HOUSE OF ASSEMBLY

Tuesday, November 1, 1977

The SPEAKER (Hon. G. R. Langley) took the Chair at 2 p.m. and read prayers.

APPROPRIATION BILL (No. 2)

His Excellency the Governor, by message, intimated his assent to the Bill.

PETITIONS: SUCCESSION DUTIES

The Hon. D. A. DUNSTAN presented a petition signed by 117 residents of South Australia, praying that the House would urge the Government to amend the Succession Duties Act so that the position of blood relations sharing a family property enjoy at least the same benefits as those available to other recognised relationships.

Mr. HARRISON presented a similar petition signed by 22 residents of South Australia.

Petitions received.

PETITION: TRADING HOURS

Mr. BECKER presented a petition signed by 2 239 citizens of South Australia, praying that the House would urge the Government to amend the Shop Trading Hours Bill to retain the current trading rights of existing exempt shops.

Petition received.

QUESTIONS

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

WEST LAKES LAND

Mr. BECKER (on notice):

1. What is the total amount paid to date by West Lakes Limited for land purchased from the Government?
2. Has all land now been purchased by the company?
3. How much land has been resold by the company to the Government and what was the total amount paid?
4. What was the total amount contributed by the Federal Government for land purchased by the State Government?

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

1. $770 884.
2. No.
3. Land purchased from West Lakes Limited for the Government is as follows:

Department	Land Purchased	Cost
(a) Education Department	18·408 hectares	$775 238
(b) S.A. Housing Trust	43 hectares	$900 676
(c) Dept. for the Environment	5;51 hectares	$585 852·61

4. $305 000.

PRIVACY

Mr. MILLHOUSE (on notice):

1. Does the Police Force maintain dossiers on any persons not convicted for any offence and, if so—
   (a) on how many persons are there such dossiers;
   (b) for what purpose are they maintained;
   (c) for how long has it been the practice to maintain them; and
   (d) what action, if any, does the Government propose to take with regard to their maintenance in the future?
2. If dossiers are not now maintained, have such dossiers ever been maintained, when did such maintenance cease, and what has happened to the dossiers since?
3. Is there a special branch within the Police Force and, if so—
   (a) what are its duties; and
   (b) does it co-operate with similar, and what, organisations outside the State and what form does such co-operation take?
4. Are officers of the Police Force employed on security duties involving political dissenters and, if so, how many officers are so employed and is it proposed that such duties continue?

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

1. Police do have information on persons who have not been charged and convicted of crime but who by overt action have threatened or advocated violence or breaches of the peace or been involved in organisations which have done so, particularly in respect of State and Commonwealth Ministers or important visitors to the State. The Police Commissioner has informed the Government that this information is not maintained in dossier fashion.
   (a) The Police Commissioner reports it would not be possible to give numbers without exhaustive research.
   (b) The information is maintained as necessary intelligence for successful police prevention of crimes of violence.
   (c) The Commissioner states that it has always been maintained.
   (d) The Government does not propose to issue an instruction to the Police Force to refrain from collecting material which in the past has proven vital for proper police action in preventing crimes of violence and terrorism.
2. Not applicable.
3. There is a special branch within the South Australian Police Force. It is a unit for gathering intelligence upon which police may take proper precautions for the guarding of persons such as public figures threatened with violence. Current examples of their work include security at political rallies, the recent visit of Her Majesty the Queen, the recent visit of the Crown Prince of Jordan, and with providing security against groups such as those responsible for the recent stabbing and abduction in Canberra of the Indian Military Attache and his wife. The Police Commissioner informed the Government that the special branch has a working relationship with all other State and Federal police forces and security agencies subject to the

control of the Commissioner. It also has such a relationship with Interpol. The relations with other organisations are on a "need to know" security information basis. There is no continuous automatic exchange of information.

4. The special branch consists of five police officers. It has been maintained at that level for some years. The Commissioner does not propose to alter that establishment. The officers are employed on security duties for the purpose of preventing crimes of violence and public disorder.

PARK PLANS

Mr. WOTTON (on notice):

1. When was the idea of setting up management plans for parks in South Australia first introduced?

2. How many of these management plans have been released so far and which ones are they?

3. What steps are being taken to release the remainder of the plans, and how many is it anticipated will be released in the next six months?

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

1. Management plans are required under the provisions of section 38 of the National Parks and Wildlife Act, 1972-74, which came into operation on July 3, 1972.

2. Two, Seal Bay/Cape Gantheaume Conservation Parks (adopted) and Wilpena Pound (Flinders Range National Park) (awaiting adoption).

3. Additional staff is being employed under the State Unemployment Relief Scheme. It is expected that the draft management plans for the Kyeema Conservation Park and Innes National Park will be released within the next six months.

HUNTING OFFENCES

Mr. WOTTON (on notice):

1. Has the Stockowners Association joined with the National Parks and Wildlife Service in carrying out a survey seeking information regarding the prevalence of offences under the hunting regulations and widespread vandalism in the northern parts of the State and, if so, have the final results of the survey been released and, if so, what are they and, if not, when will the results be released?

2. What action will the Minister take to overcome the problems of such shootings and vandalism?

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

1. Yes. Results of the survey have been released. The survey indicates that in many places the man on the land is placed under severe pressure by careless, malicious or unthinking travellers.

2. Spot checks are being made in known trouble areas.

MONARTO NURSERY

Mrs. ADAMSON (on notice):

1. What was the total cost of establishing the Monarto nursery?

2. What is the annual cost of maintaining it?

3. What quantities of plants and seedlings are being produced at this nursery?

4. Now that Monarto is not to proceed as planned, to what use will this plant stock be put?

5. Is it the department's intention to sell any of the stock and, if so, through what outlets will it be sold?

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

1. The Monarto Development Commission has paid $469 258 towards the establishment of the Monarto nursery and has recovered $180 888 by Commonwealth grant and $90 444 by State Government grant.

2. The annual cost in 1976-77 was $220 888. A similar cost is expected for 1977-78.

3. Production is about 850 000 plants at present although capacity is about 1 000 000.

4. Only part of the nursery production has ever been used for the commission's planting. The remainder has been sold along with the Woods and Forests Department's other production at Belair and Berri. This will continue.

5. The department's nurseries, including Monarto, sell direct to the public on site or by mail order and also supply other Government departments and instrumentalities.

STATE'S FINANCES

Mr. TONKIN (on notice):

1. What are the month-by-month departmental estimates for the financial year ending 1977-78, or accumulated deficit, on Revenue Account?

2. How do these compare to each year since June 30, 1970, and for what reasons?

3. What specific factors within the "hospitals and health area", as noted in the Treasurer's statement "August, 1977, Finances", caused the variations in the timing of major receipts and payments for the period ended August, 1977?

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

1. Monthly cash flow forecasting on Revenue Account for the whole financial year was attempted for the first time in 1976-77, and 1977-78, is only the second year in which it has operated. It still needs a great deal of refinement and, while it is the most effective approach in maintaining control, much more work needs to be done before it can be used with confidence. At the moment it would be best to treat it as an internal Treasury working document, particularly as adjustments to monthly forecasts need to be made during the course of the year to reflect the timing of actual receipts and actual payments. These are difficult to predict accurately where they occur at the beginning or end of a month. In present circumstances, I believe it would be confusing to publish those forecasts in advance. However, I will continue to inform the Leader of the forecast, as well as the actual position on Revenue Account when making my monthly financial reports.

2. Because monthly cash flow forecasts on Revenue Account have been introduced only recently, there is no basis for a comparison of forecasts since June 30, 1970. However, the Leader's Research Officer could obtain the actual monthly results since June 30, 1970, from the Parliamentary Library. I will ask the Under Treasurer to give the Research Officer any assistance he may require in finding and interpreting those results.

3. The variation in the hospital and health area arose because the South Australian Health Commission in "calling up" funds to meet the expected deficit on the first two months of its operations:

(a) overlooked a Commonwealth Government contribution towards hospital cost sharing for that period of about $8 000 000;

(b) over-estimated the extent to which payments would exceed receipts in that period by about $9 000 000.

Those factors were adjusted in September, 1977.

UNION MEMBERSHIP

Mr. DEAN BROWN (on notice):

1. Does the Minister of Labour and Industry support demands by certain unions, such as the Builders Labourers Federation, that labourers such as cleaners who are working on building sites must join their union even though the labourers are already members of the appropriate union?

2. Is the Minister aware that such a practice is substantially increasing costs of performing certain work?

3. Is the demand for dual union membership very widespread within South Australian industry?

4. What specific cases of dual union membership does the Minister know of?

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

1. It is the Government's policy that workers be encouraged to join the appropriate union and that unions be encouraged by amalgamation and/or agreement to rationalise their areas of coverage. I support that policy. In some industries, particularly those organised on "follow-the-job" lines, the movement of employees from job to job and classification to classification, raise difficulties of coverage. Most of them are resolved amicably, by the unions concerned, but some occasion disputes from time to time.

2. I had not previously heard any such allegation.

3. Not as far as I am aware.

4. In a number of cases individuals have sought to maintain membership in more than one union as a matter of choice. In the course of certain disputes in the past there have been suggestions made of dual membership when work was in dispute between unions or employees, but those suggestions were denied by other parties to the dispute and my investigations failed to resolve the matter one way or the other.

AUSTRALASIA INTERNATIONAL DEVELOPMENTS SDN. BERHAD

Mr. DEAN BROWN (on notice):

1. Does the Government have a financial interest in Australasia International Developments Sdn. Berhad?

2. Who are the shareholders of this company and what is the size of each shareholding?

3. What is the paid-up capital of this company?

4. What business activities does the company carry out?

5. Who are the directors of the company?

6. What specific benefits has this company achieved for South Australians?

7. What assets and property does the company possess?

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

1. Yes.

2. Penang Development Corporation, 150 000 shares (30 per cent); Pernas Properties Sdn. Bhd., 150 000 shares (30 per cent); Development Finance Corporation Group, 100 000 shares (20 per cent); South Austral-Asia Proprietary Limited, 100 000 shares (20 per cent).

3. $500 000 (Malaysian).

4. The company was formed as an investment company in order to assist in the industrial and commercial development in Malaysia.

5. Wan Abdul Hamid, Datuk Chet Singh, M. L. Liberman, and R. D. Bakewell.

6. With undertakings of this nature it will be some time before the full benefits to the State are known. It is relevant to note, however, that a South Australian manufacturer received a significant order last week through this venture. Details of this order are naturally confidential.

7. The last balance sheet of the company shows assets totalling $547 268 (Malaysian) made up of debtors and cash on deposit.

SOUTH AUSTRAL-ASIA PTY. LTD.

Mr. DEAN BROWN (on notice):

1. Does the Government have a financial interest in South Austral-Asia Proprietary Limited?

2. Who are the shareholders of this company and what is the size of each shareholding?

3. What is the paid-up capital of this company?

4. What business activities does the company carry out?

5. Who are the directors of the company?

6. What specific benefits has this company achieved for South Australians?

7. What assets does the company possess?

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

1. Yes.

2. The Treasurer of South Australia—two shares; the Minister of Works—one share.

3. $3.

4. This company does not trade, but acts as a holding company for the Government investment in Australasia International Developments Sdn. Bhd. and Australasia Developments Pty. Ltd.

5. Mr. R. D. Bakewell is the sole director at this time.

6. Not applicable. This is a holding company only.

7. The company owns 100 000 shares in Australasia International Developments Sdn. Bhd. and 20 000 shares in Australasia Developments Pty. Ltd.

AUSTRAL-ASIA DEVELOPMENT CORPORATION

Mr. DEAN BROWN (on notice):

1. Does the Government have a financial interest in Austral-Asia Development Corporation?

2. Who are the shareholders of this corporation and what is the size of each shareholding?

3. What is the paid-up capital of the corporation?

4. What business activities does the corporation carry out?

5. Who are the directors of the corporation?

6. What specific benefits has this corporation achieved for South Australians?

7. What assets and property does the corporation possess?

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

1. Yes.

2. Penang Development Corporation; Pernas Properties Sdn. Bhd; Development Finance Corporation Group; South Austral-Asia Proprietary Limited.

3. $50 000.

4. The company's prime activity is trade promotion between Malaysia and South Australia. The company is not currently trading.

5. R. D. Bakewell, Wan Abdul Hamid, Ahmad Khairummuzammil bin Mohd. Yusoff, and M. L. Liberman.

6. With undertakings of this nature, it takes time to achieve tangible benefits. It is too early to comment on the benefits at this stage.

7. The company currently holds cash on deposit to the value of $19 000. This is the company's only asset of substance.

STATE REVENUE

Mr. TONKIN (on notice):

1. In the period 1970-77, what was the total revenue raised by the State from all sources available to it through State legislation, and what were the details?

2. What are the estimated figures for 1977-78, and what are the details?

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

1. Details of revenue raised by the State from all sources are set out in the details of the Estimates of Revenue (Parliamentary Paper No. 7) presented annually to the House. I suggest that an examination of these papers will provide the information sought by the honourable member.

2. The estimated revenue for 1977-78 is set out in the details of the Estimates of Revenue, which I presented to the House on October 6, last.

Other information which the honourable member may find useful is included in Appendix 2 to the Financial Statement delivered on October 6, last (Parliamentary Paper 18). Appendix 4 to that document also may be helpful, in that it contains actual figures from 1968-69 to 1976-77, and the estimated receipts from 1977-78.

NAILSWORTH AND WALKERVILLE SCHOOLS

Mr. WILSON (on notice):

1. What capital works are proposed for the Nailsworth and Walkerville primary schools in 1977-78?

2. What are the estimated dates of commencement and completion of these projects?

3. What is the estimated cost of each project?

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

Nailsworth Primary School:

1. It is the intention of the Education Department to upgrade the two-storey building recently vacated by the Nailsworth Girls High School to provide:

(a) seven teaching spaces with associated practical and withdrawal areas;

(b) administration area;

(c) staff facilities.

Walkerville Primary School:

1. It is proposed to erect a four-teacher flexible-space unit, using Demac components, at Walkerville Primary School. The provision comprises:

(a) four teaching spaces;

(b) one wet area and associated store room;

(c) one withdrawal room;

(d) teacher preparation area.

GOODWOOD ORPHANAGE

Mr. ALLISON (on notice):

1. What was the cost of—

(a) purchase; and

(b) repair, renovation and remodelling, of the old Goodwood Orphanage?

2. How many staff are now employed there?

3. How many students are receiving tuition?

4. How many schools are involved in courses there?

5. Are special travel arrangements made for students from more distant schools?

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

1. *(a)* $750 000

(b) $217 000

2. 146.

3. The fundamental purpose of the orphanage is teacher development. Music tuition is provided in the schools by itinerant and school-based music teachers and instrumentalists.

4. Nil.

5. Not applicable.

UNIONISM

Mr. DEAN BROWN (on notice):

1. Is the Premier aware that the South Australian Council for Civil Liberties opposes the policy of absolute preference to unionists or compulsory unionism?

2. Will the Government now reverse that policy in the light of public opposition to it?

3. How many letters has the Premier received during the last 12 months in which opposition to this policy was expressed?

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

1. I do not know to what decision of this body concerned the member refers. He is aware that neither phrase he uses describes Government policy.

2. Not applicable.

3. Not applicable.

AGENT-GENERAL'S VEHICLE

In reply to **Mr. MATHWIN** (Appropriation Bill, October 18).

The Hon. D. A. DUNSTAN: The $1 000 against the line "Purchase of motor vehicles", for the Agent-General in London, is required to cover the balance of outstanding accounts on two replacement motor vehicles purchased in 1976-77.

TERMINAL LEAVE PAYMENTS

In reply to **Mr. DEAN BROWN** (Appropriation Bill, October 18).

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

1. The following officers, Premier's Department, received terminal leave payments in 1976-77:

		$
G. S. Shepherd	(Publicity and Design Services)	3 610·61
S. A. Martin	(Administration)	1 403·55
A. O. Standfield	(Immigration)	756·96
B. D. Porter	(Ombudsman)	4 733·04
G. Guldemeester	(Immigration)	1 607·66
G. Hooper	(Immigration)	6 421·37
L. M. Wright	(Justice Division)	7 488·02
B. R. Crowe	(Justice Division)	8 764·02
		$34 785·23

2. It is expected that the following officers, Premier's Department, will receive terminal leave payments during 1977-78:

		$
T. Keig	(Immigration)	5 499·30
A. Gant	(Publicity and Design Services)	4 303·80
A. N. Deane	(Agent-General in London)	23 896·00
		$33 699·10

TRADE AND DEVELOPMENT DIVISION

In reply to **Mr. GOLDSWORTHY** (Appropriation Bill, October 18).

The Hon. D. A. DUNSTAN: It is proposed that the staffing in the Trade and Development Division will be increased by eight. This includes four positions to establish the Small Business Advisory Unit on a permanent basis.

INDUSTRIAL DEMOCRACY

In reply to **Mr. MATHWIN** (Appropriation Bill, October 18).

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

1. The $40 000 proposed against the line "Payment to consultants for services", for the Unit for Industrial Democracy, is solely for the engagement of outside legal and financial consultants.

2. The cost of Mr. T. Gnatenko's oversea trip has been included as part of the $11 000 sought against the line "II—Premier—Miscellaneous—Oversea visits on Industrial Democracy Initiatives".

DIRECTOR-GENERAL

In reply to **Mr. DEAN BROWN** (Appropriation Bill, October 18).

The Hon. D. A. DUNSTAN: Payments to Mr. Bakewell relating to his appointment to the Rigby Limited Board are paid into Consolidated Revenue.

PUBLICITY COSTS

In reply to **Mr. BECKER** (Appropriation Bill, October 18).

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

1. The difference between the $47 000 and actual expenditure of $57 000 for 1976-77, is due to the delay in receiving payments from clients, and will be recovered by the department in 1977-78.

2. The $250 000 sought for 1977-78, if spent, will be fully recouped from clients by the department.

OVERSEA VISIT

In reply to **Mrs. ADAMSON** (Appropriation Bill, October 19).

The Hon. PETER DUNCAN: The Minister was away for 62 days. There were four people in the party. The Minister visited North America and Europe for the purpose of studying legal reforms, civil rights, consumer protection legislation, and administration. The Privy Council hearing in London finalised the study tour. It is unfortunately not possible to provide a breakdown of expenses for each individual member of the party.

LABOUR AND INDUSTRY DEPARTMENT

In reply to **Mr. DEAN BROWN** (Appropriation Bill, October 20).

The Hon. J. D. WRIGHT: During the debate on the Appropriation Bill, the honourable member asked why the administration expenses of the Labour and Industry Department had increased to about $770 000. The major contributing factors to the increase are as follows:

	$
Publication and printing of a separate *Industrial Gazette*	150 000
Increases in subsidies for apprentices undergoing block release training	65 500
Proposed A.D.P. system	30 000
Running expenses for additional departmental motor vehicles	6 000
Inflation provision as suggested by Treasury	30 500

INDUSTRIAL GAZETTE

In reply to **Mr. EVANS** (Appropriation Bill, October 20).

The Hon. J. D. WRIGHT: During debate on the Appropriation Bill (No. 2), the honourable member asked what the cost of printing the *Industrial Gazette* would be. The sum of $150 000 has been provided on the Labour and Industry Department estimates for the current financial year for this purpose. The amount is included in the amount of $769 915 on the Treasury line "Administration expenses, minor equipment and sundries".

UNEMPLOYMENT RELIEF

In reply to **Mr. DEAN BROWN** (Appropriation Bill, October 20).

The Hon. J. D. WRIGHT: During the debate on the Appropriation Bill, the honourable member asked for details of all the major State Unemployment Relief Scheme projects that have so far been approved for the current financial year. The information sought is in schedule form and set out hereunder. As the honourable member did not define what he meant by "major projects", I have included those of which the total cost is expected to be in excess of $100 000, as follows:

September, 1977, to March, 1978, Programme
Major Grants to October 24, 1977

Sponsor	Project	Grant $
Environment Department	Black Hill Native Flora Park: maintenance and development.	121 942
S.A. Meat Corporation	Youth Training Programme. Sheep pen construction.	134 000
C.C. Salisbury	Carisbrooke Park: Further downstream development.	164 000
C.C. Tea Tree Gully	Baymore Reserve: development.	102 500
C.C. Salisbury	Burton Road: stormwater drainage.	120 000
D.C. Willunga	Development Symonds Reserve.	106 170
D.C. Munno Para	Establish Munno Para Community Centre.	139 218
C.T. Thebarton	Thebarton Oval terracing.	107 687
Environment Department	Cleland fauna area development.	108 890
Libraries Department	Microfilming historical records.	100 000
C.C. Marion	Installation of water supply to Marino Golf Course.	139 852
C.C. Port Pirie	Finalisation of city drainage scheme.	194 260
West Beach Trust	Establish holiday caravan village.	365 371
Bedford Industries	Metal shop extensions.	202 215
C.C. Noarlunga	Moana Caravan Park improvement.	193 492
C.C. Noarlunga	Establishment of netball complex.	188 528
C.T. Renmark	Establish community hall and sports stadium.	151 789
Adelaide Central Mission	Site works and construction of new factory for handicapped persons.	262 953
Bedford Industries	Woodwork shop extensions.	106 395

M. V. *TROUBRIDGE*

In reply to **Mr. CHAPMAN** (Appropriation Bill, October 20).

The Hon. G. T. VIRGO: In April, 1976, Cabinet approved a contribution from Revenue Account to the Highways Fund equal to 25 per cent of the annual cost incurred in operating m. v. *Troubridge*. The remainder of the annual operating cost is met by the Highways Department.

CITRUS INDUSTRY

In reply to **Mr. ARNOLD** (October 11).

The Hon. D. A. DUNSTAN: In answer to the question you raised in the House of Assembly on October 11, 1977, I have received information that it is impossible to complete the inquiry into citrus marketing before the poll of growers is conducted. The Citrus Industry Organisation Act lays down a time table for such matters and it seems the poll may be conducted in November. The inquiry cannot be rushed through quickly and is expected to take at least six months. The terms of reference have been approved by Cabinet, and the membership will be submitted to Cabinet shortly. The committee will then have to meet to set up administration arrangements and appoint an executive officer. Submissions will be called from industry, and at least six weeks will have to be set aside before the submissions are prepared and the committee is ready to hold public hearings on these. After this, the committee will have to prepare a draft document for further comment before a final report is presented to the Government.

TRANSPORT REVIEW

In reply to **Mr. WILSON** (October 11).

The Hon. G. T. VIRGO: The cost of the North-East Area Public Transport Review for the September quarter of this financial year is as follows:

	$
Salaries and Technical Studies	89 112·94
Overheads	3 780·89
Accommodation	2 557·73
Total	95 451·56

These figures include the full cost of departmental employees engaged on the study.

FIRE BRIGADES ACT

In reply to **Mr. WILSON** (October 13).

The Hon. D. W. SIMMONS: The amendment of the Fire Brigades Act to provide for one fire district for the metropolitan area is currently being considered. No decision has been taken at the present time.

TRANSFER OF OFFICER

In reply to **Mr. GOLDSWORTHY** (October 19).

The Hon. D. A. DUNSTAN: In reply to the question you raised regarding the transfer of Mr. Epps to another department, I have received information that the decision to transfer Mr. Epps to the Treasury Audit Section was taken several months ago with a view to widening his experience. The timing of the transfer conformed to the normal practice in the Auditor-General's Department for a number of years, which is to generally make staff transfers after the tabling of the Auditor-General's Report to Parliament.

LOWER NORTH-EAST ROAD

In reply to **Mrs. BYRNE** (October 19).

The Hon. G. T. VIRGO: Reconstruction of this section of Lower North-East Road is scheduled to commence in 1978-79, subject to the availability of funds.

NORTH-EAST ROAD INTERSECTION

In reply to **Mrs. BYRNE** (October 25).

The Hon. G. T. VIRGO: It is anticipated that traffic signals will be installed at the intersection of North-East and Hancock Roads by June, 1978, subject to the availability of resources.

OVERSEA STUDY TOUR

The SPEAKER laid on the table the report on the oversea study tour, 1977, by the member for Salisbury (Mr. R. W. Groth.)

Ordered that report be printed.

MINISTERIAL STATEMENT: PUBLIC WORKS STANDING COMMITTEE

The Hon. J. D. CORCORAN (Minister of Works): I seek leave to make a statement.

Leave granted.

The Hon. J. D. CORCORAN: I promised the House I would give a report on this matter. The criticisms made in the 50th General Report of the Parliamentary Standing Committee on Public Works with respect to financial aspects are almost identical to those made in the two previous reports of the committee. I have been in touch with other departments but no criticism was made that applied to them during the past five years. With respect to the public works departments under my Ministry (I have contacted those departments and no criticism made has applied to them over the past five years), I am assured that note has been taken of these comments and that in the absence of reference to specific cases, either in the reports of the committee on individual projects or in the annual report of the committee, they are at a loss to understand the annual criticism which has occurred.

Before discussing the separate criticisms, let me draw the attention of the House to the statutory functions of the committee (section 24 of the Public Works Standing Committee Act, 1927-1975):

> 24. (1) The committee shall, subject to the provisions of this Act, consider and report upon all public works which are referred to it under this Act.
>
> (2) In considering and reporting on any such work, the committee shall have regard—
>
> *(a)* to the stated purpose thereof;
>
> *(b)* to the necessity or advisability of constructing it;
>
> *(c)* where the work purports to be of a reproductive or revenue-producing character, to the amount of revenue which such work may reasonably be expected to produce; and

> *(d)* to the present and prospective public value of the work;
>
> and generally the committee shall, in all cases, take such measures and procure such information as may enable them to inform or satisfy the House of Assembly or Legislative Council (according to the circumstances of the case) as to the expediency of constructing the public work in question.'

The last requirement of the committee is very significant because my departments cannot recall any matters raised in respect of individual projects which relate to the criticisms of the financial aspects in the 48th, 49th and 50th reports. The reports of the committee, of course, are received by the Government and I can assure the House that any such specific criticism would have been pursued with vigour by my Government and, if proven, corrective action taken.

I do not suggest that the committee has not carried out all of its important responsibilities, but I have the feeling that general comments, which may have been reasonably based in 1974-75 (48th report), have been inadvertently carried over into the 50th report when they are no longer appropriate.

Mr. Millhouse: Come on!

The Hon. J. D. CORCORAN: Will the honourable member listen?

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

The Hon. J. D. CORCORAN: If what I have said is not the case, then I feel obliged to argue that the committee has not, over the past two years, applied itself adequately to its task. Having regard to the calibre of the members of that committee—from both sides of the House—I would find that most difficult to accept.

I turn now to the individual but general criticisms made in the 50th report.

(1) The committee is concerned that "some public works have incorporated major modifications involving substantial increases in expenditure". Many projects submitted to the committee have been developed only to the conceptual stage to enable satisfactory estimates to be made, and rightly so. There will inevitably be the occasional project in which the concept is varied of necessity during detailed design. Where a modification causing an increased expenditure of over $500 000 is involved, I agree with the committee that the project must be referred back to the committee. I believe this is done.

If this is not what the committee means, I have some difficulty in interpreting the committee's words "major" and "substantial". I expect departmental heads also have that same difficulty, and consider that the committee might have been more helpful in quantifying its views on this aspect.

(2) The committee expressed concern that "other public works . . . have involved costs which bear little relationship to the original estimates presented to the Governor, to Cabinet and to the committee". As previously explained, the estimate submitted to the committee at the time of reference is based on the limited design work completed at that stage. Following consideration by the committee and prior to completion of the detailed designs, documentation, and construction of the proposed public works, considerable escalation in cost may occur through inflation, minor modifications, and unforeseen site or other difficulties which may increase final costs significantly with respect to the original estimate.

Any such increase in costs is required to be justified by the department before Government approval is given to proceed further and the Auditor-General, of course, investigates any anomalies in this regard.

(3) The committee reports that "recently some departments have not included highly specialised and expensive equipment in their submissions to the committee". Normal policy requires that departments include the provision of fixed equipment of an expensive or specialised nature in their submissions to the committee. There may be some occasions when the department has not included non-fixed plant or equipment in its submission but, in the absence of specific cases, I am unable to comment whether or not their actions have been appropriate.

(4) The committee suggests that the Act be amended to ensure that all public works are referred to it. I doubt whether this limitation has really limited the committee's ability to meet its obligations, but the Government would be pleased to look at the implications of a possible amendment to the legislation.

However, even where departments are not required to refer projects to the committee, because the State Government contribution does not exceed $500 000, this is often done in observance of the spirit of intent of the Act. A recent example is the Elizabeth Community College, where works to a value of $2 150 000 were referred to the committee, although the State contribution is likely to be only $150 000.

(5) Referral of proposals for terminal bins by the S.A. Co-operative Bulk Handling Ltd. The company's failure to comply with section 14 of the Bulk Handling of Grain Act, 1955-1969, was first mentioned by the committee in its 49th (1975-76) report. The company has complied fully with the Act since that time at least, because I am advised that no terminal bins have been built for over two years! Yet, the same comment appears again this year (50th report) and leads me to infer, as I said before, that these criticisms have been carried over inadvertently from the previous reports.

Mr. Millhouse: What an insult to the Chairman of the committee.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: Does the honourable member dispute that this has happened?

Mr. Millhouse: I dispute that—

The SPEAKER: Order! I warn the honourable member for Mitcham.

The Hon. J. D. CORCORAN: The report refers to the committee's concern that projects have been declared urgent when this in fact is not the case. On those occasions when departments have requested that the committee consider a proposed public work as a matter of urgency, this has been done in good faith and in keeping with the Government's anticipated requirements at the time of the request.

Members will realise, however, that there are occasions where, because of a reduction in available Loan funds, a change in Government policy or priority, or other measures (such as the present Commonwealth Government failing to honour its commitments), works have to be deferred. A recent example of this was the Barossa water treatment works, which we hoped to start in July this year, but we had to defer because the Commonwealth Government would not indicate its intentions and honour the excellent arrangements this Government negotiated with the Whitlam Government.

I am sure members of the House will agree that I have more than adequately answered the very general comments of the Parliamentary Standing Committee on Public Works. I have found it a difficult task because of the lack of definition and substance in the apparent

criticisms. Perhaps this is because there is little real substance in them at all. I point out that, in the only specific allegation contained in the report, there has been no breach of statutory requirements since the committee first raised the matter.

I also point out, that, whilst I have responded to this matter on behalf of the Government, public works are referred to the committee through other Ministers than myself. I know I speak for them as well when I stress to the new committee that I would welcome its advice at any time that members feel that they are not receiving proper assistance from departments or others in future. I know departmental heads would welcome this also, and I can assure the House that the Government will act swiftly to correct any demonstrated shortcoming.

QUESTIONS RESUMED

The SPEAKER: Before calling on the first question without notice today, I wish to draw honourable members' attention to Standing Order No. 124, as follows:

> In putting any such question, no argument or opinion shall be offered nor shall any facts be stated, except by leave of the House and so far only as may be necessary to explain such question.

In explaining a question an honourable member should give only enough information for the Minister to identify what the question is about and not use the explanation as a political platform.

I also draw the attention of Ministers to Standing Order No. 125, as follows:

> In answering any such question a member shall not debate the matter to which the same refers.

It is in the best interests of members and the House generally that I appeal to all concerned to observe these rules, and I am sure it will ensure many more questions being asked and replied to.

RAPE

Mr. TONKIN: I think that was a timely comment, Sir, which will certainly be taken into account by members on this side. I sincerely trust that Ministers will take account of it, too.

Members interjecting:

The SPEAKER: Order!

Mr. TONKIN: I am sure, Mr. Speaker, that you would not have mistaken my remarks for anything other than what they were, namely, a sincere tribute to your wisdom in this matter. Can the Deputy Premier say when the Government will make public the report of the study into rape announced by the then Attorney-General (Hon. L. J. King) on August 22, 1974? Does it intend taking action to implement the recommendations in that report, if any, and what other urgent measures is it proposed to take to combat the disturbing escalation in the number of reported rapes? Widespread public concern was expressed in August, 1974, because of the increase in the number of offences involving rape dealt with by the courts, as compared to the corresponding period in the previous year. In reply to my question, the then Attorney-General replied, in part:

> I have authorised the criminologist attached to my department (Mr. Claessen) to study the available statistics and the files concerning the reported cases of rape in order to ascertain, if possible, what factors have led to the increase in the number of reports, with a view to identifying the problem and reaching a conclusion as to possible remedies. I do not know how long the study will take. It has just begun. The extent of the study will be considerable and the time required to complete it is at present not known. I shall keep the honourable member informed.

Neither the then Attorney-General nor the present Attorney-General has kept me informed. Since then, reported offences of rape, together with other crimes of violence, have escalated considerably: the incidence of rape at June 30, 1976 (the latest figures available), showed an increase of 44 per cent over the previous 12 months. There is now an even greater concern in the community, amounting in some instances to actual fear that rape could be reaching epidemic proportions. Inquiries are of little value if they simply serve to defer the urgent action that is so obviously necessary.

The Hon. J. D. CORCORAN: I take it that the Leader was referring to the report that was completed in the time of the former Attorney-General. That report was commissioned by the former Attorney-General and, as far as I know, it has been received. I see no reason why the Leader cannot see it. I will confer with the Attorney-General and, if he concurs, I shall be pleased to make the report available to the Leader.

SALINITY

The Hon. G. R. BROOMHILL: A suggestion having been made that the barrages in the Murray River ought to be fully opened, can the Minister of Works say whether this action would have any effect on reducing salinity in the river? In a letter in today's *Advertiser,* a person (and he does not represent himself as an expert) makes the interesting suggestion that, if the barrages in the river were opened from the bottom, salinity in the river would be reduced. Although I am not certain whether there is any merit in this suggestion, perhaps it ought to be considered.

The Hon. J. D. CORCORAN: The member for Henley Beach having been good enough to telephone me this morning and tell me of his interest in this matter, I have obtained the following report from the Director and Engineer-in-Chief:

> Lakes Alexandrina and Albert are both comparatively shallow which, because of the long fetches, experience large wind surges giving rise to a mixing of surface and bottom waters. There is no evidence of any saline stratification in the lakes.
>
> In any case, the Tauwitchere and Ewe Island barrages which make up the greater length of the barrage system and which are the most used for the release of water are controlled by radial gates. These are lifted completely clear of the water surface, giving a full depth flow from the lakes which drains the bottom water as suggested in the letter.

EDUCATION DEPARTMENT APPOINTMENT

Mr. GOLDSWORTHY: My question is directed to the Minister of Education and relates to the recent appointment of a new Deputy Director-General of Education. It is one of a series of questions appearing in a recent edition of the *Teachers Journal,* which no doubt the Minister has seen and about which—

The SPEAKER: Order! I want the honourable member to ask a definite question.

Mr. GOLDSWORTHY: Is the appointment or the transfer of Dr. Inglis as the new Deputy Director-General of Education (Museum and Botanic Garden Services) a result of rational education planning or simply political manoeuvring? This is one of a series of fairly rational

questions being asked by a correspondent to the *Teachers Journal.* I hope the Minister can answer these questions satisfactorily.

Mr. Gunn: Read the letter out.

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

Mr. GOLDSWORTHY: The dumping of Dr. Inglis as Director of the Environment Department and the sudden creation—

The SPEAKER: Order! I hope the honourable member will not comment.

Mr. GOLDSWORTHY: I am not commenting—I am stating facts. The sudden appearance of this new position of Deputy Director-General of Education (Museum and Botanic Garden Services) seems to have been a very hasty decision and, certainly to the average citizen, including members of the Education Department and people involved in education, such as the lady who is the correspondent here, a completely irrational move.

The Hon. D. J. HOPGOOD: The Minister for the Environment commented on this matter in response to a question, I believe, from my colleague the member for Price—

The Hon. Hugh Hudson: No, it was the member for Murray.

The Hon. D. J. HOPGOOD: The question apparently was from the member for Murray, a week or so ago. I do not want to add further to what the Minister said. From my point of view, as Minister of Education, I do want to comment; the House has already had the benefit of the information from the point of view of the Minister for the Environment. I notice, for example, that the Deputy Leader highlighted only one aspect of the question. I assume that is because he has a greater knowledge of Government financing than has the writer of the letter, and does not want to be identified with the thrust of the second part of the letter, which in effect is, of course, that by Dr. Inglis coming across to me there would have to be some diversion of funds from education to that area. That is not true, and I take this opportunity of correcting any impression that that lady might have given in the letter. Dr. Inglis comes with the budgets of those two authorities already finalised, so in effect they bring their buckets of money across to me.

The Libraries Board is another area, similar to the Museum and the Botanic Garden, which has been under the responsibility of the Minister of Education in this State for some time. Finally, as the Education Department for some time has had education officers operating in these areas, notably in the museum area (and it is to be hoped that as funds become available it will be possible to expand this programme), it seems to me that the position of Dr. Inglis within the Education Department is by no means anomalous. It gives him a good opportunity, as a person tendering advice to me, to draw together these various strands which have been in informal association with each other and which now can be associated rather more formally. I thank the honourable member for allowing me the opportunity to dispel any myth that, by the transfer of Dr. Inglis to a position of Deputy Director-General of Education, in these areas there must be some automatic transfer of funds from the education area to Museum and/or Botanic Garden.

RIDGEHAVEN SCHOOL

Mr. KLUNDER: Can the Minister of Education indicate whether a temporary portable classroom is soon to be provided to Ridgehaven Junior Primary School and, if it is, when? A temporary portable classroom should have arrived in mid-October at Ridgehaven Junior Primary School, where it is urgently required to enable children from the pre-school centre to transfer into the junior primary school. The portable classroom has not arrived, and inquiries as to its whereabouts have proved fruitless. I would appreciate any information the Minister can provide about this matter.

The Hon. D. J. HOPGOOD: I believe that that unit was to have been provided on October 28. The problem arises from a delay in the building programme at Banksia Park, which is the school from which the unit was to be relocated. My officers are now considering the situation to ascertain how soon the unit can be made available to the school to which the honourable member refers.

BOAT REGISTRATION

Mr. ARNOLD: Can the Minister of Marine say whether the Government will amend the procedure for registering motor boats to ensure that, on the payment of the prescribed fee, the craft being registered is covered for 12 months? This matter has been brought to my notice by a constituent, who initially registered his boat in February last year, the registration expiring on February 20 this year. Unfortunately, for most of this year the constituent has been ill in hospital. It was only last month that he was in a position to reregister his boat. He paid the $5 fee, which covered him only from October 24 this year to February 20 next year. After paying the full fee he is receiving only four months registration. The department told him that there was nothing it could do about the situation. The only alternative he had was to let the registration lapse and re-register his boat, which would have cost $6 for new numbers to affix to the side of his boat. Regarding motor vehicle registration, the expiry date is 12 months from the date the fee is paid. I therefore ask the Minister whether the boat registration procedure could be brought into line with the motor vehicle registration procedure so that people are not put into the position where, on the payment of the full fee, they receive only three or four months registration.

The Hon. J. D. CORCORAN: I shall be pleased to examine the matter raised by the honourable member. I cannot recall a specific reason why the Act was drawn up to have the effect referred to by the honourable member. As the honourable member's request seems reasonable, I will consider it.

WATER CONSUMPTION

Mr. WHITTEN: Will the Minister of Works consider including the actual meter reading on the notice of water consumption that is distributed to householders? Water meters are read every half year. A white interim notice of total water consumption is issued for one six-month period and a blue notice is issued for the full year's consumption. In the first half of the year a small consumption of water often occurs. In the case that has been brought to my notice, during the first half of the year 122 kilolitres of water was used but for the full year 454 kilolitres was used. Meters are read every half year. If the actual meter reading was printed on the notices, householders could calculate for themselves how much water they were using in the second half of the year. This would also act as an incentive for householders to conserve water and enable them to try to keep their excess water payments down to a minimum.

The Hon. J. D. CORCORAN: I will have the matter investigated. It would seem to me from what the honourable member has said that, if the slips were kept, it would simply be a matter of deducting the first half-year figure from the final figure to arrive at the figure sought. If that is not the case, I will certainly consider the matter and see what can be done about it.

OH! CALCUTTA!

Mr. WILSON: Has the Attorney-General been asked to issue his fiat to enable any persons to take action seeking an information to restrain the current performance of the play *Oh! Calcutta!?* If so, what was his reply and, if it was in the negative, what were his reasons?

In 1971, the then Attorney-General (who I believe was the present Premier) issued a fiat for a group of citizens to apply for an injunction to prevent a performance of the same play. That injunction was granted by the court and was later confirmed on appeal to the Full Court. I believe that this provides a strong case for the Attorney-General to grant a fiat in the present circumstances as I understand that, failing the Attorney-General's taking action himself, there is no other recourse left to the parties concerned.

The Hon. PETER DUNCAN: I received a letter on October 26, 1977, requesting that I act as an applicant in a relator proceeding for an injunction to halt the live performance of *Oh! Calcutta!* currently being performed at the Comedy Theatre. I replied to this letter the next day indicating that I would not accede to this request. A request to seek an injunction from a court to stop the performance of an artistic enterprise is a quite serious matter and is a request to go beyond the existing laws and should not in my opinion be treated lightly. In a democratic society, freedom of artistic and political expression is paramount. It should be only in rare cases where the Government intervenes to circumscribe the freedom of any citizen or groups of citizens to express themselves in an artistic or political matter. The limits of this freedom are clearly defined by the law and tempered by the prevailing social *mores* of the time. It has long been acknowledged that there are no absolute standards in this area, and those who wish to impose restrictive standards on the majority of citizens should do so on solid grounds before eliciting the support of the Government for such an enterprise.

The particular request in this instance relates to my discretion to consent to a relator action. Such an action has been recently defined by Lord Wilberforce in a case in the House of Lords, *Gouriet v. The Union of Post Office Workers.* His Lordship described a relator action as:

> . . . a type of action which has existed from the earliest times and is one in which the Attorney-General on the relation of individuals brings an action to assert a public right. It can be properly said to be a fundamental principle of English law that private rights can be asserted by individuals but that public rights can only be asserted by the Attorney-General as representing the public. In terms of constitutional law the rights of the public are vested in the Crown and the Attorney-General enforces them as an officer of the Crown.

It has long been the presumption in English law that the Attorney-General has a discretion as to whether he would act as an applicant in a relator proceeding. The discretion of the Attorney-General either to agree to act or not to agree to act was questioned by the Court of Appeal when that court was dealing with the Gouriet case. The Court of Appeal held that an Attorney-General's decision not to grant his fiat can be reviewed by a court and an injunction could subsequently be granted. When the Court of Appeal's decision was reviewed by the House of Lords, it rejected the Court of Appeal's argument and said that the Attorney-General had a clear discretion either to enjoin such an action or not. Lord Wilberforce put the position succinctly as follows:

> More than in any other field of public rights, the decision to be taken before embarking on a claim for injunctive relief involving as it does the interests of the public over a broader horizon, is a decision which the Attorney-General alone is suited to make.

It is quite clear then from the recent litigation in English courts that an Attorney-General has a clear discretion to exercise before embarking on such an action, and the discretion is his alone. If a live performance clearly offends the criminal law, it is proper that the police take action and prosecute the offenders. Where the criminal law has definitely been breached in an artistic performance, the police would properly intervene.

There is no doubt that an evaluation of an artistic performance depends upon a whole range of subjective factors. There would be some in the community who would find parts of Shakespeare offensive and obscene. It is incumbent upon the police, therefore, to exercise some discretion as to whether they should intervene merely because they have received a complaint from one section of the community. It has generally been the policy of the South Australian Police Force not to intervene and take action against artistic performances which may be categorised by some sections of the community as obscene or blasphemous. As far as the law on this matter goes, there seems no doubt that the police do have a discretion as to whether they enforce a particular law, especially in the area of social or political controversy.

This issue was dealt with by Bright J. in his Royal Commission report on the 1970 Moratorium in Adelaide. In his report the learned judge, referring to this matter, said:

> In my view it cannot be doubted the police have and rightly have a considerable degree of discretion.

This has also been affirmed in the courts in the case of *Wright v. McQualter* in 1970. Sectional and minority interests must always be protected by the Government. The Government, however, has a responsibility to ensure the maximisation of artistic and political freedom. This Government has protected this responsibility, and this policy has been subsequently endorsed by the electors over the past four elections.

UNEMPLOYMENT RELIEF SCHEME

Mr. ABBOTT: Can the Minister of Labour and Industry say whether any approach has been made to the Federal Government for reimbursement of social security payments for people employed under the State Unemployment Relief Scheme? I refer to the decision of the Federal Government to shelve the $100 000 000 job subsidy scheme, despite the continuing increase in unemployment and the many millions of dollars that this State Government has saved the Federal Government in social security payments had the thousands of workers in this State not been employed under this scheme.

The Hon. J. D. WRIGHT: Yes; at the previous three Ministers' conferences I have raised the matter personally with Minister Street, asking him whether he would reimburse the State Government for that amount which is the difference between social service benefits and the actual money paid. In this State about 1 500 people have been employed continually for the past 18 months or two years. The scheme will accommodate about 2 000 workers

next year, and we will build up to that by the end of January. Simply stated, the Commonwealth Government has avoided having to pay social security payments when the State Government, out of its own finances, finds employment for about 2 000 people.

I thought Minister Street was very impressed with this argument the first time I put it to him, and I waited for a long reply, but never got it. I put it again at the next conference, but I was fooled again by Minister Street's activities in regard to the question and my statement. Finally, I asked the Premier to write to the Prime Minister asking him whether or not he would consider the request previously made by his Minister of Labour and Industry to reimburse the Government for the amount of social service payments that normally the Federal Government would have had to pay. What it means is that, had the Federal Government honoured its responsibility, we could put one-third more people into the work force, because the average amount that would have been paid out of social services would be about one-third of the amount paid out to people who are in employment. It has been a continuing refusal by members of the Liberal Federal Government but, to add insult to injury, in the *News* yesterday an article written by Trevor Kavanagh indicates that the Prime Minister went to the Ministers' conference last week with $100 000 000 in his pocket: he had $100 000 000 to carve out to all States for unemployment relief. The weak excuses written by the Adelaide correspondent states that the Prime Minister was not pushed into it.

Mr. Evans: Are you debating this?

The Hon. J. D. WRIGHT: I am not debating: I am quoting from facts in this article, which stated that, if the Premiers from other States had pushed, the Prime Minister would have released $100 000 000.

What an insane judgment that is about not having had the humanitarian attitude to release the $100 000 000, which I am told would have found work for some 15 000 people of the 370 000 unemployed in Australia at the moment. Having read this in the press, I was alarmed about this situation, and I contacted the Premier's economic adviser to establish whether or not the Premiers had pushed for reimbursement of moneys for the unemployment relief scheme. I was told confidently by the Premier's economic adviser that it was one of the strong subjects pushed by all Premiers. It is no good the Prime Minister hiding behind the fact that he was not pushed into a situation and therefore did not release the money. The fact is that the Prime Minister and his Government do not care about unemployment, and that article proves it.

ARTERIAL ROADS

Mr. RUSSACK: Can the Minister of Transport define what constitutes an arterial road as referred to in the categories for roads grants purposes? Are some arterial roads the responsibility of the Highways Department while others are the responsibility of the council in the same local government area? If this is the case, is a proportion of Commonwealth funds in this category appropriated to the Highways Department and the council concerned?

The Hon. G. T. VIRGO: I welcome the re-entry of the member for Goyder into the transport area. I thought he had been demolished, but it is good that he is back. The categories of roads are determined by Canberra. Canberra and Canberra alone determines what is an arterial road and what is a local road. I think that at the back of the honourable member's question is the hassle in which the Commonwealth has found itself, that it is not able to understand that there are different provisions relating to local roads in different States.

In New South Wales particularly, my understanding is that a local road is almost invariably the responsibility of the local government body. It was on this premise that the Commonwealth Minister reallocated moneys in the way in which he did, believing that he was really using the States to direct money to local government, and, of course, at the expense of the States. However, in South Australia (as I think the honourable member appreciates), the Highways Department maintains a large section of the road network that is designated by Canberra as local roads. Those roads are not entirely the responsibility of the local government bodies.

The allocation of funds is done on the basis of need over the whole State, taking into account the general requirements in the various council areas and the need to preserve the work force of the Highways Department. At present, in some areas in South Australia there is disappointment because of the level of funding being received from the Highways Department. However, let us not lose sight of the fact (as I have told the House time and time again) that the allocation of funds from Canberra to the State of South Australia has been decreasing at a steady but certainly sure rate for a long time. If that continues (and there is no indication that it will not) South Australia will be in the parlous position either of having to slow down its road programme and assistance to local government or of putting a further impost on the motorist; that is the crux of the situation.

MIGRANT EDUCATION

Mr. KENEALLY: Is the Minister of Education able to give the House any further information about Commonwealth finance for adult migrant education? Last week, the member for Mount Gambier accused the Minister of Education in the House of personal failure in the effective handling of funds for adult migrant education in South Australia. Although the Minister adequately handled the question at the time, it seems to me that over the weekend he may have had a opportunity to scrutinise further the figures quoted by the member for Mount Gambier and the Federal Minister.

The Hon. D. J. HOPGOOD: I have had the opportunity to scrutinise the figures further and, in view of the fact that this has become somewhat of a saga and that as recently as mid-day today the member for Mount Gambier was making further public comments on the matter, I think I should bring the House completely up to date.

Mr. Slater: And the member, too.

The Hon. D. J. HOPGOOD: And the honourable member, too. The Commonwealth Minister, the Leader of the Opposition, who has questioned me on this matter, and the member for Mount Gambier have made at least two major factual errors in the various statements that have been put out to date. First, it is clear from the information now available from the State Treasury and from the contents of Mr. Jones's letter of September 5 that the $349 820 referred to by the Commonwealth Minister is, in fact, for an 11-month period (that is July 1, 1976, to June 1, 1977), whereas the $423 000, which was the initial Commonwealth allocation to this State before I protested to the Commonwealth Minister, was for a 12-month period, that is, from June 1, 1977, to May 31, 1978. At issue here (and this is what I told the member for Mount Gambier, and also it would appear from the letter of the

Commonwealth Minister for Education) is a payment of $75 771 for June, 1976. I quote from Mr. Jones's letter as follows:

> This amount—

the $423 000—

> is in respect of the period June, 1977, to May 31, 1978. $75 771 of the funds paid to your department towards the end of the 1976-77 financial year was in respect of anticipated costs for the month of June, 1977. That cash amount should therefore be regarded as the initial payment towards the allocation advised above.
>
> It will therefore be seen that my original claim was perfectly correct, that is, the State was being granted $423 000 for a 12-month period when, in fact, in the previous 12-month period with one month's overlap, it had received $425 591.

Because of the confusion over that one-month overlap, I will simplify the matter slightly for the House. We have received $349 820 for the year to June 1, 1977, and we are being promised $347 229 for the 11 months from July 1, 1977.

As the member for Mount Gambier has conceded in a public statement today, the $423 000 had to be seen against the State's bid for a total of $556 000, which was and is our estimate of what is required to maintain the programme as had existed at the end of last financial year. This amount of $75 000 has misled the member for Mount Gambier in a second way. In his question to me of last Thursday, he said that South Australia's claim for reimbursement from the Federal Government was $75 000 below its actual allocation for that year. He explained that normally South Australia is paid on a reimbursement basis monthly in arrears for adult migrant education spending. The member for Mount Gambier has been misled here. South Australia has always been paid in advance on a quarterly system. True, the Commonwealth has now come to us suggesting a monthly funding system, but this matter has not yet been resolved. To speak of the State's failure to claim $75 000 reimbursement is nonsense. No claim is or was necessary.

The additional $159 000 now granted, though it appears less on a per capita basis than what has been granted to the other States, will allow for some expansion of the programmes provided there is strict indexation of costs. No specific information is yet available on this matter.

The State is grateful that the programmes can be maintained, and possibly, with the proviso mentioned above, improved, but one wonders whether we would be in this position but for my protests (and those of other State members) and the advent of a Federal election.

In summary, I must say three things. The fact that the Commonwealth saw fit to grant additional money to this State and all other States surely must be an admission that the advice given to the States on or about September 5 (I do not know whether every State received Mr. Jones's letter on the same day) was about an inadequate funding basis for this financial year. I make two other points.

Mr. CHAPMAN: On a point of order, Mr. Speaker. I am guided to take a point of order by a colleague on this side. At the commencement of today's Question Time, we all received from you a message which I accept and which I am sure all Opposition members accept. Hopefully, from our point of view, Government members would have accepted it. It is my feeling that the Minister of Education is abusing his privilege and failing to uphold the direction you gave at the commencement of today's Question Time.

The SPEAKER: I do not uphold the point of order. This has been a vital question during the past week, and I think I was as interested as any other member would be in it. At this moment, I think we have to do as much as possible to ensure that we stick to that Standing Order and I ask the Minister to do that.

The Hon. D. J. HOPGOOD: I had almost concluded my remarks, Mr. Speaker. Perhaps I am indulging a little in over-kill, but there are two other points I want to make. The first is that, in the *News* on Friday last, a statement was carried from Senator Carrick which attempted to carry on the line that had been touted by the Opposition in this House last week. That was fully 24 hours after I made my Ministerial statement in the House extensively criticising the basis of the Commonwealth and State Opposition position, and yet no reference was made to that matter in the *News* article. I find that extraordinary.

Secondly, I find extraordinary that, some hours prior to the member for Mount Gambier having given his mini press conference today, a research person associated with the Opposition rang my Director-General of Education and subsequently was briefed by an official at Treasury along the lines I have explained to the House today. Surely that information was relayed back to the shadow Minister of Education, and, in the light of that, how can the shadow Minister sustain the statements that he made?

WALLAROO MISHAP

Mr. VENNING: My question was to have been directed to the Premier—

The SPEAKER: The Deputy Premier.

Mr. VENNING: The Premier has gone, so I address my question to the Minister of Marine.

Members interjecting:

Mr. VENNING: Order, please.

The SPEAKER: Order! I mentioned to the member for Rocky River the other day—and I thought he had got the message—that the Chair will call for order. If he does it again, he will have to take the consequences.

Mr. VENNING: Can the Minister of Marine report to the House progress on the negotiations regarding the detention order placed on the ship *Wuzhou* on October 25, at about 2 a.m., and on the subsequent issues? I refer, first, to the men who lost their specific work with the fall of the gallery. What is being done by way of compensation for them? Secondly, I refer to the replacement of the damaged structures. Will it be necessary to refer the replacement project to the Public Works Committee? Thirdly, will the Minister take the necessary action to have the bulk facilities replaced, not in 12 months, as in the Ministerial statement of last week, but in a more realistic period, say at the end of June next year? I believe that when the Minister made his comments last week he expected a report.

The SPEAKER: Order! The honourable member has not sought leave to explain his question, and he has asked four questions. The honourable Minister of Marine.

The Hon. J. D. CORCORAN: The honourable member does not need the Premier to be here to deal with this matter. He would know that, as Minister of Marine, I am fully responsible for decisions that have been involved in the detention of the ship. Certainly, I have been involved in any action that has been necessary to get under way the reconstruction of that part of the bulk loading facility that is damaged and the wharf itself. I have already given approval to the department to dismantle unsafe portions of the structure that were damaged and in a dangerous condition. I have also given approval to the department to take whatever steps are necessary to undertake preliminary designs and planning for the replacement of the structure. I can assure the honourable member that if it was possible to replace the structure in three months we

would do so. I reject the implication that we are dilly-dallying about this matter. I understand the need for urgency in this matter just as well as the honourable member does. It is most unfortunate that this accident occurred.

Since it occurred I had been in touch constantly with the ship's agents, Patrick Agencies, and with a representative of the Chinese Embassy. Only last Friday afternoon the representative of Patrick Agencies, the representative of the Chinese Embassy and their legal advisers met with me in my office and had lengthy discussions. The situation now is that we have not yet reached satisfactory arrangements in relation to money being placed in bond that would enable the Government to use that money for reconstruction. That is a provision of the Act where liability is accepted. We have not yet had a clear statement from the shipowner or Patrick Agencies whether they will accept liability or contest this matter. Indications are, however, that they intend to contest it fully or in part.

I have offered to allow the ship to move from Wallaroo to Port Lincoln. The ship would still be under detention; the detention order or the conditions thereof would not be varied. This action would enable the ship to be loaded and would put it ahead in time. The Embassy refused that offer Friday last. However, I believe that that offer is being reconsidered today.

I have told Embassy officials and representatives of Patrick Agencies and their legal advisers that I am available at any time to talk to them about this matter because, naturally, I want the matter resolved as quickly as possible. I have also indicated to them that I am willing in certain circumstances to vary the terms of detention of the ship: I would be willing, if liability is to be contested, to accept a form of guarantee that would be enforceable (and that is important) in lieu of cash.

To all these approaches I have not yet received a final answer. The Embassy officials and representatives of Patrick Agencies went to Wallaroo this morning. My officers and officers of the Crown Law Office are going to Wallaroo later today; in fact, they may already have left for Wallaroo. I have not had any further news about the matter other than that.

Yesterday, I received a letter from the Ambassador for the Republic of China to which I replied this morning. The Ambassador expressed concern, naturally, that this had happened and said that he was willing to do everything possible to bring about a speedy solution. In return, I thanked him and added that we would co-operate in whatever way possible but, at the same time, I pointed out that it was my responsibility to ensure that the provisions of South Australian law were applied in this case and, indeed, that to do otherwise would be a failure of duty on my part.

LOBSTER ALLOCATIONS

Mr. BLACKER: Can the Minister of Works, representing the Minister of Fisheries, say what is Government policy on the transfer of lobster pot allocations where a licensee voluntarily reduces his allocation?

The Minister would be aware that lobster authorities are often transferred at a price commensurate to the number of pots involved and that some value is placed on each allocation. In the case in question, an authority holder whose 11-metre vessel was lost at sea and who subsequently had a 46-pot allocation has decided to replace his vessel with an 8·2-metre craft. This means that his appropriate allocation would be 37 pots, and nine pots would be surplus. It is the desire of this fisherman to sell these to another authority holder.

The Minister would also be aware that, on transfer of licences, values are placed on the pots and goodwill. Records within the department would verify this fact. In the event of an authority holder wishing to relinquish business as a lobster fisherman, the capital he has invested in entering the industry would be lost if no monetary value could be placed on the pot allocation. Members would be aware that the lobster season opened this morning. These fishermen are therefore awaiting anxiously the deliberations of the department.

The Hon. J. D. CORCORAN: I will refer the matter to the Minister of Fisheries, and ask for a report as soon as possible.

HORWOOD BAGSHAW

Mr. DEAN BROWN: Can the Minister of Works say whether it is correct that the State Bank and/or S.G.I.C. and/or S.A.I.A.C. are planning on instructions from the Government to lend $2 100 000 to a group of trade unions associated with Horwood Bagshaw Limited, so that these unions can offer to buy up to 50 per cent of the issued ordinary shares of Horwood Bagshaw Limited, and thereby obtain union representation as Directors on the board of the company? In addition, is it correct that the unions will offer 60c for each ordinary share in Horwood Bagshaw Limited, even though these shares are at present being offered on the Stock Exchange at a seller's price of 30c, the buyer's price being 25c?

An examination of the annual reports and public statements made by the company revealed the following:

1. That the company has just closed its manufacturing activities at Mannum and Edwardstown because it is hopelessly overstocked with agricultural equipment which it cannot sell.

2. That the company, although it has passed its final ordinary dividend for 1976-77, has paid no ordinary dividend in five out of the past eight years.

3. That the company wrote down the value of its stock by $1 000 000 when announcing its results for 1976-77, but has now delayed distribution of its statement of accounts, suggesting that the auditor may be dissatisfied with the high valuation of stock even after the write-down of $1 000 000 and, therefore, that the auditor is unwilling to certify the accounts.

4. That the company's manufacturing facilities at Mannum are ill-equipped to diversify into other branches of engineering and it could do so only with large expenditure on new plant and Government preference for the new products at the expense of other specialist manufacturers in South Australia, who already have surplus capacity.

The Hon. J. D. CORCORAN: I have heard absolutely nothing about the suggestions the member for Davenport has made in this matter. I will get a considered reply for him.

PUBLIC WORKS COMMITTEE

Dr. EASTICK: Will the Minister of Works confirm that, in delivering his Ministerial statement this afternoon, he stated that only those alterations expected to amount to more than $500 000 were directed to the attention of the Public Works Standing Committee? I suggest to the Minister that if that were the case, it is conceivable that large sums that could tip the balance against the

continuation of a project considered previously to be viable by the Public Works Standing Committee should be considered on the basis that, if the alteration, even if it were to cost less than $500 000, is, say, 20 per cent of the original price, the matter should be referred back to the Public Works Standing Committee. It seems inconceivable that an alteration that would completely destroy the financial viability of a project should be able to sneak under the guard of an investigation by a bi-Party committee. Will the Minister consider the matters to which I have referred?

The Hon. J. D. CORCORAN: One of the conditions laid down in the Act relates to any proposition placed before the committee involving an income-earning facility. I understand that that is the point the honourable member is making. He is suggesting that, once such a project has been recommended by the committee, if an alteration of any kind takes place it could have an effect on the income-earning capacity of that facility. I have said that any alteration exceeding $500 000 would and should be referred back to the committee. However, if an alteration cost $400 000 and did not involve an income-earning capacity, I see no necessity to do anything about it. On the other hand, if it is an income-earning facility, what is involved could have had a bearing on the decision of the committee. I think that the honourable member would appreciate that the stage of development when an alteration was seen to be necessary would also be important. I can see the point the honourable is making. I think that rather than alter the Act it could be a general Government policy that, where an income-earning facility was involved, any alteration that could be considered to have a bearing on the income-earning capacity of that facility should be examined again, having regard to when it takes place.

SITTINGS AND BUSINESS

Mr. MILLHOUSE: Can the Deputy Premier say what are the plans of the Government concerning the sittings of Parliament for the remainder of 1977? I ask the question particularly in view of the announcement last week of an early Federal election on December 10. Many of us would like to take part in the campaign on behalf of our respective Parties. In due course, it will be necessary to have a joint sitting of both Houses to select a Senator to replace Senator Hall. The Premier is away overseas and I take it, with great deference to the Deputy Premier, that that means that there is not too much important business to be done in Parliament during the Premier's absence.

The Hon. J. D. CORCORAN: The Government intends that the House will not sit next week. We will then commence sitting on November 15 and continue through to about the middle of December. I have not yet conferred with other members of the Cabinet about whether or not we will have the House rise during the course of the election campaign. If and when we have that discussion and a decision is made I will inform the House of it as soon as possible. About the middle of December, the House will rise until probably mid-February and meet again until possibly early May next year.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SHOP TRADING HOURS BILL

Adjourned debate on second reading.
(Continued from October 20. Page 345.)

Mr. TONKIN (Leader of the Opposition): The introduction of this Bill into the House represents something of a triumph for the Liberal Party. Certainly we take credit for raising the matter both in this Parliament and outside and speaking for the many people, from all walks of life, who are included in the term "consumer".

For the first time in many years, the consumer has had a say, and the Government of the day has been forced to listen, with the results that we now see. The record of the Government in resolving the question of shopping hours has been one of continual prevarication and buck-passing, and generally not one of which it can be proud. It is the Liberal Party which has made the Government face its responsibilities, even though it found it necessary to face them through the medium of a Royal Commission. By working on the report of a Royal Commission the Government hoped to avoid any backlash that might otherwise have arisen from the trade union movement, just as it hoped to do when it first proposed that shopping hours should be the concern of the Industrial Commission.

In every possible way this Government has backed off the issue. It has tried to duckshove the responsibility for making any decision on it, and has shown itself totally ill-equipped and unprepared to face up to its responsibility. The policy of backing away from the issue first came to light in 1971 when the Labor Party first took away late-night shopping privileges which were enjoyed in the outer metropolitan areas. It must have been a traumatic experience (and I see the member for Playford nodding in agreement), but looking at the mess it made of the referendum, and the threats of expulsion it was forced to make to persuade five of its members to vote against the clearly expressed views of their constituents, I find it totally impossible to be sympathetic.

Under pressure from the trade union movement, the Labor Party has never been prepared basically to consider the logical and ultimate solution to the problem—letting all the people concerned decide for themselves what that solution should be. That seems to be the rational approach, yet the Labor Party has never been prepared to accept it. It has been afraid of that approach.

This was the policy adopted by the Liberal Party nearly 12 months ago, following much investigation, particularly into the effects of longer hours on prices, and on small businesses. The Minister has said that it took us a long time to make up our minds. It did, because it is a complex subject, but we investigated the matter thoroughly and we made up our minds, which is a lot more than the Labor Party has done on this issue.

The Liberal Party believes, in general principle, that, if all restrictions were removed during the working week (that is, from midnight on Sunday to 1 p.m. on Saturday), traders, shop assistants, consumers, and everyone else concerned would be able to reach agreement on rational, reasonable and desirable shopping hours, without the intervention of Parliament at all. Obviously, such a general principle must be modified as necessary to protect the rights of specific sections of the community, for instance, small businesses. The Liberal Party's policy initially was to extend the hours during which people might choose to trade on any one night a week, so that the discussions and negotiations between all parties vital to the final agreement actually would occur.

Although there has been a Royal Commission in the meantime, the position as it is represented in this Bill

remains basically the same. The Labor Party successfully defused any potential back-lash from the community by appointing the Commission and getting on with the State election, but the conferences and discussions, which will be necessary to achieve agreement on late night shopping, have been significantly delayed. As it turns out, if the private member's Bill, which allowed for a trial period during the month of December, leading up to Christmas and which was introduced at about this time last year, had been passed, a significant amount of the discussion would already have occurred. In fact, this Bill does little more than set out what the great majority of South Australian's wanted to see tried out last Christmas. Although their wishes were made well known at the time the Labor Party was not prepared to accept them. I repeat, that, even if the setting up of a Royal Commission was the only way in which the Government was prepared to tackle the shopping hours problem, the Liberal Party must take the credit for forcing it to face up to its responsibility in this way.

Having said that the Royal Commission was set up by the Government for very unsatisfactory reasons, let me now say that the Commissioner, Mr. W. C. Lean, has produced a very good report, and I congratulate him on it, although I cannot accept all of its conclusions. Many of the commonly repeated fears and reservations expressed by certain sections of the community about the possible results of extended shopping hours have been examined by the Commissioner in great detail.

The results of these investigations must provide a great reassurance to those people who were concerned, and it is worth emphasising some of those findings to make certain that the Commissioner's reassurance is as widely known as possible. Of course, no summary I give can replace the report itself, which I recommend to interested members of the community, but many issues have been canvassed in the public forum, mostly against any change in shopping hours, and these are the more significant of them.

That extended trading hours would result in significantly increased costs to the consumer was a proposition widely canvassed by many people, both in the public forum and before the Commission. The report at page 21 recognises the inevitability of an upward movement in prices, but it quickly goes on to point out:

> The Queensland Commission found that, if one late shopping night was permitted, there would be an increase to labour costs of between 5 and 6 per cent.

I quote further from the report in which at page 21 the Commissioner states:

> I found from the submissions to the Commission that many people are under a misapprehension about the relativity of labour costs to product sale costs. I see the relativity as follows: if, for example, as a result of award variations to cater for extended hours, labour costs were increased by 6 per cent, the selling price of an article would not or should not be increased by a similar amount.

In other words, the report points out that the cost of selling an article would be increased by 6 per cent of that part of the price which covered labour costs, not by 6 per cent of the total. If the labour component represents, say, 10 per cent of that price, the actual increase would be 6 per cent of 10 per cent or 0·6 per cent. This is a factor that many in the community have not grasped or realised. The Commissioner continues:

> However, no matter how high the labour content is in the company's costing it is extremely unlikely that a 6 per cent increase in labour costs would amount, at the top end of the scale, to more than a 1½ or 2 per cent increase in the price of the product, and in the lower end of the scale it would be below 1 per cent: indeed, it may not involve a cost increase at all.

The Commissioner also states, at page 22:

> Late night shopping was not a factor that had any significance on commodity price rises in Sydney or Melbourne.

He also said:

> I am led to the belief that an additional late night of shopping if granted to the metropolitan area of Adelaide should not have a significant impact on current selling prices, nor should it have a significant impact on the State's consumer price index.

This sums up the situation, and most effectively answers the real and understood concern expressed in the community. A concern that extended hours would result in longer working hours for shop assistants was widely expressed. The Liberal Party investigated the situation in other States, and its findings were confirmed by the report of the Commissioner, which at page 15 states:

> An extension of shop trading hours would mean additional working hours for shop assistants. This contention lacks validity. At present the majority of shop assistants work 40 hours a week and, if extended trading hours are introduced, I would not envisage an extension to working hours, but there would of necessity be a rearrangement. I am including in the appendices two sample rosters of working hours that cater for an additional night per week.

On the same page the report states:

> In each case a shop assistant averages less than 40 hours per week over the full roster cycle, and they receive more money than they did under their previous working hours arrangement. To my thinking, the hours set forth in the rosters, particularly the New South Wales roster, are far more attractive than the hours shop assistants are working at the moment.

Finally, at page 15, the Commissioner states:

> Let each trader work out his own roster with some sample rosters to guide him.

We are getting close to the principle that the Liberal Party has espoused, because this is exactly what the Liberal Party has continually said should be allowed to happen: it is basically not for Parliament to decide but for the people concerned (the traders, shop assistants and members of the public) by discussion and negotiation. A further favourable point is made in the remarks on page 16, where the Commissioner says "thus extra work is found for a number of people in the community".

The last of what I consider to be the major concerns regularly expressed, and rightly so, was for small businesses, and this matter was investigated thoroughly by the Commission. The Commissioner at page 13 states:

> The small traders were also divided in their approach to an extension of shopping hours. The majority (who were not located on a large shopping centre) were totally opposed to it on the grounds that it would cause a serious falling off in business, as the consumers would tend to patronise the large shopping complexes and this would be at the expense of the small traders. However, other groups of small traders, mainly of the family business type or specialist type shops, took the view that an extension to shop trading hours would assist them in their business operations, and they supported the concept even in some instances to the extent of advocating a total freedom of shopping hours.

Small businesses are the life-blood of commerce and trading, and have provided a most valuable service to the community on a personal basis which is becoming all too rare in this day and age and which should be preserved if at all possible. They must be helped, and protected if necessary, and this is a matter of great concern to the

Liberal Party. Obviously, it has been a matter of great concern to the Commission. On page 16, the report states:

> The objections of the organised small traders were based on opinion and were not substantiated. Their prime objection was that, if late night shopping was introduced, they would obtain little patronage from the consumers who would flock to the city or to the large suburban shopping centres. They said that they would lose some of their present business to the larger trader. When it was suggested to them that should shopping hours be extended it would not be mandatory to open if trading proved uneconomical, they took the view that, for the sake of competition, they would be forced to open.

That view has been put to me many times by Opposition members who have had considerable experience, and I accept that view. People are forced to open by competition. The report continues:

> There was no evidence about the late night of trading in Melbourne or Sydney having adverse effects on small traders in those States.

Later, at page 17, the report states:

> In contrast to the objections made, a number of small traders associations and individual small traders supported an alteration to shopping hours. The supporters were in the main proprietors of specialist type shops or had businesses catering for objects of art, hobbies, clothing, and sporting equipment, etc.
>
> Although I agree alternate hours could have an effect on some businesses, I do not consider it would be a dramatic affect or an affect significant enough to close down businesses. To the best of my knowledge this has not been the experience interstate, and I am sure if it had been I would have had positive evidence placed before me on this aspect.

I can only agree with the Commissioner in that respect. If there had been any evidence at all, in the light of the tremendous concern that was expressed by many small businesses, I am certain that evidence would have been put before the Commissioner.

The present position may be summed up by saying that the Royal Commission has considered all the major expressions of opinion on the question of extended shopping hours, and that the Government, which is not prepared even to commission a public opinion survey, as did the Royal Commission, has now adopted the recommedations of the Commissioner, and incorporated them in this Bill. There is, for instance, the question of further expressions of opinion and concern. Time alone will tell whether or not that concern still expressed about items not covered in this report is justified.

There is, for instance, the major question of whether there should be one night for all areas, or two nights, as proposed by the Commissioner and incorporated in this legislation. Whether we have two nights distributed between the city and outer areas, as proposed in the Bill, is a matter of concern to members of the community, traders, and consumers,

Mr. Abbott: It does not conform with your policy.

Mr. TONKIN: I thank the honourable member for Spence for his interjection; he is quite right, it does not. There are arguments that I accept are persuasive, on both sides. They have been gone into very thoroughly indeed. As I understand it, the major stores in Adelaide are not particularly concerned about the possible protection being offered to them by the Commissioner and the Government in putting forward two different nights. They would be perfectly happy to trade on Thursday night alone. I cannot see any objection to having one specific night throughout the State. I believe that it would simplify the whole situation, satisfy the demands and needs of the community and, as the honourable member for Spence has rightly pointed out, it would certainly conform to the first part of the Liberal Party's policy on this matter.

This matter will be canvassed, and canvassed very thoroughly, in the Committee stage. Whether or not meat should be included in the general legislation is another matter that has been contentious, but the arguments put forward by the Commission, while very persuasive, are to a large extent balanced by the widely expressed general view that people should be able to buy their fresh meat at the same time as they buy the rest of their food supplies, and under the same conditions.

Mr. Chapman: Further discrimination against the producer.

Mr. TONKIN: It was significant (and obviously this was an oversight on the part of the Commission) that no specific inquiry into meat sales was made during the course of the public opinion survey commissioned by the Royal Commissioner. Concern has been expressed since that time by primary producers that sales of fresh meat may fall in favour of poultry and white meat if meat trading hours are not extended. Again, this matter will be dealt with thoroughly in Committee. I can understand the difficulties of small butchers and that those businesses could be threatened by extended shopping hours. I also believe that the convenience of the general public must be considered. I believe, too, that small butcher shops can adequately cater for the extended hours, if they wish to take advantage of them.

Mr. Chapman: That is the key; "if they wish to".

Mr. TONKIN: That is the key. So-called "convenience shops" had been the subject of concern, too, but again the Commission has investigated the report thoroughly. However, it seems totally anomalous that legislation to extend trading hours should result in the closing down of certain shops which now had extended trading hours. Once again, this matter will be canvassed and tested in Committee. The member for Hanson has been most assiduous in his inquiries, and he intends to put forward to the Committee arguments which I think will go against the proposition contained in this Bill.

It seems to me that convenience shops had been allowed to continue trading as they are only as a result of a determination (and I suspect an error) on the part of the Minister. It would had been a previous Minister's decision, which is being carried on by this Minister. I suspect he has been under considerable pressure about it. I believe that, having made that decision, the Minister should hold to it; having allowed these shops to trade and to build up a stock, a clientele, and debts which must be serviced, it is not for the Minister to say now, in this Bill which extends shopping hours, that he will cut them off. This will be dealt with again in the Committee stage, but, unfortunately, we know what the result is likely to be.

It may well be that the Minister will decide that the putting out of work of many young people employed in these shops will make it worth while not to carry on with this proposed legislation. I hope he does, because anything that puts young people out of work is a particularly miserable decision.

Mr. Chapman: To whom do you think he'll apply the meat chopper? The butchers or his own—

The SPEAKER: Order! The honourable member for Alexandra will have a chance to speak in this debate.

Mr. TONKIN: I suspect that the Minister is thoroughly regretting his original decision to allow convenience shops to trade.

The Hon. J. D. Wright: I never made that decision, so don't be stupid.

The SPEAKER: Order! The Minister is out of order. He will have an opportunity to reply later.

Mr. TONKIN: The Minister in confirming a decision made by his predecessor, was making a decision; he cannot wriggle out in that way. The Minister made a decision, and I think he should stick to it in good faith. I repeat that we know pretty well what the result is likely to be if he sticks to his point of view; the motion will be passed in this House, the Bill will be passed in the form that he proposes and a number of young people will be threatened with loss of employment as a result. Then the Minister will then probably say, "I got out of that one all right."

The Hon. J. D. Wright: That's not true.

Mr. TONKIN: We will see what happens. In view of the nature of the shops, their debts, and the obligations entered into, to change the nature of their operations as proposed in this Bill, I believe they should be given adequate time, at least, to trade out for the period of their leases. As I understand it, most leases are three-monthly, and three months would be the minimum time they should be allowed to trade out. I suggest that six months to 12 months would be even better to allow them to phase out. Hopefully, the Minister will see the error of his ways and allow those extended shopping hours operations to continue.

Mr. Chapman: That is where he and his predecessors have committed him.

The SPEAKER: Order! The honourable member will have a chance to speak in this debate later.

Mr. TONKIN: There are other matters of concern and other areas of uncertainty. The Commission has done the job that the Minister and his department should have been doing. At least it has come up with firm proposals, even if we do not agree with all of them, that will serve as the basis for extended shopping hours. We must not forget that many of the decisions that have been taken and the conclusions reached by the Commissioner have, in fact, been value judgments. However the legislation turns out, it will be necessary to monitor constantly progress and development over the next 12 months or more. This was very much the attitude that the Liberal Party adopted. It believes that there is every chance that, once a pattern has been established, it will be possible to remove all trading restrictions on working days, leaving it entirely up to the people directly involved to decide when they will open. I cannot say that too often, because that is the fundamental principle involved, but I repeat that such a situation will need careful monitoring because, as the Commissioner intimated in his report, it is important that the desires of the community as a whole are satisfied, while causing as little disadvantage as possible to individual people and businesses.

Whether the Government will succeed in its stated aim of introducing extended trading hours before Christmas seems to me to be somewhat doubtful, particularly in view of the attitudes which have apparently been adopted by the officials of the shop assistants union. I hope that they, too, will have been reassured by the findings published in the Commissioner's report. They undoubtedly will also have made their own investigations in other States and overseas, and I hope (and I am sure that the Minister hopes, too) that many of their concerns and fears will have been allayed. The present legislation certainly is not perfect. My colleagues intend to take up certain specific points in some detail, but at present the legislation represents an important breakthrough in principle, and I support that principle.

We must be willing to consider changes to the legislation as the need arises, and to adopt a flexible attitude and approach. We cannot possibly have the best possible legislation before us at present, because we do not know what the best possible legislation will be. We all have our views on various aspects of it, but only the future will tell exactly what will be the best. The legislation provides a starting point, recognising the principle of the need for extended shopping hours, and this Party wholeheartedly supports that principle. Obviously variations need to be made, and they will be brought up further, but the needs of the community as a whole must always be considered as being of prime importance. At least the Government, after much pushing and prodding, has accepted that fundamental fact. Members generally, but Government members specifically, have often seemed reluctant to recognise that they are here to serve the entire community, not just one section of it. At least in this instance the Liberal Party has got the message through, and I am pleased about that.

Mr. BANNON (Ross Smith): Perhaps anticipating that, seven years of constant stirring on this issue, of chopping and changing, and generally attempting to confuse the public, the Parliament, and anyone interested in the matter, is ending, the Leader of the Opposition today has raised himself to even greater heights of rhetoric and, I suggest, has emphasised even more strongly than he has done in the past the confusion under which he and the Opposition have laboured over this issue. The Leader began his speech by saying that the Royal Commission's report was a triumph for the Liberal Party when in fact it was fought tooth and nail through the House by him and his colleagues here, and in the other place as well, to prevent a referendum taking place and such a report being brought down. To call that a triumph for his Party and for his point of view is absurd in the circumstances.

Secondly, he said that at last the consumer had had a say. Again, the illogicality of that statement is quite mind boggling. The consumer has had a say, certainly; we agree with that. The Commissioner has made that clear, and the number of submissions that came before him indicated that the consumer has had a say in a way in which he could not have had a say under the Liberals' open-slather policy that they tried to foist on Parliament in previous sessions. What would have happened if the Opposition's measure had been passed in previous sessions? Clearly, the major forces in the retailing field and in the field of shopping hours, as has been demonstrated throughout the proceedings of the Commission, are the organised parties directly concerned in it and, on the one hand, the retail traders together with a whole range of small trading organisations to which the Leader has referred, opposed late night shopping and, on the other hand, the trade unions, particularly the union concerned, namely, the Shop Distributive Employees Association, has also consistently opposed an extension of trading hours. Is the Leader trying to tell us, in the absence of a report like this and a policy such as the one adopted by this Government, that the open-slather which he recommended would have resulted in a lengthening and extending of trading hours? If that situation existed, we would have what they have in Tasmania—certainly no legislation governing the field, but those key pressure groups combining together to agree that the shops shall not open, with the consumer having no say, and having no way of making his voice heard. However, the commission has enabled the consumer to have his voice heard, despite the Leader of the Opposition, but not because of him.

The Leader said that the Liberal Party had made the Government face its responsibility. What illogicality! The responsibility that the Leader talks about is his policy of saying, "All restrictions off. No holds barred. Go for your life, blokes. Don't come back to Parliament and bother us with this." That is the Liberal Party policy of

responsibility, of trying to do something constructive about shopping hours!

Against that the Government has come to the House with the Royal Commission's report and the Bill. The Minister has put logical arguments on the Bill, which has come before us with restrictions and constraints to ensure that there is some responsibility in the matter. The Leader said that, since 1971, the Government had been backing away from the issue and he particularly instanced the putting into effect of the referendum recommendations by the Government in that year. The Liberal solution is that Parliament should have nothing to do with the matter and should wash its hands of the whole issue. How the Leader can call that responsibility is extraordinary.

The Labor Party, he said, is never willing to look at the logic of the situation, which is that we should let everyone decide. But how? What forum should they use to decide? How can the various groups be balanced? In the face of the organised forces against extended hours, how can the consumer have a voice? What the Government has provided, by means of the Royal Commission is an orderly means for change—the very forum the Leader claimed was lacking before and the very forum he fought tooth and nail to prevent being used.

The Leader had the audacity to refer to a private member's Bill, introduced in another place by the Hon. Mr. Carnie, and considered by this Chamber. He said that, if that Bill had been passed, we would have had all this tried out, and there would have been no need for the Royal Commission's report. That is totally hypocritical. The Bill was not passed; not even a deadlock was reached, because eight members on his own side decided to vote with the Government to throw out that private member's Bill. Not even the Liberal Party could make up its mind about what it wanted to do with the Bill. If that was the solution, it was a pity that he did not advise his colleagues at the time, because eight of them did not agree with him.

The Royal Commission's report is not a triumph for the Opposition. It has happened despite the Opposition, and, if it is a triumph, it is because the Government has made it so. What it represents to the Opposition is, I hope, the end of its seven years' exploitation of this issue, without regard to the public, the consumers, shop assistants, or retailers. Since 1970, the Opposition has been attempting to exploit what it saw as some kind of split in Labor's ranks, some kind of electoral advantage to be taken, particularly in the outer suburbs, by gingering up this issue as and when it thought appropriate to do so, and dropping it when it thought it was not politic to keep on with it.

The Opposition's response has been constantly to shift with the winds of political change, as they see it, and to try to dress that up as some sort of principle. The genesis of the Opposition's stand on this matter has been to try to exploit what it saw as a division of interests, a problem within our own membership. We recall their reference to the infamous five or the unfortunate five, following the 1970 referendum. Let us look around. I see the member for Salisbury sitting in his seat, the then member for Mawson was here talking about education as a Minister a little while ago, the member for Playford will be taking part in this debate in a few minutes, the then member for Tea Tree Gully is in her place and the then member for Elizabeth has retired, but we still have a Labor member for Elizabeth who is also the Attorney-General. Not one of those members lost his seat or was upset by what was meant to be this gross dilemma the Liberals were exploiting.

On the other side, we have seen three Leaders, three new Parties, three election defeats, and members opposite are into their third term as an Opposition. What a splendid endorsement by the electorate of this as an issue. The history of members opposite is of taking up and dropping this in response to the political winds of change, constantly ensuring that there will be no solution. That is a pretty grave charge to make. I am suggesting that the Opposition has attempted to ensure, by the use of the procedures of this House, that there shall be no solution to the shopping hours dispute because, for some reason, it believes it has provided it with some sort of electoral advantage.

In 1970, members opposite opposed the holding of a referendum to get the opinion of the people on this issue, in line with the Playford policy of a referendum being like poison in the hands of children. In 1971, the Government brought in a Bill to attempt to give effect to the referendum policy, and the Opposition opposed it tooth and nail. In 1971, the then Leader of the Opposition (later L.M. and now, having rejoined the fold, trying to get Federal endorsement), Senator Steele Hall attempted to bring in a private member's Bill, just to keep the pot boiling—a half-hearted attempt to make sure the issue kept on the boil.

In 1972, after further extensive discussions, investigations and consultations, the Government brought in a Bill to provide for late night shopping. One would have thought that the Opposition would welcome it and say that at last it was getting what it had been urging the Government to do all along, and that the Government was now prepared to face its responsibility and present to the House a Bill the Opposition could support. Not a bit of it. The issue had to be kept alive. That Bill had to be defeated and it was defeated, as a subsequent Bill was defeated later that year. On two occasions, members opposite voted against late night shopping in 1972, and five years later the Leader of the Opposition has told us that a Royal Commission having recommended late night shopping vindicates the Liberal stand. Come off it!

Typical of the cynicism of the attitude of members opposite was a statement by the then Leader of the Opposition, the member for Light, on August 15, 1972, the second occasion on which the Opposition defeated the Government's attempt to provide for late night shopping. He said:

> There has been some opposition within the community among shop assistants and others. They and most other people in the community believe that the original demand for Friday night shopping has waned.

That is a recognition and an admission by the Leader of that day that the issue was not a goer. There was silence from then until 1975, when, goaded by their ex-colleague, the member for Mitcham, and his Liberal Movement, the issue again became a current political topic. Whilst the attitude of the member for Mitcham is to be deplored and criticised on this issue, at least there has been a thread of consistency running through what he has said, and that contrasts sharply with what is said by the Opposition.

In the 1975 election, the then Leader's policy speech was silent on the issue. It had ceased to become important. In 1975, within a couple of months after the election, the member for Mitcham introduced his private member's Bill, reviving the issue and providing for the open slather policy that was adopted by the Liberal Party 18 months later. There was a major difference, perhaps, depending on the importance one places on it. The Bill introduced by the member for Mitcham allowed unrestricted trading seven days a week, whereas the latest Liberal Party policy was built around preserving Saturday afternoons and Sundays as non-trading times except for exempt shops and exempt goods.

Despite that difference, there was absolutely no support whatever from the Opposition side (from members who

have claimed that this report vindicates them) for the attempt by the member for Mitcham to loosen up or extend shopping hours. That policy was defeated, with every Opposition member voting against it, leaving the member for Mitcham and his one colleague at that time as the sole proponents of the Bill. It is interesting that, in the context of that debate, a new policy was announced. The policy being advocated by the Leader of the Opposition did not talk about late night shopping at that time, but about extending lists of goods, increasing shop exemptions, and protecting the small trader—the very antithesis of the open-slather policy members opposite have been promoting all this year.

In 1976, time having moved on, the organisation of Peter Gardner and Associates had taken a couple of polls which had sent a tremor through the ranks of the Liberals and a faint hope that they were on to an election issue which would possibly win seats in the marginal areas. They would come up with a further policy on shopping hours, moved first in the form of what I shall call the Carnie Bill, introduced in another place by the Hon. Mr. Carnie, passed in that place and introduced in this House. The most significant thing about that Bill was the further indication by the Liberal Party of how much it wanted to keep this issue alive as a political issue, how it saw it in purely cynical political terms, at the same time not wanting to resolve the matter in any way.

That Bill was defeated with the support of eight Opposition members. The member for Davenport introduced it in this House, and I think his opening comments were significant. He said that it was a timely Bill, since it coincided with the annual general meeting of the Liberal Party. At least they were going to have a new policy, and it had to be tied in with that. The member for Davenport challenged the Government in that debate to call the matter on for a vote. He said that the Government was trying to dodge the issue and that it was too scared to come out in public and declare itself.

That matter did go to a vote, and in fact the member for Frome, the member for Alexandra, the member for Light, the member for Eyre (who had asked a question about what he called "the curfew" in 1973 but apparently had second thoughts about it), the member for Glenelg, the member for Victoria, and the present member for Goyder (then the member for Gouger) voted with the Government to get the Carnie Bill out of the House. That is the sort of uniformity and the kind of vindication that the extension of shopping hours represents to Opposition members.

In 1977, the Government brought in its Bill, which attempted to get this matter referred to the Industrial Commission, to have the same kind of hearing, the same kind of submissions, and the same canvassing of the issue as has occurred before Mr. Commissioner Lean as the Royal Commissioner. This was opposed by the Opposition because again, with an election pending, as members opposite saw it, they did not want this issue to die. The Government Bill represented the solution to the issue, and it was opposed so vigorously that the Bill had to be abandoned because of opposition from another place.

When the Royal Commission was announced on May 20, 1977, the Opposition was in something of a quandary, because it was proposed to refer the matter to a proper tribunal, something that members opposite had been trying to avoid in the House at that time. So, 10 days later, a statement came from the Leader of the Opposition, as follows:

> The State Opposition today fired the first shot in a campaign to force the Dunstan Government to introduce late night shopping in South Australia.

Just 10 days after the Government had commissioned the Royal Commissioner to inquire into the matter and to make recommendations, we were told that the State Opposition was firing shots to force the Government to introduce late night shopping.

Then we had the splendid sight on television of the Leader standing in the busy late night shopping centre of Melbourne and then looking at the windswept, deserted mall and contrasting the situation we have in South Australia. Those commercials ran for a while, then their sheer futility and expense got too much for the Opposition and it dropped them. While this campaign, as it was termed, was proceeding to force the Government to accept late night trading, the hearings of the Royal Commission were also proceeding. A proper, conscientious evaluation of the submissions of the various interested groups was occurring, and the Opposition knew that those sorts of tactics and that sort of pressure would probably result in intimidating the Commissioner. In any case, it looked like being dead as an election issue.

The Opposition's response today is a response based on a fear of a just solution and a defusing of the issue. The Leader's policy speech did not contain one statement or comment on the question of shopping hours that I can find. If it is hidden away in the policy speech I hope members opposite will scramble around and try to find it. However, I do not believe it exists. That shows the little importance of the issue and the cynicism with which it was being dealt by the other side.

Throughout this history there have been amazing examples of inconsistency. Let me deal with a few of them.

Today we heard the Leader on his familiar theme of the place and importance of small businessmen. We on this side of the House have never denied or attempted to suppress that. Today, in referring to that matter, the Leader has been fairly consistent with what he has said in the past. For instance, in the shopping referendum debate in 1970, an Opposition amendment was suggested that would give unlimited hours of trading to family shops. That amendment was supported strongly by the Leader, who said that it was important to protect small businesses that were being forced out by discount houses. He said that it was a shame that the small family grocer who had provided a personal service was going out of business.

When the new Liberal policy was announced in August, 1975, the Leader issued a press statement to the effect that the main factors to be considered in any open-go policy were the possible effects on small family businesses. That statement represents a recognition that the open-go policy could involve problems for small businesses. It is certainly consistent with what the Leader said in 1970 as a backbencher.

The member for Davenport emphasised that in October, 1975, when he said that Liberal policy, which at that time was not one of open-slather, was an extension of exempt goods and exempt shops. He was concerned that a lack of restriction would put the small family shop under great threat and that it must be encouraged. Both the Leader (over a period of about five years) and his colleague, the member for Davenport, emphasised the threat to small business.

The present Minister agreed in the debate on April 19 this year that one of the things we should be careful of is the effect that an open-go policy or an extension of hours might have on small businesses. One would have thought that that statement would be supported by the Leader, remembering his past statements, but in reply to the Minister's suggestion that the local deli would disappear, the Leader said:

> What a load of cods wallop. I have never heard such rubbish. It is a complete red herring.

One suspects that the Leader does not listen much to the sound of his own voice. He now has the audacity to say that the Commissioner endorses the idea that is a load of cods wallop. What the Leader omitted to state in explaining that part of the Commissioner's report was that the Commissioner had provided specific protection, unlike the Liberal Party proposition, for small businessmen and small family shops. It is quite clearly set out in the Commissioner's report when dealing with the objections of all the small traders. Later in his report, the Commissioner explains why he exempted those shops in which no more than two persons at any one time, including working proprietors, are active. The Commissioner recognised the danger to small business, yet the Leader's policy would have resulted in absolutely no safeguard of that kind.

What about inconsistency regarding costs? In 1976, when debating the Carnie Bill, the Leader stated:

> The question is this: can the community afford late night shopping? I have no doubt it could well prove a luxury; certainly it will cost money.

That is a clear, unequivocal statement. The Leader was quite clear that it would cost money to introduce late night shopping and that it could well prove a luxury. They are his words. The Minister, again in his normal mild manner, referred to this very point in dealing with the April Bill (only five months later) when he said that the possibility of increased prices should be investigated. The Leader, who five months before had been quite certain that it would cost money to introduce late night shopping, said:

> That is not a valid comment. Not a shred of evidence exists to support that claim.

What is the position? How inconsistent can one be? I suppose the answer is to consider what the Commissioner had to say about costs. The Commissioner did not find that costs would not increase, but he analysed carefully what he believed would be the possible cost increases and the factors to be taken into account. The Leader was correct about nothing when he said:

> I have no doubt it could well prove a luxury; certainly it will cost money.

He was probably wrong about that, because it will not be as bad as that. When the Leader said there was not a shred of evidence to support the Minister's claim, he was again proved wrong. That indicates how valuable and important was the Government's proposal in referring this matter to a Royal Commission. Without that inquiry all we would have had to sort out this matter was the bluster of the Leader.

It will be remembered that the Leader was critical of the matter being referred to a Royal Commission. He spoke of working conditions and penalties as being important factors. Consistently the Opposition has claimed that it believes that working conditions and penalties are matters to be handled properly by the Industrial Commission. In 1972, the then Leader, the member for Light, stated:

> My party—

not himself—

> believes the decision can well be left to the processes of the Industrial Commission. We believe the payment of employees can be best worked out by the Industrial Commission.

In 1976 the member for Davenport said about the Carnie Bill:

> The right place to consider working conditions is in the Industrial Commission.

One would have thought that that was quite clear, but it was not agreed to at all by the Leader of the Opposition, because he stated:

> The effect of penalties and costs will be discussed. Neither the Parliament nor the Industrial Court has any place in these discussions. It will be decided not by the Industrial Court or by this Parliament.

He repeated those statements (certainly the sense or context of them) today. Rosters, penalties and all industrial conditions associated with them are matters for the Industrial Commission, and that is where the Government tried to refer them in April. That is where they will be referred today, whatever the Leader says about market forces or the common sense of the parties working them out. Agreement might be reached, but ultimately the Commission must take a hand.

The logic of the Government's referring the matter to a Royal Commission has been attacked, yet I would have thought that that would be supported by the member for Davenport, who said, in relation to the Carnie Bill, that the Industrial Court could not rule on matters like this. Remember, the member for Davenport believes that the Industrial Commission does have a role to play in wages and working conditions. He continued:

> How could the Industrial Court rule on a matter like this when another Act precludes the court from doing so?

That situation is being resolved by this legislation.

I conclude by referring to what the Leader said about this means of overcoming the problems. At the time, the Government was trying to have the matter referred to the Industrial Commission for the same sort of inquiry that has occurred before Mr. Commissioner Lean, who one would assume, as a member of the Industrial Commission, would have sat on any bench that would have considered this matter. There is little difference, indeed—it is one purely of form—between what would have happened if the Government Bill had been passed and what has happened arising out of the Royal Commission.

According to the Leader, when the Bill was before the House on April 19, 1977, the matter was absolutely clear-cut. He said:

> The general public wants late night shopping. Shoppers have made their views clear indeed.

One can hear his cadence in that. If the Leader believes that shoppers have made their view clear indeed and that the general public wants it, I suggest that he turn to page 14 of the Royal Commissioner's report to see the results of the survey, which showed, in the words of one of the counsel before the Commission, that there was a photo finish of opinion among the public. The wishes of shoppers were not clear; they were confused. It took a proper survey by the Commission and a wide range of submissions to it to sort them out. The Commission's report refutes the argument used by the Leader. He also said that the consumer, under the Government's Bill, was being totally and absolutely ignored because the person concerned could not go to the Industrial Commission as he could to a member of Parliament. I refer the Leader to appendices A and B of the Commission's report, to the 180 submissions in writing and to the 98 persons and organisations that appeared before the Commission, and I ask whether that was a futile procedure and whether a member of Parliament could have done as good a job as was done by the Royal Commissioner or an Industrial Commissioner. The answer is "No". The consumer's interests have been taken into account only because there has been a Royal Commission; if there had not been, his interests would have been ignored.

The Leader, in his role of prophet, said:

> I believe the shopping hours will be unchanged and that the Minister and the Government know full well this will be the result of the decision . . . Nothing will happen as a result of the Industrial Commission's taking over responsibility.

A refutation of that opinion expressed by the Leader is contained in the Royal Commissioner's report and in the Bill.

Mr. GOLDSWORTHY (Kavel): It amazes me that a new member with a reputation for ability and intelligence can be so mixed up. Of course, he has not had the benefit of being long in this place, so his memory of affairs here would be limited. However, members who have been here longer have a clearer memory of events relating to shopping hours as they have transpired in this place. At no time during my period of over seven years in this place has the Labor Party ever had a coherent policy on shopping hours. It has bobbed to and fro as the wind has tossed it and as pressure, especially from the trade union, has been placed on it. It ill behoves the new member for Ross Smith to get up in this place and wax so eloquently in his condemnation of the Liberal Party, which for some time has had a coherent policy on shopping hours, and obviously one which he has taken no pains to study.

The Liberal Movement has had something to say on shopping hours which has at least been coherent, although we do not agree with it entirely. The member for Ross Smith said that the Liberal Party's policy was one of open slather and that it would lead to chaos. If he had studied our policy a little more deeply, he would have realised that the Liberal Party was advocating, in the first instance, one night of late shopping leading to the expectation that the situation which now obtains in Victoria would obtain in South Australia. Victoria had the nearest thing to open slather on shopping hours, but it has settled down by agreement to one night late shopping. The Liberal Party thought it was desirable in the first instance to legislate for one night late shopping. I do not think the present member for Ross Smith has done much homework at all on the contributions made in this House by his colleagues, including the members for Todd and Playford. I remember vividly the discomfiture of both those members when the Government decided to disallow Friday night trading in the outer metropolitan area. In 1970 the member for Playford did not show the wise reticence of the member for Tea Tree Gully. At that time the member for Playford, of whom I have a high opinion (if the Labor Party had any sense it would have made him Attorney-General), said:

> I support (and I have been consistent in this approach in the statements I have made) Friday night and Saturday morning shopping; I oppose Saturday afternoon and Sunday shopping, with the exception of those exempted businesses or goods which have been under discussion. I will now give my reasons for advocating those principles. For people in the fringe metropolitan areas, Friday night or Saturday morning is not only a shopping but a social occasion. Traders well know that the amount of trading that goes on on a Friday night may not be all that significant, but it is an important social occasion.

Dr. Eastick: It was before the curfew went on.

Mr. GOLDSWORTHY: This was prior to the curfew. The matter before the House at the time was whether or not we would have a referendum. The member for Playford continued:

> It is perhaps the one occasion of the week on which the wife, husband and family can shop or window-shop together and make it a social as well as a shopping occasion.

In answer to an interjection from the then member for Elizabeth the member for Playford said:

> Yes. We have seen the difficulties in this question of shopping hours. Having considered the matter objectively, I support the Bill. I wish to make the further comment that I am not dictated to by unions anymore than I am dictated to by Parties or anybody else. I accept the policy and, if something in that policy was unacceptable to me, I would resign. I make no bones about that. My only remaining comment is that, if Friday night shopping is to be introduced uniformly, it is only fair to the employees that a 40-hour week should be introduced or some adjustment of penalty rates made.

The referendum was a muddled affair, the Government's conclusion being that shops should be closed on Friday nights.

During the speech of the member for Playford the member for Mitcham interjected:

> Why aren't you going to support it?

The member for Playford stated:

> I am about to tell the House. The question put bluntly to me by my own constituents is whether or not I support the current Bill in relation to that specific clause, and I have announced that I shall support it. I have also announced the reason for this, without trying to hide it, as, for example, Dr. Eastick knows (he was at the meeting at the Octagon on Monday evening), and I am not ashamed of the reason. The reason that I support that provision, even though it is not what I would want, and even though it is not what my constituents would want, is the pledge that I have given to the Australian Labor Party.

I find those two quotations strangely conflicting. If it is good enough for the goose, it is good enough for the gander. If it is good enough for the member for Ross Smith to wax eloquent in this place about the marvellous Australian Labor Party, which he says has known where it has been going since the year dot, and about the Liberal Party, which he says has not known where it has been going, it is only fair that I should put the record straight for him. Then perhaps when he speaks in this place in future he will show a little more diffidence and a little more reticence before coming up with half research and half-true garbage.

The member for Playford, for whom I have a certain admiration, was, right or wrong, going to resign if he did not get what he wanted for his troops back in his electorate. However, when the crunch came, he supported the A.L.P. line to shut down the shops because he had signed the pledge. Let the member for Ross Smith get the record straight.

Mr. Mathwin: He wasn't on his own.

Mr. GOLDSWORTHY: That is so; other members were also in it. I thought the member for Tea Tree Gully showed a shrewd reticence on that occassion, but not so the member for Playford. The Liberal Party has enunciated a coherent policy, which, had the member for Ross Smith researched it, he would know would not have resulted in chaos. Indeed, it would have allowed shops initially to open on one night, with a view to leading to a situation similar to that now obtaining in Victoria.

I should like briefly to refer to three aspects of the Royal Commissioner's report that I think bear scrutiny. Because the Government did not have the wit to devise a policy of its own (we know that it is bedevilled by pressures from the trade union movement in relation to all its industrial legislation), it appointed a Royal Commission. As has been pointed out, if the Government had had the courage to enunciate a policy, the public would have been saved the expense of that Royal Commission.

However, having read the Commissioner's report, I have nothing but praise for him. Certainly I have no praise for the Government for dodging its responsibilities. Also, I give the lie to the point that the Liberal Party had been trying to thrust this matter out of the Parliamentary arena,

another point made by the member for Ross Smith. However, it is the Labor Party that has been trying to thrust it out of this arena and put it in the hands of the Industrial Commission. In the last instance, the Labor Party thrust the matter out of the Parliamentary arena into the hands of the Royal Commission. It did so because it has never been able to face up to this thorny issue or to come up with a coherent policy regarding it.

The Commissioner's report is an excellent one that makes good reading. That does not alter the fact that I believe the Royal Commission to have been an unnecessary exercise. If the Government cannot govern by its own convictions but must resort to appointing inquiries of this kind to help make up its mind, as it does from time to time, it is not fit to govern.

I refer now to the three matters which were canvassed briefly by my Leader and which I believe require a second point of view. I will refer briefly to the Commissioner's report. The question of convenience shops concerns me. It seems that, if we stick to the letter of the law, such shops are trading illegally. What is more, they are doing so with the Minister's sanction. The following coherent argument (to be found at page 29 of his report) was advanced by the Royal Commissioner for closing down these shops:

> The title "convenience shop" is a misnomer. They are nothing more than privileged supermarkets that have been allowed to trade during unrestricted hours on seven days per week to the detriment of their competitors, particularly those competitors trading in the immediate vicinity . . . From evidence placed before me and from my own inspections it is apparent that few if any of these "convenience shops" come within the common meaning of the word "delicatessen" or within the department's definition. If there are stores now trading illegally (and it seems to me that most if not all of them are), I can see no reason why they should be permitted to now trade legally.

That indicates that all is not well in the State of Denmark!

Mr. Tonkin: He's trying to make up for the previous—

Mr. GOLDSWORTHY: It seems to me that the Government has been willing to condone this illegal practice, and it therefore seems harsh for it then to say to these people, "You must close up shop." The whole tenor of this legislation is to make things more convenient and easier for the public. The basic argument in opposition to this premise has been that this will inconvenience people who must work in these shops. However, those people are already working in these shops. It will mean, if the Government decides now to go back on its word, that these people will be thrown out of work. It certainly seems to be unfair, unjust and harsh, when the Government had previously been willing not to enforce its laws but to aid and abet these people, and where the whole tenor of this legislation is to make things easier for the public, for these shops then to be closed down.

In essence, I do not disagree with what the Royal Commissioner has said. He said that, although the practice was illegal, the Government had sanctioned it. The Government had told these people to go ahead, and it seems harsh for it now to say to them, "Bad luck, but, although you have spent thousands of dollars on your business, we have now changed our mind. Earlier instructions are being withdrawn and you are now out of business." That aspect must certainly be considered.

I refer also to the proposal for two-night shopping, on which the Liberal Party's stance is clear: we believe that initially the shops should be allowed to open for one night. The rationale of the Commissioner's argument is that the inner area should be protected. He has referred to the experience that he noted in other States where shopping in the outer areas was booming, whereas in the inner city areas things were fairly quiet.

The Hon. J. D. Wright: Night shopping?

Mr. GOLDSWORTHY: That is so. The people whom this Bill is designed to protect are not interested in having a separate night for trading. The Commissioner talks about Rundle Mall's coming alive. I do not think it is his function to ensure that that happens. Rather, it is his function to ensure that the convenience of the public is provided for, and that the people whose interests are likely to be protected are indeed protected, and that is where the matter should end for the Commissioner. In his report, the Commissioner talks about protecting people who do not want protection. That is what it amounts to, and that would be the part of the Commissioner's report with which I would find most fault.

Mr. McRae: Are you saying that all retailers in Adelaide reject that?

Mr. GOLDSWORTHY: I am referring to the people in the Mall, as did the Commissioner. The retail traders associated with this part of the Adelaide square mile are not interested in having a separate night.

The Hon. J. D. Wright: You know why?

Mr. GOLDSWORTHY: I am not interested. The Minister can tell us why when he replies. I am merely saying that the Commissioner advocates a special night to look after these people, and they do not want to be looked after.

I cannot see much rationality in that conclusion. I believe that the Liberal Party proposal to open shops on one night is a more rational conclusion in relation to that evidence. I do not want to say much about the meat situation. There are arguments for and against most matters that come before this House and the argument here in relation to the sale of meat seems to be finely balanced. I make no apology for saying that it will be a shame if the family butcher is adversely affected to any large extent by any legislation that we pass in this House.

I find the arguments used by the Commissioner in relation to the sale of meat fairly persuasive, but there is no common basis in other States on which to make judgment. In New South Wales, the award was varied in 1976, with the consent of the parties, resulting in five chain stores being permitted to trade in fresh meat on Thursday night until 9 p.m. Therefore, in that State there is an outlet for fresh meat. In Western Australia, the regulation allows the sale of fresh pre-packed meat in 1 lb. packages after normal hours as exempt goods. I understand that no red meat sales are involved in Victoria. We cannot look to experience in other States to help us to make up our mind on this question, but it seems that, if the convenience of the public was to be one of the major criteria to help us, we would relax the hours in relation to the sale of meat.

I support the Bill. I think the House is aware that the Opposition, particularly through the shadow Minister, will move amendments. I repeat that this kind of legislation is not plain sailing. Always some people are disadvantaged by changes that we make. What will happen in my own district is not plain sailing. It is a country district, relatively close to the metropolitan area, so I make no bones about the fact that some people in my district will not be too enthusiastic about the Bill. However, on balance, I believe that it should receive our support, at least through the second reading stage.

Mr. McRAE (Playford): I support the Bill. I am always delighted to speak about trading hours, as I have done often in the many previous debates that there have been. I remind everyone that, before the advent of the Labor Government in 1970, Liberal Ministers of Labour and Industry (and I see one of them, the member for Mitcham,

returning to his place now) were faced with these same problems of trading hours. After the member for Mitcham left that portfolio, we heard from him and from his former colleague, Mr. Steele Hall, who was then Leader of the Opposition (they were jointly involved in the Liberal Movement) that their policy was complete open slather trading.

That policy was clearly enunciated, particularly by the member for Mitcham and Mr. Steele Hall. Of course, when they were in Government between 1968 and 1970, they did nothing to implement that policy. They just waited for something to eventuate. When it comes to prevaricating and buck-passing, as the Leader has suggested the Labor Party may be doing, I point the finger back at previous Administrations.

Dr. Tonkin: If it makes you pleased to look back, that is O.K. The Liberal Party looks forward.

Mr. McRAE: I am trying to get the record clear. I, too, prefer to look forward. It is no good the Deputy Leader holding up *Hansard*. I will come to the matter that he has in mind but, before doing so, I want to deal with the past dismal record of the Liberal Party, the Liberal Movement, and other splinter groups of the conservative element in South Australian politics. The Leader has referred to alleged threats of expulsion against me and other members of the Labor Party before we voted in, I think, 1971. Over the weekend, I was careful to read all the debates since 1970 so that we will have the matter in proper context. The reference is not worth the honour of a reply but, to get the position on the record, I say that I was never threatened with expulsion.

The passage that the Deputy Leader has read is quite correct: I did say that and I still adhere to that position. I gave an explanation about my supporting that Bill, that explanation being that I had taken a pledge to support a majority vote of Caucus and that I did not think the people of Playford would particularly want a resignation, because they had voted for a member of the Australian Labor Party, not for an Independent or a Liberal Party member, and the consistent vote of 63 per cent (and as high as 67 per cent) for the A.L.P. tends to support that.

Mr. Tonkin: That does you no credit, at all.

Mr. McRAE: Whether it does me credit is for others to judge, but I have consistently displayed to the electors of Playford a quite transparent honesty on that matter, and I say that my judgment has been vindicated. Other people may say that their judgment has been good.

Mr. Goldsworthy: You're the only one in the Labor Party who was right.

Mr. McRAE: I am not saying that I was the only one in the Labor Party who was right: I think the events of today show that the whole Labor Party was right. I will deal now with the substance of the Bill. True, this is the latest in a long line of endeavours by this Government to solve the problem of retail trading hours in this State. The present member for Henley Beach, when he was Minister of Labour and Industry in the Labor Administration, was confronted with the problem that there was preferential treatment for certain traders in the outer metropolitan area, and there was tremendous pressure on the Government by way of threats of illegal trading unless that situation was dealt with. That Minister tried by every means available to come to grips with the problem and to solve it. That was something that his predecessors had not done. Following that, there has been the famous referendum.

Mr. Evans: Infamous!

Mr. McRAE: It may have been; I will not deny that. It was not infamous in the sense that it was put to the people; that is never infamous. The only infamous thing about the referendum as far as I was concerned was the invidious result that , because people in the outer metropolitan area were accustomed to later hours of trading and those in the inner areas were accustomed to not having them, there was marked divergence of opinion, and it was impossible to say anything but that people in the outer suburbs apparently wanted extended hours and the other people did not.

Mr. Tonkin: They weren't asked whether they wanted things to stay the same.

Mr. McRAE: True, but that is the virtue of hindsight. That sort of nit picking has been going on for years.

Mr. Goldsworthy: Blind Freddie could see that question was no good.

Mr. McRAE: I disagree with that. With hindsight one could say that blind Freddie could see it but, at that time, it was not so obvious; nor was it necessary that that particular result be obtained. I can remember members not just of the Labor Party but also of the Liberal Party saying that people throughout the metropolitan area would vote for extended hours because it was a convenience for them. I also remember the tactics of the Retail Traders Association in advertising on a large scale, using blackmail scare tactics, that if people voted for Friday night shopping they would take away Saturday morning trade.

Mr. Evans: Did the unions say the same thing?

Mr. McRAE: I think the S.D.A. was willing to make threats perhaps of a similar kind. If members are searching their memories in relation to the Government's attitude on this matter they should also search their memories in relation to the Opposition's attitude at that time. In that famous referendum, the electors of Playford, as it was then constituted, did demand extended trading hours. About 77 per cent voted "Yes" on the question asked.

Mr. Gunn: And you defied their wishes in this House.

Mr. McRAE: No, I gave my explanation for that; it was not a question of defiance. In reaching the stage of this legislation before us, the Government has paid regard to the community, employees and employers and has attempted to balance those interests. I believe that the percentage I have just referred to, or something like it, would still apply in the new District of Playford. However, more importantly (and I am supported in this by the findings of the Royal Commission), over the past few years there has been a general change in the attitude of the community as a whole.

In the 1970 referendum the position was that people in the outer suburban areas strongly supported extended trading hours, whereas people in the inner suburban area and the city opposed extended hours. I believe now that there is a general wish in the community for a reasonable extension of trading hours. Further, through its former Premier (Steele Hall), the Liberal Party advocated the abolition of all restrictions on trading hours, arguing that this was in the public interest, that it reflected community demand, and that the Industrial Commission would take care of wages, hours of work and the conditions of employment of shop assistants without Parliament being involved.

That argument has the sole benefit of simplicity. It was not an argument that had wide public support, and it was opposed by both employees and the employers. The A.L.P. intended, this year, to solve the problem by putting it in the hands of the Industrial Commission—that is, the whole problem, including both trading hours and working hours.

However, as the member for Ross Smith pointed out, because of the determination of the Legislative Council to keep this whole issue a political football that proposed

solution was stalemated. The Government then appointed Commissioner Lean to be Royal Commissioner into an inquiry into shop trading hours. Commissioner Lean as the Commissioner responsible for the retail industry in the Industrial Commission was uniquely qualified to undertake this task. That has proved to be the case and, after hearing evidence and submissions from the employers, the unions and the general community, he has provided a solution which, in my view, is fair and reasonable.

In the first place it is flexible in permitting Thursay night shopping in the metropolitan area and Friday night shopping in the city area. Among other advantages this should permit shop assistants themselves to have access to retail stores for their own shopping on one of these nights.

Particularly in the outer-metropolitan areas in a district such as mine there will be great social advantages. Many women in my district particularly with transport difficulties and with a one-car family, find the present arrangements onerous. In future, the whole family, or part of the family, will be able to shop on one night and this is particularly important when a selection has to be made of expensive items such as furniture and electrical goods. On the other hand, by restricting trading to one night in each area the traders themselves will not be asked to open for unreasonable periods.

So far as the shop assistants are concerned, it should be by no means impossible to devise a roster system that will give them justice and will not unreasonably interfere with their leisure time. I note with interest that the Royal Commissioner referred to this specific topic, and I see no reason why, with reasonable goodwill on each side, such a roster sytem should not be introduced before these hours come into effect.

Because of the penalty rates which will apply, there will be of course an increase in prices to some extent, again with the qualification that the Royal Commissioner gave, but the community has shown that it is willing to pay a reasonable tariff for this facility. In the city area, both in Rundle Mall and in the market area, there is unique opportunity to combine a family outing with some shopping.

There are two matters to which I especially want to refer. The first relates to the position of managerial employees. For reasons which I explained in a recent grievance debate, these employees, because of the tactics of the Retail Traders Association, were denied justice at the Royal Commission and, unless prompt action is taken, may not get justice in the Industrial Commission. Some of these people are constituents of mine, and I shall not let this matter rest. I call on the R.T.A. to be decent enough to let that hearing proceed on the merits. Secondly, I refer to the increase in the use of casual labour in the industry. Members will know that retail traders, even with the down-turn in the economy, have continued to make massive profits. At the same time thay have continued to masquerade, through their advertising, as benefactors of the customers and their families. Anyone going to retail stores will know that there has been a significant reduction in the labour force. The cash and carry principle has replaced the service principle of yesteryear. I believe that the sackings that have gone on are immoral when we take into account the profits that have been made. These companies that have made profits from ordinary people in the community on a massive scale should bear in mind their responsibility to help maintain a fair level of employment. The R.T.A. throughout this whole sorry saga has a poor reputation indeed, and these are two immoral matters that I draw to the attention of the Parliament.

Dr. Eastick: How many small business men have gone to the wall?

Mr. McRAE: I do not see how that is relevant at all. In what way does the honourable member state it is relevant?

Dr. Eastick: They would make no profit and you'd be happy.

Mr. McRAE: I apologise to the member for Light, as perhaps I did not understand the context of his interjection. I am saying that presently the large retail organisations have continued to make massive profits, notwithstanding the economic down-turn. That can be seen by looking at the trading balance sheets of large retail organisations such as John Martins, Woolworths, Coles, and Myers. That situation cannot be denied: it is all a matter of public record. If the member for Light is saying that, because of increased labour costs, because of the intrusion of these large multi-scale organisations, small traders have been put to the wall, of course I am sorry that that has happened. Of course I do not support the small man's going to the wall. Of course I am opposed to the massive organisation steamrollering him out with unfair competition. Although I am opposed to all those things, the point I wish to make is twofold: first, large retail chains make massive profits, which cannot be denied—

Mr. Evans: Is it a massive profit percentage-wise having regard to the size of their investment?

The SPEAKER: Order! The member for Fisher will have an opportunity to speak in the debate.

Mr. McRAE: I hope he does, because I want to point out to him that, if he compares the percentage profit of tertiary industry in Australia (and that is what retail industry is) with that of secondary industry or primary industry, he will find it is the highest. In fact, it is a terrifying prospect in Australia that we seem to have more people employed in, strictly speaking, non-productive industry than in productive industry.

Mr. Evans: Would you prefer them to cut their margins and also cut their staffs further?

Mr. McRAE: No. While these companies are making large profits they have a moral responsibility to maintain the level of their employment. They are not acting fairly in dismissing people or attempting to casualise the industry before the introduction of this legislation or before this legislation comes into force. That is not a difficult point for anyone to comprehend, nor is it an unfair point. If firms are gaining considerable advantages from the community, they have a moral responsibility to the community, particularly because in their advertising they masquerade, as the big stores do, as the friends and benefactors of the community. Members should examine the advertisements of John Martins and Myers, firms that attempt to segregate themselves from General Motors-Holdens and Chryslers and to masquerade as the sugar-daddies, the friends and benefactors of the community.

Mr. Evans: Doesn't the Labor Party do that?

Mr. McRAE: The Labor Party's advertising has nothing to do with the R.T.A. although I do not know about the Liberal Party's advertising.

The SPEAKER: I would like the honourable member to return to the Bill.

Mr. McRAE: Not only has this disgraceful blackmail been applied to managerial employees to stop them getting a fair hearing at the Royal Commission and to stop the same Commissioner hearing their case in the Industrial Commission but at the same time the R.T.A. has the impertinence to brand the unions as not being willing to accept industrial justice. The unions and the managerial employees are willing to have Commissioner Lean or any other Commissioner decide their case and they are willing to accept the verdict, but this does not apply to the

R.T.A., which wants to blackmail the unions and the managerial employees out of it. The R.T.A. has succeeded up to date, but it will not succeed in the future if I have anything to do with it.

Members interjecting:

Mr. McRAE: Members will see in the record of a grievance debate a couple of weeks ago that I have the information, which is fully documented, and I can make statutory declarations available. There is no doubt about my allegation.

Mr. Becker: Blackmail?

Mr. McRAE: Yes, direct blackmail—just read the grievance debate. So, my first point is the managerial employees. My second point is the cutting down of staff, and my third point is the deliberate casualisation of the industry. The R.T.A. and some of its members (not necessarily all) are taking advantage of the fact that this Bill may come into effect very shortly to get rid of as many weekly-paid employees as possible and to get them on to a casual labour basis.

Dr. Eastick: Don't you agree that the employees themselves at Arndale demanded casualisation?

Mr. McRAE: No. Once they were told that the labour force would be reduced, the employees were reasonable enough to their mates to say, "Rather than have people sacked, we will share the burden." That was a responsible action, but it is not the same as demanding casualisation. With all due respect to the honourable member, it is absurd to say that any group of employees wants a casual industry.

Dr. Eastick: They didn't do it, then?

Mr. McRAE: In the circumstances, what option did they have?

Dr. Eastick: In other words, they did do it.

The SPEAKER: Order! The honourable member will have an opportunity to speak later.

Mr. McRAE: I do not understand the interjection, at any rate. I turn now to two matters raised by the Deputy Leader, the first being the question of the convenience store. The argument goes something like this: convenience stores were permitted to operate by administrative action, as pointed out in the Royal Commissioner's inquiry and report and, therefore, because capital had been invested and people were employed on the basis of that understanding, that practice should be allowed to continue. In one way, that is a very simple argument to put, but it should not be forgotten that these so-called convenience stores have a tremendous competitive advantage over other lawful competitors. A couple of groups of people have taken advantage of the situation and have no doubt done very well out of it, whereas other groups have lost over the proposition. I see no reason why this current illegal practice (and that is what the Royal Commissioner thinks it is) should be allowed to go on.

Mr. Millhouse: What he also said was that it was outside the terms of reference.

Mr. McRAE: Technically, I suppose that is so. The other and more important matter raised by the Deputy Leader was the question of, instead of having Thursday night shopping for the metropolitan area and Friday night shopping for the city, having Thursday night shopping for everyone. I strongly support the Royal Commissioner's finding. It is a very reasonable proposition that in the metropolitan area there be Thursday night shopping, which will permit shop assistants in that area to shop in the city on Friday nights, and it should not be forgotten that there are facilities in the outer metropolitan area which can cope with most needs. I stress that there are specialty shops in Rundle Mall, Victoria Square and Gouger Street of a kind not existing in the rest of the metropolitan area. On that basis of flexibility, I see nothing unreasonable or unfair in the Royal Commissioner's finding.

It is curious that the Liberal Party, having first maintained a policy of open slather and next a policy of open slather but excluding Saturday afternoons and Sundays, is now advocating one night only. It would have been more in keeping with the Liberal Party's thinking if it had advocated implementing what the Royal Commissioner has suggested. No matter what the Rundle Mall traders say, traders near the city market and Victoria Square want this facility. It is only logical that, with the market open on Friday evenings, other stores nearby should be allowed to open, too. Those near Victoria Square favour the Commissioner's proposition and see it having considerable advantages. With the various reservations and explanations I have made, I have much pleasure in supporting the second reading of the Bill.

Mr. MILLHOUSE (Mitcham): I support the second reading of the Bill, but I oppose every clause after clause 3. That means that I support the two formal clauses and clause 3, which repeals the early closing legislation (the regulation of shopping hours), because I do not believe there should be any regulation of shopping hours. I oppose every other clause of this Bill, which brings in this new absurd system that we are to have in South Australia.

By voting for the second reading and then supporting only clauses 1, 2, and 3, I would achieve what has been for some years my objective: that is, no regulation by law of shopping hours. I put that proposal to Opposition members for their consideration, but I know they will not consider it, because they have decided, and they are bound, as strongly as the Labor Party is bound, to stick to the decision made in the Party room. They should consider it, if they had any sense.

There is no other solution to the problem of regulation of trading except to do away with it altogether because, no matter what scheme of regulation is introduced, it will mean anomalies and injustices to someone. That cannot be avoided, and the only fair way is to allow market forces and the strengths of employers and employees to make their own bargains and come to their own arrangements. That is what I want to see happen, because that is the only fair way to do it. I have said that before.

Mr. Goldsworthy: You don't believe in protecting the weak?

Mr. MILLHOUSE: That is absolute nonsense, and the Deputy Leader knows it.

Mr. Goldsworthy: You obviously don't know to what I am referring.

Mr. MILLHOUSE: Protection of the weak! No, I do not know, and I would not have thought that that would appeal much to the Deputy Leader, either. The member for Playford chided me because he said that, when I was Minister of Labour and Industry, I did nothing about it and the Government of which I was a member did nothing about it. He is quite right: we did not. I was Minister of Labour and Industry for only about three months before we were kicked out of office, but during that time I was doing my best to find a solution. I think the previous Minister had had a Bill drawn which I introduced but which did not pass, and I had hoped, if we had survived, to go rather further than he had proposed to do. It was that experience I had as Minister that convinced me of what I have just said, and that is that there is no scheme of regulation that can be fair to everyone, and the best way to proceed is not to have any regulation at all.

A moment ago the member for Kavel interjected and asked me whether I had any concern for the weak. I am not quite sure what he means, but if he means that this legislation is meant to protect those who cannot protect

themselves, I suggest to him that he is many decades out of date. As I understand it, the genesis of this legislation was to prevent what was called sweating, that is, long hours of work by employees in shops. Therefore, in the last century it was felt that the way to overcome it was to provide by law that shops could not open after certain hours and employees would not be obliged to work longer than the hours for which shops could be open. I have no doubt that, at the time, there was justification for that, but the time has long since passed when it is necessary to protect any person in such a way as that. We have general industrial legislation and powerful and organised trade unions.

The Hon. J. D. Wright: I think he was talking of small shops.

Mr. MILLHOUSE: Perhaps he was, but I should like to develop this argument. That was the origin of this legislation. Later, and into our time in Parliament when we have had to wrestle with the problem, the real reason why we have had restricted hours was that big shops wanted them: it protected them from competition by others who were prepared to work hard. Over the years there has been a change of reason for retaining regulation of trading hours, from a desire to protect people who could not protect themselves to a desire to protect the big stores in Rundle Street from other competition. This was something that particularly appealed to the L.C.L. Government in my day. However, in my view, that is an unjustified reason for retaining such legislation as this.

I cannot understand why anyone wants to do as we have done in South Australia, and are continuing to do: that is, to contort and turn ourselves upside down and inside out and spend hours, days, and weeks on this subject in Parliament trying to find a better way of regulating trading hours.

One has only to consider other activities in the community to see the absurdity of this legislation. Let us examine your trade and calling, Mr. Speaker. As I understand it, you are an electrician by trade. I can see no reason (and I do not think you can, either) why you should not go out and do a job at any time, if you want to do it. Why should the law state that it is not going to let electricians go out after 5.30 p.m. because it would not be fair to other electricians who did not want to work? The member for Morphett is not in the Chamber, but he is a solicitor. Why should he not keep his office open at any time if he wants to work and if he can get girls who will type and do other work for him? Why should he not keep his office open for the convenience of his clients, if he wants to work harder than other people work?

The same argument can be used of any trade or calling we like to name. We could say the same about barristers, and I suppose we could say it about politicians—that perhaps no politician should attend any functions or work on Sunday because it would not be fair to other politicians who want to stay at home or perhaps go to church. The argument is as valid and absurd when applied to any calling, profession, trade, or occupation. If one examines the detailed provisions of the Early Closing Act and then examines the present provisions in the Industrial Code, one realises that these absurdities are being perpetuated, and if one examines the present Bill one must realise that they are being perpetuated again.

Let us examine the Bill to see some of the silly things in it. First, I go to the definition of "exempt shop". Why should a shop be exempt if not more than two persons are physically present at any one time for the purpose of carrying on, or assisting in carrying on, the business of the shop? If one person wants to go to the loo, it may be impossible to do it, because it leaves only one person in the shop. If someone wants to do the banking, there would be only one person left in the shop, or someone else would have to do the banking.

Mr. Bannon: It says not more than two.

Mr. MILLHOUSE: That is right; not more than two.

Mr. Bannon: If one does the banking, that's all right.

Mr. MILLHOUSE: Yes, I know, but it leaves only one person in the shop, and it may be impossible to cope with what is going on at the time. I am not wrong in looking at the definition in that way, am I? The definition provides:

> *(a)* A shop (not being a hairdresser's shop)—

God knows why hairdressers are not in this—

> of which the proprietor is a natural person and in which not more than two persons are physically present at any one time for the purpose of carrying on, or assisting in carrying on the business of the shop;

If only two persons are allowed and one has to leave the shop for some reason, in 99 cases out of a 100 that will leave the other person there alone, unless arrangements can be made for a third person to come in.

Mr. Evans: Look at *(c)* of the definition.

Mr. MILLHOUSE: I know that one natural person has to be there on his own. Before we refer to *(c)* let us examine *(b)* of this definition, as that has a long absurd list of shops that will be exempt. I pause to say that the first three lines of the paragraph that govern those in the list will be an invitation to lawyers to reap good fees, because it provides:

> *(b)* a shop the business of which is mainly or predominantly the retail sale of all or any of the goods set out . . .

What does "mainly" or "predominantly" mean? Is it "mainly"? Is it "predominantly"? Is there any difference between the two? Does the fact that they are alternative and not conjunctive make any difference?

As I understand it, that phrase does not come from anywhere else: it has been dreamt up by the Parliamentary Counsel and put into the Bill. What does it mean? I do not know. How will anyone ever prove whether a shop is one which is "mainly" or "predominantly" selling antiques if other things are sold there as well?

Mr. Bannon: By using common sense.

The SPEAKER: Order!

Mr. MILLHOUSE: The honourable member is trained in the law; he should know better than to make an interjection like that; or perhaps he should go to the court and tell the court, when it has to construe this, that it is simply a matter of common sense, and see how well he gets on! He knows perfectly well that any court in construing this must construe it according to legal principles and according to the meaning of the words that are put here.

What does Parliament mean by saying "mainly or predominantly"? Would we be any better off if we cut out "or predominantly" or "mainly or"—one or the other? Why put both of them here? Anyhow, that is merely a point of drafting that will become far more important if this Bill ever gets through and it has to be construed by the court.

Then there is this extraordinary list of shops that will be exempt—antique shops but not if they sell coins or stamps. Why should a stamp or coin dealer not be exempt in the same way as an antique dealer? I do not know, but they will not be. Then there are aquariums, paintings, and all those things: why should I not, if I can go in to buy some paintings, reproductions, drawings or etchings, be able to buy a suit of clothes, a refrigerator or a washing machine if I want to? There is no logic in the list: it is all a matter of what interests have been able to lobby the Minister or his department hard enough to get on the list. That is what I mean when I say that this legislation is utterly absurd.

To give the Minister his due, I think he personally agrees with me, but he is the Minister, he is a member of the Labor Party and is caught in a situation where he must do the best he can; but if anyone came to look at that list from outside, he would not get any sense out of it. It is no more sensible than the list of exempt goods we have in the Act at present.

Mr. Bannon: They would know what goods the people wanted to buy.

The SPEAKER: Order!

Mr. Evans: You can sell pet foods but not human needs.

Mr. MILLHOUSE: Yes. It is crazy and illogical, and not even the member for Ross Smith (I hope he will get over this partisan approach in the House) if he were out of here and divorced for a moment from his allegiance to the Labor Party would argue otherwise. No-one of any intelligence could argue otherwise, yet we are solemnly sitting here in Parliament deciding whether people can buy pet food or a newspaper but not a suit of clothes or a tie, or something like that.

Somebody has already mentioned paragraph *(c)*, so I will say no more on that. Paragraph *(d)* deals with the convenience shops. As I have been told the story, what the Minister is doing here is unfair. I have been given (and he can say whether it is a genuine document or not) an alleged press statement by the Minister of Labour and Industry on June 14, 1973. It was not this Minister but a previous Minister and I think, in all honesty, one Minister, especially in a Government of the same political complexion, should be bound by something that has been said by a predecessor in the recent past. What did that press statement say? It would have come from the Minister's office. It states that the Government has fixed up the problem of the convenience stores, and then states:

> This was achieved by the administrative definition of a delicatessen as providing, among other things, not more than 2 000 sq. ft. of selling space.

Of course, that is not the definition that has been put into the Bill. What has been put into the Bill is a shop which has a total floor area of or less than 186 m², which, I am told by Mr. Bowes, is 2 000 sq. ft. So there is the subtle change of definition from 2 000 sq. ft. of selling space to 2 000 sq. ft. of total floor area, which the traders complain is very much less floor space than they had before, and the shops they have developed on the basis of an agreement made only four years ago will not now be able to trade. That seems to be very unfair. We can dress it up as we like, as the member for Playford tries to, but it seems to be basically unfair that the Government is asking Parliament to do something which is unfair to people who have ordered their shops on the basis on an agreement made with the immediate predecessor of the Minister.

The Hon. J. D. Wright: The Royal Commission made that recommendation.

Mr. MILLHOUSE: Come on! The Royal Commission made the recommendation but I hope the Minister will not (I do not think, on reflection, he would) try to hide behind anyone else. It is the Minister who has introduced a Bill with that provision in it. Let me remind him (I reminded the member for Playford of this a moment ago) that the Royal Commissioner said that convenience shops were outside his terms of reference but that, if he had his way, he would close them, but surely it is the Government that decides what recommendations of the Royal Commission on this matter or any others are incorporated in the Bill. Although I have not studied the Royal Commission's report, I believe there are some things in it which do not occur in the Bill. So the Minister is doing himself less than justice if he seeks now to hide behind the Royal Commissioner's report. He has introduced this provision, and it is unfair to people.

The Hon. J. D. Wright: And it will go through, what's more.

Mr. MILLHOUSE: That interjection shows that the Minister is quite unrepentant about it. It is a pity, and I am not prepared to support that. I pause here to say that I come within the definition of a proprietor of a shop. I happen to have a very small holding of shares in Myers, which means that I am a person who is entitled to share in the profits that may be derived from Myers; so I have been given some status by the Bill. It is an extraordinary definition that can have that effect.

Clause 7 of the Bill is not quite, although almost, a reproduction of section 207 of the Industrial Code, which is not being repealed. I protest against that, and I notice the member for Eyre does not like it, either. I hope that no member on this side of the House likes it; I suspect that many members opposite do not like it, either, because it gives drastic powers of search and questioning to inspectors who are appointed under the Act. They can go at any time into any building; they can demand that questions be answered and they can take as many people as they like with them.

The Hon. J. D. Wright: It's in every—

Mr. MILLHOUSE: I know the Minister will say it is only what we have at present, and I mention section 207 of the Industrial Code.

The Hon. J. D. Wright: It's in other Acts as well.

Mr. MILLHOUSE: I know it is, and I do not like it in any of them. Those of us who went there last night heard, and others of us read in the paper this morning, how this Government is to introduce a freedom of information Bill.

The SPEAKER: Order! I think the honourable member is out of order.

Mr. MILLHOUSE: We are going to have personal freedom.

The SPEAKER: Order! The honourable member knows that when the Speaker stands he must resume his seat. I want the honourable member to stick to the Bill.

Mr. MILLHOUSE: I have not wandered from it; I was trying to get the words "in this clause" out before you stood up. In this clause we are greatly restricting the traditional freedoms of individual people. It is a long time since an Englishman's home has been regarded as his castle. We used to translate that into Australian conditions. A clause such as this makes absolute nonsense of it.

Mr. Evans: Another source of revenue.

Mr. MILLHOUSE: Maybe it is. I would not, as the member for Playford did, eulogise the provision in the Bill of one late night for shopping in the metropolitan area and another in a central trading area. I see no rhyme or reason in that. If it is moral to sell on a Friday night in Rundle Mall, why is it immoral to sell at Elizabeth on that night? There are already, I am told, some elements of unfairness, such as a situation put to me a few minutes ago of people being paid on a Thursday who will then go along on Thursday night to the shops in the suburbs, spend their pay, and not have anything left to spend in Rundle Mall on Friday. That may react unfairly against the shops in Rundle Mall. I would have no restrictions placed on late night shopping at all, but if we are to have restrictions I see no reason why the restrictions should not be as uniform as we can make them. If legislation is passed to shut shops on six nights of the week, they ought to be the same six nights. I do not for a moment support that.

I point to the anomaly regarding butcher shops. I have never had much sympathy for the argument that butcher shops have to be treated differently from every other shop.

They have to shut at 5.30 p.m., but 6 p.m. is the normal closing time for other shops. That means that big stores that have a butcher shop as part of the store will have to close that butcher shop before closing the main store. I do not know whether that has been done as a pinprick to annoy or to make it more difficult for those stores to administer their affairs, but it seems to be another absurdity of the whole situation.

I am sick of this subject, and probably the way I have spoken has reflected that. We have debated this Bill up and down and back and forth. It seems only a few weeks ago that the Minister introduced another Bill into the House which nearly got through but which was thwarted by the old gentlemen in the Upper House. Now here we are again debating this subject. We must have debated it a dozen times since the Labor Party came to office in 1970. We have debated it many times before then and since 1955, when I came into this House. We have never found a solution before and we are not going to find one now, except the solution which I have propounded over the past seven years and which I am propounding now, that is, not to attempt to regulate trading hours by law at all. Until we all agree on that, there will be injustices and anomalies and the matter will continue to come before Parliament for tinkering and trying to put right something that people have complained about. I tell the Minister that it is inevitable that sooner or later South Australia will follow the lead of, I think, Victoria, if none of the other States, and come to this point of view. In my view the sooner we come to it the better.

Dr. EASTICK (Light): I agree in one sense with the comment made by the member for Mitcham, that it is a matter to which we have addressed ourselves for a long time and on a number of occasions. In fact, the "Class of 70" could say that they cut their political teeth on this measure, because it was the group of people who came into the extended Parliament of 47 members, in 1970, who first ran into the major issues associated with the referendum and the subsequent measures that have been before this House.

I was interested earlier this afternoon to hear the member for Ross Smith take us on a selected tour of the facts: that is, he took out just those parts of the debate and the events that have taken place since 1970 that suited his own particular purpose.

The Hon. J. D. Wright: He didn't do a bad job though.

Dr. EASTICK: I am not disputing that the honourable member spoke well and delivered the comments he made efficiently, but I question whether he put them forward showing their correct, factual involvement and whether he gave a complete picture of the series of events that have unfolded in this House over a period of time. He said that the 1972 Bill was rejected by members on this side of the House, yet in 1971 they had spoken in an entirely different vein. He quoted words that I had introduced into the debate on that occasion. I do not resile from the fact that the words I uttered in 1972 were the reverse of words I uttered in 1970 and 1971. I make the point to the honourable member that the circumstances being presented to the members of this House at that time were quite different.

In the already escalating cost structures associated with retailing there was evidence to suggest that the cost to the purchaser, the consumer, across the whole of the State of South Australia would be markedly increased over and above the arrangement which existed when the curfew was introduced in 1970. Nobody disputes that when we first started to debate this issue in 1970 the outer suburban traders were reaping the benefit of the carnival-like atmosphere to which the honourable member for Playford referred, which was a social outing at those places. Most of the traders involved at that time were able to benefit because consumers came from other districts and offset the additional costs in which the traders were involved and which were associated with the late night wages of employees.

The measure that was to be introduced by the Government in 1972 was, as the evidence was put before members and as they assessed and accepted the situation, to increase markedly the cost to the consumer. There was also the concept which started to creep in at that time and which was much more to the fore at a later stage, that the method of wage fixing and employment was to be taken away from the original and existing context and placed in the hands of the Industrial Commission. Members on this side rejected that legislation more because of that feature than because of any other. But, coming on top of the cost escalation, it firmed our view that there was to be no involvement at that time. Indeed, the action that was taken to test public opinion at that time indicated that, following the introduction of the curfew, the loss of the carnival atmosphere and the very distinct chance of an increase in cost, the public did not want late night shopping in 1972.

We must ask ourselves why the Government reintroduced the measure in 1972. The one feature which the member for Ross Smith failed to tell the House was that the Government miscued on the legislation it introduced, more particularly the referendum legislation, in 1970, and got a result that was the reverse of its genuine belief. When it went to the people with the referendum (after all, it was a cooked-up question that was put to the people, and there is no argument about it; it was a, "Do you still beat your wife on a Saturday night" type of question, and whether one answered, "Yes" or "No", one was in trouble), the result was contrary to the one which the Government had expected. It is on record in *Hansard* that the Deputy Premier lost money on the deal, and many of us have lost money on many deals. There were open statements by Government members, particularly the Ministers, that it was not a matter of the referendum being won, but by how much it would be won. It is a matter of documentation in the many debates that have focused on this issue, and there has been an assessment of the voting pattern, together with a statement relative to those electorates that voted one way or the other (and I do not intend to go back over that issue).

Coming forward to 1976, here is another area on which the member for Ross Smith made a comment, relating to the actions of eight Opposition members when the vote was taken in this Chamber. I have never moved away from the fact that I voted with the Government on that occasion, not having been able, because of the pressures put on the House by the Government (it being a private member's Bill), to make my position clear. However, I have made it clear subsequently, and I repeat it now so that the matter may be seen in proper context. When the Hon. Mr. Carnie, in another place, indicated the course of action he was going to follow, the views that he expressed were basically and generally acceptable to me but, by the time he got the measure into the House, the nature of his Bill had changed. We found ourselves in a difficult situation of forcing (and this is the effect it would have had) practically every trader to enter into late-night shopping immediately. It was clearly said outside that there was nothing to make traders trade according to the amendment. There is nothing in this Bill (and I will say more about this matter later) which will force anyone to trade.

The difference in the Carnie Bill was that it was going to force a trial period at the premium trading period of the year. There was no way in which any trader could withstand the need to trade on the four nights leading up to Christmas that would have been permitted under the 1976 Bill. It was an untenable situation, in my opinion, and in the opinion of certain other Opposition members. I am not suggesting that that view was the only view expressed by members who voted with the Government to see the loss of that Bill, but that was foremost in the minds of some of us. The member for Glenelg has been consistent in his attitude to the whole business of trading. He has constantly reflected the views of his constituents, and he voted on that occasion because of their particular views.

Mr. Bannon: How did he ascertain those views?

Dr. EASTICK: He found out from a serious exercise of inquiry from the people in his area. If the member for Ross Smith does not know it now, he will soon learn that the member for Glenelg has a history of consistent door knocking and sampling from many of his constituents.

Mr. Bannon: He is sure of his facts?

Dr. EASTICK: I assure the member for Ross Smith that what I say is correct in that regard. He has a rapport with his electors, and he has several times stood up in the House and reflected a view which subsequent testing has shown to be the view of the people in his area. It has been justly said that this Bill will become an Act (because the Minister said a little earlier, quite arrogantly, that it would pass), but let us accept that members on both sides have generally accepted most of the aspects of the Bill and the Royal Commissioner's views. However, that does not get away from the fact that the Bill, on becoming law, to a degree will be a luxury to this State's electors. That is quite right. Samples have been taken, and many electors have expressed their views on this matter by way of comment to the Royal Commissioner and to various polls (and I will not refer to them, other than to say to anyone who is interested, "Go to the Royal Commissioner's report, and they're justly outlined there.").

Traders are having to address themselves at this moment to preparations for the introduction of the measure—those who recognise that most shops will open, because, competition being what it is, "If Joe Blow is open, then I have to be open, otherwise I'm going to miss out," and they are already finding some difficulty in the price-structure arrangement into which they must enter. Indeed, the Commissioner refers to this matter several times and indicates that, with all the evidence he has taken, he could still not find an exact figure that would apply to the increase which will be associated with the Bill (I refer members more specifically to page 22 of his report). There will be a luxury which South Australians are going to have to face; it will be a situation which they will have to review over a period and, depending on their use of this luxury, will determine the speed with which the legislation comes back to the House in order to correct anomalies, or to offset certain actions that are now to be permitted.

Moreover, I say that the Bill will be a luxury because it is dividing (and is continuing to divide) the various industries. I refer to page 13 of the Commissioner's report, where he states:

> The large retailers were divided . . . The small traders were also divided in their approach to an extension of shopping hours . . . The meat industry was divided in its approach . . . The new and used-car industry was also divided . . . The petroleum industry in the area of service station trading was divided.

There is division, and there remains a degree of division in the minds of the people who are to provide the service or facility to the public. Whilst accepting the responsibility on this occasion to vote for the second reading of the Bill, let me say quite clearly that I am mindful of a large number of traders and a considerable number of workers in those trading establishments in my district who are violently opposed to this progression of events. I would be less than wise if I fail to recognise their existence and their views. They are not happy at all.

Conditions for a number of young people employed in many of these organisations will deteriorate. By those of us who have looked into the conduct of supermarkets, it will be understood that, on normal rush days, it is quite impossible to restock the shelves effectively during the course of normal trading. It is the practice that the shelves of the major supermarkets are restocked after the stores close. The period of time for restocking varies, depending on the size of the establishment, but with even a fairly large labour force, mostly of young people, mainly students looking for casual work, there is a period of some three to four hours. In the case of Thursday night shopping (assuming that that is what it will be), it will be 9.30 p.m. or later before those young people can commence work. The restocking programme over a period of three to four hours will mean that those students and young people will be on the road on their way home after 12.30 a.m.

With a minimum of three hours, it will be after 12.30 a.m. before they can go home. That will be a deterioration of their working conditions, without doubt, and it has associated social difficulties. I have indicated that these young people in the main, in the area I have investigated, are students. I suggest in all sincerity that students who work until 12.30 a.m. or 1 a.m. will not necessarily be able to provide the best efforts for their studies on the following day. That is a situation which time alone will tell. I make the point on their behalf because they have made it strongly to me.

I recognise that nothing we do by way of legislation should force young people into an area of peril or danger, as I suspect this might do. One could refer (and I know that perhaps this introduces an emotional side to the whole issue) to the death of a 16-year-old boy in Victoria last year. He was involved in the action of restocking shelves and was walking home at 9.30 p.m. when he was killed. I appreciate that that can happen in the middle of the day, but this will throw some people into an area of danger greater than now exists, and it will in great measure put those people at a tremendous disadvantage because they will not be able to call upon normal public transport facilities but will have to find different arrangements, otherwise they will be entirely on their own in respect of their travel.

I was interested in the contribution to this debate of the member for Playford, when he indicated that in 1970 the Government found itself under the threat of illegal trading. I have no reason to doubt that he is expressing an actual viewpoint. But the Government, when faced with this threat of illegal trading, endeavoured by the introduction of the referendum and the opening up of this question to bypass its responsibility and to say to any person who was illegally trading or who is trading at an advantage not enjoyed by others, "Because you are illegally trading, the Government is prepared to take action against you."

That seems a very simple way of moving away from its responsibility, and I believe that the Government, in the pronouncement of the member for Playford this afternoon, stands condemned for its willingness to buckle rather than to accept responsibility. The member for

Playford could well have gone on to say that it is not only in the area of trading that the Government has failed to meet its obligations or to come up with positive answers. He could well have indicated the situation in relation to shops which have been trading illegally since the 1970 amendments. He could have said that the Government has failed to offset the illegal activities of certain people who bake bread. He could have outlined that a number of people in the motor car industry have been trading illegally and that the Government has failed either to alter the law by way of amendment or to meet its responsibility to make sure that no one person is able to gain advantage over another by doing something illegal.

Referring briefly to the Bill (an opportunity will exist later to look at this in more detail), although I am not permitted to discuss the matter, the Minister has foreshadowed amendments, one of which will overcome a serious anomaly—small, but nonetheless an anomaly —which requires that meat should not be sold beyond 5.30 p.m., yet allowing other sales in supermarkets where, a person having duly purchased the meat before 5.30 p.m. and having then proceeded around the passageways to obtain other goods, on presenting that meat at the check-out point, he is allowed 15 minutes grace.

The Hon. J. D. Wright: I'm always a reasonable fellow. You know that.

Dr. EASTICK: I know that the Minister has shown a degree of reason on this occasion, much more reason than the arrogance he expressed a little while ago when he stated that this Bill will go through. The extension to 30 minutes grace will overcome the problem I have mentioned.

The Bill, in my view and in the view of a number of other people, gives a mandatory period of trading, in stating that the closing period shall be 6 p.m. nightly and 12.30 p.m. on Saturdays. Technically, what I have said is correct. I acknowledge that, nowhere in the legislation, is an offence created for trading for a lesser period of time than the 6 p.m., 12.30 p.m., or 9 p.m. hours, but I cannot understand why the legislation does not include the simple words, "not later than 6 p.m. or 9 p.m". It would be simple enough on another occasion for another Government (or this Government) to introduce an amendment allowing trading for a lesser period of time as an offence, and ascribing to it a penalty. In the Licensing Act, for example, until recently it was mandatory for hotels to trade for certain periods of time—up until 10 p.m., for instance.

We now know that under the Licensing Act the situation is somewhat different. However, it is still mandatory for the hotelkeeper to trade for a minimum period, although he may move the period for which he is open within a much wider sphere. Those persons available to give advice to members of Parliament have explained to me that, in the absence of a penalty, there is nothing to fear. However, I ask the Minister to consider the inclusion of those simple words, which would make clear to the public, and particularly to those people who are contemplating going into business, that they are not compelled to trade until closing time.

I suspect that the Minister and his advisers took this action as a matter of course; perhaps they did not consider how it might affect someone who was not well versed in the law. In this area, I refer to the problems experienced by small businessmen and others. The legislation that we pass here needs to be positive and to give a clear guide to the people who will be affected by it. On that basis, I again say to the Minister that this is an area to which even at this late stage, the Government could give further thought.

Although I certainly support the second reading, I want it clearly understood that this concern exists among many electors, particularly those who are involved in the delivery of the facilities that we are about to open up. Their view, commendable as it is, must be weighed up against the view of the consuming public, a view that has been expressed before the Royal Commissioner and documented in his report.

Mr. ABBOTT (Spence): I support the Bill. The matter of shopping hours has received widespread publicity in recent years, the reasons for which the member for Ross Smith summed up very well this afternoon: its exploitation by the Liberal Party. The general public wants late night shopping, but every former Government's proposal or effort to do something about it has been roundly criticised and rejected by Opposition members. After listening to the Leader and other Opposition members this afternoon, it seems that the proposals contained in this Bill will receive similar treatment.

I suppose one of the most difficult things to do in relation to an issue such as this is to satisfy everyone. Certainly, members opposite cannot be satisfied; that is absolutely impossible. The question of shopping hours is much more complex than members opposite make it out to be. A Bill that was introduced in another place last year proved this, as it gave no consideration to the complexities of an issue such as late shopping hours. However, the Government, always concerned for the general well-being of the community, provided a real opportunity for everyone to express his view and to assist the Royal Commission in its job of reporting and recommending to the Government whether the law relating to trading hours should be amended or modified.

I join with the Minister of Labour and Industry in expressing the Government's appreciation to the Royal Commissioner, Mr. Commissioner Lean, for the way in which he conducted the whole inquiry. Mr. Lean worked many long hours and did much hard work on this important inquiry, and I commend him for an excellent report.

The recommendations now implemented in the Bill will prove to be popular with the public. Although some teething problems may occur, this always applies to reforms of this nature, and there is no valid reason why those problems cannot be rectified if they occur. We need merely to cast our minds back to the Rundle Mall issue, about which there was initially much outcry. However, it is now so popular that everyone claims that it was his idea; everyone wants to own it. We can say the same thing in relation to 10 p.m. hotel closing, about which much fear was expressed initially. However, that has proved to be the correct scheme, which solved many problems.

Mr. Dean Brown: Can I get this clear: are you claiming the idea of introducing extended shopping hours on behalf of the Labor Party?

Mr. ABBOTT: I find it difficult to follow the Liberal Party's policy. However, I refer to *Hansard* of April 19, 1977 (page 3521 of *Hansard*), when the Leader of the Opposition laid down clearly his Party's policy, as follows:

> 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 . . . 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.

That is a fairly broad mumbo-jumbo policy, in my view. First, it wants the removal of all restrictions between 12 midnight on Sunday and 1 p.m. on Saturday; it wants to provide an orderly transitional period; and it wants to give the Minister discretion to vary the night and after people adapted to late night shopping, all restrictions would be lifted. In other words, it would be open-slather. Then, one reads in the press that the member for Hanson wants special conditions to apply in his neck of the woods. In addition, the Leader of the Opposition has threatened to use his majority in another place if the Liberal Party does not get its way on this Bill. I refer to the following statement that appeared in the October 20 issue of the *News:*

If the Liberal Party, which has a majority in the Legislative Council, insisted on night shopping only operating on one night a week, the Government would probably be forced to accept rather than lose night trading completely.

Dr. Eastick: Who said that?

Mr. ABBOTT: The Leader of the Opposition in this place said it. During 1973, when I was overseas with a trade union delegation, the very thing that impressed me most was late night shopping. It was almost a carnival-like atmosphere, which could be witnessed throughout most European and Scandinavian countries.

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

Mr. ABBOTT: I witnessed in Europe and the Scandinavian countries the carnival atmosphere of late night shopping. I am sure that such a happy atmosphere will be seen in South Australia before long and, when that happens, we will hear the Opposition say that it was its policy, and its idea.

Mr. Gunn: It certainly wasn't the Labor Party's—it has done nothing for seven years.

Mr. ABBOTT: I wish the member for Eyre would keep quiet for a change. I disagree with union fears that extended trading hours will cause very significant cost increases. All stores should integrate retailing with wholesaling and processing to hold down prices. We do not require extended hours to have price rises as prices of goods are increasing all the time anyhow.

The recent employment problems and the cut in hours of work at certain retail stores are the results of the Federal Liberal Government's economic policies. People have no confidence in these circumstances, and therefore they will not spend their money. These are the reasons for the cut-back in jobs and hours. Every section of the business community is suffering in the same way. No-one has any confidence at all and, as a consequence, we have more and more unemployment and more and more industry working short time throughout most sectors of the business world. I received a publication only yesterday from the Consumer's Association of South Australia. The leading article under the heading "C.A.S.A. Members Back Shopping Law Changes", states:

Members of the Consumer's Association of South Australia voted by a huge margin for liberalisation of shop trading hours in a recent survey conducted by the association. The survey to which over two-thirds of the association's current members responded, was undertaken to ascertain members' opinions for presentation to the recent Royal Commission, which has issued findings basically in the line with C.A.S.A.'s members views.

Finally, I honestly believe that this legislation will work and it will work well. The stores are not compelled to open if they do not want to. The extension of trading hours should create additional employment and with more and more females attempting to enter our work force, this should offer further employment opportunities for them. I support the Bill.

Mr. DEAN BROWN (Davenport): Before dealing with the Bill before us, I wish to briefly comment on some of the remarks that have been made during the debate. First, I comment on the points made by the member for Ross Smith. Unfortunately, the honourable member was rather bold in his attack on the Liberal Party for apparently changing its stance on shopping hours. However, what the honourable member failed to examine was the change in position of his own Party. The Liberal Party has consistently supported the principle of extending shopping hours. I agree that the Liberal Party has changed its tactics in respect of how it should try to achieve this. It first looked at trying to extend the list of exempt goods and shops. When that failed it decided to look at drastically altering the existing legislation.

The member for Ross Smith and the member for Spence made much play of the fact that the Labor Party has introduced this Bill, while they claimed that the Liberal Party had changed its stance. I refer to statements made by the Labor Party through the Minister of Labour and Industry, who is its spokesman on this matter. First, as reported in *Hansard*, of September 10, 1975 (page 654), the Minister stated:

We are opposed to any extension of shopping hours.

That is a bold statement. He further stated:

We are opposed to the motion.

The member for Mitcham interjected that they were debating a Bill and not a motion, and the Minister said:

The Government is certainly opposed to it. The first and most essential point to be made is that public opinion must be examined in this matter . . . I am not sure what the laughter is about. Certainly, no-one has complained to me about shopping hours in this State. I do not know whether honourable members opposite have received complaints or not.

That showed the extent to which the Minister had his head in the sand. It clearly indicates that the Government has changed its stand, whereas the Liberal Party has always been in favour of extended shopping hours. It does the member for Ross Smith and the member for Spence no credit at all to claim that that is not the case. Indeed, it was interesting to note that the member for Spence was unwilling to answer an interjection about whether the Labor Party had been in favour of extending shopping hours.

Members interjecting:

Mr. DEAN BROWN: He heard it: he was just too scared to answer it.

The SPEAKER: Order! Interjections are out of order.

Mr. DEAN BROWN: In *Hansard*, of October 8, 1975 (page 1183), the Minister is reported as follows:

No-one apart from those people is agitating strongly for extended trading hours. If other people are agitating for extended trading hours they are doing it mildly. I have heard no other agitation other than that from the member for Mitcham.

The report continues:

Mr. Millhouse: You're hoping the problem will go away.

The Hon. J. D. WRIGHT: That is so. In fact, it has already vanished. The only person in South Australia that I know who is still agitating for extended shopping hours is the member for Mitcham.

Those two quotations amply point out that the Government did try to bury the issue of shopping hours, but the matter caught up with it. The Government has had to completely reverse its policy and now supports, at least in a mild form, an extension of shopping hours.

This Bill is a significant move towards the liberalisation of shopping hours in this State. Certainly, it is a triumph for the Liberal philosophy, particularly for the Liberal Party in South Australia. Our insistence that Parliament have a say is now proving to be most worth while. The Minister has attacked the Liberal Party previously for not allowing the matter to be dealt with entirely by the Industrial Commission.

In fact, recommendations were made in the report of the Royal Commission, but the final decision is still in the hands of this Parliament, and that is where it should be. At no stage has the Minister, or anyone from the back-bench, adequately denied that Parliament should determine shopping hours. The member for Ross Smith took a quote of mine totally out of context, in which I said that the hours and working conditions of people employed within the shopping industry should be determined by the Industrial Commission. True, I made that statement, but I also referred to wages and working conditions, and I went on to point out that the issue of the hours in which a shop should be allowed to open or shut should be made here in Parliament.

I understand that the wages and working conditions will be decided eventually before the Industrial Commission because, if this Bill, whether amended or not, passes, there will immediately be an application for variations to the award for shop assistants. The Royal Commissioner has done a very good job in preparing his comprehensive report. I do not agree with all the points he has made, but I congratulate him on the way in which he has presented his report. I will discuss the three most important areas covered by this Bill. The first relates to convenience shops. The Royal Commissioner states that there were 25 convenience shops in the metropolitan area, 20 of which would be forced to close if this Bill was passed unamended. The Royal Commissioner states:

> It is difficult to find many of these 25 convenience shops that do not exceed the agreed shop area or adhere to the 50 per cent of grocery stock provision in the department's definition of delicatessen. The title "convenience shop" is a misnomer. They are nothing more than privileged supermarkets that have been allowed to trade during unrestricted hours on seven days per week to the detriment of their competitors, particularly those competitors trading in the immediate vicinity.

That clearly shows the light in which the Royal Commissioner saw convenience shops. I cannot see how convenience shops were able to trade legally. It appears that a former Minister of Labour and Industry, the Hon. Mr. McKee, permitted these shops to open and, in doing so, was transgressing at least the principle of the Act.

The Hon. J. D. Wright: You should read the Act.

The SPEAKER: Order!

Mr. DEAN BROWN: The Royal Commissioner agrees with my viewpoint and disagrees with the Minister. The point raised since the introduction of this Bill is that, if these convenience shops were forced to restrict their hours, the lessees would face considerable hardship, because the majority of these shops are leased on a 90-day basis. If the shops were forced to restrict their hours, the lessees would be left in the predicament of paying extremely high rental rates. Up to the present they have been paying rent for a supermarket that can remain open 24 hours a day. Obviously, if they had to observe the restricted hours, they would not be able to pay the high rentals and employees' wages.

Parliament faces a dilemma on this issue, and the way out is to ensure that lessees of convenience shops have adequate time to get out of their agreements. My proposal will not cover all cases, but it will cover a reasonable number of them. If lessees of convenience shops had six months in which to bail out of their leasing agreements, at the end of that period the lessees could renegotiate new rental rates in accordance with the restricted hours. The Minister should seriously consider adopting my recommendation, which will be embodied in an amendment later. If it is adopted, the Minister will still achieve his aim without causing the considerable hardship that will result from the legislation as it is drafted at present.

The second important area relates to the sale of meat. Members have received arguments from both sides. A strong lobby states that many small butcher shops work long hours already. Evidence given to the Royal Commission showed that, on average, there was a 46-hour working week for such shops and, if there was an extension of hours, it would be increased by four hours or five hours a week. Evidence was also given that only 50 of the butcher shops were operated by individual persons out of 484 butcher shops in the metropolitan area whose operators were members of the Meat and Allied Trades Federation. So, the majority of butcher shops have at least two persons working in them. This means that it would be possible to roster the staff on the morning of a late-trading day so that one person could open the shop and the second person need not arrive until 12 noon. Therefore, through rostering the staff, butcher shops having more than one staff member could remain open for additional hours without any individual person working additional time. Consumers would like the right to buy meat in circumstances of less restricted hours, but it is important in granting that right not to throw the industry into imbalance.

I am not convinced that even the Bill as drafted will dramatically alter the proportion of red meat consumed to other types of meat consumed, although there may be minor adjustments. This aspect has been raised by the United Farmers and Graziers and other organisations. Although there are valid arguments on both sides, it is possible to allow late trading in meat, and suitable amendments will be moved to this effect. I plead with butchers to consider rostering staff without increasing their hours of work.

The third major point raised is whether there should be two nights of trading, one for the square mile of Adelaide and another for the rest of the metropolitan area, as proposed in the Bill and by the Royal Commissioner, or whether there should be only one night of trading throughout the metropolitan area. In his report, the Royal Commissioner states:

> In Sydney and Melbourne, where only one late shopping night is used, it seems that it is not as successful in the inner city areas as it is in the suburbs. From what I have personally observed in Sydney and Melbourne in the inner city area, a number of shops do not open on the late night and a number of them do not remain open until 9 p.m. There are not many shoppers left in the city after 8 p.m. In contrast, suburban traders attract excellent business. One cannot anticipate what will happen in Adelaide. We may follow the interstate pattern or we may not. To my thinking, it would not be beneficial if late night shopping in the inner city was not successful. I think it would be to the benefit of all if the Rundle Mall, Hindley Street and Victoria Square shopping areas "really come alive" on the late shopping night and so provide a social and family night out for the public.

I doubt whether the Royal Commissioner's expectation will be achieved.

Also, I believe that the Royal Commissioner failed to examine other arguments that could have been considered if he had examined the possibility of one night of trading instead of two. Some of these arguments have not been aired during this debate, and I wish to refer to them quickly. The first is that employees who under any new award conditions are likely to get a long weekend every second weekend because of the late trading would have a long weekend of Saturday, Sunday and Monday every second week. If that is the case, they may like to start it at 5.30 p.m. rather than wait until next morning. Yet those people involved in trading in the Adelaide square cannot start that until Saturday morning. Therefore, they would lose a major advantage, in only having one night. Secondly, certain suburban stores and those in the city area would need to keep their credit rating office open on Thursday and Friday evening and additional expense would be involved.

The Hon. J. D. Wright: This sounds like a R.T.A. submission.

Mr. DEAN BROWN: The Minister should listen to all the points I am making. I do not deny that it affects some members of the R.T.A. I hope the Minister will listen to my third point, because it is also from some members of the R.T.A. as well as from small shops. Most small shops in the Adelaide area that campaigned vigorously for extended shopping hours, particularly the shops at the eastern end of Rundle Street, would already be allowed to stay open on Friday evenings. Little attention has been paid to the exempt shop definition, under which any shop employing only one or two persons would be allowed the opportunity of unrestricted trading 24 hours a day, and any shop (and these are mutually exclusive) with an area of less than 186 square metres would be allowed to trade unrestricted on a 24-hour basis.

The Bill contains a list of items that shops can mainly trade in, and be regarded as exempt shops, including antiques, live fish and aquariums, paintings, reproductions, drawings, newspapers, pharmaceutical preparations, flowers, goods sold at delicatessens and pet shops and nursery plants, souvenirs and cigarettes. All of these shops are allowed the opportunity of unrestricted trading provided their main or predominant retail sales are the items to which I have referred. Therefore, most shops within the Adelaide city area that have asked for an extension of shopping hours, especially on Friday evening, will already be allowed to stay open because of the definition of exempt shop, and so will not be affected by a decision of Parliament whether or not they should have trading on one or two evenings.

Many areas of Adelaide, which we would expect to come alive and which the Royal Commissioner was thinking of when he made that statement, will already be allowed to open, and I should imagine there will be increased activity and I hope some life in the east end of Rundle Street, Hindley Street, and other places. I cannot accept the Commissioner's recommendation on this point, and suitable amendments will be put forward in Committee to allow for one evening's trading rather than two. I ask Government members to consider carefully the amendments, because I think they have much merit, and nothing would be lost for the Adelaide area by accepting them. In supporting the Bill to the second reading stage, I hope that members will seriously consider the many amendments that are to be put forward in Committee.

Mr. EVANS (Fisher): I support the Bill to the second reading, but I strongly oppose it in its present form. This Bill has double standards, and for Parliament to set out on that basis is an attempt to hoodwink itself, if not some members of the community. First, I refer to butcher shops that sell raw meat, and I should like to know how we can say, as the member for Ross Smith said, that consumers have been consulted on the issue of butcher shops. I do not believe they were consulted, nor do I believe that they were consulted in relation to the poll that was taken on behalf of the Commission, so that the community has not expressed a view on this separate item. Because we are saying that shops will now be open, we have seen figures that indicate that people believe butcher shops are included.

If the member for Ross Smith cared to visit his constituents and ask them whether they believed that opening shops on Thursday and Friday evenings, would also include butcher shops, I am sure that they would answer, "Yes". I do not believe that they have been consulted at all; they have not been told that butcher shops will be excluded. They should have been told this before we discussed this measure. How can we explain our thinking when we are saying that people can buy cooked steak, but not raw steak; or chicken but not a piece of veal or pork?

A person in Broken Hill is about to breed a New Zealand type of rabbit, and eventually thousands will come on the market and probably be an export item. Are we to say to that person that he can sell his produce on Thursday and Friday evenings but butcher shops cannot remain open after 5.30 p.m.? What are we trying to do? I do not believe that there is any common sense in that. Within the industry some operators work long hours, but are we trying to eliminate long hours for everyone? A greengrocer heads off to the East End Market at 4 a.m., serves in his shop all day, and then has to clean up after closing. He has accepted that situation for years, and he still serves the community, because we can obtain fresh vegetables and fruit if we want these items.

Mr. Gunn: They're not unionists.

Mr. EVANS: If that is the point we are considering, let us say so. If this is the reason for excluding butcher shops, let us say that it is because of the unions. We do not seem to be considering the consumer or the producer. How can we say to a woman that she may shop on Thursday or Friday evening after finishing her day's work, in order to save the hassle of Saturday morning, but at the shopping centre she cannot buy red meat although she can buy chicken, fish, rabbit, fritz, sausages, metwurst, or other processed meat? Obviously, there will be an increase in the sales of that type of foodstuff, and the cattle industry, which is having a hard time at present, will suffer further problems. No-one can say when this industry will get out of its present recession. Moreover, consumers suffer. While we are debating this Bill, I am sure that most people would believe that while we are speaking of extended shopping hours they will have the opportunity to buy meat at the same time as they can buy other goods. That is not true, because we are excluding the butcher shop.

I sympathise with people who work long hours, because I started at the East End Market when I was nine years old, and finished when I was twenty-seven years old, so I know the conditions that apply. It is a tough life, but some people choose it and, if they are good enough, they can be successful and benefit from their efforts. The hours they work are no longer than those worked by producers, but they have a guarantee of a mark-up on the cost to them that the producer does not have. He has to take what is given to him by those operating within the market field. We should not forget, either, that that is their situation.

So we have a responsibility not only to the union section of society but to the total society. If some of the smaller

operators will be placed in a difficult situation, they will have to front up and direct their operation as best they can as does the home cake shop operator, the small baker or the greengrocer, or the many others that take time to set up their shops and work long hours; so I do not accept that butcher shops should be excluded from the area of giving the consumer the opportunity to buy meat at the same time as he can buy other goods.

I do not favour two separate nights, one for the inner area of Adelaide and the other for the rest of the metropolitan area. I cannot accept that, either. Open up either on both nights or on only one night. I tend to favour Thursday night because I believe that is the most suitable night. Traditionally, when the Central Market first started operating at night, people were paid mainly on a Friday, and Central Market used to open for people to spend their pay packets on the day they received them. That scene has changed: most people are now paid on a Thursday. If people so desired, the Central Market could open on a Thursday night. That is not impossible. Because of the methods we have of storing fruit and vegetables today, it is not essential that the market operate only on the Friday night or Tuesday afternoon. Many producers of fruit and vegetables own their own cold stores. Many of them attempt to control the market so that they get a little better price than they did in the past when they had to sell for the best offer of the day when things were brought to the market for sale. So they can operate today by having their fruit and vegetables stored and they can work either on Thursday night or Friday night in the Central Market. The member for Davenport's point is valid, that many shops in that area are already of a size that would be excluded by the provisions of this Bill. I wonder why the Government has decided on that size.

In North Adelaide, it was proposed that the shops would be part of the night life of Adelaide and a tourist attraction. Feature articles in newspapers going seven or eight years back prominently advertised that it was a tourist place in South Australia for entertainment. Many of its shops will be open under this provision, but a bigger store could not open; perhaps council regulations would stop it from doing so. My point is that on the north side of the Torrens shops cannot open on a Friday night, but in the central area they can.

What shall we do on that Thursday night when the central area is closed and some of the bigger stores have credit ratings to worry about? How shall we operate then? Shall we say to them, "You should have some of your staff sitting in central office here getting information from other metropolitan stores and their branches, so that all their staff will not be off on that Thursday night?" They will have to be working in a central area because of credit cards and checking the credit of people. I am told that in some cases credit checking has to be done in other States. If we are making the central area available on Friday night, I believe we are having double standards, and I will not support having two separate areas with separate opening nights: it should be either both or one. I cannot go along with that provision.

I have not spoken to the staff working in the central area, and I do not know whether it would want to work on Friday night and not Thursday night, but I know an argument in the report is that those people in the outer metropolitan area like to go out and socialise and have a family night out together. It would be good for them to come to the central area and do that on a Friday night. If we are worried about unionists, what about the staff that has to work in the central area on Friday night, when do they get an opportunity to socialise with their families and have a night out? Are we denying them that right?

The Hon. J. D. Wright: On Thursday night.

Mr. EVANS: That sounds wonderful—that we shall close the central area on the Thursday night and the people from that area who want to have a good time will go to the outer area to do their shopping and have their family night out. I do not believe that argument has any weight. I believe in both cases if the people in the outer area wish to go in and do their shopping on a Thursday night, they should be able either to come into Adelaide and do it or to stay in their own locality. There is no need for the two nights.

At the time we are talking about conserving energy, cluttering up roads, trying to decentralise, and building up the outer communities with some community spirit and community centres, some costing $14 000 000 or $15 000 000, we are trying to entice everyone back into the central area on a Friday night. Are we or are we not genuine about decentralisation and the approach we are making to fuel in our community? I do not go along with that at all.

In relation to convenience stores, I do not know who is right. The present Minister appears to believe (he has intimated so by interjection, anyway) that the former Minister was correct in his decision to allow these shops to open. The present Minister says, "If one reads the Act", which tends to imply that he believes it was a correct decision for those convenience stores to open—

The Hon. J. D. Wright: That is a misinterpretation.

Mr. EVANS: The Minister said "If anybody reads the Act"; that is the inference. I apologise if that is not what the Minister meant by that interjection. The Commissioner said he thought this was outside the law. I do not wish to go into that, because I do not know, but I believe that they have been operating at an advantage compared with other operators in a similar field; that needs to be considered. I return to the member for Playford and some of his statements. He said that many retailers were showing large profits, excessive profits.

Mr. McRae: I did not say "excessive".

Mr. EVANS: Well, large profits. He implied that the profit was so large that they should not sack people and they should try to absorb them. We have the case of Horwood Bagshaw in a different field; that company could not survive and society has to think about jacking it up or making money available for somebody else to buy shares because it failed. Do we want to start putting some of these other organisations into that category? Do we really want businesses to stay here and attempt to save and work on a profitable basis? There are plenty of arguments why businesses are feeling the pinch. I will not get into the argument: the Federal Government is talking about high wage costs and the massive increases in wages that have caused the problem. It may be a combination of many things, but not many in this building, whether Liberal or Labor, if in business would start eating away their reserves to stay in the game, with a heavy staff not working fully and not knowing when the tide was going to change. I have not seen members on either side of Parliament giving handouts to those people struggling to make ends meet at the present time. If we were genuine we would be talking in that vein. I do not accept the comments made by the member for Playford, who said that that should happen, because even Government departments, when there is a shortage of work, transfer staff to other sections (an opportunity they have that private enterprise does not), put staff off, or do not replace the natural wastage. The Minister has spoken in that vein during past weeks about the Engineering and Water Supply Department.

If this Bill is passed as drafted, I cannot support it. I object to the exclusion of butcher shops and to the

allocation of the two shopping nights. I am amazed that people selling motor vehicles will be able to operate during the daylight saving period until 9 p.m. most nights of the week. I wonder why that sort of provision is made. Shops in sporting complexes, as long as their main items sold are sporting goods, can also trade. What are sporting goods? Is a yacht a recreation or sporting good? Can one sell sports cars on Sundays? What of the types of clothing associated with sport? Are we going to include recreational items with sporting goods? There is no definition of "sporting goods". I suppose that the court or the department could decide what sporting goods should be. All we are doing by passing this regulation is causing more areas of conflict and more doubt in people's minds. I do not think we are achieving much. I want to see shopping hours extended without causing conflict in the community. I will look with interest at what happens during the Committee stage.

Mr. BECKER (Hanson): I have always contributed to the opinion that shopping hours should have been left to be decided between employers and employees. Parliament should have kept its nose out of the issue. This has never happened, and the Government set up a Royal Commission to help it off the hook. We now have legislation before us that needs much tidying up. This is a Committee Bill, as is evident by the many amendments on file.

I am concerned about the terms of reference given to the Royal Commissioner. I turn to pages 28 and 29 of his report dealing with "convenience shops". Whether registered delicatessens were approved to sell exempt goods does not matter: the fact remains that the Commissioner made a comment which the Government used to create a situation that makes some clauses of the Bill undemocratic. It is wrong to pass legislation that cuts off or reduces a man's livelihood. It is wrong that we as a Parliament are creating legislation that will cost jobs.

I know of 85 people at West Beach who will lose part-time employment if this Bill is passed. This employment is important to these young people. One of them is a boy who has just come off the dole, and he says that no-one has been able to offer him alternative employment. It is time we started considering what the member for Playford mentioned, when he referred to the large profits of some stores, that we should be doing all we can to hold the present employment figures and wherever possible to increase them. Nobody likes to see the unemployment figures that exist in this State, but I cannot see how this Bill will help those figures.

Little consideration has been given to the consumer by this Bill. The Government says that it represents the worker, who is the backbone of this country. I agree, but he is entitled to a fair go, and so is his wife and family. The West Beach Foodland has proved that people want that facility and accept it as a way of life. It has made a contribution to the convenience of those people.

A petition was taken up in my district about that store and in a week we have received 6 871 signatures; 4 600 people signed the petition in the first three days. Those people did that voluntarily and eagerly. That proves that this Bill will remove a facility and way of life that has been created for so many young people, young married couples, shift workers, and those who because of their employment have to shop at odd hours. The consumer is the person who is always left out.

Although the legislation provides for two shopping nights, one in the metropolitan area and one in the defined city area, it does not cover all the problems associated with the convenience of shopping when you want to shop. In other words, the consumer is told, "You will do this" or "You will do that". How about giving the consumer the opportunity to shop when it suits him, when he has the money and when he is prepared and ready to do his shopping? From personal experience of the retailing industry I have come to believe that the consumer is always considered second.

Mr. Keneally: I would like to do my banking at 11 o'clock at night.

Mr. BECKER: The honourable member can use night safe facilities, or an agency. There are hundreds of agencies for the Savings Bank throughout the metropolitan area that he can use when they are open, but under this legislation we will be reducing those hours, because the hours of certain types of businesses that have Savings Bank agencies will be controlled. The point is that these franchises are one of the secrets of success of these businesses. If a business has volume sales and the area to conduct them in, it can reduce prices. It becomes difficult for shops such as the local delicatessen, which is handy and used by people at the last minute but which cannot compete with a supermarket. People accept that, if they go to a delicatessen, they must pay the full retail price. People who shop for all of their goods in a one-stop shopping complex like to do so when it is convenient for them, because that is what life is all about and what good housekeeping is all about. I think this Bill completely misses those issues.

Mr. BLACKER (Flinders): I oppose the second reading of this Bill, because I do not believe it is in the best interests of my district or country areas. I have heard much waffle from both sides of the House, each side claiming credit for the measure before us and blaming the other for the long time it has taken. Fortunately, I entered Parliament midway through this saga. In many ways I am relatively pleased about it, because I have not become so deeply involved as an individual.

The Hon. J. D. Wright: You're untarnished!

Mr. BLACKER: I should like to think that I have approached the subject in a fair and unbiased manner, and I will try to explain how I arrived at that decision. First, the matter really started to come to a head when a Royal Commission was appointed, and I suppose that that was a political move on the Government's part to defuse what the Liberal Party was trying to turn into a political issue. I am sure that the Government has been able to defuse the issue, because the Liberal Party was unable to make it a political issue: certainly, it was unable to make it an election issue.

When the Liberal Party looked like making it a political issue, I was somewhat concerned, because my own feeling was such that the people in my district did not want an extension of shopping hours. With that in mind, I set about trying to obtain a true and, hopefully, accurate assessment of my district's feelings. Before I deal with that, I will comment basically on the Commission's terms of reference. The terms clearly set out that it was to investigate into and report on the situation in the metropolitan area. Anything that has transpired since then regarding the country has been added on.

I am not being critical of the Commission's findings, because the terms of reference were set and, to my understanding, it has brought down an excellent report. To lump in with the total legislation its effects on the country, however, has meant that the situation has not been given a fair and accurate assessment. I think it fair to say at this stage that only two Government members do not actually live inside the metropolitan area, and those two represent outer cities. The part which has concerned me is that the legislation appears to deal with the matter on a State-wide basis, without truly representing the

concerns or the disadvantages that many country shopkeepers and business houses experience. When the Commission was appointed, an editorial appearing in the *Advertiser* of May 23 made some criticism of the Government, but said that at least something would come to a head. The editorial states:

> The State Government's decision to appoint a Royal Commission on shopping hours is an extraordinary one. It appears to be a last, desperate, buck-passing effort to solve a problem which first bedevilled the Dunstan Government soon after it came to power seven years ago and has remained a source of concern to it ever since. The Parliament, which should take the responsibility for changing the law, has again failed to do so, and the task has now been passed to Mr. Commissioner Lean of the State Industrial Commission.
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> The only comfort to be drawn from the decision is in the clearly implied recognition by the Government that some liberalising of shop trading hours is indeed needed. Although the Royal Commission is required to determine the point, there can be little doubt that many people find the present restricted hours for shopping highly inconvenient. The Legislative Council's defeat of its half-baked Bill to refer the issue to the Industrial Commission would not have saved the Government from the electoral consequences of doing nothing further.
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> It is true that, with penalty rates attaching to award wages, there will be a tendency for prices to rise if shops are permitted to trade at night. That is a view which has often been put by retail traders in defence of present hours. It is not, however, a sufficient argument to deny the demand for extended shopping facilities. Particularly is that so when it is remembered that shops can be permitted to open late without being compelled to do so.
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> It is a sign of the Government's weakness in the face of trade union pressure that it now takes refuge in an undertaking to act on the recommendations of a quite unnecessary Royal Commission. It is a wrong and wasteful procedure, but at least it may finally force the Government to act.

That was the *Advertiser's* version of the appointment of the Royal Commission. I will make the debate perhaps a little wider now, by saying that I had the privilege last evening of talking to a Legislative Councillor from Victoria, who said that a similar debate had occurred in the Victorian Parliament in 1971, during which the Labor Party (the then Opposition) strongly opposed any attempt to extend shopping hours. I quote the following extract from Mr. Holding's speech, as follows:

> While it is true that trading hours and shopping hours are not exactly synonymous, it is equally true that in this State the average citizen has only a certain amount of purchasing power. Trading hours can be increased, but that does not increase purchasing power. If the average income of a Victorian citizen is such that he gives his wife $40 a week for shopping, an extension of shopping hours will not increase that amount to $45 a week; each person will still have the same amount of money to spend. The Government has ignored the remarks of people in the retail industry who point out that an extension of shopping hours will increase costs considerably.

We are seeing a parallel set of circumstances in this debate. In an attempt to obtain the wishes of my constituents (of all the speeches we have heard thus far, only one or two members have actually referred to the wishes of their constituents), I circularised all the business houses within my district by medium of a "Mr. Business Man" type of letter. I quote the letter I used in order to obtain the information, as follows:

> Dear Sir/Madam: The issue of shopping hours is becoming an important issue in today's political scene and many a controversial debate can be aroused on this subject. Whilst the basis of this debate has centred around the metropolitan areas we cannot dismiss the possiblity of the extension of shopping hours affecting our region. During any subsequent debate it will be necessary to have evidence from the electorate in order that I can act on the will and the wish of the people. Could you please give this matter some thought and if possible set out your views on paper and forward to my office by the end of June.

In response, I received a virtual flood of information. I point out that, of the 45 or 50 letters I received (I frankly admit that I did not count them), only three in any way tolerate the extension of shopping hours. I will quote some of the letters, because I believe that they set out the desires of most of the business people in my district. One letter reads as follows:

> In response to your invitation for our thoughts on this current debate, we are opposed to any increase in formal shopping hours and could only be happy about late night shopping if Saturday mornings were State-wide closed.

I think it is generally recognised that many business houses in the country would gladly open on one night of the week, be it either Thursday or Friday, and close on Saturday morning. This has been quite an accepted point of view but, obviously at this stage, Saturday morning opening is still with us; consequently, they are not in favour of having both. The letter continues:

> The element of competition is not so crucial in a stable area like ours and therefore no extra business would result from extended hours. We are mostly quiet from, say, shortly before 5 onwards as those in town then have finished their calls and kids gone and taken home from school. It is significant that none of my customers—town or farmers —have seen any advantage in Friday night shopping. I can imagine the situation being different where there are a large number of working wives. Late night shopping would cost us more in wages (penalty rates) and the total turnover would not increase at all to cover the costs. I am convinced that there is no advantage to us as traders in extended hours. Who will be the customers and more importantly—where will the *extra* customers come from? There will have to be more money spent to justify the opening and in our type of community, this isn't happening because it can't.

That is just one aspect relating to a grocery storekeeper at Tumby Bay.

Mr. Abbott: You ought to write—

Mr. BLACKER: I shall explain further, and the matter is covered in another letter dealing with free competition. The letter states:

> The following are some of my thoughts regarding shopping hour changes. It would appear that there are many people who regard that a change in shopping hours is desirable; I feel a lot of these people probably want change for change's sake, without taking into account the advantages or disadvantages.
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> Perhaps it would be an idea if someone did some research into the historic fact of the amount of work which was put into getting some sanity into shopping hours, because be assured that the situation was less than desirable when there was an open-slather. There is that school of thought who will no doubt put forward the argument that there should be no regulations regarding shopping hours at all, because the shops will not be compelled to open.
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> We are not compelled to open now, but can you imagine the situation should I not open when my competitors are open, I would soon not have a business at all. I say that to survive one must open when competitors are open. Can you now imagine the situation where a shopkeeper has overbought stock or urgently needs cash for some other reason? He would open every minute that he physically

could, and particularly when his competitors were closed to get the advantage of no competitors; soon everyone would be forced to open for very long hours. Be assured that it is compulsory to be open when competitors are open.

The argument that longer shopping hours are needed to supply a necessary service to the public does not, in my opinion, hold water, otherwise the Post Office, Engineering and Water Supply, Electricity Trust of South Australia, Registrar of Motor Vehicles and the banks would be open longer hours.

Has any thought been given to the workers in other industries working until perhaps 9 o'clock one night per week so that they can have an afternoon off during the week to attend to their shopping needs? This could be a valid proposition to be put forward to some of the larger unions for their consideration.

There are many things that cannot be done in a shop during the time it is open to the public, so many hours must be put in after closing time, particularly by the proprietors of smaller businesses. Longer shopping hours might be desirable to the large retail combines where they wish to keep their large capital investment working for as many hours as possible. However, I think it most unlikely that the directors or shareholders of these large organisations would be the ones who would be standing behind the counters for these longer hours, but in a small business like mine it will be my wife and myself who will have to put in the longer hours.

As a small businessman, I feel that I am treated very much as a second-class citizen with many responsibilities to my staff, and to many Government departments who have all sorts of regulations to see that we do not make too much money, and who see that we provide our staff with privileges as to working hours which are better than our own. We feel we have many responsibilities with very few privileges. Longer shopping hours, I feel, will mean a greater responsibility for us with less privileges even than we have now.

That letter from Mr. Doug Watson, proprietor of a menswear store in Port Lincoln. I could go on quoting letter after letter after letter. I have a letter from Chas. Geddes, hardware and general merchants, operating in Port Lincoln, as follows:

As traders in Port Lincoln, we are not enthusiastic to extend our hours, which would mean one night a week possibly, as is the suggestion for the metropolitan area. We have set out hereunder some thoughts that may be of assistance to you to argue this case for or against the extension of trading hours. The writer is not aware of the feelings of other traders in Port Lincoln, but costs are a very vital factor in our business these days, and, when one considers that 81 per cent of our total expenses is taken up with salary and wages, it is very necessary that any additional costs involved are going to produce large compensatory sales to offset the situation.

The letter goes on to set out a number of points, as follows:

1. Extension will cause wage costs to rise uneconomically. Unable to increase price of goods and remain competitive to take up extra cost.

2. Volume of customer flow in a small country area like Port Lincoln not sufficient to have late night shopping be patronised sufficiently.

3. Complete loss in winter months where weather inclement and customers not interested in leaving their homes of a night.

4. Load increases on already overworked executive staff to handle administration. Would not be economic to add to that executive staff.

5. Whyalla branch experience with Friday night shopping has been reduction in Saturday morning and costs are higher due to penalty rates for Friday night.

You will note that we have mentioned in item 5 our Whyalla branch, and this seems self-explanatory in relation to our company experience in late night shopping and of course, theoretically, the situation should be much better at Whyalla due to their large in-city population.

This is a most significant letter, because the management of Chas. Geddes operates two shops which are similar in operation. One has experienced late night shopping and the other works under the existing trading hours. Quite obviously the firm has opted for the regular trading hours as being the most economic means of trading for the area. Another letter comes from Cleve, and reads as follows:

We do not wish to have extended shopping hours. The wage costs forced us to close Saturday mornings 12 months ago. However, we do open for emergencies only.

That is the situation. There is a continual trend right through. Another letter from Tumby Bay states:

I wish to advise that it is my wish that late shopping be not allowed.

Reason: anticipated personal supervision longer hours. Staff do not wish to work later shopping hours. Clients: have conferred with several and most stated they would rarely use later hours. Several stated that they had to work in with doctors, dentists, solicitors, etc., by appointment which is much more difficult than stores, etc.

Please vote no for late shopping.

I have received a more detailed letter from an electrical store in Port Lincoln. I think the issues and the comments made in this letter should be quoted. It states:

In reply to your survey regarding shopping hours. I have some fairly strong opinions on this issue, and many others.

I believe most people need a manager, for their own good, and I believe that a general survey may indicate that, of course, shopping longer hours is wanted; however, if the people understood the consequences I think they may be against it.

For example, I would like to be able to buy anything I liked at any time of the day, even if it is 3 a.m. in the morning. I know I would not buy any more than I do now, because I only have a certain amount of money to spend. However, if the shopkeeper has to employ staff 24 hours a day he has to pay more wages and pay penalty rates. It is obvious he is going to lose money if he doesn't put prices up. If he puts prices up not so much will be sold, putting shopkeepers and manufacturers on unemployment relief.

The shopkeeper will have to stagger his staff, giving less service to the public; this is already happening in hotels and restaurants. Many shops now only have half staff, on Saturday mornings, due to the unions allowing them to have every second Saturday morning off. This has created poor service for the customer, higher blood pressure for the staff who remain on duty. If relieving staff can be found, in many businesses it means higher operating costs for the business, which in turn means higher costs for the customer, no matter who the retailer is, from Woolworths to the corner store. For this reason I and my shop assistant staff are against longer trading hours, in fact I have been considering promoting my staff to join unions, with other shop staff in town to help fight the issue.

That is quite a statement for an employer to put in writing, knowing full well that it would probably be used in this House, that he intends to promote his staff to join unions to fight this issue. I have received letters from pharmacists. I have been right around in this case. My colleague is trying to indicate that there is no issue, but there is an issue. Under this Bill it will be obligatory to open, not because of the Bill, but because of competition.

Mr. Nankivell: It has to be proclaimed.

Mr. BLACKER: Port Lincoln is a proclaimed shopping area, and it is on that basis that I am making my remarks.

Mr. Nankivell: What do the people want in Port Lincoln?

Mr. BLACKER: I shall come to that, and I shall bypass some letters in order to do so. It has implied that I have not consulted the people. I have consulted the business houses to which I have referred in this House, and I was conscious of the fact that every remark that came back was from a person engaged in the business field.

For that reason, I sent out a questionnaire and had conducted a doorknock of what I hope was a representative section of Port Lincoln which I thought involved average customers. A total of 100 doors was knocked on, and the first question was, "Are you involved in the running or management of a business?" If those involved said that they were, they were immediately excluded from the survey. I then asked, "Are you in favour of extended shopping hours? If so, are you prepared to pay an extra 2 per cent increase in the price of commodities?" In reply, about half said that they favoured extended shopping hours, although only 2 per cent were in any way willing to pay anything for that privilege.

On that basis, I am confident that I can stand before this House and speak of the wish of my district, particularly of its business houses. After all, if they do not survive, the town will be in dire straits. Secondly, I refer to the indication given by the consuming public which certainly did not show that they favoured late shopping hours. On the front page of this week's *Port Lincoln Times* (and I was unaware that this report was going to appear therein) is a report entitled, "No support for longer shopping hours", which deals with many of the matters to which I have referred.

Every member has been given a copy of a screed authorised by Mr. E. J. Goldsworthy, the Secretary for and on behalf of the Shop Distributive and Allied Employees Association. Most of the comments raised therein have been raised with me by business houses and, indeed, could be applied in these areas. This Bill provides for late night closing on one night a week, be it Thursday or Friday, and in Port Lincoln's case it will be Thursday night. On that basis, the business houses and the people of Port Lincoln have objected, because they are not in favour of this measure. Surely it is my responsibility, as the representative of that area, to present its views on the floor of this House. Indeed, if I did not do so, I would be failing in my duty. Because the message has come through loud and clear on this matter, I question how many other members could debate this issue with the same conviction and with the knowledge that they have the full backing and support of their constituents.

I could quote reports *ad infinitum*. Many members have received telegrams and communications from the motor trade. However, as it has been such a widespread argument, I will not go into that aspect. I have received representations from all areas of my district, of which Port Lincoln is the only area that has been classified as a proclaimed shopping district. There may be others, although I have been unable to ascertain this definitely. Certainly, Port Lincoln is classified as such and is involved in this measure. I oppose the second reading.

Mr. GUNN (Eyre): Although I do not intend to speak at length on this matter, I should like to say at the outset that I support the second reading. I believe that a person engaged in business should be able to decide when he opens his shop; he should have the right to determine his own operating hours. If there is a public demand for that man's products, it will be profitable for him to open. I believe, too, that if such a person must employ people in his business he must come to a satisfactory arrangement with his employees if he intends to operate for more than 40 hours a week.

In my district, only one major area has regular late night shopping. I refer to Coober Pedy, where the shops are open every night of the week, and it is essential that that operation continues. I know that this legislation does not affect the traders in that area, because they are not in a proclaimed shopping district.

The Hon. J. D. Wright: I doesn't affect anyone who doesn't want to open.

Mr. GUNN: I realise that it is not mandatory to open; no one has to do so, and I support that concept. I refer now to other parts of my district. The people at Streaky Bay, Quorn, Hawker, and Peterborough come under the aegis of the Early Closing Act. I refer also to Ceduna and Wudinna, the latter of which is just within the district of the member for Flinders, and both of which are free to open at any time they wish. However, they usually open at night only before Christmas. I therefore believe that all trading restrictions will eventually be lifted and, as a matter of principle, I support that concept.

I should like now to refer to some of the history relating to this matter. It has been obvious for a long time that the Government has been in a quandary regarding it. The Government has been unable to decide what action it should take. As it was not willing to take a stand in this House, the Government had to revert to the oldest trick in the trade, that is to get someone else to make a decision for it. The Government therefore solicited the expertise of Mr. Commissioner Lean, and appointed him a Royal Commissioner. I commend that gentleman for the manner in which he went about his task.

The Hon. J. D. Wright: So, it was a good decision for the Government to do that?

Mr. Gunn: Although one could quibble about the terms of reference I will not do so now. The thing that perturbs me about the Bill is the Government's decision virtually to prohibit the sale of red meat after 5.30 p.m. One would think that a Government which claimed that it wanted to help those industries in the State that were facing difficulties would have thought that this was an opportunity to give beef producers a chance to have their products put before the public on a basis similar to that relating to chicken producers. Although butcher shops sell chicken, rabbits and smallgoods, they will be placed in a position somewhat different from that of supermarkets, which will be able to sell chickens but unable to sell meat.

In view of the serious situation facing beef producers in this State and throughout Australia, the Government should reconsider the situation relating to the sale of red meat after 5.30 p.m. There are in the North of the State in my district 70 000 to 80 000 head of cattle that should be destroyed. There is no market for them, and they cannot be brought south because they are not in accredited tuberculosis-free areas. Therefore, those cattle would not withstand trucking, and the graziers who owned them would sustain a loss if they put the cattle on the train and sent them south. This group of people is certainly in a serious financial position.

We are all aware of the problems facing the beef industry in other parts of the State and, if this legislation passes, the chicken producing industry will be given a boost. I cannot agree with the Commissioner's comment on page 31 of his report. I am not surprised at the attitude of Mr. Tonkin, Secretary of the Australian Meat Industry Employees Union. We know how that organisation has gone on at Samcor, and we know of the complete fiasco at that organisation. Honourable members know that unions out there have not done much for meat producers in South

Australia, especially if one compares privately-operated abattoirs in South Australia with abattoirs operated under the control of Mr. Tonkin. One cannot be surprised by the type of remark made by Mr. Tonkin.

I find it hard to follow the comments of some of the other witnesses. All I can say is that the Government should rethink the situation. I commend to the Government the course of action that the member for Victoria intends to take in respect of clauses dealing with that subject. The member for Mitcham referred to clause 7. We are finding this provision in far too much legislation. This provision gives inspectors powers that they should never have. These powers are not necessary or desirable. Indeed, I do not believe that any person should have to answer such questions. This provision is a retrograde step, as it allows any inspector to force a person to answer any question put to him. There is no justice in that type of activity.

I refer to the manner in which the Allende Government carried out its activities in Chile. That Government did not have to pass any new legislation to carry out its programme of action against the Chilean people: it used existing legislation on the Statute Book passed by so-called democratic Governments. If we continue to pass such legislation including such provisions as is contained in this Bill, we could find ourselves one day in a similar situation.

Only a few months ago I had brought to my attention by a constituent an incident involving an inspector, who was appointed under another Act and who said, "I have power to go into your house to see what you have got in your refrigerator". I told my constituent that, if he told me who the inspector was, I would name him in Parliament, but I was told by my constituent that he did not want to go that far.

Mr. Keneally: He might look in your refrigerator, too.

Mr. GUNN: True, but if the honourable member supports such an activity he should not be in this House. I feel strongly about this legislation, about this clause, and I intend to vote against it. I hope the Government will give this matter further consideration and, if it will not, I hope the Bill is dealt with appropriately in another place. I support the second reading.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I do not intend to be long, because the Deputy Premier has asked me to be brief. I did intend to make a longer speech but, after that request, I will be brief. Therefore, I will not dally with the political points raised by members opposite. In fact, members from the Government side adequately covered those aspects. Neither side is going to benefit from trying deliberately to score political points. Everyone knows the history of this legislation. All honourable members opposite are ashamed of their record on it. They were in Government for a long time and did nothing about it. Indeed, when I say "nothing", I mean nothing at all. This Government has conscientiously tried on several occasions to do something but has been frustrated by the Legislative Council and has not been allowed to do as is sought. I hope that the Legislative Council behaves much better than it has in the past when this Bill is dealt with by it.

I want to deal with four major matters, three of which Opposition members have raised and one which I wish to bring to the attention of the House. The first and most important matter, judging from the vociferous action of members opposite, concerns the separation of the city square mile on Friday night from the outer metropolitan area on Thursday night.

When I announced the establishment of the Royal Commission I stated that the Government would follow its recommendations, and the Premier reiterated that fact in his policy speech. Having set up the Commission the Government had no opportunity to divert from its recommendations unless there were unusual circumstances. It is interesting that this evening almost every Opposition speaker has commended the Commission's report. Apart from the member for Fisher, who I thought spoke forthrightly on this Bill (and the member for Hanson shakes his head, as if to say that he did not commend the report either), all Opposition members who spoke in this debate commended the report but condemned the Government strongly for trying to put some sanity into this Bill.

Members opposite should be consistent: either it was a bad idea to give this task to the Commission, or it was a good idea. That it was a good idea has been proven because the people of South Australia returned this Government on that and other issues raised by the Liberal Party. It has been proved conclusively that the establishment of a Royal Commission was a good idea and was accepted by the people. In fact, it has been accepted by members of the Liberal Party, if they would only admit it.

The Commission clearly recommended to the Government that there should be two trading nights of shopping. At no stage did we tell the Commissioner that he had to make that decision. We merely drew up the terms of reference and allowed the Commission to proceed in its own way. After its examination of the position in all States, irrespective of whether late night shopping operated or not, he decided that the best thing for South Australia was, of necessity, two shopping nights, one within the Adelaide square mile and one for outer metropolitan Adelaide.

Mr. Venning: It's stupid.

The Hon. J. D. WRIGHT: The honourable member can say that it is stupid, but he should talk to his own people about this situation. I do not believe the honourable member has spoken in this debate, so that either he did not understand it or he does not know what the Bill is about. As I said, honourable members who spoke on the Bill from the other side said that the report was to be commended. They cannot have it both ways and say that the report is stupid. The Government intends to stand by the report. Whether I or the Government believes that that situation is best for South Australia, I do not know. The Commissioner undertook the investigation and it was his decision.

The other matter raised today was the argument that consumers did not have the opportunity to make submissions to the Commission. Everyone in South Australia was given the opportunity to make a submission, although that would not have been the case if the Liberal Party had had its way: it would have banished all restrictions in respect of shopping hours without consulting consumers. In handling the matter as we did we gave everyone, including consumer organisations, the opportunity to give evidence to the Commission. The second main objection raised by Opposition speakers concerned convenience stores. First, I refer to a document prepared by the head of my department as I believe it will clear up matters raised by the member for Fisher and the member for Davenport, who obviously had not read the Bill, and it states:

> These stores were established after the amendments made to the Industrial Code in 1970, extending the definition of the metropolitan area. The effect of the amendment was that the restrictions on shopping hours were applied in what were then the outlying suburbs. The determination of what were to be exempt stores was left by that Act to the permanent head of the department.

It is not the Minister at all. The honourable member has not read the Bill.

The member for Davenport has condemned the previous Minister and me for condoning the situation, yet all the time it has been done by the permanent head of my department. The power was entrusted to him in the Act. The document continues:

> Following discussions with representatives of the food industry it was decided that 20 or so food shops in the outlying suburbs would be permitted to continue to operate if some modifications were made to those shops. These shops have not been trading illegally but have been classified as exempt shops.

The Government has been accused of allowing shops to operate illegally. That is another unfounded allegation. Will members opposite try to understand this Bill, or get someone to research it for them? The document continues:

> Some time later it was claimed that these shops had an unfair trading advantage over food shops in the inner metropolitan area. It was because of this that some food shops in the metropolitan area were allowed to operate on a similar basis, subject to the same conditions. They were classified as exempt shops. The present situation is clearly unsatisfactory. The effect of the Bill is to ensure that everyone will be on an equal footing. There will be no discretionary power for the permanent head or even for the Minister.

Of course, the amendment placed on file by the member for Hanson clearly indicates that he wants to give me that power. Whether or not the Government thinks it is a good idea, the Royal Commissioner's report clearly says that these shops had an unfair trading advantage and recommended that they cease to be exempt shops. With the extended trading hours that will be available to the public, there is no need for any special arrangements for those shops. When the permanent head of my department decided that it was in the interests of South Australian consumers that certain shops ought to be made exempt shops so that people could shop at any time, the situation was vastly different. At that time there was no indication that extended shopping hours would be introduced. For five years convenience shops have had a tremendous advantage over supermarkets and smaller businesses. The Retail Traders Association told me on Monday that it supported the consistency in the legislation. The Government stands by the Royal Commissioner's decision and does not intend to change its attitude in that respect.

The third matter raised by members opposite related to meat. The current legislation in Victoria does not allow meat to be sold during extended hours; I am not saying whether or not that is a correct policy. Having heard submissions from the meat industry, including the relevant employers and the union, the Royal Commissioner decided that he would not recommend extension of trading hours for meat to 9 p.m. He said that meat should be sold only until 6 p.m. The reason why the Government has not extended the trading hours for meat to 6 p.m. is that it is not possible to provide butchers on a casual basis. We would have forced butchers to work 48½ hours or 49 hours a week. Unlike shop assistants, who can be recruited relatively easily on a casual basis, butchers are tradesmen, and casual tradesmen cannot be found. I did not want to compel people to work 48½ hours a week. The following is an extract from a letter from the Secretary of the Meat and Allied Trades Federation:

> At a recent annual general meeting members asked me to convey to you and the Government their appreciation of the manner in which the highly controversial subject of late night trading was handled. The appointment of a Royal Commissioner gave individuals and organisations alike the opportunity of giving evidence and the undertaking given by your good self to implement the Commissioner's recommendations has been welcomed by our members.

Mr. Nankivell: Is there no possibility of rostering staff, under the terms of the award?

The Hon. J. D. WRIGHT: That could occur if there was to be a later start, but no indication or assurance has been given to me that stores would be willing to start later. I would accept that. There is a possibility of that, if people were able to open their shops later. I do not know how many people buy meat at 7 a.m., 9 a.m. and so on. If the time were changed—

Mr. Nankivell: Even the commencement time of certain staff members?

The Hon. J. D. WRIGHT: There is some sense in that situation. The following is a summary of a letter from the United Farmers and Graziers:

> Livestock producers fear the trend away from the purchase of fresh meat if it is not available during all trading hours. With the ready availability of fish and chicken, consumers will be tempted to purchase these commodities instead. The Bill restricts trade of meat when public opinion has shown that extended hours for the trading of meat is preferred. The question of fresh meat and late night shopping could well be the subject of a special inquiry.

Yet we have just had a Royal Commission! Why did the organisation not make submissions to the Royal Commission? It was obvious to me it made no submissions, and did not even know the inquiry was on. That is not good enough from a responsible organisation such as the United Farmers and Graziers, which is now saying that the question of fresh meat and late night shopping could well be the subject of a special inquiry. Apparently it did not know the inquiry was on. It is unbelievable that such hogwash should come from an organisation supposed to represent South Australian farmers. Surely I cannot accept that the organisation did not know that the Royal Commission was sitting, because the sittings were publicised on radio and television.

Where do we go from here? The member for Davenport and the Leader of the Opposition have said that Parliament ought to have responsibility in this area. The Royal Commissioner recommended that special jurisdiction be given to the Industrial Commission to determine any further amendments to shop trading hours. The Government accepts this recommendation. However, this will involve amendment of the Industrial Conciliation and Arbitration Act. It was not possible to amend that Act at the same time as we created new legislation. The only way in which the Government can make that referral to the Industrial Commission is to amend the Industrial Conciliation and Arbitration Act. I place on record this evening that that will be done during this session. It may not be before Christmas, but it will be in this session of Parliament, so that by February or March next year power will be given to the Industrial Commission to deal with all future circumstances in relation to shop trading hours. The House divided on the second reading:

Ayes (39)—Mr. Abbott, Mrs. Adamson, Messrs. Allison, Arnold, Bannon, Becker, Broomhill, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Chapman, Corcoran, Drury, Duncan, Eastick, Evans, Goldsworthy, Groom, Groth, Gunn, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, McRae, Nankivell, Olson, Rodda, Russack, Slater, Tonkin, Virgo, Wells, Whitten, Wilson, Wotton, and Wright (teller).

Noes (3)—Messrs. Blacker (teller), Mathwin, and Venning.

Majority of 36 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

Mr. DEAN BROWN: I move:

Page 1, line 6—Leave out "the first day of December, 1977" and insert "a day to be fixed by proclamation".

I understand that, if the Bill is passed in its present or a modified form, the matter will go before the Industrial Commission to amend the award. Logically it would be heard by Commissioner Lean but, if the hearing begins in the middle of November, there is some doubt whether it will be finished by the end of November and in time for the proclamation to come into effect. It should be left to the Minister to proclaim the Act once agreement on the award has been reached. The industry should not be placed in a position in which the date on which the Act is to operate can be used as a weapon during the hearing before the Industrial Commission.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I oppose the amendment. I have already explained the need to have an operating date definitely determined in the Bill. I also said that it was not mandatory for shopkeepers to open on December 1. I am fully cognisant of the situation regarding the inability at this stage for talks to proceed between the unions and the Retail Traders Association. I also understand a definite date has now been set by the commission to hear the submissions of both parties. The R.T.A. has told me that the recommendation to its members will be not to open until the award penalties for the extra hours have been finalised.

The present situation is that they would have to pay a 50 per cent penalty if they opened. Obviously, retail trade would not want to open with a high penalty of that nature, when other States have a regular pattern of a 25 per cent penalty. That is not for me to determine: it is for the Commissioner, after hearing the submissions, to determine what penalties shall apply; nobody will be forced to open. A man can decide for himself whether he wants to. Whatever date we put on it, if the instruments of the award are not finalised, it is easy for the retailer to say, "I will not open."

Mr. DEAN BROWN: I am disappointed that the Minister will not accept this amendment. We are not trying to take the power out of his hands, he is fully in control of the situation. It is up to his Government to decide when the Act is to be proclaimed. It is unfortunate if we start negotiations before the Commission with a deadline for finishing those negotiations. The Minister, on many occasions, has talked about the need for conciliation.

The Hon. J. D. Wright: There is no deadline.

Mr. DEAN BROWN: There is if the Act comes into effect on December 1. I plead that, whilst we are not taking it out of his hands, at least the Minister allow some flexibility in this regard.

Amendment negatived; clause passed.

Clause 3 passed.

Clause 4—"Interpretation."

Mr. DEAN BROWN: I move:

Page 1, lines 12 to 14—Leave out all words in these lines.

This amendment relates to the question whether or not there should be one or two nights of trading in the metropolitan area. The effect of this amendment and subsequent amendments (and I am speaking to all of them although I am testing it on this first amendment) would be to have only one night of trading, which would be Thursday night. It means that trading would not be allowed within the square of Adelaide on a Friday evening but that would not preclude a lot of small exempt shops from opening; it certainly would not preclude all the exempt shops in the Central Market from opening.

There are certain benefits, and I have listed some of the reasons for that. I do not see many advantages in having two nights. I understand the point made by the Commissioner, but the idea of turning Adelaide into a festive and gay place on a Friday evening can still be achieved by small shops opening without the larger shops, which are not exempt shops, opening. One point is that all shops would then be on an equal basis. It also would overcome an anomaly concerning trading in country areas close to Adelaide. Some concern has been expressed from areas such as Murray Bridge and Mount Barker, which are concerned that it may be economic for people in those areas to get into a car and drive to Adelaide to do their shopping rather than shop locally. If there were two nights, they could still come to Adelaide and go to the city square on the Friday night or go to a suburban shopping centre on the Thursday night.

They have the option under the Bill of changing their night of trading from Thursday to Friday but they do not have the option of being able to trade on both nights. Therefore, it is not possible, as the Bill stands, to cover both the city square and the large suburban shopping centre. Hence, they are vulnerable, as large country stores, to the big attraction of the large shopping centre in the metropolitan area. This amendment is the only way of overcoming that difficulty that the country shopping centres, close to the metropolitan area, face.

The Hon. J. D. WRIGHT: I thought I had made the Government's position fairly clear, but I will say it once more to assist members to know where they are going. The Commissioner during his inquiry received 180 submissions; nobody in South Australia was excluded from making submissions to the Commission. All parties were given the opportunity, and the Commission advertised. Having had an opportunity of making his investigations and listening to 180 submissions, the Commissioner then recommended to the Government in his report that there should be a two-night situation—one night in the inner city area and one night in the outer city area. The member for Davenport and the Retail Traders Association are strange bedfellows. Previously, the R.T.A. could not convince the Opposition that it was a good idea to put the matter of the shop trading hours to the Industrial Commission. This time they are bedfellows again. I know what is the R.T.A.'s policy on this.

Mr. Tonkin: What point are you trying to make?

The Hon. J. D. WRIGHT: That you could not get together last time, but there is togetherness now, and you do not like it. When it suits the Liberal Pary to swing around behind the R.T.A., it will do that, but when it does not suit, it will not do so. Members opposite are just opportunists who are dictated to by the R.T.A. The Commissioner made a decision about this, and the Government has accepted that decision. I oppose the amendment.

Mr. TONKIN: I have never heard anything so ridiculous in all my life. The Minister has accused this Party on many occasions of blindly holding to one point of view; now he is criticising the Opposition because sometimes it supports the R.T.A. and sometimes it does not. This amendment is sensible and worth while. It means that we will be rid of the problem of deciding what shops will open and whether it will be on Thursday or Friday night. This time we are putting forward something that is supported by the R.T.A., and we certainly have not seen eye to eye with that body on other occasions. It is our outlook, too.

The Royal Commissioner in his report was trying to protect those shops in the centre of Adelaide, which are largely represented by the R.T.A., from what he believed would be unfair competition from large suburban centres. This was the Commissioner's reason for providing for two nights. I believe that the R.T.A. is not concerned about that and believes it would be much simpler and better for direct competition, and better for business, if everybody had the same night. We designated Thursday night because we believe it suits most people. It has been said that the Central Market opens on Friday night and we should therefore consider Friday night for that area to bring it alive and make it attractive at night. I have made inquiries and been told that there is no reason why the market cannot open on Thursday night, if that is what the people want. I support the amendment.

Mr. DEAN BROWN: The Minister attacked the Liberal Party for apparently going to bed with the Retail Traders Association.

The CHAIRMAN: The Minister made some references to the relationship between the Liberal Party and the R.T.A. which were answered by the Leader. I think the Committee should get back to the amendment and not proceed with this line of discussion.

Mr. DEAN BROWN: The Minister, in saying that sometimes we follow the R.T.A. and sometimes we do not, showed that the Liberal Party was independent of the Retail Traders Association. A group of small traders from a near country area first brought to my attention the point I have raised. The Minister should consider their point of view and the point of view of shop assistants, who are very dissatisfied with this provision. They say that Friday night shopping will stop them from commencing their long weekend, for instance, at 5.30 p.m. on Friday.

There are pertinent arguments that the Minister has not attempted to answer. The Minister said that he had covered this in his second reading speech and that the Royal Commissioner had covered it as well but, at page 22 of his report the Commissioner admits that he is uncertain about this, that he had no evidence to back it up and simply took a stab in the dark, establishing a philosophy that the city of Adelaide should come alive at night. In his report he stated:

> In order to give this philosophy every opportunity to eventuate I think it is best that the inner city area should have a different late shopping night to that in the suburbs.

Mr. Bannon: What about shop assistants?

Mr. DEAN BROWN: They would have other nights off during which they could do their shopping. I ask the Minister to reconsider his proposal, as it is an important point. If there is widespread dissatisfaction after one night has been tested, the Minister can return to the proposal of having two nights, but it should start with one night only.

Mr. GOLDSWORTHY: I support the amendment. I represent a close country seat, and last night I was in the Barossa Valley. Representations were made to me by people there who do not like the idea of two nights of late night shopping, so my first reason for supporting the amendment is that they are the only representations I have received from people in my district on this subject.

My other reason for supporting it applies to the reason given by the Royal Commissioner for having two shopping nights. I will read the relevant extract from the Commissioner's report which is, apparently, based on his experience in other States, as follows:

> In Sydney and Melbourne where only one late shopping night is used it seems that it is not as successful in the inner city areas as it is in the suburbs. From what I have personally observed in Sydney and Melbourne in the inner city area, a number of shops do not open on the late night and a number of them do not remain open until 9 p.m. There are not many shoppers left in the city after 8 p.m. In contrast suburban traders attract excellent business. One cannot anticipate what will happen in Adelaide. We may follow the interstate pattern or we may not. To my thinking it would not be beneficial if late night shopping in the inner city was not successful. I think it would be to the benefit of all if the Rundle Mall, Hindley Street and Victoria Square shopping areas "really come alive" on the late shopping night and so provide a social and family night out for the public.

The basic reason advanced there is not, I believe, one which should concern the Royal Commissioner unduly, that is, that Rundle Mall and other areas in the inner city are likely to come alive on a late shopping night. If the public wants to use the facilities in those areas, they will use them, but it should not concern the Commissioner whether they use them in relation to the outer shopping areas. What is important is that the Retail Traders Association probably represents most of the traders in those areas and would certainly represent most of the traders in the Rundle Mall area. From my understanding, these people do not want it, and I do not see why the Commissioner should set out to protect people who are not looking for that protection. For these reasons, I think that the Commissioner has overstepped his brief and, indeed, is seeking to bring about a situation that he has not been requested to bring about.

Also, the representations from my district indicate to me that two-night shopping is unacceptable and lead me strongly to support the amendment, which is in line with Liberal Party policy. That policy was in the first instance to open shops for one night, with an eventual aim of freeing the restrictions altogether, as has happened in Victoria. The end result of freeing shopping hours and throwing the matter open in Victoria has been that that State has now settled down to Thursday night shopping. We believe it would be desirable to legislate in the first instance for this.

Progress reported; Committee to sit again.

CONTRACTS REVIEW BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to provide relief against unjust contractual terms, and for other purposes. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

The present law of contract reflects the nineteenth century philosophy of *laissez-faire*. It is largely based on the assumption that everyone is free mutually to agree on the terms of his contracts, and consequently, once agreed on those terms, interpreted objectively, are applied literally and enforced by the courts. This theory assumes that the parties enter into their contract from a position of equal bargaining strength.

The principles of freedom of contract and sanctity of contract have little merit in 1977. In this age of big business and standard-form contracts, equality of bargaining power rarely exists. The consumer or small businessman is not able to negotiate the terms of his contract with a supplier of goods or services. His only "freedom" is to sign the contract offered to him or to go elsewhere. In fact, going elsewhere will generally make no difference, as he will inevitably be offered yet another standard-form contract. Consumer protection legislation recognises the practical limitations on the theoretical freedom of contract. It recognises that the consumer is in an inferior bargaining position and needs the protection of the law. The Government believes that a party ought not

to be bound to harsh and unconscionable terms in a contract to which, in his inferior bargaining position, he has "agreed". The courts have provided relief in certain sorts of unconscionable bargains, but judicial innovation is too slow to take account of the reality of twentieth century conditions. I seek leave to have the remainder of the explanation incorportated in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

The draft Bill confers on courts a new and wide discretion to strike down, or modify, unjust contractual provisions. Moreover, it contains a power enabling the Supreme Court on the application of the Attorney-General to grant an injunction against persons who habitually embark on commercial conduct that leads to the formation of unjust contracts. The Bill is to some extent based upon the very valuable work done by Professor J. R. Peden, who has prepared a report on this subject for the Attorney-General of New South Wales.

In view of the importance of this measure, it is proposed that at the conclusion of the second reading debate it be referred to a Select Committee.

Clauses 1 and 2 are formal. Clause 3 sets out the various definitions necessary for the purposes of the new Act. The definition of "contract" is wide enough to embrace arrangements consisting of interrelated series of contracts or agreements. Such arrangements may occur in hire-purchase transactions and in a number of other commercial contracts. The definition is designed to enable the court to look at such an arrangement as a whole to determine the effect of individual contractual provisions within the context of the total scheme. Clause 4 deals with the application of the Act. The Act will not apply to a contract made before the day on which the Act comes into operation. However, where by virtue of a variation or renewal of an existing contract, the life of a contract is extended, the Act will apply to the contract during the period of extension.

Clause 5 sets out the powers of the court in relation to an unjust contract. Subsection (1) enables the court to declare a provision of the contract void, or alternatively to vary the terms of a contract so as to avoid the injustice. The court is empowered to make ancillary orders in order to give effect to a variation in the contractual terms. Where an order is made in respect of an instrument registered under the Real Property Act, the Registrar-General is required to give effect to the order either by cancelling an instrument that has been declared void by the court, or by filing a copy of the order with the registered instrument and making consequential notations upon the Register Book. It should be noted that in determining whether a contract is unjust, the court is not entitled to take into account circumstances occurring after the contract was made which would not, at the time of the formation of the contract, have been foreseeable. A court may exercise the powers conferred by the Act in any proceedings founded on the contract. An aggrieved party may additionally institute proceedings of his own motion. These proceedings must be commenced, according to the value of the consideration passing under the contract, either in the Supreme Court or a local court, but when the proceedings relate to an industrial matter they must be instituted in the Industrial Court. The court is not to grant relief under the new provisions in respect of a contract that has been fully executed unless it is satisfied that it is reasonable in the circumstances of the case for the proceedings to be instituted after the execution of the contract and that the proceedings were commenced as soon as was reasonably practicable in all the circumstances of the case.

Clause 6 enables the Supreme Court, on the application of the Attorney-General, to grant an injunction against a person who has embarked, or is likely to embark, on a course of conduct leading to the formation of unjust contracts. The Supreme Court may prescribe or otherwise restrict the terms upon which the defendent may enter into contracts of a stipulated class. Clause 7 prevents persons from contracting out of the provisions of the new Act. It also provides that no estoppel arises from any acknowledgment, statement or representation of a party to a contract or any action taken with a view to performing an obligation arising under the contract. Clause 8 provides that the new Act will not limit the effect of existing laws.

Mr. TONKIN (Leader of the Opposition): This is a significant Bill, and I make clear at the outset that the Opposition would not in any way have agreed to this course of action had it not been that it is for the express purpose of referring the Bill to a Select Committee. Bearing in mind and realising that the matter will be investigated thoroughly by a Select Committee, certainly I do not object to considering it this evening or to saying a few words on it.

I find it difficult indeed to accept many of the propositions that have been put forward in the explanation. As I understand it, there has arisen a need in the Attorney-General's mind, and certainly that need would be echoed in specific instances, for some way in which people should be protected yet again from themselves in respect of contracts into which they enter with inducements when perhaps they would otherwise, if such inducements did not exist, look very hard at the contract, and not sign it.

The obvious case is the case of the dance studio where people who are attracted to a dance studio move in for one or two trial lessons, decide that they like the convivial company that is offered at the dance studio, and are induced, in a perhaps semi-hypnotic state and with the prospect of delights to come, to sign a contract for some 20 or 30 lessons, usually at a considerable sum for each lesson. Once the contract is signed all too frequently the pleasures that have been promised do not eventuate and the attraction for the whole exercise seems to be lost altogether.

When the individual tries to get out of his contract because he is not getting from the arrangement the services that he thought he might, he finds himself bound by that contract in a very legal way; he is required, to discharge himself from the obligations of the contract, to pay the full debt which is owing. That is the sort of situation which arises from time to time, and all honourable members have had instances of it brought to their attention. However, compared with the number of contracts specifically entered into each day, and entered into quite legally and in a fair and proper way, those cases where contracts are abused and the law of contract is abused must be counted as being an extremely small minority.

We are being asked in this legislation to take the whole question of contract law and modify it most significantly. I would think most legal practitioners, in this Chamber and outside, would regard this with a certain amount of suspicion, and I think it is only proper that it should go to a Select Committee. I cannot accept—

The Hon. Peter Duncan: With caution, rather than suspicion.

Mr. TONKIN: Perhaps caution, if one wants to be charitable, and suspicion if one wants to be a politician—

Mr. Becker: Or a realist.

Mr. TONKIN: —or a realist, as the member for Hanson says. I cannot accept the proposition that consumer protection legislation recognises the practical limitations on the theoretical freedom of contract; it recognises that the consumer is in an inferior bargaining position and needs the protection of the law. In the open market position, *caveat emptor:* let the buyer beware. When that open market situation existed, few people were not aware of the pitfalls, and few people would dream of signing a document without reading it most carefully.

The whole question of consumer legislation, if it goes too far, makes the person involved or people in the community far more susceptible to fraud, and certainly far more in need of the consumer protection which has made them more susceptible to fraud. That is an involved way of saying that it is a vicious circle. I, for one, am very suspicious of too much consumer protection, because I think the individual must always take some responsibility for his own actions. Therefore, I will not recognise that the consumer is automatically as the Attorney says, in an inferior bargaining position and needs the protection of the law.

We see that the draft Bill confers on courts very wide powers indeed, and certainly new ones. The court is going to be able to move in and modify unjust contractual provisions. This, to me, implies that the courts will rule not on matters of pure law but on matters of judgment, on matters of justice but involving judgment, and a judgment of the terms laid down. We heard in this House not long ago, in respect of another taxing measure, that there should be no right of appeal to courts from a decision of the Treasurer, and the position was put to us very clearly that no appeal was possible because it did not involve any points of law, that the decision of the Treasurer would not involve any points of law, and that therefore there was no point in having an appeal to a court. When things are different they are not the same, as is usual with the Labor Party.

I cannot understand or justify that provision, either. It contains a power enabling the Supreme Court, on the application of the Attorney-General, to grant an injunction against persons who habitually embark upon commercial conduct that leads to the formation of unjust contracts. In whose estimation are they unjust? Is it the estimation of the Attorney or of the courts? Unjust on what basis? On a matter of law, or a matter of judgment? They cannot have it both ways.

I want to see this measure go to a Select Committee, and I want to see the report of that committee. I think it is vital that we do. We all know the Attorney's attitude towards consumer protection, and towards people such as Real Estate Institute members. We know his attitude towards free enterprise, and certainly to contracts which he says are standard-form contracts. The implications of this Bill are very wide and very serious.

It is not my intention to speak any longer, because this is a matter which will be spoken to in this House when the report of the Select Committee is tabled. I simply say that I regard it with a great deal of caution and suspicion at this stage, and I shall want to be sure that the Select Committee report covers all of these grounds. Therefore, I call publicly on all members of the legal profession, and the Law Society in particular, to take every opportunity of examining the proposed legislation and making their views known strongly to the members of the Select Committee and, if necessary, to members of this Parliament. It is a very wide breakaway from commonly accepted practices. I know that we set the pace in many other things in this State, but I am not sure that I go along with setting the pace in this way.

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

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

Motion carried.

Mr. GOLDSWORTHY (Kavel): This is a fairly unsatisfactory situation in which the Parliament finds itself. Although I may be mistaken, I cannot recall a case where a second reading debate has been virtually excluded because a Bill is brought in and the first thing members see of it is a copy of the Bill—

Mr. Tonkin: That was agreed to.

Mr. GOLDSWORTHY: I cannot help that. We are going to send it off to a Select Committee. My understanding is that the Bill goes off to the Select Committee at the termination of the second reading debate, which we have now entered. We have jumped in cold from the deep end. The second reading debate is concluded, the Bill goes to a Select Committee, it comes back, and the report of the Select Committee is noted. The Bill then goes into Committee. As far as this House is concerned, the second reading debate is over and done with.

The Hon. Peter Duncan: There is a debate on the report of the committee.

Mr. GOLDSWORTHY: That is all very well, but it is not the second reading debate of legislation before the House. That is a motion that the report be noted.

Mr. McRae: It is the full thing, and it has been done twice in the last 12 months.

Mr. GOLDSWORTHY: On what occasions?

Mr. McRae: The Mental Health Bill was one and the Health Commission legislation was another.

Mr. GOLDSWORTHY: There was a second reading debate on the Mental Health Bill, which I recall quite well, and on the Health Commission legislation. The first glimpse we have had of this Bill is tonight, the second reading debate as such is about to conclude, and the Bill is to go to a Select Committee. That is not a particularly satisfactory way in which to conduct the affairs of Parliament. The Minister should more properly have given notice, brought in the Bill and let members research it, had a debate, and then sent it off to a Select Committee, if that is the decision of the Parliament.

At first glance, some things in the Bill look odd to me. There is a reference on page 4 to the fact that the court is enjoined in the following terms:

> *(a)* The proceedings were commenced as soon as was, in the circumstances of the case, reasonably practicable after execution of the contract;

What does that mean? It continues:

> *(b)* it is reasonable, in the circumstances of the case, to entertain the proceedings notwithstanding that the contract has been executed.

It seems to me that, although the Attorney-General may think he is well motivated in introducing this legislation, it is very much up in the air and could lead to all sorts of cases being instituted before the courts. They could be instituted before the Supreme Court. The other choice open to anyone who wanted to complain about a contract would be to appeal to a court of limited jurisdiction if the amount of the contract did not exceed $4 000. If it exceeded $20 000, the appeal would be made to a local court of full jurisdiction.

It seems to me that people will be given the opportunity to complain about any contract and to institute proceedings before one of those three courts and that, for

capricious reasons, when one has no firm basis for complaint, one can hold up the process of the contract simply by appealing to one of those courts.

Mr. Tonkin: It could be a shambles.

Mr. GOLDSWORTHY: That is so. It could cause all sorts of litigation, and people could hold up contracts for any reason. This Bill is being thrust through the House in five minutes. I shall certainly be interested to see what the Select Committee comes up with. However, I do nqt approve of the action of denying the second reading debate for the purpose of pushing a Bill out of this House to a Select Committee, as is being done at present.

Bill read a second time and referred to a Select Committee consisting of Messrs. Bannon, Dean Brown, Duncan, Klunder, and Nankivell; the committee to have power to send for persons, papers and records, and to adjourn from place to place, the committee to report on February 21, 1978.

ADJOURNMENT

At 10.3 p.m. the House adjourned until Wednesday, November 2, at 2 p.m.