## HOUSE OF ASSEMBLY

Tuesday, April 19, 1977

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

### RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

### LEGAL SERVICES COMMISSION BILL

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

### LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

### PETITION: GAWLER MILK SUPPLY

Dr. EASTICK presented a petition signed by 322 electors of Light, praying that the House would disallow the regulation under the Metropolitan Milk Supply Act which rezones the Gawler area.

Petition received.

## QUESTIONS

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

### FESTIVAL CENTRE PLAZA

Mr. MILLHOUSE (on notice):

1. How was Herbert Hajek chosen to design the environmental sculpture in the southern plaza of the Festival Centre?

2. Who made the decision to commission him to do it, and when?

3. How much has he been paid for the work he has done, and how is that amount made up?

4. Is any more money owed to him and, if so:
   (*a*) how much is it;
   (*b*) how is it made up; and
   (*c*) when will it be paid?

5. What expenses, if any, have there been in connection with his visit to Adelaide for the opening of the southern plaza last week, how are such expenses made up, and who is responsible for their payment?

6. What is now the estimated total cost of the plaza between the festival hall and Parliament House and the car park underneath, and how is this amount made up?

7. Was the plaza between the festival hall and Parliament House completed by December 22, 1976, and, if not, why not?

8. Is the plaza now completed and, if so, when was it completed?

9. Was the car park underneath the plaza completed by March 4, 1977, and, if not, why not?

10. Is the car park now completed and:
   (*a*) if so, when was it completed; and
   (*b*) if not, when is it expected to be completed?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The trust had suggested that the air-conditioning cooling tower at plaza level be embellished by a sculpture and fountain and the then Chairman of the trust saw examples of Hajek's work in Germany late in 1972. Hajek came to Adelaide in October, 1973, to develop his design working in close conjunction with the trust's architects. A press conference was held in the centre on November 16, 1973, which coincided with the opening of an exhibition of some of Hajek's European work, his original screen prints and sketch plans of his proposal for the centre.

2. The trust accepted the design concept at its meeting on November, 27, 1973, and on March 1, 1974, the Premier's Department gave approval to cost the project. On August 27, 1974, the then Director of the Premier's Department advised the trust that the Premier had decided that the Hajek sculpture would be financed wholly from semi-governmental loan borrowings. At a press conference on April 18, 1975, the Premier opened an exhibition comprising a model and photographs of the design.

3. The total cost of Mr. Hajek's visit to Adelaide in 1973 amounted to $9 489, including his fee, accommodation and air fare. The entire cost of Mr. Hajek's second visit to Australia, in 1975, during which he lectured for the Goethe Institute, was paid for by West German authorities.

4. I am not aware of any money being owed to Mr. Hajek.

5. The entire cost of Mr. Hajek's present visit for the opening of the completed plaza has been paid for by Mr. Hajak himself (for his family) and by other members of his party individually. The media representatives accompanying Mr. Hajek were here at the expense of their respective West German newspapers, magazines, and television networks. The West German Government has contributed generously towards the costs of an exhibition of Mr. Hajek's work and the Art in Architecture symposium being staged in conjunction with the opening.

6. The total estimated cost of the works is $5 670 000, including: construction of the car park and connection to Parliament House; underpinning of Parliament House and diversion of services therefrom; construction of southern plaza, including all gardens, lighting and connection to adjacent structures of the S.A. Railways, Festival Theatre and drama theatres; construction of environmental sculptures, fountains and water pools; construction of two floors of offices; professional fees for architects and all other consultants; and salary of clerk of works.

7. The car park and offices between Parliament House and the Festival Theatre were completed and taken over by the Adelaide Festival Centre Trust on December 21, 1976. The southern plaza was not completed at that time due to time extensions being granted to the builder for claims, including items such as: inclement weather; cooling tower discharge; waterproof membrane delays due to demarcation disputes; modification of structural steel details in mid-July, 1975; delays in pouring form 5; and unavailability of labour for Saturday work.

8. The certificate of practical completion for the plaza was issued for completion at 5.15 p.m. on March 16, 1977, for the reasons previously noted.

9. The car park was completed on December 21, 1976. Access to the area reserved for Parliamentarians was available from Christmas eve, and Parliamentarians' special passes were issued in February, 1977.

10. The car park was completed on December 21, 1976.

Mr. MILLHOUSE (on notice): What terms of reference for the design for the southern plaza at the Festival Centre were given to Herbert Hajak, who drew them up, and on what authority?

The Hon. D. A. DUNSTAN: See replies to Question 1.

## PENSIONERS ADVANCEMENT LEAGUE

Dr. EASTICK (on notice):

1. What assistance of any kind has the Government offered to the Pensioners Advancement League Incorporated, and when?

2. Has the league been satisfied with the assistance and, if not, in what way has the assistance failed to meet their requirements?

3. What future assistance is contemplated, and when is it expected that action to implement such assistance will take place?

The Hon. D. A. DUNSTAN: The replies are as follows:

PART I:

The Pensioners Advancement League Incorporated was formed in 1971 and since that time the Secretary of the league, Mr. Graham Wilson, has made numerous approaches to the Government for assistance on a variety of topics on behalf of the 200 members of the league. It is not possible to detail every approach that has been made and the Government's response to them, but it is important to note that there would be few Government departments that have not received an inquiry for assistance from Mr. Wilson's organisation. It is also interesting to note that it has not been unusual for Mr. Wilson to make approaches to several people such as departmental officers and politicians on the same matter. On more than one occasion, it has been discovered that inquiries have been initiated simultaneously as a result of his approaches to various people, which has resulted in a degree of exasperation on the part of people within the Government trying to assist him.

The majority of requests for assistance has been for projects which, when considered, have been found to be mostly not practical and not economically viable. The major approaches to the Government since 1971, have been:

1. May, 1973—a proposal to establish a pensioners co-operative village at Barmera, South Australia.
2. June, 1975—a proposal to develop 26 home units for aged people on a site in Gawler.
3. July, 1975—an application for a grant from the Community Welfare Department.
4. February, 1976—an appeal for assistance in resolving an accommodation problem faced by the league.
5. August, 1976—an appeal for Government intervention to cause the Adelaide City Council to allow the Pensioners Advancement League to collect money daily in the streets of Adelaide.
6. November, 1976—a proposal for the Pensioners Advancement League to take over the Pennington Migrant Hostel to provide accommodation for pensioners coming to the metropolitan area for medical treatment.
7. Currently—a request for assistance in negotiating the purchase of the Dundas Building in Synagogue Place, Adelaide, for Pensioners Advancement League's Headquarters.
8. Foreshadowed—a request that the State Government consider a grant of $50 000 to $60 000 for the refurbishing of the Dundas Building when purchased by the league to provide offices and lounge dining room facilities for pensioners.

The assistance that the Government has given the league with respect to these approaches is as follows:

1. The proposal for a co-operative village for pensioners at Barmera. The proposal was presented to me and I requested that a project officer be appointed in the Premier's Department to assist the league in determining the feasibility of the project and investigate funding for it. An extremely comprehensive study was made of the project involving other Government departments such as Lands, Engineering and Water Supply and Community Welfare, as well as several Federal Government agencies. It was found that the project was not feasible for the following reasons:
   (*a*) the project would not meet the criteria set down for the Federal Government's aged persons housing subsidy;
   (*b*) very high developmental costs would apply to any water supply, sewerage and drainage, and agricultural development related to the proposed site;
   (*c*) lack of funds on the league's part for the intensive planning required for the project.

This information was communicated to the league, which while recognising that the project was confronted by severe constraints, wanted to continue with it because of its attractive concept and the lack of apparent comparable alternatives. The league was advised to drop the project and explore alternatives with the help of the Government. When writing to the league on the outcome of the study, I stated:

My Government wishes to assist P.A.L. in pursuing alternative courses of action especially in the planning stages. The problems that led to the Barmera project absorbing so much of the league's time and effort for little return should be avoided with future projects. To this end, I suggest the following points be observed in tackling the planning:

(i) Close liaison should be maintained with the Community Welfare Department and the Social Security Department to ensure that any proposals are properly planned and thereby able to qualify for Government finance. I have asked the Minister of Community Welfare to designate an appropriate officer to provide this liaison.

(ii) High priority should be given to planning, even if it means using some of the league's funds to employ appropriate expertise, perhaps on a consultancy basis. It is pointless to hold funds for acquisition of land to the detriment of proper planning which planning may be more critical to the project.

A liaison officer appointed in the Community Welfare Department has been assisting the league with the development of a village complex at Gawler until recently, when the league shelved the project.

2. The proposal to develop 26 home units for aged people in Gawler. This was the project that the league

developed as an alternative to the Barmera proposal. It was carefully planned with the assistance of the Community Welfare Department's liaison officer and reached the stage where detailed drawings were prepared of the complex for submission to the Federal Government for subsidy funding.

The Federal Government advised that all funds for this type of project had been used and further funds would not be available until 1977-78, and that the proposal should be resubmitted then. Also, a difference of opinion had developed between the league and the Gawler council, which was planning to build a complex for aged persons opposite the league's development in Gawler, over which facility would supply meals. The liaison officer from the Community Welfare Department and an officer from the South Australian Council of Social Service (SACOSS) endeavoured to assist the league in reaching a solution to the problem, but the project had to be put aside because of a pressing accommodation problem that faced the league in February, 1976.

3. Application for a grant from the Community Welfare Department. In July, 1976, the league was resident in the basement of Verco Building, North Terrace, Adelaide, and ran a "lounge for pensioners", providing meals for its members and others at very low prices. An application was made to the Community Welfare Department for a grant of $250 which, when approved by the Minister of Community Welfare, was used to purchase a refrigerator.

Also, at this time the Community Welfare Department liaison officer and the SACOSS officer working with the league on the Gawler project assisted the league with a submission to the Australian Assistance Plan for a grant to provide a part salary and finance to decorate and furnish the "lounge". The submission was successful, and $9 000 was paid to the league by the Australian Assistance Plan in a block grant. Later, concern was expressed that the purpose to which the grant was put was other than that applied for and that there was the strong possibility of the grant's being recalled. This was alleviated by the intervention and advice of Government officers and SACOSS, which provided a considerable amount of financial and administrative advice.

4. An appeal for Government assistance in resolving an accommodation crisis faced by the league. In February, 1976, the league made an appeal to the Government for assistance in finding alternative accommodation, as the Verco Building, where they occupied a portion of the basement, had been sold and the new owners wanted to develop the basement and ground floor into an arcade connecting with the Rundle Arcade. The league claimed that it was being evicted and gathered considerable press coverage and outrightly condemned the Government for not providing alternative accommodation.

The new owners of the building had no intention of evicting the league but simply wanted them to move to another section of the building, while the work was done in the basement and then for it to return to a specially prepared section which, although more compact had more usable space. The league refused and gained union support and the redevelopment work was halted. Officers of the Premier's Department and Community Welfare Department working through SACOSS set up a working committee with the league to investigate accommodation alternatives available and negotiate a settlement with the owners of the building and the unions.

This committee made an approach to the Public Buildings Department and secured the use of the disused chest clinic annexe in Porter Lane, city, for a six-month period, rent free, for the league in order to gain time to find a permanent home for the league. The league refused to accept the offer and also refused accommodation available in the Cresco self-help centre in North Terrace, which the Community Welfare Department was funding in the belief that the league was to move in there as had been earlier stated by the league during the planning of the self-help centre.

The matter was finally resolved by an arrangement being made with the owners of Verco Building for the use of a property that they owned in North Adelaide, the negotiations being carried out by Government officers. The league eventually moved out, and is today using this property, which has since been sold to a firm of architects who have placed the league on a week-by-week tenancy.

5. An appeal for Government intervention to cause the Adelaide City Council to allow the Pensioners Advancement League to collect money daily in Adelaide streets was received by the inquiry unit in the Premier's Department in August, 1976. Here, the league expected special dispensation to be made in its case and, apart from the situation with respect to the Adelaide City Council by-laws concerning street collection being clarified for the benefit of the league's secretary, Mr. Wilson, there was little that could be done. Inquiry unit officers were successful, however, in solving problems between the league and the Norwood and Salisbury councils that were related to the collection of money in those council areas.

6. In November, 1976, the league approached the Government with a proposal to take over the Pennington Migrant Hostel and use it for providing accommodation for aged people coming from country areas for medical treatment. The proposal was considered and a committee was set up by the Premier's Department to investigate the feasibility of the proposal. The provision of the investigating committee was pointed out to the league, not to be a State Government endorsement of the league's proposal, but the provision of a facility whereby an indepth and accurate investigation of the desirability of the proposal was possible.

The committee had high-level representation from the Hospitals Department, Community Welfare Department, Premier's Department, South Australian Housing Trust, the Pensioners Advancement League, Social Security and the Commonwealth Hostels Limited. This committee examined the proposal thoroughly and at its last meeting on March 31, 1977, recognised that, with the formation of the committee on emergency housing and the committee on accommodation, medical rehabilitation and domiciliary services for aged and intellectually handicapped persons, the area in which it was working was covered by one or both of the other committees.

Rather than perpetuate an overlap in terms of reference and resources, it was unanimously decided that the Pennington Hostel Investigation Committee disband and pass on its findings to the other committees for further action. Tre league's representative, Mr. Wilson, agreed, especially as the Pennington Hostel Investigation Committee had concluded the following:

(*a*) It would be feasible to use surplus accommodation at the Pennington Migrant Hostel for certain health and welfare purposes, under certain conditions.

(*b*) Commonwealth Hostels Limited had indicated a willingness to consider any proposals put forward by local committees or by the State Government.

This information will be forwarded to the previously mentioned committees. The league has indicated that it

is pleased to maintain an input or contact with these committees either through the Chairman and Secretary of the now disbanded Pennington Hostel Investigation Committee or via SACOSS.

7. Officers of the Premier's Department and Community Welfare Department are currently supplying advice and assistance to the league with respect to the league's desire to purchase the Dundas Building in Synagogue Place, Adelaide. Assistance has been given to the league in the preparation of a proposal for the purchase of the building and its use as the headquarters of the league. The proposal is currently before the Adelaide City Council and advice is expected shortly on the outcome.

8. The league has indicated to the Government that if it is successful in purchasing the Dundas Building it is considering asking for a grant of $50 000 to $60 000 to refurbish the building. The league has been advised that, as the need for money to refurbish Dundas Building hinges on whether the league is able to acquire the building, the matter of an approach to the State Government for a grant is a little premature. The league has accepted this advice and is pressing on with the purchase proposal.

PART II:

The league has not always been satisfied with the assistance given by the State Government inasmuch as the result of the study into the Barmera Pensioners Co-operative Village project did not comply with their expectations. Also, in the matter of the accommodation crisis, the State Government did not provide the league with a facility for a "lounge" in the Rundle Mall, which is what it wanted. However, in later approaches to the Government the league has stated that it is pleased with the attention and assistance it is receiving and it is evident that the management of the league has gained an understanding of the acceptable methods of approach and the need for the provision of facilities and assistance by the Government to an organisation to be part of an overall policy.

PART III:

Apart from the ongoing work on the Pennington Hostel proposal and the Dundas Building purchase with the foreshadowed application for a grant for Dundas Building refurbishing, there are no other proposals to the Government's knowledge on which the league requires assistance. If the league's history is any guide, it would be difficult to determine what direction the league will take next, for, in spite of close contact being maintained by liaison officers between the league and the Government, the league's attitude to a particular project could change overnight as has been known to happen in the past. For this reason and bearing in mind that pensioners affairs are largely a Federal Government matter, the Government would prefer to make assistance available upon consideration of a request.

## MANUFACTURING INDUSTRY

Mr. DEAN BROWN (on notice):

1. How many companies completed and returned the "Survey of Manufacturing Industry, 1975-76" which was carried out by the Trade and Development Division of the Premier's Department?

2. How many of these companies maintained existing or similar employment or decreased employment compared to the previous year?

3. How many of these companies indicated that they wished to relocate during the next five years?

4. Did any companies indicate that they intended to relocate interstate and, if so, how many companies did, and how many people did they employ during 1975-76?

5. How many of these companies had a capital expenditure greater than $1 000 000 during 1975-76?

6. How many of the companies who answered the survey commenced manufacture in South Australia during the year 1975-76, and how many people were employed by these companies?

7. What percentage of survey forms posted out were completed and returned to the Premier's Department?

8. How many of the companies surveyed appeared to have ceased operations during 1975-76?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. 1 488.

2. This question cannot be answered as in the 1974-75 survey, only 432 companies responded. Further, in the 1975-76 survey employment figures were requested separately for full-time and part-time workers, whereas in previous years no distinction was made: it therefore would be difficult to compare figures from the surveys. It should be noted that the Australian Bureau of Statistics indicated that between June, 1975, and June, 1976, civilian employment in manufacturing industry grew by about ·1 per cent in South Australia compared to a decline of ·9 per cent for Australia, while on a November, 1975, to November, 1976, basis, civilian manufacturing employment grew in South Australia by 1·4 per cent compared to a 2 per cent decline for Australia nationally.

3. 258.

4. Five firms indicated that they were considering possible future relocation interstate. The division could not ascertain from the survey whether firms closed down or moved interstate during 1975-76. Firms have also relocated to South Australia from other States, because of more favourable social and economic conditions and also because of the very generous assistance provided to private industry by the South Australian Government. To quote three examples—Australian Building Adhesives has relocated to Elizabeth from Sydney, Koppers Limited has relocated to Mount Gambier from Victoria, and Oliver J. Nilsen Pty. Ltd. has relocated to Murray Bridge from Melbourne.

5. Of the total firms surveyed, 22 had a capital expenditure of more than $1 000 000.

6. 59 during calendar year 1975—employment 454, and 39 in period to end June, 1976—employment 523.

7. About 80 per cent.

8. See answer to question 4.

Mr. BECKER (on notice):

1. Does South Australia's prosperity depend on its manufacturing industry and, if so:

(*a*) what action is the Government now taking to ensure South Australian industry remains viable; and

(*b*) what action has the Government taken to attract new industries to South Australia?

2. What new industries have been established in South Australia during the past 12 months?

3. What new industries are proposed for South Australia?

4. How dependent is South Australia now on the motor vehicle manufacturing industry and:

(*a*) how many persons are employed directly and indirectly; and

(*b*) what action is being taken, or is proposed, to retain and expand the industry in this State?

5. What industries does the Government propose to enter?

6. How many Government guarantees have been issued this financial year to supply working capital for local manufacturers and:

(*a*) what is the total amount involved; and

(*b*) what is the estimated number of jobs saved by such assistance?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The prosperity of South Australia depends on its primary and tertiary industries as well as on its manufacturing industry. In line with trends overseas, the manufacturing sector is likely to become relatively less important as a generator of employment opportunities.

(*a*) My Government continues to assist industry to remain viable through the advice and assistance provided by the Department of Economic Development and the Small Business Advisory Unit, S.A.I.A.C. loans, Government guarantees, and grants to employ consultants, and by making representations to the Federal Government on tariff protection and other issues having an important bearing on the economic climate in which industry must operate. It is clear that a State Government cannot ensure the viability of industry where many of the important decisions affecting the economic climate are beyond its control. Nor would it wish to ensure the viability of inefficient or badly managed industries.

(*b*) In the past 12 months, the Trade and Development Division of the Department of Economic Development has continued its promotion of South Australia as an attractive location for industry and commerce by personal representations to selected firms in Australia and overseas, and through press advertisements, brochures and promotional booklets. The following specific initiatives have been taken:

1. In co-operation with six South Australian firms, a major display was mounted at Australia's International Engineering Exhibition in Sydney in September, 1976. The exhibit was manned by officers of the division who explained to business men the State's industrial advantages.
2. The division supported, by editorial copy and advertising, South Australian supplements in major interstate newspapers.
3. The quarterly newsletter *Development Digest* was revised to give it a more attractive and interesting format. The mailing list for this organ was revised and increased to approximately 2 200 copies, which were distributed throughout Australia and overseas.
4. The Agent-General and his staff in London made several visits throughout the United Kingdom and Europe to promote investment in South Australia, including participating in the Milan Trade Fair, Italy, in April, 1976, and 1977.
5. As a result of the Agent-General's representations, a number of European companies visited Adelaide to assess at first hand the potential for investment or joint manufacturing agreements. The Trade and Development Division arranged itineraries for the visitors, escorted them to their appointments, and took every opportunity to stress what South Australia has to offer. There are good prospects of a substantial investment in South Australia by a German company as a result of such a visit in February, 1977.

2. A survey conducted in the latter half of 1976 showed that in the period January to June, 1976, 40 new manufacturing firms were established in South Australia These covered the following Australian Standard Industrial Classification industry groupings:

Food and beverages
Clothing and footwear
Wood, wood products furniture
Paper and paper products
Chemical, petroleum products
Glass, clay, etc., products
Fabricated metal products
Transport equipment
Other industrial machinery
Leather, rubber and plastic products.

Precise information about new industries established since July, 1976, will not be available until the 1977 survey is completed.

3. The Government is having research undertaken on a continuing basis to determine the types of industry which may be attracted to the State, and it is in consultation with representatives of a range of potential new industries. It would be imprudent to divulge the nature of these industries whilst consultation is proceeding.

*Partial Answer to Parliamentary Question:*

4. The motor vehicle industry remains the largest employer of labour within the manufacturing sector of the South Australian economy.

(*a*) The most recent comprehensive survey undertaken by the South Australian Government was in September, 1974, indicating a total direct and indirect employment of approximately 25 000 persons. Present employment is estimated to be of the order of 22 000 to 23 000.

(*b*) The South Australian Government was active in the deliberations which resulted in the present local content plans and in the encouragement of the use of South Australian componentry by the incoming Japanese manufacturers. Its efforts have always been directed towards seeking to ensure long-term viability of the industry. Efforts to create an artificial climate for expansion for the motor industry in South Australia would fly in the face of the reality of Australian disadvantages *vis-a-vis* overseas producers and would be self-defeating. What the South Australian Government has done and will continue to do is to provide all possible support to measures which will make the local industry more economic and employment in it more secure.

5. The Government does not have firm plans to enter any industry.

6. In the current financial year, the Government has provided two guarantees of loans for working capital. The combined value of the loans was $850 000 and the employment "saved" by the Government's action is estimated at about 720 persons. A further two guarantees (totalling $2 440 000) were offered but not taken up by the companies concerned.

## FULHAM LAND

Mr. BECKER (on notice):

1. Has land owned by the Highways Department at the corner of Henley Beach Road and Ayton Avenue, Fulham, been sold and, if so:
   (*a*) to whom;
   (*b*) at what purchase price; and
   (*c*) what conditions of sale applied?
2. If the land has not been sold, has an agreement of sale and purchase or contract or letter of intent been signed?
3. Have negotiations for sale of the land been held with any ethnic groups and, if so:
   (*a*) with whom;
   (*b*) under what terms and conditions;
   (*c*) with what proposed Government assistance;
   (*d*) has the Government approached the appropriate local government authority; and
   (*e*) what request and arrangements have been made to assist purchasers of the land?

The Hon. G. T. VIRGO: The replies are as follows:

1. No. See 3 below.
2. No. See 3 below.
3. Yes.
   (*a*) Italian Village Incorporated.
   (*b*) Purchase by that body for the sum of $122 000 by way of an option to be exercised within six months of signing thereof. On exercise of the option a 10 per cent deposit to be advanced, such deposit to be forfeited in event of not proceeding to purchase. Settlement to be postponed for 12 months from date of option. Interest to be paid on the balance of the purchase price at urban land price control rate (current at date of settlement) from date of exercise of the option until settlement. The Commissioner of Highways to have the right to repurchase the land for $122 000, if for any reason the Italian Village Incorporated is unable to proceed with the erection of the Italian village within a period of three years from the date of purchase.
   (*c*) Nil.
   (*d*) Yes.
   (*e*) See 3 (*b*).

## UNIONISM

Mr. BECKER (on notice):

1. Have instructions been issued to local government bodies requesting that all clerical, professional staff, etc., should join a union and, if so:
   (*a*) by whom; and
   (*b*) by what authority?
2. Did any such request state or suggest promotion should be given to union members and, if so:
   (*a*) why; and
   (*b*) by what authority?
3. Are such instructions enforceable?

The Hon. G. T. VIRGO: The replies are as follows:

1. Yes.
   (*a*) By the Local Government Association.
   (*b*) M. L. Steward, Industrial Officer.
2. (*a*) and (*b*) Yes. By decision of the Conciliation and Arbitration Commission.
3. I presume so.

## MARINELAND

Mr. BECKER (on notice):

1. How many dolphins are now performing at Marineland?
2. When did the dolphin "Cheeky" die and:
   (*a*) what was the cause of death; and
   (*b*) how old was the dolphin?
3. Who performed the autopsy, and what were the findings thereof?
4. Was the Institute of Medical and Veterinary Science called in to investigate the water, fish, etc., and, if so, what were their findings?
5. What is the estimated market value of each dolphin, including the one that died?
6. Is an outdoor dolphin pool to be built at Marineland and, if so:
   (*a*) how is this project to be financed;
   (*b*) what is the estimated total cost; and
   (*c*) how many persons will be employed on the project?
7. Who will catch the dolphins required, and how many will be caught?
8. What is the estimated cost of catching each dolphin?
9. How long does it take to train them?
10. What studies are being undertaken of the dolphins, and by whom?
11. What recommendations were made to the Minister by Dr. Joe Fanning on Marineland in 1973-74, and why have none of the recommendations been adopted?

The Hon. G. T. VIRGO: The replies are as follows:

1. Four.
2. March 15, 1977.
   (*a*) Septicaemia, caused by erysipelas.
   (*b*) About eight to nine years old.
3. The Institute of Medical and Veterinary Science. The findings were:
   (1) A severe acute haemorrhagic gastritis. A quantity of coins and miscellaneous hardware (nails, scissors, bolts) was found in the fore-stomach.
   (2) Severe generalised congestion of the cranial meninges.
   (3) White blood cells were engorged with bacteria.
   (4) Bacteria was finally identified as that causing erysipelas.
   The final diagnosis was a septicaemia, caused by erysipelas.
4. Yes. They were called in to investigate and there was no bacteria isolated from the water samples, and no significant bacteria isolated from the feed fish.
5. For asset record purposes, each of the trained dolphins has been valued by the trust at $3 000 and could be expected to realise that sum if sold to an organisation requiring a trained mammal, but if offered for sale in any way other than as a trained performer, it is estimated that the market value would be negligible.
6. Yes. It is currently under construction.
   (*a*) Funds made available through State unemployment relief schemes supported by trust funds to the extent necessary.
   (*b*) $97 000.
   (*c*) Twelve men are currently employed.
7. The trust will employ a qualified person to assist Marineland staff in the capture of three dolphins.
8. About $1 000.
9. About three months.
10. Dr. K. B. Little, B.V.Sc., M.A.C.V.Sc., in conjunction with Marineland staff. The trust is constantly studying

the behaviour and health of the Marineland animals and recording appropriate information in a log book.

11. A report dated March 7, 1974, submitted jointly by Dr. J. C. Fanning, M.B., B.S., lecturer in pathology, University of Adelaide, and Dr. D. J. Needham, B.V.Sc., D.D.A., a veterinary surgeon at that time being employed, nominates and recommends certain requirements and practices for adoption under the main headings of water requirements, husbandry, trainers and handlers, veterinary care and medical equipment. It is not true to say that none of the recommendations has been adopted. The West Beach Trust, since assuming control of Marineland in August, 1974, engaged consulting services of Marineland of Australia, and, on the recommendation of its consultants, obtained a report from Binnie & Partners, who had been asked to examine all aspects of the operation, maintenance, water quality and necessary services for Marineland. Such reports were considered by the West Beach Trust and reliance placed on a combination of the recommendations contained within all reports received. The greater part of the recommendations contained within the Dr. Fanning and Dr. Needham reports are substantially in practice.

Mr. BECKER (on notice):

1. How many flagpoles and flags were erected and displayed in front of Marineland?
2. How many flags remain and:
   (*a*) what is their condition; and
   (*b*) what happened to the others?
3. What was the total cost of:
   (*a*) the flagpoles;
   (*b*) their erection; and
   (*c*) the flags?
4. How was the project funded?
5. Will the flags be replaced, and at what estimated total cost?

The Hon. G. T. VIRGO: The replies are as follows:

1. Thirteen.
2. Six:
   (*a*) The condition might be described as "well worn".
   (*b*) The missing flags are presumed to have been stolen by a person or persons unknown.
3. (*a*) $675.
   (*b*) $750.
   (*c*) $475.
4. The State unemployment relief scheme.
5. Improved security arrangements and an improved redesign of the frontage of the whole of Marineland complex are under consideration. Flags will be replaced when either such security arrangements have been determined or improved control measures introduced. It is estimated that the cost of replacing 13 flags will be $390.

Mr. BECKER (on notice):

1. Are special shows arranged at Easter and Christmas at Marineland and, if not, why not?
2. Were such shows popular in previous years?
3. Why did the dolphins not work during the Christmas-New Year period and:
   (*a*) how many performances did the dolphins miss; and
   (*b*) on how many occasions has this happened in the past?
4. What was the estimated loss of revenue during these periods?
5. What action is being taken to prevent a repetition?

The Hon. G. T. VIRGO: The replies are as follows:

1. Yes.
2. Yes.
3. Because of adverse weather conditions and the temperature relationship between atmosphere and the dolphin pool water, the lethargic response apparent in the dolphins was thought to be a combination between water conditions and a possible infection. The dolphins, however, responded to antibiotics and began eating again in two or three days, but were not eating complete rations. For this reason, it was decided to give time for the dolphins to completely recover before putting them to stress again in behavioural practices (performances). It took two weeks for the dolphins to fully recover.
   (*a*) and (*b*) Twenty-eight. The trust understands that when Marineland was privately owned, there were similar occurrences on a number of occasions. This behavioural pattern has been verified from the trust's inquiries at the Sea World of Australia, Queensland.
4. At the time of the year Marineland's programme had been structured to provide an entertainment of one form or another about every half-hour. Whilst public disappointment was expressed on a number of occasions due to the lack of performance of dolphins, the remaining shows compensated in a reasonable measure. Observations and inquiries to the public during that period indicated that there was equal interest in seeing Mr. Percival (pelican performance) as there was in seeing performing dolphins. For this reason, again, it is considered that revenue loss for the period was minimal. There was no apparent loss as the attendance statistics show an increase of 14·66 per cent in December, 1976, above December, 1975.
5. The trust employs professional veterinary services and trained personnel to care for the health, environment, and working conditions of all animals and birds at Marineland. Notwithstanding this, there can be no guarantee that for some reason, the creatures may change their behavioural pattern, which may interfere with the normal routine performance.

Mr. BECKER (on notice):

1. How many receptions, parties, etc., have been held in Marineland (excluding the restaurant) in late afternoon and evening respectively, and by whose authority?
2. Which social clubs, groups or organisations have arranged such functions?
3. Did the dolphins perform at these functions?
4. Are such poolside functions acceptable and, if not, why not?

The Hon. G. T. VIRGO: The replies are as follows:

1. Since August, 1974, when the trust assumed control of Marineland and on the authority of the trust, a small secluded area, not open to the public, has been used on three or four occasions for a staff retirement farewell and on the occasions of commissioning of new projects, for example, picnic gardens and the filtration plant. Each of these occasions took place in the late afternoon, that is, after 4 p.m.
2. None of the functions referred to were arranged by social clubs, groups, or organisations. However, prior to the trust's assuming control of Marineland, the social club of one Government department arranged a Christmas Party at Marineland in 1973.
3. On the occasion referred to in 2, a short demonstration of the dolphins was arranged. They performed only for about 15 minutes.
4. The present management considers functions of the nature referred to in the question, namely receptions, parties, etc., not to be generally acceptable for the reason that animals perform better in a set routine pattern, and it is considered inadvisable to disturb this routine.

## WEST BEACH TRUST

Mr. BECKER (on notice):

1. How much unemployment relief money has the West Beach Trust received to date this financial year, and for what projects?

2. How many persons were employed on each such project?

3. When will the reserve west of Military Road be developed into a family picnic area and, if not, why not?

The Hon. G. T. VIRGO: The replies are as follows:

1. $214 800 for the period July, 1976, to August, 1977; $49 500 for completion of the filtration scheme, $39 000 for building modifications, for example, foyer and facade of Marineland building; $5 000 for approved works on Patawalonga Golf Course greens; $54 800 for Marineland interior works and additional works in the picnic gardens; $66 500 towards the cost of construction of the new dolphin pool.

2. The number has varied from a maximum of 24 to a present employment of 12.

3. No decision has yet been reached as to the development west of Military Road, nor has the manner of development been determined. The matter is still under investigation and the Coast Protection Board must approve any proposed development in so far as the whole area now lies within the Coast Protection District and is subject to the provisions of the Coast Protection Act.

## MEDIA MONITORING UNIT

Mr. DEAN BROWN (on notice):

1. What type of summary of media news is supplied daily by the Media Monitoring Unit to the Government?

2. Will the Premier make this full summary available to the Opposition on a prompt basis and, if not, why not?

3. Will the Premier release a sample of the complete daily news summary prepared by the Media Monitoring Unit and, if not, why not?

4. How many staff are currently employed in the Media Monitoring Unit, and what is the total annual cost of their salaries?

5. What is now the total cost of purchasing and installing all the equipment and other facilities used by the Media Monitoring Unit?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. A summary of news services and current affairs programmes on radio and television and some "talk-back" programmes is provided.

2. No. A resume of subject matter is provided to the Opposition through the Parliamentary Library. There is no reason why members of the Opposition, who have no administrative duties similar to those of Ministers, cannot extract the information they require and request a recorded transcript through the Parliamentary Library.

3. No. Officers of my department prepare an analysis of material which is of interest to the Government. It is an intra-governmental document.

4. Two office assistants are employed at a total annual salary cost of $13 814.

5. The total cost of setting up the Media Co-Ordination Unit was $14 792. Several members of the Opposition inspected the unit last year. Honourable members are invited to make an appointment to visit the media unit at a mutually convenient time.

## LAND TAX

Mr. DEAN BROWN (on notice):

1. How many letters of complaint have been sent to the Premier during the past 12 months concerning increases in land tax?

2. Has the Premier received complaints from companies concerning large increases in land tax and, if so, what action is the Government taking to reduce the burden of land tax on companies?

3. How large have been the individual increases in land tax during the past 12 months that some companies have complained about?

4. Is the Premier aware that some increases in land tax during the past 12 months have been greater than 500 per cent, and that such an increase is threatening the economic competitiveness of the companies involved?

5. Is it the intention of the Government to submit its increases in charges and/or taxes to either the Commissioner for Consumer Affairs or the Prices Justification Tribunal so that they might receive the same examination as is required for many other increases in costs within industry?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. It is difficult to extract an accurate number from all correspondence, but it would not seem an unusual number.

2. Yes, companies are included. Land tax rates applying to taxable values in excess of $40 000 were reduced under the Land Tax Act Amendment Act, 1976, with effect from July 1, 1976. The maximum rate of tax was reduced from 38c for each $10 of taxable value in excess of $200 000 to 27c for each $10 of the taxable value in excess of $150 000, the previous rate for the excess over $150 000 being 28c. The reductions were of significant benefit to companies owning high value land.

3. The largest increase subject to complaint by a company was an increase from $2 326 for 1975-76 to $14 799 for 1976-77. The 1976-77 tax was subsequently reduced to $8 425 when the Valuer-General allowed an objection lodged by the company against the valuation of the land.

4. Despite the significant reduction in rates, there were some sharp increases in tax on high value land. They occurred in areas of a one-fifth of the State that had not been revalued since 1970. The new valuations which came into force for 1976-77 taxing purposes indicated that the equalisation factors determined for the areas for 1975-76 taxing purposes were very conservative when applied to the 1970 valuations for the particular properties.

5. No.

## SMITHFIELD SCHOOL

Dr. EASTICK (on notice):

1. Is the Education Department currently designing or preparing for the designing of any new school facility in the Smithfield to Gawler area and, if so, what are the details?

2. Has the department procured or are they negotiating to procure any land for future school needs at the primary, secondary or tertiary level in the Smithfield to Gawler area and, if so, what are the details?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. The Smithfield North Primary School, while not on a current design programme, has a high priority for inclusion on a building programme as it would be required in 1979 if the Housing Trust development in the area proceeds as programmed.

2. Primary school sites in the following areas have been identified, namely, Smithfield Plains West, Smithfield North-west, Craigmore, and Smithfield East. A secondary school site at Smithfield East is currently owned by the Education Department.

## BUS STOP SITING

Mr. MILLHOUSE (on notice): Has the State Transport Authority sought the advice of the police on the siting of bus stops and, if so:

(*a*) what advice was sought;
(*b*) was a report prepared by the police, and when was this done;
(*c*) what advice was given;
(*d*) what action, if any, has been taken as a result; and
(*e*) what further action, if any, is proposed?

The Hon. G. T. VIRGO: The location of bus stops conforms to the provisions of the Road Traffic Act relating to the standing of vehicles, and the advice of the Police Department has not been sought by the State Transport Authority in connection with the location of bus stops in general. State Transport Authority officers, however, have on occasions conferred with officers of the Police traffic division on the location of specific stops where this action has been considered desirable.

(*a*) See above.
(*b*) No formal report has been prepared by the police.
(*c*) Not applicable.
(*d*) Not applicable.
(*e*) The State Transport Authority will continue to confer with officers of the Police traffic division on the location of specific stops where this action is considered to be necessary or desirable.

## ADELAIDE RAILWAY STATION

Mr. MILLHOUSE (on notice): Has it been proposed that a five-storey office tower, later to be increased to 20-storeys be erected on the site of the Adelaide Railway Station and, if so:

(*a*) what is the justification for such a proposal; and
(*b*) has any firm decision been reached and what is it?

The Hon. G. T. VIRGO: Consultants have been engaged to undertake a feasibility study of the provision of a building generally near the Adelaide station building, to accomodate the administrative staff of the State Transport Authority. The authority is not aware of any proposal that a five-storey office tower, later to be increased to 20 storeys, be erected on the site of the Adelaide Railway Station.

Mr. MILLHOUSE (on notice): Is the Government considering having the Adelaide Railway Station demolished and, if so:

(*a*) why; and
(*b*) has any firm decision been reached, and what is it?

The Hon. G. T. VIRGO: There is at present no proposal to demolish the Adelaide Railway Station building. However, demolition of this building was contemplated in proposals contained in a report "Adelaide Station Air Rights Development" prepared in 1975 by consultants (Hassell & Partners Proprietary Limited), commissioned by the then existing South Australian Railways Advisory Board.

## FISHING

Mr. BLACKER (on notice):

1. Is it the intention of the Government to continue with the Ministerial permits for prawn trawling after expiry of the present permits on August 31, 1977, and, if so, what conditions will be attached to those permits?

2. Do those fishermen who hold Ministerial permits have any priority or consideration when ordinary prawn fishing permits are issued?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Ministerial permits are issued for research into and evaluation of new fisheries. Present permits will be reviewed in the light of research results. Any variation of conditions attached to the permits would arise from the requirements of the research programme.

2. This matter has not yet been determined.

Mr. BLACKER (on notice): What arrangements have been made with the Commonwealth Fisheries Department for the management of the fish resources in Investigator Strait?

The Hon. J. D. CORCORAN: The matter is still the subject of negotiation.

## LINCOLN HIGHWAY

Mr. BLACKER (on notice): Has the Government considered proclaiming the Lincoln Highway as a priority road and, if so, what action is to be taken?

The Hon. G. T. VIRGO: The introduction of priority roads is not yet complete for the urban arterial road system. When this is completed, and the effect of the priority road system is known, consideration will be given to the introduction of priority roads in rural areas.

## CARAVAN PARKS

Mr. BLACKER (on notice): Does the Government intend to introduce legislation to control the establishment, maintenance and management of caravan parks and, if so, when will that legislation be introduced?

The Hon. D. W. SIMMONS: The Government is at present considering this matter, but no legislation has been prepared.

## NATURAL GAS

Mr. MILLHOUSE (on notice):

1. At what price is natural gas being sold in:
(*a*) South Australia; and
(*b*) New South Wales?

2. What action, if any, has been taken by the Government to secure these prices?

The Hon. HUGH HUDSON: The replies are as follows:

1. The field gate price of gas, whether it is sold to Adelaide or Sydney, is the same, namely, 28·4344c a gigajoule. The price to the Australian Gas Light Company in Sydney is not known, as the charge made by the Pipelines Authority for the transportation of gas is not available. It is expected that over the life of the Sydney pipeline, the transport charges will need to be at least double those to Adelaide. Although the Sydney pipeline has a larger capacity, the capital cost of it more than

trebled those of the Moomba-Adelaide line. The price of gas to Adelaide is the subject of arbitration. It was expected that the price to Sydney would be reviewed at the same time; however, the delay in the completion of the Sydney line has postponed the review of the Sydney price until late this year.

2. The various arrangements on price were made at the time the South Australian Government agreed on the Producer's Indenture which was passed by this Parliament late in 1975.

## LICENSED PREMISES

Mr. MILLHOUSE (on notice):

1. What is the present licence fee under the Licensing Act in respect of the Rose Inn Hotel, and when was it assessed?

2. Has the Superintendent of Licensed Premises applied for its re-assessment, pursuant to section 38 of the Act, and if so:

(*a*) when did he apply;

(*b*) what are the details of his application; and

(*c*) why?

The Hon. PETER DUNCAN: The replies are as follows:

1. Percentage licence fees fixed pursuant to the provisions of the Licensing Act are confidential.

2. Yes.

(*a*) March 15, 1977.

(*b*) and (*c*) The application has been listed for hearing by the Licensing Court on June 6 and 7, 1977.

Mr. MILLHOUSE (on notice):

1. In respect of how many licensed premises has the Superintendent of Licensed Premises applied for re-assessment, pursuant to section 38 of the Licensing Act?

2. Which premises are involved?

3. When was the application in each instance made, and what has been the result of each?

The Hon. PETER DUNCAN: The replies are as follows:

1. One.

2. Rose Inn Hotel.

3. See answer to question relating to the Rose Inn Hotel.

## HANDCUFFS

Mr. MILLHOUSE (on notice): Under what conditions are handcuffs issued to police officers?

The Hon. D. A. DUNSTAN: Handcuffs are issued to detectives in the field on a personal basis and to uniformed officers before the commencement of patrol duties.

## PORNOGRAPHY

Mr. BECKER (on notice):

1. Does the Government now propose to amend the Classification of Publications Act to:

(*a*) include a "sale prohibited" classification; and

(*b*) direct the board to classify all pornography involving children as "sale prohibited" and, if not, why not?

2. What action has been taken to confiscate pornography involving children and:

(*a*) how many items have been seized and destroyed;

(*b*) what was the total retail value of items seized?

3. If no such action has been taken, why not?

4. What numbers of pornographic literature have been seized during each of the past three financial years and:

(*a*) what was the actual or estimated retail value of material seized;

(*b*) has the material been destroyed; and

(*c*) if none has been seized, why not?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. (*a*) No. A refusal of classification has the same result and is already provided for in legislation.

(*b*) No. The Government has no power to direct the Classification of Publications Board. Decisions are entirely the prerogative of the members. Recently I made suggestions to the board, as follows:

> I have been aware for some time of the tendency for pornography depicting children to become less of a rarity in Australia and for some of it to be "hard-core" compared with early samples which often comprised photographs of nude children who were not involved in sexual activities. In view of the intimation that your Board was seeking special advice from Commonwealth classification authorities if they discovered pornography involving either sadism or paedophilia I raised the matter at the last Conference of State and Commonwealth Ministers concerned with classification matters. It was agreed that such material would be marked with an asterisk on future lists of Commonwealth Classifications sent to you on the understanding that such titles would be given an additional restriction that they might not be advertised or displayed even in "sex shops".
>
> More recently there has been considerable publicity regarding paedophilia and I think it is evident that current community standards are such that material depicting hard-core paedophilia should be refused classification by the Classification of Publications Board thus rendering any vendor of such material, in this State, liable to prosecution by the Police under the provisions of Section 33 of the Police Offences Act. I am therefore writing to say that my Government would be pleased if your Board would adopt such a policy in the circumstances.

In reply the Chairman of the Board said:

> The policy expressed by the Government in its communication to the Board was in fact in keeping with the approach that the Board has already taken with regard to material depicting hard-core paedophilia and in keeping with what the Board saw as the current community standards.
>
> The Board expects that it will continue to implement the same policy with future publications.

It should be recorded that the South Australian Board was the first classification authority in Australia to become perturbed in regard to child pornography and at an officers' conference in Perth on June 30, 1976, a request was made for the Commonwealth authorities to mark with an asterisk on lists of publications which they had reviewed, the titles of those relating to paedophilia. The request was refused. The South Australian board then asked its counterparts in other States whether they would take up the matter also and following some favourable responses the request was again put by me at a Ministerial Conference on February 4, 1977, in Sydney. As a result, the Commonwealth Attorney-General then directed his officers to make such an administrative arrangement and such lists are now being received.

At the meeting of the South Australian Classifications Board held on April 5, the board revoked the ABCDE classifications given in 1975 and 1976 to 10 publications containing child pornography and refused to classify them

again. The board also refused to classify a number of such publications which the Customs had presented to the Commonwealth Censor in Sydney: although they were refused entry it was thought prudent to refuse classification in case of smuggling.

The effect of refusing to classify publications is virtually to ban them as vendors face immediate prosecution under the Police Offences Act if they are detected selling them. I think it is evident that the South Australian Classification of Publications Board is fulfilling its function quite satisfactorily and that no further action is needed. At the Ministerial conference last Thursday, those States which did not have adequate legislation to control this problem indicated that special legislation would be introduced and interest was expressed in the South Australian Statute generally.

2. Child pornography is confiscated when seen on sale. A record is not kept of numbers and values.

3. See above.

4. (*a*) Not recorded.

(*b*) Some material has been returned to vendors whilst some has been presented as evidence to courts. Some is still in custody. Much has been destroyed.

(*c*) Not applicable.

## INSURANCE COVER

Mr. BECKER (on notice): Does the Government propose to arrange insurance cover for amateur sportsmen and women along similar lines to the insurance cover arranged for officials and, if not, why not?

The Hon. D. W. SIMMONS: No. The problem is basically one for clubs themselves.

## COMPANY INVESTIGATIONS

Mr. BECKER (on notice):

1. What inquiries are company investigators making into the companies Flinders Trading Company Proprietary Limited and Ali Castings Proprietary Limited, and when did these investigations begin?

2. What further action does the Government propose to take in relation to these matters?

3. Have there been any breaches of the Companies Act and, if so, what are the offences?

4. Was Ali Castings a subsidiary of Flinders Trading Company Proprietary Limited when an arrangement was made to dispose of 116 barbecue settings?

The Hon. PETER DUNCAN: The replies are as follows:

1. As previously announced, investigations are being carried out by company inspectors into the affairs of these two companies, both of which are in receivership. Company inspectors attended at the premises of Ali Castings Proprietary Limited on Friday, April 1, 1977, and at premises of Flinders Trading Proprietary Limited on Thursday, April 7, 1977. Section 7 (7) of the Companies Act makes it an offence for inspectors to disclose any information resulting from their inquiries, except in the case of a prosecution under the Companies Act or under the criminal law. Therefore details of the inquiries cannot be disclosed.

2. Any further action by the Government will be dependent upon the outcome of the inquiries being conducted.

3. Inquiries are proceeding and it is not yet possible to ascertain whether a prosecution for any offence is likely to occur.

4. In view of the provisions mentioned in (1) above, I am unable to answer the honourable member's question; however, should he have in his possession any information to assist in these inquiries, I should be pleased if he would make it available to me.

Mr. BECKER (on notice):

1. Did the Minister of Labour and Industry write to the South Australian Automobile Chamber of Commerce Incorporated inviting submissions in respect of roster systems and trading hours for petrol retailing and, if so, when and why?

2. Has the Minister instructed officers of his department to investigate the attitude of the industry to flexible roster systems and, if so:

(*a*) whom have they contacted;

(*b*) what is the outcome of their findings; and

(*c*) what action is to be taken and when?

The Hon. J. D. WRIGHT: The replies are as follows:

1. Yes—on September 13, 1976. I invited submissions in respect of roster systems outside normal trading hours, for retail petrol sales following an examination made by my officers of the fourth report of the Royal Commission on Petroleum concerning marketing and pricing of petroleum products in Australia.

2. (*a*) I sent an identical letter to each oil company operating in South Australia, the Royal Automobile Association of S.A. and the S.A. Petrol Resellers Co-operative Limited.

(*b*) and (*c*) The replies have been collated but no action can be taken by the Government until the Commonwealth Government decides and announces what action it will take on the recommendations of the Royal Commission. I have written to both the Minister for National Resources and the Minister of Business and Consumer Affairs in this regard. The fourth report has now been available some 10 months, but I can obtain no indication of the Commonwealth Government's attitude. No further action is contemplated by the South Australian Government until such advice has been received.

## NATIONAL WAGE DECISION

Mr. BECKER (on notice): What is the estimated total cost to the Government of the recent national wage decision?

The Hon. D. A. DUNSTAN: The total cost to the Government of the recent national wage decision has been estimated to be about $6 500 000 in 1976-77 and about $26 000 000 in a full year.

## RAIN WATER TANKS

Mr. BECKER (on notice):

1. Are two officers from the Minister for the Environment's Department preparing a report concerning rain water tanks and, if so:

(*a*) when did the investigations begin;

(*b*) why is there a need for such an inquiry;

(*c*) what are their findings to date;

(*d*) when will the final report be made; and

(*e*) will the report be published?

2. What is the estimated total cost of such an inquiry and subsequent publication?

The Hon. D. W. SIMMONS: The replies are as follows:

1. No. Only one officer of the Environment Department has been examining the implications of using rain water

tanks as a supplement to the reticulated water supply in the Adelaide region. The study has not yet considered the quality of the water which may be obtained in this way.

(*a*) November, 1976, on a part-time basis only;

(*b*) Because there is little or no factual information available to people on the best size of domestic rain water tank to install in the Adelaide region, the contribution which can be made to the total water demands of the area is uncertain and the economic advantages and possible health disadvantages which a tank system may incur are subject to argument;

(*c*) There are no specific findings to date other than the obvious fact that the use of domestic rain water tanks can make a contribution to the domestic water needs of the population of Adelaide.

(*d*) The date of completion of the study is uncertain although preliminary working documents have been prepared for consideration and discussion with other departments of the Government;

(*e*) It is envisaged that the report will be published if any results which warrant publication are obtained.

2. At this stage it is impossible to estimate the total cost of this study and any subequent publication as it is still at a preliminary stage.

## WINDOW FILM

Mr. BECKER (on notice): Has the Road Traffic Board investigated the safety of window film for motor vehicles and, if so, what were the findings and recommendations, and, if there has been no such investigation, why not?

The Hon. G. T. VIRGO: The Road Traffic Board is currently investigating safety aspects of using tinted reflective films on car windows, but investigations have not yet been finalised. The board's investigation is part of an activity being conducted by the Advisory Committee on Vehicle Performance and will result in a national recommendation concerning the use of tinted films.

## OFF-ROAD VEHICLES

Mr. MILLHOUSE (on notice):

1. Is it still proposed to introduce during the present session legislation to control off-road vehicles and, if so, when and is such legislation to be finally dealt with by both Houses of Parliament in this session?

2. If the legislation is not to be introduced, why not?

The Hon. D. W. SIMMONS: The replies are as follows:

1. Legislation to control off-road recreation vehicles is currently being prepared by the Parliamentary Counsel, and present indications suggest that it will be introduced this session. A measure such as this is appropriate to be referred to a Select Committee and, if this is done, it will not be possible to finally deal with it this session.

2. See 1.

## CYCLISTS

Mr. MILLHOUSE (on notice):

1. Has the proposal to allow cyclists to use footpaths on parts of main roads yet been put to the Road Traffic Board and, if so:

(*a*) when;

(*b*) has the board yet made recommendations to the Government, what are they and what action, if any, does the Government propose to take as a result; and

(*c*) if no recommendations have yet been made, when is it expected that they will be?

2. If no such action has been taken, why not?

The Hon. G. T. VIRGO: The replies are as follows:

1. Yes.

(*a*) January 10, 1977.

(*b*) Yes. The Government is at present evaluating the recommendations.

(*c*) Not applicable.

2. See 1 (*b*).

## STUART HIGHWAY

Mr. MILLHOUSE (on notice):

1. What plans, if any, does the Government have for the sealing of the Stuart Highway between Pimba and the Northern Territory border?

2. What action, if any, is proposed to put them into effect, and when?

The Hon. G. T. VIRGO: The provision of an improved highway between Port Augusta and the Northern Territory border is the subject of a joint report prepared by the Highways Department and the Commonwealth Transport Department, which was tabled in the House late last year. It was recommended that a sealed highway be constructed on one of two routes which passed, respectively, through and south of the Woomera range. It is understood that the Commonwealth Government is considering the report with particular reference to the effect on the range. The scheduling of construction of the road, on whatever alignment is finally agreed upon, will be subject to availability of finance for national highways. No work is envisaged beyond Pimba within three years and, when it is commenced, construction will occupy many years.

## QUESTION REPLIES

Mr. MILLHOUSE (on notice): When is it proposed to answer my letter of March 21, to the Premier on behalf of Mr. M. W. Willis?

The Hon. D. A. DUNSTAN: A reply will be furnished as soon as inquiries have been completed into the matters raised by Mr. Willis.

Mr. MILLHOUSE (on notice): When is it proposed to answer my letters of February 22 and March 30, written to the Minister of Works on behalf of Mr. Douglas Lisle?

The Hon. J. D. CORCORAN: A reply has been sent.

Mr. MILLHOUSE (on notice): When is it proposed to answer my letter of March 11, written to the Minister of Works about the clearing of some land in Ayliffes Road, Pasadena?

The Hon. J. D. CORCORAN: A reply will be provided by the end of this week.

## FIRE DISTRICT

Mr. COUMBE (on notice): Did the South Australian Fire Brigades Board recommend to the Government that one fire district be constituted in the metropolitan area and, if so, is it proposed to give effect to this recommendation and, if not, why not?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Yes.

2. The matter is still under consideration.

## MINISTERIAL CARS

Mr. BECKER (on notice):

1. When was the Attorney-General's car taken out of the State by the former Attorney-General, and for what purposes?

2. What was the total cost incurred?

The Hon. PETER DUNCAN: The replies are as follows:

1. November 21, 1974, to Balranald, N.S.W., to pick up Minister because of airline strike.

2. About $75.

Mr. BECKER (on notice):

1. When was the Minister of Mines and Energy's car taken out of the State, and for what reasons?

2. What was the total cost incurred?

The Hon. HUGH HUDSON: The replies are as follows:

1. February 20, 1976, to Sunshine, Victoria, to pick up the Minister because of an airline strike.

2. About $72.

Mr. BECKER (on notice):

1. When was the Minister for the Environment's car taken out of the State, and for what reasons?

2. What was the total cost incurred?

The Hon. D. W. SIMMONS: The replies are as follows:

1. October 8, 1976, to Swan Hill, Victoria, to represent the State at centenary celebrations.

2. About $125.

## INTAKES AND STORAGES

Mr. BECKER (on notice):

1. What are the present holdings of the State's reservoirs?

2. How do these figures compare with last year, and how much water has had to be pumped from the Murray River during the summer and autumn?

The Hon. J. D. CORCORAN: The replies are as follows:

1. *Metropolitan Reservoirs*

| | *Storage at 15/4/77* *Megalitres* | *Storage at 15/4/76* *Megalitres* |
|---|---|---|
| Mount Bold | 18 030 | 15 617 |
| Happy Valley | 9 072 | 4 932 |
| Myponga | 9 368 | 14 058 |
| Millbrook | 8 832 | 7 371 |
| Kangaroo Creek | 5 275 | 5 435 |
| Hope Valley | 2 621 | 1 609 |
| Thorndon Park | 498 | 457 |
| Barossa | 4 370 | 4 218 |
| South Para | 16 312 | 27 262 |
| Total | 74 378 | 80 959 |
| *Country Reservoirs* | | |
| Warren | 3 864 | 1 765 |
| Bundaleer | 3 035 | 2 588 |
| Beetaloo | 2 632 | 2 793 |
| Baroota | 722 | 2 515 |
| Tod River | 4 316 | 5 145 |
| Total | 14 569 | 14 806 |

2. *Pipeline*

| | *Quantity Pumped* 1/12/76 to 15/4/77 *Megalitres* |
|---|---|
| Mannum-Adelaide | 31 643 |
| Murray Bridge-Onkaparinga | 19 103 |
| Morgan-Whyalla | 14 516 |
| Swan Reach-Stockwell | 7 529 |
| Tailem Bend-Keith | 1 928 |
| Total | 74 719 |

## LITTLE ATHLETICS LEAGUE

Mr. BECKER (on notice): Has the Glenelg and Marion Districts Little Athletics League ever applied for financial assistance and, if so, what was the Minister's reply?

The Hon. D. W. SIMMONS: Yes. The department's reply was as follows:

I refer to your application for financial assistance under the department's equipment subsidy programme. Because of the large number of requests for financial assistance towards recreation and sporting equipment, insufficient funds are available to meet all the applications. I regret to advise that your application was unsuccessful. If officers of this department can assist you in matters related to recreation and sport please do not hesitate to contact them.

## METHANE GAS

Mr. WOTTON (on notice):

1. Has any research been undertaken on the feasibility of the use of methane gas as an energy alternative and, if so:

(*a*) what was the form of the research; and

(*b*) what were the findings?

2. What significant sources of methane gas have been indentified in South Australia?

The Hon. HUGH HUDSON: Apart from Cooper Basin gas, studies have been undertaken into the use of methane gas from metropolitan sewage treatment works (see *Hansard* of August 20, 1974).

## OAKBANK RACING

Mr. BECKER (on notice):

1. Has the Minister received any complaints as to the safe conduct of horse-racing at Oakbank and, if so:

(*a*) when;

(*b*) what were the nature of complaints; and

(*c*) have officers of his department investigated such complaints?

2. Will future granting of licensed horse-race meetings be based on improvements to the course and programme and, if not, why not?

The Hon. D. W. SIMMONS: The replies are as follows:

1. No.

2. Stewards of the South Australian Jockey Club will be reporting to that club in its capacity as the controlling authority for horse-racing. Any further action will depend on that report.

## LEGAL SERVICES DEPARTMENT

Mr. MILLHOUSE (on notice):

1. Have applications been called for the position of Chief Administrative Officer of the Legal Services Department and, if so:

(*a*) when; and
(*b*) has an appointment been made and, if so, of whom?

2. If an appointment has not been made, when is it expected that it will be made?

The Hon. PETER DUNCAN: The replies are as follows:
1. No.
2. Not known.

## CERAMIC TILE MAKERS LIMITED

Mr. DEAN BROWN (on notice):

1. Is the Government currently a guarantor for a financial loan to Ceramic Tile Makers Limited and, if so, what was the size of the guarantee, and is this guarantee likely to be exercised?

2. Has the Government, through the Industries Assistance Corporation, advanced any loan funds to this company and, if so, what was the size of the loan, have any repayments been made and, if so, how much has been repaid?

3. Does the South Australian Housing Trust lease, or has it leased, a factory to the company and, if so, what is the current market value of the factory premises?

4. Are these factory premises currently being leased and, if so, to whom?

5. What is the anticipated future use for these factory premises?

6. What is the total area of the land and factory referred to above?

7. For what period has the company been operating in South Australia and is the company still operating and/or manufacturing at the Elizabeth plant?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The Government has guaranteed a bank loan of $11 645 to Ceramic Tilemakers Limited. This company is presently in receivership. It is uncertain at this stage whether the Treasurer will be called on under this guarantee.

2. The South Australian Industries Assistance Corporation has provided a loan of $300 000 to the company. No repayment of principal has been made.

3. The South Australian Housing Trust has leased a factory to the company. Current market value has yet to be determined. However, the factory is costed in the accounts of the Housing Trust at $1 250 000.

4. The factory is still under lease to Ceramic Tilemakers Limited.

5. It is hoped that the factory will continue to be used as a tilemaking plant or similar in the future.

6. Land comprises 2·399 hectares and buildings cover 5 931 square metres.

7. The company was incorporated in 1972 and commenced operations at Elizabeth in late 1975. The company ceased operations on the appointment of a receiver in September, 1976.

## MOUNT GAMBIER NURSES

Mr. ALLISON (on notice):

1. How many nurses can be accommodated, in the old and the new wings, respectively, of the Mount Gambier Nurses' Hostel?

2. What has been the average rate of occupancy of the two wings during the years 1975 to 1977 inclusive?

The Hon. R. G. PAYNE: The replies are as follows:

1. Old Wing—124 nurses; New Wing—40 nurses.

2. Occupancy of the total accommodation has averaged 102 nurses.

Mr. ALLISON (on notice):

1. What has been the pass rate (as a percentage of students entering each course) for trainee nurses entering Mount Gambier Hospital as registered nurses and enrolled nurses, respectively, over the past five years?

2. How does this pass rate compare with the percentage pass rate for metropolitan hospitals?

The Hon. R. G. PAYNE: The replies are as follows:

1. *Student Nurses*

| Date of Exam | Pass Rate |
|---|---|
| March, 1972 | 75 per cent |
| July, 1972 | 75 per cent |
| November, 1972 | 86 per cent |
| March, 1973 | 80 per cent |
| July, 1973 | 90 per cent |
| November, 1973 | 100 per cent |
| March, 1974 | 75 per cent |
| July, 1974 | 83 per cent |
| November, 1974 | 83 per cent |
| March, 1975 | 29 per cent |
| July, 1975 | 38 per cent |
| November, 1975 | 79 per cent |
| March, 1976 | No candidates |
| July, 1976 | 100 per cent |
| November, 1976 | 100 per cent |

March, 1977, under collection.

*Trainee Enrolled Nurses*

| Date of Exam | Pass Rate |
|---|---|
| February, 1972 | 77 per cent |
| May, 1972 | 25 per cent |
| August, 1972 | 71 per cent |
| October, 1972 | 31 per cent |
| February, 1973 | 100 per cent |
| June, 1973 | 40 per cent |
| October, 1973 | 90 per cent |
| February, 1974 | 80 per cent |
| June, 1974 | 33 per cent |
| October, 1974 | 55 per cent |
| June, 1975 | 86 per cent |
| October, 1975 | 100 per cent |
| February, 1976 | 95 per cent |
| June, 1976 | 100 per cent |
| October, 1976 | 100 per cent |

February, 1977, under collection.

2. Percentage pass rates for metropolitan hospitals are not readily available.

## PRISON ESCAPEES

Mr. ALLISON (on notice):

1. How many prisoners have escaped from Mount Gambier Gaol during the years 1974, 1975, 1976 and 1977, respectively?

2. How many of these escapees had records of criminal violence?

3. What has been the cost of damage to persons and property incurred by prisoners during escapes from Mount Gambier Gaol and while at large in the same periods, respectively?

The Hon. R. G. PAYNE: The replies are as follows:

1. 1974—2; 1975—2; 1976—0; 1977—1.

2. One only. This prisoner escaped while remanded on other charges.

3. No statistics available.

## EMERGENCY ACCOMMODATION

Mr. WOTTON (on notice): What criteria does the Housing Trust use in determining priorities for emergency-type accommodation?

The Hon. HUGH HUDSON: The South Australian Housing Trust has no accommodation especially classified as "emergency-type accommodation". The Housing Trust determines priorities for out of time allocations after considering special factors such as medical, financial, social, physical eviction and overcrowding.

## GOLDEN BREED SPORTSWEAR

Mr. DEAN BROWN (on notice):

1. Is the Government currently a guarantor for a financial loan to Golden Breed Sportswear and, if so, what is the size of the guarantee?

2. Has the Government, through the Industries Assistance Corporation, advanced any loan funds to this company and, if so, what was the size of the loan, have any repayments been made and, if so, how much has been repaid?

3. Does the South Australian Housing Trust lease a factory to the company and, if so, what is the current market value of the factory premises?

4. Were any conditions imposed or requested of the company at the time of giving any financial assistance and, if so, what were those conditions?

The Hon. D. A. DUNSTAN: The replies are as follows:

1, 2, 3, 4. It is not possible to provide a guarantee under the legislation to what is merely a brand name.

## PORT LINCOLN WHARF

In reply to Mr. BLACKER (April 6).

The Hon. J. D. CORCORAN: Discussions are still proceeding with the Waterside Workers Federation.

## WAGES AND PRICES FREEZE

Dr. TONKIN: Will the Minister of Labour and Industry say what action he is taking to persuade trade union leaders to take another look at the Trades and Labor Council decision on the wage-price freeze? The basis of this freeze, as we all know, has been agreed to by all heads of Government and is a voluntary commitment by everyone in the community. There is a general sense of responsibility about the whole matter and an overall desire that the scheme should be given a fair go. If the Premier wants me to address the question to him I shall be happy to do that. The shop assistants' union has shown a most responsible attitude in this regard. Is the Minister (and, for that matter, the Premier) acting to persuade the other union officials to seek the opinions of their members for endorsement of the Government's stand?

The Hon. D. A. DUNSTAN: The Government is pursuing the achievement of a voluntary agreement by all parties in these areas. Unlike the sellers of goods and services, the sellers of labour in this country have already been subjected to marked restraint. They are subject to indexation which ties their wage increases to the cost of living. It has been shown before the Arbitration Commission that only 5 per cent of wages have moved outside the commission itself. Through the application of its indexation guidelines by the Arbitration Commission, there has been a reduction in real wages in Australia. The position regarding the components of inflation in Australia can be stated briefly from the Commonwealth Government's own submission to the Arbitration Commission. The Commonwealth Government has forecast for this calendar year an inflation rate in excess of 14 per cent. An analysis of these figures will show that if there were a complete wage freeze for the whole of the calendar year the inflation rate would still have run at more than 11 per cent.

Mr. Millhouse: How was that worked out?

The Hon. D. A. DUNSTAN: It was worked out by the Commonwealth Government's statisticians, whose figures have been given to the Commonwealth Government. I will get the details for the honourable member if he wants them.

*Mr. Millhouse interjecting:*

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I take it that the honourable member is not disputing that what I say is the case. In these circumstances the major thing facing us with inflation is in price rises for things other than wages. As there has already been a reduction in real wages to the wage earning sector of the populace, they have to be assured that this move will in fact be effective and that it will not be used further to reduce their real wages. Naturally enough, they have numbers of queries about that, just as some areas of business have numbers of queries. We are constantly getting these queries at the moment. I point out that some significant wholesalers to the food chains have notified wholesale increases in their prices, despite the fact that we have had undertakings from numbers of employer organisations and retail trade organisations that they will abide by the provisions of a price pause.

Mr. Venning: Which items?

The SPEAKER: Order! I direct the Premier not to answer that question. It is out of order.

The Hon. D. A. DUNSTAN: We have taken up the queries on this matter with the Prime Minister, and I obtained from him a telex yesterday referring to numbers of statements that have been made by other Ministers in his Government or by people in industry to the effect that there had to be exceptions to the rule and stating that, in his view, we were right in saying that if this was to work there could be no exceptions of any kind. He reiterated that view: in fact, his telex said that he underlined that this applied to all prices. We will pursue the matter in an endeavour to get a sensible income and prices policy in the face of the desperate situation that is presently facing the Australian economy, acknowledged by all who attended the Premiers' Conference.

Mr. Millhouse: The whole thing it going to fade out.

The SPEAKER: Order! The honourable member for Mitcham is out of order.

The Hon. D. A. DUNSTAN: I do not know that that is so. I believe that it is a measure that should be pursued, and the Government is pursuing it. I believe that all members of this House with the interests of the economy at heart will support a continuation of efforts in this regard to get a voluntary agreement on all sides.

## MAMBRAY CREEK ROAD

Mr. KENEALLY: Will the Minister for the Environment confer with the Minister of Transport regarding the possibility of sealing the road from Highway No. 1 into

the Mambray Creek national park? At the moment a Highways Department gang is working in that area, and it has been suggested to me by many people that this would be the appropriate time for that section of road to be sealed if, in fact, it is going to be sealed.

The Hon. D. W. SIMMONS: I was at Mambray Creek on Easter Sunday. I called in during the morning to see how much use was being made of the caravan park, and saw that it was well occupied. Travelling from Highway No. 1 to the caravan park, I noticed that the road was in poor condition, and I thought that I would take the matter up with my colleague the Minister of Transport to see whether, not in the coming year but certainly the year after, advantage could be taken of the big Highways Department camp in the area and a tourist road grant given, because there is much traffic along that road, which is certainly stony at present. I shall be pleased to take up the matter with my colleague to see whether we can reach agreement.

## ANCILLARY STAFF

Mr. GOLDSWORTHY: What is the policy of the Minister of Education and the Government in relation to the provision of ancillary staff at primary schools in South Australia in view of the increased funds in real terms for education made available by the Federal Government? Members have received letters from metropolitan and country areas of the State strongly condemning the department's proposal to reduce the hours for ancillary staff at schools. Further complaints have been made from smaller schools that the department's stated policy of providing release time for primary school teachers as a top priority is not being implemented. In view of the increased funds flowing from the Federal Government, why is the State Government seeking to reduce ancillary staff services at schools and not implementing its other stated proposals?

The Hon. D. J. HOPGOOD: It seems incredible that the honourable member should have misunderstood what is happening in relation to ancillary staff. He must have been reasonably well briefed on this matter, and therefore he must know that the total number of hours ancillary staff are available to all schools will remain the same. What could happen in future in relation to the State Budget is another matter, but it is not intended, as the honourable member has suggested, to reduce the total number of hours of ancillary staff in schools. What has happened is that, as a result of a change in enrolments, some schools are entitled to more ancillary staff than they now have, whereas other schools, also as a result of a change in enrolments, are entitled to less ancillary staff than they now have. Within the constraints of the present State Budget and given that it is almost the end of the financial year, the only fair way to treat those schools that are entitled to more hours of ancillary staff is to effect transfers wherever possible from those schools that are above their entitlement under the formula.

That is exactly what is happening in the present exercise; in fact, it has already happened. At the beginning of this financial year some transfers were effected. Of course, it was impossible at that stage to know what enrolments would be at the schools concerned, so we could only consider those schools where it was obvious that they would deviate considerably above or below whatever their entitlement might be. That was done with a minimum of fuss and, having accurate enrolment figures before us, we are now considering the wider issue of all schools that are involved. The Government's aim is eventually to get to the recommendations laid down in the Schools Commission report as to the relativity between ancillary staff on the one hand and professional staff on the other hand. Were we able to print money and use it, that is perhaps what we could do tomorrow. I am sure the honourable member would, in a different context, urge on this Government a realistic approach to the financing of its services. In introducing his question, the honourable member spoke about increased money from the Commonwealth. I have investigated this matter thoroughly. For example, I have had an exchange of correspondence from the honourable member's Commonwealth colleague, Senator Messner, on this matter. Senator Messner has taken it on himself (and I presume that this is a perfectly proper activity for a Liberal senator) to defend the policies and track record of his Government in Canberra on this matter. What people must not be mesmerised about is simply the taxation reimbursement formula. Although it is true that if one considers that matter in isolation from all other Commonwealth sources of finance to the States, clearly the States are better off than they would have been under the old formula. However, if we consider that matter along with the money the States can raise through Loan Council (and what we can raise is only what the Commonwealth allows us to raise), special purpose grants and special purpose recurrent grants, and put all that together, we find that the State is, in money terms, 8 per cent better off than it was last year in moneys that come directly to us from the Commonwealth or on Commonwealth say so. As every schoolboy knows, inflation is running at about 14 per cent or 15 per cent, so, in real terms, we are down the drain regarding total financing from the Commonwealth.

Regarding education, it is true that, with the Schools Commission's money (and always assuming that, eventually, it will be possible to solve the problem of cost increases, and there has been no final solution of that matter), there is a 2 per cent expansion in real terms. That expansion must be put alongside, for example, increases in enrolments and other kinds of priorities that we have. The Education Department made a conscious effort to increase professional teaching staff in this calendar year, and it did extremely well, but we cannot do that without having to look at some of the other programmes and moderate the growth in those programmes. I think that I have gone on long enough. Although the honourable member also referred to time off for marking and preparation, that was not actually part of his question. If he wants a further response from me, he might make that a separate question or invite one of his colleagues to ask such a question.

Mr. BOUNDY: Can the Minister of Education say when the report of the working party on funding for groundsmen and similar ancillary staff for schools will be available? Like the Deputy Leader, I have been approached by representatives of schools regarding their loss of entitlement to ancillary staff because of reduced enrolments. At Warooka Primary School the loss of a few scholars has reduced its enrolment below the magic number of 100, which gives them the number of hours to which they have been accustomed, but the school is concerned that the same amount of work must be done by fewer ancillary staff. It is contended that perhaps the department is relying on the loyalty of these people to continue to do

the work that has to be done without salary, and so save the education dollar and enable it to be spread farther. The Minister will recall that more than a year ago I led a deputation to him from the Yorketown Area School regarding the matter of groundsmen for area schools and the fact that they should be entitled to full-time groundsmen. Since then the Maitland Area School has communicated with me about a similar problem. At the time of the deputation the Minister said that the matter was being considered, but since then a reply to my Question on Notice stated that a working party was being formed and the matter was still being considered. I ask the Minister when the report will be available, because these two schools especially, and indeed the whole area school system of the State, are becoming most impatient for a reply.

The Hon. D. J. HOPGOOD: I will confer with my departmental officers in order to ascertain when this whole examination will be completed. However, I remind the House that that will not necessarily issue in increased staffing for schools in these areas, because it is a Budget exercise and one that can be considered by the Government only as part of its general Budget exercise. There seem to be two different matters: I am concerned that we should consider the general problems of area schools in relation to ancillary staff, and that is being done. However, there is a wider problem, that is, the position of ancillary staff in schools and how soon we can get to the Schools Commission's recommendation of the desirable ratio of ancillary to professional staff in schools. We have to consider the two matters: one in a sense is a subset of the other. I find it interesting that, whenever questions emanate from this side that would have the effect of greater expenditure, in some cases anyhow, by the Commonwealth, Opposition members like the member for Eyre interject and say how this will mean more income tax. On the other hand, it is quite proper for members on his side of the House to call for greater expenditure on the part of the State.

Mr. Gunn: All you are doing—

The SPEAKER: Order!

Mr. Gunn: But—

The SPEAKER: Order! The honourable member for Eyre is out of order. I remind him that, when I call for order, he must cease speaking immediately.

The Hon. D. J. HOPGOOD: I invite the honourable member and all other members opposite to get their priorities straight. There is no doubt that we will continue to expand expenditure on education from State sources so that these desirable goals can be maintained. I hope that will be applauded by honourable gentlemen opposite when it comes along, and will not be regarded as fiscal irresponsibility, or something like that. We will see about it when the State Budget comes along. The resolution of the problem which the honourable member, as the local member, rightly brings before me will be achieved only as a result of some additional commitment of finance to education in this State.

## CHILDREN'S TOYS

Mr. OLSON: Following complaints from the Australian Consumers Association, has the attention of the Minister of Prices and Consumer Affairs been drawn to the unsuitability of certain children's toys on sale in departmental stores? I refer, first, to kookie monster toys, which have been banned from sale in New South Wales for 28 days pending an investigation that the toys are highly flammable. This matter is not to be confused with the position of Opposition members, who have recently been shot down in flames as a result of propositions before the House.

Mr. EVANS: I rise on a point of order, Mr. Speaker.

The SPEAKER: What is the point of order?

Mr. EVANS: I believe that the honourable member should explain his question, and not debate it. He has made a direct attack on the Opposition.

The SPEAKER: I must impress on the honourable member that, instead of debating the question, he must merely explain it.

Mr. OLSON: Thank you, Mr. Speaker. Secondly, an 8-shot toy cap gun, known as the "sting", has been placed under a similar embargo in Victoria, as it is claimed that a child could suffer serious ear injuries if the gun was fired close to his head.

The Hon. PETER DUNCAN: I was aware of the existence of the kookie monster and the other toy. The New South Wales Minister raised this matter with me a couple of weeks ago at a Ministers' conference and advised me then that he was proposing to impose a 28-day ban until the position in New South Wales could be ascertained. I have sought a report from officers on whether or not these toys are available in South Australia, and, when that report is to hand, and when I have examined the matter, I will bring down a report for the honourable member.

## PRAWN FISHING

Mr. VANDEPEER: Can the Minister of Works, representing the Minister of Fisheries, say whether he considers the allocation of the two prawn authorities, for which a ballot was held recently, to be final, or could they be withdrawn temporarily pending an appeal, which I understand is being lodged by the South Australian fishing industry against the Minister's decision? Considerable consternation within the industry has been expressed over the allocation of these two authorities. I think we all know that the fishing industry desperately needs some means of relieving pressure on over-fished areas. The prawn industry is buoyant, and it is thought that the lobster industry can be assisted by giving the prawn authority to a fisherman who has a lobster authority, and then cancelling the lobster authority. That is not being done in the recent allocation, and one of the recipients of the new authority is said to be not involved in the lobster industry. The Copes report proposes a buy-back scheme, which is said to be a negative policy, but the suggested policy of replacement of lobster authorities with prawn authorities would be a positive approach to assist the lobster industry. Therefore, will the Minister of Works ask the Minister of Fisheries to withhold the authorities until appeals can be heard?

The Hon. J. D. CORCORAN: The Minister of Fisheries told me this morning that several people had approached him about this matter, including Senator Don Cameron, complaining that certain things were not in accord with facts concerning the eligibility of people for this lottery, I suppose one could call it. I understand that about 100 people had applied and were considered eligible for one of these two authorities and, as a result, there had to be a draw and two people were selected. One was from the crayfishing industry in the South-East: I am not certain

who that person is, but I probably would know him if I knew his name. The other was from the metropolitan area, I think. I do not know whether one of the criteria was that they must be lobster fishermen before they could apply. I assume that the honourable member is saying that one criterion for eligibility is that the person must have an authority to fish for lobster.

Mr. Vandepeer: They must be involved in the fishing industry.

The Hon. J. D. CORCORAN: That is not how I understood the honourable member. The person from the metropolitan area could be involved in the fishing industry and, indeed, in the crayfishing industry; he may fish off Kangaroo Island for all I know. Several allegations have been made about the eligibility of persons from the metropolitan area (I do not think the honourable member has made them), and they are being checked at present. If any irregularities are found, I do not doubt that the Minister will reconsider the matter, but I will pass to him the honourable member's comments. I am sure that the honourable member would understand the difficulty involved in this matter and that, when about 100 people seek to gain an authority, which is a very attractive one financially, and only two authorities are issued, there will be about 98 discontented people.

## WAR SERVICE SETTLEMENT

Mr. CHAPMAN: Will the Premier agree to relax State charges on the transfer of a war service land settlement lease where the transfer is effected between certain soldier settlers and their children, thereby keeping in step with the significant concessions announced recently by the Federal Government? I am sure that the Premier will appreciate that the War Service Land Settlement Act of 1945 was an agreement Act between the States and the Commonwealth. Accordingly, the people whom I directly represent have assumed that, in this instance, the State will take up its responsibility and accept its share of the incorporated load in the announcement to which I have drawn the attention of the Premier. I desire confirmation on this point. In a letter dated February 22, 1977, the Minister for Primary Industry, Mr. Ian Sinclair, states:

During my discussion on December 22, 1976, with Mr. T. M. Casey, South Australian Minister of Lands about war service land settlement problems on Kangaroo Island, I undertook to review the overall arrangements under which settlers' sons who were actually engaged in working properties could obtain financial assistance to take over the farm.

He went on at some length to explain that, whilst the policy to date had not included the opportunity for sons to take over their fathers' debts (and accordingly their fathers' farms) at the 3¾ per cent interest rate available to the parents, from the time the letter was written that policy had been accepted; indeed, the concession does now apply in relation to the Federal Government. The Minister for Primary Industry states, in particular:

However, under existing arrangements, a settler who wishes to retire from farming on account of advancing age or ill-health may transfer his lease and war service land settlement debt to a son or daughter who has taken an active part in operating the holding and has demonstrated that he or she has reasonable prospects of operating the farm successfully. If a settler dies, his lease may be transferred to his children in the same way. As far as the war service land settlement scheme is concerned, these transfers are effected at no cost to the children.

At that point, I hesitate to refer to the rest of the letter, because the significant point made by the Minister is "at no cost to the children". Within the State itself, where the leases were transferred in effect by gift to sons or daughters, they would attract gift duty, both State and Federal. In ordinary circumstances, they would certainly attract stamp duties. On a $70 000 consideration, for example, they would attract $1 880, with application fees, registration fees at the Lands Title office, and so on. Are all these fees to be relaxed in accordance with the announcement made by the Federal Government?

The Hon. D. A. DUNSTAN: I shall discuss this matter with the Minister of Lands and get a reply for the honourable member.

## NATIONAL ANTHEM

Mr. WHITTEN: Will the Premier approach television and radio stations to ensure that the *Song of Australia* is given proper exposure before the referendum to be held on May 21? My question is prompted by an advertisement appearing in the *Advertiser* last week informing people that the rolls will close on May 21 for the referendum and the ballot for a national song. People in the Northern Territory and the Australian Capital Territory are unable to vote in the referendum, but they are able to vote for the national song, which is the fifth question on the paper. Whilst the paper contains five questions, only four have been given any publicity. Reference to the national song has been severely restricted. Members will be aware that the *Song of Australia* is a South Australian song which in 1859 won a competition for a national anthem. About 12 months ago the Deputy Premier urged Fraser to make the *Song of Australia* the national anthem. Certainly, the Fraser Government has taken no action to promote the *Song of Australia* as a national anthem. Will the Premier be willing to assist in having the *Song of Australia* promoted on television and radio?

The Hon. D. A. DUNSTAN: I did not go through the Bill on the referendum questions. I have not been able to check this, but my impression was that the *Song of Australia* was not one of the songs about which a question will be asked.

Dr. Eastick: Yes it is, but it was missed out in one *Advertiser* report.

The Hon. D. A. DUNSTAN: I must have misread it.

The Hon. J. D. Corcoran: It was not in the report I saw.

The Hon. D. A. DUNSTAN: In that case it has not been reported adequately. I have certainly advanced to the Prime Minister that it is the only song that really meets all the requirements of a national anthem. It does not have the strange words of *Advance Australia Fair* and it is good musically. I will certainly take up the honourable member's request.

The Hon. Hugh Hudson: How can we accept the statement that it is good musically unless you sing it?

The Hon. D. A. DUNSTAN: I am not certain that I would be able to impress members sufficiently.

## ELECTRICITY SUPPLIES

Mr. COUMBE: Can the Minister of Labour and Industry state the present position in relation to the industrial dispute at the Torrens Island construction work, a dispute that last week caused widespread power shortages? I understand that an arrangement was made that led to the removal of picket lines and the resumption of some work. Can the Minister say whether supplies of materials are now

flowing freely to the site and what guarantee, if any, can he give that this dispute will not flare up again, causing further widespread hardship to the people of the State?

The Hon. J. D. WRIGHT: I think the honourable member has asked me three questions. He asked first whether the material was flowing to the job. I understand that it is. As I heard nothing to the contrary, I do not think there should be any concern about that matter. If material were not flowing freely to the job, I am sure I would have been contacted about it. I do not think there is any concern about the job's being in full operation. The honourable member asked about the outcome of the matter. Commissioner Vosti visited Adelaide on Friday and heard both parties. I have not read the judgment, although I have sent for it, as I had to go to Canberra yesterday on urgent business. I have been told by both parties that he ruled on a historical and traditional basis in respect of the metal trade industry union and, consequently, those members will now be doing that work.

The honourable member's third question (and he was being naughty because I think he is supposed to ask only one question at a time) was about what guarantee I could give that this sort of thing would not occur again. I am not Mandrake nor am I psychic. I cannot give a guarantee in the long term that this type of situation will not recur, but I sincerely hope (as I have previously said in the House) that the trade unionists in this State, and in other States, can get together quickly and define some sensible formula for solving demarcation disputes. I know that if the parties to a dispute will agree to have it demarked the Federal court has the authority to do so. On this occasion I am told by Mr. Ron Owens, the Secretary of the building workers union, that he has accepted that decision. I also understand that before the decision he had guaranteed that, regardless of which way the decision went, he would not again line up the pickets at the power station. I believe that was a major step forward in the settlement of the dispute. I hope that has given the honourable member answers to all his questions.

## COUNTRY SPORTS GRANTS

Mr. VENNING: Will the Premier take necessary action within his policy-making machinery to enable small country towns to receive a greater allocation of funds from the Tourism, Recreation and Sport Department? It is easier to pass through the eye of a needle than it is to get funding for small rural communities. When the Premier was in my district early in March he would have seen the need for funds in many parts of it. The Premier would know that the Government has made large sums of money available in the iron triangle area, for instance, where hundreds of thousands of dollars has been spent. I ask the Premier to consider this matter so that it will be possible for the small country community and the small bowling club with perhaps 20 members to carry on. I think of Wirrabara, Melrose, and other picturesque little spots that are in need of assistance in this regard. I ask the Premier to do what he can to see that the policy of the department is such that these small communities can get some funding for their sporting and recreation activities.

The Hon. D. A. DUNSTAN: Regarding the grants from the Tourism, Recreation and Sport Department, there has been a number of quite significant grants for tourist developments in the honourable member's district, as he will know.

Dr. Eastick: Even one given in the dark.

The Hon. D. A. DUNSTAN: That was a bit of a windfall. It was for the Wilmington recreation area.

Mr. Goldsworthy: They turned out the lights and left it—

The Hon. D. A. DUNSTAN: There was an occasion when I had to make a speech and, as the lights had gone out in the Wilmington hall and I could not see my speech, I promised something more than my notes had said. I can assure honourable members who represent country districts that I am these days equipped with a torch. The honourable member will be aware that there has been a number of significant grants for tourist improvement in his area and that a number of recreation proposals was raised with me while I was in his district. We are looking at to see whether we are able to assist in such places as Jamestown, where a significant recreation complex could be provided. I am not aware that to date the Tourism, Recreation and Sport Department has recommended grants of any significant amount to bowling clubs, not even in large centres. I think it unlikely that the tourism, recreation and sport grants for specific recreation purposes would go other than in the sports coaching area to facilities which are advantaging a small group, but rather would go to places that are providing a large and varied facility. I will certainly have a look at any further specific recommendations that the honourable member can make in respect to his district. I have taken up with the departments specific proposals in relation to Gladstone, Jamestown, and Crystal Brook.

## UNION MEMBERSHIP

Mr. DEAN BROWN: Will the Minister of Labour and Industry, as the Minister responsible for upholding industrial law in South Australia, immediately act to protect the freedom of choice to join or not to join a union for the subcontractors on the Smithfield Housing Trust building site, especially as these subcontractors are self-employed people who do not work under any award or receive any benefit from the unions concerned? Since last Thursday morning the Smithfield Housing Trust building site has been picketed by the building unions as part of a campaign for compulsory union membership. However, of the 200 to 300 subcontractors on the site, more than 95 per cent (and in the opinion of one principal contractor 99 per cent) are self-employed people who hold a restricted builder's licence. These people receive no benefit from the union and they do not work under any award; they rely on the profits of their labour and their competitive tendering. A restricted builder's licence specifically allows these people to employ labour, and that highlights that they are employers rather than employees under existing South Australian law. If the present system of self-employed subcontractors for the Housing Trust should break down a significant increase in the cost of building Housing Trust houses will result. If the Minister is unwilling to protect the democratic rights of these people we will have experienced yet another significant breach of human rights by the Dunstan Government.

The Hon. J. D. WRIGHT: I am not quite sure what the honourable member asked me to do, because he made such a long explanation; however, I will consider the context of his question.

Mr. Dean Brown: Are you going to protect—

The SPEAKER: Order! The honourable member for Davenport is out of order. I have warned the honourable member previously about continuing to speak when I am calling for order.

The Hon. J. D. WRIGHT: Had I taken notice of members opposite last week when the powerhouse dispute occurred we would have been in a mess today. The Opposition was suggesting calling in the Army, the Navy, the police, and paratroopers, and taking all sorts of action (and that was the sort of suggestion that was made last week in the motion that was debated) that would never have solved it. I said last week that I would not take that type of action to solve a dispute. The Leader can smile as much as he likes, but that was the context of the Opposition's motion last week. I suggest that, if he refers to *Hansard,* he will ascertain that the Opposition wanted the Government last week to take any type of action, and that meant force. Members opposite had egg on their face, because overnight the Government was able to solve that dispute. By 9 o'clock that evening I was able to report to the Premier that that dispute had been solved in the usual sensible way that this Government administers its industrial relations activities. This dispute will be handled in the same way. I am constantly considering the dispute. In the past two minutes I have consulted with the Minister in charge of the Housing Trust, and we are examining the dispute. We will give it our best attention and hope to have it solved just as quickly as we did last week with the ETSA dispute.

## EDUCATION SPENDING

Dr. EASTICK: Does the Minister of Education accept that the present campaign being waged by several primary and secondary schools demanding increases in expenditure for capital works for staffing and facilities is a direct reflection on his Government's educational commitment over the past seven years? Earlier, in a reply to a question that partly resembled this question, the Minister implied that it was the Federal Government that was responsible for the down-turn in educational spending, whereas the South Australian Labor Government has been in office for seven years and the type of activity that is now being waged is a reflection on the programme of the past seven years, a programme that has not kept pace with school requirements.

The Hon. D. J. HOPGOOD: Where does one really start in reply to a question like that?

Dr. Eastick: Come clean for a change.

The SPEAKER: Order!

Mr. Becker: Tell the truth!

The SPEAKER: Order!

*Members interjecting:*

The SPEAKER: Order! There are far too many inane and inept interjections. It is a reflection on the character of the House that such interjections should be tolerated. They do not in any way add to the debate. The honourable Minister of Education.

The Hon. D. J. HOPGOOD: Enormous advances in the commitment to education in this State have been made over the past seven years. I will not detail those advances for the House, but one we could discuss is the increase in staff/student ratios: I could bring down specific figures for honourable members if they wished to see them. I have previously explained to the House the extent to which we have increased staffing ratios in schools only in this year, but what we have (and this is what has led to education action weeks, and so on) is a group of people who are concerned about the possibility of the Commonwealth Government's trying to get out from under as regards education spending. One need only turn to the report in today's *Sydney Morning Herald,* under the heading, "Fraser's axe hovers over education, welfare and defence", which states:

> The explosion in welfare and education spending needs little documentation but a comparison with spending 10 years ago gives some idea of the size of the problem.

The writer goes on to detail the enormous increase in commitment of the Commonwealth Government to education over that period. As we all know, the greatest increase has occurred during the period of the Whitlam Government, with Mr. Kim Beazley as Commonwealth Minister for Education.

Dr. Tonkin: How can we forget it?

Tht Hon. D. J. HOPGOOD: I take it that the Leader approves of all of the initiatives in financing for education from Commonwealth sources that occurred under Mr. Beazley. The Opposition cannot have its cake and eat it too; it cannot have it both ways. The State has considerably expanded its expenditure on education and on staffing in schools over the period, and it has also considerably caught up with the capital problems which our schools had in that period. I remind honourable members that the total size of the capital cake available to the States is entirely determined by the Commonwealth, with one slight modification, namely, there is some freedom in being able to shunt Schools Commission moneys as between capital and recurrent expenditure. I remind honourable members that the commission's moneys themselves account for only a fraction of the moneys the States provide from their own resources, either for recurrent or capital purposes.

Regarding capital, although we borrow the money and have to find the interest payments on that money, nonetheless the total amount we are able to borrow is determined by Loan Council, and that, in practice, means the Commonwealth Government. I think that that is something which the education community itself is slow to appreciate. Teachers, parents, and the Education Action Committee itself tend always to look at the Federal Budget and at the commission's recommendations and whether or not they will be accepted. In fact, however, how South Australia is treated at Premiers' Conferences and how we emerge from Loan Council have a far greater bearing on all our education programmes than does the outcome of the Schools Commission's recommendations, however important they might be.

I am glad that the honourable member has given me the opportunity to say this, because I think it important that the people who would lobby for greater expenditure on education remember what might be the outcome of Loan Council decisions, because it is largely as a result of them that this State has not been able to expand its expenditure in the areas of welfare, education, and so on to the extent it might like to have done so.

Dr. Eastick: Including between 1972 and 1975?

The Hon. D. J. HOPGOOD: No.

The SPEAKER: Order! The honourable member has had his opportunity. He cannot ask a subsequent question by interjection. I direct that the honourable Minister not answer the question.

The Hon. D. J. HOPGOOD: I simply invite honourable members to consider this State's treatment at the hands of the Loan Council last year, and compare that with the inflation rate. I think that they would then have to own up

that we have been able to do rather well at being able to get the kind of building programme going that we have at present.

## SPORT FUNDING

Mr. LANGLEY: Will the Minister for the Environment obtain from the Minister of Tourism, Recreation and Sport a report on whether the present Fraser coalition conservative Government will liberalise money to be spent on sport in this country in order to help especially amateur sport for oversea competitions? It has often been said that sporting people are our best ambassadors. Last evening I attended the Lindy award presentations at which the Minister of Tourism, Recreation and Sport and the Leader of the Opposition were present. All the finalists made speeches during the evening, and my question stems from what was said by one of the finalists at the recent Olympic Games that Commonwealth help was very necessary in order to boost sport, and that money should not be pruned as it had been by the present Government. This State's Labor Government has an excellent record in the eyes of all connected with sport in this State.

The Hon. D. W. SIMMONS: I shall be pleased to obtain a report from my colleague for the honourable member. However, if the reply is the same as it is concerning conservation, he will not get much joy from it.

## COUNCIL ELECTIONS

Mr. RUSSACK: Will the Minister of Local Government inform the House whether the Government intends to assist local government to inform those affected by the new Act, when proclaimed, regarding the appointment of an agent to represent partnerships, bodies corporate, and bodies incorporate, so that they can exercise a vote at the forthcoming local government elections in July? The Act has yet to be proclaimed, and the time for closing the rolls and calling for nominations for the next local government election in July is becoming short. Only about a month or so remains. Therefore, many people will be ignorant of the fact that it will be necessary for them to nominate an agent seven days before the closing of the roll. I believe, as do many others involved in local government, that those who will be affected should be informed. Does the Government intend to assist local government in informing those concerned?

The Hon. G. T. VIRGO: The officers of the Local Government Office, together with the Electoral Commissioner for South Australia, are about to engage in a whirlwind series of meetings throughout the length and breadth of South Australia so that responsible officers in local government will have an opportunity, at first hand, to be informed of what is required to conform to the new legislation. I am not able to indicate whether the arrangements have been finalised, but just before lunch the tentative arrangement that had been formulated was that the first meeting would be held tonight, with another meeting tomorrow morning and another one tomorrow afternoon, and so on, until Friday, by which time meetings would have been held in such locations that almost all of the State would have had the opportunity to be informed of the requirements of the new regulations. Local government has been informed for (I would say off the top of my head) about two months that the new provisions for voting will be effective for the forthcoming election. A circular went out to all local government bodies. Wherever I have been, I have talked to them, and I do not think anyone has been caught unawares. The form for notification will be prescribed on Thursday, but the proclamation carefully uses the word "may" rather than "shall", so that the notification need not necessarily be on the prescribed form, although it may be on that form. That information has gone out. I expect some people will miss out. This always happens; if they were given 20 years notice they would still miss out, but I think that would apply to only a minimum number.

## PORT LINCOLN WHARF

Mr. BLACKER: Following the question I asked of the Minister of Mines and Energy about a fortnight ago, will the Minister of Works say what further developments have taken place as to the effectiveness of the Port Lincoln wharf when it becomes operational? The matter has been before the House previously. It relates to discussions going on between Government officers and the Waterside Workers Federation. Will the Minister of Works say what are the latest developments, since a trial shipment will be in the port within the next few days?

The Hon. J. D. CORCORAN: I understand that a ship will be in Port Lincoln on April 24, and I know that the Waterside Workers Federation branch at Port Lincoln will work that ship. It is a trial loading only, to see whether or not the new facility will work to the capacity to which it has been designed and whether it will work efficiently. The future is not so clear. The honourable member is quite right in saying that negotiations have been going on between the Waterside Workers Federation and the Government. I have participated in three conferences in connection with the matter. I believe that the stand taken by the local branch of the Waterside Workers Federation in this case is a little premature because, as the honourable member would be aware, an inquiry is taking place into the whole of the stevedoring industry throughout the length and breadth of Australia. I am anxiously awaiting the report of that committee, as I imagine would be the Waterside Workers Federation. I had been hoping that we would be able to operate the facility in a normal way until that report came down. There is no doubt that the operation of this facility will mean a reduction in the number of people engaged in that area at Port Lincoln, but it is also true that, if the Government had not installed that facility, it may well have been that shipping would not have called at Port Lincoln. As the honourable member is aware, Port Lincoln has one of the best natural harbors in South Australia, serving a most important cereal-growing area. I am extremely anxious that we should bring to a successful conclusion the discussions going on. They are in no way complete. Apart from the trial shipment, however, the future is not clear as to the use of the new facility.

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

The SPEAKER: Call on the business of the day.

## PERSONAL EXPLANATION: MONARTO

Mr. MILLHOUSE (Mitcham): I seek leave to make a short personal explanation.

Leave granted.

Mr. MILLHOUSE: Yesterday I let it be known that I proposed to give notice today of a motion of no confidence in the Government over the Monarto project, and that I had written to the Leader of the Opposition for his support, asking that on this occasion he and his members put aside their personal enmity towards me. Contrary to the expectation of members, I did not seek to give that notice when you, Sir, called for notices of motion when the House sat today, and I desire to explain briefly why I did not do so.

Early this afternoon I received a letter from the Leader of the Opposition refusing my request and telling me that he proposed to give notice on a topic rather wider than that of Monarto. I have told the Leader that, in my view, his tactics are the wrong ones and that it is better to concentrate on one topic and to have a sharp attack rather than have a blunt one.

The SPEAKER: Order! I think the honourable member has made his point of personal explanation. He is now getting into the area of debate.

Mr. MILLHOUSE: I have got only a couple more sentences.

The SPEAKER: Provided the honourable member keeps outside the area of debate: it must be merely a personal explanation.

Mr. MILLHOUSE: Of course, Sir. However, the Leader has not accepted that advice because I suppose that if he had it would have made it even more obvious than it is now that the Liberals had merely followed my lead.

The SPEAKER: Order! That is certainly not a personal explanation.

Mr. MILLHOUSE: I accept your ruling, Sir.

## APPROPRIATION BILL (No. 1) 1977

Returned from the Legislative Council without amendment.

## MENTAL HEALTH BILL

Returned from the Legislative Council with amendments.

## CONSTITUTION ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1976. Read a first time.

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

*That this Bill be now read a second time.*

It is intended to rectify an anomolous situation that could arise in an election for members of the Legislative Council that next follows a dissolution of the Council pursuant to section 41 of the Constitution Act, the double dissolution provision. Section 41 (2) provides, amongst other things, that after such a dissolution the order of retirement as between members of the Council shall be "as provided in section 15". The determination of this order of retirement is necessary to ensure that only one-half of the members retire at the first House of Assembly election that occurs more than three years after the post-dissolution election. However, at present section 15 of the Constitution Act provides that where the service of members of the Legislative Council is equal (as it inevitably would be in the circumstances outlined) the order of retirement is determined "by lot". It is suggested that it is self-evident that it is, to put it no higher, quite inappropriate that the composition of the Legislative Council for the second triennium next following a dissolution of that House should be entirely dependent on chance. In fact the provision of a continuance of the longer term by lot could completely distort the wishes of the voters at a double dissolution election.

Accordingly, this measure proposes that the order of retirement of members of the Legislative Council for such an election (that is, an election that next follows a dissolution election) shall be determined by the application of a simple formula derived from the election results of the post-dissolution election. As soon as practicable after a post-dissolution election the Electoral Commissioner will be required to produce a list showing the members who would have been elected at that election had that election been for only 11 members. The members comprised in that list will then serve a term of about six years and the remaining members will serve three years in terms of section 41 (2) (*b*) of the Constitution Act.

The element of chance will accordingly be eliminated and, as is proper in the circumstances, the determining body will be the electors of the State. In effect, the short term, and to some extent the longer term, composition of the Council will be determined by the views of the electors demonstrated at the time of the post-dissolution election. As the remainder of the explanation relates to the formal measures of the Bill, I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 amends section 15 of the principal Act (*a*) by consequentially amending the last passage of its present contents with a view to inserting two new subsections; and (*b*) by inserting two new subsections, the most significant of which is proposed subsection (2). This provision provides for the Electoral Commissioner to produce the list referred to above and thereupon the provisions of section 14 of the principal Act, the provision that enjoins half of the members of the Legislative Council who have completed the "minimum term of service" to retire at each election for the House of Assembly, shall apply as if the minimum term of service of the members not comprised in the list was three years calculated from March 1 of the year of their election.

Subsection (3) merely provides that a member chosen to fill a casual vacancy shall be treated the same way as the member whose vacated seat gave rise to the casual vacancy.

Dr. TONKIN secured the adjournment of the debate.

## RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Renmark Irrigation Trust Act, 1936-1973. Read a first time.

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

*That this Bill be now read a second time.*

It is introduced as a result of discussions between officers of the Government and the Renmark Irrigation Trust,

established under the principal Act, the Renmark Irrigation Trust Act, 1936, as amended. Members may recall that since 1939 by various amendments to the principal Act grants totalling $3 309 423 and loans totalling $3 578 577 have been made to the trust to enable it to complete a programme of rehabilitation of its irrigation and drainage works and, in addition, to make some provision for domestic water reticulation. The present Bill proposes to make a further $1 800 000 available for those purposes and, in addition, postpones the repayment of earlier loans granted the trust.

Clause 1 is formal. Clause 2 amends section 123ba of the principal Act. This section provided for a loan in an amount of $1 450 000 for the purposes of the rehabilitation of the irrigation and drainage works of the trust. It carried interest at 5 per cent and repayments were due to commence on July 1, 1979. The amendments proposed by this clause provide for the commencing date for the first repayment to be postponed until July, 1982. Clause 3 provides for a postponement for a similar period in respect of a loan authorised under section 123bb of the principal Act. This loan in an amount of $313 000, was to assist in the provision of a reticulated water supply for the district.

Clause 4 inserts a new section 123bc in the principal Act which is, it is suggested, reasonably self-explanatory, and in essence provides funds for the completion of the works mentioned, the sums being $900 000 by way of grant and $900 000 by way of loan bearing interest at 10 per cent and repayable by equal annual instalments over 40 years commencing on July 1, 1982. Clause 5 is an amendment consequential on clause 4 and requires the trust to account properly for the disposition of the grants and loan provided for by that clause. Since in the terms of the relevant joint standing order this measure is a hybrid Bill it will, at the conclusion of the second reading debate, be referred to a Select Committee of this House.

Mr. WARDLE (Murray): I understand that a previous Bill was responsible for the commencement of much of the work, and it is obvious from this Bill that additional funds are required to complete that work. I therefore support the Bill.

Bill read a second time and referred to a Select Committee consisting of Messrs. Max Brown, Corcoran, Keneally, Nankivell, and Wardle; the committee to have power to send for persons, papers, and records, and to adjourn from place to place; the committee to report on April 26.

## STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the State Transport Authority Act, 1974-1975. Read a first time.

The Hon. G. T. VIRGO: 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 short Bill is designed to increase by one the membership of the State Transport Authority. At present the authority consists of a Chairman, who has been appointed full-time, and six other members appointed on a part-time basis. It is considered that the work of the authority is so important that its membership should be increased by the appointment of one further part-time member. It is not intended to alter the terms or conditions of appointment of the Chairman and members of the authority.

I will now deal with the Bill in detail. Clause 1 is formal. Clause 2 provides for the Act to come into force on a day to be fixed by proclamation. Clause 3 amends section 6 of the principal Act to increase by one the membership of the authority from the date of commencement of the Act, at the same time declaring that the Chairman and members presently in office will so remain for their appointed terms. Clause 4 makes a consequential amendment to section 9 of the principal Act to raise the number of members required to constitute a quorum of the authority from four to five.

Mr. RUSSACK secured the adjournment of the debate.

## LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Libraries (Subsidies) Act, 1955-1976. Read a first time.

The Hon. D. J. HOPGOOD: 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 short Bill, which amends the principal Act, the Libraries and Institutes Act, 1939, as amended, is intended to give full effect to an arrangement between the Government and the Council of the Institutes Association of South Australia Incorporated. The substance of the arrangement was that as from July 1 of this year the staff required by the council would be employed under the Public Service Act. However, the principal Act and section 59 provide for a secretary to the council and further provide that the Public Service Act shall not apply to a person occupying the office of secretary.

I will now deal with the Bill in some detail. Clause 1 is formal. Clause 2 provides for the Act presaged by this Bill to be deemed to have come into operation on July 1, 1975, this being the date from which the arrangement took effect. Clause 3 repeals and substantially re-enacts section 59 of the principal Act. In its new form it provides for all officers and servants of the council to be appointed under the Public Service Act.

Mr. ALLISON secured the adjournment of the debate.

## INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 14. Page 3452.)

Dr. TONKIN (Leader of the Opposition): I support this Bill as far as the second reading stage. Before the Minister becomes too excited about that, I say that I do it with some reluctance, but it is necessary to get through the second reading stage before alterations can be made to make the Bill acceptable, rational, or reasonable. The general public wants late night shopping. Shoppers have made their views plain indeed, but the

Government has continued to talk much nonsense about shopping hours, and now it is acting in a nonsensical way. I said when this Bill first came into the House, when commenting outside this place, that it was a farce. Nothing I have heard or read since its introduction has persuaded me to change my opinion. Obviously, the Government believes it is in a dicey situation, and it wants to get out from under.

The situation has become far too difficult for the Government to manage. It has been under pressure from the union, and it now proposes to unload its responsibility for setting shopping hours on to someone else—anyone. It might have been a committee of inquiry, but as it happens it has chosen to adopt the Question system, so the Industrial Commission has been designated the body to set shopping hours if this Bill is passed. The Government's motives are plain. It is hoping that one of two things happen, either that no change will occur because of the procedures involved before the Industrial Commission, the time it is likely to take, the question of who will make application, or that, if any change does occur, it will be only after a long period, a period well divorced from the passing of this Bill through Parliament. If the union or the retailers complain about what has happened, the Government will then be able to say that it was nothing to do with it and not its fault.

If that happens, the Government hopes that it will be able to wash its hands of the whole business. It is obvious that the Government is concerned only with its own skin and with nothing else. It is being affected by union domination, and this simply goes to show that in this matter (as in many other matters) it is more and more in the hands of the union. Government members are more concerned with union reaction in this matter (I am pleased to see that the Deputy Premier nods his head) than with the effect of its actions on the consumer. If there is anything that is absolutely crystal clear about this Bill it is that the consumer is being totally and absolutely ignored by the Government: acknowledged, yes, but its best interests are ignored.

Liberals do care about the consumer. While we accept that there may be some initial difficulties in making suitable arrangements between traders and employees about shopping hours, we do not believe that these are a sufficient reason for maintaining controls, certainly not the controls we have at present. We believe that the Government (any Government) should consider the desires and wishes of the consumers and that it should open up controls to enable agreement to be reached. Handing the decision-making power to the Industrial Commission may well give the impression to the community that the Government is actually doing something about shopping hours, but in fact it is doing nothing at all.

I am amazed that the Minister and the members of the Government hold the belief that the shopping public is so stupid. That is obviously what the Government thinks. It believes that it can pull the wool over the eyes of the consumer. It believes that, because it has introduced legislation and opened up the matter in the House, it is doing something about shopping hours. I repeat that all the Government is doing is running for cover. In fact, the Government is doing nothing whatever that will lead to a liberalisation of shopping hours along the lines that the people of South Australia want and have demonstrated quite overwhelmingly that they want.

I was amused to find that the Minister found much to commend about the scheme in Queensland. No wonder he has been most impressed with that scheme. The determination of shopping hours has been in the hands of the Industrial Commission in Queensland since 1960. There has been no late night shopping in Queensland since that time. In fact, the Minister and his officers apparently made their investigation a little bit too soon, because I understand that the situation in Queensland is under review again because of the unsatisfactory nature of the arrangements. No wonder the Minister said:

> The position in Queensland, where the Industrial Commission has jurisdiction to determine shopping hours, has commended itself to the Government.

I am sure it has. It has commended itself to the Government as a first-class way of dodging the issue. The Queensland position provided the South Australian Government with exactly what it was looking for: a recipe for seeming to do something while actually doing nothing. The Minister's entire second reading speech is a whitewash exercise. It uses some statements of fact out of context and puts them together with high-sounding phrases and expressions of concern that are completely negated in the next turn of phrase or in the next sentence. The Government is trying to give the appearance of responsibility while covering the ghastly deficiency that nothing of any significance would be done.

It is well worth looking at the Minister's second reading speech. I do not know who prepared it for him, but I strongly suspect that the outline was prepared before he knew what he was going to do—whether he was going to give the Industrial Commission jurisdiction or whether he was going to send the whole matter to a Royal Commission or a committee of inquiry. The Opposition could use much of the Minister's second reading explanation to promote its own policy. The Minister's explanation does not by itself mean anything. Let us consider what he had to say.

Mr. Gunn: Who wrote it for him?

Dr. TONKIN: That is a good question, and it is information to which I am not privy.

Mr. Gunn: We could make a good guess.

The Hon. J. D. Wright: You'd have enough sense to know—

The SPEAKER: Order! The Leader of the Opposition has the floor.

Mr. Gunn: I—

The SPEAKER: Order! The honourable member for Eyre is out of order by interjecting.

Dr. TONKIN: Let us consider the Minister's second reading speech. He stated:

> The hours of trading of retail stores has continued to be the subject of public discussion since the referendum of 1970—

I do not believe that the Opposition would disagree with that. We would all agree that it is true, but the Government, whenever this matter has been raised publicly, has always given in to the demands of the union and has refused to do anything about it. I do not intend to go into that long and rather sordid history. I do not intend to go into the history of the referendum to any extent either, but it is fascinating that, now the Liberal Party has enunciated a firm policy on shopping hours, the Government is therefore faced with making a decision about shopping hours. What a decision it has decided on! The Government has decided to hand over the responsibility.

Mr. Goldsworthy: Pass the buck.

Dr. TONKIN: Yes. Let us now consider the reference to the referendum in 1970, wherein the Minister states:

> . . . more electors voted against extending trading hours than for such an extension.

True, but I am amazed that the Minister would have the courage to recall the circumstances of the shopping hours referendum.

Mr. Coumbe: His predecessor didn't shine.

Dr. TONKIN: That is so. The only reason why the Minister has been misled by someone is that he was not responsible for the abortive referendum. No-one asked the third question: "Do you want shopping hours to stay as they are?" The three questions then would have been "Are you in favour of extended shopping hours? Are you against extended shopping hours? Do you want shopping hours as now apply to remain?" Of course there was an overall vote against shopping hours being extended, but there was also an overwhelming vote in favour in areas that already enjoyed late night shopping, marginal areas such as Elizabeth and the outer metropolitan areas of Tea Tree Gully and Christies Beach. We saw the sordid business of the Labor members who represented those areas voting, at their Party's call, against the clearly expressed wishes of shoppers and electors of those areas.

Mr. Mathwin: That was after two secret meetings at an empty house in—

The SPEAKER: Order!

Dr. TONKIN: That matter has been ventilated in the House and has not been forgotten. I am sure that the Minister knows that full well.

Mr. Mathwin: Do you think the Minister was there?

Dr. TONKIN: Actually the Minister might have been there in another capacity, but I doubt it. However, let us consider the next point which, apart from one or two statements of fact, represents the most complete gobbledegook that I have ever come across. The Minister stated:

The provisions of the Industrial Code relating to shop trading hours have remained unaltered since 1970—

I cannot find anything to quarrel about with that. He continued:

. . . it is timely that they be reconsidered in the light of current conditions and attitudes.

Whose current conditions? Whose attitudes? Whose interpretation is the Minister putting on this matter? To whom is he referring? The retail traders (or some of them), to the shop assistants union (or some of its members), or to the shopping public—the consumers. All these people must be considered. Basically, the Government says that it is looking at changing public opinions in the light of current conditions and attitudes. It says that in some areas the existing legislation has become increasingly difficult to enforce and there are some indications of change in public opinion on the matter. About 80 per cent of members of the public who were sampled on this matter expressed a desire for late night shopping. That is quite an indication in favour of an extension. The Government's view, to which the Minister refers, about how the difficult and complex matter should be tackled is simple really if only it wished to take the proper and sensible way out. All the Government needs to do is remove the restrictions and allow the parties to the various aspects of the agreement to reach agreement.

Later in his speech the Minister acknowledged that many members of the public clearly would appreciate being able to buy any goods at any time of their choosing. The Government freely acknowledges that, yet it will do nothing about it. The Minister then refers to a complete lack of restriction that could increase prices. That is not a valid comment. Not a shred of evidence exists to support that claim. There is no suggestion that the complete opening up of shopping hours would force people to trade 24 hours a day, as I have heard it threatened.

It is not suggested that any increase in any mechanism or any change in the mechanism will increase prices. That cannot happen. The problem is that the Government for some reason or another assumes that retailers, employees and consumers are not reasonable, rational people who can consult together and reach a reasonable and rational agreement. It is fallacious to believe that, because generally speaking such an agreement could be reached because those people are reasonable and rational and are willing to reach agreement for the benefit of them all. The Minister then suggests that the local store or delicatessen will disappear with an even greater concentration of shopping services in large centres readily accessible only by private transport. What a load of cods wallop. I have never heard such rubbish. It is a complete red herring.

Extending trading hours would not lead to the disappearance of the local delicatessen, particularly if a rational trading agreement was reached between retailers, employees and consumers. I thoroughly agree with the Minister that it is necessary to consider the interests of those who work in the shops. That is tremendously important, but to say that it would result in a loss of private leisure time, which is not compensated for by increased penalty rates, is not true. That is a generalisation. This may well disadvantage a few people. Some people may have to change their lifestyle but, generally speaking, it is just as important for quality of life if people are allowed to sort out their own working hours to suit themselves.

The Government itself advocates staggered hours in the Public Service: it advocates flexitime. I am told that that system is working well, yet the Minister makes the statement that a major loss of private leisure time not readily compensated for would occur. A system similar to flexitime and staggered hours could well apply to this situation. The details of the system could be worked out by various groups themselves. They are capable of doing it. I have every faith in them and their ability. Quality of life can be enhanced in some circumstances by an allowance for a long weekend, which could be built into the hours structure. The Minister also said:

Shopkeepers themselves also have the right to operate a commercially viable business without having to work unreasonable hours.

That is right, but why would those hours be unreasonable if they can come to an agreement as they have done in other countries and in every other Australian State? There is no earthly good in the Government's suggesting that this would not happen in South Australia, because it would happen. Opening up of the shopping hours is a perfectly satisfactory way of dealing with the whole problem. It is a way that the Government is shying away from. The Minister also said:

It would mean that the public and industry alike would be at the mercy of any trader who was prepared to be aggressive in his marketing policies based on his own calculation of his immediate commercial gain and who remained open as long as possible.

May I recall to the Minister and to other members opposite the words the Premier used when advocating the establishment of a Government insurance commission. He made two propositions at that time, one of which was that it would give a greater opportunity of choice to consumers, the other being that it would provide an aggressive marketing policy and competition. Apparently, when it is a question of establishing an insurance commission, the Government wants aggressive marketing policies, but, when it comes to shopping hours, it would mean that the public and industry alike would be at the

mercy of any trader who was prepared to be aggressive in his marketing policies. The Government could not possibly allow that situation.

Mr. Mathwin: When things are different, they're not the same.

Dr. TONKIN: As the member for Glenelg has said, when things are different they are not the same. Let us hear the Minister try to explain that away. I do not think that he has a chance. It is humbug to me, one way or the other, because one way or the other the Government is wrong. Aggressive trading policies are good on the one hand, but should be disallowed, on the other hand, to protect the consumers. As for costs, can the Minister explain to the House why other States with late night shopping have lower consumer price index figures than has South Australia and why South Australia, which does not have late night shopping, had the highest c.p.i. increase in the most recent estimation? Let us hear from the Minister on that score and see whether he can justify his statement that there will be increased costs in relation to other States, because of extended shopping hours. The Minister also said that any change should be the result of the widest possible public discussion before a tribunal that allowed access to interested parties. Why should there be any intervention by any other body? Why cannot agreement be reached straight out?

I have already dealt with that position in Queensland which, I have no doubt, the Minister hopes will be repeated here: 17 years of no change in shopping hours since the determination was put in the hands of the Industrial Commission. The Minister wants another 17 years of no change in South Australia so that he can duck from under. Let us have a look at the Industrial Commission and why the Government has chosen that way of setting shopping hours in the Bill. To apply to the commission, particularly the full commission, would take a considerable time. The proceedings would be prolonged; they always are. It would be difficult for individuals to make any kind of submission, certainly to initiate action. It would be necessary for people or bodies appearing to be registered to appear before the commission. It could well be a year or two years before any determination was made (that is, if anyone applied). Speaking very much with my mind on past history, I wonder whether Mr. Goldsworthy, of the union, would be lodging an application to the commission for extended shopping hours or whether some of the retail traders I know would be applying for increased shopping hours. Then we see that the commission is to have regard to the interests of consumers, shopkeepers and shop assistants; the Bill does not say in what proportion, or whether anyone has a power of veto. The whole long and short of the matter is that, in my view, the consumer will come last in this whole exercise.

What a change from the days when the customer was always right, when there was a degree of service, when everyone bent over backwards to give the consumer all he wanted, within reason, because that was the principle of free trade. Now, we are getting nowhere fast, and the consumer is the person who suffers. I have assumed that I do not have to point this out to the Minister and to the Government, but do they realise that the consumers of the State are the voters of the State? I should have thought that they would be conscious of that, but apparently they are not. This whole business is a farce, and a way of unloading responsibility. If the Government does not want to govern or to make decisions, let it get out. We will take that responsibility gladly. We will face up to decision making with a great deal more confidence and determination, and we will do a better job. We have a policy on this matter that has been well publicised.

The Hon. J. D. Wright: Which one are you talking about? The one last announced, or the one before that? You changed your policy within two weeks.

Dr. TONKIN: Our policy is clear: it has not varied from the time it was first decided on by the members of this Party. Our policy is the removal of all restrictions between 12 midnight on Sunday and 1 p.m. on Saturday. During those hours, the principle of exempt shops would still apply (my colleagues will deal with aspects relating to exempt shops and goods). Our policy would in no way affect Saturday morning trading. So as to promote an orderly transitional period, we would set one night a week on which late night shopping could be enjoyed until 9 o'clock. The suggestion has been made that that should be Thursday night, but, under the terms of legislation that could be drafted, it would be possible to give the Minister the discretion to vary the night depending on local conditions, after consulting with traders and with union members. After perhaps a year or a little longer, after people had been able to adapt to late night shopping, and after getting into the habit of expecting it on one night, all restrictions other than those applying at the weekend would be lifted. I have no doubt that the situation would settle down just as it has in other countries and in other Australian States. It would be a two-stage orderly transitional provision to allow for one late night in the week, but the ultimate aim is to remove all restrictions between midnight Sunday and 1 p.m. on Saturday. That is the sensible way to deal with this legislation. There is no need to bring in the Industrial Commission. Let us encourage the parties involved, including consumers, to make the necessary decisions.

I think that the shopping public of South Australia will benefit enormously, and ultimately employees, once they are over the initial difficulties of adjusting, will also benefit because their quality of life will be much richer, they will have more leisure, and will be able to enjoy long weekends, with hours arranged as they will be. I refer to the expanded list of exempt goods, and we see the inconsistencies of this Government: if it is good enough to put the determining of shopping hours in the hands of the Industrial Commission, why not let the commission determine exempt goods? It would seem entirely reasonable.

Mr. Becker: They're not running true to form.

Dr. TONKIN: I disagree with the member for Hanson, because the Government is running true to form but is not consistent. It is too much to expect, because the Minister wants to keep the control of the list of exempt goods in his hands and in the hands of the Government, because he thinks he cannot run into too much trouble with that. In addition, he may be able to do one or two favours for political reasons. The Government is being totally irrational about this aspect. I am concerned about the inclusion of motor vehicles in the list. I totally oppose trading on Sundays, other than for food and staple goods.

The Hon. Hugh Hudson: I thought you wanted to make it open slather.

Dr. TONKIN: If the Minister comes into the Chamber and, after two minutes insists on interjecting without any knowledge of what has been said, there is nothing much that I can do to help him.

Mr. Allison: At least he's awake.

Dr. TONKIN: Yes. I do not like the idea of Sunday trading or of trading in motor vehicles on Sunday, and I do not believe the general public wants that. If the hours are changed as we would like them changed and as we believe the general public wants them changed, it would be possible for traders in motor vehicles to open for hours that they agreed between themselves. It may be difficult for some people to buy a motor vehicle during normal hours, and I agree that perhaps times out of the normal hours should be made available. In that case let the hours be between 10 a.m. and 7 p.m., so that the traders can organise a range that would be more convenient for people. This would be a more sensible approach to the entire problem. On the last page of the Minister's second reading explanation he states:

This Bill will ensure an orderly change in shopping hours in response to a properly tested demand balanced by considerations of the welfare of those within the industry. As such it represents a fair and reasonable way to deal with a matter of some controversy.

I submit that this is not a fair and reasonable way to deal with it: rather it is a fair and reasonable way for the Government to duck-shove the responsibility for it and get out from under. It is not what the people of South Australia want, and I believe that the action will rebound on the Government when people realise that they do not count with the Government, that they are not No. 1, and that the Government is concerned about its own skin more than anything else. I support the Bill to the second reading stage in order to take the necessary action to turn it into something worth while, but that is the only reason.

Mr. GOLDSWORTHY (Kavel): I support the Leader in this debate. I think that the Liberal Party policy has been clearly enunciated publicly and today in the House and, if the Minister of Mines and Energy is not clear about that policy, he should examine the statements that have been published in the press recently and also examine *Hansard* proofs tomorrow to see precisely what the Liberal Party policy is in relation to shopping hours. That policy has the endorsement of the Parliamentary wing and of the organisational wing of the Liberal Party.

The Hon. Hugh Hudson: There's not a free vote, then.

Mr. GOLDSWORTHY: Of course there is, as there is on all issues.

The Hon. Hugh Hudson: You never exercise it, that's the trouble.

Mr. GOLDSWORTHY: If the Minister examines *Hansard*, he will realise that many more free votes have been exercised by the Liberal Party here and in the Upper House than have been or are likely to be exercised by the Labor Party. Labor Party politicians have to sign a pledge, and if they deviate from it they are out of a job. That was the position confronting the member for Playford and the member for Tea Tree Gully in 1970.

Dr. Tonkin: And also the only Minister now sitting on the front bench.

Mr. GOLDSWORTHY: Yes. He is holding the House for the Government. We can see how much interest they have in this matter, as in other important legislation. It was that pledge and the lack of freedom in the Labor Party that caused so much embarrassment. This situation goes back to 1970, when the following question was put to the people in this State:

Are you in favour of shops in the metropolitan planning area and municipality of Gawler being permitted to remain open for trading until 9 p.m. on Fridays?

The Government completely misinterpreted the results of that referendum. If we examine the figures returned district by district at the poll, we will find that in Elizabeth, 9 385 voted in favour of shops remaining open and 2 444 were against it. In Mawson, 9 200 were in favour and 4 524 against; in Playford (one of the newer housing districts), 9 944 were in favour and 2 943 against; in Salisbury, 7 752 were in favour and 3 296 against; and in Tea Tree Gully, 10 009 were in favour and 4 057 against. The proper interpretation of the results was that the people then enjoying Friday night shopping voted overwhelmingly in margins ranging from two to one to four to one to retain those hours. More recent polls indicate that in areas in which late night shopping was enjoyed support is far more heavily in favour of late night shopping than those figures would indicate. The Minister of Mines and Energy should not suggest that the Labor Party enjoys free votes in circumstances in which the Liberal Party does not. We all remember the discomfort of the member for Tea Tree Gully and the member for Playford, who had their arms twisted in terms of their pledge to ensure that shops were closed at that time.

Mr. Mathwin: And the member for Mawson, too.

Mr. GOLDSWORTHY: Yes, but I remember the discomfort of those two members especially, where public meetings were held in relation to this matter. This is a problem that the Government has not been able to solve, and this Bill will not get the Government out of its dilemma. We hear from time to time that the Government is interested in Adelaide's lifestyle. I think it was the Premier who said that Adelaide dies after 5 p.m. on every day of the week, and that one could shoot a gun down Rundle Street and not hit anyone. The Premier seems to be concerned that we have a with-it lifestyle similar to that in Mediterranean areas, and that it should be available to the public of this State. I believe that, if he were honest and said publicly what he thought, the Minister of Labour and Industry would support that view. When he came back from a recent Ministerial oversea trip—

The Hon. J. D. Wright: It wasn't recent; it was 12 months ago.

Mr. GOLDSWORTHY: It was last year. The Minister saw the conditions prevailing elsewhere, especially in Europe. I do not know whether he went to America, but he would have found the same situation obtaining.

Dr. Tonkin: He liked it, didn't he?

Mr. GOLDSWORTHY: He gave every appearance of liking what he saw. If we take credence of press reports, although Government Ministers are quick to deny them if they do not suit their stance at any point, on coming back from his trip the Minister was quoted, as follows:

Shopping hours in South Australia may be reviewed. The Labour and Industry Minister, Mr. Wright, today hinted that he was in favour of changes.

What follows is in quotation marks. The report states:

"I was very impressed with the shopping hours situation throughout Europe," he said. He said that compared with Adelaide shopping hours were much more liberal in Europe.

The only interpretation one can place on that is that the Minister is in favour of more liberal shopping hours. He was favourably impressed with what he saw in Europe.

Mr. Evans: He laboured the point.

Mr. GOLDSWORTHY: Certainly, it is more than a hint. It is a clear statement by the Minister that he was impressed by what he saw in other countries. He got cagey when pressed, and we know the reason for that. The report states:

When pressed on whether there were likely to be changes in shopping hours following his trip, Mr. Wright said there were many people to consider before changes could be suggested.

The Hon. J. D. Wright: And we've considered them.

Mr. GOLDSWORTHY: We know whom the Minister considered. We know who is cracking the whip on this issue, as on all industrial matters affecting South Australia. It is the Trades and Labor Council, the union movement, and the union hierarchy. They speak, and the troops opposite fall into line. That is what has happened on this occasion. The report continues:

He (the Minister) was not prepared to commit the Government at this stage, but he would be reporting his impressions on shopping hours in Europe and Britain to Cabinet.

I, too, was impressed with shopping hours when I made an oversea trip three years ago. I was favourably impressed, as was the Minister, and as also was the Premier, by the lifestyle that is possible where there is an extension of facilities to the public. There will not be any major change to the lifestyle of South Australians, in the fringe areas and even within metropolitan Adelaide, unless there is a liberalisation of shopping hours. If he were honest, I believe the Minister would say, "I would dearly love to see extended shopping hours, following what I saw in other countires and the facilities made available to the public there."

If the Premier gave his honest view, he would say precisely the same thing, because it is consistent with what he has been saying about the lifestyle he would like to see in Adelaide. The Government has been plagued by this thorn in its side since 1970, and it has not come up with any satisfactory solution. I believe it is clear that the public favours this move. The Minister said that he would look at the position in other States. If he looked at the position in Victoria, he would find that much liberalisation of shopping hours had occurred in that State. I understand some confusion occurred initially, but that the situation has settled down, with a consensus in favour of one late night of shopping. The law, as amended, gave the sort of freedom the Liberal Party has enunciated, through the Leader, in its policy. The Minister has chosen to opt in favour of the Queensland position but, as the Leader pointed out, nothing has happened in Queensland, and the Minister knows that. He knows that, by the Government's shuffling out of its proper responsibility and putting the matter in the hands of the Industrial Commission, the issue will be despatched for a long time and no change will occur. On that score the Minister states:

Asked why he made the examination, Mr. Wright said: "It came to my attention that the Queensland situation has been working satisfactorily since 1965."

The Minister mentioned 1965, but I understand the matter was in the hands of the court before that time. The quotation continues:

"I wanted to have a look at it myself and assess the current situation."

Nothing has happened there. In the Minister's view, the position in Queensland is satisfactory. I understand that hearings take place from time to time, but no change has been made. The Minister is opting for no change.

That brings me to the final point made by the Leader, one which I wish to reiterate. The Government has opted for no change, and it has settled on this ruse because the union (in this case the union headed by my namesake, Lord help me, Mr. Goldsworthy) has said that a real change is not on. The unions have cracked the whip. In the *Australian* of April 11, 1977, referring to late night shopping, Peter Ward, who was formerly in the employ of the Premier, states:

The issue is a cross the Dunstan Government has borne for seven years now, with increasing frustration and one that cannot yet be laid down, no matter how hard the Cabinet tries. The problem is one that often afflicts Labor Governments at some time or other—hard-line union attitudes are in conflict with popular policies.

The article also states:

Seeking a way to get off the hook Mr. Wright last Monday made a five-point proposal to the unions for a change in hours for various classes of shops and services . . . It was, they say, a torrid meeting for Mr. Wright, who left accusing the press of ruining his chances and of spying on him. The traders went back to their counters and the position is unresolved. "Consultations are continuing," says Mr. Wright.

Mr. Millhouse: At least he is trying; that's one thing.

Mr. GOLDSWORTHY: Yes, and the Government has been trying since 1970. As with so many of these questions, it has been put in the too-hard basket, which is starting to overflow, and the Government pushes its responsibility on to some other quarter, hoping the matter will die a natural death. I support the comments of the Leader, as does the Opposition. The policy enunciated by the Leader is perfectly clear, and we believe it has the endorsement of the overwhelming number of people in metropolitan Adelaide. We believe that Governments exist to legislate for the good of the people of this State as a whole, bearing in mind the rights of minorities affected. Having weighed up the disadvantages that would accrue to others involved in the situation, we believe there is no strong or valid argument for rejecting the claims. We believe they are legitimate claims, made by the population in South Australia for extended shopping hours. In its editorial on Friday, April 15, the *Advertiser,* under the heading "A damp squib", states:

The average shopper will find little to rejoice about the Government's latest move on shopping laws. The bulk of family shopping will still have to be done within normal trading hours. In extending the scope of the Industrial Commission to allow it to alter trading hours, the Government has sought to remove a sensitive subject from the political arena. But in laying down fairly strict guidelines for the consideration of variations to trading hours, it has in effect affirmed in the legislation its opposition to unrestricted trading.

The editorial goes on in like vein. I believe that is a fair summation of the situation. No doubt the Minister will accuse the *Advertiser* of taking up a political stance, as Ministers often do when they are cornered on matters such as this. I do not believe for a moment—

The Hon. J. D. Wright: I have no intention of doing that.

Mr. GOLDSWORTHY: Apparently the Minister will not be following the pattern set by many of his colleagues on the front bench, because they do it time and time again. The Government is hoping to be absolved of its responsibility in this matter by referring it to the Industrial Commission. We will support the Bill to its second reading stage because in Committee we will have the only opportunity we will have this session to put the Government to test to see whether or not it is in favour of extending shopping hours as is demanded by an overwhelming majority of the people. We will be interested to see the stand taken by the Minister later in the debate.

Mr. DEAN BROWN (Davenport): The issues here are quite clear. Although the whole issue has been clouded by technicalities on the industrial front, I believe it comes down to a fundamental point of principle. I believe that the people should have the right to shop, especially during

the week, for whatever items they like and I see no harm to the community in people being able to purchase those goods, after 5.30 p.m. I believe a fundamental principle is involved, and Parliament should make a decision, having regard to the likely effect this would have on the community at large. If it sees no grave disadvantage to the community, it should lift any restrictions on trading hours. That is the basic principle which this Parliament should decide. It is not up to this Parliament to attempt to transfer its powers and main responsibility to the Industrial Commission or to any other court. It is up to this Parliament to set down the fundamental principles.

I have been overseas and seen some of the advantages of extended shopping there. As a member of Parliament I would often benefit from having an opportunity to shop in the evening in Adelaide. That is one of the few chances I would have for doing any shopping.

Mr. Millhouse: Don't lay it on too thick.

Mr. DEAN BROWN: Unlike the member for Mitcham, I spend much time in this place and, as Saturday morning is invariably taken up with appointments, I do not have any other time to shop. This Parliament needs to decide whether or not people should have the freedom to shop whenever they like. Opinion polls show that the community clearly wants the chance to go out and shop. I understand that the latest opinion poll carried out by Peter Gardner and Associates in this State indicates that 80·2 per cent of the people favour late night shopping. To me that clearly indicates that consumers would like it. However, there are two groups to consider: consumers and employers and employees involved in the industry.

Clearly the consumers would like to see an extension of shopping hours. It has been an issue in this State, through those consumers, for many years. Unfortunately, the politicians have somehow seemed to tangle up the issue, at least since 1970 when the referendum was held. In 1970 there was a referendum on the issue, and since then five Bills have been presented to this Parliament, but Parliament has still not changed the situation despite the fact that the voting public has clearly indicated its wishes on the subject. That indication is clearer now than it was in 1970. The public having indicated it would like an extension of trading hours, unless there are important disadvantages to the entire community this Parliament has a responsibility to grant that wish to the community.

Last year Parliament looked at trading hours, particularly in relation to hotels. Hotels can now stay open until midnight, even though during that debate virtually all members admitted there would be certain social disadvantages through the extension of hotel trading hours. They admitted that alcohol had a serious effect on the community, particularly in relation to motor vehicle and industrial accidents that were caused through people consuming too much alcohol. Our community is paying an annual bill of about $1 000 000 000 through the excessive consumption of alcohol, and about 250 000 people are either alcoholics or consume alcohol excessively, with the consequent effect this has on the capacity of the work force. Our devastating road toll can be partly, if not largely, attributed to the consumption of alcohol, and yet this Parliament saw fit to extend hotel trading hours. No such damaging claims can be made against the extension of trading hours. The Minister, who voted for the extension of hotel trading hours, is not willing to vote for an extension of retail trading hours. I find this argument totally inconsistent. I am unable to see any reason for it except for the Government's supporting a certain minority point of view expressed within the community.

Employers, shopkeepers and employees in the industry will naturally be affected by longer hours. At least some shopkeepers are in favour of an extension of trading hours. The Rundle Street East traders have made an issue about this, and other shopkeepers also want longer hours. It appears that the objection to the extension of trading hours lies in two areas. First, it lies with the established retail traders, particularly those situated in Rundle Mall, other department stores and supermarkets and, secondly, with the people involved in the union led by Mr. Ted Goldsworthy. As presented, the Bill is a triumph for Mr. Goldsworthy. It incorporates the very argument that he has put forward consistently. Last year before Christmas he asked that the whole matter by referred to the Industrial Commission, and that is exactly what has happened. The Minister has bowed to pressures from Mr. Ted Goldsworthy. Perhaps the reason is obvious. His union is a significant union, with a large membership, and it has a vital vote on the Trades and Labor Council. I had a conversation with Mr. Goldsworthy last year outside this Chamber during which he said that the union would like to see the issue end up with the Industrial Commission.

Mr. Goldsworthy: That would mean no action.

Mr. DEAN BROWN: He could see it would be to the advantage of his members whether or not there was any action.

The Hon. J. D. Wright: He might have to eat those words in three weeks.

Mr. DEAN BROWN: The Minister apparently thinks that the court will bring down a decision in three weeks.

The Hon. J. D. Wright: No, from the Queensland point of view.

Mr. DEAN BROWN: I understood we were talking about the South Australian situation. I hope South Australia will not have to wait as long as Queensland, if that is what the Minister is now suggesting. It would be disastrous for this State if we had to wait at least 10 years and, apparently, up to 17 years before we had an extension of trading hours in South Australia. That is apparently what the Minister is prepared to allow, judging by the way in which he has drafted this Bill. The major problems obviously occur with the large retailers who employ so many people who work under awards. The retailers are obviously concerned about the penalty rates that may have to be paid and the working hours that may apply. South Australia, I think, is the only State where, in the retail trade, a 5½-day week is worked. Indeed, in certain shops only a five-day week is worked. Severe penalty rates could be imposed under new awards that would obviously have to be drawn up if late night shopping were adopted.

I think that the working out of award conditions and penalty rates is the issue for the Industrial Commission to decide. It is there to sort out industrial problems; its job is not to lay down fundamental principles about when people should be allowed to shop. That is the clear responsibility of this Parliament. It is up to the Industrial Commission to work out the industrial problems. The penalty rates in Australia are so high at present and have caused so many problems, not only in retailing but in other industries, that it is time that Australia's penalty rates were reviewed. When one looks at the penalty rates in other countries, particularly in the United States of America, one can see that people in those countries

can exercise a choice in shopping hours because penalty rates apply only after a person has worked a standard working week.

I admit that there are problems in this area, but it is up to the Industrial Commission, the employers and the employees to solve them. I see no reason why this Parliament should exclude, say, a family man who employs his own family in a partnership from being allowed to trade with customers after 5.30 p.m. in items currently excluded from trading. I see no damage to the community in such action, and I do not believe this Parliament has a right to stop that person from being able to trade. That is exactly what the Minister is trying to do through this legislation. He is saying that we should not allow that person to trade until the other problems in the industry, which we all acknowledge exist, are sorted out. I do not believe it is the responsibility or prerogative of this Parliament to act in that area. Such people should simply be given the right to trade, and the matter should be left at that. Let us look at some of the items on the extended shopping list and at the anomalies that obviously occur. I thank the Minister for allowing South Australians to buy mousetraps on any day and at any time of the year—what a great achievement. People can buy shoelaces, but not shoes. As I said earlier, we are allowed to buy drinks in a hotel until midnight, but we cannot buy simple items such as furniture.

The Hon. J. D. Wright: Why can't you?

Mr. DEAN BROWN: Because they are excluded.

The Hon. J. D. Wright: You haven't read the Bill if you think that.

Mr. DEAN BROWN: Antique furniture and antiques of any description are certainly excluded but I did not see, having specifically looked for it (and perhaps the Minister will point out to me where I have missed it), that general furniture or domestic appliances were listed. Many other important items are excluded. Obviously, it is a list of very minor items. The Minister has simply added to the list in an attempt to try to sell this policy to the public. The public has not been fooled and will not be fooled. It is obvious from the reaction since the Minister introduced this Bill that the news media, including the reporters themselves, have openly criticised the Minister. I was interested to listen to a news report, I think on 5DN, in which the items on the Minister's list were being read out. The announcer had a laugh in his voice when he read out "mousetraps" and certain other items. I think that this is one example of the contempt that the people hold for the Minister's Bill—they will not be fooled by it.

It is unfortunate that the Minister has now introduced the fifth Bill about this matter since 1970 and has still not solved the basic problem. It is unfortunate that the Minister is prepared to bow to the wishes of the small minority group of employees. He is willing to look at problems which obviously exist in the industry but which should be outside the prerogative of this Parliament to decide. He is basing his entire decision on those problems rather than on the desires and well-being of the people and philosophies this Parliament should be looking at.

The Minister's Bill is totally unacceptable in its present form. I support an extension of trading hours, but I believe there is every justification, on a social basis, to ensure that people do retain their weekends. For that reason I support the amendments proposed by the Leader of the Opposition to the effect that there should be no extension of trading hours between 1 p.m. on Saturday and midnight on Sunday. In all other circumstances people should be able to buy what they like when they like. If it is uneconomical to do so the retailers obviously will not open. We must let the free market forces operate in this area and it would be wrong for this Parliament, purely on an internal Party political basis or union basis, to bow to any other pressure. I support the second reading so that the Bill can be amended.

Mr. MILLHOUSE (Mitcham): I hope that the policy I have expressed before is sufficiently well known for me not to have to talk about it for too long. I am in favour of open slather. I would not have any regulation on shopping hours at all on any of the seven days of the week. I would leave it to traders and their staff to work out when they wanted to open and close, taking into account all sorts of factors. I cannot agree with what the member for Davenport said a moment ago, that people are entitled to their weekends, whatever that means. He has referred to the position relating to hotels and so on. The fact is that the weekend is no longer sacrosanct in any respect to a majority of the community and there is no logical reason at all to impose, as apparently the Liberal Party would, some restrictions during those days. Frankly, I think that probably what has happened is this: it is something like, on a larger scale, what has happened in the last few hours. The Liberal Party did not want to go as far as I have publicly gone, so it put this slight rider on weekend trading so that there would be some difference between its policy and mine and it would not be said that it was following the policy I have already enunciated.

That is enough on policy—I would not have any restrictions at all. I have to be realistic (as I always am), and realise we will not get, for the time being anyway, the situation I would like. I think that, inevitably, it will come and I believe that the Minister would privately acknowledge that. Inevitably, in time, it will come, but we cannot for a number of reasons go as far as that now, so we have to look at this Bill to see whether or not it should be supported, whether or not it does anything towards the policy that I would like to see. Frankly, I am sceptical about it. I wonder whether, by transferring the responsibility from Parliament (where I think it rightly belongs) to the commission, we will make it easier to get a change.

The Hon. J. D. Wright: Did you say that it rightly belongs with the commission?

Mr. MILLHOUSE: No, I said I think that it rightly belongs here and I wonder whether we will get any improvement by shuffling off the responsibility on to the commission. I accept that the Minister genuinely believes that this will mean a loosening of the shackles on trading that we now have. I am sceptical whether it does or not. Certainly, I do not think the Bill as it stands, without some amendment, will do it. I will canvass what I believe is wrong with the Bill, particularly the clause that relates to the terms of reference of the commission, in a moment. I do believe on reading, as I have in the past few minutes, the Minister's second reading speech when introducing the Bill, that he broadly agrees with my approach to the measure. His whole speech is pitched that way. I am referring particularly to the following statement:

> One option would be for the Legislature simply to abandon all regulations and let the market forces take their course.

That is the option that I have suggested. The Minister continues:

The Government believes this is not an acceptable or desirable option, and in fact would border on irresponsibility, as changes could then be foisted on the public and the employees and employers in the industry without regard to the consequences or side effects, or to the increased prices that would undoubtedly result.

The answer to that (and the Minister does not go on to canvass the answer) is that, if Parliament saw that sort of thing happening, it could quickly take some action to correct it. I do not know of these results having occurred in other communities where there is freedom of trading hours. If such trading hours were to occur here, notwithstanding, Parliament could step in again. All I am asking is that we give it a try. I believe that the Minister would like to do it but his hands are tied and he cannot go as far as that. That is the point he overlooked when he made his speech. The member for Davenport was partly right when he referred to Mr. E. J. Goldsworthy, my old friend. The member for Davenport said that we had debated it five times now. On one occasion since 1970 Mr. Goldsworthy did something that had never happened to me before, and heaven knows I have had most things happen to me in this place. He actually interjected from the gallery whilst I was speaking.

The Hon. G. R. Broomhill: Did it help?

Mr. MILLHOUSE: I was a bit surprised. The Speaker of the day did nothing about it, of course.

Dr. Eastick: He looked stunned.

Mr. MILLHOUSE: Did he! I was a bit stunned, too, I must say. It was the only time that I had ever had an interjection from the gallery when I was speaking. I have had plenty of interjections from other parts of the Chamber and I expect I will have many more. As I understand the politics of this matter on the Government side, it is that Mr. Goldsworthy is a strong supporter of the Premier, and it is because of the Premier's unwavering support of Mr. Goldsworthy, in exchange for the support that Mr. Goldsworthy has given the Premier in days gone by and up to the present, that we do not have a better Bill than we have before us now. It was of some significance that Mr. Goldsworthy alone of the trade union leaders seems to have taken any specific action to support the Premier's call for a prices and wages freeze. He did that last Friday, I think. I have no doubt that, despite his small stature, Mr. Goldsworthy's shadow looms large over this legislation.

Let me now deal with three specific matters. First, I deal with a matter touched on by the member for Davenport, that is, the utter absurdity of this legislation when one considers the list of exempt goods outlined by the Minister in his speech. Why the devil have we not been able to buy bottle openers out of hours before this? What difference will it make now that we can buy bottle openers, detergents, disinfectants, and drinking straws. I was going to add contraceptives, but that might make a difference to some people—I do not know. We were not able to buy these goods before, but under this Bill we can. When one considers the list and sees what is on it and what is not on it, it highlights—

The Hon. J. D. Wright: What about motor cars; they're on it?

Mr. MILLHOUSE: Maybe they are. Everything should be on it. When we consider some of the piffling items one can buy now compared with other piffling items one cannot buy there seems to be no rhyme nor reason for this list at all. I see that pantyhose is on the list. I take the credit for having pantyhose put on the list.

Mr. Mathwin: I didn't even know that you wore them.

Mr. MILLHOUSE: I do not wear them. I reassure the member for Glenelg on that, but that is just the sort of thing a Liberal would think about me.

*Members interjecting*:

The SPEAKER: Order!

Mr. MILLHOUSE: I do not wear them, but when I introduced a Bill on this topic in 1969, a Bill that was stillborn, I introduced pantyhose to the list, because I remember that a lady in Joyce Steele's area rang and said, "I think we should have pantyhose on this list." We therefore included them, and they are still there. I have no doubt that nearly every other item on the list has got there in the same arbitrary or capricious way. If anyone ever wants to see the real absurdity of this legislation one has only to look at the list of the exempted goods. Let us now consider the Bill and the two matters where I believe it must be amended if it is to be acceptable and have any meaning at all. Clause 5 deals with exempt shops. There are three things wrong with proposed section 165a, as I see it. That section provides that, if a shop sells goods that are 90 per cent exempt, it will be an exempt shop. As I understand it, that is right.

The Hon. J. D. Wright: What about the other 10 per cent of goods?

Mr. MILLHOUSE: They can be anything.

The Hon. J. D. Wright: I am pleased you realise that.

Mr. MILLHOUSE: That is the scheme of the thing.

The Hon. J. D. Wright: The member for Davenport didn't.

Mr. MILLHOUSE: I take the point. In my view, 90 per cent is restrictive. It should be much less than that. In due course I will move an amendment to make it 75 per cent, otherwise it really means nothing at all. The second way in which I believe the section is restrictive is in new section 165a (2) (*b*), which relates to the floor area. I will go back to the old-fashioned feet measurement.

The Hon. G. R. Broomhill: You shouldn't, you know.

Mr. MILLHOUSE: Maybe not, but if the member for Henley Beach cannot criticise me on a stronger ground than that I am content. Anyhow, the Minister has referred to feet in his speech. I should like to double the floor area from 2 000 sq. feet to 4 000 sq. feet, because then it would be a shop of significant size. In due course I will take action on that matter, too. The most serious fault of this new section (and I earnestly ask the Minister to follow me on the next matter) relates to the reversal of the onus of proof in new section 165a (3). When I first read the section I thought, "Gee whizz, that's all right. It will be impossible for the prosecution ever to prove what the percentage of goods may be and therefore any prosecution will fail because the prosecution will never be able to prove that more than 10 per cent (and I would like it to be more than 25 per cent) of the goods are non-exempt." I thought, "Gosh, Jack Wright's really doing something here. Under a bit of a cloak he is really giving the exemption a boot," but then I saw new subsection (3) and I realised that the boot was really on the other foot, because it provides:

In any proceedings under this Act, an allegation that a shop is not an exempt shop shall be *prima facie* evidence that that shop is not an exempt shop.

That means that, in a prosecution, the onus would be on the shopkeeper to prove that he had more than 90 per cent (I use that figure, because it appears in the Bill) of exempt goods. That would place, as the Bill stands

now, a great burden on a shopkeeper, and it could be used by the department most oppressively. I think that that must be changed. Proof of the percentage of goods would have to be of the percentage of goods at the time the offence was committed. The only way I can see that the shopkeeper could prove his percentage of goods would be by taking stock, but how that could be proved in court is another matter. It means that (and I hope that the Minister can follow this), if the Bill passes as it stands now, and one of the inspectors goes into a shop that is open after hours on the ground that it is exempt because of the proportion of goods and says to the shopkeeper, "Your percentage of goods is not high enough. Only 85 per cent of your goods in the shops are exempt," and if he wants to protect himself not against any prosecution but against the complaint, the shopkeeper would immediately have to take stock. Otherwise, if he gets a summons a month later, there will be no way in the world in which he can satisfy the onus of proof, because the proportion of stock was not at the time he received his summons but at the time the inspector made the inspection. That would be a terrible thing, and it could be used simply to harass shopkeepers. The shopkeeper will have to prove that, at that time (perhaps on a Sunday afternoon), 92 per cent of the goods in his shop were exempt. The only way in which he could safeguard himself against the success of a prosecution (even if launched on the flimsiest of evidence) would be to take stock there and then on that day.

Dr. Eastick: Don't you think the court would give him the benefit of the doubt?

Mr. MILLHOUSE: It could not, because the onus is placed on him, under the provision as drawn, to prove that he was above the limit. At the time the complaint was made against him, he must take stock, not when he receives the summons, by which time the stock would have changed. It must be at that time. I have come across this anomaly only within the past hour in conversation. It is a considerable weakness in the section as it stands now. I had proposed, even before I realised this difficulty, to move to cut out that reversal of onus of proof on general principles. If we follow this through (as a court would have to do), we realise that it is even more oppressive than the reversal of onus of proof normally is. I doubt whether the Minister has seen that point. I hope that he will discuss it with his officers. I shall be pleased to discuss it with him, if he would like to discuss it with me privately. As it stands now, the provision could be used oppressively to harass shopkeepers. Although no prosecution may ever take place, the shopkeeper would have to guard himself against the most casual complaint.

The other matter, which perhaps goes more to the principle of the Bill, is contained in clause 15, namely, the terms of reference of the Commission in deciding on an application. Incidentally, those who may apply to the court under the provisions of the Bill are greatly restricted. I could not, as a private individual, apply to the court, certainly not without the Minister's consent, which I doubt that I would get, frankly, and even if I did I would have to represent a body of persons. It is a pretty restrictive matter. It is not like any individual or, indeed, any group of people (say, the Liberal Party, if it had enough initiative) applying to the court, because it could not do it. The classes of people in new section 228 (2) are strictly limited, but that is beside the point.

Mr. Gunn: What about the Housewives Association?

Mr. MILLHOUSE: It could, so long as it was approved by the Minister as a body representing the interests of consumers, so the Minister keeps a tight rein on it. I am not suggesting that the present Minister would say to the association, "You cannot do that." However, one of his successors might say it; anyone might say it. I do not believe that the Minister had in mind to do it, but it is a pretty restrictive matter. Subsection (1) of proposed section 228, which sets out the terms of reference of the commission in deciding an application, as it stands before us sets out what the commission shall consider, and the first is the interests of employers and employees in shops that will be the subject of an order under that subsection. We are putting the trade first, for what it is worth, in order, and then (I find this provision hard to construe), "and the interests of employers and employees in the vicinity of those firstmentioned shops". That is a broad and general phrase. What do we mean by "in the vicinity"? Do we mean within 200 metres, ·8 kilometre or about 5 km? The phrase has no precise meaning.

The court will, first, have to determine by case law what it regards as being in the vicinity, and I have no doubt that that will lead to much litigation. That is a peculiar thing to add. I know what the Minister has in mind. He believes that, if the Rundle Street East traders should apply, those round about (and even Martins or Myers) might or might not get a guernsey. I do not know, and it is not spelled out to the commission, but I know that that is what is behind it. The drafting is loose. Having considered the interests of employers and employees, we come to what I believe should be the paramount interest: the public interest. Indeed, as these terms of reference are drawn, I do not believe that they give any real guide to the commission. I believe that there should be a guide to the commission and that, irresistibly, the only proper guide to it is the public interest, which should be paramount. After the public interest, the interests of those engaged in trade should be considered. Whom do we, in Parliament, represent? We represent, I suppose to some extent, sectional interests.

It is fashionable to say that the Labor Party represents the workers (whoever they may be) and that the Liberals represent the landowners, but that is nonsense really. We are all here to represent the whole community. It is the community's interest in this matter that should be paramount. I believe that we should give some proper guidance to the commission in determining applications, and the only proper guidance we can give is to ensure that it knows that Parliament wants the interests of the public (in other words, the community) to be paramount. So, in due course, I propose to move an amendment along that line. It may then well be that we will get the commission to move. As it stands at the moment, my feeling is that the commission would not do anything. I know that the Minister does not agree with that, but my belief is that, as it stands, we will get no change in shopping hours.

Mr. Gunn: That's what the Minister wants.

Mr. MILLHOUSE: I do not know about the Minister: I doubt it, but I think his Party wants that. These are the two specific areas of the Bill to which I consider some amendments must be made. The second one I canvassed is a matter of policy, and I acknowledge that, but the first one, the question of onus of proof, is a matter of fundamental justice and the avoidance of what could be a dangerous and oppressive situation.

Mr. COUMBE (Torrens): I support the second reading, but I will also support what I believe to be improvements that will make the Bill more workable. I listened with much interest to the speeches, especially the comments

of the member for Mitcham. Like he, I was concerned about several clauses, especially clause 15. I differ from him in one aspect: the honourable member postulated the idea of shopping hours being an open slather, but I part from him on the basis that I do not believe it would work, having seen some of the ill effects of open slather in some trades in the expanded metropolitan area. I do not agree that all traders should have an open slather on weekends. It would be a disservice to some traders to operate in that way, and the public would not benefit. After all, the public must be concerned in this matter. Today, the exempt type of shop is covered to a much greater extent than it was covered a few years ago.

One has only to drive around the metropolitan area to see the effect of some exempt shops and how they cater for some sections of the public. I am concentrating on what we normally call the trading week, and I am examining the philosophy behind the Bill. I think all members and most of the public believe that it is inevitable that changes will come in trading hours. There is a demand by the public, and also by some shopkeepers, for greater flexibility in trading hours. The present system will be altered: it is a matter of what degree of change there will be and how that will come about. The Government is now proposing some minor changes. The Liberal Party has put forward a definite policy on this subject, and it goes much further than the policy of the Government which seems to be hesitant on this question. I believe that most of the consuming public would welcome changes.

We have only to examine changes to which I have referred at weekends in exempt shops that now can trade in goods in which they could not trade a few years ago to realise how the public patronises these shops. One example I have noted especially is nurseries. One can go to large nursery establishments, and have difficulty in finding parking space because of the wide patronage enjoyed by these establishments. I understand there is one in each of the districts of Tea Tree Gully, Salisbury, and Peake, and they are extremely well patronised, because the public is enjoying a facility that is serving it well. I cite that as an example of how the public can appreciate a change in trading hours and show it by patronising these establishments.

If we accept the premise that there will be changes, let us have them correct from the start. I have examined this Bill and the principle behind it, and I believe the Government has gone to water. I would describe the Bill as an abortion, because it does neither one thing nor the other. The Government has shrugged off its responsibility and has run for cover by giving this responsibility to someone else. The Government should face up to its own peculiar dilemma, which was referred to in some detail by the member for Davenport. It seems that, when the Government is faced with a situation that is too hard to remedy, it does what so many bureaucratic governments of all persuasions in this country have done.

The Hon. J. D. Wright: Be careful, you were there a long time.

Mr. COUMBE: The member for Mitcham said that he introduced amendments to the Bill with which he and I had something to do. When things become difficult, what does the Government do? The matter is sent to a committee, as has happened so many times in this country. In this case it is glorified, because it is the Industrial Commission. The Government should have the guts to let Parliament decide this matter and not give the responsibility to another committee, however esteemed it may be.

The Hon. J. D. Wright: He was the Minister for about five years, wasn't he?

Mr. COUMBE: If the honourable Minister reads history, he may wake up. He was not here until 1971 or thereabouts.

The Hon. J. D. Wright: When you were Minister of Labour and Industry, I took a deputation to you.

Mr. COUMBE: That is true, and I was flattered to have the Minister, as a private citizen, come to see me. From a reading of the second reading explanation, it is apparent that the Government is not facing its responsibilities. However, the Liberal Party has faced up to the position fairly and squarely and has stated clearly its policy. No doubt honourable members have visited Melbourne on a Friday evening. I have enjoyed shopping there, although not all shops are open then. Some are open on a voluntary basis, and people from the suburbs of Melbourne do much shopping in Melbourne itself. Some emporia are closed and some are open, and some specialty shops are open and some are closed. It seems that shop assistants and the public accept the situation, and no tragedy has yet occurred.

I refer to Melbourne Street, North Adelaide, because I know that there has been a move for some time to have extended hours operate in that area. I am not referring to the Saturday morning market, which has proved popular and for which the City Council has granted a licence. Under this Bill, Melbourne Street and Rundle Street East traders can apply, but, under the Liberal Party policy, they would be able to operate (and not only specialty shops) if they wanted to open. They do not have to do so, because it would be completely voluntary. Some traders in Melbourne Street and in Rundle Street East have had to resort to the ridiculous situation of getting through a loophole in the Act by opening at one minute past midnight, because the Act could not stop them in certain cases. In another instance in Rundle Street East, the traders defied the present law. I am not suggesting that they should break the law.

I turn now to the question of the referendum, mentioned by other speakers. The majority of votes cast in the referendum in favour of shops remaining open at night was cast in the newer residential areas of the metropolitan area. Those areas supported freer hours of trading. They already enjoyed that facility and they wanted to keep it. The vote in favour did not come from areas denied those facilities; it came from areas which enjoyed later trading hours and which wanted to retain that privilege. That was significant, and I remember the discomfort at that time of the Minister, the Hon. Mr. McKee, your illustrious predecessor, Mr. Speaker.

Members have referred to the exempt list. The member for Mitcham covered the matter in some detail. I was intrigued by this aspect, having had something to do with it in the past. I am in favour of prescribing the list. I think it is stupid for legislation to be introduced to alter the exemption list, but if it is done by regulation Parliament still has the say. The principle of prescription is worth supporting, but the mind boggles at the detail of the list. Why should anyone go in for selling motor cars and trailers at odd hours? What pressure has been brought on the Government to include those specific items? We have had the reference to the mousetrap, but whence did the pressure come for motor vehicles, trucks, and trailers to be sold in the hours in which exemptions apply?

I believe the Government is speaking with forked tongue on these items; the inclusion of some of them is stupid. I have seen the difficulties experienced by inspectors of the Labour and Industry Department in policing some shops. Thank goodness, we have got away from the old scheme

which operated about 10 years ago, under which a small delicatessen had to wire off or close part of the shop because certain goods were not allowed to be sold after a certain hour in the evening. That was a ludicrous position. The exempt list has some semblance of reasonableness. One of the biggest offenders in the case of exempt shops is the chemist shop. Many are open, some around the clock, and some at evenings or weekends, and many pharmacists sell far more than pharmaceuticals. One will find stationery, glassware, and giftware of all descriptions being sold, none bearing any resemblance to pharmaceuticals, or hair sprays, powders, and so on. This is a classic example of things having gone haywire in relation to exempt shops. I support the principle of widening the list in many cases.

We in this Parliament must face the inevitability, in the metropolitan area particularly, that change will come about before long. It is the method of adopting it that is of concern. I believe the Bill is weak. It is duck-shoving by the Government, putting responsibility on to another body to make decisions for the Government so that the Minister will not be embarrassed. If he gets a curly question or application, he shoves it off to the commission to hear it for him. Parliament is the place to make those decisions; they should not be made by another committee or by the Industrial Commission. The Bill needs radical alteration so that this institution retains the last say on this principle which affects so many people in the State.

Dr. EASTICK (Light): I wish to refer briefly to the debate that took place in this House before Christmas, when a Bill was received from another place, seeking to effect some of the changes incorporated in this measure. On that occasion, it was not possible for all members to take part in the debate, but when the vote was taken some Opposition members voted with the Government. Because it was not possible then to indicate the reason for this, I think that, for the record, it should be clearly understood now.

The manner in which the Bill was brought forward indicated clearly that some traders virtually would be blackmailed into opening on certain nights during the period leading up to Christmas. They were to be blackmailed into opening at their prime trading time. It was claimed that it was for the individual to decide whether or not he opened his premises, and with that practice I am completely in accord. However, the very nature of the promotion, which was to provide those trading facilities during the pre-Christmas rush, was to say to all of the traders, "Open and trade or miss out on the advantages of this important trading period." On that score alone, I voted against the proposition before the House, because I believe that in no circumstances should we ever place ourselves in the position of forcing a person to open his premises. He must be given the opportunity to decide for himself. One measure that the Party of which I am a member has subsequently promoted gives individuals the right to decide whether or not they will open, but they will not be forced, at prime trading time, into the proverbial cleft stick.

The member for Torrens has said that it is the nature of the change that is important. It is inevitable that change will occur. Certainly, over a long time the public has accustomed itself to the inevitability of that change. In great measure, I believe that is because more and more people in our community have come from oversea countries that have late trading, or because people are going to oversea countries and experiencing the advantages, as they see them, of late trading facilities.

I believe that the House will, if not on this occasion (and I hope it is on this occasion), very soon give people an opportunity to trade as they wish, and that it will give the opportunity to the trader to determine for himself whether or not he will trade for longer hours. Certainly, experience in other States has shown that some major traders have consistently turned their backs on the opportunity to trade at night, believing that their profits do not suffer. Individuals should be able to make their own decisions. I believe this House should consider that fact when looking at this question. Certainly during the time I have been a member there have been some memorable debates on this vexed issue. I see the member for Playford smiling. He will remember an evening in the Octagon Theatre in Elizabeth when members on both sides of the political fence expressed their points of view before a packed house, and those people let the members know clearly which way they wanted the issue to be decided. I believe that the wish of the Elizabeth people for extended trading hours to be permitted to continue will be the tenor of future consideration of this matter.

Mr. McRAE (Playford): As the member for Light said, this matter has had a tortuous history. I recall that meeting at the Octagon Theatre. In fact, I am hardly likely to forget it in view of the circumstances in which it was held. Much has been said about the political solution to the problem before us, but it must not be forgotten that when the Labor Party took office in 1970 this problem had been confronting the Liberal Party and its Minister of Labour and Industry (the member for Torrens) for some time. I recall that for some years the Liberal Government of that day had been duck-shoving the problem, putting it into the too-hard basket. I do not particularly recall at about that time any decisive political attempt in this House, or anywhere else, to solve the problem. The difficulty was then and still is capable of being summarised as follows: the whole question is divisive in the community. As the abortive referendum showed, people in the newer residential areas that had been experiencing Friday evening shopping wanted to retain that privilege. On the other hand, people living in the older developed areas of Adelaide were not interested in having extended trading hours. That was the pattern in the referendum. I know that in my own District of Playford more than 80 per cent of the voters wanted at that time (and I believe they would still want) extended trading hours. I make no bones about that, and I have always accepted it.

Dr. Eastick: Do you remember telling those people why you couldn't vote for them?

Mr. McRAE: Yes, at great length. I honoured a majority decision of Caucus, and that is something from which I have never resiled. I did not put it in the too-hard basket: I came out in the open. That is why my vote has been good for the past few years. The people have accepted that approach, and my percentage of the vote has increased.

Not only is there a division amongst electors according to where they live but there is clearly a division within the retail trading community. There is no question that the larger stores, which make up the larger employers of the Retail Traders Association, are utterly opposed to extended trading hours on the simple basis that they do not see extended trading hours bringing any greater opportunity for profit. Furthermore, they say that extended trading hours will only lead to increased prices, and the estimates I have been given have been in the range of a 5 per cent increase. The shop assistants union, with a membership of more than 20 000, is opposed strongly

to any change in trading hours. The community is divided on this question, which is no more likely now, than it was five years ago, to be solved by referendum. I think the groups in the outer metropolitan area would vote in favour of extended hours, as they did before, perhaps even more strongly, and the groups in the—

Mr. Evans: Do you remember the wording of the questions in the referendum?

Mr. McRAE: Yes, I do.

Mr. Evans: Do you think they were misleading or loaded?

Mr. McRAE: No, I never took that view. I think members who represent the inner metropolitan area would agree they have never had any real pressure put on them to extend trading hours. Only members who represent the outer metropolitan area, including the member for Fisher, would have had that pressure put on them consistently. A referendum would create the same problem for the present Minister of Labour and Industry as existed in 1970. Once certain areas, because of a political decision, were able to trade and others not trade, further problems would arise.

By vesting power in the Industrial Commission to exercise jurisdiction in relation to trading hours the Government is not doing anything that is without precedent. This course has been followed in relation to other industries in this State and in other States. I think the member for Torrens mentioned the retail pharmaceutical chemist industry. It was as a result of the actions of the State Industrial Commission that the extended trading hours for chemist shops was made more feasible by granting shift work instead of overtime, as was the case before the decision of the commission. The provisions of proposed new section 228 of the Industrial Code vest a wide jurisdiction in the Industrial Commission. I note that, first, the interests of the three major groups (the consumers, the employers and the employees) can all be adequately protected. I believe that inevitably certain councils or groups of consumers in the outer metropolitan area will bring claims before the Industrial Commission that will succeed. There will be such an overwhelming mass of evidence of public demand in an area that the commission will be forced to conclude that, in the public interest and subject to protection of the rights of traders and of the industrial regulation of the conditions of employment of shop assistants, extended trading hours should be allowed.

I warn members of the width of the power with which they are confronted. From some of the arguments that have been put forward it can be seen that this section is regarded by some people as being not wide enough. In fact it is wide indeed. It may well be that a group at Elizabeth might apply for and be successful in getting Thursday night and Friday night shopping. Someone else in the Rundle Mall might be able to establish Wednesday night shopping. Someone else in some outer area to the south might be able to establish Thursday night shopping. We could have a conglomerate of different trading hours for different trading areas and regions right throughout the metropolitan area and the State. Far from being an insufficient width of jurisdiction, or insufficient ambit, in fact this section provides the very greatest ambit one could be looking for. Members should not forget that all those possibilities do exist. Consumers should not forget the argument put strongly by the Retail Traders Association and the shop assistants union that, if these extended hours are to operate, they must operate at a cost because one cannot expect the shop assistants to work these extended hours except with the proper penalties applying. If the community is prepared to pay that price (and I think that in my area it is), that is good enough, but people should not forget that.

I am pleased to note that the Commissioner for Consumer Affairs may represent (I take it within the meaning of the Act) the public interest. That is heartening because, with the capacities of councils also to represent the community, there should be fair and adequate representation before the commission. In essence, I therefore say that this is a very liberal and wide jurisdiction being vested in the commission which might well, by its very lack of political overtone, bring a solution to a problem that no political Party in this State has been able to solve over the past 10 or 15 years because of pressure groups operating within and without each of the political Parties and because of the insuperable difficulties that a piecemeal approach to this whole problem has brought about. I support the Bill.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): Having listened to the debate today, I am more convinced than ever that this is a reasonable Bill. I think it is proper that I should place on record my appreciation for the manner in which the debate has been conducted by all members. It has been conducted without heat on a rational basis, and members have put their arguments forward in a—

Mr. Dean Brown: We always do.

The Hon. J. D. WRIGHT: I will not answer that, but I have been here when debate on this subject has caused a furore to break loose. The member for Davenport said that there have been five separate debates in past years about this matter, and they have reached depths that were not good to see. Members have controlled themselves today realising the difficulty of the need of the situation, irrespective of which Party is in Government, to try to satisfy all the people involved. The attitude I have taken from the beginning has been to consult all parties. I think that somebody said today that I was rushed into this Bill because of the attitude of the Opposition. That is not so. I have been looking at this matter since I returned from overseas 12 months ago, and more particularly this year when I have had time to examine the position in other States. I have not been stampeded by any policy announcement or change by the Liberal Party. The Government has been cognisant of the fact that there has been a problem to solve in this area and has looked at all possible solutions. It has, in all sincerity and conscience, brought down this Bill, a Bill it thinks should suit the situation.

The Leader of the Opposition made great play about the fact that the Government was in a difficult position and was therefore looking for a way out, or a way to pass the buck. Nothing could be further from the truth. This is not a buck-passing exercise. First, we are making many concessions in relation to the list of goods, whether they be mousetraps or motor cars. There are about 50 items on the list that my inspectors tell me have a demand in the community. I did not arbitrarily pick up that list or dream it up one night; it is a result of my inspectors doing routine checks on Saturdays and Sundays in an attempt to establish whether people are shopping illegally or not. The list has on it the items people say they require on weekends. As a consequence of those investigations the 45 extra items were added to the exempt list.

Many interested people in the community believe that the Commission, having examined the details, will finally extend shopping hours in this State. I am not going to pre-empt the Commission's decision or try to forecast what it will do, but I have no doubt that, as

a result of cases raised, a whole system will be set up. Then, for the first time, these matters can be looked at rationally, as we have tried to in this House from time to time. The Leader of the Opposition said that this Government was completely washing its hands of the shopping hours question by passing it over to the Industrial Commission. I ask the Leader of the Opposition what his Party would be doing if it carried out the policy it has announced in the past two weeks of removing all restrictions between Sunday at midnight and Saturday at 1 p.m. the following week. That would prevent people from shopping on Saturday afternoon and Sunday. Surely that would be an abrogation of the Government's power, as the Liberal Party is not attempting to solve the matter rationally; it is passing the whole matter over and saying, "Let the forces sort it out irrespective of what may occur."

When I introduced this Bill I made clear (and I want to make clear again) that we may not get the answer that we are looking for or the answer that the public is looking for if we irrationally lift all the restrictions. In Tasmania, following the introducton of those sorts of extended hours, the consumers lost Saturday morning shopping. I put it fairly and squarely back on to the Liberal Party to prove to me that the public, the retail traders, and most interested people in South Australia, want to lose Saturday morning shopping. I think it would be a tragedy if that happened. On November 10, 1976, at page 2060 of *Hansard*, the Leader is reported as follows:

> There is no point in talking about what we would like to do when we have to consider what we are able to do.

That is not the Labor Party saying that. There has been a dramatic change since November 10, 1976. I seriously doubt whether the Leader of the Opposition has had any discussions or consultation with consumers, interested people from the industry or the unions, or anyone else about their policy, or whatever. I think that the Liberal Party has used this difficult situation for political purposes only. I do not think there is any rhyme or reason in what it has attempted to do. It has not consulted anybody in the community. The Leader continued:

> The problems of late night shopping are great.

No stronger words could have been used by the Leader of the Opposition on that day. He continued:

> We recognise them, and they are particularly marked in this State.

If the problems were so great on November 10, 1976, and no change in Government policy for this area has occurred, why have they suddenly become "ungreat", if that is the proper term to use? Surely if the problems were great on November 10 last year they are just as great now, just as strong. The Liberal Party has made no attempt to overcome that statement, and I agree with the Leader that his assessment on that date was accurate: there is no question that the problems are great. We are trying to solve a problem in this community in a rational way.

The Leader had other things to say at that time, but we heard nothing about them today. We have seen nothing of them in the press in all the statements the Leader has made in the past couple of days when he has been knocking this legislation and not trying to understand or assess it and not trying to realise what we are trying to do. He has not examined the possibility that the court would be entitled, on the evidence placed before it, to grant late night shopping and extend trading hours on Saturday afternoon or indeed Sunday shopping. The Leader has not tried to assess that situation. He has appeared on radio and television and has been reported in the paper as criticising the Government's action without any back-up. The pendulum has swung back in favour of the Government's proposal in the past two or three days. I notice that the member for Hanson stayed out of the debate completely, so it is no good his sitting there and grunting about it. In his speech on November 10, 1976, the Leader continued:

> The basic question is this: can the community afford late night shopping?

That is putting the question. He continued:

> I have no doubt that it could well prove to be a luxury.

Where are we going with this Leader? On November 10 last year he said that late night shopping could be a luxury. He said that it could be expensive. Four months later he has decided, irrespective of whether it is a luxury, of whether it will increase costs, and whether consumers will pay more for goods, that the Liberal Party does not care but that what it cares about is making political points out of the issue at the expense of the Labor Party. Let me continue with what the Leader said on that occasion, because I have not finished. He continued:

> Certainly, it will cost money. How much money will it cost, and what retail price increases will be necessary if we bring it in?

He conceded price increases: he conceded that the consumer would pay for late night shopping. However, that is not the attitude of this Government. Our attitude is that the problem needs to be examined in detail and not in the caucus rooms of the Liberal Party or the Labor Party. The issue should be examined by a responsible body like the Industrial Commission to determine whether or not all the questions posed by the Leader can be answered by that body and not by my Party. Members opposite have been embarrassed by—

Dr. Tonkin: We've answered them.

The Hon. J. D. WRIGHT: The Leader has not. The Leader, in his speech, continued:

> Can the community afford such price increases? At a time when inflation has been steadily whittling away the value of money it is an important consideration for people in the community to decide whether they can afford yet another price increase in staple commodities and goods in retail stores following on the price increases that have been coming quite regularly because of inflation and increasing costs.

It seems to me that Opposition members have had a tremendous change of face since the Leader said that. What he said is a classic example of summing up all the problems. He described the problems as great: I say they are immense. The problem is an immense articulate one to which no-one can provide the answer by merely guessing at it. That is why the Government in its wisdom has decided not to take the unilateral action that the Leader and his Party would like it to take by lifting all restrictions and letting the market find its own level. I said earlier that I was amazed that such a change of face and such a change of policy by the Leader could occur. He is quite embarrassed by the situation. I can see the Leader going red; his ears are probably burning, too. If the Leader is not embarrassed about the situation, he should be, because it is disgraceful for him to use this rather difficult problem for no other than political purposes.

The most valid point raised in this debate was raised by the member for Mitcham about consumers and how they should be entitled to be designated under the terms of reference. That is an important point. This measure has been introduced to protect everyone, and the emphasis should be placed on the consumer. I am therefore considering strongly accepting the suggestions outlined by the

member for Mitcham. It is probably a little too early to talk about amendments, but the member for Mitcham raised his point in that vein. His point had much punch and meaning, and I am giving it strong consideration.

The Leader has made the accusation that this legislation does nothing to liberalise shopping hours in this State. That is a complete fabrication of the facts. Anyone who has had time to examine and understand the Bill must be aware that it will liberalise shopping hours in at least three ways: first, in the exempt goods area; secondly, the 2 000 sq. ft. space for the shop premises, which will, in my view, almost cater for nearly all, if not all, foodstuffs that will be required in this State; and thirdly, it gives every shop containing 90 per cent exempt goods an opportunity to trade.

Let us consider that situation a little further. The member for Davenport said that furniture could not be sold in those circumstances. That is not right, because anything in the 10 per cent, provided the first obligation is met, can be sold. If a shopkeeper wants to stock furniture, dresses, trousers, or even, as the member for Mitcham said, pantyhose, he is entitled to stock it and sell such things. In my view, that 10 per cent provision will almost meet the requirements of shoppers in Adelaide. Perhaps a person could not go to a shop and buy a commodity he wanted, but if he wished to shop around amongst shops stocking exempt goods he could do so. Surely shopkeepers will tell one another what they are stocking in their shops and they will separate their goods to such an extent that a person will be able to buy most products in Adelaide.

The most vital point (and this is where the Leader is completely off train, in my view) is that the Opposition's proposed amendments, according to the Leader, will liberalise shopping hours more than will this legislation. That is not a fact, because the possibilities under this legislation will provide many opportunities that the Opposition's amendments will not provide. If restrictions on shopping hours were removed from this moment, how could anyone forecast what sort of situation would apply in six months? Can anyone opposite answer that question? No-one can answer it. No-one could answer it in Tasmania or in Victoria. The first thing to happen in Tasmania was the loss of Saturday morning trading.

Dr. Tonkin: What have they done in Melbourne?

The Hon. J. D. WRIGHT: A leading retailer there decided to open almost every night of the week. I do not think that that kind of situation is a good thing.

Dr. Tonkin: Is he doing it now?

The Hon. J. D. WRIGHT: No, but he did it at the beginning, and he continued to do it for some months. The position is that we do not know the answers nor how the situation will settle, and whether it will be a good or bad ending, if we remove all restrictions. That would be approaching shopping hours irrationally. If we pass the matter over to the courts—

Dr. Tonkin: You're passing the buck.

The Hon. J. D. WRIGHT: No, we are passing it over to the most responsible body in South Australia, not to some impromptu committee of traders or unionists, or a body of vested interests to examine the situation. We are giving it to one of the most respected tribunals in Australia. I do not think that even the Leader can deny that the Industrial Commission enjoys that kind of respect throughout the community. Having passed the matter over to the court, that is where, I think, the real interests of the consumer and of everyone else who wants a say in the matter can be voiced. We are doing this for the first time. Great play has been made today, particularly by interjection, that the Government has been stood over by the unions. The member for Kavel even read out an innocuous document prepared by Peter Ward, or someone else, that is a complete fabrication of the facts. I admit that I attended a union meeting, but I have also been to the R.T.A. I have asked consumers, traders and all interested people to talk to me.

I doubt that the Liberal Party has had that kind of consultation on the Bill. I made up my mind about where the Government was going as regards the major principle of the Bill a long time ago. In Queensland, everyone to whom we spoke, irrespective of the part of the community whence he came, was content, whether or not there had been an extension of shopping hours. It is not true to say that there has been no extension of shopping hours in Queensland. Although they are not experiencing late night shopping there, different areas have Saturday morning or Saturday afternoon shopping. The Gold Coast and some other tourist areas have been awarded hours outside the normal regulated shopping hours. That is not the point of what has happened. The point is that all interested parties believe that, for the first time, Queenslanders have had some say in the court's deciding what ought to be done about shopping hours. That has never happened in South Australia. We have been battling with the Bill not for the past 10 years but since 1896, when this matter first arose. The Government of the day saw a good reason for controlling the sweated labour situation, when there were no awards or tribunals to determine what hours shop assistants should work.

Continuing Governments (and most Governments since that time have been Liberal Governments) made no real attempt to solve the problem. I believe that, for the first time, we are approaching what could be a solution to the problem. I am not going to pretend to the House or to the public that the solution will come overnight, but I believe that it will come towards the end of the year, when the tribunal can be set up. Obviously, it will probably be necessary for more commissioners to be appointed to the bench, in order to examine the proposal.

Dr. Tonkin: It won't go to the existing mechanism?

The Hon. J. D. WRIGHT: It will, but I fear that the court will be so overloaded that there will be a request for additional commissioners. I have already taken that into consideration. I do not see that the Opposition's accusation that, because nothing has been done in Queensland, that is a valid argument to sustain here.

Dr. Tonkin: They still haven't got late night shopping.

The Hon. J. D. WRIGHT: We still have not got it here, and the Leader's Party was in Government for 35 years. It is no good the Leader's going on with that kind of nonsense, because his Government had plenty of opportunity to do something about it. We made a genuine attempt in 1970, when the referendum was held. The Leader may laugh, but this Government has made positive advances in trying to solve this difficult problem. It is untrue to say that nothing is happening in Queensland, because even now a survey and an inquiry are taking place.

Dr. Tonkin: To get it out of the Industrial Commission's hands?

The Hon. J. D. WRIGHT: No. The case being put there is being put fairly and squarely to the Industrial Commission. Arguments are being put forward for late night shopping. Queensland is investigating the situation

throughout Australia. It will make its decision soon, and I do not know what it will be. It is having a thorough examination of the matter, and I will respect its decision. Likewise, I will respect our court's decision, too. The member for Davenport contended that the Government ought to refrain from abrogating its power by passing the matter over to the Commission. I have already indicated to the House that the only reason why the shopping hours question was under Government control was the sweated labor situation. There is no other industry of which I am aware over which the Government has control of the hours worked in it. I hear no interjections about that matter; the Opposition must agree that that is a true and current situation.

Mr. Dean Brown: You can buy ready-mixed concrete any time.

The Hon. J. D. WRIGHT: Why should the Government have control of the hours worked in this industry, when it does not have control of the hours worked at Holdens, in local councils, or hours worked by hospital employees. Why ought the Commission not have the same right, as has every other tribunal in the State, to examine hours worked in this industry?

Mr. Dean Brown: That's exactly what our policy is.

The Hon. J. D. WRIGHT: No, it is not.

Mr. Dean Brown: Lift restrictions and allow the Industrial Commission to work out the award agreements.

The Hon. J. D. WRIGHT: The policy of the honourable member's Party has nothing to do with the Industrial Commission. The honourable member wants the market to set its own pace. The honourable member wants to cause a furore in industry by having people fighting among themselves and causing all kinds of disturbance.

*Members interjecting*:

The SPEAKER: Order! There is far too much interjecting.

The Hon. J. D. WRIGHT: What we propose to do has some semblance of rationality. We are passing it over to a body. Is the honourable member saying that any decision of the court would be irrational? Surely, for the first time, we have the responsibility in the right place.

Mr. Dean Brown: Where is furniture on the exempt list?

The SPEAKER: Order! The honourable member had his opportunity to put his points to the House.

The Hon. J. D. WRIGHT: If the member for Davenport had been in the House when I explained it, I hope he would have understood it, although perhaps he would not. The member for Torrens understood it. The member for Light is nodding his head, so I think that he understood the situation. The only other member who spoke was the member for Mitcham, who talked mostly about his policy. There is no question that he has at least been consistent in his policy for the past four or five years in supporting totally unrestricted hours, but the Government cannot, nor should it, agree to it. He referred to the items on the exempt list, which I had tabled so that members could examine it in detail. Mousetraps were referred to by the member for Davenport, but he did not say that, at least, motor cars could be bought. Motor cars have been placed on the exempt list for a valid reason. One honourable member said that he did not believe in Sunday shopping and, therefore, cars should not be available on that day. My inspectors have reported to me that in the past 12 months many secondhand car dealers have operated on Sundays.

Mr. Russack: Did you get any telegrams about cars?

The Hon. J. D. WRIGHT: Yes, a few from your district. Obviously, they were worded by one person in order to deceive me. The situation about secondhand motor cars is simple: the bigger firms have operated for 12 to 18 months on Sunday, Saturday, and every other day.

Mr. Evans: They are breaking the law.

The Hon. J. D. WRIGHT: Yes.

Mr. Evans: Why not stop them?

The Hon. J. D. WRIGHT: Inspectors have travelled along the main roads trying to catch people on almost every Saturday and Sunday for the past year. That is difficult, because people have to be caught physically signing the agreement. When the inspector makes his announcement, the customer usually says that he is looking and not purchasing, and the salesman declares that he is the watchman keeping nit on the place, or something else.

Mr. Venning: They haven't gone along the Main North Road very well.

The Hon. J. D. WRIGHT: Opposition members want to know why we have not charged them. One reason is that it is a difficult matter to police, try as we have tried. Secondly, a few months ago we caught two people physically signing an agreement to transfer the car to a new owner, but the court in its wisdom fined them $10. I do not think that secondhand car dealers or new car dealers would be disturbed about paying a $10 fine. Members opposite may say that we should lift the penalties, but my inspectors report that there is a demand from the public and that people are out on Saturday and Sunday looking for and purchasing cars. We have not been successful as a Police Force, and I do not think we should be.

For the benefit of the member for Mitcham, I point out that I am considering transferring the onus of proof. The reason and effort that have gone into this legislation is to try to cater for a situation in which we see an immediate demand by the public. One can decide that only on reports from my inspectors who are continually in the field. Secondly, we want to ensure that consumers can purchase goods that, on the advice of inspectors and from our experience, we think should be available as they are required. Thirdly, we want to be able to reach a situation in which my inspectors are not running around policing specific shops and sites and trying to catch people breaking the law. They should be in industrial areas checking on wages and that is what they are really appointed to do. We believe that this legislation, combined with that part that will go to the Industrial Commission, will have the effect that we want it to have, and eventually will give to consumers of this State decent and regulated shopping hours.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

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

Page 2, lines 10 to 16—Leave out all words in these lines.

This is the first of a series of amendments designed to implement one idea. I suggest that I should take this first amendment as a test case, although I should like to refer to the entire series. It is appropriate that I do, because the series refer to the deletion of clauses dealing with the Industrial Commission. The Minister spent much of his time in reply referring to changes of mind, and he read much material that I had introduced previously. Most of this information was obtained by way of question,

because there was a real area about which we were not aware concerning the effects of the legislation that we were then considering. It was largely because of that consideration, and because of inquiries made before then, and intensively since then, that the Liberal Party has adopted the policy that these amendments now represent.

I make clear to the Minister that there may well have been a change of mind (if that is the way he sees it), but that does not embarrass or concern me or my Party, because we have taken the right and proper course. We have investigated this matter in Queensland and Victoria; we have spoken to individual members of the Retail Traders Association who have been helpful; and we have spoken to shop assistants, but not to Mr. Ted Goldsworthy. I believe that the member for Davenport has spoken to him. We went to much trouble, before we adopted our policy, to ascertain the difficulties, and I still recognise that there are difficulties. However, I believe that these difficulties can be overcome, as they have been overcome in other States and other countries. The effect of this series of amendments will be to remove restrictions between midnight on Sunday until 1 p.m. on Saturday. To bring about an orderly transitional period, we intend that we should have Thursday evening as a late shopping evening each week. The amendments allow the Minister to vary that, as long as it is only for one evening in the week, in order to allow for local conditions and to ensure that consumers are given first consideration.

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

Dr. TONKIN: The matter to be decided at this stage of the proceedings is whether or not we take positive action in this Parliament to open up shopping hours so that people may make up their own minds, and so that consumers may have a say in what is going on, or whether we adopt this wishy-washy attitude of passing the buck so clearly enunciated by the Minister.

The Hon. J. D. Wright: There are about two—

Dr. TONKIN: I do not intend to answer the rather rude interjections of the Minister.

The Hon. J. D. Wright: But true.

The CHAIRMAN: Order!

Dr. TONKIN: No, they are not true, and the Minister should know better. We have come to a fairly significant crossroads for the people of South Australia, because this is what the legislation is all about. It will be an exercise in passing the buck, moving the matter to the Industrial Commission so that South Australians have no real control over what they want. They cannot go to the Industrial Commission as they can go to members of Parliament. When members on our side have representations made to them from shoppers or consumers, they listen; obviously, that is not what happens when members opposite have representations made to them. They take no notice whatever. Let us put the Government to the test. Let us see exactly what it wants to do, whether it will opt for 1960 regulations from Queensland, culminating in 17 years of inaction, or whether it will do something positive. The Liberal Party has done much research on this, and it has indeed revised its opinion. It is proud of that, because we are up to date with what people in this State want. By moving to delete the words in this clause bringing in the Industrial Commission, we will pave the way for sane and sensible shopping hours. This is what it is all about: either we support what the people in this State want or we fob them off and put the responsibility somewhere else. That is the vote we are now facing.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I understood before dinner, when the debate was on a much more rational basis, that we were referring to lines 10 to 16. I thought the Leader said that he did not intend to make his full submission then, because other more important amendments were to be moved later.

Dr. Tonkin: Then you weren't listening.

The Hon. J. D. WRIGHT: That is as I understood it.

Dr. Tonkin: I don't think the Chairman does.

The Hon. J. D. WRIGHT: Other amendments on file appear to have much more strength than does this one. There is no doubt that the Government legislation depends entirely on whether or not the Industrial Commission stays within the confines of the Act. For about the fourth time today, I have listened to speakers opposite telling us at random how much work they have done on this legislation.

Dr. Tonkin: At what?

The Hon. J. D. WRIGHT: At random; I use the word strongly. I do not believe members opposite have done any research at all or that they have had any consultations with anyone in the State. They have plucked something out of the air and kept on plucking. They plucked something on November 10 last, as I said earlier. They plucked again about three weeks ago, and again in the past couple of weeks. Three times in four or five months we have seen a change of policy on the part of the Opposition. That is not good enough. The Government has analysed its position and it is quite clear about where it is going. It has decided on a rational approach to changes in the Act. It is conscious of where it is going, and in due course the court will get an opportunity to decide exactly where it is going. For that reason, this amendment cannot be accepted by the Government.

Mr. GOLDSWORTHY: That was one of the weakest speeches I have heard for a long time in opposition to an amendment the purpose of which is abundantly clear. The Minister claims to have taken a rational approach to the problem.

Dr. Tonkin: Rational?

Mr. GOLDSWORTHY: It depends how we analyse the word. From the point of view of the Labor Party, one could call the approach rational, because members opposite are in a bind. If he were prepared to come clean, I think the Minister would say that he was in favour of extended shopping hours. I think the Premier would agree. Their claim that this approach is rational means that this is the only way for the Labor Party, which is being dictated to by union officials, who have said they do not want a bar of this legislation.

Mr. Whitten: They said it was a most courageous decision.

Mr. GOLDSWORTHY: Of course they did, because it shelves the problem. They are delighted. That interjection sustains my point completely. It is what the unions want, because it effectively shelves the whole question. The Queensland experience is a recipe for inaction, just what the Government wants at this time. It has been wrestling with this problem since 1970.

Dr. Tonkin: Since 1896, the Minister said.

Mr. GOLDSWORTHY: If we take the Minister's word. I am talking of the time we have been in this House, which is longer than the Minister has been here, and during that time we have been aware of the dilemma in which the Government has found itself since 1970. It was a pitiful effort by the Minister to say that the court

in due course would sort out the situation. We are sustained in our view that this is a completely irrational approach. The Government has failed to come to terms with what the public wants. It is not game to give the public what it wants for one reason only, because it is completely under the domination of the union concerned. The union has made its situation patently clear and it is adamantly opposed—

Dr. Tonkin: The officials are, certainly.

Mr. GOLDSWORTHY: The officials, yes. My namesake, a fellow named Goldsworthy—

Mr. Millhouse: He lives up to his name.

Mr. GOLDSWORTHY: That was a particularly unkind comment by the member for Mitcham. Of course the unions are highly delighted with this proposal of the Government's, because they do not want a bar of extended shopping hours, and the Minister knows from the Queensland experience that the Bill shoves the matter into an area where there has got to be litigation. There will have to be a recognised organisation to put up a case. How the consumers will organise themselves to form such an organisation to appear before the Industrial Commission and make their point is rather obscure in the Minister's explanation. Far from being a rational approach, the Bill is a completely irrational approach. From the Minister's position of trying to appease the union involved, one can concede that it is rational because the unions go along with it because they are totally opposed to extended shopping hours.

Mr. MILLHOUSE: I have been in a state of some indecision about this amendment because it goes to the guts of the Bill—whether or not we are going to try out the Industrial Commission. I agree with the Minister about the difficulty of the problem and the fact that it did not only start to be difficult in 1970. I know only too well from the time I spent as a Minister (and I am sure that the member for Torrens will be honest enough on this occasion to support me) that we wrestled with the question of shopping hours for the two years or so that we were in office and that it had been an issue well before that. During the late 1960's it was an issue that we failed to solve, so I do not know why we should sling mud at the present Government because it has failed to solve it, although it has had rather longer than we had.

Dr. Tonkin: It has an opportunity to solve the problem now.

Mr. MILLHOUSE: Of course it has; we all have an opportunity to solve it by doing what I have always advocated—repeal the whole of the legislation on the matter. The argument in favour of the Government's proposal is that if it does not work Parliament can always take the power back again. I think it should be dealt with in Parliament. I think, as a matter of principle, this is the place where decision should be made. On the other hand, if we are to get some relaxation of the restrictions at present by going to the commission, I am happy to do that, because we are not making much progress here.

Dr. Tonkin: We aren't going to make much progress through the commission.

Mr. MILLHOUSE: That remains to be seen. The Leader may be right when he says we will not make much progress through the commission, but we have not made any progress in this place. One point that is worrying me about going to the commission (and this, I think, has been decisive in my deciding to support the amendment) is that the opportunity to go to the commission is restricted, and it is very much in the hands of the Minister if he wants to block people. I know councils can approach the commission, but I am trying to work out whether it is likely that a council would make an application to the commission. There would have to be a tremendous surge of support from ratepayers through the council, and so on, before that would actually happen. Councils are fairly inert as a rule on matters like this. I think, as a matter of principle, we should leave the matter here. I am realistic enough to know that this amendment will not succeed, and I hope that the old gentlemen in another place may do something about the opportunity to apply to the commission.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

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

Pairs—Ayes—Messrs. Arnold and Evans. Noes—Mrs. Byrne and Mr. Wells.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived.

Clause passed.

Clause 5—"Exempted shops."

Mr. MILLHOUSE: I move:

Page 2, line 33—Leave out "ninety" and insert in lieu thereof "seventy-five".

I understand from the second reading debate that the member for Davenport did not understand the purport of new section 165a.

Mr. Dean Brown: Not at all; I didn't raise this.

The CHAIRMAN: Order! I hope the honourable member for Mitcham keeps to his amendment.

Mr. MILLHOUSE: The effect of the new subsection (1) of new section 165a is to provide that 90 per cent of the goods, by retail value, in the shop have to be exempted goods before the shop can be an exempted shop automatically. That is a high proportion, and I would prefer 75 per cent, which is still three-quarters of the retail value of all the stock. By the amendment, if a shop had exempted goods equal to or more than three-quarters of the retail value of all goods, it could open, because it would be an exempted shop.

Dr. TONKIN: I am in something of a dilemma, because my instinct tells me that normally I would oppose the amendment. I say that because, if we had been successful in opening up shopping hours for the period other than Saturday afternoon and Sunday, there would be no need for this amendment. There is not much to it. As it seems that, as the Bill leaves this place anyway, the matter will be for the Industrial Court, I support the amendment.

The Hon. J. D. WRIGHT: That is the queerest speech I have heard. The Government is trying to give flexibility. If it wanted to open up exempted shops on a 50-50 basis or 60-40 basis, it would have done so. We believe that 90 per cent of the retail value of all goods is a fair qualification for an exempt shop, until the court has had time to examine the matter. We believe that we are taking a long step forward. We do not want inspectors running around finding out whether

someone has broken the law, as the inspectors have done in the past. I believe that the provision for 90 per cent does that.

Mr. GOLDSWORTHY: I am sure the member for Mitcham understands the Opposition's difficulty, because he did not not know whether he wanted to support an amendment that would, in the long term, open all shops on Saturday afternoon and Sunday.

Mr. Millhouse: I don't know why you have this hang-up.

The CHAIRMAN: Order! The honourable member for Mitcham is out of order.

Mr. GOLDSWORTHY: The honourable member's amendment is relatively minor, and we have come down in support of it.

Amendment negatived.

Mr. MILLHOUSE: I move:

Page 2, lines 42 and 43—leave out "one hundred and eighty-six" and insert in lieu thereof "three hundred and seventy-two".

The amendment doubles the floor space of the exempted shop. As the clause stands, a food shop up to 2 000 square feet in area could be exempt. That is a shop measuring about 40ft. by 50ft., so it is not a very big shop. Those two linear measurements could vary, but that is about the size. I would much rather double the size so that a small supermarket could open. The member for Henley Beach, if he were in the Chamber, would approve of my using metric measurements to double the size, so my amendment would delete the figure "186" and insert the figure "372". In common parlance, however we would change 2 000 sq. ft. to 4 000 sq. ft.

The Hon. J. D. WRIGHT: This measurement was not plucked out of the air: it was not something that I or my officers or inspectors thought of. It was not a measurement arrived at arbitrarily: it was ascertained as the result of an examination of a dispute in the industry three or four years ago. It was a compromise, decided on by the retailers themselves, really, to define exactly what the difference was between a supermarket and a small shop.

Dr. Tonkin: It was a retailers' decision.

The Hon. J. D. WRIGHT: Yes, a retailers' decision—well a retailers' recommendation rather than a decision would be, I suppose, a better way to describe it. We considered the possibility of creating a small shop section similiar to the provision in the Queensland legislation, which seems to be working well. It fits into the employee situation where a shop employing fewer than three or four employees can be described as a small shop section. That could easily have been involved in this legislation. Having given the matter due consideration, it was thought best by the Government and me to comply with what the retailers and associations generally in South Australia considered to be the difference between a supermarket and a small shop section. On that basis I have no option but to oppose the amendment.

Dr. TONKIN: I am most grateful to the member for Mitcham for having led the Minister into making the admission he has just made. We are all conscious of that statement. He said that the Government in this matter believed that it should abide by the retailers' decision.

The Hon. J. D. Wright: Recommendation.

Dr. TONKIN: It became "advice" and now it is "recommendation".

Mr. Millhouse: He said recommendation.

Dr. TONKIN: Then I have done the Minister an injustice and I apologise, but his first word was "decision".

The Hon. J. D. Wright: No.

Dr. TONKIN: That is the very principle for which we have been fighting: that retailers should be able to make their own decisions, that the trade union involved should be able to make its own decision, too, and that they should get together and come to this sort of consensus. The Minister this evening has thrown away all the arguments that he was using in favour of the legislation. I do not have to say any more; he has said it all. He made the comment that the Government believed that it should comply with the retailers' "decision", amended to "recommendation". The Opposition cannot support the amendment. The Opposition believes that it is important that the smaller shopkeeper is protected in these circumstances, circumstances that will apply because the Government will not see reason. For that reason we do not support the amendment, but I am grateful to the member for Mitcham for moving it, because it trapped the Minister into making a most cardinal admission.

Mr. MILLHOUSE: It seems to me that the Leader is on that barbed wire fence again. He is grateful to me but he will not support me. Well, he will have to stand and be counted on the question. What I find illogical in what the Leader has said is that his own amendment, and as I undersand it the policy of his Party apart from the Opposition's hang-up over Saturday afternoon and Sunday trading, is to liberalise trading laws. This amendment is of some significance in that direction. It does not go nearly as far as I should like it to go nor as I understood a few minutes ago that the Leader wanted to go, but at least it would allow many more shops to open than will be allowed to open under the Bill as it stands. For reasons that are not clear to me, particularly in view of the Leader's gratitude to me personally, he will nevertheless oppose my amendment. That is utterly illogical. I suppose that Party loyalty will dictate that all his Party members follow him. If it were anything but blind Party loyalty, I am sure they would not follow him.

The Hon. J. D. WRIGHT: I rise on a different point and declare that the Leader's last comment was quite illogical. I have not hidden behind any cloaks in this regard. If the Leader understood the legislation or had bothered to read my second reading explanation he would have seen clearly that I explained how we arrived at the decision regarding 2 000 sq. ft. It has taken the Leader eight days and two bottles of claret—

The CHAIRMAN: Order! I want each member to stick to the amendment before the Chair.

Dr. TONKIN: I rise on a point of order, Mr. Chairman. I find that remark extremely offensive and I demand an apology and a retraction. The remark is not true.

The Hon. J. D. WRIGHT: I will withdraw the remark, but it seems to me that prior to the dinner adjournment we were having a logical, sensible debate. I went so far as to congratulate members on the rational way they conducted the debate. However, in the 40 minutes since the dinner adjournment proceedings have been conducted in anything but a rational, sensible manner. Something has happened between the dinner adjournment and now. I have made no secret about the way in which we decided on the difference between a supermarket and a small shop section. I explained it in the second reading explanation. I do not back away from that. It was a recommendation arrived at by officers in my department and people representing the Retail Traders Association and the

unions involved in the 1973 situation. We went back to the file relating to that situation, and saw what happened and what we had to do. No-one has objected until this amendment was moved.

I am not hiding behind any cloaks. Members could have asked me questions, but they are now trying to make something out of the situation that they did not make out of the second reading speech or in their own speeches. Since dinner all sorts of inquisitions, questions, misunderstandings and mistrusts have occurred. This is an important Bill. I want it to be processed in Parliament in a proper, deliberate and sensible fashion. It is difficult to understand the difference that exists in members' attitude since the dinner adjournment.

Mr. GOLDSWORTHY: It seems to have escaped the Minister's notice that the Opposition is on his side on this amendment.

Mr. Millhouse: Yes, but you are in the pockets of the retailers, though.

Mr. GOLDSWORTHY: That certainly is not the case.

Mr. Millhouse: Ha! As soon as you heard it was a decision of the retailers—

The CHAIRMAN: Order! I warn the member for Mitcham.

Mr. GOLDSWORTHY: The other point that seems to have escaped the Minister is that, before the dinner adjournment, members were willing to support the Bill at the second reading stage for the purpose of moving amendments in Committee. Since the dinner adjournment, we have been debating those amendments. The Minister had a degree of consensus before dinner, when replying to the second reading. Since the dinner adjournment, we have been debating amendments that are at variance to what the Minister proposes in the Bill. If he does not have the intellect to understand what is happening now, I hope that he will not resort to personal attack on the Opposition.

The Hon. J. D. Wright: I withdrew.

Mr. GOLDSWORTHY: That is why a deal of fire has come into the debate since the adjournment, as there is no consensus at present. I make clear to the member for Mitcham, who has had some unkind things to say about the Opposition, that the Liberal Party has discussed the hours in which shops would be thrown open. In the community at large there would be support for not throwing shops open on Saturday afternoon or Sunday.

The CHAIRMAN: Order! The honourable member must confine his remarks to the amendment.

Mr. GOLDSWORTHY: That matter came up in remarks made by the member for Mitcham when moving his amendment.

The CHAIRMAN: I hope that the honourable member will confine his remarks to the amendment being discussed.

Mr. GOLDSWORTHY: This matter was canvassed in the debate on the amendment moved by the member for Mitcham. I have heard him espouse the cause of Parliament's not sitting on days of significance to him. He has said that we should not sit on Maundy Thursday.

The CHAIRMAN: Order! The honourable member is now moving away from the amendment before the Chair, which has nothing to do with what the honourable member for Mitcham wants to do at Easter. The honourable member must confine his remarks to the amendment before the Chair.

Mr. GOLDSWORTHY: I am sorry that I shall not have the opportunity of replying to the points made by the member for Mitcham. Our attitude on the amendment has been taken after considerable discussion within the Liberal Party. *Ad hoc* decisions are not being made on the amendments. I believe that the argument advanced by the member for Mitcham is inconsistent with arguments he has advanced in this Chamber from time to time in relation not only to the operation of shops but also to Parliamentary sittings.

Question—"That the amendment be agreed to"—declared negatived.

Mr. MILLHOUSE: Divide.

*While the division was being held*:

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

Amendment thus negatived.

Mr. MILLHOUSE: I move:

Page 2, lines 44 to 46—Leave out all words in these lines.

Of the three amendments to the clause, this one is the most significant. I canvassed the problem in some detail in the second reading debate. My amendment is to delete proposed new subsection (3), which reverses the onus of proof. My reason for moving the amendment is based on two grounds: first, the ground of principle (I always do it when I think it proper, as it normally is), and secondly, on this occasion, if we do not do it, it could work an obvious injustice to shopkeepers. A shopkeeper might be oppressed by an inspector who said, "You have only 60 per cent of exempt goods. You shouldn't be open at all". The only way in which he could protect himself would be to take stock then and there in case he was prosecuted. That would obviously be wrong. I hope, from the encouraging sounds I have heard from the Minister, that he may be sympathetic. I appreciate his listening to my argument.

Dr. TONKIN: On this occasion, we do not hesitate to support the amendment. It is a fundamental principle for which we have stood for many years. The onus of proof should not be this way around. I think it absolutely essential that the amendment be carried in the interests of democracy and fair play generally. For that reason, we support it.

The Hon. J. D. WRIGHT: I take this opportunity of thanking the member for Mitcham for drawing my attention to this anomaly in the legislation. It was not a deliberate anomaly. In preparing a Bill, one sometimes hastens more quickly than one should. If we had hastened more slowly, this mistake would not have been made. Having listened to the member outlining what he believed was an anomaly, and having thought about this matter during the dinner adjournment, I agree completely with his opposition to this matter, and I accept his amendment.

Amendment carried; clause as amended passed.

Clauses 6 to 14 passed.

Clause 15—"Enactment of ss. 228, 229 and 230 of principal Act."

Mr. RUSSACK: The second reading explanation states that the Bill provides that, in future, any goods on the exempt list will be named by regulation, although in the past it has been done by amending the Act. This variation is a policy that is being adopted by the Government, and it has occurred in other legislation. It takes away from Parliament the opportunity to debate these matters in a desirable way. I acknowledge that Parliament may disallow any regulation. However, if the regulation were introduced after Parliament had risen, it would be operating without members having the chance to move to

disallow it. Also, the Government is being inconsistent in regard to motor vehicles. It does not want to throw open general trading but, by regulation, it will introduce the right for people involved in the motor vehicle industry to trade seven days a week. I understood that the major reason for this inclusion was that such trading was now taking place, was hard to police and offenders could not be detected: therefore, it must be made law.

The Hon. J. D. Wright: And it was a demonstrated convenience.

Mr. RUSSACK: I said it was the major reason given, although the Minister adds that there is a demand. However, the major reason is that the Minister considers that, as it is happening now and cannot be stopped, it should be allowed to continue. That is a wrong principle. This afternoon the Minister said he had received some telegrams from my district, but I am sure that he has also received them from other areas as well as communications from the motor vehicle industry in the metropolitan area. The Government maintains that it protects the little man, but the small metropolitan car trader will be placed in a most difficult situation. I have received representations from country dealers concerned about this matter. Because of the additional cost involved in weekend trading, they will find that, because they will not be open, many of their normal clients will travel to the city, a situation that will be detrimental to the country traders. Many people in the motor vehicle industry are not in favour of motor vehicles being included in the schedule of exempt goods.

Mr. MILLHOUSE: The honourable member may have received numerous approaches on this matter, but I have not had any. I have an amendment to this clause.

The CHAIRMAN: Order! The Leader of the Opposition has an amendment that precedes that of the member for Mitcham.

Dr. TONKIN: I move:

Page 5, line 27—Leave out "sections".

The whole clause relates to the exercise by the Industrial Commission of its jurisdiction. This is our final move in protest against this handing over of a Parliamentary responsibility to the Industrial Commission, a body which I do not criticise in any way but which I believe will not have any further effect on this whole matter of shopping hours. I believe that the shopping hours will be unchanged and that the Minister and the Government know full well that this will be the result of such a decision. That is why they have made this decision and why they have brought in legislation, as they have done, depending on the fact that nothing will happen as a result of the Industrial Commission's taking over responsibility in the State for shopping hours. I move this amendment more or less as a formality, because I have no doubt that the Government will hold firm on this. It is not in a position to change its mind, even at this late stage. It could still do the right thing by the shopping public if it wanted to do so. It is up to the Minister to prove that it will not and that it does not care about the shopping public.

The Hon. J. D. WRIGHT: The reverse is the case. The Government does care about the shopping public of South Australia, and all sections of the community are well catered for by this Government. What interests me is how Messrs. Allen, Blacker, Chapman, Eastick, Gunn, Rodda, Russack, and Mathwin will vote in this debate.

Dr. TONKIN: I rise on a point of order, Mr. Chairman. The Minister has been here long enough, I think, to recognise that one does not refer by name to members of this honourable House, and that is what he has just done.

The CHAIRMAN: I must uphold the point of order. At times, honourable members on both sides do this, and now that I have upheld the point of order I hope that, in future, members will consider that position.

The Hon. J. D. WRIGHT: I was reading from *Hansard*, Mr. Chairman.

Mr. Gunn: It is quite obvious what you were doing.

The Hon. J. D. WRIGHT: I was not being detrimental to members.

Mr. Mathwin: It was a slur.

The Hon. J. D. WRIGHT: It was not intended to be a slur. I was trying to understand the situation in the light of the amendment now before the Committee, and what had happened on November 10, 1976, when those seven members crossed the floor on the Bill that came down from the Legislative Council and voted with the Government. Those members are now placed in one of the most embarrassing situations in which I have seen any member in this place. Now you are really asked to vote on the crunch clause. Your names are in *Hansard* as having crossed the floor.

Mr. Gunn: And I will—

The CHAIRMAN: Order!

Mr. Gunn: —tell you—

The CHAIRMAN: Order! The honourable member for Eyre is out of order. I warn the honourable member for Eyre. For some time past, the Speaker and myself have tried to insist that there is no such form of address as "you". It must be "honourable members". The honourable the Minister.

The Hon. J. D. WRIGHT: Honourable members on the other side now must find themselves in a most embarrassing position. On that occasion they were asked to support legislation passed in this place.

Mr. Mathwin: But—

The CHAIRMAN: Order! The honourable member for Glenelg is out of order.

The Hon. J. D. WRIGHT: They were asked to support legislation for late night shopping that came to this House from the other place. It appears that the constituents of those members are entitled to some explanation if they change their votes this time, or of why they voted that way last time. This is really the crunch vote on what you are going to do and what your policy is.

The CHAIRMAN: Order! I know we often have a slip of the tongue, but I hope the honourable Minister will continue in the vein of "honourable members opposite" instead of "you".

The Hon. J. D. WRIGHT: Members opposite—

Mr. Mathwin: Name them.

The Hon. J. D. WRIGHT: I will not name them. I am not allowed to.

The CHAIRMAN: The honourable member for Glenelg is out of order, and, if he wants to be named, he will be named.

The Hon. J. D. WRIGHT: I would like to name—

The CHAIRMAN: Order! The honourable Minister will resume his seat.

Mr. Mathwin: Yes, you must sit down when—

The CHAIRMAN: Order! The honourable member for Glenelg is out of order once again. I hope we can continue the debate with fewer interjections, getting back to the amendment before the Committee.

The Hon. J. D. WRIGHT: The arguments put forward by the Leader have no different content and no different substance from the arguments put forward previously. We have debated this matter since late this afternoon. The Government rejects the amendment.

Dr. EASTICK: I am sure that, when the Minister reads the record of this debate tomorrow, he will find that the question he has posed was answered.

The Hon. J. D. Wright: By whom?

Dr. EASTICK: By me, speaking on behalf of—

The CHAIRMAN: Order!

Dr. EASTICK: —a number of people. To clarify the situation, it was to the effect that the issue we considered on the previous occasion blackmailed a group of people into opening at the prime trading time of the year. It called on them to open on the three Friday nights leading up to Christmas. I indicated earlier, and I am certain other members would do likewise, that the restriction placed on people by the measure which came from another place, which was in a form entirely different from that in which it was originally promoted, caused members to say that it was not on. It was important that, in a decision of this nature, people who wanted to open could do so and those who wanted to remain closed could do so; no-one would be forced into a position at such a trading period of being compelled to open or otherwise to miss out on a sizable part of their annual turnover.

The CHAIRMAN: Before the honourable member for Eyre speaks, I must say that I hope that, from now on, we will stick rigidly to the amendment before the Committee.

Mr. GUNN: Most certainly, Mr. Chairman. I wish to reply to the comments of the Minister. I entirely support the comments of the member for Light. As one of those who crossed the floor and voted with the Government on a previous occasion, I can tell the Minister that I shall do so whenever I think it is in the interests of my constituents and of the people of this State. As members of the Liberal Party, we have that democratic right. We are not told what to do, and we represent the views of the people. We do not bow to the dictates of a union, as the Minister—

The CHAIRMAN: Order!

Mr. GUNN: —has clearly shown he does.

The CHAIRMAN: Order! The honourable member for Eyre will at all times dignify the Chair. The reason I have called him to order was that I had asked him to stay within the provisions of the Bill and he flouted that decision. I hope he does not do that in future.

Mr. McRAE: I understood the Leader to say in support of his amendment that, in vesting in the State Industrial Commission jurisdiction in this matter, the Government, or perhaps the Minister, or both, well knew that the result would be that the existing position would remain unchanged. I understood him to say that and he does not deny it.

Mr. Goldsworthy: Have you been in Queensland in the past 15 years?

Mr. McRAE: Queensland has nothing to do with the matter. That is one of the most serious allegations I have ever heard made in this House. It is an allegation that the members of the State Industrial Commission, the five judicial members and the four lay commissioners, are lapdogs of the Government and have already acceded to some secret Government request, or would do so if they were called on to do so. If that is the case, not only should the Government resign but the judicial officers should be impeached and the commissioners sacked. I do not believe for a moment that that is the case, but that is how serious the allegation is, and because it was so serious I felt that I could not let it go unchallenged because it is a slur on every one of those judicial officers and commissioners, as well as the Government and the Minister, who are being accused of direct corruption of the judiciary.

Dr. TONKIN: It is hardly worth answering, I suppose, but the honourable member seems to be under such a colossal and massive misapprehension that perhaps I ought to put his mind at rest. I said exactly what he suggests I said; I believe it and I repeat it. The Minister and the Government know full well that the position will not be changed in any way.

The Hon. J. D. Wright: I refute that.

The CHAIRMAN: Order! The honourable Minister is out of order.

Dr. TONKIN: The simple reason is that the Industrial Commission, composed of very worthy and learned judges and people of the highest integrity, nevertheless must be bound by the powers and the terms of reference that are given to it by this Parliament. With the best will in the world its own views, and the honourable member as a lawyer and somebody who may in fact one of these days take silk, being someone who is learned in the law—

Mr. Goldsworthy: He ought to be the Attorney-General.

Dr. TONKIN: He would make an extremely good Attorney-General.

The CHAIRMAN: Order!

Mr. Mathwin: A better one than the one we've got.

Mr. Coumbe: He might join the Industrial Commission.

The CHAIRMAN: Order! The honourable member for Torrens is out of order also. I ask the honourable members on both sides to cease interjecting. The honourable the Leader of the Opposition has the floor.

Dr. TONKIN: I agree that in fact one day he will be a suitable candidate for that jurisdiction. He should know what the position is.

The CHAIRMAN: Order! The honourable Leader is out of order concerning the honourable member for Playford.

Dr. TONKIN: In that case I must apologise, because you do not share my high opinion of the member for Playford. I am sorry about that, because I have the highest regard for him.

The CHAIRMAN: Order! The honourable Leader is straying away from the amendment before the Chair.

Dr. TONKIN: I do not know quite what to say from here on. Perhaps it would be best if I simply left the member for Playford alone from here on, but he made a very significant charge, which I refute.

Mr. Gunn: What—

The CHAIRMAN: I warn the honourable member for Eyre for the second time.

Dr. TONKIN: The situation will not be changed, not because of any corruption or direction by the Government, but simply because the Government knows full well that the Industrial Commission will not be in a position to do anything other than its rules of court demand and its terms of reference give it power to do. That is the situation, and any suggestion that has been made by the member for

Playford that I am alleging potential corruption or collusion I refute entirely, and he knows it. The suggestion does him no credit.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotten.

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

Pairs—Ayes—Messrs. Arnold and Boundy. Noes—Mrs. Byrne and Mr. Wells.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived.

Mr. MILLHOUSE: I move:

Page 5, lines 31 and 32—Leave out "—(*a*)" and insert "the public interest and, subject to that interest,".

I hope the amendment will go some distance towards soothing the Leader's complaints about the terms of reference of the commission. My amendment will alter new section 228 (1) (*a*) and (*b*), which gives the commission its riding instructions. I do not intend to try to amend placitum (*a*). As I said during the second reading debate, goodness only knows what the meaning of "in the vicinity of" will be. The example I gave was that of Rundle Street East traders. If they wished to open late at night, possibly John Martins, David Jones, and Myers could complain about it. It will depend on what the court decides "in the vicinity of" means. What is far more important is that public interest predominates and not the interest of employers or employees. My amendment will reverse the order in which the commission must consider these things so that the public interest becomes paramount. It means that the commission will consider the public interest and, subject to that interest, the interest of employers and employees and so on. I appreciated the way in which the Minister listened to my earlier argument and I have been encouraged a little by the sort of noises he has made since.

The Hon. J. D. WRIGHT: The Government accepts the amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

Page 5, lines 36 and 37—Leave out all words in these lines.

It is a consequential amendment.

Amendment carried.

Mr. DEAN BROWN: I wish briefly to comment on several of the items in the exempt list. To clarify the situation for the member for Mitcham, who did not pay me the courtesy of being here during the second reading debate when I raised—

The CHAIRMAN: Order! I hope that the honourable member will stick to the clause under consideration.

Mr. DEAN BROWN: I am referring to the exempt list. Furniture is not referred to in that list. During the second reading debate the Minister challenged me by saying that it was possible to sell furniture. I accept his point that it could be sold under the 10 per cent provision, but that does not excuse the fact that furniture is not listed. Just imagine how difficult it would be to sell a lounge suite. When one considers that a lounge suite costing $1 000 must represent no less than 10 per cent of the stock on sale one realises that a dealer would have to sell his furniture in a car yard to have stock of sufficient value. A trader would need two Torana motor vehicles or 9 000 pairs of pantyhose in stock for every lounge suite sold. The Minister's proposition is completely impracticable.

Furniture is not included in the list of exempt goods, yet motor vehicles are included. That really shows the Government's dilemma. Because certain pressure has been applied on the Government by one or two individuals who sold motor vehicles, the Government decided that motor vehicles could be sold. The Minister said that he could not police the situation. Why has not the Minister included other items that he cannot police? I understand that most of the items on the list are already available at the weekend at most shops. The Minister did not mention that.

The Hon. J. D. Wright: I didn't know that.

The CHAIRMAN: Order! The honourable Minister will have an opportunity to reply.

Mr. DEAN BROWN: That just indicates the Minister's ignorance in not realising what items are freely available over shop counters at the weekend. It is farcical to include motor vehicles in the exempt list so that they can be sold during the weekend, while so many other items are excluded. I have strongly advocated extending the trading hours for motor vehicles. A motor vehicle cannot be purchased in a half an hour after work or during the lunch break. A motor vehicle is probably the second most expensive purchase, apart from a house, that a couple will make, and they will take more than half an hour to make that purchase. It is logical to extend the hours for the selling of those vehicles, but I am opposed to opening it up for motor vehicles and large items like caravans, trailers and camp equipment during Saturday afternoon, Sunday morning, afternoon and even Sunday evening. That would be undesirable.

What staggers me is that the Minister is willing to grant an exemption for motor vehicles but is unwilling to grant exemptions for the majority of other items that people would like to purchase only one night a week. That is what the Opposition has asked for in its amendments; it has asked for certain essential items to be sold through supermarkets or retail stores at least one night a week. The Minister has rejected that but has said that motor vehicles could be purchased at any time, even on Sunday mornings. I believe that the Minister has been caught in a dilemma. The exempt list shows the extent to which he is in a dilemma. I oppose the motor vehicle aspect.

Mr. RUSSACK: I appeal to the Government, when considering the regulations, sincerely to consider deleting motor vehicles from the list of exempt goods. I am not being inconsistent with my Party's policy. Our policy is that, initially, there be one night's trading weekly, any time other than from midday Saturday to midnight Sunday. Deleting motor vehicles from the exempt list would accord with my Party's policy.

Mr. WARDLE: I voice my strong protest at the exempt goods provision, and especially at the sale of motor vehicles at the weekend. I have spoken on the telephone today, as have many other members, to Automobile Chamber of Commerce representatives in my area, who have protested strongly at motor vehicles being on sale on Sunday. Apparently, there are many problems which we do not envisage and which the Minister has not taken into

account. The industry itself believes that this practice would be undesirable, and I believe that that is worth much consideration. Like the previous speaker, I am not at all sure that many members of the public are clamouring to buy motor vehicles on Sunday. Although, like the member for Davenport, I believe there could be an extension of trading hours with regard to motor vehicles, I hope that would be within the first six days of the week. I believe that there is much opportunity for that. I voice strongly the opinion of many of my constituents in the motor vehicle industry who disagree to the sale of motor vehicles on Sunday.

Mr. BLACKER: I, too, add my support to the remarks of previous speakers regarding unrestricted trading hours in the motor vehicle industry. I received a communication from representatives of the motor vehicle industry in Port Lincoln this afternoon, expressing a strong desire that I oppose this provision in any way possible. I refer particularly to the proposed regulations, in which it is expected that motor vehicles will be an exempt commodity.

Mr. BOUNDY: I, too, add my support to not allowing motor vehicles to be placed on the list of exempt goods. I was approached today by representatives of the Automobile Chamber of Commerce in my district, whose members have protested against this provision and many of whose members are self-employed. It would create a hardship to them to be available on Sunday to sell motor vehicles in competition with larger traders who employ labour. Also, there is objection on a cost basis to employing labour. I understand that the wages of a man on a lot on Sunday are $70 a day. This industry, which is already under terrific assault to meet its costs, does not wish to see motor vehicles included on the list of exempt goods.

The Hon. J. D. WRIGHT: I have been over this matter at least twice today explaining the reason why the Government took the action it took regarding new and secondhand motor vehicles, and I will repeat it again. The difficulty has been that certain traders have taken the law into their own hands; there is no question about that, and I can give irrefutable proof of it.

Mr. Allison: Finish it.

The Hon. J. D. WRIGHT: We have done so when we could. This is one of those difficult areas in which it is almost impossible to catch people. I have competent inspectors. However, that is not the only reason. There is a public demand. People visiting secondhand car yards go through the motions of attempting to buy or examine a vehicle. If there is a concern in some country areas, there is no need for traders there to open. It is not a compulsory legislative action. It means that they may open if they wish. If people decide not to trade on Sunday, that is no skin off my nose. Henceforth, if they do it, they will not be breaking the law, because the opportunity will be there for them to do so if they wish.

Mr. EVANS: The whole of the Minister's argument falls down, I believe, even within his own philosophy: because some yards make their premises available to the public, there is a public demand. If that is done in any other retail field, by premises being made available to people on Sunday, there will be a public demand. Other ways are available to strengthen the law if the Minister wishes to prevent people from trading on Sunday. I, personally, do not care, but the Minister cannot base his argument on what he is putting up. It could be provided that fences be erected around premises of a firm that was breaking the law and that only a watchman could be stationed there, but the Minister will not do that. He will change the law because some are breaking it, but he shows little regard for others who wish to sell goods on Sunday.

Mr. MATHWIN: The Minister's excuse for this provision is that the trade had taken the law into its own hands, so he has capitulated to those people. He has admitted that his inspectors cannot catch people operating outside the law, so he will give in to the pirates who are operating. He said that there was a great need in the community for this extension, but I doubt that. I do not think there would be any demand for this type of operation. The reason is, obviously, that comparatively few car salesmen belong to unions. Therefore, there is no pressure on the Minister. So, he has said, "We'll let it go." If there is a demand for massage parlours to open on Saturday and Sunday, will he license them?

The CHAIRMAN: Order! The honourable member is disgressing. There is nothing about massage parlours in the clause. I hope the honourable member will confine his remarks to the clause.

Mr. MATHWIN: I support the comments of my colleagues, and suggest that the Minister should adjourn the debate in order to confer with Caucus on the matter.

The CHAIRMAN: Order! The honourable member is straying again: there is nothing about Caucus in this clause.

Mr. MATHWIN: I oppose this provision.

Clause as amended passed.

Clause 16 and title passed.

The Hon. J. D. WRIGHT (Minister of Labour and Industry) moved:

*That this Bill be now read a third time.*

Dr. TONKIN (Leader of the Opposition): This Bill as it comes out of Committee is a retrograde step: if it is not retrograde, it is a sideways shuffle. It is transferring the responsibility of determining shopping hours to the Industrial Commission, and getting the Government off the hook. If this could be called discharging the Government's responsibility to the people of this State, I hope that it does not stay there any longer than necessary. If the Government is not willing to accept its responsibilities to make decisions for the people, let it get out and let us get in, and we will make those decisions and do the right thing.

Mr. MILLHOUSE (Mitcham): The Leader and I part company at this point. I am not especially enthusiastic about the Bill, but it is a better Bill now than it was when it went into Committee. Two amendments which the Minister accepted and which I moved have significantly improved it.

Mr. Dean Brown: Ha, ha!

Mr. MILLHOUSE: The member for Davenport was accused earlier in the debate of not understanding, and I think his guffaws when I say that confirm that he does not understand the Bill, because what one of the amendments means is that the commission will now have a much more specific term of reference, that is, the public interest, than it had when he was willing to support the Bill's second reading. My greatest reservation about the Bill now (and I suggest the honourable member ask his old colleagues in another place to consider the point) is the ability to apply to the commission. I am sorry that I did not think of it earlier, but now members of the Liberal Party in another place may examine the point and perhaps widen the opportunity for people to apply to the commission.

If that is done, as I hope it will be done, there is little in the Bill that even the Liberals (except for their hang-up about weekends) can complain about. If it does not work and the dire prophecies of the Leader come true and there is not any loosening of shopping hours as a result of the Bill, Parliament can take the matter back into its own hands. I think we should have kept it there and made a bold decision, but I appreciate the political difficulties of the Minister. We cannot complain on this side, because we could not do it, either. Even though it is an abdication of responsibility, if it brings about a loosening of hours, well and good: if it does not, the legislation may be considered again and repealed, and we can take the thing back when we can collectively make a meaningful decision in this place. For those reasons I support the third reading, but I suggest to members of the Liberal Party, if they speak to their elderly colleagues, that they should suggest that they consider the question of those who may apply to the commission.

Mr. RODDA (Victoria): I had not intended to speak on this Bill, but I heard my name referred to from a distinguished quarter during the Committee stage. It appertained to some action I took last year. In the intervening period the voice of democracy has been breathed on me. I listened to my former colleague, the member for Mitcham, when I think he said that at this point he and the Leader parted company. There is many a true word, but I do not know whether they are all said in jest.

Mr. Millhouse: That wasn't said in jest.

Mr. RODDA: I gathered that it was not, but that is irrelevant, anyway. What the member for Mitcham had to say was significant. When we refer to shopping hours, as this Bill does, the public in this State is no different from the public of any other part of the world.

The SPEAKER: Order! I point out to the honourable member that he must speak to the Bill as it comes out of Committee. It is not an open debate, but is very restricted.

Mr. RODDA: What I have to say is about the Bill as it comes out of Committee. It is popping the people of South Australia into a tight straitjacket. When people are in a tight straitjacket, about the only thing they can move is their mouth. It is to that end that I want to object, because the people in this State have spoken with their mouths. They are willing to pay for a service that they would expect to receive. With some of my colleagues, I was taken to task for the aforesaid change of direction. Politicians have the ability, and we have seen it rehearsed in this place, to listen to the voice of our majority. As a rural man, I have some respect for city people when it comes to majorities, but I think that the people of Adelaide are vitally interested in the fact that this Bill may be popping them into a straitjacket.

Mr. GOLDSWORTHY (Kavel): I oppose the third reading for a fairly simple reason: that is, the Bill comes out of Committee in a condition that is completely at variance to the Liberal Party's stance in this matter. It is even further at variance to the stance occupied by the member for Mitcham. Either his stance is cant or humbug, or he is incredibly naive. I shall give the member for Mitcham the benefit of the doubt and say that he is incredibly naive if he thinks this Bill in the form in which it has come out of Committee will in some way lead to the situation which he desires and which he espouses by way of his policy. I shall be charitable and say he is naive. The Bill is completely at variance with the position adopted by the member for Mitcham and is at almost the same degree of variance with the policy opposed by the Liberal Party. That is a simple statement of our position. The Bill being as far as it is from our policy, our stance in opposing the third reading will be obvious to the Government and to the public.

The House divided on the third reading:

Ayes (22)—Messrs. Abbott, Broomhill, Max Brown, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Whitten, and Wright (teller).

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

Pairs—Ayes—Mrs. Byrne and Mr. Wells. Noes—Messrs. Arnold and Chapman.

Majority of 2 for the Ayes.

Third reading thus carried.

## NOISE CONTROL BILL

Returned from the Legislative Council with amendments.

## PARA DISTRICT HOSPITAL

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Para District Hospital, including Lyell McEwin Hospital Conversion.

Ordered that report be printed.

## FIREARMS BILL

Adjourned debate on second reading.

(Continued from April 14. Page 3449.)

Mr. EVANS (Fisher): I believe it is important to say at the outset that I support the Bill in principle, although possibly this is not the best time to be debating such a measure in Parliament, when high emotions are being experienced within part of the community following certain recent events. That is possibly the wrong environment in which Parliament can give proper consideration, with time and opportunity to consider a piece of legislation as important as is this. Each and every member of Parliament would be aware of the unfortunate incident that occurred in a northern suburb recently. Our thoughts and regrets would be with the family waiting patiently for its member to return from hospital to normal community life. I am sure that the young constable whose life is still in serious danger would wish for something to be done regarding gun laws and gun licensing.

At the same time, we must be conscious of how quickly we do it and we should give proper consideration to every facet of the Bill. We are discussing this measure because, for some time, it has been thought that the Firearms Act and the Pistol Licence Act should be combined in the one Act. The Minister has attempted to do that through this Bill, at the same time offering greater opportunity for some authority within the community to have control over the

ownership and use of guns, and to have a record by which most guns can be traced. We have chosen in the past to use the Police Department as the only authority to carry the registration details of firearms. We have allowed the National Parks and Wildlife Division to issue hunting licences, and I have wondered for some time whether such licences should be under the control of the Police Department or the Commissioner of Police. I do not think that the persons involved in the department are not capable of handling the provisions, but it tends to imply that the firearm is owned by a person with an occupation or something else associated closely with breaking the law or being involved with the law.

I think it is fair to say that most firearms are owned either as a hobby or for recreation, hunting or sporting purposes. For that reason there would be some justification in arguing that control in this area should fall into the sport and recreation field. If one tried to argue that one would then have to say that there was a necessity to set up some method of registration for country areas through the National Parks and Wildlife Service and the office of the Minister for the Environment and Wildlife. I do not think that that is a practical proposition, so in fairness I have to admit that the Police Department seems to be the logical department to control and keep a register of firearms known to be in the community. In his second reading explanation the Minister said:

Firearms are used to a major extent in the commission of offences against property. This is evidenced by damage to road signs, private gate signs, damage to property both Government and private. It is difficult to place an estimate on the total cost of damage caused by indiscriminate shooters. One of the problems is that there is no restriction on the type of firearm a person may buy.

I accept that argument. I believe that much damage is done to property in our community. Probably the greatest area of misuse is in relation to property damage, whether public or private. We have another problem in our society, and I refer to an article entitled, "The hidden dangers in gun control". In part, the article states:

We are in a sad condition in this country when our failure to cope with crime is met with little more than a cry for more laws. This is one of the substantial reasons why the issue of gun control does such a disservice to the cause of substantive law enforcement, A cry for gun control is a kind of social palliative. It gives some of our political leaders a posture against crime without requiring that they face up to the stern political necessities of doing something to those who commit crimes. Thus it is that gun control distracts the attention of the people from the real causes of crime and diverts their energy and money from real solutions.

We already have adequate laws against robbery, mugging, stealing, rape and murder. We already have fine and well-supported police organisations in this country, and the record shows that they do a good job of arresting those who commit crimes. We already have courts, but there has lately—

and I believe that is important—

come upon us an attitude toward enforcement which many ordinary people find incomprehensible. Too often there is more concern for the civil rights of the law violator than for the rights of the victim. Court decisions appear to rest upon a vague and ill-defined social concept usually wrapped around the word "rehabilitation" which sometimes prevents prompt, fair and equal justice among all people.

I believe that many people in South Australia would agree with that comment. The article continues (and it comes from an American source):

The statistics alone reveal the most cogent fact in all of the controversy about violent crime in our nation. And that fact is simple: Crime pays.

I believe we have reached that stage in this country, in some instances, when people use motor cars for joy riding, or steal them and remove parts from them, so that crime does pay. I believe that some people have used firearms in the course of robberies without actually firing the firearm but using it as a threat. They have been able to get away from the law enforcement bodies and not be apprehended. In many cases where the law enforcement body has apprehended the people and had them charged the penalties received have not really penalised them for the crime they have committed. In that sense, I believe that crime has paid for people who have been caught and found guilty of a crime. That is one of the sad aspects of the situation.

I have little disagreement with the Bill. One group are concerned about the provisions in the Bill. Collectors of historical or antique firearm. Under clause 32 (1) (*d*), police may confiscate a firearm if it is unsafe. It is fair to say that many very old guns, whether pistols, rifles or shotguns, could be deemed to be unsafe under present day conditions, but the purpose for which the person has acquired the weapon or is keeping it is that it is an antique or has some historical value. The Minister has the opportunity under the Bill to classify certain classes of firearm that may be exempted from the provision. In the 1974 draft legislation, the Minister or his department provided for the description of an antique pistol. At that time, consideration was given to amending the definition of "pistol" in relation to antique pistols because under the original Pistol Licence Act, 1929-1971, there is a definition of "pistol" in section 2, part of which provides:

But does not include a toy pistol or include an antique pistol which is kept or sold as a curiosity or ornament:

So the original Act did attempt to define an antique pistol, if not a "rifle or gun". In the draft Act of 1974 the Minister's department (I suppose with the Minister's approval) attempted to define "antique pistol" as follows:

. . . any pistol of a pattern not designed for firing breech loading cartridges or for which ammunition is not available commercially, manufactured prior to the year 1900 and which is kept or sold soley as a curiosity or ornament, but does not include a replica of such pistols;

The Minister's officer, or the Minister, was at least prepared to define an antique pistol or gun. I believe at this time we should look at antique rifles and guns.

The Hon. R. G. Payne: If you look at clause 39 (2) (*e*) that may give you a clue. That's one avenue that I suggest.

Mr. EVANS: I said that the Minister has the opportunity by regulation to define a class, and I am not disputing that the Minister, through the Governor, has that opportunity. What I am saying is that as there is no mention in the Minister's second reading explanation that he will consider this type of situation. I believe I should make the point as strongly as possible. In the winding up of the second reading explanation the Minister will put the point of view he has in relation to these weapons. The Antique and Historical Arms Association of South Australia supports stricter control over the sale and ownership of modern firearms. The association wants provision made in any new firearm legislation for collectors of antique and historical firearms. It says that antique firearms are in many cases works of art and mechanical uniqueness and are found in all major and important museums around the world. It states that collectors of antique firearms regard them as purely antique objects, not dangerous firearms or to be used as such. It believes that a person owning firearms, not that the firearm itself, should be licensed. If a person is a fit and proper person, he should be licenced and a record of the firearm registered as is now the case, with no registration fee for each gun.

Also, the association states that it believes that antique firearms no longer are firearms in the sense of new legislation. Therefore, a collector should be granted a special licence for a set fee, regardless of how many firearms are in his collection. It does not know of any crimes that have been committed with antique firearms, and I do not know whether any have been. In relation to committing crime (and the Minister listed how many murders, attempted murders, or violent crimes had been committed or attempted to be committed involving the use of firearms), I hope that the Minister, in the Committee stage on Thursday, will tell us how often unregistered weapons were used. I should have hoped we could be told whether the weapon was registered in the case of those crimes. In my view, if they were registered, many of them would not have been in the hands of the original owner when they were used in connection with the crime, but would have been stolen. That can still happen under this Bill. I hope that the Minister will give that detail.

I point out to the Minister that some of the items held by collectors of antique firearms would be classed as being unsafe, but the collectors do not intend to use them. The Minister may argue that they may use them. However, I see that he is shaking his head, indicating that he favours the suggestion that I have made, and that will help some people. I have said that the Bill combines two old Acts, namely, the Firearms Act and the Pistol Licence Act. The definition of "dangerous firearms" in the Bill is as follows:

A firearm of a class declared by regulation to be a dangerous firearm.

It would have been as easy to cover the point that I was making earlier and provide that an antique weapon was one defined by regulation. In that way, we could have had the matter covered.

The Hon. R. G. Payne: The "dangerous firearm" reference there is to a class of weapon, not to a weapon such as an antique one. For example, a machine gun is a dangerous weapon.

Mr. EVANS: I accept that in regard to the machine gun and tommy gun. I ask whether the definition includes an armalite and the old service ·303. The Minister may tell us the type of weapon to which he is referring in relation to a dangerous firearm.

The Hon. R. G. Payne: I have a ·303, and, in my hands, it is not dangerous, but in the hands of some other people it is.

Mr. EVANS: That comes back to the matter of who makes the judgement. The Commissioner of Police or his agent may think that the Minister is not a proper person to have a .303. Clause 6 provides that the Commissioner of Police is to be the Registrar of Firearms, and I have said that the Police Department seems to be the best department to deal with the problem of registering firearms. I accept that the Commissioner, down through his service, is capable of seeing that that function is carried out. The Registrar of Firearms will be able to refer to the Firearms Consultative Committee.

That does not cheer me much, as the Commissioner of Police will be able to make recommendations to that committee, but the Commissioner will be able to nominate a member of the committee. That is not quite what the average man in the street, if there were such a person, would consider reasonable. The Minister may have been wise not to place so much emphasis on the Police Department by having the representative of the commissioner on the committee, in addition to having the Commissioner or his officers able to make recommendations to the committee to try to enforce the point that a certain person should have a licence revoked or, should not be given a licence.

Much as the member for Mitcham may think that I do not always support lawyers, one can accept that a practising lawyer may need to be on the consultative committee, and the other member is to be a person with wide knowledge of the use and control of firearms. I believe that the Minister must be careful in selecting the latter person and ensuring that that person has a broad interest in firearms and their use, not a narrow one. He may even be a manufacturer and a person with a knowledge of the whole range of firearm operations. We hope the Government does not make an appointment similar to others it has made when it has appointed to such committees a Branch Secretary of the Labor Party or someone else closely related to the Government. I ask the Minister to state what the remuneration, if any, of the three persons appointed to the committee is likely to be. Further, provision is made for the Bill to come into operation on a day to be fixed, and I hope that the Minister will say whether he intends to have the measure in operation quickly or whether he will take the matter slowly so that everything is covered. If he gives us an idea of the operation date, that will help the House.

Under the old Firearms Act, a person needed a licence only if he was between the age of 15 years and 18 years but all guns had to be registered by the owner. A person under 15 years of age could not have a licence to shoot and he could not register a firearm. I support that age group in regard to the provision, although 15 years may seem to some people to be a young age. The Pistol Licence Act provided an age of 21 years and it was amazing that, when we altered the age of majority, we did not reduce the age in that Act. Now, it will be possible for a person of 15 years of age to register a pistol. The Minister would say that the matter was at the discretion of the Registrar of Firearms, and in many cases the local police station would decide whether the person was a fit and proper person. I think that any officer in charge of a police station, as well as the Firearms Consultative Committee, would think that few persons of 15 years of age would be mature enough to have a pistol. I think that point is covered but we need to know that there is a opportunity for this to apply.

The opportunity also exists in the Bill for a person, if he believes that he has not received proper consideration from the Registrar and the consultative committee, to appeal to a special magistrate and ask to have the matter heard in that way. That is a reasonable proposition. We should not consider lightly the handling or ownership of firearms but, at the same time, we should give people the opportunity to appeal if they so wish. I disagree with the Minister on clause 29, which provides:

A person who has in his possession—
(*a*) a dangerous firearm;
or
(*b*) a silencer,
shall be guilty of an offence.

Section 17 of the Pistol Licence Act provides:

Any person who uses in connection with a pistol any contrivance commonly known as or in the nature of a maxim silencer shall be liable to a penalty not exceeding twenty pounds.

Under the Firearms Act, which covers rifles, shotguns, and so on (one would not attempt to use a silencer on a shotgun), this provision did not exist. We have included rifles under the same conditions as pistols in this legislation. I have given notice of an amendment in this regard, but I will not go as far as the amendment suggests now. I hope that

the Minister will give us some idea in his second reading reply whether he is prepared to accept that pistols should not be permitted to be used with a silencer but that the opportunity should be given to the Registrar to allow the use of a silencer where he is convinced that a reason exists why a person should need to use a silencer. It is an advantage sometimes to use a silencer. The Minister might say that the police would object to silencers being used in the commission of a crime, but that does not concern me here. We are not trying to support that.

If a loud crack is not heard when shooting vermin they are not usually all frightened off and one can have more than one shot at them. Silencers work only with low velocity bullets. There is not much reduction in noise if a silencer is used on a high velocity rifle, so silencers are of no advantage. I have no objection to silencers being banned from use on pistols. That would be a matter of concern for the police. If the Minister wished to leave power in the hands of the Registrar to give approval for the use on rifles of silencers if the Registrar believed that the applicant justified his using a silencer, I would not be concerned.

The Hon. R. G. Payne: Does that apply in any other State?

Mr. EVANS: I cannot answer that, as the Bill was introduced only last Thursday and I have not had much time to get such information. Anyway, I am not concerned about other States. If the Registrar wishes he does not have to issue a licence, but I leave that to the Registrar to make that decision. Another area where I disagree with the Minister relates to the penalty under clause 37 (*b*), which provides that for a second or subsequent offence an offender can be fined a sum not exceeding $2 000 or imprisoned for a period not exceeding six months. I hope that we can impose a minimum penalty for a second or subsequent offence of, say, $500. It is serious enough to provide that there should be a minimum penalty. We have set the precedent in other Acts, and I know of no reason why we should not do the same here.

Another aspect that concerns me relates to people who collect guns. This measure gives those people the opportunity to view the Register of Firearms if the Commissioner or Registrar is satisfied that they have reasonable cause for doing so. That provision did not exist in either of the old Acts. Even though the provision did not exist, some gun collectors who may not have had an honest approach to dealing or attempting to buy guns would perhaps approach a police friend for this purpose. We all know at times that people have friends in a particular area, and in this case collectors would inspect records to ascertain from the register who owned an old gun, and they would then try to buy or barter with the person to get the weapon. I have been told that that has happened in the past. This Bill provides that the Registrar can give permission to people to inspect the register. I can see an objection to that procedure. I hope that the Minister will explain why that procedure has been included in the Bill. The only reason it should be included is if one wishes to look at his own gun registration.

A hunting licence issued by the National Parks and Wild Life Service is involved in this area. I hope that, if someone has committed a trivial offence recently, that type of offence will not be viewed by the Registrar as constituting an excuse not to grant a person a licence to keep a firearm. That would be unfair, because a trivial hunting offence could occur when a person has used a weapon. I hope that the Minister will answer the matters I have raised when he winds up the debate so that we will know the position when the Bill goes into Committee. I support the Bill.

Mr. ALLEN secured the adjournment of the debate.

## ADJOURNMENT

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

That the House do now adjourn.

Mr. WOTTON (Heysen): The matter that I wish to discuss this evening results from the Minister of Lands' base mishandling and lack of clarification of perpetual leases. In my own district and in various other parts of the State this has occurred. Nine months ago a dairy farmer from Hahndorf approached me regarding a problem he had in wanting to sell his property, which consisted of perpetual lease land. He made the point that the increase in rent, as a result of a possible transfer of a lease, made it practically impossible to sell the property. In many instances these increases are quite astronomical. That person wrote to me about perpetual leases as follows:

. . . we have worked this property as a dairy farm until July, 1976. Due to different problems relating to the dairying industry, mainly because of the introduction of bulk vats, the cost involved and the situation we reside in, I felt it would be unwise to continue. Only 10 years ago this area was completely dairying with about 50 to 60 dairies in a small radius of Hahndorf. Now there is a mere handful remaining, with a very limited time left for them. Because of the high prices being paid for land it is impossible to expand. Even if we could, to work seven days a week 9 to 10 hours a day becomes quite a burden after many years without a break. When it comes to paying rates it is based on freehold values. At the last valuation for land tax, I lodged an appeal. When the valuator inspected the property he informed me that his instructions were to valuate it on freehold basis. When we purchased the property, I was told from the department that never, in any case, could the rent on a perpetual lease property be altered and therefore we paid freehold value at the time. If it is the case, does the Government reimburse us for the loss we will encounter on sale? I would also in particular point out that this was an unproductive, neglected, rough property. It was covered with mine holes that in places you could only just walk over. It has cost us considerable money to have this land levelled. We have since purchased and erected all new fencing, a new home, hay shed, large dam, underground water mains, bore and developed new pastures (which were non-existent).

If the rent is raised it will be the Lands Department reaping the benefit of years of toil put in by my wife and I. Even on sale of freehold value we would never recoup what we have spent on developing. All we are trying to do is sell and re-establish ourselves in another field I know, where I can remain independent and enjoy life on a similar basis to everybody else.

On July 12, 1976, a letter was sent to the Minister of Lands asking for clarification. There was no reply, and a call to the Minister's office confirmed that, although the letter had been sighted, it had since been mislaid. A copy was requested; this was sent, but no reply was received. On October 13, 1976, I asked a question in the House concerning the same constituent and the same property. The immediate answer from the Minister of Works stated that it must be an extremely unusual perpetual lease and that a Crown perpetual lease was a lease in perpetuity, and the rental struck at the time of the lease could be altered in only one way, namely, reduced but not increased.

Six weeks later, on November 30, 1976, I received an answer from the Minister of Lands following another

request on that day for the answer. The Minister stated that all perpetual leases had an expressed or implied purpose and that, should the Minister of Lands be satisfied following recommendation by the Land Board that land being transferred was put to a purpose other than that expressed or implied in the lease, the Minister would issue a new lease incorporating the changed purpose with an increased rental appropriate to its new purpose. The letter added that the effect of urban expansion and activities intruding into rural areas was a basic cause of change in purpose and perpetual lease.

I still had no reply to the letter written on July 12, so I wrote again, including a copy of each of two letters, one from the original constituent and one from a real estate firm that included worthwhile factual information and questions which sought clarification. This letter was forwarded to the Minister on January 18 last.

In my absence, a further letter was forwarded from my electoral office to the Minister, dated January 26, containing copies of letters from two other constituents, also for clarification. On March 21, a reply was received which referred to Mr. Biar's letter, but no substantial reference was made to the letter from the real estate firm. The letter states:

I was informed by the officer of the Lands Department that the reason for this huge increase in rentals for leasehold land was that the Government did not like what he called hobby farmers from the city who only really wanted a house block and that this policy was to discourage them. If the land was to be genuinely used as a viable farming unit representing the main source of income of the owner, the new rental would be much lower. It seems to me that what is being achieved by this policy is not so much the discouragement of hobby farmers but the robbing of the existing leaseholders of the land or part of the value of the land. When my clients purchased their land in 1949, similar land nearby was freeholded for $12 an acre, and two years ago another nearby owner of leasehold land was quoted about $100 an acre to freehold his land. It would appear that the cost is now about $850 an acre. It used to be thought that perpetual leasehold land was as good as freehold land, except for the inconvenience of getting permission from the Minister of Lands to transfer, mortgage the land or erect improvements, and the rental did not cause any hardship, not even in 1949. The original purpose of making the land leasehold rather than freehold was no doubt due to the discovery of gold in the area and the necessity for controlling the cutting of timber for mine shafts, etc. It now appears that this type of land is worth substantially less and will continue to be so until the present policy is changed. In the meantime, the present owners are in the awkward position that their properties are virtually unsaleable, and it will not be long before the lending institutions wake up to the situation and refuse to lend money on such properties. An interesting point to be made is that land tax is still levied on leasehold land, so the Government is getting its chop both ways.

Part of the reply I received from the Minister states:

An application for consent to transfer would be treated on its merits if received and, if a change of purpose is indicated, approval would be on the basis of surrender for a new lease at an appropriate rental which, based on current Crown's interest, would be in the vicinity of $1 000 per annum.

The argument concerning the increase in rentals on the change of land use is that the original owner who finds the property no longer viable will risk losing thousands of dollars if the land use changes at the time of a proposed transfer. Nobody in his right mind would purchase a property to carry on a rural industry that obviously did not pay for the previous owner or lessee. The new owner would not pay a price that would adequately reimburse the former lessee or owner, knowing he also faced a massive annual lease rental.

On April 5, in answer to a Question on Notice, in which I asked when the reply to the letter dated January 26 would be forwarded, I was informed that a thorough search had been carried out within the department and there was no evidence to indicate that such a letter had been received. The answer also quoted from the Minister's letter dated March 21. It was also interesting to note that in the question I also asked the Minister whether he would make himself available to answer questions at a public meeting. This point, however, was overlooked in the answer. I could quote from many letters I have received from constituents who are concerned about this matter, Probably the most glaring example of the increased rentals is one that relates to a property of about 80 hectares, in Kangarilla, where the owners have been told that the rental will increase on change of land use from $20 a year to $3 840. This property has been owned for 25 years and has been worked up from almost nothing. In another Question on Notice, I referred to a situation which had been brought to my notice by a number of concerned constituents in regard to the charge of $15 levied on each inquiry related to possible increased rentals on perpetual leases. I do not approve of such a charge being made to a producer who has in most cases put a good bit of his life into improving what he has come to regard as his piece of land. In fact, I would very much like to see a breakdown on how this charge is actually made up. In the answer the Minister states that this charge has been levied as a deterrent to numerous inquiries and to limit inquiries to those with genuine intention. I suggest that all people have the right to a genuine interest in their future and about whether their property is saleable or not and after all the great deal of speculation resulting from massive increases—

The SPEAKER: Order! The honourable member's time has expired.

Mr. OLSON (Semaphore): From time to time, I am sure that all members on both sides receive complaints from their constituents regarding abuses by landlords in relation to tenants and housing agreements. I would probably be the first to say that we cannot always blame the landlord. However, in fairness to both parties (I can only go by the detail that is provided to me), the number of complaints against landlords far exceeds those lodged against tenants. At present I seem to be inundated by tenants over the breaking of agreements by landlords. I think that this could be attributed to the acute shortage of accommodation or, alternatively, in fairness to landlords, that they have a lamentable lack of knowledge of the Landlord and Tenant Act or the conditions that apply in relation to the letting of their premises.

Having considered the booklet, Guide for the Forgotten Citizen, one of the many complaints I receive about landlords is in relation to their right of access to the premises. It is not uncommon to receive complaints from people that the landlord considers that he has right of entry at any time during 24 hours of the day. The booklet specifies that the landlord has the right of normal access unless otherwise stipulated in the lease. We understand that, if people sign on the dotted line for the landlord to enter, they have no kick coming in that direction. However, in normal circumstances the landlord is permitted only to collect the rent, to repair the place at a suitable time, and to inspect the house at reasonable intervals. These conditions are being continually flouted and, in many cases, landlords are using intimidatory tactics to inspect properties. Last week I heard of a landlord who imposed what he considered to be his normal rights to enter a dwelling for an inspection at a time well after

10 p.m., and even suggested to the lady of the house, who lived in it with her two children, that he had the right to enter the place whenever he felt like doing so. As a result, this lady vacated the house because she feared what might be the outcome if she did not agree to the conditions laid down by the landlord. She is now living with her mother in a four-room house in which seven people huddle together in inadequate accommodation.

It seems that maintenance and repair clauses are being totally disregarded: for example, I have received reports that some premises are considered to be insecure, but when tenants have tried to fix suitable locks to doors, especially Yale locks, they claim that the landlord has maintained that the door had been damaged and he wanted to extract the cost from the bond money that had been paid, because the hole drilled in the door to fix the Yale lock had damaged the door. A further example of abuse by landlords is damage to property by people far removed from tenancy. Complaints have been received that, when strangers have battered on and damaged flats, tenants have been required to replace the part damaged, or, alternatively, a refund of bond money has been refused if they have refused to do that.

In addition, regardless of the required conditions, pressure is being applied to evict tenants. I have found that in many cases dwellings are substandard. The authorities, usually the Housing Trust, are informed when inspections are made, and rents are reduced subject to repairs being undertaken, and then we find that, because of high building costs, rather than giving effect to the specific improvements, landlords are accepting lower rents than they imposed on the tenant. They are bluffing tenants into submission by saying that, if they report the matter to the authorities, they will be served a notice of eviction.

Arising from this situation, we find that the law is being flouted. They give a verbal notice to the tenant to get out, sometimes with only three days' notice. Even though the tenants are paying rent on a weekly or fortnightly basis, in which case the landlord would be required to give notice according to that period, the landlords are applying pressure so that people will vacate the premises without an eviction order being served on them to give them the opportunity to find alternative accomodation. I impress on members that, in many cases, properties are being let privately: in other words, landlords are not using land agents. I make this point because I believe that, because of the ignorance of people of the law in relation to letting of properties, landlords are probably taking advantage of people. At the same time, I do not think it is competent for these people to exploit tenants continually because of their ignorance of the law.

Although I do not cast reflections on any specific racial group, the experience I have had with these problems shows that many of these landlords are of ethnic origin. It can be argued that they may not understand the law, but whether that is factual or not I cannot say. It is time that the appropriate Minister publicised the actual conditions that appertain to people who let houses, in order to ensure that the community understands its position better than it does at present. This would obviate the exploitation by landlords of unfortunate people. When it is suggested that they should consult a solicitor for legal advice, they shy clear because they think of the cost involved. If the Minister would consider making these facts available through the media, many of the problems that have come to me, especially in the past three or four weeks, may be overcome.



Mr. RODDA (Victoria): I discuss a matter that concerns an important industry of this State, the fishing industry. This industry should not be regarded as the Cinderella industry of this State, because it is probably the primary industry with the greatest potential of any new industry in the State. This situation will apply with the ratification of the 200-mile limit that we hope will take place about the middle of the year. The big bind that is going on at present concerns the provisional allocation of two additional prawn authorities in zone E in St. Vincent Gulf. Hitherto, fishermen in the industry have believed that the criteria for selecting applicants to receive new prawn authorities were determined from a policy that was approved by Cabinet in July, 1974.

In broad terms, it was considered that a long-standing resident of the State with a considerable time as a commercial fisherman who held a certificate of competency in the industry or had worked in the industry would be the person who would be considered. Now, all hell is breaking loose in fishing ports around the State. I understand that a large meeting is to be held this evening in Millicent to consider this matter, and that there was a meeting at Port MacDonnell yesterday. Also, I believe people at Port Lincoln and on the Far West Coast and at Port Adelaide are expressing their gravest concern at what is taking place in the administration of prawn fisheries by this Government. Added to this is the recent abolition of the Prawn Fisheries Advisory Committee, which comprised an independent Chairman and members experienced in the industry. They were consulted by the Minister and the department, so we had the *quid pro quo* of the industry expressing its viewpoint to the authorities and the Minister. Some change seems to have come about, and this is why concern is being expressed. A ballot has been conducted to see who these two people will be. Perhaps it could be properly argued that there is no fairer way than having a ballot, but the area of concern relates to who goes into the ballot.

Mr. Keneally: Democracy breathes upon them.

Mr. RODDA: If we are to have a managed fishery, some action must be taken to preserve the fishery. I am sure the member for Stuart will agree that, if people are to fish, there must be something for them to fish for. From the way in which the Government performs, it is unaccustomed to having things to fish for. It should make doubly sure that what it is fishing for is within its preserves. We do not growl about that.

In the fishing industry, there is a resource which should be the subject of expert research, covering all aspects of the fishery. The fishery must be developed, and no-one will complain if a managed fishery is looked after in every respect. We on this side maintain that the people in the fishery are people who meet the criteria the Government spelt out in 1974. We find, however, in this memorandum calling for applications that in zone E authorised vessels shall not exceed 13·7 metres or 45ft. surveyed length, limited to a single rig operation. The applicant who owns a vessel may nominate another vessel in his application, on the understanding that, if an authority is issued, it may be in respect of either vessel. If the nominated vessel is authorised, the other is not to be used by the applicant in another fishery. The acceptance of the authority involves an undertaking to abide by the provisions of all exisiting and future policies on the management of the South Australian prawn fishery, as approved by the Minister of Fisheries. There is nothing wrong with that.

An applicant must own or have full-time and unrestricted use of a suitable vessel, or shall nominate a suitable vessel to be acquired if an authority is issued. That is fairly clear. Then comes the rub. To be suitable, a vessel must be under current survey, hold current registration as a South Australian vessel and be 13·7 metres or less in length. It must be capable of trawling without modification or with only minor modification, and therefore the wheelhouse must not be moved or reduced significantly, sufficient deck space must be available for storing the catch, and so on. In the event of two or more applicants meeting all criteria, a simple ballot of all eligible candidates will be conducted. The closing date for the applications was February 18, and we have been informed by complaints and allegations that it was extended to February 25. There may have been reasons for that, but these are some of the things that are causing concern in the industry.

It has been reported to me and members of my Party that two people have been selected by ballot, having met the criteria. I understand 104 applications were received, of which 91 were put to ballot. One person is a fisherman from the South-East. I think he meets the criteria, and we are not growling about him. He is in the fishing industry, he is experienced, and he seems to meet the criteria in section 1 of the basis for assessment of applicants.

Another applicant is alleged to have been a truck driver. The vessel with which he is going to fish is not registered in South Australia. It is alleged that the boat came from Port Adelaide some time ago and that it must have much work and upgrading to become capable of taking to sea, otherwise the marine authorities would not let it go out to sea. This person does not seem to meet the criteria. He has not been a regular fisherman. This matter is shaking the confidence of the fishermen and the fishery in the Government and its administration. I am sure that this is, I hope, constructive criticism, and I hope that matter will be looked at and given full consideration. If the industry is to progress and flourish, the fishermen, the processors, and the market must work in unison. I would hope that, if I have got the message to the Minister, the matter will be given the fullest consideration, because I can assure him that there is enormous concern and that all hell is breaking loose in the industry.

The SPEAKER: Order! The honourable member's time has expired.

Motion carried.

At 10.27 p.m. the House adjourned until Wednesday, April 20, at 2 p.m.