.

I do not object, personally, to the 12 o'clock ruling, except that we live in a society where we say to people that they may go out to a restaurant and buy a cooked meal or a hotel and buy alcohol until midnight, but if they wish to buy fresh food and cook the meal at home they cannot do it. What sort of society do we live in?

Why do we not say quite clearly that we believe people should be able to trade, that any other community service supplying food and vegetables, milk, bread or alcohol can open six days a week until midnight. The A.L.P. will not accept that because it says it affects the people who work or are members of a union. Are the people who work in the hotels compelled, under A.L.P. rules, to join a union? Are they forced to join? If not, can they get a job in an establishment? Is that the approach that the union movement is making with Trades and Labor Council and A.L.P. backing? I say it is. Yet, if you attempt to move in the other area the A.L.P. says that you cannot do that because you are affecting union members, but in this area the A.L.P. says you can do it. At the same time, the Minister for Tourism, Recreation and Sport and the Premier are concerned about the cost of services to tourism in this State.

This Bill will not decrease those costs. There are restaurants available for tourists to dine at; they already have those provisions. There is an even greater area of concern to myself, and I believe to the member for Torrens more than most, which will come to the fore once this provision is passed, and that is the discotheque and night life that goes on in many hotels until midnight. They disturb the neighbours. The Minister for the Environment has been talking for two years about a noise control Bill. Surely that is a Bill that should have been in this House before a Bill is passed extending the hours people can operate discotheques in licensed places, because as much as the Minister and the Attorney-General say that those people need a permit or have restrictions on their operations, and have controls on them, every member knows there is no real guarantee of controlling their operations unless we have effective noise control legislation.

I am sure that there are two areas in North Adelaide that can be referred to later by the member for Torrens that will show this to be the case. Why should people in the neighbourhood of a hotel, people who have bought their properties believing they can have a reasonable amount of sleep after, say, 11 p.m., be placed in the position that it could be six nights of the week until 1 o'clock in the morning before they get the opportunity to enjoy their restful moments? I believe we need to consider those people and allow them to make representations about how those hotels affect them. They have not been given that opportunity at all. There is some small comment in the paper to say that the Attorney-General has introduced a Bill to do a few things, which only points out the benefits because it was the Attorney-General's speech, and the whole story was told without any contrary argument at all.

The Hon. Peter Duncan: That will come tomorrow.

Mr. EVANS: That is wonderful; it will come tomorrow! We are told that the second reading debate has to be finished tonight and the Attorney-General, the man handling the Bill, says that that opportunity will come tomorrow. That is too late as far as the second reading debate is concerned.

The Hon. Peter Duncan: You make amendments in Committee, not in the second reading debate.

Mr. EVANS: He is now saying that it does not matter how many people commit themselves and that if evidence comes in later they can change their minds then. That is the man who is supposed to be the first law officer in the State. He is supposed to be operating within the Constitution and talking of democracy.

The Hon. Peter Duncan: And he is.

Mr. EVANS: He is talking of it, but he may not understand. The other area in which there has been a change is in relation to clubs. Until now the number of hours for which a club may open has been limited to 78 a week.

The Hon. Peter Duncan: Plus the permits.

Mr. EVANS: Yes, I agree. Now it will be up to a club to apply and up to the court to approve the hours. It will be virtually a matter of the court and the club agreement, and Parliament will not know for how long the club will be open. If the Attorney is thinking of extending the hours so that they can remain open until midnight (and the representation from the Australian Hotels Association does not object: the association believes it is good to have flexible hours), why is he giving clubs more opportunity to encroach on the hotel trade? If hotels in country towns are feeling the pinch, why is he saying that Parliament should extend the licensed club hours?

If the hours are fixed by permit and if there are complaints, it is more likely that the permits can be cut down than would be the case if the club had hours allocated to it. Many hotels are being affected by licensed clubs and the 10 per cent that hotels receive from clubs that are bound to purchase liquor from them is insignificant, with present costs. If the percentage was increased, the clubs would object. I am a member of a club, and clubs have a place, but we should not give them the opportunity to put hotels out of business. We have spoken of the need to decentralise in country towns and encourage people to stay there, but forcing a hotel into a smaller operation or out of business will put people out of work.

The Australian Labor Party may argue that there will be opportunity for all persons working in clubs to be forced to join a union and to be paid. However, many clubs have voluntary labour. Members work there and give their services so that the club can be a better paying proposition to give benefits to the sport or to whatever the club is promoting or trying to encourage. Some students of 18 years or 23 years doing further education and wanting money will work in clubs for $1 an hour or $1·50 an hour. They are happy to get the money and the arrangement suits the clubs, but the unions consider that that is scab labour. I do not say that it is. If we kill that incentive, we should be ashamed of ourselves, regardless of whether we are involved in the A.L.P. or the trade union movement. Whether we read that A.L.P. philosophy into the Bill is a matter of our own imagination.

The Hon. Peter Duncan: A particularly vivid one in your case.

Mr. EVANS: It may be, but the Attorney may remember that his predecessor said that I did not understand young people. The Attorney may find that I understand young people and the human being more than his predecessor did and more than he does. I believe that people working in clubs will be forced to join unions, and the A.L.P., through the trade union movement, will bring it about. Some more moderate matters in the Bill may be accepted. One is where the Government is covering a loophole so that companies cannot transfer licences and thereby avoid payment of licence fees. I do not object to that. A court issuing licences should have some say about to whom the control of the licence is passed, and I see nothing wrong with the court's deciding that the directors of a company should be adjudged by it before they obtain a licence merely because they have formed a company.

Further, I have no objection to magistrates being appointed or to the whole court sitting with a judge and magistrates only in cases of a special appeal. Much of the run-of-the-mill work will be done by the clerk or one person sitting in judgment. That is a sensible provision. The clerk can decide whether many applications for permits are in order and should be granted. If he has a doubt, he can refer the matter to the court. The removal of the obligation for hoteliers to serve a meal in the evening or at lunch time and the placing of no obligation on them to serve breakfast where they have no residential accommodation are matters to which I do not object.

Some travellers may object, but wages costs and the intrusion of the union movement in regard to overtime and penalty rates have forced many hotels to shut their dining-room after normal hours. The hoteliers need to be protected from bankruptcy. Some hotel lodgers may be disadvantaged, but they will have to accept that, as a penalty for the high costs in this industry.

Another matter concerns employment. We are doing away with jobs. Of course, the Government talks of preserving job opportunities but piece by piece its legislation disposes of them. The Bill gives the court power to remove the obligation on restaurants to supply an evening meal. At least some restaurant proprietors have made representations to the Attorney saying, "Look, we are concerned about the costs and, often on a Sunday or other evening, we do not need to serve evening meals because there are just not sufficient customers to cover the wages and high costs of the staff we must employ." It is for that reason that the Attorney has seen the light. He knows that a few more jobs will go down the drain, but he will give restaurants the opportunity to save themselves from large losses or bankruptcy by their not having to serve evening meals. This measure is related to the high costs involved in catering today. The Minister of Tourism, Recreation and Sport knows it, the Premier knows it, and unfortunately for the Attorney-General, he knows it and must accept it by introducing this measure, which cuts out another service to the community. It is not that that service was not wanted in the past nor that it is wanted now or in the future. In the past it could have been a paying proposition, but now it is a hopeless proposition.

I raise strong objection to vignerons and distillers being licensed to sell alcohol in sealed containers on Sunday. This is one of the areas I should have liked to investigate more deeply. I believe that that provision is the thin end of the wedge towards allowing hotels to open on Sunday. I know that, if one took a survey of the community about hotels opening on Sunday, the percentage of people supporting it could be quite significant. I do not know what the percentage would be, because I have not had an opportunity to canvass the question, nor do I believe that the news media has really canvassed it. This provision is the first step of a major change in the social life of our State.

We have never, in trying to change the social life of the State, carried out a survey to ascertain the effects that that change will have or have had in other places. I hope that no member opposite will say, "Look at Sweden." I know from experience in that country that some freedoms and liberties turned out to be licensed. What is the purpose of allowing establishments to open on Sunday for wine tasting without there being any real control over the amount of food that is supplied? It could be a stick of celery and a lump of cheese. If this measure is the thin edge of the wedge for Sunday trading, I hope we will carry out a survey to ascertain its likely effects.

More people are working in the Community Welfare Department than ever before. In fact, the number of officers is not decreasing. In the past we did not have sufficient community welfare officers. I am not saying that these problems are definitely increasing; what I am saying is that there is definitely no proof that they are decreasing. The cost to the State to provide this service is high. Australia is one of the highest taxed countries in the world. Is not part of the problem that we have so much liberty that we have not disciplined ourselves to use our liberty properly? I suggest that it is. People can say that I am a typical old conservative, but we kill about 4 000 people on our roads each year, which is more than the number of Australians who were killed in any year of the Second World War.

Mr. Chapman: They kill themselves; we don't kill them.

Mr. EVANS: The member for Alexandra says that we do not kill them, but they kill themselves on the road. Many deaths that are caused on our roads are caused because of a lack of concern by politicians for those who may not have the ability to control some of their actions in society. The member for Gilles can laugh about that, but his Party has been one of the prime promoters in this House of consumer protection legislation because people cannot read a contract and cannot understand what they are buying. People cannot understand that if they pay $78 a month for 10 months that they are up for $780. That is why we have passed consumer protection legislation, which has been supported by members on both sides.

Members should not say that we have not considered the problem that people cannot control their own actions in a responsible society. If we provide that sort of control, should we take an interest in what is happening to many of our young people?

Mr. Slater: This is not a second reading speech; it's a sermon!

Mr. EVANS: Perhaps that is true. Perhaps we should consider our own consciences. I do not claim to be a person who does not drink, but perhaps we should consider how many people suffer in our community because of alcohol.

Mr. Boundy: Pressure to conform.

Mr. EVANS: Is it the pressure to conform? I believe it is, to a degree. By the amount of advertising of alcohol that we allow, we promote many of the problems that we face today. It is a conservative estimate that 2 000 motor vehicle accident deaths are caused directly or indirectly as a result of alcohol. If a disease in this country was killing 2 000 people a year, each State, if not the Commonwealth, would pass a law to try to eradicate the disease. When five people were drowned in swimming pools in a year, this House rushed through a Bill in one evening because it was concerned about those deaths.

Mr. Slater: Are you advocating prohibition?

Mr. EVANS: No.

The Hon. Peter Duncan: He obviously hasn't heard about the Alcohol and Drug Addicts (Treatment) Act.

Mr. EVANS: That is wonderful! The Attorney is saying, "If they go too far we will treat them." I now understand his philosophy. The Attorney is saying, "We will cut out jobs in restaurants and hotels, but will create a few more jobs in the Community Welfare Department," or "Let them become alcoholics and we will treat them." I am saying that we should consider how many more outlets we provide for alcohol.

Some of my colleagues have stated that any alcohol to be made available at wineries on Sunday will have to be in sealed containers, but seals are capable of being opened

by human beings. It is all very well to say that the cans are sealed, but they are sealed only as long as a human being wishes them to be sealed. The containers can also be taken home and the wine consumed, and that is a family decision. We must be conscious of those people who suffer in our community and who do not have the ability to pull themselves back into line. Perhaps most of us will not be concerned until it is one of our own or someone else close to us who is affected. Then we will say it was our own fault for not taking an interest in them personally or that it was bad luck, because it would have happened, anyway. If it had not been alcohol, they would have been out in a paddock shooting themselves with a ·22 rifle. I believe that the Sunday provision needs to be considered more fully, and I will not support that provision. I cannot accept that it is not the thin edge of the wedge and the first step toward allowing hotels to open on Sundays.

I know that I will receive snide remarks and possibly letters saying that, as the shadow Minister of Tourism, I should support hotels opening until midnight on Sundays at tourist resorts and support the opening of wineries at all hours to allow tourists to drink or collect alcohol. However, I will accept those comments as they come along, but if our tourism depends on alcohol for its success or failure, I doubt whether the end result is justified. I suggest that we should think about that. I can speak about a little town, about which the member for Heysen has spoken —Hahndorf. This used to be a grand little town, an old village that everyone went to see. However, restaurants and hotels were opened there in order to make it a tourist attraction. Now life in the town is almost a rat race. It has reached the stage at which people who once lived a quiet life in that town must now contend with motor vehicles and people making noise at all hours of the night.

Mr. Slater: You can't have it both ways.

Mr. EVANS: If an application were made to build a hotel next door to the honourable member's house, there would be no chance of the necessary permit being granted. He might like the benefits the hotel would bring, but he would not like the adverse effects it would have on his family life. I make the point that I believe that a society which starts to depend on alcohol as a tourist attraction is heading for trouble. If alcohol is to be part of the tourist attraction, let it be a part, but let us not base our whole tourism philosophy on that factor. This will not be done as far as I am concerned, and I hope that it will not be adopted by my Party, either.

I know that some of my colleagues will not agree with my comment on this social issue. One or two would like to call me a whingeing wowser, but they cannot call me that. Within the small community in which I live are five young people, now under the age of 21 years, who are permanently disabled. I believe that it was partly the result of our actions in 1970 that allowed them to be in the position they are in. That may sound as though one is looking on the sad side of life, but they were healthy young people. It could be said that it is all right as long as it is not one of our own. I am human enough to understand what has happened and we, as Parliamentarians, should be conscious of it. I should have liked the opportunity to give more consideration to the Bill, but that opportunity was not granted me by the Government. This matter was reported in the press a few weeks ago, so the Attorney-General must have known what the Bill would contain.

The Hon. Peter Duncan: That was the announcement in the press.

Mr. EVANS: When?

The Hon. Peter Duncan: A couple of months ago.

Mr. EVANS: I thank the Attorney-General for his comment. We are asked to consider the implications of this Bill within eight days. The Attorney-General commented that a certain amount of the basis for the Bill was published in the press two months ago. He, the Premier, the Deputy Premier and the Government are apparently keen to get the Bill through quickly. The Attorney knows (and I know) that people in the trade have seen rough copies of the Bill. They knew roughly what the Bill contained, but they were asked to keep it to themselves and, rightly, I believe that they have done so. A meeting with the hotel group was held after the Bill was first introduced. If the Attorney-General, the Premier, and the Deputy Premier were genuine in their attempt to get the Bill through, why did they not make the philosophy of and provisions in the Bill available to the Opposition earlier? There is no excuse. The Attorney may smile, but there is no reason why the Bill could not have been introduced two months ago and the second reading explanation given, and two months allowed for the Opposition and the community to understand the provisions of the Bill.

The Hon. Peter Duncan: Except that the Bill wasn't drafted.

Mr. EVANS: I thank the Attorney-General. The Bill will be pushed through the House. The Attorney-General has been in the job for about a year, and it has taken him about 12 months to produce a Bill which we are allowed eight days to debate. What kind of judgment is that? He has all his departmental advisers behind him, all the information he needs, as well as research staff and press secretaries; he has got the lot, but what do we have? We are given eight days in which to debate the Bill. Regardless of what happens to the Bill, I oppose the Sunday wine sales provision. I am dissatisfied with the club hours provision, because I believe that it will be a bigger lever the hotels will use to say that clubs are encroaching on hotel trading, so why should not hotels open on Sundays? If the distilleries and wineries are allowed to open on Sundays, the hotels will want to know why they are not allowed to open? If people want to go to Victor Harbor (where there is no winery), the question will be asked why the hotels there should not be allowed to open to supply alcohol.

I understand some of the consequences of extending trading hours. Regarding the Sunday provision, if we encourage people to go to the Southern Vale area, to the Barossa Valley, or to the Riverland and give them the opportunity to drink, and to drive greater distances, we will not be reducing the drinking hours. I have said it as harshly as I can.

The Hon. R. G. Payne: Insincerely.

Mr. EVANS: No. If the Minister is as concerned about the problem as I am, and reads speeches I have made over the years, he will understand that this has been a matter of concern to me for a long time. I believe that this needs to be said harshly, because we need to be conscious of what could happen.

The Hon. R. G. Payne: There are plenty of problems associated with restricted drinking hours, too. You talked about extending hours and associated problems. True, although it is your speech, this factor occurred to me.

Mr. EVANS: The Minister makes the point about problems associated with restricted drinking hours. I agree with him, and I suppose that to some extent some sly-grogging still goes on. There are all sorts of operations involving supper tickets and the like, whether one has supper or not. The Minister is aware of that. Certainly, one cannot belong to a club with 160 members below the age of 25 years without knowing what is going on. One sees the problems oneself. I do not say that I do not visit such places to look, and sometimes to take part; I have never said that. What I have said is that members of Parliament should be concerned.

Therefore, I ask members to think seriously about the effect of this Bill and to seek opinions from members of the community before the Bill reaches the Committee stage, regardless of the commitments we may make tonight. I am satisfied that many young people are concerned about what is happening to their own friends. Many young people are more concerned about what is happening to their friends than we are, or than we have shown to be in the past.

Honourable members should not adopt the approach that, if young people go off the beaten track, we will pick them up and give some advice or help, as has been suggested by the Attorney. Prevention is better than cure, and I hope that is the philosophy of this Parliament. I will support the Bill through the second reading stage.

Mr. SLATER (Gilles): In speaking briefly to support the Bill. I do not intend to debate, as the member for Fisher has done, the evils and abuse or otherwise of alcohol. This amending Bill continues to bring significant change to our liquor laws. I well remember the position about a decade ago when, before the introduction of 10 o'clock closing, we had the 6 o'clock swill. I remember the archaic situation surrounding hotel licences and the reliance on local option polls.

On considering the past consumption of liquor, it could be described as somewhat uncivilised and ridiculous. These amendments are an updating of the law to cater for modern demands in the interests of the public and of the liquor industry. I appreciate that any amendments to the Licensing Act cause concern and apprehension in the minds of many people in the community, and I respect their views.

Although I do not want to develop the debate along the lines advanced by the member for Fisher, concerning the evils or otherwise of alcohol, I agree with some of the comments made by him. True, there are some evils associated with the consumption of alcohol, and no honourable member can deny that. Nevertheless, there are other abuses in our society and we cannot pontificate about the consumption of alcohol, which is an individual decision and in which we can assist in varying ways, but the final decision rests completely with the individual concerned.

Any amendments to the liquor laws of the State cause misgivings to many people but, dealing with some of the main provisions of the Bill, the obligatory opening hours will be from 11 a.m. to 8 p.m. During these hours hotels must remain open, and uniformity is achieved through this provision. A hotel proprietor has an option regarding late trading on week nights. Hotels can now open on Friday and Saturday night only until midnight. This Bill provides that a hotel can stay open until midnight on every night of the week, but the scheme of midnight closing on Friday and Saturday night was used with discretion by hotel proprietors, depending on their custom, their situation, and whether they desired to continue to trade until midnight.

Concerning aspects of the Bill about which I have reservations, I refer to the vigneron's and storekeeper's licences, which allow licence holders to sell liquor under the licence at any time of any day. I trust this facility will not lead to a proliferation of licences to the detriment of the trade, although I understand that the vigneron's licence is designed to cover only a defined wine or tourist area. Concern has been expressed to me by members of the trade who are apprehensive about such licences extending the bottle trade, to their detriment. In this regard, I was surprised to learn that Sunday opening of wineries had met with a mixed reception by the wine industry. A press report of June 17, 1976, under the heading "Wineries split over Sundays", states:

Applications for Sunday trading by South Australia's wineries were likely to be limited, the manager of the Wine and Brandy Producers Association of South Australia (Mr. B. G. Stephens) said yesterday. Mr. Stephens was commenting on proposed changes to South Australia's licensing laws announced on Tuesday by the Attorney-General (Mr. Duncan). Under the changes wineries would be allowed to open on Sundays on a voluntary basis. "From the outset this association did not enter a submission on Sunday trading," Mr. Stephens said.

"However, when there was talk of Sunday trading for retailers we did submit that such trading should also be extended to cellar-door sales on a voluntary basis. In fact, the proposed changes are in line with this association's view."

There are further comments by other members of the industry, and although I do not want to delay the House the report continues:

The sales director of Thomas Hardy and Sons (Mr. S. R. Drew) said he thought the change would favour the small wineries because of the high labour costs involved in opening on Sundays.

The General Manager of B. Seppelt and Sons Limited (Mr. K. Seppelt) said the change would assist the tourist trade and the small wineries. "Because it will be voluntary it seems the Government has catered for everyone and wineries will be able to decide for themselves if it is worth while to open," he said.

The General Manager of Dalgety Wine Estates (Mr. D. Crosby) said he thought it would prompt considerable trade in the Barossa Valley but there would be serious staff problems. Smaller wineries were divided on their attitude to the change. Mr. B. Hoffmann, who runs the North Para Winery at Tanunda, said his feelings were mixed but he felt it would help sales.

From those statements there are differing opinions about wineries. The fact that Sunday trading will be optional allows them to decide their policy as circumstances arise. I support the main proposals in the Bill, especially the reconstitution of the court and the provision that no change in the directorship of a company can take place without the court's consent.

I turn now to changes in relation to restaurants and the provision of meals. As a result of my experience in other States only a short time ago, I believe that we should consider the question of people taking their own liquor into restaurants; this practice is popular in some other States and other countries. A report published earlier this year states that a North Adelaide restaurateur introduced a system whereby patrons could bring their own bottles of liquor into his restaurant. At that time the Premier said that, if the management allowed patrons to bring their own drink, it would not be illegal and that a corkage fee could be charged. The Premier stressed that this practice was permissible only in licensed restaurants. At an establishment I visited in another State, there was no corkage fee, and the situation seemed to be well controlled. I thought that perhaps we should consider introducing this system into South Australian restaurants. Even though it is lawful for patrons to bring

their own liquor to licensed restaurants, we should formalise the situation by amending the principal Act, so that patrons and licensees know exactly where they stand. I therefore ask the Attorney-General, when he is preparing future amendments to the Act, to consider a provision relating to a system whereby patrons can take their own liquor into South Australian restaurants. I support the Bill.

Mr. GOLDSWORTHY (Kavel): There is no figuring the Government's mentality in connection with what we are likely to be called upon to debate. Last evening, we got part of the way through considering the Country Fires Bill. That Bill was on the programme for yesterday, and it was to be completed today, but evidently it has been decided to give that Bill away for the time being. There seems to be no method in the Government's madness. At pretty short notice we are expected to consider this Bill, with its many contentious amendments. It is a completely preposterous proposition from the Government, but one to which we are becoming accustomed.

Earlier this evening, the Deputy Premier came in when the young and brash Attorney-General was getting into trouble, and suggested to the House that this was a Committee Bill, but that is not good enough. It is preposterous that the Government should suggest that the second reading debate on this Bill is insignificant. We have had no chance to ascertain the public's view on this Bill. Of course, we would expect the kind of uncritical, slavish acceptance of anything the Government trots out that we have had from the member for Gilles, but that is not the kind of stance we take. We must eventually have time to ascertain the impact of every Bill on the public. I know perfectly well that there are difficulties in the liquor industry, because I have contact with hotelkeepers in my district. I refer to difficulties associated with late night trading. All such difficulties have been visited upon hotelkeepers as a result of the depredations of the Labor Government. We know the effect of over-award payments, workmen's compensation, and increased licence fees. So, we can well understand the difficulties being experienced by hotelkeepers who open their hotels until 10 p.m. If we are seeking to solve the problems of these business men, we should also go outside the ambit of this Bill. Many of the difficulties are the direct result of legislation passed in this Parliament and of the so-called benefits that the Labor Party has sought to bestow on some sections of the community.

Because of the limited time we have had to consider the Bill and because we have had no chance to ascertain the public's views, my remarks will be based on the Attorney-General's second reading explanation. At first glance, the reorganisation of the Licensing Court appears to be reasonable. It seems unsatisfactory, once the Act has settled down, as it seems mainly to have done, to expect the Full Bench to hear all matters that come before the Licensing Court. The provision to which I have referred seems reasonable, although further evidence may come before me later. The Bill also provides for the appointment of magistrates to the Licensing Court; this is a reasonable provision. It is also reasonable that the Clerk of the Court may exercise the jurisdiction of the court in certain routine matters. Magistrates are highly paid people, and it is foolish to have them occupied in routine matters and paper work that requires no judicial decisions.

There is no real argument in the Attorney-General's explanation in favour of the provision relieving the court of the need to comply with the strict rules of evidence: that may be a sensible provision, but no telling argument is advanced in this connection. I can see the possibility of a situation arising where it would be advisable (for example, in connection with the revocation of a licence) that the rules of court and strict rules of evidence should apply, because it is a serious matter when the question of the revocation of a licence comes before the court. So that that sweeping provision proposed in this series of amendments could well require some amendment.

The part of the Bill that seems to me to be desirable (again, I am not willing to give uncritical support to any part of the Bill) is that which relates to the flexibility of trading hours, because I am well aware of some of the difficulties encountered by hoteliers in my district. I have no doubt whence many of those difficulties have come. The fact is that the hours during which hotels will be compelled to be open are actually reduced in this Bill.

Much more flexibility is written into the legislation. That seems to be desirable, because of these difficulties that hotel proprietors are encountering. In fact, I can think of one or two hotels in small country towns in my district where it would be desirable for them to close at 8 p.m. I can conceive of the situation that, if they had to employ labour, they would be broke in no time. The hotel keeper and his wife work long hours to try to keep the business profitable. It seems to me sensible to relieve them of the obligation to remain open until 10 p.m. to serve the customer who may happen to be passing through, especially in the middle of winter. I see a definite advantage in that provision.

Of course, the Bill extends the option to hotels to open for a longer period of time during any one day, until midnight. I am well aware of the sincere arguments advanced by the member for Fisher, that the consumption of alcohol is closely and irrefutably linked with the road toll. If people in hotels and people who are not capable of exercising judgment wish to continue drinking after 10 p.m., they would be able to do so. I accept the argument that there is a measure of control when alcohol is consumed on hotel premises. I sincerely hope that experience will prove this to be the case. I do not believe we have educated the public to anything like the extent we must educate them if we are to get a general acceptance of a responsible attitude towards the consumption of alcohol. I have seen, at first hand, the operation of laws in European countries, and it seems to me that the attitude is (this is, of course, a casual judgment) a little more mature than it is in this country at present.

So again, at the moment, unless there is strong evidence to the contrary, I am inclined to support those provisions, which seem to be sensible. I have yet had no contact with the wineries in my electoral district, one of the major wine-producing areas in South Australia, as to their attitude to the proposal that the holder of a vigneron's licence or distiller's or storekeeper's licence may sell liquor in pursuance of the licence at any time on any day, which means in effect the possibility of opening their premises on Sundays. I will make it my business to make those contacts, and it will not be only the wineries I shall consult: I shall consult other interested groups in the district and, in the fullness of time, I shall make my judgment; but, for the Attorney-General to expect us, not having made any of those contacts, to say that we uncritically support this Bill is, of course, quite unrealistic. I agree with the provision in the Bill that no change in the directorship of a company that holds a licence under the Licensing Act and no change in the membership of a proprietary company or a public company that is not listed

on the Stock Exchange is to take place without the approval of the Licensing Court. That seems to be a necessary safeguard, if the court is to have an effective oversight of the ownership of hotel premises in South Australia. I see no reason why I should change my mind on that provision.

I also agree with the provision in the Bill that any person under 18 years who enters a hotel bar room is guilty of an offence. There is great difficulty at present in dissuading young people under 18 years of age from drinking on hotel premises. There may be some difficulty in defining what is meant exactly by a bar room and who the accepted people will be, but I dare say that the appropriate authorities will have the wit to solve that problem by way of regulation; there is a need for tightening up on that provision.

The Attorney-General said that the holder of a full publican's licence or a limited publican's licence will in future be obliged to supply breakfast only to a *bona fide* lodger. I have a question mark against that provision. I can conceive of that being a sensible provision where meals are readily available, but there could well be circumstances in which meals were not readily available, and that could be an inconvenience to the public: I am open to persuasion on that matter. I intend to say no more at this stage. I indicate my support for some clauses of the Bill and probable or possible opposition to others. That, in summation, is what I am saying in speaking to this Bill.

I repeat there is no understanding of how the Government runs this House. I have long since given up trying to follow the workings of the minds of individual Ministers in this Government, but I hope this Bill will be laid over to the Committee stage after the end of next week so that we can make further inquiries to determine what is a reasonable proposition in amending this Act. I am well aware of the difficulties of hotel keepers. I believe that we must examine carefully the activities of licensed clubs. I did not refer to the amendments regarding licensed clubs. There is some relaxation there, but in effect both club proprietors and hotel proprietors provide a service to the public, and it is a fairly fine legislative balance on how we protect the interests of all concerned. I believe it is necessary to protect the interests of at least some of the hoteliers with whom I have had contact in my electoral district. It is also necessary to maintain a fine balance in the licensing provisions between the facilities we make available in clubs and those we make available in hotels. With those remarks, I give qualified support to the second reading of this Bill.

Mr. CHAPMAN (Alexandra): I join with my colleagues who have already spoken in criticising the Attorney-General for the lack of time available to this side of the House to study the Bill in detail. I cannot agree with the previous speakers in their efforts to duck-shove here and there whether or not they support the understood principle of the Bill. I cannot see, from my brief reading of the Bill, that there is anything to shy away from. I have received some 45 signatures from electors in the District of Alexandra opposing Sunday trading. By the restrictive trading on an operational basis now embodied in the Bill, the objections do not amount to anything like that figure, although I have had a few complaints and am ready to admit that.

Let us look at what really applies in this Bill. In June (and I understand even before that) there were a few kites flown by the Attorney-General in respect to what he may or may not do in respect to legislation. He floated these articles in various avenues of the press to test the people. Among those press reports was an article on June 16, 1976, under the banner of Rex Jory which stated that there was a fresh bid likely on bar hours. The implication to be drawn from that heading was that Sunday trading was about to commence in hotel bars. If that were to have come forward in the form of a Bill then I would have been the first on this side of the House to oppose it, because I do not believe it is necessary to have bar trading on Sunday. I do not believe it is desirable or in the interests of industry and I appreciate the strong opposition that would come from my district to promoting trading of that kind.

I appreciate the arguments of the hotel trade, which is seeking to compete with a large number of clubs and other liquor outlets, but I would not support open trading and the gross extension of the hours of bar trading that we have now. Let us look for a moment at what we have in the way of liquor outlets in South Australia. I do not claim that these figures are spot-on, but I understand they are about the mark. We are not at this stage saying whether there shall or shall not be trading on Sunday because we already have about 150 licensed clubs in South Australia, about 800 permit clubs and about 100 000 club members, all of whom have ready access to clubs that wish to open and trade on Sundays. We have the rest of the community who choose to have a meal on Sunday at a restaurant or another form of licensed premises, so collectively there is a vast section of the community who have a ready, open and legal access to liquor consumption outlets on Sundays at the present time.

We ought not kid ourselves that we are deciding whether or not there should be Sunday trading, because we have it now. It is a matter of whether, if at all, we support an extension to this restricted type of Sunday trading under this clause of the Bill. Apart from the kite I mentioned earlier flown by the Attorney-General back in June there appears to have been a gradual softening of his intent, so that at this stage (whether it be by pressure from the unions or some other body I am not sure) the Attorney-General has completely backed off the hotel bar trading idea that he was promoting earlier. Therefore, we now come back to the cellar door trading, not of free-flow liquor but of sealed containers that may not be opened on the premises that may only be purchased in its sealed form and taken away, as is the case on any other trading day at that particular type of outlet.

Admittedly, there will be the wine tasting facility at the cellar premises which will be open to those seeking to sample wines that may be available. I cannot accept the criticism that has been directed at that type of restricted and controlled consumption. Indeed, I cannot accept that the orderly type of wine tasting that has been demonstrated in South Australia six days of the week at the wine cellars would lead to a greater road toll or other forms of disaster if extended to the seventh. I have received some correspondence about that, but I cannot accept that it is a matter of concern to the extent where one should restrict sealed container trading of this orderly trading standard. Any fear that may arise in the minds of those opposing that particular clause could well be negated by the optional element proposed in the Bill and further negated at most outlets by a reference I will make to correspondence from one of the winery groups. This is, I suggest, one of the best known winery authorities we have in this State. I refer to Mr. E. S. Dennis, the Managing Director of the Ryecroft Winery at McLaren

Vale. Mr. Dennis forwarded to me the following correspondence in which he said, in part:

I believe that Sunday trading will be an advantage to the public and also to the small winemaker who relies on cellar door trading for a reasonable percentage of his sales.

The interesting element of that correspondence is embodied in the next lines where he says:

The aspect of promotion of the product and public relations which is advanced by the public visiting the cellars for discussion and tasting with winery personnel is also vital especially to small wineries endeavouring to establish a market share. Discussion between winery personnel in the southern vales area has revealed that some well established companies do not wish to be inconvenienced by Sunday trading.

I do not know what the outcome of a vote across the district would be but I suggest that there are now, and that there will continue to be, many wineries in South Australia which will not accept the option of the trading arrangement embodied in this Bill. The returns that they may expect to derive from the sales made on Sunday would not, I suggest, offset the expense of keeping the premises open and trading, so it is my firm view that there would, in practical terms, only be a very limited number of small wineries who would seek to exercise the option that is in this Bill. The Bill goes further than to allow optional trading; it also allows optional hours.

The Bill allows small wineries, for example, the opportunity to open for a couple of hours on Sunday morning, Sunday afternoon, or not at all. Although I am very concerned about the road toll and the problems we have with excessive liquor consumption, now that the Attorney-General has chosen to run away from the first idea of having open bar traffic in the hotels and allowing this optional element to apply at winery cellar doors only, I cannot share the fears that have been expressed by some honourable members. I have every sympathy for the hoteliers that have the only hotel in the area, depend on community trade, and are suffering competition from the various clubs and permit and licence holders near them. About 167 towns have only one hotel, and that embarrassing situation can exist there. I understand that, even in the built-up areas where several hotels are established, those hotels, too, have a problem regarding competition from licensed clubs on Sundays.

Notwithstanding what I have said, I do not believe that the trading hours should extend to the hotels for general and free-flow liquor trading on Sundays. Because of that, the remainder of the Bill, as I understand it, is no problem. Some members have not had a chance to look at the Bill during the week just passed, and there has been a limited time to study this matter and discuss with the industry generally any grey areas in the Bill. I understand that the actual proposal to extend the optional trading hours at hotel level really amounts to only an additional eight hours a week more than are required and are optionally available to hotels at present.

That is not the big extension that other members may have thought would apply. When I first heard about this matter in discussion outside the House, I got the idea that there was provision for some vast extensions and for frightening trading opportunities to be available to the hotel trade. However, my clear understanding is that the changes from the requirement regarding trading hours on week days from 11 a.m. to 10 p.m. and the optional trading hours available under present legislation from Monday to Thursday, whereby hoteliers may open from 5 a.m. to 11 a.m., plus optional trading hours available on Fridays and Saturdays, when they may open from 5 a.m. until 11 a.m., in addition to the 10 p.m. to midnight extension, mean that the Bill now really only proposes, by compulsion, that the hotelier remain open between 11 a.m. and 8 p.m.

That actually restricts the compulsory trading hours applicable now, and extends the principle of optional Friday and Saturday extensions to all week days; that is, from 8 p.m. to midnight. A quick calculation on the proposal in the Bill shows that, under the new trading hour arrangements, the maximum number of hours, including the compulsory and the optional period, is 19 hours on any day. If those hours were multiplied to the limit available, a hotel could be open for 114 hours in one week. If we maximise the optional and compulsory period in the present Act, we find that that period amounts to 106 trading hours in a week, so we are actually restricting the hours for compulsory trading by two hours a day, or 12 hours a week, and extending the optional period by a little more than one hour a day, or about eight hours in a trading week.

I cannot really say that there is anything to be terribly alarmed about in that, bearing in mind that trading is fairly free now on every day and most evenings of the week if one likes to seek the facilities. We are only confining the compulsory activities of hotels where free liquor flow is involved, and limiting cellar door sales in an optional way on Sundays by restricting sales to sealed containers, whilst appreciating the orderly way this trading has been practised over the years.

I do not think that I will have difficulty explaining my attitude to the Bill to anyone I know or to anyone who may care to contact me. The Bill seems fairly reasonable and, unless I find something hidden (which I realise is something that we must always look for), I see no reason why it should not be supported at the second reading stage and considered further in Committee.

The Hon. PETER DUNCAN (Attorney-General) moved:

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

Motion carried.

Mr. WARDLE (Murray) moved:

That this debate be now adjourned.

The House divided on the motion:

Ayes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Russack, Tonkin, Vandepeer, Venning, Wardle (teller), and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hopgood, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Rodda. Noes—Messrs. Broomhill and Hudson.

Majority of 1 for the Noes.

Motion thus negatived.

Mr. WARDLE (Murray): I was not trying to be cussed when I called for the House to divide; I was purely and simply giving the Government an opportunity to give the public at least 10 or 12 days in which to discuss this matter further and forward their opinions about it to members.

Mr. Langley: Didn't you receive—

The SPEAKER: Order!

Mr. WARDLE: The public has been greatly interested in this issue. Not many members could say that they have not received more correspondence, telephone calls and petitions about Sunday trading than about any other issue. When the Attorney flew the first kite (referred to a moment ago by the member for Alexandra) regarding Sunday trading, there was much comment. It is my opinion that, had there not been as much adverse criticism about Sunday trading when the Attorney first flew his kite for Sunday trading, it would have been included in this Bill. The Attorney told us that the Bill was completed only about a week or 10 days ago. I, and other people in the community, believe that, had there not been reaction to Sunday trading, that provision would have been included in the Bill. That is why my colleague, the member for Alexandra, is terribly naive when he says that the Bill is quite straightforward and provides for a little well-organised Sunday trading using well sealed cans that cannot be opened on a Sunday, however hard one tries to open them, cans that will not open or uncork until Monday and that they will not open then if your family is with you or you are driving a car. He said that they will open on Monday evening after dinner when you settle down in front of your television set. It is a wonderful story that portrays his tremendous imagination. Although I congratulate him on his imagination, I disagree philosophically with his whole argument.

This measure is in its present form because the people of South Australia have said what they think about Sunday trading in hotel bars. Sunday trading at wineries is purely the thin end of the wedge and is just as insidious as full Sunday trading. Not long from now I will be quoting what I said in *Hansard* on October 20, 1976, and saying, "I told you that this was the thin end of the wedge." Hotel people will want Sunday trading in hotel bars—

The DEPUTY SPEAKER: Order! There is too much audible conversation.

Mr. WARDLE: I did not believe that so many members would be naive enough to believe that the optional opening of wineries would not lead to people who earn their living from a vigneron's licence believing that there is an advantage for them in opening. Of course they will. If one does not believe that, one has not seen the vested interests of liquor operators on that basis. I believe sincerely that licensing reforms should be considered one at a time and year by year. No-one is willing to throw the whole matter open to all aspects of the industry at all times. No one has ever tried to do that, but gradually, year after year as the Act is amended, so we go a little further towards opening up the matter of selling liquor of every kind at all hours on every day of the week. I am pleased that the clock is not working, because it will allow me a little longer time.

The DEPUTY SPEAKER: It is a slight electrical fault.

Mr. WARDLE: I did not necessarily say what I said to embarrass the Clerk Assistant. I am sorry about that, but I thought it was unfair of me to continue to speak without note being taken of the time. There are three aspects I will mention, the first being clause 9, which amends the trading hours applicable to a full publican's licence. The second aspect concerns clause 13, which removes restrictions on the hours during which liquor may be sold or supplied in pursuance of a vigneron's licence. The third aspect concerns clause 14, which provides that the court may tailor the hours during which liquor may be supplied to a club licence to suit the requirements of a particular club and which removes the existing limit of 78 hours a week. In the limited time I have at my disposal, I will confine my remarks to those three issues, but I confess that my material is not well organised, because of the limited amount of time I have had to prepare. I was absent from the House yesterday because of illness and I was amazed on returning to the House this morning to discover that this Bill was on today's Notice Paper and that it had to reach the Committee stage today. So, I believe that I was justified a few minutes ago in dividing the House in order to ask the Attorney-General to defer this legislation, so that we and members of the public may have the opportunity over the next 10 days, before we resume early in November, to know fully what the Bill contains and to discuss it with members here and in another place.

I was interested to hear the member for Gilles say that he did not want to become involved in an argument over the use of alcohol. After outlining the history of our licensing laws, he said that the Bill was updating current laws in the interests of the community. I guess that that is the point from which we all debate the issue—what we believe to be the interests of the community. Those interests are wide apart, depending on how we look at life, how we find life, how it has treated us, how we have treated it, what particularly are our main interests in people and our concern for people and their lives, and whether we feel any sense of responsibility as lawmakers when we make laws which may affect the lives of people. There are probably 47 varieties of us. It is a Heinz House, when it comes to our attitudes towards the interests of the community.

The Hon. Peter Duncan: Shouldn't that be 57?

Mr. WARDLE: There are only 47 members, so I am not sure whether there can be 57 aspects to it, unless some members are divided on the issue, and that could well be the case. We discuss this Bill as a social issue and as it affects the convictions of every member. We vote on it as we personally see the issues at stake in the community and as we set our own interests in the community against what we believe is harmful and not harmful to it. A whole mass of different attitudes exists amongst us with regard to this issue. I want to put into the record a few of the available statistics on this issue. I will state the number of licences which have been issued and which, I think, will give adequate information of the number of opportunities people have to purchase liquor if they so desire. I do not think it can be said that there are insufficient outlets, and that that is why we should open hotel bars between 10 and 12 midnight on other nights of the week. I think it incorrect to say that there are insufficient outlets for the sale of alcohol, so that we must license wineries to trade on Sunday if they so wish. I do not think that that argument can be used.

I think that we must admit that the more outlets there are, the more opportunity there is for people to consume alcohol and to do the very things that all of us deplore. The member for Fisher said that we are careful and keen to protect the public in the case, say, of a 1c or 2c overcharge for a commodity, yet we are willing to let them go to hell when it comes to what they might do with their lives behind the wheel. Is that of no interest to us? I believe that it is of interest to us all. On the other hand, it is inconsistent to provide more and more opportunities for people to do the things we deplore so much. Therefore, I fail to see the necessity to increase sales, the number of premises, and alcoholism generally in the community. Plenty of facilities are available to people who want to drink on Sunday. No-one could deny that point.

Returning to the matter of licences, I find that the total number of licences issued in South Australia is 1 387, made up partly of 602 full publicans' licences in 1974-75 and 603 in 1975-76. In 1974-75, 107 retail storekeepers' licences were issued and, in 1975-76, 110 licences were issued. In 1974-75, there were 42 wholesale storekeepers' licences and, in 1975-76, there were 45 licences. In 1974-75, 177 clubs had licences and, in 1975-76, the number was 185. In 1974-75, there were 34 distillers' storekeepers' licences and, in 1975-76, the same number of licences was issued. In 1974-75, 151 restaurant licences were issued and, in 1975-76, the number had increased to 171.

In 1974-75, 55 limited publicans' licences were issued, and the same number was issued in 1975-76. There were 67 vignerons' licences issued in 1974-75, and 75 in 1975-76. This makes a total last year of 1 235, and this year of 1 278, plus 109 licences held by other groups, such as theatres, hotel brokers and licences granted under sections 16 and 18 of the Act, including reception houses and the like. A total of 1 387 licences was issued and, in addition, about 35 000 single-day permits and booth certificates were issued last year. A total of 800 club permits were issued (permits rather than licences are issued to clubs selling less than $25 000 of alcohol annually). South Australians were able to buy $100 000 000 worth of alcohol in 1975-76 through those licensed outlets.

South Australia is not suffering from an insufficient number of alcohol outlets. Members of the community can purchase alcohol at almost any time, almost anywhere. I do not believe that any South Australian citizen can say that he is unable to purchase his alcoholic requirements from one week to the next. Many responsible citizens in our community continue to warn us of the high consumption of alcohol in Australia, a high level according to world standards. Our alcoholic consumption is a matter about which we should be taking serious note and about which we should be doing much more.

I now refer to the statements of people in the community who are regarded as experts on the subject. The South Australian Commissioner of Police (Mr. Salisbury) has spoken out publicly on this matter on several occasions in his official capacity.

Members interjecting:

Mr. WARDLE: I apologise to honourable members about the delay but there is so much important material available and I have had insufficient time to prepare it properly. I could have chosen more appropriate information had I the opportunity over the next 10 days to sort it out. In a recent edition of the *Advertiser,* under the heading "Alcohol highway killer", the following report appeared:

Alcohol was involved in half of all serious road accidents, the Police Commissioner (Mr. H. H. Salisbury) told a road safety conference yesterday. Mr. Salisbury said that in a recent survey of post mortem examinations it was found 80 per cent of drivers killed in road accidents had a blood-alcohol content of ·10 per cent or greater. He was presenting a paper on "Educating our future motorists" at a two-day conference for secondary school teachers conducting student driver education at the Road Safety Instruction Centre, Oaklands Road, Oaklands Park.

The report continues:

Mr. Salisbury said that to November 9—

November, 1975—

this year there had been 282 road deaths compared with 330 for the same period last year. He believed the reduction in the toll was due to increased police pressure on drivers.

The report gives other facts and figures on this matter. On examining blood alcohol statistics provided by the Minister of Transport it is staggering to note the high blood alcohol count of many drivers who are required to undertake breathalyser tests. I refer to "The Who, Where and When Guide to Motor Insurers", prepared by Sergeant Beck of the South Australian Police Force. The high number of tests undertaken on Sunday (487) results from tests being carried out between 8 p.m. and 4 a.m., and subsequently the Sunday figures are inflated by a carry-over from the Saturday night's activity. Sergeant Beck has provided the following information concerning the incidence of breathalyser tests:

About 65 per cent of cases occur during the weekend, that is, from Friday evening to Sunday evening.

Day of Week/Breathalyser Tests

Day of week	Number of tests
Sunday	487
Monday	186
Tuesday	170
Wednesday	184
Thursday	252
Friday	438
Saturday	596

Already, South Australia has a high record of weekend drinking without the implementation of clauses in this Bill seeking to allow vignerons to sell liquor 24 hours a day, seven days a week. The following article, headed "Keep bars closed on Sunday: pub workers", published in the *Advertiser* last September, states:

Metropolitan hotel workers stood firm yesterday against Sunday bar trading. At an authorised stopwork meeting they voted 177 to 28 against any extension of Sunday drinking arrangements in hotels.

Some members and probably the Attorney-General will say, "Why refer to this matter of Sunday trading, because it is not in the Bill?" I hope I am not attributing to the Attorney-General an attitude that he does not have. I believe the matter is associated with the Bill, because I believe that competition will take place as regards trading hours, as a result of the investment in the liquor industry. One section will seek to outdo the other in connection with opportunities to sell their wares. The article continues:

The Attorney-General (Mr. Duncan) told the Assembly on Thursday the Government intended to make widespread changes to the licensing laws, but at present did not intend to introduce legislation for general trading on Sundays.

The SPEAKER: I draw the honourable member's attention to the fact that he actually has only two minutes left.

Mr. WARDLE: Mr. Speaker, I wish you had told me, when the clock was established, that I was to have eight minutes taken off my time.

The SPEAKER: Nothing has been taken off. There was an error in starting the clock, but we took note of the time when the division was concluded because Standing Orders provide that there can be divisions only every 15 minutes or more.

Mr. GOLDSWORTHY: I rise on a point of order, Mr. Speaker. The mistake was not that of the honourable member. In the past, when errors have been made by the person working the clock, the member speaking has been allowed to use the the time showing on the clock.

The SPEAKER: Not in my time. I warned the honourable member for Murray, in fairness, that he had only two minutes to go.

Mr. VANDEPEER (Millicent) moved:

That the honourable member for Murray be given an extra six minutes in which to conclude his remarks.

Motion carried.

Mr. WARDLE: I thank members for the extension of time. Clause 13 removes the restriction on the hours during which liquor may be sold under a vigneron's licence. Evidently, the wineries did not request this provision. An article in the *Advertiser* of June 17, 1976, headed "Wineries split over Sundays" and referring to Mr. B. G. Stephens, the Manager of the Wine and Brandy Producers Association of South Australia, states:

Mr. Stephens was commenting on proposed changes to South Australia's licensing laws announced on Tuesday by the Attorney-General (Mr. Duncan).

"From the outset this association did not enter a submission on Sunday trading," Mr. Stephens said.

So, apparently the implementation of clause 13 is Government-sponsored: it was not sought by the Wine and Brandy Producers Association. No sooner had the matter of trading hours under winery licences been made known than concern was expressed in the liquor industry about the question of discrimination that the Government would enter into as regards issuing licences to vignerons to trade seven days a week and 24 hours a day. Other sections of the industry were not able to do so. In a letter to the *Advertiser*, representatives of the Loxton Community Hotel, the Austral Motel-Hotel, Quorn, two Whyalla hotels, and hotels at Port Augusta, Port Pirie, and Tumby Bay, say:

We the undersigned participants at a John P. Young and Associates' Hotel Management Training Course this week have read of the proposed new licensing legislation with interest and have undertaken our own examination. We are concerned about a number of matters which have been raised in both the initial press reports of the proposed legislation and in subsequent public comment.

We feel there is discrimination against hotels in relation to club operations. Although some of us do not want Sunday trading anyway, we are of the opinion that if clubs are allowed more flexibility in trading hours, including Sunday trading, hotels should have the option of providing similar services if they so desire.

It is perfectly obvious that, if one section of the industry is opened wide for trading, it will not be long before other sections will want to follow. At a meeting of hotel employees, a large majority did not want Sunday trading. They said, "We regard Sunday as being our own family day." Many people have that opinion, and many people strongly oppose this Bill.

We are inclined to concentrate on the industries involved in the legislation, and we have not devoted sufficient attention to the average man in the street, the average housewife, and the average mother. An article in the *Australian* of September 23 is headed "Australia boozes $1 for every $3 we eat". The article says that every man, woman and child in the country, on average, consumed $151·39 worth of alcohol last year. The Australian total is more than $2 000 000 000 spent on alcohol. I do not intend to oppose the second reading of this Bill, but I intend to oppose the Bill and divide the Chamber on a number of issues during the Committee stage.

Mr. COUMBE (Torrens): I will deal specifically with one or two points. There has been much talk about this Bill being considered at length in Committee. I have always believed in the principle of stating one's main objective and viewpoint on a Bill at the second reading stage. The opportunities I have had to research this matter have been limited; in fact, in the past few days I have tried to see several people but, because of engagements, have been unsuccessful. But I refer to one or two matters only, because the broad canvas has already been covered.

At the outset, to give the background of my approach to this matter, I say that in recent years, when amendments have been introduced to this Act, I have consistently supported and approved what I thought were improvements to the working of the Act. In other words, where there was general liberalisation of what I regarded as undue restrictions, I have supported it. In this Bill there are some points that I support. However, I draw the line at one or two points, and I am sincere in saying this. Having explained what my background is, at no time can I be accused of being a wowser, without putting any adjective in front of that word.

A central point of this Bill is the matter of trading hours of hotels. The Bill provides that a hotel may, if it so desires, trade six days a week until midnight. Many hotels will not take advantage of that provision: they simply do not want to stay open until that hour. Some hotels in my district will not avail themselves of this opportunity, but some will. I suppose the same could be said for hotels in other honourable members' districts, but probably, with the exception of the member for Adelaide, who has many hotels in his area, I have an extraordinary number for the population: there are no less than 20 hotels, an endless number of clubs, and I have lost count of the number of restaurants. It is a fairly important issue in my district.

I have previously spoken (and members will recall my speaking) on one aspect of late trading—the nuisance caused by customers leaving hotels at, say, 11 o'clock or 12 o'clock at night, not only on Friday and Saturday nights, when under the provisions of the present Act certain hotels operate, but, because of the ease with which permits are granted, during week nights, when these hotels operate. The nuisance caused through noise and disturbance and, in some cases, physical damage to people's property has reached such a stage in part of the electoral district of Torrens that numerous petitions have been made to councils, to me, and to the Government, objecting to the result of trading at late hours.

I have previously made a plea during a grievance debate in this House, drawing the attention of the House not only to the nuisance so caused but also to the ease with which special permits were granted during the week. A clause deals with the issue of permits which now, in normal circumstances, can be issued by the clerk of the court, and people do not necessarily have to go before a magistrate or a judge, except when there is opposition to the granting of a permit. I made the plea that the Licensing Court should take more cognisance of the locality and the nuisance caused in some cases by patrons of certain hotels where extended hours were being observed.

There is nothing in this Bill to provide for greater surveillance of the issue of permits: rather, it seems the issue of a permit becomes easier. I should like a greater scrutiny of the permit so that, where nuisance occurs and there is a legitimate complaint, some notice can be taken of that and some restriction placed on the issue of the permit concerned unless the hotelier or licensee takes some action to improve the prevailing conditions.

We come now to the six days a week, 12 o'clock question. Because of the nuisance caused in parts of my electoral district, and principally in North Adelaide and Walkerville, I shall vote against that clause: I make no bones about it. There are many residents of Lower North Adelaide especially, and in Walkerville, who are strongly up in arms about the prevailing conditions late at night, not only with Friday and Saturday night opening but also with the indiscriminate granting of permits, so

much so that much feeling has been generated in those parts of the district. It is aggravated, I will say, to some extent by some of the restaurant trade.

I like to have a good dinner and enjoy myself, but the noise that emanates from some establishments has to be heard to be believed. I have said earlier that I am sure that some people in the future will suffer auditory disease: that is, before long they will not be able to hear normally. I refer to the discotheques and the very loud bands prevalent at several establishments for entertainment. I have at least survived, despite some impositions I have suffered in this regard. If we had a good trumpet band, a Dixieland brass band, for instance, it would be a good thing. I hear one every night the House is sitting, so I can put up with it!

But, seriously, I say that if we study, for instance, North Adelaide, which is a fairly popular part of the metropolitan area for dining and drinking, the Hotel Australia, I submit, is a special case. It is a luxury-type hotel, with some restrictions. It caters mainly for people from other States, overseas, or the country. I am referring to the residential side but I frequently dine there. It has some entertainment, but there is not the volume of noise emanating from that place that there is from Melbourne Street, and certainly from Walkerville.

I am concerned that, with the six days a week provision, some hotels will take advantage of this opening, and the residents in those areas, who were there before these extended hours were granted and before these permits were available, will no longer be able to live in some places. Many of them have said to me, seriously, that they are thinking of moving, but what is the chance of their getting back the value of their house? It is nil. Furthermore, close to one of these hotels is a large hostel operated by a leading church in South Australia. I suppose about 20 or more young girls would be in residence there studying at tertiary institutions. These girls are having their studies interrupted to such an extent that they will have to find accommodation elsewhere. The hotels, in some cases, have brought these matters on themselves. I realise there is a contrary argument that hoteliers require longer trading hours to overcome the competition from clubs. I have previously and still support the idea that clubs must and do obtain their supplies from the local hotel. I am President of a licensed club and we get our liquor from the local hotel; most clubs do. I believe that that principle should be continued because hoteliers have to meet other obligations and costs, and they could be forced out of business. Whilst the Minister's second reading explanation refers to discotheques, it is difficult to find an actual reference to them in the Bill, except relating to age. The Bill provides that a person cannot enter a bar-room of a prescribed class, but does not indicate what type of entertainment or accommodation is being provided.

Mr. Vandepeer: That will be in the regulations.

Mr. COUMBE: It is fair to say that a person of an exempt class will be defined in the regulations. I would have thought that, in a Bill of this considerable importance, the Minister would have spelt out in more detail what is meant by bar-room, because the parent Act states that a bar-room means any room in which liquor is kept and from which liquor is supplied directly to customers. The amendments provide that a person under 18 years of age shall not enter a bar-room of a prescribed class. The exempt person can come under the regulations, but in a Bill of this magnitude and importance that detail should have been spelt out. The Bill states that this provision applies to any person who obtains or attempts to obtain any liquor from a person on licensed premises, and that is partly complementary to what is in the Act. I would have liked clause 25 to be a little more explicit.

The question of dining-rooms causes me some concern. I know that, in certain types of hotel, according to the type of accommodation provided and the clientele, it is necessary at times to provide late meals. Clause 9 (*a*) provides, *inter alia*:

Upon any day at any time for consumption, in such parts of the licensed premises as are fixed by the court with, or ancillary to *bona fide* meals.

My immediate interpretation of that is that the dining-room can be open 24 hours a day. Is that what the Attorney-General means, and is that what is asked of him?

The Hon. Peter Duncan: Yes.

Mr. COUMBE: That seems to be going a little too far.

The Hon. Peter Duncan: It just equates the provisions for restaurants.

Mr. COUMBE: I suppose I go to restaurants as often as the Attorney, but I do not think I have been to a restaurant that is open for 24 hour a day, nor could any restaurateur afford to open for 24 hours a day. The Minister is now providing an open-ended arrangement whereby dining-rooms, as such, can be open at any time. We are referring to a *bona fide* meal, which has been the subject of contention in previous amendments to this Act. I think that particular section needs to be tidied up. I agree with the provision about the need to provide luncheons and dinners. If one travels to some licensed premises in the country, one has to be quick to get a meal, or one is too late: that is usually the problem. The other sections dealing with wine and distillery licences and other matters have been referred to by my colleagues. I will vote against the provision for a six-day week with 12 o'clock closing, and I repeat that I have, in the past, supported liberalisation of this Act, but I am going to draw the line at this stage. I will have more to say in Committee.

Mr. VANDEPEER (Millicent): We have seen during the past few years a vast change in the social life of our community, and I believe that there will be more changes to follow. Alcohol has played a large part in changes that have taken place, as it will in future changes. I believe that present trading hours are sufficient. If this Bill were merely rationalising hours at the request of the people in the trade, I would not object, but it goes further than that.

People should be free to consume alcohol when they wish, but I do not believe that they should be free to consume alcohol at any time to such an extent that they begin to infringe on the freedom of others. That is what too much alcohol does in our community today. People affected by liquor who drive motor cars on roads, have accidents, and kill themselves and injure other people are infringing on the freedom of others, and this is an aspect about which we have to be careful when considering licensing hours and the consumption of liquor.

I am not a wowser: I enjoy a few beers and a glass of wine with my meals, as it is part of the social life that I enjoy. I do not condemn anybody else for wanting that, and I do not condemn anybody else for rejecting the consumption of alcohol; they are free to do so. However, the effect of alcohol on the community is reaching a drastic stage when we have a situation such as the one that occurred, I think last Sunday, at Virginia. Doubtless, the Attorney-General knows about this matter, and I hope that officers of his department are concerned about it. It is relevant that this Bill should be before Parliament within three or four days of that incident.

I should like to know what members of the Police Force are thinking at present. They have told me that they consider that they are the meat in the sandwich regarding alcohol, and I do not believe that that is the right way for a Government to regard its Police Force. The Government should consider that aspect. When police officers tell me that they do not really know where they are going and that they feel they are the meat in the sandwich, that is a deplorable state of affairs. I do not make that statement lightly or from hearsay: I make it because of the opinions police officers have put to me, I hope thinking that I may refer to the matter in this House.

I also know that in these situations in a democracy, it is extremely difficult to legislate for controls such as I am speaking of without having the support or permission of the people. Some people would say that that was a weakness of democracy, but I would not agree. We can and should offer leadership, but I gravely doubt that we are doing so when we allow people to drive one tonne of metal along a road at about 100 kilometres an hour, when drivers are not capable of controlling such a vehicle. At the same time, other people on the road who have not consumed alcohol and who are obeying all the laws could be involved in an accident, when the blame would be not theirs but on the one who is on the road when under the influence of alcohol. This is a serious problem.

I have been interested in some comments by the Minister of Community Welfare. There is nothing personal in this, but I am a little surprised, having had dealings with him, that he has not taken a more serious attitude to the effects of alcohol on the family, and to the broken homes, the effects on the young, the unemployed people at present, and people about 20 years of age. I am concerned because the matter has traumatic effects. We really are not doing anything about the consumption of liquor, and we are doing little about education regarding it and how it should be used.

Alcohol has been a part of life for thousands of years. It was known before the birth of Christ, and the Vikings drank it. I think that every race since the Stone Age man has used some form of alcohol, so it is ridiculous to think that we can restrict its use completely or to any large extent. However, we can do something to educate the community in how we should use it. People from the liquor industry have told me that they are concerned about the effect of the present licensing laws on the industry, and I do not think that the new laws will improve that position. These people are concerned that clubs are giving them extremely strong competition.

As we know, and as has been said this evening, there are many clubs, and they are open on Sundays. That creates an atmosphere with which the industry and the hotels find it difficult to compete. Sport often is played on Sunday, as it is played on Saturday, and many people are attracted to clubs. That is good for the clubs, creating a good club atmosphere, but we are conducting our sport from the profits of alcohol, and we need to consider that matter deeply. I want our sporting clubs to be financial, viable, and offering good facilities to encourage all young people to play sport. That costs money, but the right place to obtain it is not from the consumption and sale of alcohol. Obtaining the money that way is a means to an end, a way to finance the clubs, but it is not right for our society, and that will be shown to be so.

The industry must compete against the atmosphere that is created at the weekend and, although hotels obtain their share of the money obtained from consumption of alcohol in clubs, they are finding it extremely difficult to compete unless they have a good restaurant and a motel connection with the hotel. Hotels in my district are in severe financial difficulty, and go as far as they can to attract trade. It is interesting to see how the main club is trying to attract trade, yet private enterprise in the district still can do better, because the club operates as a delivery point for liquor that does not offer the atmosphere of three or four barmen serving in a hotel bar, being good conversationalists, good friendly persons, and able to get on well with the boys. The hotels are wise enough to keep that atmosphere and keep the trade. Regardless of what the club does, it still cannot beat the hotel. Hotels are still in difficulties, and I wonder what will happen to them. Tourists must use hotels and motels because they cannot use clubs. We are making clubs financial units for their communities, which is good policy. We are trying to build up a tourist trade which, unfortunately, is not big enough to support the number of hotels in a town. We are taking away local trade from hotels, which is the basis of their business. The tourist trade is the only extra business that hotels conduct. Unfortunately, that trade has not been built up to the extent where it will completely maintain hotels. To survive, hotels need trade from both the local community and the tourist trade. We are interfering with this situation that should be developing.

The Government has made many statements about what it is doing for tourism in South Australia, but in some places it is destroying that activity by the laws that it is introducing to foster tourism in those areas of our State that tourists find attractive. More hotels are needed to attract tourists, but the accommodation that goes with hotels and motels is also needed. We are also faced with the difficulty of the one-hotel town where, unless extra trade is available, the hotel is in serious trouble. I know of a hotel that will close unless it can introduce new ideas to attract customers. If the hotel closes the club and the shop that has a wine licence will supply completely local alcohol trade. That hotel relies completely on local trade, most of which has been taken by the club. I fear that that hotel will go out of business before long.

I agree with what most other members of my Party have said in this debate, except that I disagree slightly with what the member for Alexandra said. I fear what effect the Government's policy on the licensing laws of this State will have on the community. We are seeing many changes now, and will see more in future. However, what the eventual effect will be remains to be seen. We need a strong education programme about the consumption of liquor. I hope that Australians never experience the riots that are occurring at soccer matches in Great Britain, riots that disturb the authorities in that country. I hope that we never reach the stage in Australia where people who attend soccer or football matches will have to wear tin helmets for protection.

Mr. WOTTON (Heysen): I intend to speak for no more than five minutes. I rise only to present the attitude of publicans in my district who have expressed views on this Bill. I appreciate what has been said by all members who have spoken this evening about the possibility of extending trading on week days until midnight. I appreciate that trading hours will be optional but, in small towns (as in my district) where there are two, three or four hotels, one of which decides to stay open until midnight, the other hotels, because of competition, find it necessary to open, too. The costs incurred in keeping hotels open at late hours and also the inconvenience that is involved causes the publicans to dislike this legislation.

The other point that these publicans have made relates to the difficulty they are experiencing regarding the number of 18-year-olds who are entering hotels and the number of people under 18 who are consuming liquor on their premises. The Bill provides that persons under 18 years of age who enter hotels will be guilty of an offence, but the policing of that provision will be extremely difficult. It can be policed only in theory, because it is virtually impossible to keep young people out of pubs since the drinking age was lowered. Several publicans have stated that, on Friday and Saturday evenings trade is far too busy for them to take the necessary precautions as far as the age limit is concerned. It has been pointed out to me that if publicans try to get too tough they are likely to have a fight on their hands, and I do not believe that my district is any rougher than any other district.

A few years ago under-age drinkers congregated mainly around the Melbourne Street, North Adelaide, area, whereas today they are scattered throughout the metropolitan area. In an article in the *Sunday Mail* of April 25 this year Dennis Atkins reported that he made some calls on a few hotels around Adelaide, and made the point that, during his survey, it had been shown quite plainly that teenagers were drinking in larger numbers and that most of the barmen to whom he spoke said that the number of teenagers were not decreasing and that patrons were getting younger. He also stated:

Today's youngsters can drive at 16, and with cars full of friends many believe that the logical place to go for a night's entertainment is a hotel . . . Most medical and welfare workers who deal with alcoholics and problem drinking in South Australia agree these young people could have a sad, if not, short future. The number of under-age drinkers is increasing and, with it, the number of young alcoholics.

Much has been said about statistics. A recent report by the Community Welfare Department states that alcoholism has been accepted by society as a social problem or illness. Federal statistics show that alcohol abuse is the direct cause of one in five hospital beds being occupied, one in five battered children, one of five drownings and submersion cases, two in five divorces and judicial separations, about 50 per cent of the serious crimes in the whole community, 50 per cent of the deaths from road accidents, 50 per cent of deaths from disease and two or three deaths from cirrhosis of the liver, reduced resistance to a wide range of illnesses, and a loss of 50 per cent of the working hours of the "alcoholic" group after the age of 45. There are many similar statistics to which we could turn.

Another point that interested me was that alcohol is soon going to cost the community more in health costs and in lost production than it earns for the community in revenue. This was stated to us by Mr. L. R. H. Drew, who is the Federal Government's Chief Adviser on alcohol and drugs. He said that the direct benefits amounted to perhaps $1 400 000 000 in 1972-73, while alcohol cost the community at least $1 200 000 000 in the same year. He also said that if consumption continued to rise during the next 10 years, as it had risen in the past 10 years, the cost would far exceed the benefits. Mr. Drew was speaking to a seminar organised by the South Australian Foundation on Alcohol and Drug Addiction, at Glenside Hospital. He also said:

It would appear the current assumption is "Let's float on alcohol". There is a compulsion to increase production, increase consumption, and increase revenue. Persons with illness directly related to alcohol occupy possibly 20 per cent of all public hospital and mental hospital beds. The direct health costs of alcohol are probably well in excess of $200 000 000 a year. The cost of alcoholism to industry amounts to at least $523 000 000 a year and the cost of alcohol on the roads is $350 000 000 a year. There were other high social welfare costs through the judicial and penitentiary system and through pensions and special allowances. The benefits were assessed through tax revenue and personal expenditure on alcohol.

It is unnecessary for me to give other statistics. The only other point I make concerns the provision in the Bill relating to Sunday trading at wineries. The one winery in my district has made it clear to me that it is not keen to see Sunday trading take place, because it wants its staff to have a day to themselves. While we are now able to taste as much wine as anyone wants to taste, I see no great problem in this aspect of Sunday trading, and I bring to the House's attention the feeling of the people in my district about this provision. I support the second reading of the Bill so that I may have the opportunity of supporting certain amendments and opposing other amendments when we reach the Committee stage.

Mr. RUSSACK (Gouger): I, in common with other members, express my disappointment at the speed at which we are expected to debate the Bill. I concur in many of the comments other members have made, particularly as regards statistics and certain aspects related to the legislation. As I see the Bill, it consists of three major aspects: the hours of trading and Sunday trading, the conditions of trading in certain respects, and the control of licences and trading. Possibly the most important issue that concerns me is that of Sunday trading. Unfortunately, we read such reports as one that appeared in the *Advertiser* yesterday under the heading, "Thousands affected by liquor", which states:

The officer in charge of police at the Virginia International Raceway believed that about 50 per cent of the 7 000 to 8 000 patrons were either drunk or grossly affected by alcohol, the Elizabeth court was told yesterday.

Mr. Becker: That sounds a bit rough.

Mr. RUSSACK: That was stated in the Elizabeth court, so I suggest that it is a fair estimate. I quoted that, because liquor is, and must be, available on Sundays fairly freely. Publicans and others involved in distributing alcohol do not appreciate that alcohol is often abused. I am sure that, in the main, licensees and others who control the sale of alcohol would prefer to see people use alcohol sensibly. The member for Gilles referred to the past decade and said how things had changed as regards our licensing laws. Later, I will quote from *Hansard* of 1974 wherein the Attorney-General of the day stated that possibly extending the hours did not tend to produce increased consumption. A report in the *Advertiser* of September 23 last, under the heading "Cut drinking—health plea" is pertinent, because it covers the past 10 years. The report states:

Canberra—The Director-General of Health (Dr. G. Howells) has appealed to Australians to cut alcohol consumption. In his annual report tabled in Federal Parliament yesterday, Dr. Howells says substantial increases in consumption have led to a higher incidence of death and disease because of alcoholism.

He quotes latest figures showing that in 1974-75 Australians drank a total of 1 922m. litres of beer, 168m. litres of wine and 16m. litres of spirits. This is the equivalent a person of 142·66 litres of beer, 12·47 litres of wine and 1·21 litres of spirits. Dr. Howells says this represented an increase of 30 per cent in beer consumption a person over 10 years, and a doubling of wine consumption. This has been matched by a corresponding increase in health problems related to alcohol. "The death rate from alcoholism, for instance, has increased by 54·8 per cent during the same period, from beriberi by 16·7 per cent and from alcoholic psychosis by 4·1 per cent." he says. He says legal authorities should continue to monitor and improve legislation on alcohol related offences.

That is a warning by a person who is well qualified to give a warning, backed by statistics, and that is why I read that report. During the past 10 years, although there has been an extension of trading hours in hotels and clubs, I realise that I must take into account the population increase. Also the legal drinking age limit has been lowered, and these factors must be taken into account. Nevertheless, that does not cover the 30 per cent increase in the consumption of beer and the 50 per cent increase in the consumption of wines over the same period.

On October 8, 1974, a Bill passed by this House extended trading hours in hotels from 10 p.m. until midnight on Friday and Saturday nights, and during the debate on the Bill I referred to matters that are pertinent to this debate. I stated (*Hansard* October 8, 1974, page 1325) the following:

The main reason I speak to the Bill is the concern I felt on reading an article appearing in last Saturday's *Advertiser* about young people in our society. As most social legislation results in a step-by-step progression toward the relaxation of certain laws and conditions, I believe that such a progression applies to this Bill. However, I hope that the effects of such relaxation and the extension of trading hours will not be registered mainly on the young. I was concerned at the article, assuming that those responsible for it were conversant with the facts and possessed the background detail it revealed. I certainly do not like the word "drunks" applied to these young people. The article states:

> . . . South Australia's young drunks have never been counted . . . their presence is unmistakable . . . they drink without much fear of legal retribution in the big suburban hotels, discos and at home.

What worries me is that the Licensing Act prescribes a certain minimum age for drinking; yet we find in this article that a journalist interviewed young drinkers and states:

> Four were sitting in the saloon bar of a suburban hotel named by one social organisation. The bar was busy and, although three were 16 and one 17, they didn't look out of place. All were drinking schooners of beer and, when I talked to them, all thought they were doing no real wrong. "Jim", 17, an apprentice fitter, said he started drinking at home at about 14, and now drank on Thursdays and Fridays and on Saturdays after he had played football. Often he got "well and truly" drunk on Saturdays, but that was only part of growing up, he said. His three mates agreed all along the line, and their message to me was to come back and ask them again when they turned 18.

The Hon. J. D. Wright: From what are you quoting?

Mr. RUSSACK: A *Hansard* report of October, 1974, as I want to follow up that report and I shall quote the comments of the then Attorney-General, because a provision dealt with at that time is covered by this Bill, and I am pleased about the change. The report from *Hansard* continues:

> Three other pubs and a disco visited at night yielded similar results. The attitude of young people I spoke to didn't extend past their health the following morning, or the amount of money it cost them in the disco these days. They said they went there to socialise, to meet the opposite sex.

On the same night in reply to the second reading debate the then Attorney-General (now Mr. Justice King) stated:

. . . I acknowledge that all the topics raised, particularly the problem of under-age drinking, canvassed by the member for Gouger, and the problem of alcoholism in the community, stressed by the member for Fisher, deserve our unremitting attention because they are important and serious social problems, difficult of solution but, nevertheless, problems that must occupy our attention constantly to ensure we are doing all that can be done in those areas.

This Bill amends the principal Act by making it an offence for a person under the age of 18 years to enter a hotel bar, and I hope that the words of the then Attorney, as I have just outlined, will apply.

Parts of the Bill will be beneficial to the community when they come into force and will improve the existing situation in this State, and I should like to see these provisions preserved but other provisions in the Bill I do not agree with and cannot support. I refer first to Sunday trading. As I said in 1974, social legislation progresses step by step, and I consider that this provision goes another step towards complete Sunday trading in the liquor industry. Clause 12 deletes section 25 of the principal Act, and section 25 (1) provides:

. . . every distiller's storekeeper's licence shall authorise the distiller thereby licensed to sell and dispose of liquor on the premises therein specified, on any day (except Sunday, Good Friday and Christmas Day) between the hours of 5 o'clock in the morning and 8 o'clock in the evening . . .

New section 25 (1) provides:

Subject to this section a distiller's storekeeper's licence shall authorise the licensee to sell or supply liquor at any time on any day in the premises specified in the licence.

When we come to the Committee stage, I intend to oppose that provision because I believe that consideration should be given to continued restrictions on Sundays, Good Friday and Christmas Day, which has been omitted. The extension of hotel trading hours to midnight on week nights is unnecessary. Many country hotel keepers already find it difficult and uneconomic to maintain existing hours of trading.

True, the new extended trading hours are optional and hotel keepers can ascertain their demand and determine their own trading hours, but because of the constituents who have contacted me and because of the feeling in my district about this matter, I am obliged to oppose this provision. Nevertheless, I am pleased to see a reduction in the obligatory trading hours to 8 o'clock in the evening. The last point I wish to raise concerns the control of club licences. Clause 14 provides that the court may tailor the hours during which liquor may be supplied to a club licence to suit the requirements of a particular club and removes the existing limit of 78 hours a week.

I understand that the court will have the full responsibility of ascertaining what hours a club may operate. I do not know whether the Attorney-General can indicate what is intended or whether the court can make available to a club a licence for any day and any time during the 24 hours. Having examined the provision, I believe that the court would have full control over club trading hours.

Some provisions in the Bill are acceptable. I support the closing of the loophole concerning company transfers of licences, and I agree with the clause that provides for the court to approve changes of membership in companies that hold licences under the principal Act. Further, I agree with the provision regarding flexibility of trading hours at night, despite the fact that I do not approve the extension of hours from 10 p.m. to midnight. Finally, I agree that anyone under the age of 18 years should not be permitted in hotel bars, except in certain acceptable circumstances. I shall have more to say in the Committee stage.

Mr. BECKER (Hanson): To have this legislation before us is rather incredible. There was a hue and cry some years ago to have the closing time for hotels extended from 6 p.m. to 10 p.m. throughout South Australia. So much attention was drawn to this matter that a Government changed hands. Members have received the following statement from the Australian Hotels Association:

Compulsory hours—Hotels are currently required to remain open for sale of liquor between 11 a.m. and 10 p.m. on weekdays or the alternative as mentioned earlier in this

memorandum. We welcome the proposed reduction of this compulsory period by two hours per day. Again, it is a matter of flexibility. One can imagine an hotel keeper in a small country town being required to keep his hotel open until 10 p.m. every week night, in the depths of winter. The changes relating to the flexibility of hours are a little late in being made, particularly for people in some areas who found that the 10 p.m. closing forced on them was uneconomic. The pressure was so great that some small family hotels could not continue to operate. It is incredible! A Government changed hands, and now the A.H.A. is asking us to reduce the trading hours. I believe in flexibility, but the flexibility in hours will not be as easy as it is made out to be. This matter certainly affects my district. One hotel will take great advantage of the extension of the closing time to midnight, but the other three or four hotels will not want it at any price, because they will be costed out of business. Workers have a certain amount of money to spend in hotels as part of their relaxation.

Hotels generally will not make much money out of this deal, because they will be faced with extra cost and hard work. It can be argued that the closing time has been extended from 6 p.m. to 10 p.m., and now to midnight. No-one will convince me that this is needed by the industry or the community. No-one has asked me to support legislation for midnight closing, and that is what it is. We must also consider the effect of this Bill on hotels in the metropolitan area and the inner city area. Some hotels in the inner city area have been forced out of business because of 10 p.m. closing, and there will not be any benefit for hotels in this area from this Bill, except perhaps for the hotel opposite Parliament House and perhaps the Hotel Australia, which is not going too well at present. It did not have many lodgers a few months ago. The flexibility will be of some benefit to country hotels in small towns, and there could be some need for extended hours in hotels in large country cities, such as Port Lincoln, Whyalla, Port Augusta, Port Pirie and Mount Gambier; actually, I doubt whether extended hours are needed there, because of the existence of clubs. There always has been and always will be competition between hotels and clubs.

We have a responsibility to consider how far we can go in amending the principal Act while at the same time bearing in mind the road toll. This aspect concerns many publicans, club secretaries and club managers. In 1968, there were 598 full publican's licences; two vigneron's licences; 22 restaurant licences; 43 club licences; 8 012 permits were issued; the consumption of alcohol was 125·38 litres per capita; and there were 275 road fatalities, of which more than 50 per cent would be attributable to alcohol. Unfortunately, we do not have any statistics for blood alcohol tests showing a level above ·08 per cent in South Australia for 1968. In 1971, 12 months after the present Government came to office, there were 598 full publican's licences; 47 vigneron's licences (a considerable increase); 90 restaurant licences; 70 club licences; 31 171 permits were issued; the consumption of alcohol had increased to 136·3*l* per capita; there were 299 road fatalities; and 2 007 blood alcohol tests showing ·08 per cent. In 1974, there were 601 full publican's licences; 62 vigneron's licences; 134 restaurant licences; 157 club licences; 34 514 permits were issued; the consumption of alcohol was 153·8*l* per capita; the police conducted 3 010 blood alcohol tests showing ·08 per cent; and the road fatalities were 389.

So we have a responsibility in relation to the consumption of alcohol in the community. We have already been told the tremendous cost and we know the great effort that is going into policing our roads. What are we to do? Shall we extend the hours and the opportunities for some people who cannot control their drinking habits? Or, by spreading the hours, does it mean that those who enjoy companionship in the drinking of alcohol will become a smaller risk on the road? The statistics for 1968 to 1974 do not indicate that extended trading hours have eased the road toll at all. One could view this with concern. I am concerned that the number of restaurants in South Australia has increased from 22 in 1968 to 134 in 1974, a considerable increase in licensed restaurants; yet full publican's licences are virtually static over that period, indicating the difficulty in the hotel trade. The number of vignerons, of course, has increased considerably. We know the problems facing the restaurants in this State. Licensed clubs have increased from 43 to 157, and there is a great increase in permits, from 8 012 to 34 514; but it is the consumption of alcohol that must worry everyone—from 125 litres a head to 153 litres a head and that, in anybody's language, is an awful lot of booze.

Other statistics have been taken out, and apparently one of the tables read by the member for Murray concerned a survey of breathalyser tests. He has already given those statistics, but he did not go far enough. A survey was taken of the places of drinking of the people who were tested. On this survey, 64·8 per cent said the place of drinking was a hotel; 19·5 per cent said it was a private home; 9·7 per cent said it was a club; 2·9 per cent said it was at a party; 1·7 per cent said it was at a social; ·8 per cent said it was at the races; and ·6 per cent said it was at football; and 125 people in the survey refused to say anything. The figures of ·8 per cent for the races and ·6 per cent for football are interesting. We still insist we cannot put on a major sporting event unless we have a publican's booth there, and we know the disruption caused in sport, and especially in football. I do not think anyone would object to the banning of the can at football. Anyone who goes to Football Park, wants a drink, tries to battle his way through those bars and puts up with the miserable plastic cups and the service one gets there realises that it is almost worth signing the pledge when one goes to the football, the way one is treated there.

As most speakers have said, this is a Committee Bill, which will need close attention and much explanation in the Committee stage. In view of the abruptness of the Attorney-General in the past, and in introducing this legislation, what really worries me is whether we shall get the truth and the actual facts behind this Bill. I do not see why we should have to go outside and ferret around. We are not permitted to contact anyone in the Government departments; we are all black-banned on this side from getting certain information and, when we have the arrogance of some of our Ministers who refuse to answer questions, it makes it very difficult, but there are points in the legislation that need clarification before I can support the Bill at its final stage.

The Hon. J. D. Wright: When did you get knocked back for information from my department?

Mr. BECKER: I have never asked anything that would embarrass the Minister. However, some of my colleagues have run into problems.

The Hon. J. D. Wright: When were you knocked back by my department?

Mr. BECKER: I have had no trouble from your department.

The Hon. Peter Duncan: You have not had any from mine, either.

Mr. BECKER: I have not had reason to go there. The Attorney-General worries me, because we would like to have it spelt out more clearly. It would pay the Attorney to spell out clearly to the Opposition and the public exactly what he aims to do in the legislation. Certain parts of the Bill relate to company licences and the problems involved there. There have been problems over the years. One was revealed earlier this year, as far as a company licence was concerned and trading in hotel licences by companies. There is another problem apparently not yet covered by the Attorney-General: we know that a licensee can earn marks against him for infringements of the Act. There have often been some shenanigans there when marks have been recorded against certain licensees.

There is a clearer definition in the Bill of the manager of licensed premises. No doubt, that arises from recent problems that have been highlighted in the media. Then there is a problem associated with the age limit of persons eligible to be on licensed premises. I hope we do not reach the situation that applies in New South Wales, where children are barred from hotels. It is better for the children to be with their parents in the lounge of a hotel so that they are under supervision, to some degree, rather than being left at home or to roam the streets, even though a hotel lounge is not the place for children to be at any time. I do not think that what we witness in this respect in New South Wales is in the community interest.

We need more clarification about the age of persons allowed on licensed premises. We understand that the object of this provision is to get to the teenage drinking problem. I do not think the teenage drinking problem is greater today that it was when I was a teenager, but we have to face the facts. The population is greater now, and much more is needed in the field of education to control teenage drinking. Economic and unemployment conditions must greatly concern our social workers and parents these days. I should like to see greater efforts put into our education programme.

What worries me is the duty to supply food and lodging. I notice that the licensee is not required to supply a meal or lodging to a person of bad reputation or an intoxicated person. How a licensee can decide that a person is of bad reputation I do not know. I can see dangers there in discrimination because a licensee may, in all good faith, say that a person is of bad reputation from hearsay, and he will have to be careful in this respect before he refuses such a person a meal or lodging. There will be great problems. At the same time he has to decide whether a person is intoxicated. What qualifications could a publican have for deciding whether a person was of bad reputation or intoxicated? I do not think a publican is qualified to say; certainly, his staff would not know.

Mr. Keneally: If you can see two of them, you must be drunk.

Mr. BECKER: I was brought up in a hotel and I know the problems of managing a hotel. I would not dare challenge a person on those grounds. I was called to a hotel at Port Adelaide after a brawl which was sparked off by a minor incident on a Saturday night. The place was wrecked and several people received injuries before the brawl was stopped. This provision will create great problems for publicans. New section 168 (3) provides that a licensee is not required to supply a meal or lodging:

(*b*) if he has reasonable cause to believe that the person is unable to pay, or will not pay, for any meal or lodging supplied.

I do not know how the licensee could prove that, unless he asked for the money in advance, and he would have to be a brave man to do that. I cannot see how the A.H.A. will agree to these things. The public would have the right to challenge by law a publican on this sort of thing. New section 168 (4) (*b*) provides:

the holder of a full publican's licence or a limited publican's licence is obliged to supply a meal between the hours of 8 a.m. and 9.30 a.m. only where requested to do so by a *bona fide* lodger.

I would have thought 7.30 a.m. would be a better time. I know what the licensee would want. Breakfast would certainly be requested between 7 and 7.30 a.m. Many commercial travellers prefer to stay in certain towns, because perhaps they know the licensee, and are prepared to drive for an hour or so in the morning before starting work. This provision could deny certain people the opportunity of having breakfast in certain country towns at certain establishments. I would like to know why, if it has, the A.H.A. has requested this sort of thing. New section 168 (4) (*d*) provides:

the holder of a limited publican's licence or a restaurant licence is not obliged to supply any meal between the hours of 12 noon and 2 p.m.

I know that publicans have problems in this regard, and I can see that this will mean the end of counter lunches. That is how I read that clause. Does this indicate that counter lunches are gone?

The Hon. Peter Duncan: Try again in Committee.

Mr. BECKER: It is a pity the Attorney-General did not spell this out more clearly in his introductory speech. I know that there is pressure because counter lunches are getting too costly. A restaurant could slip around this provision and we could have a bar in a restaurant and a new sort of place creeping in with sleezy bars opening under the guise of restaurants. I think hotels can cater adequately in this area. That clause gives restaurants too wide an area to operate in. I am surprised the A.H.A. has not advised us about that. I do not want to see any further encouragement of alcohol use in the community. I do not think the economy could stand it, and I do not think the hotel industry can stand any further costs. I support the second reading. I hope that, when we get to the Committee stage, Opposition members may be able to help the Government provide the type of legislation that is in the best interests of the community.

Mr. ARNOLD (Chaffey): On a social issue such as this I believe it is important that all members express a point of view so that there is no misunderstanding as to where each member stands. If we are to be completely honest with ourselves, we must face the reality of the situation—for all intents and purposes we already have Sunday trading. I know of very few people in my district who would not have ready access to a licensed or permit club. The intent of the Bill is not to extend hotel trading hours into Sunday, but it does enable wineries to make sales from their premises on Sunday.

The area I represent is a major wine-producing and tourist area, and we are probably more accustomed to alcohol being available than are some other areas in South Australia. We recognise the need, especially for small developing wineries, to be able to put products on sale on Sunday to visitors coming into the area from the metropolitan area and the public travelling on interstate highways. This is an important part of the marketing of a new or small winery. Last weekend I opened a new winery in the Riverland that will be very dependent on

passing interstate traffic and the door sales to visitors, possibly from the metropolitan area. I see no problems for wineries trading on Sundays. Wineries are not compelled to open their doors on Sundays but this does give the small winery on apportunity to trade. South Australia is the major wine-producing State in Australia and, if we are to foster this industry, we must look to the new small wineries being developed in our major wine-producing areas.

The licensed clubs and permit clubs are mainly sporting clubs and have liberal trading hours, which enable the majority of people to attend them on a Sunday if they so desire. I do not believe that liberal trading hours have any real effect on the alcoholic, because such people tend to acquire their supplies of liquor and consume them in their own homes more often than on licensed premises. I do not believe the increase in trading hours provided for hotels under this proposed legislation will adversely affect the situation that exists at the moment. The Bill gives a more socially responsible and civilised approach to drinking. Hotels will be able to keep their bars open until midnight, if they so desire. In areas that cater for the travelling public, especially tourist areas, it is important to be able to open if necessary, but the Bill will also enable hotels to close at 8 p.m., if there is no real need to stay open. The present high costs in the hotel trade or any other business are causing trouble and difficulty in remaining in a viable business.

I see no objection to the Bill, which largely formalises what is happening now. If necessary, we should tighten road traffic laws, as liberalising drinking hours will not worsen the situation. I should be interested to know whether the road problem is worse now than it was 10 or 20 years ago, having regard to the big increase in the volume of traffic and the distance travelled now. By and large, I fully agree with the comments made by the member for Alexandra, and that the more civilised approach provided for in the legislation will be in the interests of all South Australians.

[*Midnight*]

Mr. BLACKER (Flinders): My initial reaction was to oppose the Bill, because the public reaction has been only as a result of the kite-flying by the Attorney-General when he first spoke of the legislation. I have had correspondence and petitions asking me to oppose the extension of liquor hours and to oppose the introduction of Sunday trading. A letter that I and many other members have received from the Methodist Church of Australia outlines that not all sections of the community knew what was in the Bill. That letter states:

The annual conference of the Methodist Church in South Australia at its first session received a report on the proposed amendments to the Licensing Act which, if passed, will allow Sunday liquor trading at wineries, and extended hours for hotels and clubs. Because of the importance of this matter the conference interrupted its scheduled business in order to define its policy on the issue. The following resolution was carried without dissent:

1. We affirm total opposition to the extension of liquor trading on Sundays.
2. We strongly urge the State Government to defer the proposed amendments to the Licensing Act to ensure adequate community discussion before they are determined by Parliament.

We urge you to defer consideration of those proposals to give the community time to recognize the far-reaching social repercussions which will result, and to express their views to their elected representatives.

The letter, which is signed by Rev. D. G. Haydon and Rev. R. K. Waters, President and Secretary of the conference, is dated October 19. If the South Australian conference of the Methodist Church of Australia saw fit to interrupt its business to deal with the matter expeditiously, that shows that what the Attorney-General stated was not widely known. Another matter concerns the pressure there has been placed on the Government to introduce the measure. The Attorney does not state in his second reading explanation what social pressures and activities there have been, and the member for Gilles, who supported the Attorney, did not suggest the need for the Bill. One can only assume that the measure is indicative of the pursuits of the Government's socialist philosophy.

The member for Gilles said that he did not want to debate the evils of alcohol. We could discuss the social implications of alcohol for a long time, but this debate is primarily centred around that aspect and whether we should extend the liquor trading hours to allow a wider spread of alcohol at such odd hours as after 10 p.m. to the detriment of other sections of the community. The member for Gilles did not give one example of the wishes of his electors, and the Attorney has not stated whether any section of the people in his district favours the Bill. Obviously, the member for Gilles was only backing up the Attorney-General. We have no support for his contribution to the debate.

The Sunday trading proposal contemplated for wineries is another attempt to open the way for Sunday trading, and this will have widespread repercussions. If this section of the tourist industry is opened up, many other businesses will have full open trading, based on the liquor trade and extending to such matters as souvenirs and the household trade. Although it has been indicated that Sunday trading is voluntary nevertheless, because this is a competitive industry, if one hotel opens others will be obliged to do the same to remain in the industry, even though it may be against the publican's better judgment and financial interest. Should Sunday trading become widespread (and I firmly believe that this measure contains the first step towards that end), we will see a loss of production and an ineffectiveness in the work force so that Mondayitis will virtually become Tuesdayitis to get over the weekend.

If I had to rely on the attitude of people in my district whether I should oppose or support this measure, I would have no alternative but to oppose the Bill. The Government has been unfair in the way in which this Bill has been introduced, because the Bill also contains good provisions, especially those relating to the changing of membership of a proprietary or public company where licences will not be changed, and the aspect relating to the structure of the court. I wholeheartedly support those provisions. It is the social implications that I cannot support. Why did the Government introduce this measure when we already have evidence from the Wine and Brandy Producers Association indicating that it does not support this issue? Should we spare a thought for the Aboriginal population because, unfortunately, they have come off second best as a result of our liquor laws? In no way will the extension of trading hours improve their problem, so will the Government spare a thought for them? The implications of this Bill are widespread.

I can consider the measure in a slightly different way from that of other members, because I had the misfortune to spend six months in the orthopaedic wards of the Royal Adelaide Hospital, but not as the result of an accident involving alcohol, however. Whilst there I saw dozens of patients who were in hospital as the direct result of accidents in which alcohol was a primary cause. Having lived with those people for six months, I know full

well that many of them will never live a normal life. They will carry the stigma and burden of having once too often indulged in too much alcohol in the early part of their life. I know that they will carry the scars of their mistake for the rest of what will not be a normal life, purely because of an excessive intake of alcohol.

This measure opens the way for a few more people to carry those scars and, as such, I can only oppose the measure, because it will broaden the scope of the licensing laws. I will support the second reading of the Bill, because it contains measures concerning the transfer of a licence of a proprietary or public company and alters the structure of the Licensing Court. However, I oppose any extension to trading hours.

Mr. ALLISON (Mt. Gambier): I intended to consider generally the impact of alcohol on our modern civilisation, but it goes far beyond that, because it seems that it has become a tradition, almost a heritage for hundreds, if not thousands of years. I recall as a youngster that I used to be brought up on Norse mythology where the god Thor was challenged to drink dry the horn, and accepted the challenge. After three mighty draughts he still found that there was plenty of liquor left in the horn, only to be told, after expressing acute disappointment, that the horn had been dipped into the ocean and that he had managed to lower the level of the ocean many metres. With that sort of heritage, there is more to this question than this legislation can effect.

One must also note that the Irish call their whiskey usque beatha or usque baugh, which is water of life. There is no question about the esteem that the Gaels attach to that beverage. I also recall that the ancient Britons, if not the ancient Egyptians, used fermented liquor (in Britain it was mead and honey wines) for fertility rites. More recently, stout, Guinness, and other heavy beverages have been given a certain reputation as body builders of sorts.

The Hon. D. J. Hopgood: Who are these sorts?

Mr. ALLISON: As a blood donor I am frequently offered stout as a pick-me-up, although I do attribute higher motives to the blood giving in which I take part. I have no doubt that any legislation that seeks to extend trading hours will be criticised. I refer to a couple of theses that were written in the United States during and after the Second World War. Robert Bales compared the relative alcoholism between two large groups of people, the Jews and the Irish in the United States. They were both exposed to large amounts of alcohol from early youth. Among the Jewish population, despite the consumption of alcohol, he found that there was a low incidence of alcoholism. I am referring to normal, everyday exposure to alcohol. However, among the Irish there was a very high incidence of alcoholism. One can assume that it is not just being exposed to alcohol, whatever the trading hours, that causes this massive sociological problem.

A report in 1943 by Donald Horton revealed that alcoholism, according to his research, released sexual and aggressive inhibitions and made people far more relaxed. One might consider that this is desirable when mixing with the opposite sex but, as soon as a person sits behind the wheel of a car, the effects of alcohol are undesirable, so where are we to draw the line? In Australia there are 100 000 confirmed alcoholics. The statistics probably show that there would be about 300 000 confirmed alcoholics because, for each confirmed alcoholic, there would be two incipient alcoholics. Is it the fault of legislation that allows hotels to remain open until any time?

Half way through the alcoholic stage, a person suffers withdrawal symptoms, with that person removing himself from society and thereby not necessarily taking advantage of increased trading hours. After being a hotelier for about three years and knowing how the game works, my sympathies tend to lie with the hotelier. I am pleased that clause 25, which amends section 153 of the principal Act, puts the onus fairly soundly on young drinkers. It seems unfair to me that the hotelier could lose his licence for a certain time simply because he responds to a persuasive, plausible, young person who wants to talk the hotelier into giving him liquor after having probably told him lies, too. It seems unfair that a hotelier could lose his licence. I am speaking about my experience in Victoria. It seems unfair that a youngster should get away completely from the onus of guilt: the onus of guilt should be shared. These youngsters are persuasive, and they borrow other people's driving licences. I used to put the onus on young people who wanted liquor to prove to me how old they were. The onus is on the licensee to show that he is capable of operating the hotel. He must prohibit gambling in the hotel, and stop Sunday trading if not allowed, and under-age drinking. A responsible licensee will do all this.

Undoubtedly, there will always be irresponsible persons, but the licensee cannot be blamed all the time. Licensees have had the rough end of legislation. They have had the high licence fees, and have suffered extensively throughout Australia from union disputes in hotels and breweries. They have, despite what is reported in today's *News*, suffered from a decline in beer sales during the past year. They have high operating costs and they have compulsory opening hours despite the quiet trading during long periods of the day. This legislation provides more flexibility. They have higher wages to pay their domestic and bar staffs; so that the present nine hours trading fits in nicely with the eight hours plus one hour for lunch that a person can claim for a day's wage without claiming for overtime. That is a laudable move on the Attorney-General's part.

Mr. Langley: If you worked overtime, wouldn't you expect higher wages?

Mr. ALLISON: Yes. I have never had overtime in my life, but I have always been prepared to pay for it. Apart from that, this legislation is generally inclined to be slightly more favourable to the hotelier. He is already suffering from the impact of wineries opening on Saturdays and, indeed, on Sundays, under the legislation, and from the tremendous volume of liquor sold in clubs during the weekend. There is another saving grace in the legislation, because it provides that the court may award club liquor sales to the hotels, thus protecting the hotel trade to some extent. Hotels have suffered for a long time, because they have always had the onus of providing many facilities, which other retailers and wholesalers of liquor do not have to provide, plus the onus of supervising carefully liquor facilities on their premises that other liquor sellers have not had to provide. Generally speaking, I tend to sympathise with the hotelier who runs a well-run establishment, but not with the hotelier who encourages young people to drink, who encourages gambling, and who trades after hours. Although they are in a small minority, they give the trade a bad name, and that is typical of life.

Many clauses in the legislation I applaud. However, there is one clause about which I am not too keen, namely, the clause that permits wineries to open during any hour of the day or night, including Sunday, and there are several reasons why I oppose this provision. The consumption of alcohol is a major problem in Australia. Undoubtedly, we

have increased alcoholism and the increased consumption of alcohol, especially at weekends, with recreational drinking and the numbers of people on the roads throughout the day when young people have a long spell of recreational time during which they can have irresponsible adults buy liquor from wineries without the policing the hotelier automatically imposes under the legislation. When we have these factors, plus the fact that people may buy liquor at a winery (possibly a quantity larger than a glass) and remove it from the premises to another place, and that we do not have to have food at a winery, it all tends to lead to a higher rate of intoxication amoung younger people and drivers generally at the weekend. Undoubtedly, people who want to drink at the weekend will do so.

If a person wants to have a drink on Sunday, he will buy his alcohol on Saturday, and that has been done since time immemorial. Facilities also exist in clubs for buying liquor. It seems to be discriminatory legislation, but the member for Gilles said that this was part of progressive legislation. Is it discriminatory legislation that is going to give wineries a leg in for Sunday trading, thus precluding hoteliers, despite all the facilities they provide, plus the fact that they provide soft drinks for youngsters and make it relatively safe for youngsters to drink; or is it a first stage towards Sunday drinking? City unionists in the liquor trade have decided not to support Sunday opening, and I think that they are on the right track. They want to be with their families, and many hoteliers want to be with their families on Sundays, too. It is a two-sided matter, and good luck to them, because I agree that there is nothing worse than having to open on a Sunday after a busy Saturday night's trading.

Mr. Langley: What about barmen being off during the week?

Mr. ALLISON: If one opens between 5 a.m. and midnight, one is not talking about one barman but about a whole string of them. Between those hours there are three spells of trading, and one must have at least three rostered staff. Let us not lose sight of the fact that, whatever we may introduce in other legislation, a tremendous amount of importance still attaches to family life. When I was operating a hotel, I decided not to open on Sunday, in order to stop the Catholic hour, but it was an open hour for anyone, plus the gambling. We received nothing but praise, and the trade in that hotel shot up. That is something else that can be undertaken by people in the trade who have doubts about what a well-run hotel can do. I think that the licensed opening of wineries on Sundays will not do much for the very class of society in which the Government pretends it is most interested, namely, the underprivileged, the group in which we are all interested, because the husband automatically gravitates to the nearest hotel. He will try to get his drink wherever he can, and it is generally the family and the children who suffer most. I think that that is unquestionable. I gave up the hotel business for several reasons, and that was not the least of them. I am speaking from my own experience, not from hearsay. We cut out gambling, under-age drinking, and stopped serving alcoholics, and the pub trade increased greatly.

An argument put forward, I understand in a letter read by one of my colleagues, was that few wineries would take advantage of the provision. Let us examine the track record for Saturday trading for wineries, which is voluntary: 80 per cent of wineries in South Australia have opened at the weekend and, of the remaining 20 per cent, many are controlled by the large groups which already open on weekends. Representatively, more than 80 per cent of wineries accepted the challenge to open voluntarily on Saturday, and there is nothing to suggest that they will not do exactly the same and open on Sunday to cater for the tourist trade, because tourists generally move to a district for more than a Sunday. If coming to South Australia, people tend to spend more than Sunday visiting a winery. They are more likely to stay for a few days and, if they really want to see a winery, they will do as I do and go on the other days.

Mr. Whitten: Do you oppose the Bill?

Mr. ALLISON: No, I am just opposed to the Sunday trading clause. I believe there is much emancipated legislation here. I do not lay the blame for alcoholism and excessive drinking on this legislation, or on any other legislation. However, regarding extended Sunday trading just for wineries, one or two positions must apply: either it is discriminatory against hoteliers, as club trading tends to be, or it is the first stage of getting complete Sunday opening.

Mr. Langley: You say "save the clubs"?

Mr. ALLISON: Clubs have a restricted membership. I do not go to a club of which I am not a member. I assume one goes to a club where one is a club member. Clubs have a restricted membership and buy their liquor from hotels, at least compensating in that way.

Mr. Langley: Can you buy liquor on a Sunday?

Members interjecting:

The SPEAKER: Order!

Mr. ALLISON: That is inadmissible evidence. One must assume that, if one is going to extend Sunday trading and people will drive out to the wineries, it is essentially a move to open Sunday trading in winery areas. Once people drive to the wineries they will drink a considerable amount if they intend to taste wine. They will not go along just to open accounts. Also, there is an increased risk of meeting intoxicated drivers, apart from the problems associated with the normal class of Sunday drivers holding up the traffic. For those reasons I oppose the one clause of the Bill while generally supporting its second reading.

Dr. EASTICK (Light): I accept that this is a Committee Bill—

The Hon. J. D. Corcoran: For heaven's sake!

Dr. EASTICK: If the Deputy Premier has come into the Chamber only to cause trouble, he will certainly find it.

The Hon. J. D. Corcoran: You say it is a Committee Bill.

Dr. EASTICK: We have a belligerent Deputy Premier who cannot tolerate the rights of another person in this place to express the views of the people he represents, and it does him and his Government no credit. I accept that this is a Committee Bill and, when the Committee stage is reached, I will be voting for some parts of the Bill and against other parts. However, there will be no opportunity during the Committee stage to ask a question of the Attorney, who is in charge of this Bill, and ask what action the Government has taken to seek the concurrence of the union movement in accepting that the whole industry should be recognised as a service industry.

Several of the provisions we are being asked to consider will increase costs associated with the industry. Earlier this week (perhaps it was last week) the Premier indicated that, because of increased costs of management and of conducting an international hotel, because of the poor track record, the likely opportunity of an international hotel in South Australia is fast diminishing. Therefore, when the Attorney replies to the debate, will he indicate

whether the Government has looked at the requirements of seeking acceptance of the industry as a service industry? That question is vital to the totality of the matter before us and I should like to believe, especially following the Premier's statement, that at least some action has been taken in this matter.

Mr. VENNING (Rocky River): The Bill is typical of Australian Labor Party legislation.

Members interjecting:

The SPEAKER: Order!

Mr. VENNING: The Minister and the Government have tried to camouflage much crook legislation with some desirable aspects seeking to reform our licensing provisions. All aspects of this Bill have been canvassed by honourable members this evening and I, like most other honourable members, was most interested to hear the member for Mount Gambier deal with both sides of the matter. I hope that Government members listened to what the honourable member said because, as is usual when the honourable member speaks in this Chamber, he makes much common sense.

I oppose clause 9, which seeks to permit hotels to remain open until midnight for six days a week. Hotel licensees are entitled to a civilised existence and to retain some form of quality of life with their families, and for this reason I am opposed to the clause. The member for Mount Gambier described the existence of a hotelier and the problems associated with the industry over the years. The position has become more difficult for hotel people as a result of extended hours. True, the member for Unley said that shifts could be operated to keep a hotel operating, but the financial returns to hoteliers have diminished over the years, especially with clubs cutting into their services. True, hotels supply liquor to the clubs, but the competition from clubs has taken away much of the financial benefit that hoteliers previously enjoyed.

The Bill relaxes the stringent regulations publicans have had to comply with over the years. Publicans have had a rough spin in the past, for the reasons I have mentioned. Sunday trading is of concern to me, as I represent (at least for a short time yet) the Clare district in which wineries are located, including a new winery—

Mr. Langley: Do they open on Sunday?

Mr. VENNING: I called in on Saturday morning to the new Enterprise Winery. Certainly, a problem exists in catering for tourists and weekend visitors, who would enjoy purchasing supplies from wineries. However, there is a purchase restriction that one must buy a minimum of three bottles of wine, and I disagree with this provision. If I want to buy wine, I want to buy what I want and not be told what I can buy. This situation confronted me last Saturday when I made a courtesy call to a winery and wanted to buy two bottles of wine but was told that I had to buy three bottles. I do not agree with this requirement.

I come back to the point that it would be of advantage to wineries to remain open on weekends, but I see a complication developing over the years, that hotels would want to open on the Sabbath. People in the industry should have at least one day off with their families, as the member for Mount Gambier has stated. I support the second reading of the Bill. I will oppose some clauses in the hope that we can improve some aspects of the legislation. Like other members, I have received a letter from the Methodist Church expressing concern about some aspects of the legislation. I agree with the church that this Bill is being pushed through quickly. The church urges that the Bill be deferred so that the people can consider its far-reaching social implications and express their views to their elected representatives. The church's letter of protestation, which has been circulated to Opposition members, is justified. Over the years, the churches have endeavoured to clean up the mess created by the excessive consumption of alcohol.

Mr. DEAN BROWN (Davenport): This Bill has two main aspects: first, the administrative changes, which I strongly support; and, secondly, changes in the hours of sale of alcohol. Before canvassing this subject, I want to comment briefly on the role of Parliament in dictating such hours. I do not believe that it is the function of Parliament to dictate an individual's personal drinking behaviour. However, I believe that Parliament has a very important function to play when that drinking behaviour affects others.

There are three important areas where excessive alcohol consumption affects the community. I refer first to the industrial area, an area to which the community has paid very little attention. The human costs and the industrial costs are tremendous. There is increasing evidence to suggest that many industrial accidents are directly or indirectly related to drinking. I can quote cases that have occurred in this State. I have discussed them with people who have much knowledge of this matter. There is no doubt that the community so far has paid very little attention to the excessive consumption of alcohol and its overall impact on industry and on people working in industry.

The second important area where the excessive consumption of alcohol affects individuals relates to road accidents. I will not canvass this matter at length, because it has been thoroughly canvassed by other members. Australia has one of the highest accident rates per capita of any country; West Germany is about the only country on a par with Australia. It has been established beyond doubt that alcohol is a major contributing factor, if not the most important factor, in connection with accidents.

The third important area where there is an impact on other people relates to the social effects, particularly in connection with the family. The member for Mount Gambier canvassed this matter. The real impact on family life can be judged only by people who have had unfortunate experience in this connection. Having spoken to one or two such people, I can only say that it is a most unfortunate experience. I cannot say how widespread the problem is, but it certainly exists.

The Hon. J. D. Corcoran: He has spoken to one or two people!

Mr. DEAN BROWN: This House will be glad to hear any figures from the Deputy Premier. He would try to brush aside such human problems. He has no regard for the individual.

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

Mr. DEAN BROWN: I am speaking to the Bill. The Deputy Premier interjected.

The SPEAKER: Order! I will not warn the honourable member for Mount Gambier again. If he continues to discuss personalities across the bench, I will take action.

Dr. TONKIN: I rise on a point of order, Mr. Speaker. I think you meant to refer to the member for Davenport.

The SPEAKER: Very well. I withdraw "Mount Gambier" and substitute "Davenport".

Mr. DEAN BROWN: The Deputy Premier is accusing people.

The SPEAKER: Will the honourable member for Davenport carry on with the debate?

Mr. DEAN BROWN: Referring to the Bill, I believe some aspects of it will minimise the effects of excessive alcohol consumption on the community, and I support those aspects. The removal of the obligation for hotels to stay open until 10 p.m. will actually reduce the trading hours of some hotels, because of the high penalty rates for overtime. Therefore, for financial reasons, many hotels will close before 10 p.m. I intend to oppose some aspects of the Bill. Because this is a Committee Bill, I will vote accordingly on the various provisions in Committee. My vote will be based on what I believe is the effect of each clause on the three important areas to which I have referred. I support the second reading of the Bill.

Dr. TONKIN (Leader of the Opposition): I can well appreciate the concern of honourable members about this Bill. I realise the elements of concern raised by members of the community: first, the question of road safety, which affects the Police Force and the community at large; and, secondly, the aspects of family life. Let us examine exactly what this Bill does. The important thing is the consideration of the trading hours; the fact that hotels may now open between 5 a.m. and 12 midnight is balanced by the fact that they are obliged to open only between 11 a.m. and 8 p.m. That is a positive method of decreasing the compulsory hours during which hotels have to be open. That will make a significant contribution, as the member for Davenport has said.

The present position is much the same. We should face reality. It is possible for alcohol to be obtained through the community and consumed until midnight and afterwards, and it is simply accepting the fact that this goes on now, whether it is by supper tickets or by any other subterfuge; alcohol is sold and consumed until midnight. So, basically, it comes down to this: what effect will the Bill have on road safety? I do not think it will have any effect on road safety. The whole matter of alcohol and drinking and driving is tied up with enforcement, with stiffer penalties for drinking driving offences, with better methods of detection. It all comes back to community education and a sense of responsibility.

To me, this would be a far more positive method of dealing with the drinking and driving problem. What will be the effect of the Bill on family life? There is a positive aspect of it, which is that finally we shall take some definite action about young people going into bars. For that reason, I, too, support the Bill; it is long overdue. If it is a matter of keeping the father of a family at home, it will not have the slightest effect. If it will keep young people out of bars and stop under-age drinking and make it easier to police it, it is a worthwhile measure.

Mr. Becker: It will never stop it.

Dr. TONKIN: It may help. I repeat that the most important need in our community now is an ability to appreciate the responsibilities associated with consuming alcohol, and those responsibilities far too many people in the community ignore. What is needed is a change in attitude to alcohol in our community, a realisation that it is dangerous not only to health but to road safety and the family structure. This legislation is unlikely, in my opinion, to make any real change one way or the other without that overall understanding of the problem. That is where we should be concentrating our efforts. I support the Bill at the second reading stage.

Mr. LANGLEY (Unley): I have been in this House for many years and during that time I must admit that, when 6 o'clock closing was changed to 10 o'clock closing, I had never heard so many members opposite being against the change. Now we are moving to another era and tonight, listening to some members opposite speaking about extending the hours, if any member opposite cannot get a drink of any type on a Sunday, I shall be very surprised, because it has been going on for some time. I cannot see anything in the Bill concerning the opening of hotels on Sundays. Members opposite have said many times during the course of this debate that there is nothing in the Bill about the opening of hotels on Sundays. When the matter was put to a referendum in New South Wales, the voting was 70 to 30 against. After all, people are people, and there is the opportunity for other people in our community in this matter. If hotels open on Sundays, we shall live with it. In other parts of the world, hotels are open almost 24 hours a day.

Mr. Nankivell: Not all over the world.

Mr. LANGLEY: I did not say in all parts of the world. In England, if a person wants to shop around, he can get a drink any time.

Mr. Mathwin: That is because you were a wicketkeeper.

Mr. LANGLEY: If a person shops around in Engand, he can get a drink at any time of the day or night. I am sure I am not wrong, because I have been there. Whether or not I was a wicketkeeper is beside the point: I was a tourist last time. If a person goes to the West Indies, he finds the hotels are open 24 hours a day; in the nightclubs in the West Indies, and in many countries in the world, one can get a beer at any time of the day or night. I am not even against that. A publican will not stay open if he has no clientele. Under this Bill, if there is no-one there, it is optional whether he opens or closes; on Fridays and Saturdays it is optional; he does not have to open if he does not want to. Members opposite are against this type of drinking. Many years ago, when we had 6 o'clock closing (known as the 6 o'clock swill) many members, including the former Premier, were utterly against it; but it is so successful now that we do not hear anything about it.

Mr. Becker: If it has been successful, why do they want to reduce the hours?

Mr. LANGLEY: That is not the point at issue. It is optional whether a person wants to open on most nights of the week. It is optional on Fridays and Saturdays whether or not hoteliers want to open. I may be wrong. The member for Hanson can say I am wrong, but the fact is that it is optional whether or not they open. They have to open for a certain number of hours, but it is optional whether they open until a certain hour at night. Members opposite when they were in Government did nothing about liquor hours. With those few words, I support the Bill.

The Hon. PETER DUNCAN (Attorney-General): I should like to reply to some matters in this debate but the hour is late and I will not delay the House for long. However, there are some aspects that should be dealt with, because it seems to me to have been a rather extraordinary debate, although the matter at issue is important. It was said time and time again during the debate that it is most appropriate for this Bill to be dealt with in Committee. The member for Hanson was the best example of simply taking the Bill, going through it clause by clause, line by line, and stringing that together to create for himself a second reading speech. It is extraordinary that members opposite have taken the time of the House in this fashion when most of their comments have not related to the Bill

at large or to the reasons for the Bill's being introduced; they have related to the details and the clauses of the Bill and suggestions that they had made for changes they would like to see in the Bill.

Mr. Mathwin: I have never seen such a ridiculous performance.

The SPEAKER: Order! The member for Glenelg had an opportunity to speak but did not take it. He has no opportunity at this juncture. The honourable Attorney-General.

The Hon. PETER DUNCAN: It seems extraordinary that members opposite have done that. However, notwithstanding that, there have been some useful contributions and some issues raised that require answers from the Government. Particularly, I challenge the assertions made by speakers earlier in the debate. I notice this thread of complaint about the time available for Opposition members to study the contents of this Bill. That thread ran through the debate, and it was the only peg on which the Opposition could hang its hat, to have a bit of a bash at the Government. This Bill has been in this House for eight days. The details of its contents were printed in the *Advertiser* on Wednesday, June 16, which means that they have been out for some months. Members on both sides of the House well know the result of that publicity was that many comments were made by various groups about the contents of this proposed Bill. I received many representations, and I have no doubt that members opposite also received representations, as the member for Alexandra, who was prepared to be honest about it, admitted. Undoubtedly, this Bill has been widely publicised. The public at large has had every opportunity to comment on its contents.

One organisation has published quite an elaborate publication the name of which is, I think, "Bar extended trading hours". To say that there has not been sufficient time to study this measure is saying that members opposite who opposed this legislation did not want to ever see it introduced in this House. It would not matter whether those members had eight days, eight months, or eight years to discuss this Bill; they would still have wanted to say there had not been sufficient time, because that was simply and absolutely their method of trying to delay the passage of this Bill. I suppose that all is fair in love and war, but that tactic should be exposed for what it was—a delaying tactic.

Mr. Chapman: It's not fair to say that. Every member has the right to speak on the second reading.

The SPEAKER: Order!

Mr. Dean Brown: The Deputy Premier sat there and—

The SPEAKER: Order! The honourable member for Davenport—this is the second time I have warned you.

The Hon. PETER DUNCAN: I criticise the way that some members exercise that right, but I have not criticised and would never criticise their right to take part in the debate. We should clarify whence support has come for this legislation. Many organisations and individuals have made representations to me concerning this legislation. Some of those representations have been taken into account, including those made by the organisation that issued the publication. The Temperance Alliance made several representations. Notice was taken of them. One or two of the clauses in the Bill have come specifically from suggestions I made to that organisation that it was prepared to accept. There has been support from the South Australian Association of Restaurateurs, which is happy with the contents of the Bill, notwithstanding that members opposite, in some instances, said that this Bill would lead to the ruination of some restaurants.

The Australian Hotels Association is generally happy with the contents of the Bill, having looked carefully at this legislation. The flexibility this Bill will provide will be a great boon to many hoteliers because, instead of the situation existing at the moment in which hotels have to open for a mandatory 11 hours, that time will be cut to nine hours and they will have greater flexibility to cater for the demand in their area. By being able to operate their hotels in a way that takes account of economic factors and operating costs, they will be able to operate their organisations in some instances in a much more efficient manner than has been the case in the past. The A.H.A. supports this legislation. Other organisations which have been consulted and which have indicated their support include the Licensed Clubs Association, which came to see me, having had the opportunity to consider the legislation, and which is happy with it. This legislation will make reforms which are necessary and desirable and which will, generally, keep the balance in the industry—an important factor.

The 1967 legislation was able to develop a balance, a compact, in the industry, a situation of peace and calm whereby the various competing groups were able to get along together, get a reasonable share of the market, and operate effectively and efficiently. Through this legislation, we can continue and not disturb that balance. That is an important aspect of the Bill. Many individuals contacted me concerning the question of licensing laws, many opposing Sunday trading, some of them in favour of it. Others were in favour of various aspects of this legislation. I had some deputations from certain groups in my district supporting this legislation. One memorable deputation was from the front bar of the Kariwara Hotel supporting the legislation. I am sure the legislation has strong support in my district.

Many hotels that will take advantage of the extended hours during the week, even if they take advantage of the maximum hours, will only extend their hours by eight a week, as was pointed out by the member for Alexandra. The Superintendent of Licensed Premises believes that more hotels will take advantage of this legislation to contract the period they open than will other hotels to extend the number of hours they open, so the net result throughout the State, because of the flexibility we are introducing, may well be that the total hours hotels are open in South Australia is significantly fewer than at present.

Mr. Chapman: Is that your officer's considered assessment?

The Hon. PETER DUNCAN: Yes. There has been an element of inflexibility in hotel trading hours in the past, and this legislation will go a long way towards overcoming that. We know that certain hotels during certain periods of the day conduct no business and it is a waste of time for them to be open, but the law requires them to be open. Hopefully we will solve that problem with the passage of this legislation.

The reason for vignerons being allowed to open seven days a week is that that licence is available only in certain restricted circumstances. Although it is true that so-called packaged alcoholic liquor is sold under a vigneron's licence, these licensees cannot sell beer and spirits—they can only sell wine. To hold a licence, they must crush 10 tonnes of grapes a year. Those grapes must be their own, grown by the holder of the licence. That means that the people concerned must have a substantial area attached to the licensed premises to hold one of these licences.

Mr. Venning: How will you police that?

The Hon. PETER DUNCAN: It is being policed well now, as honourable members know. We have less trouble with vignerons' licences than with any others. Under one of these licences a person cannot sell less than 2 litres, or three bottles, of wine at a time. These licences will not be able to spring up in Rundle Street as some members have implied. They will be attached only to wineries and wine-growing properties.

The reason for the change is that there has been much pressure, principally from sources associated with the tourist industry, to have optional opening of wineries on Sundays for tastings, and so on. When a convention is held in Adelaide or the areas around it, the guests like to stay on for the weekend, and it is often convenient to organise a barbecue for them. There are good reasons why these wineries should be allowed to open for hours that suit the trade in their district.

The other point about that is that opening will be optional. It does not mean that every winery with a licence would automatically open on Sunday. Many people who operate wineries have told me that they will not open on Sunday, but some will open under this provision, and I believe they should be allowed to do so, because it will be an important advantage to the tourist industry. The only other matter I want to deal with has been raised by the member for Murray. He spoke of the opening of wineries on Sunday as being the thin end of the wedge. Some other members opposite answered this point to some extent when they said that the availability of alcohol on Sunday was not being extended. That debate has long passed.

It has always amused me that, through the years of office of the Playford Government, the licensing laws were carefully tailored to take care of the few clubs in Adelaide that had a 24-hour licence. One only has to think of the Commercial Travellers Association and the Adelaide Club to realise that the Liberal Government did not want to change the hours of those organisations, which had 24-hour trading on the seven days of the week.

Members interjecting:

The SPEAKER: Order! I warn all honourable members. They will have an opportunity in the Committee stage to ask any questions on the Bill.

Mr. Dean Brown: We won't get—

The SPEAKER: The honourable member for Davenport! The honourable Attorney-General.

The Hon. PETER DUNCAN: From that base, the situation involving trading on Sunday in liquor has developed. Most clubs, as one member opposite has pointed out, open on Sunday. There is wide availabilty of liquor on Sunday already and this extension, if we like to call it that, will be quite minor. I am not suggesting that this Government is taking this action and that then in future we will be bound by the situation that will exist on Sundays. That is not the Government's position. The Government considered the question of opening hotel bars on Sunday and decided not to proceed with the matter. What the position may be in future, I cannot judge. This is not the thin end of the wedge. If further moves are to be made in future, they will be made.

I totally refute the suggestion that it is the thin end of the wedge, because that is an imputation of some sort of plot on the part of the Government, and it is not that at all. The Bill is excellent, and will resolve many current problems in the liquor industry. It will simplify the administrative procedures and save the Government, as well as holders of and applicants for licences, much money.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Constitution of Licensing Court."

Mr. EVANS: I understood that the Attorney was going to have only the first two or three clauses passed and then have progress reported.

The Hon. PETER DUNCAN (Attorney-General): I understand that the clauses up to clause 8 are not contentious.

Mr. EVANS: No matters may have been raised on the clauses up to clause 8, but it was admitted that this was a Committee Bill and the Deputy Premier implied that we would have time to consider it.

Progress reported; Committee to sit again.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 12. Page 1445.)

Dr. TONKIN (Leader of the Opposition): This Bill has come to us from another place, and makes several amendments to the principal Act. The amendments to the principal Act since 1971 make clear that the consolidation process that is continuing is long overdue and much needed. Membership of the Medical Board is to be expanded by providing for the appointment of a nominee of Flinders University. This is a necessary provision because of the second medical school, at Flinders University, a medical school which is proceeding well and which undoubtedly will make a great contribution to the health services of South Australia. Several requirements are being modified relating to provisional registration. In the past it has been necessary for each applicant requiring registration to appear before the board with his qualifications and copies of his personal documents. It is becoming extremely difficult for the board to see each applicant requiring registration.

I understand that there are now more than 450 medical practitioners who register annually. Theoretically, under the present set-up, those practitioners would have to appear before the board each year—a rather ridiculous situation. The position has become quite impossible; therefore, the board can now call an applicant before it only when it is necessary to do so. Continuous registration has been enjoyed by many medical practitioners. Until 1966 graduates could register by the payment of one fee. After 1966 an annual practising fee was introduced. The principal Act did not provide for practitioners registered before 1966 to renew their registration annually, and this meant that the board was missing out on revenue. I suppose, rightly or wrongly (possibly rightly), it was deemed necessary to bring all practitioners under the same provision, so that now all medical practitioners will have to register annually and pay a registration fee.

The other matter that was canvassed related to discipline. It is difficult to ventilate that subject under the Bill as it now stands. The Medical Board has always had the responsibility of hearing complaints and of recommending that medical practitioners who have been found guilty of fraud or criminal acts be deregistered and struck off the roll. Fortunately, that task does not occur too often.

However, it is an important task that must be undertaken. The present board has had much difficulty in managing adequately these affairs. It has been suggested that the board should have a legal practitioner to advise it on legal matters. There is a right of appeal from decisions of the board to the Supreme Court. Several cases of this nature have been referred to by Their Honours, especially the Chief Justice. I refer to a letter dated August 18 from the Australian Medical Association signed by Dr. Jim Harley, President of the association, relating to the Bill, which states:

Following a meeting on Tuesday morning between Mr. Banfield, Dr. Brian Shea, Dr. Robert Steele (the President of the Medical Board) and myself, the Executive Committee of the State Council of the A.M.A. held a meeting last evening to consider this matter. At this meeting the whole question of alterations to the Medical Practitioners Act was discussed and after a prolonged meeting, during which we had the benefit of legal advice and advice from Dr. Robert Steele (Chairman of the Medical Board), the executive reached the following conclusions:

> The Executive of this State Council of the A.M.A. felt that the present amendment to the Medical Act did not in fact solve the fundamental problems inherent in the Medical Board. The executive feels that the main problems that confront the Medical Board are those which have in fact been enumerated by the Chief Justice in a recent court case which concerned the Medical Board and a medical practitioner—I refer to a judgment recently given by Chief Justice Bray along with comments from Mr. Justice Jacobs. We feel that the main problem is that the functions of the Medical Board should be subdivided into two sectors, one sector a committee of inquiry, and another sector, which is the remainder of the Medical Board which conducts a full investigation into any matters referred to it by the committee of inquiry.

Until this has been examined at great length and we have obtained legal advice as to how the subdivision of function can in fact be carried out, my council unfortunately feels that they cannot pass praiseworthy comment on the present envisaged amendment to the Medical Board. We feel that the present alterations to the Medical Board do not as I have said before tackle the fundamental defect in the present constitution of the board, and whilst some alteration in the composition of the board may be desirable we see little value in altering the Medical Practitioners Act unless it is done in its entirety. Therefore, we would like due time to be given and due discussions to take place at all levels both between the Medical Board, the Minister, the Director-General of Medical Services and the State Council of the A.M.A. to allow these matters to be fully ventilated.

Five days later I received a further letter, which states:

At a meeting of Branch Council held on 19/8/76 this subject was again discussed and after receiving legal advice from the branch solicitors it was decided:

> The problem could best be solved by creating a new body to be called, say, "the Medical Practitioners Disciplinary Tribunal" which alone would adjudicate on complaints, after they had been investigated by the Medical Board. The Medical Board would retain its administrative functions, investigate complaints and lay charges before the Medical Practitioners Disciplinary Tribunal. This would be in line with amendments that were made to the Dentists Act in 1960 and which I am led to believe were drafted by Mr. Charles Bright, Q.C. as he then was. As a result of these amendments the Dental Board investigates complaints and the Statutory Committee (to which my proposed Medical Practitioners Disciplinary Tribunal would be equivalent) adjudicates on these complaints.
>
> I would hope that such amendments would be acceptable to both the Government and the Opposition. I am led to believe that both the Government and the Opposition have supported amendments contained in a Legal Practitioners Bill recently before the House.

I am not sure about that. It continues:

I fully realise this is a slightly different concept to splitting the Medical Board in two, as envisaged in my letter of 18/8/76, but at that time we did not have the benefit of considered opinion by our legal advisors, although they were at that meeting, and subsequent to this meeting we have been legally advised that the above concept seems the most satisfactory way of achieving the desired result.

Again, it was signed by the President of the A.M.A., Dr. Jim Harley. It seems to me that the board's functions, which we are tidying up by this legislation both in constitution and in duties, should be dealt with completely, as the President of the A.M.A. has suggested. It is interesting to note that members of the board were not notified about the Bill until the day before it was introduced in another place. I am told that the A.M.A. was not notified at all about the Bill and that it first heard about its introduction after it had been introduced. I understand that the reason the Bill has come to this House in its present form is that the Minister of Health has suggested that adequate time should be given for the board to consider the entire measure. The Medical Board has an onerous task to perform. I believe that we should make it as easy and as practical as possible for it to carry out its duties and, above all, ensure that it performs these duties with its responsibilities to the community in mind and its responsibilities to practitioners who may appear before it to hear allegations of misconduct or otherwise. I think that the only way in which that could be achieved would be by splitting the board into two, as the A.M.A. has suggested. As I hope to take some action about the matter at the appropriate time, I support the Bill.

Bill read a second time.

Dr. TONKIN (Leader of the Opposition) moved:

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider new clauses relating to refresher training and disciplinary proceedings.

Motion carried.

Dr. TONKIN: I move:

That Standing Order 442 be suspended during consideration in Committee of amendments to the Bill.

I move in this way because of the limitation that would otherwise be placed on me in considering the amendments by being allowed to speak three times only.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—"Constitution of the board."

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

Page 1, line 11—Leave out "six" and insert "seven", and after line 14 insert passage as follows: "one shall be a legal practitioner nominated by the Attorney-General".

The Bill began in this form but this action was taken in another place to emasculate the Bill. The amendment is therefore necessary to return the Bill to the form in which the Government intended it to be.

Dr. TONKIN (Leader of the Opposition): Having taken advice on the present nature of the Bill, as far as I can ascertain there is no strong objection to having a legal practitioner on the board.

Mr. Mathwin: What's the reason?

Dr. TONKIN: The reason relates to the hearing of complaints and the *quasi* judicial function the board undertakes during the course of the infrequent complaints made to it. Having a legal practitioner on the board will save considerable difficulty and will render the proceedings of the board rather more satisfactory than if he were not there.

Mr. Mathwin: That's probably a better answer than the Minister could have given.

Dr. TONKIN: Yes, but I am sure that the Minister would, in effect, have given much the same answer, if given the chance. For the purpose of the legislation, the amendment is justified. One of the problems is that, if my other amendments are agreed to, there is probably no need to have the legal practitioner on the general board. It seems that the only option I have is to agree to the amendment and let it go through, but it may be something that will have to be tidied up if the Government accepts the second lot of my amendments or creates a separate disciplinary tribunal, as I believe it should do. We are in something of a dilemma, because there will be no need for a legal practitioner to be a member of the board if it becomes an administrative board. For the time being, I am willing to accept the amendment, but I foresee the need for change later.

Amendment carried: clause as amended passed.

Clause 3 passed.

New clause 3a—"Qualification for membership of board."

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

After clause 3—insert the following clause:

3a. Section 7 of the principal Act is amended by inserting after the passage "for appointment as a member" the passage "(except the member to be appointed on the nomination of the Attorney-General)".

The new clause, which is basically of a machinery nature, is virtually consequential on the amendment we have just passed. I think that the Leader would agree that that is the case.

New clause inserted.

Clause 4 passed.

New clause 4a—"Quorum."

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

Page 2, after clause 4—Insert the following new clause:

4a. Section 12 of the principal Act is amended by striking out the word "Three" and inserting in lieu thereof the word "Four".

This amendment changes the number required to form a quorum of the board and, because of the additional number specified, it is a reasonable proposition.

New clause inserted.

Clauses 5 to 8 passed.

New clause 9—"Repeal of ss. 25a and 26 of principal Act."

Dr. TONKIN: I move:

Page 2, after line 20—Insert the following new clause:

9. Sections 25a and 26 of the principal Act are repealed.

The repeal of these sections means that the present provisions in respect of disciplinary matters, hearing of complaints, and actions that can be taken by the existing Medical Board will be removed and replaced by the disciplinary proceedings set out in the new clause. The proposed disciplinary tribunal will consist of nine persons: one shall be a person holding office under the Local and District Criminal Courts Act or a legal practitioner of at least seven years standing nominated by the Minister. For that reason I agreed to the earlier amendment, in the possible expectation that my amendments may not be accepted by the Government.

It is important in a *quasi* judicial tribunal that there should be someone with legal experience to advise the tribunal. Four members shall be medical practitioners nominated by the Minister, and four members shall be medical practitioners nominated by the A.M.A. Because of the nature of the duties of medical practitioners and because there may be urgent cases requiring their attention, eight medical practitioners are required on the tribunal because it is not always easy to get medical practitioners together at the same time in the same place. Therefore, so that we can be sure that the judicial tribunal can meet and adequately discharge its duties, it is necessary to have at least eight practitioners on it and to have a judicial tribunal comprised of nine members. The general terms and conditions of office, the validity of acts of the tribunal and immunity of its members, and the conduct of proceedings before the tribunal are all based on the well-tried provisions existing under the Dentists Act.

As the Minister knows what they are, I will not elaborate on those aspects. The provisions set out in detail how the tribunal shall operate and shall exercise its power of inquiry, and how appeals to the Supreme Court are initiated. That provision is absolutely essential in any legislation such as this. This idea has been accepted by the A.M.A., and members of the Medical Board (although I cannot quote them specifically), and I understand that the Minister of Health has also expressed approval.

While we are dealing with the Bill it seems only reasonable that we should complete the job adequately and properly, rather than bringing this matter back to Parliament subsequently. Fortunately, as disciplinary proceedings do not often arise, the tribunal will not meet often but, while the Bill is before us and while the amendments based on the Dentists Act are available, I believe we should proceed with them.

The Hon. R. G. PAYNE: Because of the sweet reasonability of the arguments advanced by the Leader, especially his co-operative manner with earlier clauses, I regret that I am unable to accept this amendment. The Leader said we were dealing with one amendment, but we are dealing with a whole concept. To illustrate why I believe this is not the time to accept the amendment I remind the Leader of his own words. He pointed out that within a few days the A.M.A. had changed its mind about this matter, and had now adopted the opposite opinion from that which it had previously accepted.

I have no quarrel with that situation, and I am not suggesting that there is anything wrong with it. I merely remind the Committee and the Leader that perhaps finality has not been reached in this matter. Because of the amendments that have been accepted and because of the opinions expressed by the Leader, if there have been any problems in this regard in the past, and there was a need for the skills and expertise that can be given by a legal person, we have now taken care of that requirement.

The Committee, in determining this matter, needs to take cognizance of what I have outlined. There does not seem to be any real problem with the continuance of the present Medical Board and with the Act containing the amendments accepted so far by the Committee. The board will be able to continue functioning, and it will have the advantage of the legal member. Moreover, justice will be done to the other university which, up to now, has not had recognition or representation on the board.

The Leader has pointed out, fortunately for the people of South Australia and to the credit of the profession of which he has an honour to be a member, the few times the board is called on to examine the conduct of its members. As the board meets seldom, it is unlikely that there is much urgency in this matter. For those reasons, I regret, but I am firm in my decision, that I must oppose the amendment.

Dr. TONKIN: I, too, regret the Minister's stand but his comments about the A.M.A. must be answered. The letters from the A.M.A. were dated August 18 and August 23,

respectively. The A.M.A. was not informed that the Bill was coming before Parliament until it had been introduced. The association took considered advice and decided on a second suggestion, which I think is better, for legislation as drawn in the amendments. It cannot be said that it was a matter of the association's changing its mind. It was a matter of preliminary and then final advice. I am disappointed, because I believe we could have dealt with the matter now. Soon the Act will probably be opened up again and something like this will be brought in, if it is not proceeded with now. It seems to be a waste of Parliamentary time not to go on with it now.

The Hon. R. G. PAYNE: I respect the reasonable manner in which the Leader has put his viewpoint. Surely, the board should be given more time to consider what may be useful changes, if any. The existing board, without the addition of the two persons, has obviously had some experience in these matters. It is not simply a matter of conducting judicial-type inquiries into people's behaviour: there are many other factors. In these circumstances, not to use the expertise readily available from the group already in existence would not seem to be sensible. The Minister in another place has undertaken that, if after due consideration recommendations come from the board and the association, legislation similar to that provided for in the amendments will be introduced. The Government stands vindicated in this matter because it is simply saying, "We have a workable proposition. Certain improvements are being made to that proposition immediately. It may well be that something better can be done". This is not a time for haste. A type of board has existed in this State since 1844. The question of a person's profession is very serious. Accordingly, I ask the Committee to accept my reasonable viewpoint. The board already existing should be given an opportunity to make recommendations on the matter, together with the informed opinion that can be obtained from the professional bodies concerned. The Government has given the undertaking that, when that stage has been reached, if action is needed, it will be taken. I oppose the new clause.

The Committee divided on the new clause:

Ayes (19)—Messrs. Allison, Arnold, Becker, Blacker, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Noes (20)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Keneally, McRae, Olson, Payne (teller), Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen, Boundy and Dean Brown. Noes—Messrs. Broomhill, Hudson, and Jennings.

Majority of 1 for the Noes.

New clause thus negatived.

Dr. TONKIN: New clause 9 was basically a test for the entire change, so there is now no point in proceeding further.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 2.1 a.m. the House adjourned until Thursday, October 21, at 2 p.m.