HOUSE OF ASSEMBLY

Thursday 15 February 1979

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

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

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

RESIGNATION OF HON. D. A. DUNSTAN

The SPEAKER: With regret, I have to inform the House that I have received the following letter, dated 15 February 1979, from the Honourable D. A. Dunstan:

> Dear Mr. Speaker,
>
> I have decided to relinquish my position as the Premier of South Australia and as a member of Parliament. Therefore, I respectfully tender my resignation as the member for the State electorate of Norwood.
>
> May I express my appreciation for the courtesies extended to me at all times during my terms in the House of Assembly.
>
> Yours sincerely,
> DON DUNSTAN, Premier

The Hon. J. D. CORCORAN (Premier and Treasurer): I desire to inform the House that at a meeting of the Parliamentary Labor Party this morning I was elected as its Leader and therefore have been sworn in as the Premier of this State. I want, without notice, to move:

> That this House expresses its profound regret at the untimely resignation on account of ill health of the Honourable Don Dunstan as Premier of South Australia, and as a member for Norwood in the House of Assembly for many years, and conveys to him and his family best wishes for his speedy recovery, and places on record the great debt owed by both the Parliament and this State over many years for the work he has performed with such outstanding ability.

Members: Hear, hear!

The Hon. J. D. CORCORAN: It is a sad day indeed for me personally. It is a sad day, I believe, for every member on this side of the House, and indeed for every member of this House. Not only all South Australians but all Australians will regret the fact that Don Dunstan has had to tender his resignation in the circumstances in which he has. He is a very great Australian: he has a very astute political brain. It is my personal opinion that he is among the great (if not the greatest) Premiers of this State. I do not say that in a sense of being biased. If anyone fairly examined his record over his years in this Parliament and his years as a Minister and Premier of this State, they could not help but come to the same conclusion.

Don Dunstan, of course, is a great personal friend of mine. We are from entirely different backgrounds, and I suppose have entirely different interests, yet serving him as his Deputy, as I have, I found, indeed, so many areas in which we got on so well, and I think we have demonstrated over a period that we are an extremely effective team. I do not want to sound as though I am being ostentatious.

Don Dunstan has great personal qualities. His integrity is absolutely beyond reproach. His thoughtfulness and compassion for his fellow man is best demonstrated by the way he treats those who work with him and are close to him. Indeed, by his actions over a period of time he has demonstrated so effectively to the people of this State his great concern for disadvantaged groups within our society! Aboriginal, legal reform, welfare, the sick, poor, and needy—all those people and many more will be very sad indeed at the decision that Don has had forced upon him.

I do not for one moment want people to think that Don Dunstan is in such a way that he will not come back and be a prominent and useful citizen for South Australia. Don Dunstan needs a break; Don Dunstan will now get that break. It is the pressures and tensions of this office that have led him to be in the condition he is in today. He has to get away from that, and indeed he would not, I believe quite frankly, be able to ever cope again with the pressures or the tensions that go with this office.

It is because that is inconsistent with the duties of this office that Don Dunstan took the decision that he did: he took that decision without flinching, demonstrating the courage that he has demonstrated to South Australians, Australians, and people overseas during and throughout his political career. He has a very special brand of courage.

Any reformer, of course, needs that. Don Dunstan is a man of vision, and he is never afraid to confront in order to change. When people examine the legislative reform they will find that the greatest thing Don Dunstan did, and I know that Don Dunstan is proud of this, was to pursue relentlessly electoral reform in South Australia. I do not say that in a political sense: it is a fact. I believe that highlights him as one of the greatest democrats of our time. We are now one of the most democratic organisations of our time in the Western world, as a result of the great efforts and the tenacity of Don Dunstan.

I believe that South Australia is a much better place in which to live as a result of the efforts of Don Dunstan.

I am certain that Don will recover, and he will be back, I hope. I do not know what his immediate plans are but, whatever they are, I hope that he will be back and that he will continue, as I know he will. I know he wants to come back, because I know of his very great disappointment in not being able to continue as Premier and so realise the vision that I have referred to. I am certain that everybody in this House will join me in supporting the motion that I have read to this House.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I second the motion, and I do so with a heavy heart. As the Premier has said, Don Dunstan was, and is, a man with a vision and a dream of what South Australia ought to be, what kind of place it should be, and what kind of values it should have. He is a truly remarkable man, because he found himself in a position to do things to bring that vision closer to reality.

The Premier has mentioned many of the things with which Don is most intimately concerned. Those include the improvement of standards in education, health, and welfare; the question of electoral reform; his passion to develop Adelaide and South Australia as a centre of cultural activities; the Festival Theatre complex; the establishment of the State Theatre Company; the State Opera; the Jam Factory; and a whole series of initiatives in the arts and cultural area that owe their existence to Don's pragmatic determination to see things done. I know that many people in South Australia think of him as an intellectual, but I must say I am one who has always regarded Don Dunstan as a very pragmatic person, who was really happy only when he was getting things done.

I also testify to Don's great political courage. I do not believe that there is any politician in our history who is regarded by ethnic groups and by Aboriginals in this State in the way that Don is regarded. Don Dunstan has communicated with ethnic minorities and with Aborigines

within our community in a way that they all regard him as their friend. No-one else in the history of this State, or indeed in Australia who has been in public life, has ever achieved that kind of communication with the people. That kind of communication requires great political courage. He was the Leader in the movement within the Australian Labor Party against the White Australia Policy, often against the advice of close colleagues and often against advice that it could cause political damage.

In the period from 1965 to 1968, when, as Minister of Aboriginal Affairs, he first introduced reforms in that area, invariably it was against the advice of many people who were close to him that it would cause him political damage. In no instances that I know of in matters relating to ethnic groups, the position of women in the community, Aborigines, race relations generally, and the attitude to Asian people, did Don Dunstan ever back off from what he believed was the right thing to do. As a consequence, he is, in a country such as Malaysia, for example, the best known and best loved foreigner. That is a remarkable tribute to a very remarkable man.

The Labor Party, to which he has given his loyalty over the years, will sorely miss his leadership and his active involvement; I am sure we will still have his counsel. I hope, like the Premier, that when Don Dunstan is fully well the South Australian community will have once again, in varying roles perhaps, his active involvement.

When I first knew Don Dunstan, he often mentioned the Government of the 1890's led by Charles Cameron Kingston as a Government that led not only Australia but the world in various kinds of reform—arbitration, votes for women, the establishment of a State Bank, and a whole series of reforms that date from the 1890's in this State. I reached the conclusion long ago that Charles Cameron Kingston does not really stand up by comparison with Donald Allan Dunstan.

Mr. TONKIN (Leader of the Opposition): The first duty I must perform this afternoon on behalf of the Opposition is to congratulate the Premier on his appointment and his election to the leadership of his Party. I am quite certain, however, that everyone on this side of the House would regret the circumstances in which this came about. We are very sorry indeed that ill health has caused the ex-Premier, Don Dunstan, to decide to resign from his position. It was a decision which must have been extremely difficult, and one with which we are most sympathetic. As Premier, and as member for Norwood, he represented his electors admirably.

My first contact in the political scene came when I stood against him in the seat of Norwood in 1968. In one way or another, we have followed each other's careers, even from school days. He has been a notable South Australian, and I believe that the Premier and the Minister have said everything that can be said. He has achieved a tremendous amount for his Party. He has left a mark on South Australia. It is not in any way an exaggeration to say that his resignation represents the end of a political era in South Australia. I think everyone in this House and everyone in South Australia will agree with that.

We have watched and regretted the great personal sorrow which he has suffered recently. We wish him a speedy recovery from his present illness and an enjoyable retirement. I support the motion with feelings of great regret that this has become necessary.

Mr. MILLHOUSE (Mitcham): I still feel quite numb at the news. The first I heard of it was as I walked through Victoria Square and a taxi bloke called out and told me what had happened. I could scarcely believe it. I still feel numb, but I support the motion and I should like to speak briefly to it.

Certainly, the Leader of the Opposition is right in saying that this is the end of an era. The face of politics in South Australia will be changed from this day on (there is no doubt about that), and I certainly convey again, as I have done personally to the Premier, my best wishes to him in his leadership of the Government and of his Party.

Politics apart, my first reaction is a personal reaction. I think, on looking around the Chamber, that I have probably known Don Dunstan longer than has anyone else—even from school days, although he was a big boy at school when I was a youngster. I have known him since then, and our careers have in some ways followed each other. We have been at odds on many political matters (probably on most), but by no means all of them; electoral reform and Aboriginal and racial matters are issues on which we were not at odds. However, I have been used to being opposed to him in political matters. It will be a strange feeling for me not to have him in this House always on the opposite side, even though sometimes we agreed. For me personally (and this is my greatest reaction at the moment), I will miss him greatly indeed.

Dr. EASTICK (Light): I support completely the motion moved by the newly elected Premier. My knowledge of Don Dunstan and of his qualities of integrity, which have been referred to, arose when, in 1972, I became what one might term his immediate political adversary. On that occasion, he offered not only the hand of friendship to me (and this was important), but also an open door at all times for, to use his own words, the opportunity to discuss man to man those matters that Leaders should talk about in the interests of the State they both represent. Such discussion could take place in the complete knowledge that there was trust one for the other, and that there would be no release of information one from the other which would cause any mischief or concern.

For the period during which we were immediate adversaries, that discussion took place as was necessary, and a situation never arose where the discussions were released beyond the appropriate point. I should like to believe (and I know that Don Dunstan would believe) that South Australia benefited as a result of those discussions on those occasions. I express on behalf of my wife and myself and, I believe, all other members the hope that the days ahead will be successful for recovery of the ex-Premier—not only that the recovery will be successful but that it will be speedy and complete.

Mr. BLACKER (Flinders): I add my support to the comments of previous speakers, and support the motion. It is indeed a sad day when any man should be forced to retire from his chosen profession because of ill health, and that is something with which we all humbly agree. Being an opponent of Don Dunstan's on many occasions, I have said publicly that he is a very astute man and, indeed, a very credible and formidable opponent as Premier of South Australia. From an Opposition point of view, he has been a difficult man to provide an alternative to. I have also said publicly that Don Dunstan's name will go down in the history of the State. Not only do I add my regrets about the reasons why the Premier should be obliged to retire, but I also offer my congratulations to the incoming Premier and wish him well in his new job.

The SPEAKER: As Speaker of the House, I share the feelings of other honourable members on hearing the news of Don Dunstan's retirement. Being in this place at the time, I can say that the staff knew Don Dunstan very well,

and recognised his kindly nature and the help he gave them. Therefore, the staff of this House regret what has happened and wish him well in the future.

Motion carried unanimously.

PETITION: PORNOGRAPHY

A petition signed by 17 electors of South Australia praying that the House would pass legislation to provide for Ministerial responsibility to adequately control pornographic material was presented by Mr. Hudson.

Petition received.

PETITION: SUCCESSION DUTIES

A petition signed by 33 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 enjoyed at least the same benefits as those available to other recognised relationships was presented by Mr. Harrison.

Petition received.

PETITION: VOLUNTARY WORKERS

A petition signed by 182 residents of South Australia praying that the House would urge the Government to take action to protect and preserve the status of voluntary workers in the community was presented by Mr. Wotton.

Petition received.

QUESTIONS

SUCCESSION DUTIES

Mr. TONKIN: Can the Premier say whether the Government will now urgently reverse its policy of retaining succession and gift duties in South Australia, so that the loss of investment and capital from this State can be stopped? Recent reports indicate that Queensland, the first State to abolish succession duties, has enjoyed a massive inflow of investment and capital since that time, and an upsurge of industrial activity. Sir Bruce Small has reported a record $86 500 000 in building permits for the Gold Coast City Council for the financial year ending 30 June 1978, and another $88 000 000 for the seven months to the end of January this year. These are all-time records. Sir Bruce has told me that the major reason which is constantly given for moving to Queensland is the lack of succession duties, while the industrial and commercial development that is occurring in that State is a close second. He says that every week he hears of South Australians moving to Queensland for those reasons, and tells me that, in the last week, a small plastics manufacturer, an estate agent, and an engineer have all made arrangements to settle on the Gold Coast, and that he knows of these people personally. Will the South Australian Government therefore urgently reassess its attitude?

The Hon. J. D. CORCORAN: The Government does not intend, at this stage, to carry out the reassessment suggested by the Leader of the Opposition. The Leader will appreciate that later in the year Budget considerations will take place and at that time the matter will be reviewed, as it has been in the past.

WELFARE PAYMENTS

Mr. MAX BROWN: Can the Minister of Community Welfare say whether any attempt has been made by his department to obtain assistance from the Federal Government through the Social Security Department to create a financial pool to cater for emergency cases where pensioners have been deprived of pension payments either temporarily or for a long period? I am sure the Minister would understand that, with the unemployment problem in Whyalla worsening every day and the steady increase of all types of pensioner cases in that unemployment environment, a real need exists for quick and positive action by the Social Security Department in cases of hardship. I can assure the Minister that invariably in every case in which I have been involved during the past few months (and there have been plenty of them) children have been the real sufferers. I sincerely believe that, if a financial pool was set up perhaps administered by the Minister's department or jointly with the Federal department, much of this real hardship could be avoided. However, at the moment, in many cases the State Government is having to take the financial responsibility that rightly belongs to the Federal Government.

The Hon. R. G. PAYNE: I can give the honourable member some information on this matter. In asking the question, the honourable member referred to pensioner cases; I assume he was referring to the whole range of benefits that are normally available from the Commonwealth Government, including unemployment benefits.

The history of this matter goes back to late 1977 when I raised this matter at a meeting, I think in Sydney, of State Welfare Ministers and Senator Guilfoyle, the Commonwealth Minister for Social Security. At the meeting I was supported by the Victorian Minister, Mr. Dixon, as well as other Ministers. At that time the Commonwealth was considering the payment of unemployment benefits, in particular, in arrears instead of in advance, as was the case at that time. Dialogue took place between the Commonwealth Minister and other State Ministers and between the Commonwealth Minister and me in an attempt to find out how the change would affect those persons in urgent need of benefits to take care of their families during their period of unemployment.

Initially, the answers were not satisfactory. The suggestion was made that five weeks might pass before a person with a family and children might receive any benefit. In fairness to the Commonwealth Minister, she undertook to examine the matter further and this was done. Subsequently, all States were advised, after the Minister had discussed the matter with her officers in Cabinet, that the longest waiting period for a cheque, particularly in the case of unemployment benefits, would not exceed 18 days. She said that special steps had been taken to make sure that the computer would be able to cope with that situation.

This assurance was discussed at a further meeting and was accepted and I think that, to a considerable degree, that assurance from the Commonwealth has been met. However, there are cases where this does not apply, where the receipt of a benefit needed by a person takes longer than the average time to be paid, and often these are cases of unemployment benefits. For that reason, some State Ministers, including me, asked the Federal Minister whether an emergency fund could be created, and that is what the honourable member has raised with me.

I put this matter to the Federal Minister at a meeting. It was agreed, with the support of other State Ministers, including those of a political colour different from mine, that this matter would be examined and that the

examination would take place at an officer level, involving some of the States, to see what recommendations would be made. I believe I have the chronology correct when I say that subsequent to that the Federal election was held. One of the points in the Federal Liberal Government's policy was that there would be the creation of just such a fund. Once again, speaking from memory, I think the amount mentioned was about $500 000, which would be used to cater for this problem.

During the negotiations and discussions I have been talking about A.C.O.S.S. as the parent body of the Council of Social Services throughout Australia, and other voluntary bodies have also made representations about this matter at State level and directly to the Commonwealth. They have submitted that there is a need to cater for cases of genuine hardship. In fairness to the Federal Minister, I would say that that was recognised by her in our discussions.

The progression in the agreement to examine this question has been that the officer meetings have been held, and I think that by last November certain tentative conclusions had been reached. The present position is that the conclusion reached at that time was that a survey be carried out in three States and through one major non-government agency in New South Wales. Analysis of the information gathered then has been under way.

The joint study to which I have been referring was again considered last October and the information that we received was that it was still in draft form. I understand that the report has been completed and is due to be considered at a meeting of all welfare administrators to be held at Jindabyne next week. Whilst this is a long explanation, it probably gives small comfort to the honourable member in the immediate short term as to what assistance can be given to people in the predicament he has outlined. All I can say is that I have continued to press this matter with the Federal Minister on more than one occasion and raised it only recently with her. I have no reason at this stage to doubt that the Federal Government will honour the election promise that it made to set up this emergency fund, because there does not seem to be any contention over the matter, since this proposal is supported by States of both political persuasions and by the voluntary sector as a whole.

I understand that there may be some detail that has to be settled as to whether the amounts will be made available and credited to State Governments for their immediate disbursement on behalf of the Commonwealth, or whether some further amounts may be made available through the voluntary sector, because the drain on the resources of the voluntary sector throughout Australia has become increasingly great. I can only give the honourable member and the House an assurance that I have not let this matter go, nor do I intend to let it go. The Federal Minister is well aware of this. I will continue to press for this acceptance by the Commonwealth of a necessary emergency provision for urgent cases.

ABATTOIR AREA

Mr. GOLDSWORTHY: Can the Premier say whether the Government will reconsider its proposal to establish a greatly enlarged abattoir area surrounding metropolitan Adelaide, as outlined by the Minister of Agriculture this week, a proposal that will have serious consequences for a large part of South Australia? Legislation currently before Parliament will enable the Government or the Minister to proclaim any area in South Australia an abattoir area which means, in effect, that slaughter houses in that area will be closed down.

The Minister has announced, according to this week's *Stock Journal*, the Government's proposals to declare an area stretching from Victor Harbor in the South across to the River Murray at Mannum, and over to Port Wakefield, I think. The whole of my electorate is encompassed, and a fair bit of the member for Alexandra's electorate, the member for Light's electorate, and the member for Murray's electorate, and that involves a large area of the State in this proposition. The Government's intention has become clear only in the past few weeks. Up until then, butchers and others have been asked to comment without knowing what they were commenting on, but the Government's intentions are now perfectly clear. The result will be a considerable increase in unemployment, and in the Barossa Valley the local butchers have told me that 20 slaughtermen (many of them known to me personally) will become immediately unemployed when this comes into effect. There will also be a number of other adverse consequences.

I do not know whether this is an attempt to increase trade for Samcor, and I do not know what the rationale of the Government is: it is done in the name of meat hygiene. Local government in my electorate and in others is quite happy to have regulations and safeguards spelt out, as are the butchers, because they will then know what is required. They have been asking for this for some time. However, for the Government to pursue this course will cause considerable hardship, and it will increase unemployment in country areas at a time when we should be doing our utmost to maintain employment in those areas.

A petition has been presented to this House with about 1 500 signatures from the Barossa Valley, and there will be others from the Hills area. As one who is in touch, as are other members on this side, with the personal problems involved with people who will lose their jobs, I might say that the Opposition believes that this Bill will have serious consequences and that the Government would be well advised to rethink its attitude, which we trust it will do.

The Hon. J. D. CORCORAN: I must say that I have been made aware of a number of meetings that have taken place in the various areas affected by this legislation. From the brief discussions I have had with the Minister of Agriculture on this question, it is my impression that the fears are largely unfounded. I shall be pleased to ask the Minister of Agriculture to examine the points made by the Deputy Leader and to discuss them with me to see whether or not the fears expressed by the Deputy Leader, and by many other people, are well founded or not. The legislation is currently before the House, but it has not yet been brought on for debate, as I understand it. I shall be pleased to try to get some information on it before we debate the legislation.

NEAPTR

Mr. KLUNDER: Is the Minister of Transport aware of the incredible proposal outlined by the member for Torrens in the House last night, and reported in this morning's *Advertiser*, that people in the Tea Tree Gully area could catch a bus to the Tea Tree Plaza shopping centre, catch a further bus to the Northfield railway station, and then catch a train into Adelaide as an alternative to the NEAPTR proposal?

According to the scheme put forward by the member for Torrens, someone from the Surrey Downs and Fairview Park area in my electorate who works in the Victoria

Square area would have to walk to and wait for a bus to take him to Tea Tree Plaza and would then have to change buses, travel out of his way to the Northfield railway station, and wait there for a train (because a train could not leave every time one bus turned up), then travel to the city, and walk from North Terrace to Victoria Square. Alternatively, he could catch a Beeline bus. That is a total of four different transports. The member for Torrens estimates that most of this journey can be made in some 30 minutes: my minimum estimate is about one-and-a-half hours. Most people would take their chances in their cars on the road and let the carbon monoxide engulf the inner suburbs, rather than travel three hours a day.

The Hon. G. T. VIRGO: I saw the press report this morning, and it prompted me to read the *Hansard* report, because unfortunately I was engaged on other matters when the honourable member delivered his speech. Like the member for Newland, I was rather aghast at the comments that the member for Torrens made in this House. Clearly, he has demonstrated either that he did not understand or that he refused to accept the logic of the draft e.i.s. which, together with all the working papers of NEAPTR, has been provided to him as an act of courtesy as a member in the area concerned. He has demonstrated either that they are of no value, and that we have wasted our money providing them to him, or that he does not have the capacity to understand.

Perhaps the kindest thing I can say to the honourable member is that he feels duty bound to follow the parochial dictates of the Walkerville council, because the Walkerville council area is within the honourable member's district. However, I think he should be trying to broaden his view of society and to remember that, whilst he is representing a certain district, we are also concerned with the people of South Australia. To impose on the people in the north-eastern suburbs the impediment that the honourable member proposes is absolutely ludicrous. It has been demonstrated, clearly and beyond reasonable doubt, that the extension of the Northfield railway is not a replacement of the NEAPTR proposal of the l.r.t. The honourable member knows that. He has read it, but presumably the Walkerville council will not allow him to accept it.

Mr. Becker: Shame!

The Hon. G. T. VIRGO: It is a shame, and I thank Opposition members for their support for me against the member for Torrens.

Mrs. Adamson: Rubbish!

The Hon. G. T. VIRGO: The member for Coles can "Rubbish" all she likes, because I know some people like to talk rubbish to her.

Mr. Allison: What point—

The Hon. G. T. VIRGO: The little pipsqueak from Mount Gambier can concern himself with his own problems.

The SPEAKER: Order! The Minister should answer the question. Interjections are out of order.

The Hon. G. T. VIRGO: In his statement, the member for Torrens suggests that we upgrade the railway from Cavan to Northfield. He did not explain what that was going to do or what would happen with the railway between Northfield and Adelaide. Somehow, in some miraculous way, if we upgrade the track from Cavan to Northfield, a distance of about two miles, suddenly the whole thing will become viable. What utter rubbish!

Mr. Wilson: It's only got a single track.

The Hon. G. T. VIRGO: The single track extends from Dry Creek, and the honourable member should understand that. He said he rode on it. Was he asleep? He made a claim, which is typical of the rest of his statements, that I had said that I was not certain where the money was coming from. Where did he get that? I was asked a question here yesterday, and I said that we would be making application to the Commonwealth Government for assistance under the urban public transport system and, irrespective of whether we got it or not, we would fund the project. Why should the honourable member talk garbage about the Minister's not knowing where the money was coming from?

Mr. Venning: You don't know, either.

The Hon. G. T. VIRGO: That is typical of the member for Rocky River. The member for Torrens went on to say that if the Federal Government was going to use this e.i.s. on which to base its decision on whether to grant funds to South Australia for urban public transport, the scheme may well be in doubt. Why did he say that? Is he doing what his colleague the member for Eyre is doing, undermining South Australia with Nixon? Is that his intention?

Mrs. Adamson: Oh!

The Hon. G. T. VIRGO: The member for Coles can say "Oh", but if she heard what the member for Eyre said about the Marree airstrip she would know that the member for Eyre was undermining South Australia. I fear that the member for Torrens is doing exactly the same as regards the l.r.t. proposal. I think that the honourable member and all other members ought to get into their heads that South Australia cannot afford not to put in that scheme. The honourable member can be used as a puppet by the Walkerville council for as long as he chooses, but the interests of South Australia as a whole are of far greater importance than is the parochial self-centred interest of a few members of that council.

SAMCOR

Mr. RODDA: Can the Premier say whether the Government intends to release to the House the contents of the report of the Potter Committee, which inquired into the ramifications concerning the Samcor meatworks? Today's *Stock Journal* contains a report under the heading "Government seeks explanation of Samcor trading area". In view of the discussions the Opposition has had with Government officers, it appreciates that it is an unfortunate headline. This vexed question, which is worrying country people, was highlighted by the member for Kavel. The slaughtering and processing of meat, irrespective of whether it is for export or home consumption, notwithstanding where it is slaughtered, is vitally important to South Australia. It goes beyond politics. Real concern is expressed in the community that these slaughter houses will close down, thus having a socio-economic effect on the areas in which they are located.

The main fear spreading throughout the country is that the octopus of Samcor will slow down the hinterland of the near metropolitan area. So, much is tied up in the report of the expert committee, headed by Mr. Potter. I understand that it is a Ministerial report. An Opposition *ad hoc* committee is examining Samcor's operations. The *ad hoc* committee comprises the Hon. Boyd Dawkins and the Hon. Trevor Griffin, the convener of the committee (both from another place), and the member for Light and me. We have been examining the situation for about nine months. We have not used our position or information given to us for political reasons, because we see the need for Samcor and its use as a service works. It would assist the *ad hoc* committee if it could be supplied with a proper, constructive and fair view on the continuation of Samcor

in its proper perspective and the position that will arise as a result of the Meat Hygiene Bill, which will be good for South Australia and for people living in the various districts.

The Hon. J. D. CORCORAN: I shall be pleased to discuss the honourable member's request with Samcor and let him know as soon as I can whether the report can be released.

PORT ADELAIDE LIBRARY

Mr. WHITTEN: Can the Minister of Community Development provide the House with any information concerning the Port Adelaide Public Library, which commenced operations earlier this year? Is he able to say whether the library is being well used, and can he state what financial provision has been made under the arrangements for the western library project?

The Hon. J. C. BANNON: The library to which the honourable member refers was opened on 8 January this year, and the response to that facility in the Port Adelaide district has been extremely gratifying. The new Port Adelaide Central Library is coupled with a mobile library, which has been operating from the beginning of the year, has also been receiving a tremendous public response. The library subsidy given to Port Adelaide for 1978-79 as a direct grant from the Government was $53 600. The sum set aside to stock the library was $26 000, and $27 000 has been provided for administrative expenses involved in running the library. This shows that a considerable sum of Government resources has been put into the library, but that is well justified, as indicated by the response of the people of Port Adelaide.

From 8 January to the end of January, a holiday period, 581 borrowers had registered, even though a number of borrowers in the Port Adelaide area have probably registered with the State Library. That is an extremely encouraging figure. Transactions totalling 3 638 took place to the end of January. The mobile library, too, is enjoying considerable success, it having had about 2 000 registered borrowers at the end of January. Over 20 000 transactions have taken place since the mobile library has been in operation in the Port Adelaide area from the middle of July. Regarding the library and the mobile library, and the ancillary service at Semaphore, one can see that the western region library project has not only directed considerable resources to that area but also that the people have responded magnificently to those resources and demonstrated how correct the Government was in its priorities.

TOWNSEND HOUSE

Mr. MATHWIN: Can the Minister of Education say whether the previous Minister of Education, Mr. Hudson, signed an agreement or contract with the Townsend House board which included the demolition of all old buildings at Townsend House and whether he then promised a local pressure group that the old buildings would not be demolished? If that is so, what does the Government intend to do to honour one or both of these agreements? An article in the *Advertiser* on 8 February, under the heading "Historic house a vandal target", stated:

> Townsend House, a historic 100-year-old building at Hove, is being left to vandals and squatters because no use can be found for it. . .A Save Townsend House committee recently accused the State Government of failing to honor promises to preserve the building for community use. . .
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> The president of the Townsend House Board, Mr. E. Isaachsen, said the Government had agreed to demolish the building to make way for playgrounds and playing fields.

The Hon. D. J. HOPGOOD: There is in existence an agreement signed by the now Minister of Mines and Energy, on behalf of the Government, and the board of Townsend House. This agreement covered the demolition of the old building, State Government assistance to Townsend House, and the landscaping of the grounds that would become available as a result of the removal of the building. The agreement also covered negotiations with the Commonwealth about finance for building a school, which has since become a reality. Some time after that, my colleague and I were approached by a group of people from that area requesting that there be an investigation into possible alternative uses for the building in the hope that it would be preserved. This led to the setting up of the Morphett Committee, which first indicated that there should be no argument about the demolition of certain portions of the building—the excrescences, to use the term set out in the report.

It then went on to say that there could be three possible uses for the old building were it to be retained. They included the possible use of a wing of the building for the Little Patch Theatre. That report was placed before the Government and, on the basis of the finance then available and the basis of the uses that had been identified, this seemed to be a sensible procedure to adopt. However, I understand that none of the uses which were identified is now viable. I believe that other arrangements are being made for the Little Patch Theatre through the City of Brighton, and the other uses, largely to do with the rehabilitation of the handicapped, which had been identified by the committee, are being accommodated in other ways.

We are left with a building which is not in good condition and which, although it has some historic interest, is not of great historic or extraordinary architectural merit, for which there is no identified community use that would be consistent with the continuing use of the property by the Townsend House board.

Mr. Mathwin: There is a green ban on it by the builders workers union.

The Hon. D. J. HOPGOOD: I was coming to that. The blind children use the property, and one could well understand that many forms of community use would simply not be compatible with that. We have to remember that the property is owned by the Townsend House board and not by the State Government or any community organisation. That is the present lamentably stalemate situation.

In the meantime, I have gone to the Townsend House board saying that, whilst it is difficult for us to move in the light of the green ban placed on the demolition of the building, we are still prepared to stick to our side of the bargain concerning the landscaping of the remainder of the area. Certain negotiations are still proceeding with the Townsend House board.

I note (and the honourable member is no doubt aware, and possibly this is why he was asked the question) that there is an attempt to stir up a local campaign in the area for the preservation of the building. I think it is important for people to realise that, if local people really want the building to be preserved (and it is by no means certain that there is a widespread agitation in support of that proposition), and if they also want it to be used for things which are identifiable and compatible with the present use of the property, these uses have to be identified, and some

local finance has to be brought forward. I do not really see why the Government should be spending Budget money on an exercise which would merely shore up an old building for which there seems to be no community use at present.

COMMUNITY WELFARE DEPARTMENT

Mr. DRURY: Can the Minister of Community Welfare say whether any changes in organisation are occurring in his department? Advertisements have appeared in the press recently for the position of Assistant Director-General in the Community Welfare Department. My understanding is that this is a new position, and I wonder whether the resultant reorganisation will have any effect on the community.

The Hon. R. G. PAYNE: A management reorganisation is occurring within the department. The result of the reorganisation, which has been approved by the Public Service Board, is to ensure that policy planning and development within the department become even more sensitive to local needs.

It is proposed to increase the department's regions which presently exist throughout the State from five to six, and the new region will be called the central-eastern region. The six Regional Directors concerned will be given greater management responsibility and will also become responsible for the continuing development of many of the department's specialist services, including adoption, services to the aged, court services, crisis care and youth services. I believe these moves will ensure that the departmental services are geared towards efficient service delivery.

Another point of interest is that the six Regional Directors will be members of the department's top management body, the Policy and Operations Committee. This will enable the views of field staff coming in through the Regional Directors and the needs of their clients to be heard at the highest management level within the department, the Policy and Operations Committee.

The duties of the Regional Directors that would have applied prior to this reorganisation have been substantially changed and, in line with normal Public Service procedures, all six positions are being advertised. The honourable member has referred to the position of Assistant Director-General. He is quite correct in surmising, as he did, that this is a new position within the department. An analysis of the operations of the department recently has shown that there has been too great a loading on the two senior officers who presently occupy the position of Director-General and Deputy Director-General, and the Public Service Board has agreed there is a need for a further senior person at top level.

In answer to the final part of the honourable member's question, I believe the effect will be to provide for even better local sensing of the needs of the community and, just as important, the meeting of those needs where possible. One other function of management which will be involved in the reorganisation will be a greater emphasis on evaluation. The purpose I have in mind, together with the senior officers in my department, with the increasing emphasis on the evaluation of our operations is to try to get the best value for the welfare dollar at the delivery end, that is, where good service is needed and is being received.

TENDERS

Mr. BLACKER: Can the Minister of Works state whether the Government has any say, or could it make recommendations to the various Government departments and statutory authorities that undertake construction work, in whether supplies for the various country projects are purchased at or near the relevant work sites? I am not suggesting that monetary concessions be allowed to country suppliers, but I am asking whether suppliers in country areas, as a matter of policy, can be given an opportunity to quote or tender for the supply of materials on site. Many country businesses are having a difficult time, and in many cases staff are being put off. For the many small construction jobs that have been completed in my district recently, very few supplies have come from local businesses. On inquiring, I was told that local businesses have seldom been given the opportunity to tender.

The Hon. J. D. CORCORAN: No such direction or policy, to my knowledge, is given to contractors doing work in country areas, or any other area. I think the honourable member would appreciate that this would be fairly difficult to administer. Indeed, I have tried as much as possible to avoid that sort of thing. After all, if a contractor is employed to do work for the Government, the price and everything he uses on that contract are governed, I suppose, by the cheapest source of material, and that might not be on the local scene. Although I believe it could be unwieldy, I will certainly have a look at the suggestion to see whether or not some consideration could be given to the local purchase of materials.

ANSTEY HILL WATER TREATMENT PLANT

Mrs. BYRNE: Can the Premier, as Minister of Works, obtain a report as to the progress made on the Anstey Hill water treatment plant project, and any other relevant information?

The Hon. J. D. CORCORAN: I shall be happy to do that. I know that the project is on schedule. I think it will probably be on stream towards the second half of this year. I say that with some qualification because, as the honourable member would appreciate, a water treatment works is something that has to be brought on stream slowly. It is a matter of trial and error in many cases. It will not take much longer. I do not know whether the honourable member has seen the work recently, but it is certainly progressing rapidly. I will get a detailed report and let the honourable member know as soon as I can.

REFERENDUM

Mr. BECKER: Will the Premier say whether the Government intends to proceed with a referendum to curb the powers of the Legislative Council to refuse supply, as outlined in his Party's policy speech at the previous election? During the last State election the Government's policy speech contained the following reference to a referendum:

> A referendum will be put to the people about removal of the power of the Legislative Council to refuse supply to a Government with majority support in the House of Assembly.

I understand that only once has supply been refused by the Legislative Council—in the 1911-1912 session. The Council made suggested amendments to the Appropriation Bill to reduce the line "Public Works" by £10 000, and the line "Miscellaneous—Commissioner of Public Works" by £1 000. The suggested amendments were

disagreed to by the House of Assembly, a conference of managers failed to reach agreement, and a general election was called.

The Hon. J. D. CORCORAN: The Government has no such plan at the moment.

SALVATION JANE

Mr. VENNING: Will the Premier say whether the decision to release the biological control beetle for the eradication of salvation jane was made by Cabinet, or was it a purely Ministerial decision? I believe that the Premier is well aware of the significance of salvation jane to the State of South Australia, particularly to the northern part of the State. It has provided wonderful feed during drought times, and is significant to the bee industry. I t provides a useful food for bees. Its nectar is extremely important. In addition, its pollen content is far greater than that of most other plants. The ability of the bee to benefit from pollen from salvation jane helps the development of healthy hives in South Australia. In South Australia access to salvation jane means that our apiaries are far healthier than those elsewhere. The nectar content of salvation jane produces honey that is greatly sought after by the Japanese market. Indeed, insufficient honey is produced from salvation jane to meet the overseas market.

The Hon. J. D. CORCORAN: I cannot recall offhand whether or not the decision to release this beetle was made by Cabinet. I will inquire of the Minister of Agriculture. I am aware of the concern that has been expressed by apiarists in certain parts of the State, and I will ask the Minister of Agriculture to consider that aspect as well. I think, on the other hand, the honourable member would appreciate that in certain parts of the State it is desired to we have some control over this weed. I know that in other parts of the State stock have become accustomed to eating it as fodder, and in fact do quite well on it.

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

The SPEAKER: Call on the business of the day.

ABORIGINAL HERITAGE BILL

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

The Hon. J. D. CORCORAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to provide for the protection and preservation of sites and items of sacred, ceremonial, mythological or historic significance to the Aboriginal people; to repeal the Aboriginal and Historic Relics Preservation Act, 1965; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Honourable members will recall that last year the Government introduced legislation to protect our European cultural heritage. This was effected by the passage of the South Australian Heritage Act, 1978. The current Bill aims to improve the means of protection of the indigenous cultural heritage of this State. Currently, protection is provided for Aboriginal heritage through the Aboriginal and Historic Relics Preservation Act, 1965, which has not been amended since its introduction. Now it is intended to repeal that Act and introduce a new Act, to be called the Aboriginal Heritage Act, which will remedy the deficiencies of the current legislation, rationalise heritage legislation in this State, and, more importantly, will give greater recognition to the unquestionable right of Aboriginal people to have a say in what happens to their heritage.

In recent years, the Aboriginal people have been seeking greater recognition of, and searching for, better ways of maintaining an alive and vital relationship with their cultural traditions. There is no exaggeration in saying that after many decades of cultural shock and disintegration, there is a renaissance of indigenous Australian culture in the sense of renewed pride in the significance and relevance of these ancient and unique traditions by the Aboriginal people of this State, and indeed in Australia as a whole. The European cultural traditions that are embodied in this very House have often not displayed sympathy and understanding for these very different traditions. Increasingly, though, those of us who carry the cultural baggage of Europe are coming to recognise the validity of these traditions as a highly significant source of social identity for the Aboriginal people.

No cultural tradition can survive or remain vital without aware members of its society to pass its meanings and significance from one generation to another. No cultural tradition can survice if the artifacts, buildings, paintings, and sites which are the products of that tradition are destroyed or allowed to disintegrate. Aboriginal cultural traditions are particularly sensitive to the depredations of other cultures—the populations are small—but more importantly, the landscape itself assumes great significance in these traditions. It is essential that we provide for the protection of sites of significance for these traditions if the traditions themselves are to survive and prosper. This legislation seeks to do this.

There has been a tendency in the past to regard Aboriginal cultural traditions as interesting fossils of defunct social formations irrelevant to our own times. It is that kind of attitude which resulted in legislation about relics. This new Act recognises that Aboriginal cultural traditions are not dead with only the remains to be protected but are alive traditions which Aboriginal communities themselves must play the major part in conserving, preserving and passing on for the benefit of their future generations. This proposed new legislation will substantially improve the protective measures for preservation of Aboriginal heritage in this State, enhance the social identity of Aboriginal communities and stimulate a greater appreciation of Aboriginal culture and history in the community generally.

As I have indicated, there are a number of deficiencies in the current legislation. A major deficiency is that the Aboriginal and Historic Relics Advisory Board, as constituted under the existing Act, does not provide for Aboriginal representation. It is proposed that the board be replaced by an Aboriginal heritage committee of nine members appointed by the Governor, of whom at least three would be Aboriginals. I will be seeking at least one representative from a tribal group. This will enable Aboriginal people to have much greater involvement in matters relating to the preservation and protection of places and objects of sacred, ceremonial, mythological or

historical significance, and the protection of Aboriginal remains.

The Government is also concerned to rationalise heritage legislation in this State. At present there is some overlap between the Aboriginal and Historic Relics Preservation Act and the Heritage Act.

It is proposed that the new legislation will be wholly concerned with the protection of Aboriginal items and sites, and not the pre-1865 European heritage as it is at the moment. This will focus the proposed new legislation on Aboriginal heritage.

Another major deficiency in the current Act is that it provides inadequate protection for sacred sites. The present Act provides only a trespass clause for protection of relics in prohibited areas but does not provide adequate protection for sacred sites. The lack of effective protection is becoming more serious because of the increasing demands on remote areas in which most sites are located. The effects of recreation and mineral exploration activities on Aboriginal artifacts and sites, and the inaccessibility of sites in such remote areas, all mean the current legislation has not been successful in providing the proper protection. The proposed legislation therefore aims at greater protection of sacred sites through restrictions on entering such areas without the written permission of the Minister.

To enable the Minister to be aware of which sites and items are under threat from mining, pastoral and other land use activities, a new register of Aboriginal sites and items will be prepared as soon as possible. Much effort will be expended in achieving this objective. When an accurate documentation of sites, items and protected areas has been compiled the Government will consider amendments to the Mining Act, the Pastoral Act and the Crown Lands Act. These amendments will be designed to give greater protection to the Aboriginal heritage of this State. Provision is also made in the Bill for the control of trade in secret or sacred Aboriginal relics. Occasionally, there is offering for sale of such objects by the general public which cause offence to traditionally-orientated Aboriginal people in the State. The Bill will ensure that items of the Aboriginal heritage are not offered for public sale or display without the Minister's consent.

Under the current legislation, arrangements for declaring prohibited areas or historic reserves entail obtaining permission of the owner which is very cumbersome in practice. Protection should be afforded even if the present owner is not entirely willing. It is pointed out that under the Heritage Act there is no provision for owner consent to registration of items of European cultural heritage. The current Bill dispenses with consents. Indeed it would be derogatory to the Aboriginal people if such consents were required in relation to their heritage but not in relation to our European heritage.

Clauses 1, 2 and 3 are formal. Clause 4 repeals the Aboriginal and Historic Relics Preservation Act, 1965. Clause 5 sets out the definitions used for the purposes of the Bill. Clause 6 provides that the Act should not be interpreted so as to prohibit Aboriginal customs. Clause 7 sets out the duties of the Minister under the Act including the keeping of a register of Aboriginal sites and items and ensuring the protection and preservation of such items and sites.

Clauses 8 and 9 provide for the establishment of an Aboriginal Heritage Fund which will provide for the acquisition of items and sites of Aboriginal heritage significance, for maintenance, restoration, research and measures which would promote greater awareness in the community of our indigenous cultural heritage. Clause 10 provides for the delegation of powers of the Minister. Clause 11 formally establishes the Aboriginal Heritage Committee, which is to be made up of nine persons appointed by the Governor. The committee's role will be to provide advice to the Minister on all matters associated with the State's Aboriginal heritage. It is envisaged that the committee will include at least three Aboriginal members to enable the Aboriginal people to play a much greater role than in the past in the management of the protection and preservation of their heritage. I will be seeking at least one representative from a tribal group. Other members will be appointed from Government departments having concern in this area and persons having recognised skills in archaeology and anthropology with knowledge of Aboriginal mythology.

Clause 12 sets out the terms and conditions of office of the members of the committee. Clause 13 provides for the payment of allowances and expenses of committee members. Clause 14 provides for a quorum of the committee being five out of its nine members and for general procedural arrangements. Clause 15 provides for a secretary to the committee. Clause 16 sets out the functions of the committee. These will include recommending to the Minister on the declaration of protected areas and the acquisition of Aboriginal items and consideration of any matters relating to Aboriginal heritage protection referred to it by the Minister. Clause 17 provides for the appointment of inspectors who will be members of the Police Force or any Aboriginal persons appointed by the Minister. The valuable role which Aboriginal inspectors have played in the past is well appreciated. This Bill provides for involvement of the Aboriginal people in the protection of sites and objects.

The powers of inspectors are set out under clause 18. Responsibilities include surveillance of sites declared under the Act, preventing entry of unauthorised persons into protected areas and the power to retain any item of Aboriginal heritage for investigation or legal proceedings. Clause 19 provides for compliance with the instructions of an inspector. Clause 20 establishes the processes for declaring a protected area. This includes, in respect, of Crown lands, that the Minister concerned is informed of the proposed declaration and, in respect of private lands, that the owner and occupier be informed of the proposed declaration. Provision is also made for the restriction of access to protected areas except with the written permission of the Minister and the publication of notices indicating such restrictions.

Clause 21 provides for the erection of signs at or in the vicinity of protected areas or registered Aboriginal sites. Clause 22 provides for the endorsement of title deeds with details of registered Aboriginal sites or protected areas. This will provide greater protection against damage from, for example, proposed subdivisions. Clause 23 enables the Minister to acquire land in the interests of Aboriginal heritage preservation. Clause 24 provides that no land shall be excavated for the purpose of exploring for an Aboriginal heritage item without the consent of the Minister. Restriction is also placed on the removal or interference with any item of the Aboriginal heritage.

Clause 25 provides for the excavation and removal of items of the Aboriginal heritage with the Minister's consent. This may be necessary in some cases to ensure the protection and preservation of objects which are under threat from the natural elements or pilfering. Clause 26 establishes penalties for damaging or destroying a registered item. Clause 27 requires the discovery of items of Aboriginal heritage to be reported to the Minister.

Clause 28 provides for the surrender of such items to the Minister for classification if required by the Minister. Clauses 29 and 30 provide for proceedings for offences

against the Act and for forfeiture and seizure of an Aboriginal heritage item if the owner is convicted of an offence in relation to that item. Clause 31 enables the Governor to make regulations under the Act.

The Government recognises the importance of the State's indigenous cultural heritage and the need to protect it for the present and future generations of both the Aboriginal people and other sectors of the community. This Bill represents the Government's resolve to strengthen the measures for protection and preservation of that culture.

Mr. ALLISON secured the adjournment of the debate.

DAIRY INDUSTRY BILL

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

The Hon. J. D. CORCORAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to regulate the production, distribution and marketing of dairy produce; to repeal the Dairy Cattle Improvement Act, 1921-1972; the Dairy Industry Act, 1928-1974; the Dairy Industry Assistance (Special Provisions) Act, 1978; the Dairy Produce Act, 1934-1974; the Margarine Act, 1939-1975; and the Metropolitan Milk Supply Act, 1946-1974; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to provide for the orderly marketing of dairy produce through the establishment of a Dairy Industry Authority and Dairy Industry Consultative Committee. It incorporates provisions for regional milk equalisation schemes to operate in all parts of the State, more effective complementary legislation for Commonwealth legislation, consolidation of licensing and regulatory powers and rationalisation of existing dairy industry legislation. In considering these changes to the dairy legislation in South Australia it is convenient to recall briefly the events which led to the present proposals.

At the request of the Commonwealth Government the Industries Assistance Commission presented reports on the dairy industry in 1975 and the dairy industry marketing arrangements in 1976. The 1976 recommendations containing three stages were considered by the Australian Agricultural Council and resulted in the development of Commonwealth legislation designed to stabilise the industry's marketing arrangements. Stage I legislation, introduced in July 1977, involved a compulsory equalisation scheme designed to protect the domestic market of a prescribed range of manufactured dairy products. This required Commonwealth legislation only.

Stage II of the recommendations, which allowed for manufacturing milk entitlements to farmers, was designed to bring production more into line with available profitable markets. The original proposal for Stage II, which was intended to operate from 1 July 1978, required legislation for a Commonwealth tax on all milk fat used in the manufacture of prescribed products and complementary legislation in each State. Such legislation was actually passed by this State in the form of the Dairy Industry Assistance (Special Provisions) Act, 1978. However, the Commonwealth Government, after reconsidering this proposal and a number of others, finally decided to introduce, from 1 July 1978, a system of selective underwriting for prescribed products for the 1978-79 year.

In consequence of this decision, the State Government appointed a committee of inquiry into the South Australian dairy industry in March 1977. The major terms of reference of this Committee dealt with the Commonwealth marketing arrangements and their effects on the South Australian dairy industry and market milk arrangements. The Committee was also asked to make recommendations on the organisation and administration of the South Australian dairy industry. Its recommendations were published and widely discussed by industry.

Independently of these developments, the existing dairy legislation needed amendments to meet changes which had occurred in the industry. These changes included the need for improved dairy farm, factory and milk vending standards. As these changes are currently contained in several existing Acts, a rationalisation of legislation was required.

Accordingly, this Bill has been prepared to consolidate licensing and regulatory powers in relation to the production of milk and cream and the manufacture of dairy produce, to provide for the control of milk vending, pricing, marketing and equalisation arrangements on a State-wide basis by the establishment of a Dairy Industry Authority and a Dairy Industry Consultative Committee. The Bill also abolishes the Metropolitan Milk Board and the South Australian Dairy Produce Board, and recasts, where necessary, certain provisions in the existing legislation, which, in its present form, is to be repealed. The Acts involved are: the Dairy Industry Act, 1928-1974; the Metropolitan Milk Supply Act, 1946-1974; the Dairy Industry Assistance (Special Provisions) Act, 1978; the Dairy Cattle Improvement Act, 1921-1972; the Dairy Produce Act, 1934-1974; and the Margarine Act, 1939-1975.

The Bill also provides for the market promotion of milk and other dairy produce by the authority with powers of buying and selling which relate only to promotional activities.

The Authority's operations at large are to be funded by a royalty on milk payable by producers. For this purpose, milk will be vested in the Crown at the time it comes into existence by the biological process of lactation. Property will pass to the producer upon recovery of the milk from the animal, provided the producer has entered into an arrangement with the Authority for the payment of the royalty. The authority's operations may, to some extent, involve contributing services provided by officers of the public service. It is intended that the expenditure in this area will be not more than for those services transferred from the Metropolitan Milk Board to the Department of Agriculture and Fisheries.

The Bill also provides for the creation of regions and zones and the setting up of equalisation schemes for market milk. In addition, it incorporates a clause to ensure that milk will be available in sufficient quantity and at a price to safeguard the interests of consumers. Provision is made for the establishment of a Dairy Industry Appeal Board which will hear appeals from persons aggrieved by decisions or directions of the Minister or the Authority. Finally, the Bill sets out provisions for the handling of Commonwealth moneys associated with marketing arrangements, and provides for various ancillary matters, including the power to make regulations necessary for the purposes of the proposed legislation.

Clauses 1, 2 and 3 are formal. Clause 4 defines certain expressions used in the Bill. Clause 5 repeals the Acts which are to be replaced by the proposed Act and sets out certain transitional provisions relating to the abolition of the Metropolitan Milk Board. Clause 6 empowers the Minister to delegate any of his powers and functions relating to the supervision of the production and quality of dairy produce to any officer of his department.

Clause 7 provides for the licensing of dairies, factories and wholesale stores and clause 8 prohibits the building, alteration or extension of such premises without the approval of the Minister. Clause 9 empowers a departmental inspector to prohibit the sale or disposal of milk which is unfit for human consumption. This clause also enables the Minister to make such a prohibition permanent. Clause 10 empowers a departmental inspector to give directions to prevent the contamination of dairy produce and clause 11 makes it an office for any person to sell contaminated or unwholesome dairy produce. These provisions follow closely the corresponding sections in the Dairy Industry Act, 1928-1974, and the Metropolitan Milk Supply Act, 1946-1974.

Clauses 12, 13 and 14 establish the Dairy Industry Authority of South Australia, and provide for its membership and members' terms of office. Clause 15 provides for the remuneration of members and clause 16 sets out the procedures to be adopted at meetings of the authority. Clause 17 provides for the validity of acts of the authority and clause 18 ensures that members' financial interests in a contract or proposed contract contemplated by the authority shall be disclosed.

Clause 19 lists the functions of the authority. These are to promote the orderly marketing sale and consumption of dairy produce, in particular, milk and cream. The authority will have State-wide responsibilities, and will assist the industry in the promotion of dairy produce. Clause 20 provides that the authority may appoint staff, and sets out their conditions of employment. Clause 21 empowers the authority to borrow money, with the consent of the Treasurer and clause 22 provides for the maintenance and auditing of the authority's accounts. Clause 23 requires the authority to prepare annual reports and forward them to the Dairy Industry Consultative Committee and to the Minister, who is, in turn, to submit them to both Houses of Parliament.

Clauses 24, 25, 26, 27 and 28 provide for the establishment of the Dairy Industry Consultative Committee, the conditions of members' appointment and remuneration and the proceedings and frequency of committee meetings. Clause 29 sets out the functions and powers of the Committee. These are concerned with advising the Minister and the authority on matters relating to the authority's functions, and reviewing the authority's operations. Clause 30 provides for the setting up of regions and zones with in South Australia for the purpose of ensuring orderly marketing of milk. The regions are applicable to market milk equalisation schemes within South Australia and the zones relate to milk vending.

Clause 31 provides for the financing of the authority's operations. The mechanics of this scheme have already been outlined, and the limited vesting power contained in this clause is not intended to give any wider powers of acquisition. The current levy used by the Metropolitan Milk Board may be in breach of the Commonwealth Constitution and this clause aims to overcome this uncertainty. Clause 32 determines that the price to be paid to a producer for milk or cream shall be based upon its grade and composition as is currently carried out under the Dairy Industry Act, 1928-1974.

Clauses 33, 34 and 35 set out the requirement for vendors of milk and cream to hold a licence, the conditions under which such a licence may be granted and the conditions under which it may be suspended or cancelled. This is an extension of the requirements under the Metropolitan Milk Supply Act, 1946-1974, to a State-wide basis. Clause 36 provides that the Authority may in the interests of orderly marketing of dairy produce make orders which can fix the maximum and minimum price at which dairy produce may be sold, provide that there be an adequate supply of milk and cream available so that consumers in all parts of the State will not have to pay an excessive price and limit the quantities of milk or cream that may be acquired for resale by a specified vendor or manufacturer. The clause provides a penalty of up to five thousand dollars for contravention of an order.

Clause 37 permits the Authority to buy and sell dairy produce for promotional purposes. Clause 38 provides for the setting up of market milk equalisation schemes to be controlled by the Authority if the Minister is of the opinion that such schemes are necessary to ensure equity between producers. This provision is designed to protect all dairy farmers supplying milk within a region by ensuring that regional orderly marketing schemes can operate throughout the State. Clauses 39, 40, 41 and 42 establish the Dairy Industry Appeal Board, set out the terms of its membership, and provide for the remuneration of its members and other formal matters. The function of this board has already been explained. Clause 43 sets out the procedure to be followed at meetings of the board and clause 44 provides that the board shall not be bound by the rules of evidence. Clause 45 empowers the board to summon witnesses and inspect documents and clause 46 sets out the circumstances in which a right of appeal exists. Clause 47 provides that there shall be no appeal from a decision of the board and clause 48 requires the board to publish reasons for its decisions.

Clause 49 provides that any money existing in the Dairy Cattle Fund, all fees and charges received or recovered by the Minister under the proposed Act and all penalties imposed in respect of offences against the proposed Act shall be paid to a fund called the "Dairy Industry Fund". It also provides that the Minister may apply the money in the fund, towards the cost of administering the proposed Act and for the advancement of the dairy industry in South Australia. Clauses 50, 51 and 52 provide the State with the necessary legislation to handle, if needed, Stage II of the dairy industry marketing arrangements dealing with manufacturing milk entitlements or other similar arrangements. These sections, in effect, replace the Dairy Industry Assistance (Special Provisions) Act, 1978. Clause 53 enables the Minister to determine contributions to be made by the Authority for services provided by officers of the public service to the Authority. It is intended that the contribution shall be only for those services which will be transferred from the Metropolitan Milk Board to the Department of Agriculture and Fisheries.

Clause 54 sets out the general powers of inspectors and clause 55 requires the owners of factories or wholesale stores, and the holders of vendors' licences, to keep prescribed records and books of account. Inspectors or officers of the Authority are empowered to enter premises to inspect prescribed documents. This clause also empowers the Minister or the Authority to require persons to furnish documents, information or returns relating to dairy produce. Penalties of up to five hundred dollars are provided for breaches of any of the requirements of this clause. Clause 56 provides that it shall be an offence for any person employed or formerly employed in the administration of the proposed Act to communicate to another person information acquired by him in the course

of his duties, except in carrying out those duties or when required by law to do so. This offence carries a penalty of one thousand dollars.

Clause 57 makes it an offence to manufacture or sell a colourable imitation of milk and prescribes the penalty. Clause 58 provides that offences against the proposed Act shall be dealt with summarily and clause 59 deals with evidentiary matters in those proceedings. Clause 60 sets out general defences to charges for offences against the proposed Act and clause 61 empowers the Governor to make regulations which are necessary for the purposes of the Act.

Mr. RODDA secured the adjournment of the debate.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the South Australian Heritage Act, 1978. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill provides for an amendment to the principal Act for the protection of historic shipwrecks. This is not specifically provided for in the current Aboriginal and Historic Relics Preservation Act. With the proposed amendments to the Commonwealth Seas and Submerged Lands Act of 1973 which will give the States power over the three-mile territorial sea, it will be necessary for State legislation to protect shipwrecks within this limit. This is proposed in the present Bill.

The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 provides for the amendment of the principal Act by including in the definition of "item" any shipwreck lying in the territorial waters of the State.

Mr. WOTTON secured the adjournment of the debate.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from 7 February. Page 2457.)

The CHAIRMAN: There are a number of amendments to clauses 3 to 5 that the Committee has already voted on, so it will be necessary for the Committee to debate these amendments when the rest of the clauses have been dealt with.

Clauses 6 to 8 passed.

Clause 9—"Repeal of s. 18 of principal Act and enactment of sections in its place."

Mr. CHAPMAN: This clause refers to the bond that is required by the board. Will the Attorney-General explain whether this bond will be required in the form of cash or whether the matter may be covered by a fidelity bond backed by an insurance company and/or by a bank?

The Hon. PETER DUNCAN (Attorney-General): I can make a general policy statment in regard to this matter. Basically, it is the Government's intention to ensure that, when secondhand motor vehicle dealers or others covered by the legislation go out of business, a fair portion of their warranty obligations will be met. It is intended that each licensed dealer will be required to obtain a bond of up to $10 000 to cover those liabilities. As I understand it, a bond of that nature is relatively inexpensive when one seeks insurance to cover the bond (and that would have to be paid only in cases of default by the dealer). My information is that the premiums would range from about $40 to $100, depending on whether it was the first or subsequent year of the insurance policy, and also depending on the financial liability of the dealer concerned.

It is not the Government's intention that every dealer would be required to have a bond of $10 000. In fact, it is certainly not the intention of the Government that many of the dealers in Adelaide would be required to have a bond at all. For example, a large well-established secondhand motor vehicle dealer is obviously a better risk proposition, in terms of meeting warranty obligations under the Act, than is a small newly-established dealer who might go out of business simply because of the economic climate or some other matter of that type.

The bonds will be varied according to the risk in an individual case. This will be determined by the board, upon which the Automobile Chamber of Commerce will be well represented, and obviously they will have the opportunity of having any matters which they believe are relevant to a particular case raised before the board so that all matters which ought to be taken into account can be taken into account when the amount of the bond is determined.

Mr. CHAPMAN: It concerns me that there is a possibility that most dealers, apart from the well-established dealers referred to by the Attorney-General, may be required to make an annual payment to an insurance company in order to be furnished with a bond. This could well be an unnecessary added expense thrust upon the dealership generally. Can the Attorney-General say whether, for the purpose of security, the industry may produce a bank guarantee in lieu of an insurance policy? When an insurance policy is taken out to cover such matters, it must be borne in mind that insurance companies charge a policy fee, and this could be a burden on the whole industry. Will the Attorney-General explain a little more about the circumstances under which a bond may be demanded and whether it relates more particularly to the viability of the business or whether it may include the character of an individual?

The Hon. PETER DUNCAN: Principally, it will relate to the viability of the business, although the character of the principal concerned will also be a matter for consideration. The matter of the amount of the bonds has the general support of the Automobile Chamber of Commerce in South Australia. The Chamber is concerned that its members who are doing the right thing in meeting their warranty obligations are being disadvantaged by the fly-by-nighters who occasionally set up business in this type of industry. The responsible dealers, who by far and away are the vast bulk of the dealers in the industry, are actually being disadvantaged by those few fly-by-nighters who are able to get a licence in South Australia because initially they appear to be clean skins in this State. They are able to sell cars possibly a little more cheaply than are the reputable dealers, but after about six months, before they have met their warranty obligations, they disappear. That, basically, is the wrong that we are seeking to remedy.

The matter of bank guarantees was looked at, but the departmental committee that looked at this matter believed they were difficult to enforce in these

circumstances. The insurance companies are prepared to grant policies that can be claimed against by the purchaser concerned, and it was felt that that was a better method of approaching the question than bank guarantees.

Mr. Chapman: But it is very costly.

The Hon. PETER DUNCAN: It is not costly when compared to the amount of business that most motor vehicle dealers undertake. The board is not going to be seeking bonds from well-established secondhand motor vehicle dealing firms which have had a good record and have been providing a service to the public of South Australia for many years.

Progress reported; Committee to sit again.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2)

The Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act, 1972-1978, to repeal the Public Service Arbitration Act, 1968-1975, and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The Bill is the result of an extensive review of the system of industrial organisation and regulation which applies in South Australia. It is the most comprehensive review carried out since the present Act was passed in 1972. At that time the Government believed that an effective basis of industrial regulation had been introduced which would apply for the foreseeable future. It is, nevertheless, an important element of a Government's responsibility to ensure that, in such a critical area of social and economic affairs, the legislative basis of the system is the best and most effective that may be devised and is responsive to the imperatives of change.

Honourable members will be aware of the many factors of change in industrial affairs at present working on the national and South Australian economy and of the challenges which this presents for the future. The Government considers that, overall, the machinery provided by the 1972 Act has served the people of South Australia well, so it is not intended to make fundamental changes in that structure.

The amendments contained in this Bill are directed to specific matters and certain issues of policy which will improve the operation of our industrial relations system. I have, on previous occasions, detailed the objectives and undeniable facts which demonstrate that our approach as a Government to industrial questions has produced real and lasting advantages for the people and the industry of South Australia.

Our industrial system has allowed effective participation in the wage indexation system, which must be regarded as one of the most outstandingly successful forms of co-operative wage restraints in the industrial world. Australia as a whole, and South Australia in particular, has enjoyed, for more than two years, a rate of wage inflation which, unlike the position in most industrialised countries, has been consistently less than the rate of price inflation. Wage movements in South Australia have been at or below the national level, despite the fact that they already were the most restrained of all the mainland States. This ensures a fair and substantial margin of advantage for industry.

At the same time the rate of industrial disputation has dropped to a greater extent than elsewhere. In all respects, South Australia has participated in these trends, at times even in excess of the national average. The latest annual figures available from the Bureau of Statistics reveal that, while 9 per cent of the Australian work force is in South Australia, during the 12 months to the end of September 1978 (the latest period for which figures are available) only 3 per cent of all working days lost as a result of industrial disputes were in South Australia. This further reflects the effectiveness of the Government's industrial relations policy of co-operation and not confrontation.

In conducting the review, care has been taken to consider the views of a large number of persons and institutions vitally concerned with the day-to-day workings of the industrial system. Indeed, included in the Bill are amendments adopted on the suggestion of the President and members of the Industrial Court and Commission, practitioners in the field of industrial relations, the Chamber of Commerce and Industry of S.A. Inc., the United Trades and Labor Council of South Australia, and officers of my department.

These amendments are many and varied, relating both to the administration of the system and to certain policy considerations, to which I will refer later. However, underlining all of these changes is the broad philosophy of this Government that the creation and maintenance of industrial harmony can result only from patient negotiation, willing exchange, understanding, and full effective representation of those who must bear the day-to-day consequences of decisions which of their very nature can only be made collectively.

That philosophy has received the approval of the people of South Australia, despite the many attempts to isolate minor aspects and to refuse to recognise, far less debate, the proper policy context in which particular measures are taken. I take this opportunity of stating this crucially important point and will ensure as far as I can that debate on this measure pays full recognition to the policies and achievements of the Government.

The review of the Industrial Conciliation and Arbitration Act affords the Government the opportunity to incorporate policy issues which have been long foreshadowed and presented to the electorate for judgment. On these matters, the Government cannot resile from the position that it has a clear and unequivocal mandate from the people of this State.

In the Premier's policy speech delivered on 29 August 1977 it was stated:

> The Industrial Conciliation and Arbitration Act will be amended to improve its operation and to maintain the favourable and co-operative industrial situation in this State. The Industrial Commission will be given an unfettered discretion to include in its awards the same provisions on preference to unionists as Commonwealth and other State industrial tribunals now have. The Government will legislate to ensure that all litigation on industrial disputes takes place in the Industrial Court.

In some respects, this, in turn, was a restatement of policy proposals in the Premier's 1975 policy speech. Honourable members on both sides of the House have demonstrated their continuing interest in this policy pronouncement ever since the Government's programme was endorsed and its mandate reinforced by the victory at subsequent elections. I have no doubt that such interest was meant in a constructive and practical fashion.

The matters to which I have referred enjoy not only as clear an expression of public support as a democratic political system can achieve; they are also increasingly necessary for a practical industrial system. In recent years, the involvement of an informed and active trade union movement has become more critical.

I have already referred to the success of the wage indexation system, attributable in great degree to the

restraint shown by the trade union movement. In addition, the expansion of policy and improved administration in relation to industrial safety, health, and welfare matters, the promotion of measures to improve job satisfaction and to improve consultative arrangements have all been dependent upon the constructive support of the trade unions as the representative organs of our work force.

This support cannot be achieved without proper recognition of the role of trade unions in a modern industrial economy—a recognition that has been accorded in all comparable countries to at least a level which these measures imply, and by Federal and State Governments in Australia of varying political philosophies.

In particular, I draw attention to clause 15 of the Bill concerning the power of the Industrial Commission with respect to the inclusion of preference provisions in awards. I point out that the effect of that clause is to give to the State Industrial Commission precisely the same power that the Australian Conciliation and Arbitration Commission possesses—no more, no less. That provision was inserted in the Australian Conciliation and Arbitration Act in 1956 by a Bill introduced by the Hon. Harold Holt, then Minister for Labour and National Service in a Government of which Sir Robert Menzies was Prime Minister. The power has remained unaltered in the 23 years since it was included in the Act, and has obviously operated satisfactorily.

The effect of clause 29 of the Bill is to strengthen the Government's policy (endorsed by the electorate) that industrial questions should be considered the exclusive province of the judicial and arbitration authorities which have detailed and day-to-day contact with industrial issues. The men and women who compose these authorities are drawn from both sides and all facets of South Australian industry and have a reservoir of experience in practical industrial problems. They enjoy the respect of unions, employers, and the community generally and have discharged their duties so as to increase the authority of the Industrial Court and Commission.

This is clearly a preferable alternative to the confrontation and public rhetoric which passes for industrial relations in some other parts of Australia. Even where Governments adopt such tactics, the experience of the last two years shows they invariably return to the established processes of industrial conciliation and arbitration in order to achieve a solution. It is a measure of the greater success of both the policies and institutions adopted in South Australia that this State avoids so many of the major national disputes as well as resolving those that do occur.

There can be no justification for a continuation of common law actions relating to industrial issues. Tort actions represent no more than irritations and provocations. They are extremely rare, and politically rather than industrially motivated. Their history in Australian industrial affairs is uniformly one of disaster, complication, and bitterness.

The other changes which reflect the Government's fundamental policy are designed to provide protection and reassurance against sudden or unwarranted dismissal. In the first place, the jurisdiction of the Industrial Court is extended under section 15 (1) *(e)* of the Act in connection with unjust dismissals, and the Bill also includes a number of changes designed to give this power greater effectiveness and emphasis.

The provisions contained in clause 24 of the Bill introduce a basic minimum notice requirement for all employers subject to the authority of South Australian legislation. This is in acordance with a specific statement contained in the Premier's policy speech and submitted to the South Australian people at the last State election. In that speech, the Premier said, ". . . The Government will legislate to protect security of employment by requiring adequate notice to employees (in accordance with length of service), of any retrenchments or close-down of business." Members will recall the results of that election.

The notice requirement cannot be considered as anything more than a fair and reasonable minimum, in line with sensible industrial relations practice at the present time. It is precisely the same period of notice as has been required by the Contracts of Employment Act of 1972 of the United Kingdom. I am sure that it is not necessary for me to remind honourable members that in 1972 the United Kingdom was ruled by a Conservative Government led by Mr. Heath. The measure will require no change in the vast majority of establishments where employers plan their business affairs with foresight and attention to the human needs of their work force.

However, it will affect those who from avarice or ineptitude treat their work force as disposable quantities to be discarded at will and with no thought to their future or considerations of human compassion. Opposition to the measures can be nothing else than a shortsighted pursuit of power and profit at the expense of efficiency and good management.

The provisions in the new sections inserted by clause 24 contain adequate safeguards for all legitimate and genuine emergencies which are unforeseeable and unavoidable and where an employer has been forthright in his dealings with his employers, and excepts those categories where workers are engaged in seasonal or follow-the-job work. In certain industries, such as the building and pastoral industries, there is a well-recognised tradition of casual or seasonal work and compensation for its uncertainties is built into award structures. The Government does not seek to change the traditional relationships in such areas.

By clause 35 of the Bill the Public Service Arbitration Act is repealed. One of the working parties appointed by the Premiers' Conference of August 1974 was asked to draw up proposals or practical steps to reduce the multiplicity of wage fixing tribunals. Resulting from that working party and consideration of the report of the Committee of Enquiry into the S.A. Public Service, chaired by Prof. Corbett, and following discussions with the Public Service Association, the Government has decided that there is no need to continue a separate industrial tribunal for public servants. The effect of the repeal of the Public Service Arbitration Act will be that the Industrial Commission will have the same jurisdiction regarding all public servants (except Permanent Heads whose salaries are determined by the Governor) as for any person employed in private industry.

I commend the Bill to the House and seek leave to insert the Parliamentary Counsel's detailed explanation of the clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Bill. The clause is in the normal form except that subsection (2) provides for the retrospective operation of sections 3, 18 and 24. Section 24 inserts a new Division into the principal Act providing for notice to employees before dismissal. The other sections are consequential. The retrospective operation of these sections will remove any temptation on an employer to dismiss staff before the Bill is passed. Clause 3 makes a consequential amendment to section 3 of the principal Act

which deals with the arrangement of the Act.

Clause 4 amends certain of the definitions in the principal Act. Subclause *(a)* amends the definition of "association" so that the purpose of an association must in future be to further the interests of employers and employees as well as to protect those interests if the association is to come within the second part of the definition. Previously it has been necessary to establish only that the interests were furthered or protected. Subclause *(b)* makes a drafting amendment to paragraph *(a)* of the definition of "employee". The definition is amplified and the words used coincide with those used in the definition of "industry". Subclause *(c)* amends the definition of "employer" for the same reason.

Subclause *(d)* replaces the definition of "industrial dispute". The new definition has the effect intended by the existing definition but clarifies the definition to include circumstances, other than those constituting an "industrial matter", that in the opinion of the Commission should constitute an "industrial dispute" for the purposes of the legislation. The addition of paragraph (1) to the definition of "industrial matter" made by subclause *(e)* ensures that the definition applies to former employers and employees. Subclauses *(f)* and *(g)* amend the definition of "industry" for the sake of consistency. Subclause *(h)* adds subsection (3) to the section. The Act, by means of the definition of "public service employee" and the definition of "employer" creates the fiction that the Public Service Board is the employer of all people in the service of the State.

In many instances employees of statutory bodies are in the service of the State and consequently the Public Service Board is their employer for the purposes of the Act although the statutory body is their employer at common law and has all the rights and duties of an employer to the exclusion of all others including the Public Service Board. The result is that orders, awards and industrial agreements in respect of these employees are binding on the Public Service Board which cannot implement them but are not binding on the common law employer. The new subsection seeks to remedy this problem by providing that awards, orders and agreements will be binding on the common law employer.

Clause 5 removes the restriction in section 10 of the principal Act that confines the appointment of a person to act in the absence of the President of the court to the most senior Deputy President. Sometimes the most senior Deputy President is unavailable or it is inconvenient for him to act. In the future any one of the Deputy Presidents can be chosen. The amendment to subsection (3) expands the power of the Governor to appoint a person to act in the office of Deputy President where one of the Deputy Presidents is appointed to act in the office of President under subsection (1). Clause 6 amends section 15 of the principal Act which confers jurisdiction on the court. Subclause *(a)* replaces paragraph *(a)* of subsection (1) with a provision that will enable the court to give advisory opinions as to the meaning of the principal Act, an award or an industrial agreement. These opinions can be given before a dispute arises and are invaluable for the guidance of both sides of industry. New subsection (1a) inserted by subclause *(c)* provides that advisory opinions will be binding as directed by the court. New paragraph *(e)* of subsection (1) and new subsections (3), (4) and (5) clarify and expand the present paragraph *(e)* of subsection (1).

Under the new provisions the court will have power to order the re-employment of an employee on terms and conditions that it thinks fit or to order payment of a sum in compensation to the employee or to make both of these orders. Under the old provision the court could not award damages unless it also ordered re-instatement. This resulted in hardship where the court decided that re-employment was not possible. New subsection (6) is a provision that will preserve the rights of an employee under subsection (3) against a person who subsequently takes over a business from which the employee was dismissed.

Clause 7 amends section 17 of the principal Act which deals with the powers of the court. The purpose of the clause is to clarify the power of the court under paragraph (1) of subsection (1) which enables it to rectify errors in proceedings before the court. The new paragraph (1) together with new subsection (1a) makes it clear that the court has power to correct errors that, if left uncorrected, would result in the proceedings being void. This is the intention of the original paragraph (1) but judgments of the courts have raised doubts as to its effectiveness. Clause 8 makes a small drafting amendment to section 18 of the principal Act. Clause 9 inserts new sections 18a and 18b into the principal Act to provide for the payment of interest in respect of money ordered to be paid by the court. Section 18a enables the court to award interest during a period from a time prior to the order. Section 18b provides for interest to be paid automatically on moneys that are the subject of an order from the date of the order to its satisfaction. These provisions correct an anomaly in the principal Act that made it profitable for dependants to delay proceedings and payment of orders as long as possible.

Clause 10 replaces subsection (5) of section 23 of the principal Act which ensures that Commissioners are appointed so that equal numbers derive their experience from employee and employer backgrounds. The present provision requires that there must be even numbers of Commissioners which means that sometimes they must be appointed in pairs when only one is required. The new subsection enables the appointment of Commissioners one at a time with the requirement that the numbers of Commissioners coming from the two backgrounds do not vary by more than one. Clause 11 replaces subsection (1) of section 26 of the principal Act. The new subsection gives a Presidential Member or Commissioner an additional power that will enable him to direct that a Conciliation Committee act as mediator in an industrial matter and for that purpose have power to call a voluntary conference. This provision will increase the effectiveness of committees in their important function of conciliation. Subclause *(b)* makes a consequential amendment to subsection (2).

Clause 12 replaces subsections (1) and (2) of section 27 of the principal Act and adds new subsection (1a). The effect is to add to the section power to direct that a Conciliation Committee call a compulsory conference. At the moment only a Presidential Member or Commissioner can preside at a compulsory conference. Subclause *(b)* makes a consequential amendment. Subclause *(c)* adds new subsection (9a). This subsection removes the requirement for formal referral of a matter by the person presiding to the Commission and will facilitate the efficient disposal of matters. Clause 13 amends section 28 of the principal Act which deals with powers of the Commission. The new paragraph that replaces paragraph *(n)* of subsection (1) relates to the power of the Commission to correct errors in proceedings before it and is equivalent to the court's power under section 17. The reasons for the amendment and its form are the same as the amendment made by clause 7 to section 17.

Clause 14 by subclauses *(a)* and *(b)* makes minor drafting amendments to paragraphs *(a)* and *(b)* of subsection (1) of section 29 of the principal Act. Subclause

(c) makes an amendment consequential on the enactment of section 29a of the principal Act. Subclause *(d)* enables the Commission, in an award, to authorise officers of a registered employee association to enter an employer's premises to interview employees relating to membership and business of the association. This provision is in addition to the existing provision relating to the inspection of time books and wage records. Subclause *(e)* removes the last part of paragraph *(g)* of subsection (1) with the result that the limitation on the retrospective operation of awards is removed. At present awards cannot be made retrospective to a time before the date of the original application to the Commission. Subclause *(f)* repeals subsection (2). This is consequential on the enactment of section 29a.

Clause 15 enacts new section 29a which empowers the Commission to direct in awards that preference be given to associations or members of associations. Subsection (3) ensures that preference directed by an award does not apply to a person in relation to whom a conscientious objection certificate has been issued under section 144 of the principal Act. The new section replaces the provisions of paragraph *(c)* of subsection (1) and subsection (2) of section 29 of the principal Act.

Clause 16 inserts new subsection (1a) in section 36 of the principal Act. This subsection gives the Full Commission power to order the retrospective effect of a variation made under the section. Subclause *(a)* makes a consequential amendment to subsection (1).

Clause 17 amends section 69 of the principal Act. Subclause *(a)* allows for the retrospective application of an award before the initial application with the consent of the parties to the award. Subclause *(b)* removes the restriction on a Committee's jurisdiction relating to annual salaries. The weakness of the existing provision is that employers can avoid obligations under awards by employing employees on annual salaries. Clause 18 is consequential on the enactment of Division II of Part VI by clause 25 of the Bill. Clause 19 replaces section 80 of the principal Act in order to clarify its effect and to make a number of amendments. Subsection (2) of the section will provide that any period of illness during annual leave will be taken as sick leave and not annual leave. New subsection (5) provides for continuity of sick leave entitlement where the business in which an employee is employed is taken over by another employer. Subsection (6) safeguards an employee who is dismissed whilst on sick leave. In future he will be entitled to the monetary equivalent of the sick leave benefit he would have received if he had not been dismissed.

Clause 20 widens the power of the Commission in section 81 of the principal Act to determine entitlement to annual leave or payment in lieu of leave under the general standard. Subclauses *(b)* and *(c)* make consequential amendments. Clause 21 enacts new section 81a which entitles employees to leave of absence to appear in proceedings of the court or Commission or to temporarily perform the duties of an officer of an association who is absent. Leave is without pay and is confined to five days in any twelve month period.

Clause 22 makes an amendment to section 88 of the principal Act that will allow a wage fixed in a licence for a disadvantaged person to be geared to the changes in an award wage by reference to a percentage of that wage. The purpose of the amendments made by subclauses *(a)* and *(c)* is to adopt uniform terminology in the section. Clause 23 amends section 91 of the principal Act. As presently drafted this section suggests that any order or award of the Commonwealth Conciliation and Arbitration Commission in an industry covered by a State award will make the State award null and void. This type of provision is required because of the Australian Constitution which gives precedence to Federal laws against State laws. However, it is only necessary that State awards be void where they are in conflict with orders or awards of the Commonwealth Commission. There are many orders and awards of that Commission that do not involve a conflict and it is not intended that these should nullify State awards.

Clause 24 enacts Division II of Part VI of the principal Act. The purpose of this Division is to give some security of employment to employees. Section 91b requires an employer who intends to dismiss an employee or does not intend to re-employ him when his period of service comes to an end to give notice to the employee as prescribed in the section. The rights of an employee at common law are preserved by subsection (3). Subsection (4) provides for certain circumstances where notice will not be required. Section 91c provides that an employer who fails to give notice as required by the Act must make payment to the employee in lieu of notice. Section 91d provides that notice given during sick, annual or long service leave is ineffective for the purpose of the Division. Section 91e enables an employer to apply to the Commission for a reduction in the period of the notice where he could not reasonably have avoided the circumstances leading to the dismissal. When making an application the employer must give information to an association whose members will be affected. The information relates to the employer's capacity to employ members of the association in the future. Section 91f provides for exemptions in certain cases where the employer is bound by an award or the employee agrees to the exemption in return for benefits that the Commission considers adequate. Section 91g allows an employee to take leave during the period of a notice for the purpose of looking for alternative employment. Section 91h requires an employer to notify the Commonwealth Employment Service of any proposed dismissal or application for reduction of the period of the notice. Section 91i provides for service of notices.

Clause 25 makes an amendment to section 106 of the principal Act that will require that, in the future, associations be registered before they can enter into an industrial agreement. The new section also widens the category of parties to an industrial agreement. Clause 26 makes a consequential amendment to section 109 of the principal Act. Clause 27 by subclause *(a)* makes a consequential amendment to subsection (1) of section 110 of the principal Act. Subclause *(b)* replaces subsection (2) of that section. The effect of the change made is that where no party to an industrial agreement objects, the Commission must refer an application for rescission or variation to the Commission for hearing. At present the Commission may refuse to refer even though no party objects. Clause 28 adds subsection (2*a*) to section 115 of the principal Act. This new subsection will enable employer associations that represent the interests of employers (such as the Chamber of Commerce and Industry) to be registered under the principal Act notwithstanding that they include in their membership people who are not employers.

Clause 29 enacts new section 143*a*. This section abolishes liability in tort for associations of individuals engaged in industrial conflict. Clause 30 corrects a reference in section 151 of the principal Act. Clause 31 adds new subsection (7) to section 153 of the principal Act. The new subsection requires an employer to give a statement to each employee when paying wages. The statement must set out the amount due to the employee, any amounts deducted and the balance due. Clause 32 amends section 156 of the principal Act. This section at

present makes it an offence for an employer to dismiss an employee because of his membership of a Committee or other participation in industrial affairs. The addition made by this amendment will make it an offence for the employer to injure the employee in his employment as well.

Clause 33 amends section 157 of the principal Act by removing the prohibition against an employer dismissing an employee because he is not an officer or member of an association. The clause also adds new paragraph *(b)* to subsection (1) of that section. This paragraph protects a worker's safety representative or a member of a safety committee from dismissal. Clause 34, by means of a schedule, increases the penalties imposed by the Act to levels that are more realistic. Clause 35 repeals the Public Service Arbitration Act, 1968-1975. The functions performed by the Public Service Arbitrator can be more conveniently catered for under the general provisions of the principal Act.

Mr. DEAN BROWN secured the adjournment of the debate.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2699.)

Mr. RUSSACK: I believe that the Attorney-General said earlier that certain reputable firms which have been trading for years and which have a good name will not be expected to raise the bond or display that they have the ability of the bond behind them. If that is the case, can the Attorney-General explain new section 18 (1), which provides:

> A licence shall not be granted or renewed unless a bond in the prescribed form and in the sum of ten thousand dollars or such lesser amount as the board may fix is lodged with the board accompanied by such security for the satisfaction of the bond as the Board may require.

Is there a provision in the Bill that would permit exemption to firms with a good reputation?

The Hon. PETER DUNCAN: There is not. As honourable members can see, the bond could be only nominal, possibly $10. I do not necessarily suggest that the board would set a nominal sum. What I am suggesting is that in cases of well-established reputable dealers, obviously the board would not require a large bond from them.

Mr. RUSSACK: I accept the Attorney's explanation. Who will make the determination and on what criteria? What criteria will be used to decide who should lodge a bond of up to $10 000 and why a firm should be expected to lodge a nominal sum?

The Hon. PETER DUNCAN: The board will decide. The honourable member might be slightly confused by the situation, so I will explain it. There is a difference between a bond, which is a piece of paper saying, "We, the so-and-so dealer undertake to pay so much in certain circumstances" and a security for that bond. The bond will be required from all persons, but a security in the form of an insurance policy will be required only from such licensed dealers as the board in its wisdom decides are not entirely long established and reputable.

Mr. MATHWIN: What is the Government's intention as regards motor cycle firms? Will the Minister expect a small motor cycle retailer who trades in smaller machines to be liable to lodge an bond of this nature? Who will assess the amount of the bond and on what criteria will it be decided? Motor cycle dealers cater for a smaller clientele, and should be treated differently from the motor vehicle industry. Small motor cycle companies could not possibly in most cases pay the $10 000 or get assistance from a bank or insurance company.

The Hon. PETER DUNCAN: It is a reasonable question. Although the honourable member has pointed out that there are some small motor cycle dealers who possible sell only a few cycles a year, there are some large motor cycle dealers who, because a motor cycle is a cheaper product in many instances than is a car, could do more damage if they went into liquidation.

Potentially, more consumers would be involved in such a case. There are some large motor cycle dealers in South Australia, and I will not name them because that would be unfair to them in the context of this debate, but the honourable member must know the dealers I mean.

Mr. Gunn: Most of them are reputable, too.

Mr. DUNCAN: That is why I will not name them. As far as I am concerned, all the big dealers are reputable and it would be unfair to name them in this debate. The large dealers handle transactions totalling thousands each year. When large firms like A.S.L., which one would consider to be a pillar of the financial establishment, have financial difficulties, obviously a similar situation can develop in any of the businesses covered by this Bill. Therefore, it is desirable and necessary that firms should give a bond to provide some protection for those people who enter into contracts to purchase motor cycles or motor cars and who, in entering into those contracts, believe that as part of the terms of the contract they receive a warranty.

There are some small motor cycle dealers who handle very few transactions each year. The board will decide what bond and security will be required in each case, and will consist of representatives of the Automobile Chamber of Commerce. Surely, if anyone is equipped to protect the interests of persons who are in business as licensed secondhand motor vehicle dealers, it is the members of the Automobile Chamber of Commerce. I checked with members of the present board and they cannot recall a situation where a decision was made on a vote between the consumer representatives and the dealer representatives. Once both parties get together, discussions usually take place harmoniously and the sort of dichotomy referred to does not occur.

Regarding the small dealer in motor cycles, criteria to be applied by the board will include examinations of the dealer's personal integrity and history (his character), the size of the business to ascertain how many motor cycles the dealer is likely to handle each year, and the financial viability of the dealer. I hope that the member was asking the question to get that information on record. I believe that is a full account of the way the board will approach the issue.

Mr. RUSSACK: I understand that this bond will be required before a licence is granted. The Minister has said that, according to the type of business, the volume of business, and the integrity of the dealer, the bond will be determined. New section 18 (1) provides:

> A licence shall not be granted or renewed unless a bond in the prescribed form and in the sum of ten thousand dollars or such lesser amount as the Board may fix . . .

In fixing the bond, will the sum be the same right across the trade or is it right that it will be determined by the merits of each case?

The Hon. PETER DUNCAN: Yes.

Mr. MATHWIN: I thank the Attorney for his reasonable explanation, which is more than he has supplied to me on previous occasions. A person starting up

in business could encounter problems and his initiative could be stifled by the board putting a high bond on him. In his reply, the Attorney said that the board would be represented by members from the Automotive chamber. According to the Act, there is to be not less than one representative from the chamber. This would mean that of a board of five members, not less than one can be nominated by the chamber. In that case, the representation of the chamber would not be very great, regarding the situation that the Attorney put forward. There may be effects on the motor cycle industry, which is a smaller area than the overall motor industry.

The Hon. PETER DUNCAN: Although the requirement is for only one representative, there are two on the board at present. I appointed an extra member from the chamber some years ago and I intend to continue that practice. My general view of consumer-type boards is that there should be two consumer representatives (including the R.A.A. as a consumer representative), two representatives of the industry and a Chairman. That has been my policy and that of the Government, and it will continue.

Mr. CHAPMAN: The Chamber of Commerce has been concerned about the provision that refers to the sum of up to $10 000 prior to the issue or renewal of a licence within the trade. This Bill is far wider than the original Act; it embraces more dealers by virtue of the fact that it covers caravans and trailers. On 14 November, soon after the Bill was tabled, the first item raised in a letter from the chamber to the Attorney was about bonding, as follows:

> Although there is no real antipathy towards the principle of the requirement for each new licence applicant to lodge a bond to the value of $5 000—

the sum is actually $10 000—

> disquiet was expressed as to the actual method of bonding required by the Motor Vehicle Dealers Licensing Board.

Some relevant questions were raised about bonding, demonstrating the concern of the industry. The letter continues:

> Will an insurance cover to the value of $5 000 be accepted?

The sum is not $5 000, as the chamber believed it would be, but is double that figure, $10 000. The letter continues:

> If so, will the applicant be free to nominate his own choice of insurer?

I take it that the implication there is that they may well have been required, as in the third party insurance system in South Australia, to go under the S.G.I.C. and lose that right of choice of the insurer. The letter continues:

> Or will the total process be prescribed by the board?

The Hon. Peter Duncan: May I answer that?

Mr. CHAPMAN: If you do, I cannot continue my remarks. The second question they raised was whether any dealer was required to lodge a bond in cash and, if so, whether the deposit would produce interest. I think the Attorney-General has said that the bond might be required in cash in some cases. On 27 November, after the correspondence on the subject of bonds being paid in cash was directed to the Attorney-General, his department replied as follows:

> The matters to which you refer involving bonding are largely matters for the board to decide but it is anticipated that an insurance cover from any reputable insurer will be accepted—

I am sure that portion of the reply was readily accepted because, if we can take it on its face value, and I do, it means that any insurance company by choice will be acceptable—

> although the board will obviously reserve the right to require a cash lodgment in appropriate cases.

After having comforted the industry by the early part of the reply, the second part of the letter reverts to the area of concern, that the board might demand the bond in cash. The department's letter also stated that no provision for interest would be paid on the amounts lodged in cash for bonding. I think this is more than a light issue. This is a new monetary requirement by the Government over and above the licence fee. It is over and above the additional charges that go with wider protection powers than when they were included in the original legislation. An added financial burden is being inflicted on the industry by the Government under the premise of its consumer protection.

I cannot speak too strongly against the Attorney-General in his recent actions in this regard. I have said in this place recently that the Opposition is concerned about consumers being protected but we believe that, with the requirements contained in this Bill, the Attorney-General has gone too far in his effort to protect the consumers. The effect of this will be that the consumers across the board will be paying for the added burden on the industry. I think this clause demonstrates the burdens about which we are most concerned.

The Hon. PETER DUNCAN: I am pleased the honourable member has raised these matters, because I can explain them. I think there has been a misunderstanding. The terms of the letter are simply intended to indicate that where a dealer is such a super shonk that he cannot obtain an insurance policy for himself—

Mr. Chapman: He is not a licensee, because he has been knocked out on account of character.

The Hon. PETER DUNCAN: He may not have been. A person could have a reasonable standing and character but have poor financial backing, and in those cases an insurance company may choose to refuse to grant insurance to him and then the board would seek him to lodge the bond in cash. I believe that the number of cases in which this would happen would be insignificant but that is the reason for that provision. I hope the honourable member will accept that in the spirit in which it is offered. That is why we do need the reserve power to seek to have the bond lodged in cash in those few cases.

Although I will not be a member of the board, in no circumstances would the Government tolerate a situation where the board was requiring security bonds to be taken out with a particular insurance company, whether it be the Government office or a private insurance office. We would not tolerate that. It is a question for an individual applicant for a licence to seek an insurance policy from a recognised company and, once that policy was obtained, that would be the only requirement of the board.

Mr. CHAPMAN: I move:

> Page 5, line 22—After "costs" insert "legally recoverable".

The Hon. PETER DUNCAN: We are prepared to accept this amendment.

Mr. CHAPMAN: After receiving agreement from the Attorney-General for its acceptance, I will not explain it: it is clear.

Amendment carried; clause as amended passed.

Clause 10—"Licences generally."

The Hon. PETER DUNCAN: I move:

> Page 6—
>
> Line 4—Leave out "out".
>
> After line 8—insert—
>
> and
>
> (*c*) by inserting in paragraph (*b*) of subsection (3) after the word "licence" the passage "or during which his licence is suspended".

These amendments are consequential on the amendment to clause 11.

Amendments carried; clause as amended passed.

Clause 11—"Disciplinary orders."

The Hon. PETER DUNCAN: I move:

Page 6, line 18—After the word "licence" insert "is guilty of misconduct or".

Page 7, after line 7—Insert paragraph as follows:

(*b*1) it may suspend the licence of the person for a period specified by the Board or until the fulfilment of a condition imposed by the Board or until the further order of the Board;

These amendments are designed, at the request of the chamber, to enable disciplinary proceedings to take place where misconduct is recorded, even if the misconduct does not lead to a conviction. I think this came from the nominees of the chamber on the board who felt that wider disciplinary powers were necessary when dealing with certain types of misconduct which were giving the trade a bad name generally but which may not have been successfully prosecuted. In effect, it is designed to ensure that the board can take disciplinary proceedings on the basis of misconduct notwithstanding that misconduct has not led to a conviction at the time of the board hearing.

Amendments carried; clause as amended passed.

New clause 11a—"Appeal."

The Hon. PETER DUNCAN: I move:

Page 7, after line 35—Insert new clause as follows:

11a. Section 21 of the principal Act is amended—

(*a*) by inserting in subsection (1) after paragraph (*a*) the following paragraph:

(*a*1) suspending the licence of a person; and

(*b*) by striking out from subsection (6) the passage "disqualifying a person from holding or obtaining a licence,".

This new clause amends the appeal provisions to permit appeal on the suspension of a licence. Appeals on lesser disciplinary orders are not to be provided for. The basis of that, of course, is that the suspension or loss of a licence is a major disciplinary matter and, as such, should be the subject of an appeal because, in effect, it takes away the livelihood of a person. Other more minor matters we believe are better left to the board to determine.

Mr. CHAPMAN: I oppose the Attorney's attitude. I believe that it should be known that our position on the matter of appeals has been, for as long as I have been here, quite consistent. We believe that if the Government, by its action, affects the interests of a business, person or industry, whatever the action taken by the Government, whether to disqualify a licence and destroy a livelihood, or disciplinary action of any form, that Government action should be subject to appeal. I strongly oppose any move by the Government which vests in a board powers as wide as they are in this Bill that deny the person affected the opportunity to appeal.

Quite clearly in the Bill, even with the inclusion of the amendments in new clause 11a, there not only may be, but I suggest will be, occasions when the board will see fit to take disciplinary action. People will have no opportunity to appeal against that action. I cannot understand the Attorney persisting in his attitude on this occasion, as he has on other occasions. I mention that before my new clause 11b is considered by this Committee to show my opposition to the thrust of the new clause put forward by the Attorney. I take it that, if his amendment were upheld by the Committee, I would still have the opportunity to move the new clause standing in my name, as they are not identical.

New clause inserted.

New clause 11b—"Appeal."

Mr. CHAPMAN: I move:

Page 7, after line 35—Insert:

11b. Section 21 of the principal Act is amended—

(*a*) by striking out paragraph (*b*) of subsection (1) and inserting in lieu thereof the following paragraph:

(*b*) disciplining the holder of a licence;

The intention is to allow any person suffering disciplinary action of any kind, because of the proposals under this Act, to have the right of appeal. Section 21 of that Act provides:

When the board makes a decision or an order—

(*a*) refusing an application by a person for a licence; or

(*b*) disqualifying a person from holding a licence,

the board shall give that person its reasons for the decision or order, and the person may within 30 days after the reason for the decision or order have been so given, appeal to the Local Court of full jurisdiction.

It is that principle that we wish to restore to the amended Act and to apply to any future decision that may be made by the board, not only with respect of the issue or disqualification of a licence, but for all disciplinary actions that may be taken against the applicant.

In this case I suggest that the disciplinary action would, in practice, apply only to a dealer in business and the other two points would apply to someone seeking to be in that position. In order to cover the situation and totally protect applicants seeking to be licensed and licensees seeking to remain in the business under the impact of discipline, in all cases those dealers and those persons have the right of appeal. I cannot understand the Attorney, because already in this debate he has said that the board will not take action against the dealers without good reason because on that board will be representatives of the dealers. He referred to some history of good relations that has occurred in the past.

If there is no fear of the board doing the wrong thing, surely its decision of a disciplinary nature or disqualifying nature against the dealer need not be feared if it was chosen to take that decision to a court. I cannot see that this will create undue delay, as apparently the Attorney has conveyed to the chamber and other persons expressing the same kind of concern that I have. I cannot understand in what circumstances it would be unreasonable to extend this appeal opportunity. Why should this Government continue to get away with introducing Bills into this place which alter the law and which provide for a kangaroo court —a situation in which a person has no right of reply. On the other hand, it claims to be a democratically open Government acting for the people.

We are getting bogged down in too much legislation and too much dictatorship. Without casting any reflection on the members likely to go on to the new board after this Act comes into force, I cannot put it any more directly than that this Party is totally opposed to legislation in which an open right of appeal is not provided for those who are likely to be affected. On that basis, I urge the Committee to support my amendment. I can appreciate that the amendment might be rather confusing in its wording, but I can assure members that I have prepared this amendment with the aid of the Parliamentary Counsel and others, so that it totally covers and protects the individual and does not have him jammed in a corner by an authority without any right of reply.

Mr. RUSSACK: I support the member for Alexandra in this matter, particularly in view of the Attorney-General's reply to me when he said that the board would have discretionary powers to determine certain bonds, and so on. I should think the same thing applies to disciplinary matters. It is only right that the provisions in the Act should be retained so that a person will know for what reason a certain action has been taken by the board, and

after studying those reasons there should be some means whereby a person or firm has a right of appeal, if necessary to a court, as the present Act provides.

The Hon. PETER DUNCAN: We cannot accept this amendment, because it would be in conflict with the amendment previously moved. I was somewhat surprised to hear the member for Alexandra pose the question as to what right the Government has to put this type of legislation before Parliament.

Mr. Chapman: I did not say before the Parliament.

The Hon. PETER DUNCAN: Well, to promote this type of legislation. I remind members opposite, who seem to be so thick that it has not sunk in over the past nine years, that we are the Government in this State and therefore we have every right to introduce this legislation. This debate has been conducted in a spirit of compromise, and I do not want to promote any heat at this stage. It has been the experience of various consumer boards that, where appeal provisions at large are entered into legislation, those persons who are the cause of the Government's acting to set up this type of boards (in other words, the shonky operators in the industry, the fly-by-nighters, and the sharp-shooters in real estate) are the very people who try to avoid the loss or suspension of their licence when they appear before the board by appealing on a technical point. The appeal is then referred to the Supreme Court and, because the Supreme Court lists are so clogged up, it is some time before the appeal is heard. The appeal is eventually lost and the decision is referred back to the board, and another point is appealed on so that the disciplinary hearings go on and on. There are several notable instances of this happening with the Land and Business Agents Board. I can provide members opposite with the details if they would like them privately, because I do not want to name people in the House unnecessarily. This has been a very real problem, and it is a problem that is understood quite well by the Automobile Chamber of Commerce. I have discussed and explained the difficulty to the chamber and it has had negotiations with its representatives on this board. As I understand it, the chamber has a firm understanding of the Government's position in relation to this matter. To include this amendment in the Bill would make a mockery of the legislation because it is in conflict with the previous amendment that was successfully passed a few moments ago.

Mr. CHAPMAN: To set the record straight, I point out that the Attorney-General and I had an amendment 11a on file. My amendment was on file before the Attorney's but, because of preference in this Chamber, the Minister naturally received the call first. When this clause was dealt with, I asked whether my amendment would subsequently be dealt with and whether I would be able to speak to it. I propose to speak to it even further yet.

The CHAIRMAN: Did the honourable member direct a question to me about procedure?

Mr. CHAPMAN: There are to be several of these amendments, and I respect the fact that in each case the Attorney will get the call first. However, because I agreed with his amendment, it does not necessarily mean that I agree with all of it. I agreed to his amendment 11a because part of it was desirable, although the rest of it was not. My amendment is totally desirable and is accepted by this side and hopefully understood by the other side.

The Minister has said that he was of the opinion that the industry now understands the attitude of the Government on this appeal clause. I know how well the industry understands the Attorney's attitude, because it has told me. Not only have the South Australian Chamber of Commerce officers told me but also individual members within the industry and within the existing secondhand motor vehicle dealers industry, persons from the caravan industry, from the boating industry, and from the motor cycle industry, have told me. They understand the Government's attitude. They have made that patently clear. To demonstrate that, I will refer to correspondence I have received from within the industry. On the 14 November last year, Automobile Chamber of Commerce officer Roger Bennett wrote to the Attorney-General and raised the subject of appeals, when he said:

> We draw to your attention paragraph 7 of our letter dated 11 September 1978 and reiterate that view.

That was its view in relation to the requirement of a full and total appeal clause. The letter continued:

> With the exception of the dealer's right of an appeal against cancellation of his licence, the Act does not appear to provide for any appeal against penalties or other penalties imposed by the board. We believe that a dealer should be allowed such right of appeal.

In the second round of correspondence from that organisation, the Automobile Chamber made it quite clear what its attitude was. In his reply on 27 November last year, the Attorney-General said:

> Your comment regarding appeals from disciplinary hearings of the board are noted, but it is not proposed at this time to provide for appeals where neither criminal penalties nor forfeiture of licences are involved.

That is how restrictive the Attorney has been on allowing appeals against any actions of the board. I repeat, the industry is aware of the Attorney's attitude and that of the Government with respect to restricting its opportunities in these circumstances.

I ask, among other things, that the Minister reassess his attitude towards the subject, and explain what he means by "It is not proposed at this time". Is that a sign of weakening in this regard? Is there some evidence that he could bring to the Committee to indicate what that is all about when he says that at this time he is not prepared to provide for appeals other than in areas where criminal penalties are involved or where the licence is subject to forfeiture?

The Hon. PETER DUNCAN: The words "at this time" were inserted to indicate just that: the Government does not intend to change its attitude at present. I could have said that we have no intention at this stage of changing our attitude at all. Through force of experience, however, I have learned to be cautious in these matters, and I was making it clear that that was not intended to bind the Government to that matter for all time. It is as simple as that.

The Committee divided on the new clause:

Ayes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman (teller), Eastick, Evans, Goldsworthy, Gunn, Mathwin, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (23)—Messrs. Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 5 for the Noes.

New clause thus negatived.

Clause 12 passed.

Clause 13—"Particulars to be displayed."

The Hon. PETER DUNCAN: I move:

Page 8, after line 8—Insert paragraph as follows:

(b1) by striking out paragraph *(e)* of subsection (3) and inserting in lieu thereof the following paragraph:

(e) where applicable and reasonably ascertainable, the year of first registration and model designation of the vehicle;

Mr. CHAPMAN: I take it these are the details applicable to the red sticker on the vehicle. Why is not the Minister consistent with the detail for these stickers? Further on, when we talk about the description of the vehicle we speak of the make, the model, and the body type, the registration number, the engine number, year of manufacture and year of first registration. Why is the detail not consistent?

The Hon. PETER DUNCAN: The other matters are to be covered by regulation.

Amendment carried; clause as amended passed.

Clause 14—"Statutory warranty."

The CHAIRMAN: I understand that the member for Alexandra wishes to use this clause as a test clause for other amendments that he has placed on file. If that is so, he will be given an opportunity to canvass the subject rather more widely than would have been the case if he had directed himself specifically to this clause.

Mr. CHAPMAN: I do not think that it is necessary to canvass the subject as widely as you tend to suggest, Sir. On file are three groups of amendments in my name. One refers to amendments to clauses 3 and 5, with a whole list of other subsequent amendments. As a result of circumstances of which the Committee is aware, we are unable to deal with those matters until the Bill is recommitted. The Bill in its present form seeks to embrace the activities of boat dealers and caravan dealers under the Second-hand Motor Vehicles Act.

We do not agree that it is either desirable or in the interests of the community at large to try to embrace the activities of boat dealers and caravan dealers in the law applicable to secondhand motor vehicle dealers. The boating industry in South Australia is part of a nation-wide boating industry which has, by its sheer interest in the craft of boat-building and dealing with seagoing vessels, done much homework in producing its own log of standards. I refer to standards now, because so often boats, particularly secondhand ones, are made in the back yard, and may not be built to a manufacturing standard which is either safe or desirable for open sea use. The industry itself, of its own volition and without prodding by the Governments or anyone else, set out to establish a code of standards.

I have been furnished with a copy of the association's 1979-80 schedule, which is a detailed document stating what the industry proposes to implement as regards its own policing and set of standards. I assure the Committee that the contents of the manual demonstrate that the industry is responsible and keen to produce a product which has a good manufacturing background and which is sound and safe in every regard for the purposes of public use. It also shows that products will emerge as a result of control by the inbuilt industry standards that give credit to those dealing with the vessels and provide the necessary safety to those who propose to use them.

Boats are not vehicles in the true sense of the word; they are not mobile. No provision exists in the Bill for control over the trailers used for carrying boats. The boats included in the Bill are totally immobile on land. I see a number of areas in the Bill where the department will run into difficulty, because the boats are not movable unless they are transported on a trailer. There are many other reasons why that industry should be excluded from the provisions of licensing and policing the other requirements of the Second-hand Motor Dealers Act.

I know of no complaints the Government has reached about "shonky" (to use the Attorney's word) boat dealers. Although the Attorney has said that there have been a large number of complaints made to the department, he has given no specific number or stated the types of complaints that have been laid. I do not think it is fair simply to introduce a Bill, make a wide statement about such matters, and expect the Parliament to accept it and to apply restrictions. In no way should a caravan be defined as a motor vehicle under the Act. If there is to be licensing of and control over dealing in boats and caravans, they should be divorced from the Second-hand Motor Vehicles Act. I move:

Page 8, line 28—After "vehicle" insert ", not being a motor boat or caravan,".

The CHAIRMAN: The honourable member has precedence for his first amendment, but the Committee will have to consider the Attorney's amendment before we move on to the honourable member's succeeding amendments.

The Committee divided on the amendment:

Ayes (17)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman (teller), Eastick, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Venning, Wilson, and Wotton.

Noes (23)—Messrs. Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 6 for the Noes.

Amendment thus negatived.

The Hon. PETER DUNCAN (Attorney-General): I move:

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

Motion carried.

The Hon. PETER DUNCAN: I move:

Page 8, line 31—Delete "prescribed period" and insert "period of the statutory warranty".

Amendment carried.

Mr. CHAPMAN: The Minister has on file an amendment to line 39 to insert "in excess of $25 or any such other amount as prescribed".

The CHAIRMAN: The honourable member for Alexandra has on file an amendment to leave out lines 37 to 40. Does the honourable member propose to move that?

Mr. CHAPMAN: Yes, Mr. Chairman.

The CHAIRMAN: Order! I wish to give some procedural information to the Committee. We shall have to protect the amendment that the Attorney-General wishes to move to line 39, so the honourable member can move amendments only to lines 37, 38 and 39 down to the word "any" at this stage. However, that will not stop the honourable member from debating the amendment he has moved.

Mr. CHAPMAN: I move:

Page 8, lines 37 to 39—Leave out all words to and including the word "any".

If I understand this correctly, the words between lines 37 and 40 require the dealer to compensate the purchaser for reasonable expenses, if any, and, when the Attorney's amendment is taken into account, the amount in excess of $25 incurred in removing a vehicle to a place of repair nominated by the dealer. Is that what we are dealing with?

The CHAIRMAN: We are speaking not about the Attorney's amendment but about the honourable member's amendment.

Mr. CHAPMAN: I will not mention the Attorney or his amendment. The whole paragraph is crook, whether the Minister proposes to insert the thing that I cannot talk

about or not.

The CHAIRMAN: Order! The honourable member will be able to discuss the Attorney's amendment when it is before the Committee for discussion.

Mr. CHAPMAN: I do not want to talk about the Attorney's amendment. I do not even want to mention it. It is not worth the time of day.

The CHAIRMAN: The honourable member should not refer to it.

Mr. CHAPMAN: All right. The whole paragraph is crook. It seeks to place on a dealer a burden which is totally unreasonable and unfair. As a result of an earlier vote, if a person buys a vehicle (including a car, boat or caravan) and at some stage during the warranty period that vehicle, boat or caravan breaks down anywhere in South Australia, it must be returned to the place of sale at the expense of the dealer. That is rotten, to say the least.

If we take, for instance, a caravan purchased from a dealer in the city of Adelaide that is towed into the bush on bad roads and a fault is identified by the purchaser while in that area, my understanding of the Bill leads me to believe that, if a person believes that he has a faulty part, he may expect the dealer who sold him that caravan to pay the expenses of having it returned to either Adelaide or some other place nominated by the dealer where it should be repaired. I believe that it is ludicrous and unfair to put that burden on to any dealer.

There is nothing in the Bill to include boat trailers, but a boat is immovable on land without a trailer. A boat may be sold at Port Adelaide, steamed down the river towards Kangaroo Island, and finish on rocks near Yorke Peninsula. If a fault develops, the purchaser can simply ring the dealer at Port Adelaide and say he must pay the expenses to get the boat off the rocks on Yorke Peninsula and back to Adelaide to have it repaired. Under the present Bill (and that is disregarding the amendment of the Attorney-General), all the expenses I have mentioned will have to be met by the dealer. How the Minister can allow that to happen on the premise that it is protecting the consumer, I do not know. It is not protecting the consumers; it is ruining them. In no way can we accept the risk of that responsibility being placed on the dealers, a burden that will fall on the rest of the consumers by the loading that will be placed on all vehicles sold within the secondhand vehicle industry to cover such expenses.

I am surprised and disappointed that the Attorney-General has, in his extreme and eccentric efforts to further introduce consumer protection legislation in this place, has chosen to go as far as he has gone this time. I am sure there must be some explanation to this as a result of what I have said, and the correspondence and deputations he has received about this matter from members of the industry. Perhaps the Attorney-General has some friends in the chamber or in the industry who have tended to accept that because the Attorney-General says the law will go through, they have to make the best of a bad deal and reach a compromise but generally speaking this element of the Bill is totally unacceptable to the industry and totally unacceptable to us.

The CHAIRMAN: To protect the Attorney-General's amendment to line 39, I put that part of the member for Alexandra's amendment in lines 37 to 39 to leave out all words in these lines as far as the word "any". If his amendment is carried we will get to the other part of his amendment, but if it is defeated we will not trouble to go on to the other part of the amendment.

Amendment negatived.

The Hon. PETER DUNCAN: I move:

Page 8, line 39—After "any", insert "in excess of twenty-five dollars or such other amount as may be prescribed".

This gives effect to an agreement with the industry that dealers should not have to pay for short distance metropolitan towing at current day-time rates for a car; that is, $25 for 30 to 40 kilometres of towing. The intention of this provision is that, where breakdowns occur in remote parts of Australia, the dealer should make a contribution if he insists on the car being returned to his yard, when he could arrange on-the-spot repairs through his trade association. In the case of caravan and boat dealers where the national network of service facilities may not be as comprehensive as for motor vehicles, this obligation applies only within South Australia.

Mr. CHAPMAN: The Attorney-General will be aware of representations made to him by the caravan industry wherein concern was expressed about caravan breakdowns that could occur interstate after a caravan had been purchased in South Australia. I do not know whether the Attorney-General intends to explain more fully what he means by "this State". I know there has been some delay and some hesitation about getting up to speak on these amendments, but this Bill came into this place in—

The CHAIRMAN: Order! I think the member for Alexandra was assuming that I was going to say something I was not going to say. I ask the honourable member to confine his remarks to the amendment that is before the Chair.

Mr. CHAPMAN: I think it is insulting to the industry to suggest that the first $25 should be paid by the consumer in this instance and all costs over and above that $25 should be paid by the dealer. We are concerned here with the expensive recovery expenses that have to be paid by the dealer. The Attorney-General spoke about 30 to 40 kilometres being the range that this sum will cover. How does he expect to recover for that sum a boat that finished up on the rocks at Yorke Peninsula as a result of a hull fault or a motor engine fault? How does he expect to recover for this amount a caravan broken down in the outback? I think it is ludicrous to put in a sum such as this.

It is the cost in excess of $25 with which we are concerned. If the dealer was to make a contribution to the purchaser of up to $25 in those extreme cases, it might be a little fairer, but this expects the dealer to cover the expense in excess of $25 when we know the expenses could be in terms of hundreds of dollars for the return and recovery of these vehicles.

In my view, the old "buyer beware" law should be observed and the purchaser ought to take, if not all, certainly the majority of the responsibility after he takes that vehicle out of the yard, not for the purpose of covering expenses of repair, but certainly all, if not the vast majority, of the expenses involved in returning that vehicle, boat or caravan for repair under the warranty section.

Let us not be confused about this. It has nothing to do with warranty repairs whatever; it is simply the expense incurred in getting it back to the site. In my view those expenses should be the responsibility of the purchaser and not the dealer. I cannot agree that the tender compromise that has been offered by the Attorney in this instance is anything to be excited about. It is certainly not acceptable and a very meagre token to those persons who have been waiting on his doorstep and that of his department since he introduced the Bill.

Amendment carried.

The CHAIRMAN: Will the honourable member for Alexandra forgo moving his amendments to line 44 and line 2 on page 9, because the Attorney is moving an amendment to leave out all words in line 44, and all words in the clause to line 15 on page 9 of the original draft, so the honourable member's amendments may no longer be

relevant? If the Attorney's amendment is agreed to, the honourable member's amendments will not be applicable because they will be seeking to amend something that does not exist. It would be easier for the Committee if the honourable member did not wish to proceed with those amendments.

Mr. CHAPMAN: I will have a quick look at it.

The CHAIRMAN: I will ask the Attorney to move his amendment then.

The Hon. PETER DUNCAN: I move:

Page 8, after line 40—Delete lines 41 to 46 and insert new subclauses as follows:

(1a) For the purposes of paragraph *(b)* of subsection (1) of this section, where a defect appears in a caravan or motor boat outside the State and the place of repair nominated by the dealer is within the State, the purchaser shall only be entitled to compensation in relation to such part of the expenses, if any, incurred in removing the caravan or motor boat to that place of repair as may be attributed to that part of the removal that takes place within the State.

(2) For the purposes of, and subject to, this section, the period of the statutory warranty in relation to a vehicle shall be a period prescribed by regulation and being not more than—

(a) in the case of a vehicle sold at a cash price of less than one thousand dollars—two months;

(b) in any other case—three months.

(3) Where a motor vehicle to which paragraph *(a)* of subsection (2) of this section applies has been driven for three thousand kilometres (or such lesser distance as is from time to time prescribed) before the expiration of the period prescribed in relation to the class of vehicle to which that motor vehicle belongs the statutory period expires when the vehicle has been driven for that distance.

(4) Where a motor vehicle to which paragraph *(b)* of subsection (2) of this section applies has been driven for five thousand kilometres (or such lesser distance as is from time to time prescribed) before the expiration of the period prescribed in relation to the class of vehicle to which that motor vehicle belongs, the statutory warranty expires when that vehicle has been driven for that distance.

The CHAIRMAN: Is the member for Alexandra clear about what we are doing?

Mr. CHAPMAN: I am far from clear. It is disgraceful that I have to plough through five pages of amendments that were received only last night.

The CHAIRMAN: The Chair is anxious that the honourable member have the opportunity to speak to all the clauses he wishes to speak to. On this occasion he can speak against the Attorney's amendment, but it seems rather futile for him to speak to two of his amendments if they are to be no longer in the Bill if the Attorney's amendment is carried.

Mr. CHAPMAN: Mr. Chairman, all I was seeking to do in my amendment, and I do not want to speak to it and support it in great detail—

The CHAIRMAN: The problem is that the honourable member cannot speak to it because the amendment before the Chair is the amendment of the Attorney-General. If the honourable member wishes to move his amendment I will safeguard that by moving that the amendment of the Attorney-General, at page 8, to delete all words in lines 40 to 44, as far as the word "other", be agreed to.

Amendment carried.

Mr. CHAPMAN: I move:

Page 8, line 44—After "other" insert "greater".

I have discussed this matter with the Attorney-General's officers and the Parliamentary Counsel and for the same reasons I propose to make a further amendment in the same manner. I hope that the Attorney-General will consult with his officers on this matter, because we know darn well that the figures never go down. When it was put forward by the Parliamentary Counsel and others it seemed to be an acceptable and desirable move.

The CHAIRMAN: Before the Attorney speaks, I point out to the honourable member that, if the Attorney's amendment is carried, the word "other" will not appear in the Bill at all.

Mr. CHAPMAN: It will not be in the Bill, but it will still be in the amendment.

The Hon. Peter Duncan: You are right, Mr. Chairman, that is the situation.

Dr. EASTICK: I genuinely believe that the aside from the Attorney-General is hardly an answer to the question which was put to him by the member for Alexandra. I would have thought as a matter of common courtesy he would at least provide an answer for the member for Alexandra, even if the Attorney is not going to accept it. I accept the other procedural point you have made, Mr. Chairman; nonetheless, the member has put forward a recommendation which is worthy of consideration.

Mr. MATHWIN: I support the member for Light. We have before us amendments that were put to the Chamber late last night and we have an amendment now before us which is about a page and a half long, with no explanation.

The CHAIRMAN: Order! We are not discussing the amendment that is a page and a half long; that is the amendment of the Attorney-General. We are discussing the member for Alexandra's amendment to line 44. If the honourable member for Glenelg wishes to debate that he can do so, but he is not at liberty to debate any other amendments.

The Hon. PETER DUNCAN: I am willing to try to resolve this. I specifically refer my comments to the member for Light. I do not disagree with him. I think the member for Alexandra has put much work into this, but I cannot accept the amendment that he has now moved, because my amendment, which has been carried, has deleted the word that he seeks to effect out of the Bill. I am sorry if I did not explain that.

Mr. CHAPMAN: Does the Attorney believe that his amendment has covered the intent that I was seeking when I sought to proceed with the amendment to line 44?

The Hon. PETER DUNCAN: Yes.

Mr. CHAPMAN: I am satisfied to accept that, because I freely admit that I have not had a chance to study the full implications of this large inclusion in the Attorney's amendment. I see that he has had an assurance from the Counsel, and has passed on an undertaking that my point is covered by his, so that is fair enough.

The CHAIRMAN: I presume the honourable member now seeks to withdraw his amendment to line 44, and also his amendment to line 2 on page 9.

Mr. CHAPMAN: I am not sure.

The CHAIRMAN: I can assure the honourable member that the advice he has received from the Attorney-General and the Parliamentary Counsel applies equally to line 2 on page 9 as to line 44 on page 8. I am sure he will find that that is the case.

Mr. CHAPMAN: That is all right.

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 9, lines 16 and 17—Delete "periods referred to in subsection (2) of this section" and insert "period of the statutory warranty".

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 9, line 36—Leave out paragraph *(e)*.

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 9, line 39—Leave out "less" and insert "not more".

Mr. CHAPMAN: I oppose this. I have an amendment on file on this that we will deal with later.

The CHAIRMAN: The honourable member for Alexandra cannot refer to his own amendment. He can debate only this amendment.

Mr. CHAPMAN: Paragraph *(f)*, which the Attorney is proposing to amend, provides:

> This section does not apply in relation to any defect . . .
> *(f)* occurring in any vehicle the cash price of which at the time of the sale was less than five hundred dollars . . .

The amendment in no way provides for an increase in the price of a vehicle so as to increase the protection of the dealer against the warranty in these times when a $500 vehicle is no more than a "bomb". Will he explain exactly what is his intention and what he hopes to gain by his amendment?

The Hon. PETER DUNCAN: The warranty limit at present is $501. The way in which the Bill is drafted at present reduces the warranty to $500. I have sought, by my amendment, to leave the situation as it is at present. If the honourable member wants to argue about it, I will withdraw my amendment. This is a drafting error: if the old clause had been inserted as it was drafted, we would have been left with the existing situation.

Amendment carried.

Mr. CHAPMAN: I move:

Page 9, line 39—Leave out "five hundred" and insert "one thousand".

I recognise the inflation that has occurred throughout the industry, and we no longer require dealers to provide warranty on vehicles sold for $500, $600 or $700. For boats, cars, and caravans, $1 000 is a more realistic sum on which to expect the warranty to apply. Victoria and Western Australia are on $1 000, New South Wales is on $1 500, but Queensland has no legislation of this type. We should be trying to arrive at a figure consistent with other mainland States and, for the reasons I have put forward, it seems that it is high time that the warranty applied to vehicles sold for $1 000 or above.

It would be unreasonable to expect a caravan dealer, when selling a caravan for about $500 or $600, to provide a warranty service. Representations have been made to the Attorney and I understand that the Chamber received an undertaking from the Minister, which I would like him to explain to the Committee. Officers from the chamber have written to the Minister and have approached him by deputation. I hope the Minister will tell us about the representations.

The Hon. PETER DUNCAN: I shall be happy to do that. However, before doing so, I indicate that the Government opposes the amendment. I agree with almost every word that the honourable member has said in support of his amendment, because South Australia is trying to achieve uniformity between the States. The Government intends to adopt a uniform level of warranty coverage when that agreement is reached. South Australia has been one of the proponents of uniformity, and the Government is wedded to the idea. I have told members of the Automobile Chamber of Commerce that the Government will use the regulation-making power in the legislation at the earliest possible time to fix the sum at the agreed figure, but until an agreed figure is settled between the States, the Government intends to leave the situation in South Australia as it is. I understand that agreement is near, and as soon as it is achieved, the Government will introduce a regulation to fix a warranty limit.

Mr. CHAPMAN: I am not satisfied with the answer he has given. South Australia claims to be seeking uniformity with other States, yet the figure in Victoria and Western Australia is $1 000, so what is wrong with South Australia falling into line with that figure? At least then three or the four States that have the legislation would have a fixed figure of $1 000. If ever there was an opportunity to obtain consistent uniformity with the States, it is right now. The only State that would have to be lobbied would be New South Wales, and colleagues of the Government in that State could be approached.

Consideration should be given to members of the trade in the meantime. I have heard it said that the price would be increased, even before the Bill was introduced. This comment was made by members of the Chamber of Commerce in South Australia, and their associates in other States have discussed the benefits of uniformity, but it has not happened. It is unfair to delay the situation, because dealers suffer in the meantime. If it is so simple to change the figure by regulation as the Attorney has indicated, it can be done after agreement with the other States has been reached.

However, the classic opportunity to get the thing off the ground and to have the laws of three mainland States compatible with one another is to adopt the amendment and introduce the figure of $1 000 at which the warranty requirements will commence. Then, the Attorney-General has something to work on. If he avoids that sort of agreement, it will be yet another case of his demonstrating arrogance and, I think, creating unnecessary expense and encumbrance. If ever there was an opportunity for the Attorney-General to display fairness, this is it.

The Committee divided on the amendment:

Ayes (14)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Chapman (teller), Eastick, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Wilson, and Wotton.

Noes (24)—Messrs. Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 10 for the Noes.

Amendment thus negatived.

The Hon. PETER DUNCAN: I move:

Page 9, line 39—After "other" insert "greater".

This is a procedural amendment, simply intended to make the clause clearer.

Amendment carried.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.42 p.m. the House adjourned until Tuesday 20 February at 2 p.m.